Draft Copyright Directive: Commission prepares amended version, further debate in Council working group

After the joint resignation of the European Commission there was some discussion on whether they could go ahead with the draft Directive on Copyright or whether they have to wait for a new Commission to take office. Officials said the Commission is treaty-bound to come forward with revised proposals following the European Parliament's vote on 10 February, indicating where it agrees with the changes demanded by MEPs and where it does not. In addition, a spokesperson said that the Commission could go ahead as planned because Commissioner Monti has already indicated his views on the Parliament's amendments before the Commission stood down.

At present the European Commission is working on its amended version of the draft Copyright Directive. After translation of the text, it will be prepared for the "written procedure" consultation within the Commission. The amended proposal is expected to be adopted only beginning of May.

Meanwhile, the EU Council working group on copyright is debating article 5 exemptions. At their last meeting on 30 March, Member State representatives debated exclusively article 5.2. and 5.3. exemptions, and came forward with their wish lists concerning additional exemptions. The Commission seems to have shown willingness to add a few exemptions to their exclusive list. Among the list of further exemptions are those for public speeches, parody, religious pictures, catalogues of exhibitions and photographs/films of official buildings.

It seems further that Germany is now opting for an exhaustive list of exemptions (no longer an
open list as half a year ago), and that the UK, Ireland and the Nordic countries are in favour of an open list. The UK has proposed to delete articles 5.1 until 5.3 altogether and have asked for a substantial re-discussion of all exemptions. The Nordic countries do not wish to abolish 5.2 and 5.3 but asked for more flexibility for individual Member State's decisions. European-wide harmonisation of all exemptions seems to be a non-issue, and was not debated at all. In addition, UK, Ireland and Luxembourg asked to delete the remuneration clauses. The next meeting of the EU Council working group on copyright will take place on 27 and 28 April with again exclusive discussion on article 5 exemptions. It seems rather unlikely that the Council of Ministers will adopt a common position at theiir meeting on 21 June, but it is expected that there is at least some agreement on some points.

EBLIDA has prepared an interim position paper on the European Parliament's amendments which will be updated as soon as the Commission has published its amended proposal. An EFPICCC letter expressing our common concerns on the EP vote was translated in most EU languages and sent to all national ministries and EU official involved in copyright.

Electronic commerce: EP Legal Affairs Committee voted on draft Directive

On 22 April the European Parliament’s Legal Affairs Committee adopted the report by MEP Christine Oddy on the draft Directive on certain legal aspects of electronic commerce in the internal market. Key issues of the directive are electronic contracting, questions of liability and commercial communications. In relation to this draft Directive, Internet service providers and consumers had asked MEP’s to take initiatives in view of banning so-called 'spamming', the sending of uncalled advertising via email. They were calling on the MEP’s to vote in favour of a system that would enable advertising only to be sent to consumers wishing to receive it. The European Parliament is expected to vote on the draft Directive on electronic commerce at its plenary session 3-7 May 1999. The report can be found in due course under the number A4-0248/99 at: http://www.europarl.eu.int/

Electronic signatures: Council reached agreement on draft Directive

On 22 April, the Council of Telecom Ministers reached its common position on the Directive on a common framework for electronic signatures which aims at facilitating the use of electronic signatures in on-line commerce. Currently, different methods exist to sign documents electronically, ranging from simple (i.e. inserting a scanned image of a hand-written signature) to sophisticated methods (i.e. using cryptography). The objectives of this Directive are to promote the interoperability of electronic signature products and to build trust in electronic signatures. This Directive is intended to remove one of the remaining obstacles in cross-border electronic commerce.

The Council's common position follows a general approach concerning the various technologies and services which provide electronic data authentication. This approach takes into account the rapid technological development and the global character of the Internet. One of the key provisions of the common position is the principle of non-discrimination between electronic and hand written signatures. It also includes harmonised liability rules for certification service providers so as to ensure legal security for both providers and consumers. As a further measure
to ensure user confidence, service providers should respect data protection legislation and individual privacy.

The common position will be formally adopted, without debate, at a forthcoming Council meeting, and will then be forwarded to the European Parliament for a second reading. The time given to Member States for transposing the Directive into national law would be 18 months from its entry into force.

Convergence: Council of Ministers welcomed Commission's Communication

On 22 April the Council of Telecom Ministers adopted an opinion on the European Commission’s Communication on the convergence of telecommunications, media and information technology. In general, the Council welcomed the actions envisaged by the Commission in its Communication of 9 March 1999 concerning the results of the public consultation on the Green Paper. The Ministers recognised that transparent regulatory principles and clearly defined policy objectives must form the basis of the legal framework. According to the Council, regulation in this field is a necessary means to achieve public interest objectives, such as universal service, pluralism, cultural diversity and the protection of minors and human dignity. Furthermore, the ministers recognised that availability of high quality European content is essential to Europe's role in the emerging global Information Society. The Council invited the Commission to take its opinion into account when coming forward with new proposals in the field.

Counterfeiting and Piracy: conclusions of a Hearing on the Green Paper

On 2-3 March a hearing was held on the Green Paper on combating counterfeiting and piracy in the Single Market, which was published by the European Commission in October 1998. Many initiatives suggested by the Commission in its Green Paper attracted a broad consensus. These initiatives could include legal protection of technical devices, special codes and microscopic labels, and ensuring consistent enforcement of intellectual property rights in all EU Member States. The hearing addressed the main issues outlined in the Green Paper, including the extent of counterfeiting and piracy (estimated at 5-7 % of total world trade). It was estimated that within the EU, counterfeit and pirated goods account for the equivalent of 39 % of turnover in the software sector. The hearing clearly endorsed the Commission’s suggestions for:

- supporting the crucial role of the private sector in combating counterfeiting and piracy through, for example, facilitating the use of technical devices for security and authentication, and through EU support for information networks on counterfeiting and piracy;
- ensuring consistent enforcement of intellectual property rights in all Member States, in particular by EU action to tackle the diversity of national measures;
- improving training and administrative cooperation between national authorities.

Furthermore, it was welcomed to issue a report every three years on activities to tackle counterfeiting and piracy in the Member States.

The hearing forms part of the consultation process on the Green Paper, the results of which will
be reflected in a Commission's forthcoming Communication, outlining future action in this field. The Communication is due later this year, once the European Parliament has adopted its opinion on the Green Paper. Further information on the hearing and the Green Paper on counterfeiting and piracy is available at:

Information Society: calls for proposals for safer use of the Internet

On 1 April 1999, the European Commission published in the Official Journal C 92 two calls for proposals under the action plan on promoting safer use of the Internet (1999-2002):

- Open call for setting up a European network of hotlines. The objective of this call is to set up a European network of hotlines that allows users and service providers to report content or use which they come across in the course of their use of the Internet and which they consider to be illegal. This is an open call with a first evaluation in June 1999. Proposals for the first evaluation exercise must be sent by 2 July 1999 (17.00 h) the latest.

- Call for proposals for the following two areas: the application of filtering and rating systems for Internet content (demonstration projects); and to promote awareness of safe use of the Internet (preparatory actions). The objective of actions in the first area is to permit Internet users (parents, teachers) who have responsibility for other users (children or pupils) to decide what content they wish those persons to be able to access. Proposals may include technologies based on metadata content labels, or characteristics of on-line content to create "filtering and rating systems" to improve access to appropriate information. The objectives of actions in the second area are to promote awareness actions directed at users, in particular children, parents and teachers, to allow them to use Internet resources provided by industry safely and with confidence, by reducing the cause for concern that may be felt about availability of illegal and harmful content. The deadline for submitting proposals is 2 July 1999 (17.00 h).

Further information on the call and the conditions can be obtained from:
Calls Central Office,
European Commission DG XIII-E/5,
L-2920 Luxembourg
Fax: +352 4301 38099; email: iap@cec.be, http://www.echo.lu/iap/

Global Business Dialogue on e-commerce: nine priority issues

On 22 April 1999, Commissioner Bangemann, responsible for the Information Society, informed the Council of Ministers about the latest developments in the field of globalisation and the Information Society in general, and on the Global Business Dialogue (GBD) on electronic commerce in particular. The GBD is a business-led initiative which was launched in January 1999 by top executives of seventeen Internet, media and telecommunications companies in New York. It has established itself a work programme focusing on nine priority issues on which position papers are being elaborated: data protection, taxation, consumer confidence, authentication and security, intellectual property rights, Internet governance, liability, jurisdiction and commercial communications. These issues will be discussed at a meeting of GBD in Paris in September 1999. Bangemann was confident that industry, within the GBD, will
reach a consensus on these issues, probably in early 2000. He also pointed out that governments and the European Union will have to decide when and how they will react to the expected position papers. For further information please visit: http://www.gbd.org/


On 13 April the Council of Consumer Ministers had an exchange of views on the European Commission's Communication on the consumer policy Action Plan for 1999-2001. The Communication, which was forwarded to the Council on 7 December 1998, is a follow-up to the Action Plan 1996-1998. The debate on the Action Plan led to an agreement between the ministers on three major ideas:

- Rapid development of the Internal Market as well as that of the new information technologies poses new challenges to EU consumer policies, and innovative solutions are needed to respond to those challenges;
- The EU and the Member States should co-operate more;
- As consumer policy is a horizontal issue, its integration into other EU policies is necessary.

The Council then approved a resolution, which will be formally adopted at a forthcoming Council session. In its resolution, the Council called, among others, on the European Union to promote the right of consumers to information and education. Furthermore, the Council stated that the rapid spread of information and communication technologies provide clear benefits to the consumer, but also pose potential risks and therefore present challenges for European consumer policy. The Council called upon the Commission to implement its Action Plan 1999-2001 and to put a specific emphasis on various issues, including: the maintenance of market transparency and market balance in the interest of the consumer, in particular in the area of the Information Society and electronic commerce.

Fifth Framework programme: proposals for participation of Central and Eastern European countries

The European Commission published on 18 March and 15 April in the Official Journal a number of proposals for Council Decisions concerning the participation of ten Central and Eastern European countries in the EU Fifth Framework programme for research and technological development (1998-2002). This includes also funding for research cooperation in the area of libraries, archives and museums. The proposals bring the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Bulgaria, Romania and Slovakia a step closer to participation in European research activities, which will strengthen their ties with the EU. Each country's participation will be subject to certain terms and conditions, which are set out in the annex to each proposal.

Enlargement: European Parliament called for timetable for
accession negotiations

On 15 April the European Parliament adopted five reports on the progress made towards accession to the European Union by the five Central and Eastern European countries in the first group (Estonia, Hungary, Slovenia, Czech Republic and Poland). For each of these countries, the Parliament called on the Council of Ministers and the European Commission to develop, following completion of the 'screening' in the autumn of 1999, a specific timetable for accession negotiations, mentioning the date on which these negotiations could begin.

The Parliament also adopted a report on the candidacy of Cyprus, and welcomed the considerable progress made in the adoption of the EU legislation. However, Cyprus was encouraged to improve its administrative capabilities in certain areas. By adopting a report on the candidacy of Malta, Parliament welcomed the European Commission's recommendation stating that the 'screening' of Malta's legislation should start as soon as possible, so as to allow negotiations to begin rapidly, in any case before the end of the year. While Malta should make progress on the integration of the EU legislation in the area of justice and home affairs, Parliament noted no political or economic obstacles to accession. Furthermore, the Parliament called for pre-accession aid to be granted to Malta, as is being done with the other applicant countries.

Mediterranean: Euro-Mediterranean conference discussed further cooperation

On 15-16 April the third Euro-Mediterranean conference of Foreign Ministers took place in Stuttgart. The main aim of the conference, to give additional impetus to the Mediterranean Partnership, has been achieved. The Mediterranean Partnership consists of the fifteen EU Member States and Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and the Palestinian Territories. The Partnership contains three chapters: political and security partnership, economic and financial partnership and partnership in social, cultural and human affairs.

Under the economic and financial chapter the ministers confirmed that six priority sectors for cooperation, including the Information Society, will be maintained and urged that activities be concentrated on these priority sectors. Cooperation in research and development in these sectors should also be encouraged.

The ministers also re-affirmed the importance of the cultural, social and human dimension of the Partnership. They welcomed the good process made in the implementation of cooperation under the Euro-Med Heritage programme and the fact that the Euro-Med Audio-visual programme had been launched in 1998, with concrete projects ready for selection and implementation in the course of this year. They expressed satisfaction at the launch of the Euro-Med Youth programme to encourage exchanges in that field.

The extension of the MEDA programme, which will expire at the end of this year, was also discussed by the ministers. The fifteen EU ministers intend to grant MEDA II (2000-2005) a larger budget than the Euro 4,7 billion earmarked for MEDA I. However, the European Commission has decided not to present the proposal for the MEDA II programme for the time being. The Commission took the view that this is a legislative initiative it should not take, given its recent resignation. It will be for the new Commission to formulate appropriate proposals. The formal conclusions of the Stuttgart conference are available at: http://www.euromed.net/
Structural Funds: European Union regional fund regulations approved by Council of Ministers

The Council of Ministers has approved the European Union's Regional Fund regulations for the period of 2000-2006. This will put into practice the outcome of the Berlin Summit of 24 and 25 March, where the Heads of State of the EU Member States reached consensus on the Agenda 2000, which includes issues on the future financial perspective of the EU and structural reforms (see Hot News March 1999). Under the reforms, it is foreseen that regional aid should be focused more on regions whose need is the greatest so that the European Union may enlarge to Central and Eastern European countries without increasing spending.

The approved regulations cover the Structural Funds, Cohesion Fund and structural instruments for the accession countries, and will be forwarded to the Parliament for a second reading. The European Parliament's Committee on Regional Policy examined them on 21-22 April, and the plenary session of the Parliament is expected to adopt them in early May. The Council must then proceed to formal adoptions of the regulations before the end of May, bearing in mind the Parliament's opinion. If the new regulations are not approved by the European Parliament during its session early in May, before the European elections, the whole process could be postponed until early September. This could delay the implementation of the Funds, which is planned for 1 January 2000.

European Parliament approved cooperation agreement with Cambodia

By adopting the report by MEP Luciano Pettinari on 14 April, the European Parliament approved the conclusion of the cooperation agreement between the European Union and the Kingdom of Cambodia. This agreement provides for cooperation in many fields, including science and technology, education and training, and culture. The agreement is founded on respect for human rights. This means that in the event of human rights violations, the EU is able to suspend implementation of the agreement, should this prove necessary. The European Parliament report (no. A4-0116/99) is available at: http://www.europarl.eu.int/plenary/en/default.htm

The Amsterdam Treaty to take effect

The Amsterdam Treaty will come into effect on 1 May 1999 after being ratified by all 15 Member States. This Treaty extends the role of the European Parliament in EU decision-making and provides the EU with a clearer basis for foreign and security policy. Signed on 2 October 1997 the Treaty of Amsterdam revises the Treaty of Maastricht. Further information is available at: http://europa.eu.int/abc/obj/amst/en/index.htm
European Parliament re-structures its Committees

On 22 April the European Parliament voted to change the number and responsibilities of the Parliament's Committees. In the future, there will be 17 EP committees instead of 20, with among others the following changes:

- The transfer of the audio-visual sector from the Committee of economic and monetary affairs to the Committee on culture and the media;
- Establishment of a Committee on industry, external trade, research and energy, comprising the 'old' Committee on external economic relations and the Committee on research, technological development and energy;
- Establishment of a Committee on legal affairs and the internal market, replacing the Committee on legal affairs and citizens' rights. This Committee will also become responsible for legal protection of consumers, taking it away from the Committee on consumer protection;
- Creation of a Committee on citizens' liberties and rights, justice and home affairs.

Created: 4 May 1999
Updated: 4 May 1999