Copyright: amended proposal for EU Copyright Directive


The main changes introduced in the official text are the following:

- All exceptions to copyright (except disability and library exceptions) are linked to compensation to rightholders. The Commission took on board all European Parliament's wording on remuneration to rightholders.
- The list of exceptions remains exhaustive, i.e. Member States cannot maintain or introduce exceptions other than those listed.
- A different approach is taken for analogue or digital reproductions. The exception for digital private copying has been slightly improved.
- Slightly revised wording on the disability exception: the European Parliament's exception refers to people "with disabilities" while the Commission's text refers to people "with a disability".
- Revised wording on exemptions for libraries and other cultural institutions. While the English European Parliament's text (but not the other language versions) provided an exception for "documentation and conservation" purposes, the Commission's text refers now to "archiving or conservation".
There is a new exception with a rather vague wording allowing for exceptions to the distribution right "to the extent justified by the purpose of the authorised act of reproduction".

The article on technical protection provisions is revised but maintains the need for users to have the authorisation to circumvent. The corresponding recital, however, states that authorisation could be either given by the rightholder or by law. This will enable libraries to circumvent technical protection provisions to exercise their legal exemptions.

There is also some improvement through a new recital which ensures that rightholders cannot block consumer electronics equipment from working nor unilaterally impose technical protection systems.

There is a relative improvement regarding technical copies by deleting the European Parliament's wording that requested authorisation by rightholders for temporary copies.

The EBLIDA Copyright Expert group will thoroughly analyse the new text and prepare a revised EBLIDA position paper.

Regarding further developments of this draft Copyright Directive, it is already evident that the Council of Ministers will not discuss the draft Directive in detail during their next meeting on 21 June. Further discussions will take place at the Internal Council meetings in October and December 1999. The Council's common position is not expected before the end of this year under the Finnish Presidency or next year under the Portuguese Presidency.

Electronic commerce: Parliament approved draft Directive in first reading

On 6 May 1999, the European Parliament approved at first reading (under codecision procedure) the proposal for a Directive on certain legal aspects of electronic commerce in the internal market, while strengthening defence against unsolicited e-mails. The Parliament supported the European Commission's basic approach, under which information society services must be in conformity with the legislation of the country where the service providers operate, even though several exemptions are foreseen. The principle amendments adopted include several meant to clarify the legal responsibilities of service providers. Information service providers must be capable of providing all information needed to search out and identify providers of illegal services.

Regarding "spamming", the Parliament requested that Member States take measures to guarantee that consumers can enrol in an opt-out register to be regularly monitored by service providers. Internet Service Providers, however, regretted that the Parliament did not provide for the banning of "spam" under the Directive, saying that opt-out lists have already proven useless in the US.

During the debate, some members insisted upon the necessity of strengthening consumer protection. The rapporteur, MEP Christine Oddy, insisted upon the responsibility of service providers. Consumers giving their credit card numbers must be assured that they will receive what they ordered and not discover that the company has "disappeared".

Telecommunication operators are especially against one amendment voted on by the Parliament, considering that it would lead to unnecessary closure of many Internet sites. According to Telecom operators, the amendments modified much too vaguely those provisions that were intended to clarify the liability of Internet service providers for the storage of illegal contents. Whereas the Commission's initial proposal linked liability to "actual" knowledge of an
illegal activity, the Parliament's amendment provides for "the provider not knowing, or not being in a position to know that the activity is illegal". Thus an Internet Service provider may find itself legally liable if it fails to close a site after receiving a complaint, even if the origin of that complaint is unclear and based on vague information. It is not practicable to check each page individually, and the intermediaries are not competent to judge what material is illegal, say Telecom operators.

EU member states are likely to endorse the European Commission's approach to regulating the electronic commerce market. It is expected that they will leave intact the "country of origin" principle. The issue is on the agenda for a meeting of Internal Market ministers end of June, but a decision is not expected until later this year.

Electronic Commerce: European Economic and Social Committee adopted opinion

The European Economic and Social Committee (ESC) has recently adopted an opinion on the draft E-commerce Directive. The rapporteur was Mr Glatz, an Austrian member of the Various Interests Group. The Committee's main concern is that electronic commerce should not be promoted at the expenses of consumer protection standards.

According to the opinion, the special feature of the Directive is that, although its scope covers key areas such as commercial communications and electronic contracts, only partial harmonisation is provided for in individual fields. The "country of origin" principle applies to those areas which are not harmonised by the Directive, thereby placing the onus on the appropriate authorities in the country of origin. However, national systems differ, and, as a result, conditions sometimes vary quite considerably from one country to another. In practice, therefore, the "country of origin" principle may pose a risk to users.

Guiding principles should therefore be established for determining areas where the 'country of origin' principle applies and areas where, as yet, this is not possible. Such considerations, however, must under no circumstances generate obstacles to the single market.

In conclusion, the Committee notes that the wording of many of the provisions set out in the proposal remains unclear and must be clarified. The definition of "information society service" also raises borderline issues which are not fully solved.

Culture: Council has reached agreement on Culture 2000 programme

The EU Culture ministers came to an agreement on, the new European framework programme in favour of culture Culture 2000, during their informal Weimar meeting on 18 and 19 May. After several months of deadlock, the Dutch delegation agreed to lift its veto against the allocation proposed by the Commission, which is Euro 167 million over five years (2000-2004), but on condition that this amount is not increased during the conciliation meetings with the European Parliament. It is expected that the Cultural Council will adopt its common position during its meeting on 28 June. The text will then be forwarded again to the European Parliament for second reading. The Parliament gave its support to the programme in first
reading with a financial allocation of Euro 250 million. It remains to be seen how the
disagreement between the Council and the Parliament over the financial allocation will be
settled.

The new Culture 2000 programme pools the current three initiatives in the field of culture,
Raphael (cultural heritage), Kaleidoscope (performing arts) and Ariane (books and reading).
The proposal that the European Commission submit in 1998 aims to rationalise and strengthen
the EU's cultural action by increasing funding to take account of the increased participation of
countries associated to certain projects.

While waiting for the European Parliament and the Council to reach a decision, the Commission
will publish in June 1999 two calls for applications, one aimed at activities to prepare the
Culture 2000 programme, and the other aimed at activities creating links between culture,
education and new technologies (CONNECT).

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**Education: Council adopts decision for Tempus III (2000-2006)**

On 29 April 1999, the Council of Ministers adopted the decision on the third phase of the trans-
European cooperation scheme for higher education, Tempus III, that runs from 2000-2006. Tempus III concerns the non-associated countries of central and eastern Europe eligible for economic aid (Phare programme), and the new independent states of the former Soviet Union and Mongolia (Tacis programme)

Tempus III is intended to help the higher education systems to address issues relating to the
development and re-shaping of curricula in the following priority areas: reform of higher
education structures and establishments and their management; and development of training
leading to qualifications, with a view to making good the shortage of high-level skills needed in
the context of economic reform, particularly by improving and increasing links with industry.
The Commission is currently preparing the Guidelines for the funding of projects in the selection

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On 29 April 1999, the Council of Ministers formally adopted the next phase of the EU's
vocational education and training programme Leonardo da Vinci II. The programme runs from
2000 to 2006 and will provide over 1 billion Euro to improve vocational training in Europe. The
re-newed programme is designed to support and enhance the actions of Member States. It aims
through cross-border co-operation to improve the skills and competencies of people, especially
young people, in initial vocational training; to improve the quality of, and access to, continuing
vocational training and the lifelong acquisition of skills and competencies; and to reinforce the
contribution of vocational training to the process of innovation in business. For further

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Education: Socrates II programme (2000-2006) under conciliation

At their meeting on 7 June 1999, the EU Education ministers stressed that Leonardo II and Socrates II should be initiated as soon as possible. They suggested to ensure that there is continuity between the first programmes (Leonardo I and Socrates I) and the second. They confirmed that a rapid decision must be taken on Socrates II, which is subject of conciliation procedure with the European Parliament/Council, which implies that it can not be adopted before November. The conciliation procedure is expected to begin in September after the constitution of the new Parliament and institutional agreement on financial perspectives 2000-2006. The points of view on allocation are very far apart: the Council fixed an amount of 1550 million Euro, the Parliament approved in second reading 2500 million Euro.

Telecommunication: Council adopts regulation on funding Trans-European Networks

On 8 June 1999, the Council adopted the new regulation on the funding of the trans-European networks, taking account of the European Parliament's amendments. This text defines the conditions, modalities and procedures for implementing Community funding for, among others, telecommunications Trans-European networks. The new legislation provides among others for granting multi-annual funding instead of annual funding for most projects, and allocating 4.6 billion Euro to the networks between 2000 and 2006.

CEEC: Council adopted decision on CEEC participation in Fifth Framework programme

On 20 May the Council of Research ministers adopted the eleven decisions concerning the association of the candidate countries of Central and Eastern Europe and Cyprus to the Fifth Framework Programme for Research and Technological Development (1998-2002).

In the Official Journals of 18 March and 15 April (16 April) 1999, the European Commission published the proposals for Council decisions concerning the participation of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Bulgaria, Romania and Slovak Republic in the EU Fifth Framework Programme for research, technological development and demonstration. This includes also funding for research cooperation in the area of libraries, archives and museums. In the case of Cyprus, participation is foreseen under a protocol to the Association Agreement signed at the conclusion of the Council. Each country's participation will be subject to certain terms and conditions which are set out in the annex to each proposal.
**CEEC: Parliament will not give its stance on new Tacis programme**

The current European Parliament will not give its stance on the Commission proposal on the new regulation for the Tacis programme (technical assistance in favour of countries from the former USSR and Mongolia), following the decision of the Committee on External Economic Relations (REX) not to approve the report until after the European elections. In the absence of the draft REX resolution, the Parliament will not be able to vote on the Commission proposal. The Commission should therefore present its draft again to the future Parliament formed after the elections. The current base regulation for the Tacis programme will expire at the end of this year. The parliamentary rapporteur considered that good management of programmes and correct use of assistance in the field are not guaranteed. The REX committee did not, therefore, wish to vote.

**Mediterranean: Council discussed scientific and technical cooperation**

At its meeting on 20 May, the Research Council took note of the information given by the Presidency on the activities pursued in different fora concerning the scientific and technical cooperation between the European Community and the Mediterranean partner countries. The Presidency highlighted two events:

- the conference of the Ministers of Foreign Affairs of the Community and the Mediterranean partner countries on 15-16 April 1999 in Stuttgart, and
- the meeting of the Monitoring Committee for Euro-Mediterranean Cooperation in Research and Technological Development on 18-20 April 1999 in Bremen.

In the light of delegations' comments, the Presidency, recalling the Council Conclusions of 22 December 1998, invited the Commission to submit to the Council, in the first half of the year 2000, a report on measures to be taken so as to ensure synergy between the science and technological activities undertaken in the MEDA Programme and those carried out the Mediterranean countries within the Fifth Framework programme.

**Amsterdam Treaty: more power to Parliament and public access to EU documents**

The Amsterdam Treaty came 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. The four main objectives of the Treaty are: to place employment and citizens' rights at the heart of the Union; to remove the last remaining obstacles to freedom of movement and to strengthen security; to give Europe a stronger voice in world affairs; and to make the Union's institutions more efficient with a view to enlarging the Union.

The main improvement attributed to the Amsterdam Treaty is the European Parliament's
increased power in legislation. The European Parliament is now co-legislator of 75% to 80% of
the Community legalisation and the European Parliament elects "de facto" the president of the
European Commission.

Regarding transparency and public access, a new Article 255 has been inserted, giving any
Union citizen and any natural or legal person in a member state the right of access to European
Parliament, Council and Commission documents. The general principles governing the right of
access and any restrictions on the grounds of public or private interest are to be fixed by the
Council, acting under the codecision procedure with Parliament, within two years after the
Treaty of Amsterdam enters into force. The three institutions concerned must include specific
rules on access to documents in their Rules of Procedure.

A third paragraph has been added to Article 207 (ex Article 151), requiring the Council to grant
access to documents relating to its legislative activities. As a minimum requirement, the results
of votes, explanations of votes, and statements in the minutes must be made public.

These provisions clarify the rights of the public regarding access to documents and apply to all
areas covered by the first and third pillars. However, they do not cover the common foreign and
security policy, since that involves diplomatic rather than legislative activities. Access to certain
national documents may also be restricted if the member state concerned so requests. Further
information is available at: http://europa.eu.int./scadplus/leg/en/s50000.htm

IGC: Intergovernmental Conference on institutional questions

In order to ensure that the European Union’s institutions can continue to work efficiently after
enlargement, the European Council confirmed at its summit on 3 and 4 June 1999 its intention
of convening a Conference of the Representatives of the Governments of the Member States
early in 2000 to resolve the institutional issues left open in Amsterdam that need to be settled
before enlargement. The conference should be completed and the necessary amendments to
the Treaties agreed upon at the end of 2000. The following topics will be covered:

- size and composition of the Commission
- weighting of votes in the Council (new weighting, introduction of double majority and
  threshold for decisions through a qualified majority)
- extension of qualified majority voting in Council

The European Council invited the incoming Finnish Presidency to draw up a comprehensive
report taking stock of options for resolving the issues to be settled.

The European Parliament President suggested a timetable and method that differ from those
foreseen by the Council Presidency. The Parliament has proposed the following:

- Preparatory work should take place in 2000 and the next IGC should be convened at the
  start of 2001 and conclude before 2001. The apparent slowness is justified by the need to
  address all the institutional problems involved and to achieve a sustainable reform.
- An initial preparatory document should be drafted by the European Commission, which
  should be led to broad consultation between Parliament and Commission as well as
  involving national parliaments.
Council of Europe: Celebration of 50 years and declaration on new technologies

The Council of Europe celebrated its 50th anniversary in London on 5 May and then in Budapest on 6 and 7 May. In half a century, the work of the pan-European organisation has led to the adoption of 173 conventions and over a thousand recommendations addressed to the governments of its member states. At the 104th session of the Committee, a programme was adopted of education into democratic citizenship and a declaration in favour of a European policy in new information technologies. This meeting, in which Georgia has participated for the first time, having recently become the 41st member, led to the creation of a post of Council of Europe Commissioner for Human Rights.

Education: European Training Foundation published work programme 1999-2001

The European Training Foundation is an EU agency with its head office in Turin (Italy) that operates in the field of vocational education and training in Central and Eastern Europe, the New Independent States of the former USSR and the non-EU Mediterranean partner countries and territories. It has published its work programme for the period 1999-2001. The foundation will continue its action in three priority areas fixed by its 1998 work programme: skills needs, qualification methods, and institutional arrangements. The European Training Foundation also gives technical assistance to the European Commission in the context of the TEMPUS Programme. Further information at: http://www.etf.it/


With the adoption of nineteen reports, the European Parliament gave its opinion on the whole of Agenda 2000, thus making rapid and definitive adoption of reforms to Structural Funds and the Common Agriculture Policy possible, as well as the financial framework for their implementation throughout the period 2000-2006. This package is the result of significant negotiations between the institutions and between Member States which ended during the European Council in Berlin. Since then, they have been complemented by the negotiation of an inter-institutional agreement on budgetary aspects which also received the approval of the European Parliament.