Copyright: Council working group debates draft EU Copyright Directive

The Council working group on Copyright has been holding regular meetings to prepare an agreement on the draft Directive by the Council of Internal Market Ministers. It seems to be extremely difficult to reach compromises over the text. It seems now that the Finnish presidency will not be able to reach a political agreement or common position in this year and that the dossier will move on to the Portuguese presidency. A status report will be presented at the Internal Market Council on 7 December. It is expected that the Portuguese presidency will continue to work along the lines of the Finnish presidency. The Portuguese presidency plans to reach a political agreement/common position in March 2000.

Copyright: EU expert meeting on copyright took place at end of October in Helsinki

Discussion on questions related to the EU draft Copyright Directive are continuing during the Finnish Presidency. Some of the central topics were analysed in an expert meeting held on 28-29 October in Helsinki. The themes discussed in the conference were the evolution of conditions of contracts and licenses concerning digital use, technological protection systems and rights...
management information, liability and the institution of blocking illegal distribution of protected works, and the question of applicable law in the digital environment. The conference was attended by approximately 200 participants. EBLIDA was represented by Mr Toby Bainton from SCONUL.

E-Commerce: Public hearing on electronic commerce jurisdiction and applicable law

Disputes over business or contracts conducted via the Internet often involve more than one national legal system if only because the parties are resident in two different Member States. The European Commission held a public hearing on the subject of "Electronic Commerce: jurisdiction and applicable law" on 4-5 November 1999 in Brussels. The two crucial questions addressed were:

- Which court has jurisdiction to hear a dispute?
- Which law will that court apply to determine the rules applicable to that dispute?

The discussion focused in particular on the compatibility of the Brussels Convention of 1968 on Jurisdiction and the Rome Convention of 1980 on Applicable Law with the Commission's proposed E-commerce Directive and the proposed potential revisions of these Conventions in accordance with the Amsterdam Treaty. In particular, there are special rules covering consumer contracts: under the Brussels Convention the consumer has the option of suing his contracting partner in either his own country or in the country of the opponent. The Commission has drafted a proposal on the revision of this Convention which is indented to take account of new technological developments and to apply the specific rules on consumer contracts to e-commerce. Suppliers of goods and services fear legal uncertainty since they might have to defend themselves before the courts in all the Member States in which their services might be accessible.

The Commission's paper giving background to these questions as well as more than 50 position papers are available at: http://europa.eu.int/comm/justice_home/events/index_en.htm

Electronic signatures: The new EU Directive is expected soon

On 27 October 1999, the planned EU Directive on electronic signatures passed its second reading in the European Parliament. The Directive seeks to ensure that electronic signatures, accompanied by a valid certificate, will possess equal validity to hand-written signatures. This is essential for guaranteeing secure electronic communications and commerce. The Parliament's rapporteur Mr Lechner proposed several minor amendments to the directive. Both the Council and the Commission have shown support for the amendments of the Parliament. It is therefore expected that legal recognition for electronic signatures will soon be guaranteed.
Culture: European Parliament passed second reading on Culture 2000 programme

On 27 October, the European Parliament adopted Mr Graça Moura’s resolution which calls for a budget of Euro 250 million for the Culture 2000 programme rather than the Euro 167 million that has been proposed by the Council. MEPs put on record their strong support for the EU cultural programme as a means of showing the EU with a human face. But as Mr Graça Moura explained, there is a dispute with the Council over funding. Mr Graça Moura felt the Council allocation is a far too small amount for the programme to have a direct impact on the public at large. He argued that Euro 250 million was a minimum and was supported by speakers from across the Parliament.

Replying for the Commission, Viviane Reding said she could accept in principle most of the amendments for the Culture 2000 programme, with the reservation that she wanted to retain a flexible position in view of the forthcoming conciliation negotiations with the Council. Taking a realistic view of these negotiations and budgetary regulations, she could not, however, accept the amendment to increase funding to Euro 250 million.

Culture: European Commission selected projects under Ariane Programme

On the basis of proposals made by a group of independent experts, the European Commission has chosen the 291 projects to benefit from Union financial support under the 1999 call for proposals of the Ariane programme. The total budget allocated to this programme for 1999 is Euro 4.1 million. The aim of the Ariane programme is to support translation and projects promoting books and reading, as well as further training for those working in this sector. All of the selected projects involve wide scale European co-operation, and cultural operators from all 15 Member States, as well as the EFTA/EEA countries. The Ariane Programme will be replace by the Culture 2000 programme which is still in discussion by the Community institutions.

Research: Results of IST Programme's first call for proposals

A total of 2519 proposals have been received by the European Commission in response to the User Friendly Information Society (IST) programme's first call for proposals under the Fifth Framework Programme. 555 proposals were retained for negotiation for a total budget of 930 million Euro, with additional 64 proposals kept in reserve.

The received proposals were fairly evenly spread across the four Key Actions of the IST programme. However, certain parts of the Key Actions were stronger than others, like "Essential technologies and infrastructures" and others weaker, like the one relating to the disabled and elderly. The Commission is considering measures to improve the response in this area.

As with all EU research programmes, cross-border co-operation is a fundamental principle. The first round of calls resulted in a total of 18,000 participants, well spread over the EU and
associated countries. The response for the Central and Eastern European countries was enthusiastic but it is felt that measures are needed to improve the number and quality of participation. These include extending research networks to these countries, establishing channels of information dissemination and encouraging other European researchers to take partners from the east.

The second call for proposals opened on 1 October 1999, and for RTD proposals the deadline is 17 January 2000.

**Education: Leonardo da Vinci II Contact and Information days**


In addition to information sessions on the first call for proposals (2000-2002), this event will include an exhibition area for finished training products and to exchange experience concerning mobility programmes. Further information is available at: http://europa.eu.int/en/comm/dg22/leonardo/t2000-en.html or by sending a fax to: +32-2-295 56 99.

**Community Initiatives in 2000-2006: INTERREG, URBAN, LEADER and EQUAL**

Following the adoption on 13 October of four Community initiatives, the European Commission has proposed a method for dividing the funds among the Member States. In the case of INTERREG, LEADER and EQUAL, the proposed indicative allocation is largely based on continuing the current schemes and on the top priorities under each initiative. In the case of URBAN, the allocation is based on population, the number of people out of work and the number of long-term unemployment in the urban areas involved.

The INTERREG initiative was introduced in 1990 to develop cross-border co-operation and help areas on the internal and external frontiers of the Union to overcome the problems arising from their isolation. The new initiative provides further support for that goal while adding inter-regional and trans-national co-operation. One of the priorities is the allocating of human resources and facilities for research and technological development, education, culture, communication, health and civil protection to increase productivity and help create sustainable jobs. For further information please contact: European Commission, Directorate for Regional Policy, Mr Jean Pierre Berg, Tel: +322 295 19 07 or fax: +32-2- 296 60 03
Culture: Integrating History into the Community's Cultural Action

Further to its approval by the Council of Culture/Audio-visual Ministers on 28 June 1999, the Council of Internal Market Ministers formally adopted on 28 October 1999 the Resolution on Integrating History into the Community's Cultural Action. The EU Ministers recognised among others that "in addition to history and arts teaching in schools - which is of the responsibility of the Member States -, books, television, new media, museums libraries, archives and film museums play an increasingly important role in communicating historical knowledge". The Council of Culture Ministers invites the Commission

- when implementing the Culture 2000 programme (and other funding instruments) to give appropriate consideration to projects in the historical field;
- to ensure that such projects are as pan-European as possible in order to improve the knowledge and understanding of the history of the European peoples and thereby making a significant contribution to European co-operation and integration;
- to strive for close collaboration with the Council of Europe and UNESCO on historical projects;
- to ensure co-ordination between existing programmes and activities in relevant fields.

The full text of this Resolution can be found in the Press release of the Culture Council session of 28 June on the Council of Ministers' website at: http://ue.eu.int/

Fixed Book Prizes: Changes being prepared to German/Austrian Agreement

After having met the European Commissioner for Culture, Ms Viviane Reding, German and Austrian publisher associations met Competition Commissioner Mario Monti on 3 November. The latter has given them until mid-November to bring their book price agreement into line with the European law on competition. Publishers confirmed they would be submitting concrete proposals to the Commission very shortly. With Mr Monti, they discussed possible changes and especially the substitution of the current cross-border system by two separate national ones.

Council of Europe: Recommendation on Public Access Points to Internet

The Council of Europe adopted on 9 September a Recommendation that encourages Member States to make new communication and information services such as the Internet more easily available to citizens, especially by providing public access points. This is in line with a policy of "universal community service" and Member States are called upon to invite public authorities and relevant industries to promote access whilst encouraging individual users to get connected.

Principle 3 of the Recommendation states: "Member states should encourage cultural institutions, such as libraries, museums and theatres, to provide services to the general public through new communication and information services." And principle 4 reads: "Member states should examine appropriate ways of financing the implementation of the principle of universal community service, such as by granting subsidies or tax incentives, mixed public and private funding, or private funding including sponsoring." The full text of the recommendation is
Internal Market: Commission outlines new strategy

A proposed framework outlining strategic objectives for the European Union's Internal Market over the next five years has been presented on 5 October 1999 in a Communication. Following consultation with the European Parliament, the EU's Council of Ministers and other interested parties, the Commission will finalise its objectives and present a list of specific short-term actions to meet these objectives. These short-term actions should be updated annually. In the area of EU product and capital markets, the Commission proposes among others to complete the agreed legislative framework, ensure a common understanding of the rules and to build commitment to enforcement, as well as to encourage creativity by adequately protecting industrial and intellectual property rights. Further information can be found at: http://europa.eu.int/comm/dg15/en/update/strategy/strategy1.htm

Enlargement: European research programmes open to all eleven accession countries

The eleven countries (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovak Republic and Slovenia) in line to join the European Union in the next years have signed "association" agreements giving them full access to the Fifth Framework Programme (1999-2002) for research and technological development. Before accession. This new stage will allow research institutes, universities and businesses from these countries to participate in the programme under exactly the same conditions as institutions from the EU Member States. Research has become the first Community policy open to these countries to which they much contribute financially.

In spring, the Commission planned ahead for signature of these agreements when it published the first calls for proposals under the Fifth Framework Programme. These already gave guarantees that the evaluators would treat research centres and businesses from the eleven applicant countries on the same conditions as entities from the Member States. The results of the first calls show strong participation from these countries in the proposals received. In return, all these countries have decided to open up their research programmes in the fields corresponding to the areas covered by the Fifth Framework Programme. This association, speeding up integration of these countries into the scientific and technological community in Europe, forms part of the pre-accession strategy prepared by the Commission.

Enlargement: Commission sets out accession strategy and adopted new PHARE guidelines

In mid-October, the European Commission proposed that accession negotiations should be
opened with all remaining candidate countries that respect democracy, the rule of law, human rights and minorities, i.e. with Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia. However, these negotiations should follow a "differentiated" approach taking full account of each candidate's progress in meeting the criteria set by the EU. This is the strategy that the Commission recommends to the European Council which will meet in Helsinki in December. This means that in 2000 the countries above should join the accession negotiations which started in 1998 with Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia. In addition, the Commission recommends to the European Council in Helsinki to commit itself to be ready to decide from 2002 on the accession of candidates that fulfil all necessary criteria.

Turkey should now be considered as a candidate country although there is no opening of negotiations at this stage. However, negotiations can be opened once the political criteria are met. The Commission also proposed to confirm the vocation for countries of former Yugoslavia and Albania but under strict conditions. Relations with Russia, Ukraine, the Caucasus and Maghreb countries are seen to be of strategic importance which extend far beyond trade and assistance programmes, and could be extended to include other policy areas.

The Commission has also adopted new PHARE guidelines for 2000-2006. They confirm the programme's focus on a limited number of pre-accession priorities, such as institution building and investment in regulatory infrastructure needed to ensure compliance with the *acquis communautaire*. They will also allow for greater interaction with EU initiatives in the border areas.

Research: European Parliament approved scientific co-operation agreements with Argentina and China but not with Russia

With its adoption of the reports by Mr Rolf Linkohr and Mr Per Gahrton, Parliament approved the conclusion of two agreements for scientific and technological co-operation with Argentina and China. At the request of the third rapporteur, Ms Godelieve Quisthoudt-Rowohl, Parliament postponed the vote on the similar co-operation agreement with Russia. Ms Quisthoudt-Rowohl explained that the postponement was justified because of the conflict in Chechnya and the need to react, even if researchers are not involved. Commissioner Anna Diamantopoulou spoke out against postponement of the vote, saying it was essential to pursue dialogue with Russian researchers and academics who bear no responsibility for this conflict.

The signature of these agreements will enable Argentine and Chinese bodies to participate in projects of the EU's Fifth Framework Programme for research and technological development. The European Community has already signed with Cyprus, Israel and Canada agreements enabling researchers to participate in projects funded under the Fifth Framework Programme.

WIPO: Activities in Electronic Commerce

The Member States of the World Intellectual Property Organisation (WIPO) closed their annual Assemblies at the end of September with the adoption of a final report endorsing the various decisions taken at the meeting. In the area of electronic commerce, the Member States
welcomed and commended WIPO’s work. They welcomed the work done in the context of the WIPO Internet Domain Name Process that aimed at curbing the abuse of trademarks on the Internet. Support was expressed for WIPO's dispute resolution recommendations. Delegations also welcomed the convening by WIPO of the first International Conference on Electronic Commerce and Intellectual Property that was held in Geneva from 14-16 September 1999. The Conference concluded with the presentation by WIPO Director General of a "Digital Agenda" - a ten-point plan outlining the focus of WIPO's programme in the field of electronic commerce. EBLIDA was represented at this conference by its Legal Adviser Emanuella Giavarra.