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Copyright: latest developments in EU institutions

The Parliament voted on the membership of the different committees at its plenary session in Strasbourg on 21 July 1999. The Committee for Legal Affairs and the Internal Market has grown and includes now also issues relating to legal protection of consumers. The Committee has 35 members (see list at http://www.europarl.eu.int/). Ana Palacio (EPP, Spain) was elected president of the committee. The committee will vote on Rapporteurs at one of their next meetings on either 31 August - 1 September, or on 21-23 September.

The Copyright Working Group of the Council of Ministers met on 14 July to discuss article 6 in particular. There was great confusion about the meaning and content of the provision. The working group did therefore not come to a conclusion and will continue to discuss article 6 as well as article 5 at its next meeting on 2 and 3 September.

The new Commission was appointed by Romano Prodi on 9 July 1999. Frits Bolkenstein (NL) was appointed Commissioner for the Internal Market, and Erkki Liikanen (FIN) for Enterprise and the Information Society. The confirmation hearings with the European Parliament will take place from 30 August to 7 September.

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Copyright: Several countries before Court of Justice for failure to implement Database Directive

The European Commission decided on 30 July 1999 to refer Greece, Ireland, Luxembourg and Portugal to the Court of Justice for failure to implement Directive 96/9/EC on the protection of databases, which was due to be implemented by all Member States by 1 January 1998. This Directive harmonises copyright protection applicable to creative on-line and off-line databases (in electronic form or on paper). It also introduces a new sui generis right protecting non-creative efforts of database manufacturers and publishers for 15 years.

Ireland and Portugal are also being brought before the Court of Justice for failure to adhere to international conventions on copyright an related rights. Ireland has not yet adhered to the Berne Convention for the protection of Literary Works (Paris Act, 1971). Portugal has not yet acceded to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention, 1961). The contracting parties to the agreement on the European Economic Area (the EU countries plus Iceland, Norway and Liechtenstein) nonetheless all undertook to adhere before 1 January 1995.

Data protection: Several Member States failed to transpose Data Protection Directive

The Commission has sent reasoned opinions to France, Luxembourg, the Netherlands, Germany, the United Kingdom, Ireland, Denmark, Spain and Austria for failure to notify measures for transposition into national laws of the Directive on the protection of private data (95/46/EC).

This directive, which entered into force on 25 October 1998, is meant to facilitate the development of electronic commerce but promoting consumer confidence and reducing to a minimum the differences between Member States' regulations on the protection of data. It seeks to ensure that personal data cannot be transferred outside the Union unless guaranteed by the high protection standards set up within the EU.

The reasoned opinion is the second stage of the infringement procedure established by Article 226 of the Treaty. It requires a response within two months, failing which the Commission is entitled to refer the matter to the Court of Justice.

Data protection: Commission proposes Regulation to protect data within EU institutions

A proposal for a Regulation to protect personal data within European Union institutions and bodies has been put forward by the European Commission. The proposed Regulation would lay down rules to ensure a high level of protection for personal data processed by each of the Community institutions and bodies and establish an independent supervisory body to monitor application of these rules. The EU institutions are obliged to introduce such data protection safeguards by the new Article 286 of the EU Treaty (as amended by the Amsterdam Treaty). The proposed Regulation has to be adopted by the Council of Ministers and the European
Parliament under the co-decision procedure.

The data protection Directive (95/46/EC) is addressed to the Member States and does not apply as such to the Commission or the other EU institutions and bodies. When the Directive was adopted in 1995, the Commission and the Council made a public declaration undertaking to comply with it. This undertaking has become binding with the entry into force of the Amsterdam Treaty.

Citizens would enjoy legally enforceable rights under the proposed Regulation, such as rights of access, rectification, blocking and deletion of personal data relating to them from the files held by each EU institution and body.

The proposal would establish a European Data Protection Authority, which would be a new independent EU body, responsible for monitoring the correct application of the data protection rules by the EU institutions and bodies. It will be a body comparable to the data protection authorities in the Member States as provided in the Data Protection Directive. Citizens would be able to lodge complaints directly with the European Data Protection Authority if they considered their data protection rights under the Regulation had not been respected.

Conditional Access: negotiations on Council of Europe Convention

The Council of EU Ministers decided at their 16 July meeting to authorise the European Commission to participate, on behalf of the Community, in the negotiations of a Council of Europe Convention on the legal protection of services based on, or consisting of, conditional access.

IST programme: Call for Proposals for Digital preservation of cultural heritage

The second Call for Proposals under the IST programme will open on 15 September and will close on 15 December 1999. With regard to the Digital Heritage area, the call will address Action Line III.2.4: Digital preservation of cultural heritage of the 1999 work programme. This fixed deadline call is intended for all RTD projects. A continuos submission scheme intended mainly for support measures also exists.

Organisations and individuals interested in presenting proposals for the IST programme are strongly advised to read the Guide to Proposers and to follow its instructions carefully. The Commission has also made available some tools to provide assistance in partner finding and related activities. For further information please visit: http://www.echo.lu/digicult/en/fp5/septcall.html
Culture: Under Raphael programme 58 projects selected for 1999

The European Commission has selected the projects related to the preservation and enhancement of the cultural heritage, which are to benefit from a subsidy of the European Union in the context of this year's Raphael programme. 58 projects have been chosen (among the 438 submitted requests) and they will receive the global amount of 6.454.298 Euro. Having supported 224 projects over the last three years (1997-1999), with the involvement of more than 1000 cultural operators from throughout Europe, the Raphael programme will now be replaced by experimental measures under the framework programme in support of culture and by the Framework Programme "Culture 2000" itself, provided that it is officially adopted before the end of this year (pending the second reading of the European Parliament).

Culture: Kaleidoscope programme supports 119 projects in 1999

Under the Kaleidoscope programme, which backs cultural projects organised in partnership by operators from several Member States, the Commission has selected 119 projects which are to benefit form subsidies in 1999, for a total of 8.17 million Euro. Many of these projects are aimed at training young artists, others have as goal to organised festivals, play in favour of exchanges, or create entertainment, be it in the field of dance, the theatre, music or opera. In addition, the Commission has allocated 550,000 Euro to the EU's Youth Orchestra; 300,000 Euro to the EU Baroque Orchestra; 600,000 Euro to the European City of Culture for 1999, Weimar; and 100,000 Euro for the European Cultural Month, in Plovdiv.

The Kaleidoscope programme will no longer exist as from the year 2000, as the Commission has proposed a single support programme for the cultural sector, instead of different programmes that currently exist. This new cultural programme, Culture 2000, will be submitted to the European Parliament for adoption in autumn, following the agreement in principle (common position) achieved within the Council.

Phare: Support for Greece/Bulgaria and Greece/Albania/Italy cross-border cooperation

The European Commission has decided to grant financial aid of 25 million Euro under the Phare Cross-Border Cooperation (CBC) programme to promote cooperation between Greece and Bulgaria, notably on transport and telecommunications infrastructures and in the environmental field. In the context of the Phare CBC Programme, the Commission has also decided to grant financial aid of 14 million Euro to cross-border cooperation between Albania on the one hand, and Italy and Greece on the other.
Structural Funds: List of eligible regions established

Beginning of July, the European Commission took a number of important decisions to make possible early implementation of new Structural Fund programs for the period 2000-2006. It drew up the list of regions eligible for Objective 1 (promoting the development and structural adjustment of regions whose development is lagging behind) and decided the financial appropriations for each of the Member States for Objective 1, Objective 2 (supporting the economic and social conversion of areas facing structural difficulties) and Objective 3 (supporting the adaptation and modernisation of policies and systems of education, training and employment). This decision will enable Member States to proceed with internal arbitration and to submit as soon as possible the list of regions eligible for Objective 2.

Financial appropriations for the four "Community Initiatives" were also decided. The Community Initiatives are special programmes of action co-financed by the Structural Funds, which the Commission can propose to the Member States on its own initiative, in order to address specific problems which are of Europe-wide concern. Allocations are as follows:

- the Interreg programme (cross-border, transnational and interregional cooperation) will receive 4,875 million Euro,
- the URBAN programme (regeneration of crisis-struck areas in medium-sized and large towns) will receive 700 million Euro,
- the LEADER programme (rural development) will receive 2,020 million and
- the EQUAL programme (transnational cooperation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market) received 2,847 million Euro.

A map of all eligible regions is at: http://europa.eu.int/comm/dg16/ag2000/ag2000_en.htm

Council of Europe: New campaign on Europe's cultural heritage

The Council of Europe has decided to launch officially, in Bucharest on 11 September 1999, its campaign on "Europe, a Shared Heritage". The campaign, lasting until autumn of 2000, will involve 41 of the organisation's member countries and the six countries that have adhered to its cultural convention (Armenia, Azerbaijan, Belarus, Bosnia-Herzegovina, the Holy See and Monaco). It will include international political events such as a conference on "Democratic Transition, Market Economy and Cultural Heritage", transnational operations and local projects related to the cultural and natural heritage. Cooperation is foreseen with various organisations (OECD, Unesco, European Institute of Cultural Itineraries, Foundation européenne des Métiers du Partimoine) and the European Union.

Culture: Council suggests more support to library projects from Structural Funds

Culture should utilise more efficiently also other Community instruments, such as the Structural Funds and the Fifth Framework Programme for Research and Development, in addition to the actual cultural programmes, the EU Ministers of Cultural and Audio-visual Affairs suggest. The
Ministers, who had their two-day informal meeting on 18-20 July 1999, have noticed that the new statute on Structural Funds clearly refers to culture as a new priority. Structural Funds and Regional Development Funds can be used to finance e.g. regional and local distribution and dissemination systems for culture, such as library projects, and to create permanent employment.

Delegations of twelve Member States, the European Commission and the Council of Europe participated in the meeting. The Ministers also discussed about the cultural industry and employment. In the opinion of the participants, the questions presented in the Presidency's working paper were interesting. Particularly useful is the Member States' exchange of experiences of cultural industry projects, which show a distinctive growth everywhere. Chairperson Suvi Lindén stated that the resources of the Structural Funds constitute an essential part of the support for culture: in Finland, the amount of support for cultural projects originating from the Structural Funds is four times as large as the sum directed to the projects through EU cultural programmes. The Cultural Commissioner Marcelino Oreja promised that the Commission will put forward concrete, encouraging proposals for measures to promote cultural industry and employment.

The ministers also discussed the need for an extensive action programme for promoting employment in the Community. At present, the various programmes have their separate practices and objectives and cannot as such be applied with sufficient flexibility. The comments revealed contentment with the Presidency's plans for new initiatives relating to culture as a sector creating employment, because the possibilities to influence growth and employment inherent in the field of culture are considerable. The meeting of Ministers of Culture even touched on the issue of transition to the next phase of the information society, "the dream society", where the significance of culture as the background of economic activity is actually recognised and acknowledged.

The meeting stated the need for action plans, which would clearly show how to take culture into account in the activities of the Community, so that the various projects' impact on employment could afterwards be accurately evaluated.

It became obvious in the discussion that Ministers of Culture and Ministers of Finance of each Member State should commence discussions. The statements revealed a belief that when the beneficiary impact of culture on employment becomes clearly visible in the future, it makes it easier to start to discuss financial issues, such as taxation.

**Culture: Strategy regarding audio-visual services in Millennium Round Talks at WTO**

During their informal meeting, the Ministers of Culture also debated on the future of the "European audio-visual model". The European Union is not only confronted with new challenges from a technological point of view, but also from a commercial point of view with the opening of a new cycle of WTO trade talks after the ministerial meeting of the World Trade Organisation (WTO) in Seattle from 30 November to 3 December.

The General Agreement on the Trade in Services (GATS), negotiated during the Uruguay Round, came into force on 1 January 1995. Audio-visual services had been subject of much controversy during this round of negotiations. Placing emphasis on "cultural exception", the European Union had obtained major exemptions including dispensation of all commitment in the audio-visual sector concerning market access and national treatment (to be granted to third countries) - despite US opposition. The arrival of digital technology and the development of the information society have modified the situation since then. This winter, everything will be
examined again, and audio-visual aspects will no doubt be the subject of sensitive negotiations.

The European Union's aim is twofold: to strengthen the competitiveness of its audio-visual sector and gain a foothold in third countries, while safeguarding its freedom of action in this field. Although the first discussion of EU ministers resulted in a "European vision", opinions differ about how to negotiate, with the question of whether or not to include the culture and audio-visual sectors in negotiations. The debate will continue during an Audio-visual expert forum organised in autumn this year.

Culture: Commissioner-designate in favour of cultural budget increase

The European Commissioner-designate for Culture, Viviane Reding (Lux), will go before the European Parliament's Committee on Culture, Youth, Education, the Media and Sport (chaired by Mr Gargani) on 2 September. In answer to the EP's written questionnaires, Ms Reding has already referred to some of her priorities.

The procedure of unanimity voting in Council in the Cultural field is an "anomaly", to be corrected if possible at the next Intergovernmental Conference. She is in favour of a gradual increase in the budget allocated to education and culture to up to 1% of the EU budget (currently 0,5%). She also pleads in favour of the rapid adoption of the"Culture 2000" programme. Regarding book prices, she declared referring to the price agreement between German and Austrian publishers: "My motto will be in dubitas, pro cultura." She believes that the best outcome of the case would be a negotiated compromise enabling the Commission to declare the system compatible with Community law.

One of the first issues, Ms Reding will deal with will be the Socrates II programme. Regarding the current uncertainty over its funding, she welcomes the fact that the Commission and the Parliament are coming closer to a compromise, and hopes that the Council will follow.

Fixed book prices: One vote missing - issue moves on to Prodi Commission

On 14 July, the European Commission noted that ten Commissioners were prepared to approve the decision proposed by Karel van Miert declaring illegal the concerned agreement between German and Austrian publishers and book shops over book pricing. The fact that the Commission had at this time only 19 instead of 20 members (Mr Bangemann having been removed from his functions) does not alter the requirement that eleven votes in favour are required for a decision. There was therefore one vote missing and the issue moved on to the Prodi Commission for final decision. The issue was passed on to Mr Monti, Commissioner designate for competition in the Prodi Commission, who has already backed Van Miert's position in this issue.
Research: scientific and technological cooperation agreement with Argentina signed

The Council has approve the signing of a scientific and technological cooperation agreement with Argentina. This agreement covers research activities of the Fifth Framework Programme and in particular concerns four thematic programmes: quality of life and the management of living resources; user-friendly information society; competitive and sustainable growth; energy, the environment and sustainable development.

Research: scientific and technological cooperation agreement with Australia extended

By signing an amendment to their 1994 agreement beginning of July, the European Community and Australia gave fresh impetus to their scientific and technological cooperation. The amendment extends collaboration to all thematic programs of the Fifth Framework Programme for research and development. The agreement with Australia, which was the first to be signed with a third country, has allowed 37 joint projects to be launched under the Fourth Framework Programme. The mutual opening of Australian programs has led to doubling of European participation in research activities in this country. This participation is mainly focused on astronomy, life sciences and the information society.