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Copyright Directive: Results of EP first reading vote

On 10 February 1999 the European Parliament voted in first reading under the codecision procedure on the draft Directive on harmonisation of certain aspects of copyright and related rights. A large majority of MEPs (437 to 47, with 51 abstentions) adopted the text and followed its rapporteur Roberto Barzanti (PDS, Italy). Parliament adopted most of the amendments tabled by its Committee on Legal Affairs.

The Parliament adopted among others amendments concerning exceptions to the right of reproduction and to the communication to the public right. In general, all exemptions except for technical copies are not mandatory for Member States, they might or might not be implemented into national legislations.

MEPs voted in favour of a very restrictive wording for exemptions for transient technical copies made in the process of transmitting a work. In addition, they excluded musical works from the exception to reprography and added the provision of "fair compensation for rightholders". MEPs introduced a distinction between analogue and digital recording media, and allowed possible exemptions for private copying if analogue media are used, and for digital media only as long as there are no technical protection means in place. In any case, rightholders must be provided with a fair compensation. This would introduce European-wide levy systems. Non-commercial establishments like libraries, archives and other teaching, educational or cultural establishments could be given an exemption to make copies "for documentation or conservation purposes" only.

Exemptions to both, the reproduction and the communication to the public right, are allowed for the purpose of illustration for teaching and scientific research "on condition that the rightholders receive fair compensation". They can also be given to "people with disabilities", here the wording is actually broader than in the original text. The "three-step-test" condition that all exemptions must meet is narrowed down by adding that exemptions must not prevent the use
of technical protection means nor prejudice the protection of these means. In practice this could have the consequence that exemptions cannot be exercised any longer because there are technical blocks in place.

In combination with the adopted amendment on the protection of technical means, which cannot be circumvented without authority, this will have the effect that exemptions and limitations can only be exercised if the rightholder gives his/her agreement. This would render the underlying idea of an exemption (you do not have to ask for permission) meaningless. The full text of the adopted amendments can be accessed at the Europarl Server at http://www.europarl.eu.int/ under minutes, part II concerning the Barzanti report A4-0026/99.

The debate on 9 February 1999 confirmed many differences of opinion between MEPs and the great difficulty in reaching any compromises. The full text of the debate can also be accessed at the Europarl server under "verbatim report of proceedings" dated 9/2/1999. EBLIDA and other associations representing user groups in EFPICC have continued their intensive lobby work over the last weeks and held many meetings in person and over the telephone with MEPs, drafted voting recommendations, sent faxes and press releases.

The European Commission is expected to present its amended proposal by the end of March. However, at the debate on 9 February in the EP, Commissioner Monti already announced that the European Commission could only accept 28 of the 58 amendments, could take another 14 into consideration provided the wording is changed, and reject 16, especially those calling into question the Commission's approach to exceptions, introducing additional exceptions or straying too far from the scope of the directive. Among the acceptable amendments are all concerning the above mentioned exemptions to the reproduction right and to the communication to the public right. According to the Commission, changes would be needed regarding the technical copies exemption and regarding technical protection measures. Not acceptable for the Commission is the narrowing down of the "three-step-test".

The Council of Internal Market Ministers is expected to adopt a common position at a meeting on 21 June 1999. At present, the Council of Ministers copyright working group is meeting regularly aiming at reaching compromises on the text. National governments are presently much divided about the scope of some of the articles. As soon as the Council has agreed on a common position, this will be sent back to the European Parliament for second reading. Mr Roberto Barzanti has already announced that he will no longer be a member of the European Parliament after the election for a new Parliament in June.

EBLIDA, together with other European associations representing user groups will meet on 3 March to discuss the EP plenary results and agree on a further common strategy. The EBLIDA copyright expert group will meet on 15 March to debate an updated EBLIDA position paper and will also have a meeting with Mr Jörg Reinbothe, Copyright Unit, DG XV. Although the result of the EP plenary vote is disappointing, especially in the light of the fact that many MEPs still do not see the difference between commercial piracy on the one hand and legitimate exemptions for fair practice copying on the other, these are still early days in the process although it will not be easy to rectify the damage that was done in the first reading vote.

**IST programme: Call for digital heritage and cultural content projects**

The Information Society Technologies (IST) programme is one of the thematic programmes under the European Commission's Fifth Framework programme. 'Digital heritage and cultural content' is one of the five main areas for research and technological development under the key action 'Multimedia Content and Tools'. The main objective of this key action is to improve information products and services in support of linguistic and cultural diversity and to enhance education and training systems for lifelong learning.
Work under the research area 'Digital heritage and cultural content' is aimed at expanding the contribution of libraries, museums and archives to the emerging culture economy, including economic, scientific and technological development. It is co-ordinated by the European Commission's Cultural Heritage Applications unit, DG XIII-E2, in Luxembourg. There are three research priorities:

- Ensuring integrated access to collections and materials held in libraries, museums and archives
- Improving the operational efficiency of large-scale content holdings by means of powerful interfacing and management techniques
- Preserving and accessing multimedia content of various types, including electronic materials and surrogates of physical objects.

For the 1999 work plan, these are taken up in two main action lines:

- Access to scientific and cultural heritage - call to be launched on 16 March 1999
- Digital preservation of cultural heritage - call scheduled for 15 September 1999

For further information please contact: European Commission, DG XIII/E-2 Cultural Heritage Applications, Ms C. Fernandez de la Puente, Tel.: +352 4301 34071; fax: +352 4301 33530; email: digicult@cec.be; http://www.echo.lu/digicult/

IST programme: draft workprogramme 1999 available

The draft 1999 workprogramme of the Information Society Technologies (IST) programme is available at: http://www.cordis.lu/ist/wp.htm. The workprogramme has been developed to implement the IST programme. Under each key action of the IST programme, the 1999 workprogramme has identified Action Lines for calls for proposals in 1999. Under key action 'Multimedia content and tools' a total of twelve Action Lines have been identified for calls in 1999. This includes the Action Lines on 'Access to scientific and cultural heritage' and 'Digital preservation of cultural heritage'. Proposers are advised to check carefully that their intended work is included in the focus of a call for proposals as described in the 1999 workprogramme, and to take careful note of the 'Guide to proposers', prior to preparing and submitting proposals. The 'Guide to proposers' will be available soon.

Research: Commission encourages participation of women in research programmes

Promoting equal opportunities in research activities and stimulating research for and on women at European level: these are the main objectives of the communication on 'Women and Science', which was adopted by the European Commission on 17 February. The Commission will launch a wide debate on this matter with the EU Member States, and aims at establishing a threshold of 40 % for the participation of women in the Marie Curie research scholarships, as well as in the consultative bodies and the evaluation panels of the Fifth Framework programme for research and technological development. The Fifth Framework programme's focus on socio-economic objectives will enable the integration of the gender issue within the priorities and key actions of the programme. Promotion of research on women will essentially consist of supporting research under the key action 'Improving the socio-economic knowledge base'.
Research: Commission negotiates scientific cooperation agreement with Argentina

The Council of Ministers has authorised the European Commission to negotiate a scientific and technical cooperation agreement with Argentina. This agreement will enable jointly funded research to be carried out as well as exchanges of scientists and technologies in areas covered by the Fifth Framework programme for research and technological development. This includes also the Information Society Technologies (IST) programme. The interest of such an agreement for the EU is to assure the presence of European companies, technologies and standards on the Argentinean market. The EU is especially interested in joint research in the medical sector and the telecommunications and Information Society sector. The agreement is expected to be initialled soon, as exploratory talks are already well advanced.

Culture: call for applications under Ariane programme in the field of books and reading

The European Commission published in the Official Journal C23 of 28 January 1999 a new call for applications under the Ariane programme for books and reading for projects in 1999. Applications have to reach the European Commission by 7 May 1999. The call covers three action lines:

- **Action 1**: translation grants
- **Action 2**: Support for cooperation projects carried out in partnership which aim to improve the promotion of, and access by the citizen to, books and reading. Support will be given to cooperation projects concerning any initiative (meetings, symposia, events, pilot schemes for cooperation or exchanges). Projects must be of European interest and of an innovative or exemplary nature. The Commission's financial contribution will not exceed 25% of the total costs, with a maximum of Euro 50.000 and a minimum of Euro 5.000.
- **Action 3**: Improvement of the skills of professionals working towards the knowledge and dissemination of European literature. Grants and allowances to cover the costs of travel under this action will be provided for educational projects presented by networks, organisations, associations, foundations, institutes or translation colleges. Community assistance will be in form of grants to cover travel costs and further training costs up to a maximum of Euro 50.000.

Regarding participation by non-member countries: nationals of Iceland, Liechtenstein and Norway may participate on the same terms as nationals of the EU Member States; nationals of Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia, Estonia, Latvia, Lithuania, Slovenia may participate according to Additional Protocols of their Association and Cooperation Agreements; and Cyprus and Malta and all third countries that have concluded association or cooperation agreements with the EU may participate on the basis of these agreements.

The call, including a list of cultural contact points in each Member State for the Ariane programme, can be accessed at:

Culture: Council agreed to negotiate with Parliament over European Capital of Culture

On 30 January the Council of Ministers decided to set up a Conciliation Committee between the Council and the European Parliament, on the question of the European Capital of Culture event for the years 2005 to 2019. According to the Council's common position, each Member State should nominate a city as European Capital of Culture, in turn and in an agreed order. The European Parliament, at its January plenary session, announced to reject the Council’s common position unless the Council would be willing to try to reach a compromise. According to the Parliament, the Council's proposal would mean that the choice is not based on any assessment of the cultural quality of the candidates, but simply on what Member States wanted in their political turn. There would be no real opportunity for new Member States to designate a city, and the European Parliament would have no role in the procedure.

On 2 February an EP/Council/Commission trialogue was held, and paved the way for a compromise. A series of informal meetings between the Parliament and the Council are scheduled between February and Parliament's second reading in plenary in March.

Fixed book prices: Council resolution asked Commission to take cultural aspects into account

On 8 February the Council of Ministers adopted without debate a resolution on fixed book prices in homogenous cross-border linguistic areas. The European Commission is currently examining the Sammelrevers agreement between German and Austrian publishers and booksellers. In January 1998 the Commission asked for a replacement of this agreement with provisions in conformity with EU competition rules. But at the November meeting of the Culture Council, the Commission ran into criticisms of the German representative, claiming that the Commission only addressed competition considerations and excluded cultural factors. The Council has now adopted a resolution asking the Commission to take account of the provisions and implications of Article 128(4) of the Treaty of Maastricht, to take account of the special cultural role of the book market and of the specific value of the book as a cultural object, as well as of relevant national cultural policies. The Council stated that all Member States wish to promote a wider range of publications, particularly literary and scientific works, as well as works with a limited and specific readership. They also wish to promote cultural development and diversity in Europe and to provide cultural benefits to the consumer. The Council recognised that in the view of certain Member States, cross-border book-pricing systems in shared linguistic areas, whether on a legal or contractual basis, provide an effective means of achieving these objectives. The Commission was called upon to seek the solutions best suited to achieve these aims now and in the future.

Structural Funds: Commission adopted draft guidelines for Structural Funds programmes for the period 2000-2006

On 3 February the European Commission adopted draft guidelines for programmes under the Structural Funds in the period 2000-2006. The guidelines are aimed to assist the Member States in preparing programmes, pending completion of reform of the Structural Funds. The guidelines, in the form of a users’ guide, set out the priorities of the next period based on past experience in the implementation of programmes for structural aid. Priorities focus on job creation through growth and competitiveness, the European employment strategy, sustainable development and equal opportunities, and improved efficiency through partnership with local actors.
CEEC: Commission proposed participation of seven applicant countries in Fifth Framework programme

The European Commission has proposed to the Council of Ministers that an initial group of seven countries that applied for EU membership fully participate in the Fifth Framework programme for research and technological development (1998-2002). It concerns the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia. Similar proposals should follow soon for Bulgaria, Romania, Slovakia and Cyprus. Once the Council of Ministers has adopted the Decisions, the countries will be able to participate fully in the Fifth Framework programme alongside EU Member States. Candidate countries will contribute to the budget of the programme and in return, their research institutes, universities and industry will be able to participate in the programme under very similar conditions as organisations from the EU Member States. However, as the financial contribution required could present some difficulties, they are offered a reduction in the first years. In addition, some funding could be made available from the national Phare programmes (except for Cyprus).

For further information please contact: Ms Anna Rémond (CEEC's), Scientific Officer, European Commission, DG XII-B2, fax: +32 2 296 3308, email: anna.remond@dg12.cec.be, or: Ms Maria Kayamanidou (Cyprus), Scientific Officer, European Commission, DG XII-B4, fax: +32 2 296 6252, email: maria.kayamanidou@dg12.cec.be; http://europa.eu.int/comm/dg12

CEEC: Parliament approved participation of Bulgaria in European education programmes

On 11 February the European Parliament approved at plenary session, with a few small amendments, the decision to let Bulgaria participate in European education and vocational training programmes (Socrates and Leonardo da Vinci). One of the amendments concerned the possibility of occasionally using the Bulgarian language, in particular during informal negotiations, and not only the EU's official languages. The Parliament welcomed the fact that, as soon as the problems of financial participation have been sorted out, Bulgaria should be joining the other eight Eastern European countries that are already involved in the Socrates and Leonardo da Vinci programmes.

Enlargement: candidates from first group submit further negotiating positions

The six countries making up the first group of countries applying for membership in the European Union (Czech Republic, Cyprus, Estonia, Hungary, Poland and Slovenia) have submitted their negotiating positions on the eight additional chapters of the European Union legislation to the European Commission's 'Enlargement Task Force' and the German Presidency of the Council of Ministers. It concerns the chapters on company law, free movement of goods, consumer protection and health, fisheries, statistics, external relations, competition policy and a customs union. All countries except for Cyprus asked for transition periods or flexibility for certain chapters. The Commission is expected to draft proposals for EU negotiating positions for each country and each chapter very soon, so that substantive negotiations can begin within the next few months. The German Presidency of the EU has scheduled two negotiation meetings...
with these countries at the level of ambassadors and negotiators in chief on 19 April and 19 May, and a meeting at ministerial level on 22 June.

Enlargement: candidates in second group soon to begin bilateral meetings

Since April 1998 the European Commission and the five candidate countries of the second group (Bulgaria, Latvia, Lithuania, Romania and Slovakia) have closely examined the European Union legislation at multilateral meetings. The first phase of the so-called 'screening', when the European legislation has been presented and explained, is expected to be completed at the end of February, so that the second phase, with bilateral meetings, may begin on 1 March. At these bilateral meetings the candidate countries will indicate what European legislation has already been transposed, and will give their timetable for the remainder. Bilateral 'screening' on all 31 chapters of the European legislation should be over by the end of June, except for agriculture, which will only be ‘screened’ in September.

One of the main conclusions drawn from the multilateral part of the 'screening', is that their is not a great difference between the first and second group of candidates with regard to accepting the European legislation. The countries of the second group have considerable political motivation to progress and do their best to catch up with the countries of the first group. In general, the candidates have few problems in accepting the European legislation, but do, on the other hand, have great difficulty with implementing it. The results of the ‘screening’ will make it possible to improve the EU's pre-accession strategy as a whole, including the financial support in the framework of the Phare programme.

During the second half of the year the European Commission will propose to the Council of Ministers to revise the Accession Partnerships which were adopted in March 1998. The Accession Partnerships contain the short and medium-term priorities to be fulfilled by the candidates. The Commission furthermore envisages the preparation of progress reports on all candidate countries in October. On the basis of these reports the EU Member States should decide on the opening of negotiations, which is scheduled for the European Summit of Helsinki in December. At this stage no accession dates can be given yet, because a certain number of important questions still have to be answered.

Enlargement: European Commission recommends preparation of EU membership for Malta

The European Commission has updated its opinion on Malta's application for European Union membership, following Malta's decision to reactivate its membership application. The Commission has analysed Malta's preparations for EU membership according to the EU's political, economic and legislative criteria. As Malta is making good progress in preparing for EU membership, the Commission recommends that the Council give the go-ahead to the 'screening' (analytical examination) of Malta's legislation with a view to enable the start of the accession negotiations at the end of the year. It is expected that Malta will be able to join the candidate countries with which negotiations are already underway.