Electronic commerce: discussions in EP Committees on draft Directive

On 18 November 1998, the European Commission published the draft of the Electronic Commerce Directive (see also Hot News November 1998). The draft Directive tries to ensure that also information society services can be offered throughout the EU. The Directive is likely to have also implications for libraries. The directive covers all business to business actions as well as business to consumer. In this respect libraries have to be regarded as businesses even if their service is offered for free. Therefore it is important to be aware of the possible implications of the Directive:

- **Click-on licences**: if you click an icon to accept the terms of an on-screen licence, any given exception does in principle no longer apply if it is not covered in that license. There is also only a limited possibility to negotiate a click-on licence.
- **Definition of service provider**: this is so wide that it could also catch the library environment.
- **Electronic contracts**: the law of the information provider prevails, not the law of the consumer. This could cause problems if there is a dispute. However, if the law of the consumer prevailed there would still be problems.
- **Liability**: Libraries are also service providers and therefore liable and they will need to obtain good liability insurance. Hosts will have the highest risk of liability. Libraries are likely to be hosts. If a user infringes copyright, liability will rest on the library as they will be liable for third party behaviour.
- **Codes of good conduct and advisory committees**: will be designed between business and consumers (including professional associations such as EBLIDA).

On 17 March the European Parliament's Committee on Cultural Affairs discussed the draft opinion by MEP Renate Heinisch. Electronic commerce is seen as important for cultural and linguistic diversity. Electronic commerce includes the marketing of cultural products, not only originating in the EU but also in third countries. It therefore needs international coordination. She welcomed the principle of 'country of origin' and the principle of 'mutual recognition'. She
emphasised that the new information services lead to an open network and cultural diversity, and that a high level of protection of children and human rights is necessary. With regard to the liability issue, the information provider is regarded as liable for illegal activities, and exemptions must be restricted.

The Economic and Monetary Affairs Committee adopted its opinion on 18 March, the Cultural Committee on 24 March, and the Legal Affairs Committee, which is the responsible committee, is planning to vote on its report by MEP Christine Oddy on 22 April. The plenary session of the Parliament is expected to have its first reading in May.

Convergence of telecommunications, media and information technologies: Commission published results of consultation

On 10 March the European Commission published a Communication reporting on the results of the public consultation on the Green Paper on the convergence of the telecommunications, media and information technology sectors. Traditionally, communications media (such as television, Internet services, telephones) were separate: they operated on different networks, and were regulated by different laws and regulations, usually at national level. Nowadays, digital technology allows traditional and new services to use the same networks. Examples of these new convergent services are: Internet services delivered to television sets, email and Internet access via mobile telephones.

The Green Paper on convergence, which was published in December 1997, opened a debate on how this new generation of convergent electronic media should be regulated. The key messages emerging from the consultation are that regulation in this field needs to be transparent, clear and proportional, and that distinctions should be made between transport (transmission of signals) and content. Furthermore, it was felt that actions to promote premium European content are needed. Drawing on the results of the consultation, the Commission plans to develop proposals for action in the following areas:

- Reforms of the regulation of transmission infrastructure and related services will be proposed by the end of 1999, as part of a regulatory review already foreseen in telecoms legislation;
- Reforms of the regulation of content services will be covered either by adjustments to existing legislation, or by the introduction of new measures.

These reforms will be underpinned by a coherent set of regulatory principles, which will be the subject of a forthcoming Communication. The results of the public consultation on the Green Paper (COM(1999) 108) are available at: [http://www.ispo.cec.be/convergencegp/](http://www.ispo.cec.be/convergencegp/)

Green Paper on public sector information: discussion in EP's Cultural Committee

On 17 March the European Parliament's Cultural Committee discussed the Green Paper on public sector information in the Information Society, which was published by the European Commission in January 1999. In general, MEP's were questioning the need of this initiative and asked what the Commission is intending to do next. They felt that the Commission did not need to write about 30 pages, but that one sentence would have been sufficient, i.e. that 'all information is accessible to the public unless it is confidential information' (e.g. for safety of the state). According to MEP Pex, information which is not accessible to the public comprises only 1
% of all public sector information, and usually requires motivation for being protected. Pex stated that there are only three basic problems, namely the accessibility of information, the channel through which it can be disseminated, and how information should be paid for. Answers could be found on these questions, as long as one could agree on openness.

The European Commission representative disagreed that one sentence would be sufficient and believed that the Green Paper was a useful document. The main objectives of this Green Paper are to ask questions, and to see what experience can be gathered at local level. The Commission is not questioning whether information is reliable, but, as there are big differences in Europe, the Commission is trying to get best examples of disseminating information.

It is expected that the Economic Affairs Committee of the European Parliament will prepare a report and that the Cultural Committee will be asked to give an opinion. As the deadline for submitting comments and answers to the questions raised in the Green Paper is 1 June 1999, it is very unlikely that the Cultural Committee will have enough time to submit a response by that date.

Research: Call for proposals for 'Access to scientific and cultural heritage'

The European Commission published in the Official Journal nr. C 76 of 19 March a call for proposals under the IST programme, Action Line III.2.3., Access to scientific and cultural heritage. The deadline for submitting proposals is 16 June 1999. The main objective of this key action is to improve access by citizens and professionals to Europe's fast-growing science and culture knowledge base. Work will build on achievements under the Fourth Framework programme addressing libraries, museums and related institutions, and will attempt to encourage convergence in technical approaches and applications for the various cultural institutions and networked services. For more information along with the workprogramme: 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/

Research: Call for proposals under IST programme

The European Commission published in the Official Journal nr. C 76 of 19 March a call for proposals for indirect RTD actions under the Information Society Technologies (IST) programme. Part 1a of this call covers proposals for RTD projects and part 1b covers proposals for take-up actions. The deadline for submitting proposals under part 1a and 1b is 16 June 1999.

Part 2a of this call also covers proposals for RTD projects, and part 2b covers support measures, including concerted actions, thematic networks, accompanying measures and training fellowships. Proposals under part 2a and 2b can be submitted anytime until 15 September 1999. For more information along with the workprogramme: European Commission, IST Information Desk, DG XIII, rue de la Loi 200, B-1049 Brussels; Fax: +32 2 296 8388; email: ist@cec.be; http://www.cordis.lu/ist/home.html
Research: Calls for proposals for international RTD cooperation

The European Commission published in the Official Journal nr. C 85 of 27 March 1999 several calls for proposals under the specific programme for research, technological development and demonstration on 'confirming the international role of Community research'. This is one of the specific programmes of the Fifth Framework programme. The following actions are covered by the calls:

- Cooperation with Mediterranean partner countries (INCO MED). One of the areas covered by the call is preserving and using cultural heritage. It addresses new and traditional technologies and management systems for use in the restoration and conservation of historical monuments, objects and sites. Deadline: 18 June 1999
- Awareness and training measures aimed at the countries that are in the phase of pre-accession to the EU, and the Newly Independent States (NIS) and Central and Eastern European countries (CEEC) that are not in the pre-accession phase. Information, dissemination, awareness and training actions concerning the Fifth Framework programme will be supported, in areas such as partner search, consortium building, proposal preparation, contract negotiations and project management. Deadline: 16 June 1999
- Support to participation of researchers from CEEC's and the NIS in conferences, in order to promote the creation of networks with a view to future participation in joint projects under the Fifth Framework programme. Proposals must be forwarded only by the organisers of each initiative, that should take place two months at the earliest after the chosen deadline for submission. Various deadlines from 16 July 1999 until 16 November 2002
- Accompanying measures under INCO MED (Mediterranean partner countries) and INCO DEV (development countries). This should include workshops, seminars, studies, conference support and networking. The aims are to establish the state of the art in subjects of particular interest, to disseminate results, to evaluate and monitor research projects, to conduct regional dialogue and priority-setting, to co-ordinate research groups or to provide specific RTD training. Various deadlines from 16 July 1999 until 16 November 2002.

For further information on the above calls please contact: European Commission, DG XII-E, rue de la Loi 200, B-1049 Brussels; email: inco@dg12.cec.be; http://www.cordis.lu/fp5/home.html

Research: Norway, Iceland and Liechtenstein will participate in the Fifth Framework programme

The Council of Ministers approved on 21 February the participation of Norway, Iceland and Liechtenstein, countries within the European Economic Area (EEA), in the Fifth Framework programme for research and technological development (1998-2002). The EEA agreement already gave these countries the right to co-operate in the field of research and scientific development under the Third and Fourth Framework programs. For further information please contact: EFTA Secretariat Brussels (EEA matters), 74 rue de Trèves, B-1040 Brussels; Tel: +32 2 286 1711; fax: +32 2 286 1750; email: efta-mailbox@secbru.efta.be

Research: agreement on participation of Israel in the Fifth Framework programme signed
On 3 March the European Union and Israel signed the agreement under which Israeli companies and research facilities will be allowed to participate in the Fifth Framework programme for research and technological development (1998-2002). The agreement had been blocked for some time, because the EU considered Israel responsible for the impasse in the peace process with the Palestinians, but was approved by the EU Council of Ministers on 22 February, following the European Parliament's positive opinion. Israel is the only non-European country to participate in the Fifth Framework programme. The agreement provides for the participation of Israeli research facilities under the same rights and obligations as those for European participants, though it excludes research on nuclear fusion and safety. Israel's contribution to the programme is expected to reach over EURO 145 million to the year 2002.

Culture: Parliament approves compromise with Council on European cultural capitals

On 11 March the plenary session of the European Parliament approved the compromise reached with the Council of Ministers on the designation of European cultural capitals for the years 2005 to 2019. Although the Parliament had to accept the Council's rotating system laying down the order in which the 15 Member States would put forward candidate cities, the amendments of the Parliament ensured that more than one city from a Member State could submit its candidacy. The cultural aspect of the bids were also reinforced, and the Parliament ensured that the rotating system could be altered, for example to take account of new Member States.

Each year the Commission will bring together a selection panel charged with issuing a report on the nominations of the cities. This panel will consist of independent experts, of whom two will be appointed by the Parliament, two by the Council, two by the Commission and one by the Committee of the Regions. The European Parliament will be allowed to forward an opinion on the nominations. The European Commission will each year come forward with a proposal in the light of the opinions of the Parliament and the panel, and the Council will take the final decision. The report as adopted by the Parliament on 11 March (nr. A4-106/99) is available at:
http://www.europarl.eu.int/plenary/en/default.htm

Education: Parliament amended Council's common position on second phase of Socrates

On 25 February the plenary session of the European Parliament adopted at second reading a report by MEP Pack on the second phase of the Socrates programme in the field of education (2000-2006). By adopting this report, the Parliament approved the Council's common position, together with a number of amendments. The amendments included one designed to promote lesser-used languages such as Irish and Luxemburgish. Furthermore, the Parliament extended the scope of the Socrates programme to cover the learning of official EU languages of neighbouring regions across the border. The Parliament also voted to increase funding from EURO 1.550 million as agreed by the Council of Ministers to EURO 2.500, of which a maximum of 20 % may possibly be reviewed as part of annual budgetary conciliation. If the Council does not take the amendments of the European Parliament on board, conciliation between the two institutions will be necessary. The Pack report (Nr. A4-0062/99) is available at:
http://www.europarl.eu.int/

On 23 March the European Parliament adopted a report by MEP Susan Waddington on the second phase of the vocational training programme Leonardo da Vinci (2000-2007). The Parliament adopted 33 amendments to the Council of Ministers' common position, including amendments to ensure that mismanagement of the programme and fraud would not happen again. Other amendments were aimed to switch the emphasis to ensure that disadvantaged groups and the disabled would be able to benefit in the future. The European Commission will now re-examine its original proposal, probably including most of the amendments by the Parliament, and the Council of Ministers will take a final decision on the re-examined proposal. The report by MEP Waddington (nr. A4-0108/99) is available at: http://www.europarl.eu.int/

Agenda 2000: conclusions from the Berlin European Council about the future of the EU

The European Council, consisting of Heads of State of the EU Member States, met in Berlin on 24 and 25 March, to reach among others an agreement on the Agenda 2000. Agenda 2000 is of fundamental importance for the future development of the European Union, as it concerns choices about key policies and the medium-term financial framework within which they will be developed.

The European Council agreed on the new financial perspective of the EU, which should be established for a duration of seven years, covering the period 2000-2006. It has been drawn up on the assumption that accession of new Member States starts from 2002: upon enlargement the financial perspective should be adjusted, taking account of the actual number of acceding countries, and taking account of the maximum amounts set out in the agreement on Agenda 2000.

The Heads of State also agreed on the Structural Funds reforms. The reforms should improve the effectiveness of the Structural and Cohesion Funds, by achieving greater concentration of structural assistance, improving the financial management of the Funds as well as simplifying their operation and administration. Greater concentration of assistance will be achieved by reducing the number of so-called ‘Objectives' from seven to three and by reducing of Community initiatives to three: Interreg, Equal and Leader. Transitional support will be given to all regions and areas which no longer meet the eligibility criteria of the new 'Objectives'.

The conclusions of the Berlin European Council are available at: http://ue.eu.int/newsroom/index.htm

Enlargement: Council approves launching of preparations for EU membership of Malta

Following Malta's re-activation of its membership application, and on the basis of the European Commission's report updating its 1993 opinion (see also Hot News February 1999), the Council of Ministers decided on 22 March that ‘screening' (analytical examination of EU legislation) with Malta should start as soon as possible. This is all the more important, since it would help the Commission to better assess Malta's state of preparation in its future regular report, which will be submitted at the end of the year together with the regular reports on the other candidate countries regarding their progress towards accession.

In the meantime, it is important for Malta to define a national programme for the adoption of
the EU legislation, as this would enable Malta to identify its priorities and define the means for achieving them. The Commission was invited to come forward with appropriate suggestions for a specific pre-accession strategy for Malta, which will be examined by the Council in due course. Taking into account the above orientations, the Presidency of the EU intends to invite Malta to participate in the next meeting of the European Conference.

Council of Europe: Georgia will be 41st member, Monaco's candidature is being examined

The Committee of Ministers of the Council of Europe, which is a pan-European organisation aimed at building a democratic and secure Europe, has decided to invite Georgia to join the organisation. The decision follows a favourable opinion unanimously adopted by the Parliamentary Assembly in January. Georgia will have five seats within the Assembly. The accession ceremony will be held in Strasbourg on 27 April. In the meantime, the candidature of Monaco is being examined. The European Court of Human Rights is currently assessing compliance of Monaco's legislation with the norms of the Council of Europe. This report is a first stage towards accession, before examination by the Parliamentary Assembly and the final decision taken by the Committee of Ministers. The other candidatures from several countries of the Caucasus and the Balkans, as well as Belarus, are currently at a standstill.