



September 2006

EBLIDA Hot News

The EBLIDA newsletter on EU library & information society issues

Intellectual Property

The work of EP Legal Affairs Committee on IPR-related issues

On 11 September, the Legal Affairs Committee (JURI) considered the working document by MEP Lévai (PSE) on **collective cross-border management of copyright and related rights for legitimate online music services** (http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dt/627/627689/627689en.pdf); adoption of the report by the JURI Committee is scheduled for 20 December 2006; vote at plenary (first reading) is scheduled for 31 January 2007.

Furthermore, a **study on collective management of rights** prepared by KEA *European Affairs (July 2006)* can be found at http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/study-collective-management-rights-/study-collective-management-rights-en.pdf.

The JURI Committee also delivered two opinions on the codified versions of *Directive*

93/98/EEC of 30 October 1979 on protection of copyright and certain related rights (COM (2006)219) and *Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property* (COM (2006)226). Both opinions (*Rapporteur*, MEP Wallis) will be put to vote at plenary on 12 October.

In addition, the JURI Committee held an exchange of views on **criminal measures aimed at ensuring the enforcement of intellectual property rights** (*Rapporteur*, MEP ZINGARETTI). The following Committees will present an opinion: ITRE (*Draftsman*, MEP Hammerstein Mintz); IMCO and LIBE (*Draftsman*, MEP Wieland). There is no working document available as yet. Debate at Council is foreseen on 5 October; the report is scheduled for adoption in committee on 20 December and in plenary on 13 February 2007.

Culture

The 2007 Communication on culture

http://ec.europa.eu/culture/eac/communication/consult_en.html

Art and culture can make an important contribution to the EU in bringing itself closer to the citizen. In this context, the perception and role of culture in the EU is gradually changing.

DG EAC is therefore preparing a Communication on culture which seeks to see both **what Europe can do for culture** and **what culture can do for Europe**, with two main sets of objectives in mind: developing active European citizenship and the role of creativity in enhancing the competitive edge of Europe (economic and

social objectives of the Lisbon agenda).

The Communication will analyse the various dimensions of the role of culture in the European project, take stock of existing efforts but also identify new challenges and possible new avenues for tackling them, in terms of substance and methods. It aims at both identifying common priorities (a European 'agenda' for culture) and developing new frameworks and methods for dialogue and cooperation.

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Note from EBLIDA Director

WIPO Broadcasting Treaty

The 15th SCCR Session was held in Geneva from 11-13 September to further negotiate for the protection of Broadcasting Organizations. Negotiations for a WIPO Broadcasting Treaty have been on the agenda for nearly a decade, underlining the fact that the issues at stake are politically contentious.

The main aim of the proposed WIPO treaty is to combat signal theft, which is a major problem for Radio and TV broadcasters due to the advent of internet and broadband technology. For example, TV transmitted sports programmes can be “hijacked” and retransmitted with large economic consequences for the broadcasters as the sale of TV rights is undermined. In reality such a treaty already exists - the Rome Convention - which the USA has never signed and is unlikely to as the scope of the Rome Convention allows for the protection of performers and this is not in the overall commercial interest of the American film industry.

By the adoption of the Treaty, broadcasters would gain the right to the signal, which would give them the right to legally pursue infringers and to use TPMs on digital signals. The use of TPMs could result in public domain material being locked up and to all intent and purpose being owned by the broadcasting organisations themselves, not least if the work in question is not available from any other source. At the meeting of the SCCR/15 in Geneva IFLA and EBLIDA issued a short position statement on behalf of libraries (http://www.eblida.org/position/index.htm#Information_Society), voicing our concern about the use of TPMs in relation to the ability of libraries to preserve radio and television broadcasts for posterity.

At the heart of the discussion is the rather abstract question of defining and separating the concept of the “signal” from the content of the broadcast itself. Here we should keep in mind that the broadcasting organisation may not indeed own the rights to the content of the broadcast or may be broadcasting an event, e.g. a football game which is in itself

not protected by copyright. By giving protection of the signal the broadcasters may, in reality, control the content.

This is an especially sensitive area for developing countries as radio and television programmes are often used for educational and public information purposes and the adoption of the treaty would mean that these countries would have another layer of rights to clear, not least if the content itself is protected by copyright and not owned by the broadcaster in question.

Another controversial issue is the aspect of web casting (defined as “the making accessible to the public of transmissions of sounds or of images or of sounds and images or of representations thereof, by wire or wireless means over a computer network at substantially the same time”), which though it has officially been removed from the proposed broadcasting treaty still seems to cast a shadow over the negotiations. This has brought Internet Service Providers (ISPs) and other ICT stakeholders onto the playing field, as it is unclear whether these industries might be liable for prosecution under the proposed treaty if computer networks are used for transmissions which knowingly or unknowingly infringe the rights of broadcasters.

The conclusion to this SCCR session is to convene a diplomatic conference from 11 July - 1 August 2007. The Committee also agreed to convene a one day preparatory meeting in January 2007 to “prepare the necessary modalities of the diplomatic conference”. A special two-day meeting is to be held in conjunction with this to, as the Press release (WIPO/PR/2006/454) states “further clarify outstanding issues”. This was very much a victory for compromise and was achieved by what one might term “silent consent” in that no party was prepared, at this stage, to block the road to a diplomatic conference. It must also be viewed as a victory for WIPO as the successful adoption on the broadcasting treaty is very much a test of the organisation’s ability to formulate and adopt multilateral treaty agreements on IPR matters.

Andrew Cranfield, Director
www.eblida.org

Audiovisual Policy

The media and development

<http://www.europarl.europa.eu/ocil/file.jsp?id=5328872>

P6_TA-PROV (2006)0360 of 26 September 2006

On 26 September, Parliament adopted, by 443 votes in favour to 19 against with 13 abstentions, a resolution on the media and development based on the own-initiative report by MEP MAVROMMATIS (*A6-0264/2006*). The report calls on the EU, Member States, the acceding countries and the ACP countries to involve civil society organisations, including private enterprises, and particularly the media, in attaining their objectives for development.

It calls on the Commission to place further emphasis on and to support programmes in the area of the media that will help to improve access to information for particular

groups in society; develop pluralism in the media; train radio and print journalists, particularly in developing countries with the collaboration of UN organisations e.g. UNICEF, UNESCO and international journalists' organisations e.g. the International Federation of Journalists, BBC World Service Trust; develop public information campaigns to raise awareness among well-targeted audiences and increase the effectiveness of humanitarian aid.

Lastly, it calls on governments and public authorities throughout the world to end in particular the culture of impunity regarding violence against journalists.

The resolution is awaiting publication in the Official Journal.

Protection of minors and human dignity

<http://www.europarl.europa.eu/ocil/file.jsp?id=243292>

Agriculture ministers adopted on 18 September a common position for adoption of a recommendation on the protection of minors and human dignity and on the right of reply in relation to the European audiovisual and online information services. The United Kingdom delegation abstained.

The draft recommendation calls on the Member States, the industry and interested parties (viewers' associations), as well as the Commission, to enhance the protection of minors and human dignity in the broadcasting and internet sectors. It also recommends that the Member States consider the introduction of measures

regarding the right of reply in relation to online media. It builds upon the Council Recommendation 98/560/EC of 24 September 1998 (*OJ L 270, p. 48 of 7 October 1998*), which remains valid.

The European Commission in turn, adopted its opinion (*COM (2006)0546 of 21 September 2006*) granting its support to the common position (some wording has been changed - Recital 17, Operative part, Annex I - throughout the text, compared with the Commission's proposal). The common position is now waiting Parliament's second reading (CULT Committee, *Rapporteur* not yet appointed), scheduled for 30 November.

Economic and cultural impact of territorialisation clauses of state aids schemes for films and audiovisual productions

The selected contractor to carry out a study on the economic and cultural impact, notably on co-productions, of territorialisation clauses of state aids schemes for films and audiovisual productions is a Consortium formed by *Cambridge Econometrics Ltd, David Graham and Associates Ltd* and *Ramboll Management*, represented by *Cambridge*

Econometrics Ltd, acting as Lead contractor (Contact Saxon Bretell, UK, email: sb@camecon.com).

Prior information is available in all languages at <http://ted.europa.eu/> (*OJ 2005/S18-016422*).

*Co decision Procedure
Second Reading*

Consumer Protection

Rome II, Law applicable to non-contractual obligations

<http://www.europarl.europa.eu/ocil/file.jsp?id=235142>

On 25 September, the Competitiveness Council adopted its common position on a draft regulation on the law applicable to non-contractual obligations (Rome II), with the Estonian and Latvian delegations voting against.

This regulation aims at laying down a uniform set of rules of law applicable to non-contractual obligations, irrespective of the country in which an action is brought to court. This should increase certainty the applicable law and improve the predictability of legal disputes and the free movement of judgements.

Protection of personal data

<http://www.europarl.europa.eu/ocil/file.jsp?id=5279032>

P6_TA-PROV (2006)0370 of 27 September 2006

On 27 September, Parliament adopted a legislative resolution on the protection of personal data based on a report by MEP ROURE (*A6-0192/2006*). Parliament decided in June to postpone its vote (*partial vote, P6_TA-PROV (2006)0258 of 14 June 2006*), hoping that the Finnish presidency would be more willing to take its demands into account. It approved however all the 60 amendments tabled, which in general, limit the use and access to personal data to the very necessary cases and when there is a real threat to public security.

The Commission proposal responds to an

EU and the right to privacy: EDPS on mid-term state of play

<http://www.edps.europa.eu>

On 18 September, the European Data Protection Supervisor (EDPS) held a press conference to bring up to date his achievements both in terms of data protection advice to the EU-institutions and supervision of their data processing. He also commented on the current debate climate "new legislation is drafted for legitimate security reasons. When adopted it will provide for exchange of information at an unprecedented level - citizen's data will be

The initial Commission's proposal was presented on 23 July 2003. The common position follows largely the modified proposal submitted by the Commission on 21 February this year (*COM (2006)83*). It also takes on board many of the amendments introduced by Parliament, who delivered its opinion on 17 November 2005.

The common position is awaiting Parliament's second reading (Legal Affairs Committee, *Rapporteur MEP Wallis*), scheduled for 12 December.

old claim from Parliament, which, since the creation of the third pillar, has been calling for standards on data protection in the context of judicial and police cooperation.

The issue is particularly relevant now that the European Court of Justice decided to annul existing agreements between the EU and US government on the transfer of personal data of air passengers flying into the US. It is a priority for the Parliament to push for a quick adoption of this draft decision by the Council, which would affect future agreements with the US.

The proposed resolution is awaiting Council's final decision.

used more and more". According to the EDPS, adequate safeguards must be in place and monitored.

In terms of supervision of EU administration, about 100 existing systems of personal data processing have been prior checked, most of which concerned medical files and staff evaluation. The single most salient point is that institutions nearly always fail to properly inform the individuals concerned that their data are processed and the reasons for it.

*Co decision Procedure
Second Reading*

Consultation Procedure

Consumer Protection

Green Paper on detection technologies for law enforcement authorities launched http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_public_en.htm

The Commission adopted on 1 September a Green Paper on detection and associated technologies for law enforcement, customs and other security authorities (*COM (2006) 474 final*) to further stimulate public-private partnerships to promote the development of an advanced market which should lead to greater availability of products and services at lower cost, more effectiveness and better protection of privacy.

Detection technologies e.g. hand-held detectors, data- and text-mining tools are increasingly used in the daily work of law enforcement authorities to fight terrorism and other forms of crime and play an important role in the daily lives of Europeans e.g. boarding airplanes.

The Green Paper addresses standardisation; certification of tools; information and experience exchange on the use of new and innovative detection tools. The focus is also

improving the protection of mass events.

The Commission stresses that the design, manufacture and use of detection and associated technologies, together with legislation or other measures aiming to regulate or promote them, must fully comply with Fundamental Rights as provided for in the EU Charter of Fundamental Rights and the European Convention on Human Rights. Particular attention must be paid to compliance with the protection of personal data and the right to private life.

Responses to the Green Paper should be sent electronically by **10 January 2007** to JLS-D1-Detection@ec.europa.eu. First meetings of task force or other public private body implementing the results may take place in the first half of 2007.

See also *MEMO/06/317 of 4 September 2006* at <http://europa.eu/rapid/>.

Accession of the EC to the Hague Conference on Private International Law http://www.hcch.net/index_en.php

P6_TA-PROV (2006)0345 of 7 September 2006

The European Parliament adopted on 7 September a resolution drafted by MEP Wallis (*A6-0250/2006*) and gave its assent to the proposed decision on the accession of the EC to the Hague Conference on Private International Law (HCCH).

The resolution is awaiting Council's final decision
(<http://www.europarl.europa.eu/oeil/file.jsp?id=5297832>).

Furthermore, Parliament adopted a resolution (*P6_TA-PROV (2006)0353 of 7 September 2006*) on the involvement of the European Parliament in the work of the Hague Conference following the accession of the Community
(<http://www.europarl.europa.eu/oeil/file.jsp?id=5365682>).

The resolution calls on the Council and the Commission to ask Parliament to give its views on a case-by-case basis on the need for the Community to accede to the existing conventions which have been ratified by a significant number of Member States and to propose suitable procedures so as to enable Parliament to play its proper role in the context of the Hague Conference on Private International Law. The resolution is awaiting publication in the Official Journal.

The HCCH is a long-established international organisation which aims at working for the progressive unification of the rules of private international law e.g. legal cooperation and litigation, commercial and finance, mainly by negotiating and drafting international conventions. The organisation has to date adopted 35 conventions and counts 65 Members, including all Member States of the EU.

Assent Procedure

Culture

The 2007 Communication on culture

http://ec.europa.eu/culture/eac/communication/consult_en.html

...continues from Page 1

It will be adopted by the Commission in the first quarter of 2007 and will launch a broad consultation with all interested parties. Stakeholders, individuals and organisations active in the cultural sector, in particular cultural industries, are invited to express their views on the questions to be raised in the Communication. The deadline for contributions is 5 November 2006. Contributions should be submitted in English or French to facilitate the processing and dissemination.

Following consultation, DG EAC will organise a public hearing in December 2006 in Brussels.

DG EAC has elaborated a questionnaire which comprises a certain number of multiple-choice questions devised to facilitate interaction with contributors and to allow for an easier analysis of results (http://ec.europa.eu/culture/eac/communication/pdf_word/questionnaire_en.doc).

Community action for the European Capital of Culture event (2007-2019)

<http://www.europarl.europa.eu/ocil/file.jsp?id=5251512>

The Competitiveness Council adopted on 25 September, without discussion, a decision establishing a community action for the European Capital of Culture event (2007-2019). All amendments suggested by Parliament at first reading were accepted.

1419/1999/EC to improve the process of designation of a city as Capital of culture, by strengthening the competition element; improving the role of the selection panel; establishing a "monitoring panel" to evaluate, in particular, the European added value of the programme and extending the planning time.

The decision replaces decision

*Co decision Procedure
First Reading*

Europe for citizens Programme

<http://www.europarl.europa.eu/ocil/file.jsp?id=5243942>

The Competitiveness Council adopted on 25 September, without discussion, a common position for adoption of a decision establishing the Europe for Citizens programme for the period 2007-2013 to promote active citizenship. The UK, Lithuanian and Portuguese delegations abstained.

town-twinning, support for research into and consideration of European policies, support for commemorations or for Europe-wide awards. The budget allocated to the programme amounts to € 190 million (at 2004 prices).

The programme aims at safeguarding the continuity of the ongoing programme on civic participation (OJ L 30, p. 6 of 2 February 2004). It comprises, inter alia, actions such as

The Commission in turn, adopted its opinion (COM (2006)0542 of 26 September 2006); the common position is now waiting Parliament's second reading (CULT Committee, Rapporteur not yet appointed), scheduled for 25 October.

*Co decision Procedure
Second Reading*

Export of cultural goods (codifying Regulation 3911/92/EC)

<http://europa.eu/scadplus/leg/en/lvb/l11017a.htm>

The Commission issued in September a proposal (COM (2006)0513 of 20 September 2006) aimed at codifying the Council Regulation (EEC) no 3911/92 of 9 December 1992 on the export of cultural goods, which will supersede the various acts incorporated

in it (Annex II). This proposal fully preserves the content of the acts being codified.

The document, available at <http://eur-lex.europa.eu/>, has been forwarded to Parliament for consultation (JURI Committee, Rapporteur not yet appointed).

Education

A European Qualifications Framework to value qualifications across Europe http://ec.europa.eu/education/policies/educ/eqf/index_en.html

The Commission adopted on 5 September a proposal for a Recommendation to establish a European Qualifications Framework (EQF), which will provide a common language to describe qualifications and help Member States, employers and individuals compare qualifications across the EU's diverse education and training systems. It foresees that Member States relate their national qualifications systems to the EQF (by 2009).

The core element of the EQF is a **set of eight reference levels** describing the 'learning outcomes' regardless of the system where a particular qualification was acquired. The EQF encompasses general and adult education, vocational education and training and higher education. It supports a better match between the needs of the labour market (for knowledge, skills and competences) and education and training provisions; and facilitates the validation of non-formal and informal learning and the transfer and use of qualifications across different countries and systems.

The EQF proposal will now be examined by the Council and Parliament. Adoption is expected before the end of 2007. MEP Mitchell has asked the Commission to outline how the EQF, a voluntary exercise,

will directly benefit the awarding institutions. See *IP/06/1148 and MEMO/06/318 of 5 September 2006* at <http://europa.eu/rapid/>.

Furthermore, Parliament adopted, by 535 votes in favour to 18 against with 10 abstentions, with amendments, a resolution based on the own-initiative report by MEP MANN (*A6-0248/2006*) on the creation of a European Qualifications Framework (EQF).

According to the report, the proposed EQF should form a starting point to create a mutually compatible system. The eight vertical steps of the EQF are necessary, but their descriptors should be formulated more concisely. The distinction between the three horizontal areas 'knowledge', 'skills' and 'personal and professional competence' is artificial.

It is essential for the success of the EQF that the Member States and the social partners cooperate on a basis of mutual trust in forming the EQF and create something of practical use for end users, thus for citizens, employees and employers as well as for education providers.

The resolution (*P6_TA-PROV (2006)0368 of 26 September 2006*) is awaiting publication in the Official Journal.

European education and training systems to be both efficient and equitable http://ec.europa.eu/education/policies/2010/back_gen_en.html

In a Communication adopted on 8 September (*COM (2006) 481 final and SEC (2006) 1096*), the Commission stresses the need for European education and training systems to be both efficient and equitable. It argues that efficiency does not have to come at the expense of equity, and proposes four main areas for action by the Member States:

- § Member States need to develop a 'culture of evaluation', with a statistical infrastructure capable of collecting appropriate data, and mechanisms to assess progress and measure success;
- § Member States should invest more in pre-primary education;

- § Member States should not separate pupils into educational 'tracks' at too early an age;
- § The importance of generating higher investment for higher education from public and private sources, including through tuition fees, combined with support targeted at socially disadvantaged students.

See *MEMO/06/321 of 8 September 2006* at <http://europa.eu/rapid/>; the analytical report for the Commission prepared by the European Expert Network on Economics of Education (EENEE) can be found at <http://ec.europa.eu/education/policies/2010/doc/eenee.pdf>.

Education

Key competences for lifelong learning

<http://www.europarl.europa.eu/ocil/file.jsp?id=5289042>

P6_TA-PROV (2006)0365 of 26 September 2006

Based on the report by MEP TRÜPEL (A6-0262/2006), Parliament adopted a legislative resolution on key competences for lifelong learning, which responds to a mandate given by the 2000 Lisbon Council and reiterated in the "Education and Training 2010" work programme. On the same day, the Commission agreed on EP amendments. The resolution is awaiting Council's opinion.

On 18 May, the Council agreed on a general approach; its common position is foreseen for 13 November. In turn, the Committee of Regions' opinion was issued on 14 June 2006 (*Rapporteur*; C TALLBERG) and the EESC's opinion on 17 May 2006 (*Rapporteur*; HERCZOG).

The resolution calls on Member States to develop the provision of key competences for all as part of their lifelong learning strategies, including their strategies for achieving universal literacy, and use the "Key Competences for Lifelong Learning – A European Framework" (Annex) as a reference tool, to ensure that coherence of adult education and training provision for individual citizens is achieved via close links to employment, social, cultural, innovation and other policies affecting young people and collaboration with social partners and other stakeholders.

The Commission will review the impact of the Key Competences and report, four years after the adoption of this Recommendation, on the experience gained and implications for the future.

*Co decision Procedure
First Reading*

European Quality Charter for Mobility (education and training)

<http://www.europarl.europa.eu/ocil/file.jsp?id=5274982>

P6_TA-PROV (2006)0364 of 26 September 2006

The European Parliament adopted on 26 September a legislative resolution on a European Quality Charter for Mobility, based on the report by MEP Prets (A6-0255/2006). On the same day, the Commission agreed on EP amendments. The resolution is awaiting council's opinion.

The Council agreed on 18 May upon a general approach; its common position is foreseen for 13 November. The Committee of Regions in turn issued its opinion on 27 April (*Rapporteur*; Luciano CAVERI).

The proposal aims at covering the need for more quality in mobility for education and training purposes and complements the

Recommendation of 10 July 2001, broader in its scope. In recent years, a number of measures e.g. Bologna and Copenhagen Process have been taken in the Member States but they have not yet given significant impetus to mobility, numerous obstacles still remain and less attention has been given to non-financial and administrative support for mobile persons.

The proposed not binding Charter consists of ten practical guidelines covering the period from departure, stay and return. The resolution recommends Member States to adopt and promote the use of the Charter as a means to enhance personal and professional development. In turn, the Commission is invited to encourage the use of the Charter by the National Agencies and other organisations working in the field.

*Co decision Procedure
First Reading*

Commissioner FIGEL launches a High Level Group on Multilingualism

<http://europa.eu/languages/>

On 20 September, the Commission adopted a Decision to establish a High Level Group on Multilingualism. The Group, comprising 11 experts from across Europe, will meet formally for the first time on 3 October. It has been set up in response to the 2005

Communication "A new framework strategy for multilingualism" [*COM (2005)596 of 22 November 2005*]. The CULT Committee is scheduled to adopt its own-initiative report on the subject (*Rapporteur*; MEP BERNAT) in plenary on 14 November.

Enlargement

State of preparedness of Romania and Bulgaria for EU membership

http://ec.europa.eu/enlargement/key_documents/reports_sept_2006_en.htm

On 26 September, the Commission approved the Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (COM (2006)0549). According to the report, Bulgaria and Romania have made considerable efforts to complete their preparations for EU membership since the Commission issued its last report in May. The report identifies those issues which require further work.

As regards **audiovisual policy**, the recently adopted amendments to the Law on cinematography fail to guarantee an effective application of the principle of non-discrimination on grounds of nationality. Romania's preparations in this area should continue in the remaining months. As regards **education and training Community programmes**, it has been decided to delegate the management of the future Youth in Action programme to a joint National Agency for Lifelong Learning and

Youth in Action programmes. A tripartite protocol is envisaged between the Ministry of Education and Research, the National Youth Authority and the National Agency to ensure coordination and monitoring, and guarantee the transparent and correct use of funds.

Overall, Bulgaria and Romania have made far-reaching efforts to adapt their legislation and administration to the laws and rules of the EU. As a result of the progress made, Bulgaria and Romania will be in a position to take on the rights and obligations of EU membership on 1 January 2007.

Moreover, the Court of Auditors of the European Communities has issued its opinion on the proposed Regulation introducing special temporary measures for recruitment of EC officials (http://www.eca.europa.eu/audit_reports/opinions/docs/2006/03_06en.pdf).

EU Information Policy

Council rules of procedure

<http://www.consilium.europa.eu/videostreaming>

On 15 September, the Council adopted a decision amending its rules of procedure to increase the openness and transparency of the Council's work on the EU's legislative acts. The decision is aimed at enabling citizens to acquire first-hand insight into the Council's activities, in particular when the Council deliberates on legislative acts under the co decision procedure. Under the new measures, Council public deliberations and debates will be broadcast on the Internet in all EU official languages.

Moreover, amendments to the Council's rules of procedure seek to streamline the programming of its activities by introducing an 18-month programme, to be submitted for the Council's endorsement by the three EU presidencies due to hold office during that given period.

The decision will also contribute to improving the functioning of the written procedure for decision-making, and accelerating the approval of replies to questions from members of the European Parliament, as well as the appointment of members of the Economic and Social Committee and of the Committee of the Regions.

The Council will review in December the implementation of the measures to assess their impact on the effectiveness of the Council's work. For further information, see the June 2006 European Council presidency conclusions on transparency at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/misc/90112.pdf.

Ombudsman says EU subsidies and lobbying should be transparent

<http://www.ombudsman.europa.eu/release/en/2006-09-22.htm>

The European Ombudsman, P. Nikiforos Diamandouros, supports the Commission's proposals in its Green Paper on the **Transparency Initiative** to introduce a legal obligation for Member States to disclose information on who receives EU money. The Ombudsman has received complaints about lack of transparency in the field of beneficiaries of EU funds.

The Commission's Green Paper was adopted in May as part of the European Transparency Initiative, which aims at making the EU and its institutions more open and accountable. Consultations on the Green Paper ended on 31 August (see *EBLIDA response* at

<http://www.eblida.org/position/index.htm#Communication>).

The Transparency Initiative also proposes **more transparency regarding the activity of lobby groups** at the EU level and foresees revision of the regulation on access to information and documents of EU institutions.

A number of stakeholders have suggested a role for the Ombudsman in monitoring a lobbying registration regime or code of conduct. However, the Treaty does not give the Ombudsman the mandate to control the activities of private bodies such as interest groups.

EU Research and Development

Council adopts its common position on the FP7

<http://www.europarl.europa.eu/ocil/file.jsp?id=5243902>

On 25 September, the Competitiveness Council adopted, by qualified majority, a common position on a draft decision establishing the 7th research framework programme (FP7) of the European Community for the period 2007-2013. Adoption follows a political agreement achieved by the Council on 24 July.

The Council's common position reflects to a great extent both the Commission's proposal and the Parliament's opinion as regards structure, scientific and technological content, means of implementation and budgetary resources. A total of € 50.5 billion will be allocated to FP7-EC for seven years.

The European Commission in turn, adopted its opinion (*COM (2006)0548 of 26 September 2006*) supporting the common position.

As regards the budget, the Council (and Parliament) has endorsed the overall amount of € 50,521 m; on the budget breakdown, the

Common Position is broadly consistent with the Commission amended proposal and the Parliament opinion, with the exception of increased amounts for five themes in Cooperation, including in "Socio-economic Sciences and the Humanities" and a reduction in the theme "Security and Space". In Capacities, a major decrease in "Research infrastructures" as well as a decrease in "Science in Society" and on the other hand, increased amounts for "Research for the benefit of SMEs" and "Research Potential" as well as in "Activities of International Cooperation".

As regards the structure of the programme, the Common Position maintains the various components of the programme proposed by the Commission.

The Council's common position is now waiting Parliament's second reading (ITRE Committee, *Rapporteur* not yet appointed), scheduled for 29 November.

European Research Council names first Secretaries General

The European Research Council has announced the appointment of its first two Secretaries-General. Professor Ernst-Ludwig Winnacker will hold the position from

January 2007, and Professor Andreu Mas-Colell will take over in July 2009, remaining in the post until December 2011.

*Co decision Procedure
Second Reading*

EU Research and Development

Innovation policy and Competitiveness

<http://www.europarl.europa.eu/oeil/file.jsp?id=5243412>

Competitiveness ministers held on 25 September a public exchange of views on innovation and competitiveness. The Presidency intends to conduct further preparatory work on a broad based innovation policy strategy, focussing on the ten key actions described in the Commission's Communication "Putting knowledge into practice: a broad based innovation strategy for the EU" e.g. innovation-friendly education systems (Action 1); IPR protection (Action 7); digital products and services – initiative on copyright levies (Action 8).

Taking into account guidance emanating from the informal meeting of 20 October

2006 at Lahti, the Council's preparatory bodies will submit a draft text of conclusions on innovation policy for adoption to the 4 December Competitiveness Council, which will be submitted to the December European Council and serve as input to the Key Issues Paper for the 2007 Spring European Council.

Furthermore, the Council took note on information concerning progress on the implementing **specific programmes of FP7** and their **rules of participation** as well as the **2005 implementation report on retaining and attracting researchers to the European Research Area**.

*Co decision Procedure
First Reading*

Research in social sciences and humanities

http://ec.europa.eu/research/social-sciences/index_en.htm

The web consultation on social sciences, humanities and foresight in view of the preparation of the FP7 research agenda and first work programme can be considered a success with over 450 contributions. In addition, a number of contributions outside the web-consultation from institutions, universities and individual researchers were also received. They are now being carefully analysed and will be taken into account in the work programme when published, hopefully in December this year.

An Advisory Group for FP7 has now been

established, consisting of prominent scholars and programme managers whose role is to give the Commission advice on the future implementation of the Programme. It is composed of 20 members instead of 15 as for FP6, more balanced across disciplines, with humanities' representation being significantly reinforced. The advice of the Advisory Group will be important in the process of prioritising research topics for the first work programme. The Advisory Group first met on 30 June 2006 and will meet again in September and October to discuss a draft of the first work programme.

Information Society

Could your project get Parliament funding?

<http://www.europarl.europa.eu/tenders/invitations.htm>

Each year the European Parliament co-finances projects aimed at raising public awareness about the EU and particularly about the Parliament. Since 2007 is the 50th anniversary of the signature of the Treaty of Rome, one of the EU's founding Treaties, the EP will finance projects within the general theme of the 50th anniversary, including actions which would lead to broader discussion on the future of the Union.

Legally constituted organisations planning an event in the EU are qualified for funding. Projects may include TV and radio programmes, exhibitions, events, public debates and seminars. To see if your project might qualify for a grant, visit <http://www.europarl.europa.eu/tenders/grants.htm> (annual Work Programme for Grants 2007); a list of notices of invitations to tender, calls for expressions of interest and calls for proposals is available at the website above.

Internal Market

Distance Selling Directive: state of play and public consultation

http://ec.europa.eu/consumers/cons_int/safe_shop/dist_sell/index_en.htm

The European Commission adopted on 21 September a Communication on the implementation of Directive 1997/7/EC on Distance Selling (COM (2006)0514), and launched a consultation to assess the need to update it.

Most contracts, where a consumer and a supplier engage in a distance-selling transaction without meeting face to face at any stage until after the contract has been signed, are covered by the Distance Selling Directive. Its aim is to put consumers who purchase goods or services through “distance communication means” (for instance, by mail or by phone) in a similar position to consumers who buy goods or services in shops (face-to-face selling).

All EU Member States have transposed the Directive, but some problems have emerged with its practical application. For instance, reliance on new technologies e.g. mobile commerce through SMS, and the popularity of certain marketing methods e.g. online auctions, underlines the need to consider its effectiveness. The use of the “minimum

clause”, allowing Member States to introduce more stringent provisions to ensure a higher level of consumer protection, has also led to differences in the degree of protection from one Member State to another. This may have led to divergences and distortions in the internal market.

The consultation addresses issues such as the clarity and adequacy of legal terms used in the Directive; the need to modify exemptions; requirements for prior information; written confirmation; right of withdrawal; performance of distance contracts and other questions, including links to EU legislation on privacy and electronic communications. It will last until **November 2006**; a summary of responses will be published on the Commission’s website. In parallel, during the autumn the Commission will publish a Green Paper launching a broader consultation on aspects common to the 8 consumer Directives under review.

See also *MEMO/06/339 of 21 September 2006* at <http://europa.eu/rapid/>.

Internet

ENISA cutting up “1-year in Crete” birthday cake

<http://www.enisa.europa.eu>

ENISA, which gives expert advice and recommendations in Network and Information Security, celebrated its first birthday in Crete on 1 September 2005. Moreover, ENISA is coordinating its newest ad hoc Working Group, WG-RANIS. Its scope is to collect regulatory information related to Network Information Security and to consider appropriate regulatory principles of existing regulation. WG-RANIS will address EU regulations and legislation that have developed and which are within the scope of the technical and organisational measures associated with e-transactions in the Internal Market.

In addition, the European Commission published on 15 September its impact

assessment (*COM (2006)0251*) on the role of the public sector in network and information security, which outlines that it is necessary to put in place an efficient evaluation and monitoring system to measure progress of the security strategy and/or to decide whether a stronger legislative measure would be appropriate.

One way of helping Member States and other stakeholders coordinate their efforts and learn from each other would be a comparative benchmarking exercise, comparing a set of key indicators and revealing best practices across Member States. The proposed key indicators will be periodically collected, analysed and published.

Telecommunications

Universal service, users' rights relating to networks and services

The European Commission published on 11 September its impact assessment (*COM (2006)334*) on universal services. The analysis of impacts concentrates on six objectives which relate to a package comprising five directives.

As regards universal service, the options range from removing the provision of universal service completely, and relying instead on horizontal consumer protection legislation to protect users, or going in the opposite direction and expanding the scope of universal service and using it to meet social goals other than those for which it is currently designed. Closely associated with the question of the scope of universal service is the question of finance - should it be borne by the state or by the sector players?-

The Commission considers that a broad consultation is necessary and proposes to issue a **Green Paper on Universal Service in 2007** to allow for a wide ranging public debate on the issues. This could, in turn, lead to **further legislative proposals in 2008**.

In addition, the Commission's annual implementation reports on European e-communications regulation and markets will remain the main tool for monitoring and evaluating the implementation of the regulatory framework.

The report regarding the outcome of the review of the scope of Universal Service (*COM (2006)0163 and SEC (2006)0445 of 7 April 2006*) can be found at <http://eur-lex.europa.eu/>.

Trade Policy

Doha Development Agenda, nothing new has been put on the table by the EU http://ec.europa.eu/comm/trade/issues/newround/doha_da/index_en.htm

The Doha Round negotiations were suspended indefinitely by Director-General of the WTO at the end of July. However, the various players in the negotiations have not ceased their activities altogether: meetings have been held by the G20 and Cairns Group, giving rise to press statements; correspondence has been exchanged between Member States, the Commission and the US authorities.

Since July however nothing new has been put on the table by the EU in Rio. All issues concerning the negotiations are pending before the elections in the US but a possibility to launch again the discussions could appear by the beginning of 2007. However such renewal of the talks would also depend on the legislative majority at the House of Representatives. Any move out of the mandate granted to the Commission, which remains that defined by the Council in its conclusions of October 2005 and June 2006, would require in any case a decision from the Council.

In a resolution adopted on 7 September

(*P6_TA-PROV (2006)0350*), MEPs urge a strong commitment on the part of all major players to come to a balanced agreement on each of the Round's main negotiation topics, putting development at the heart of the conclusions and further evaluating the outcome to ensure that the DDA results in meaningful and sustainable economic gains, particularly for the developing countries.

Parliament stresses that the positive achievements of the negotiations must be preserved and offers made to date on various elements of the negotiating agenda should form the basis of the negotiations to implement the Doha mandate.

It calls on the Commission and the Council to establish an agreement to ensure full participation of the European Parliament in the EU's international trade negotiations.

Detailed information on current issues and world trade trends can be found at http://ec.europa.eu/trade/whatwedo/trade_analysis/index_en.htm, through studies and economic analyses.

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Information sources used include

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Council Press Office Newsroom,
http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=221&lang=en&mode=g
European Parliament, the Legislative Observatory,
<http://www.europarl.europa.eu/oeil/index.jsp?language=en>
RAPID - Press and Communication Service of the European Commission,
<http://europa.eu/rapid/setLanguage.do?language=en>
EUR-Lex, <http://europa.eu.int/eur-lex/lex/>. Since 1 November 2004, EUR-Lex incorporates the CELEX service and provides free access in 20 languages to EU law.
Europa, http://europa.eu/index_en.htm
PreLex, the database on inter-institutional procedures,
<http://ec.europa.eu/prelex/apcnet.cfm?CL=en>
Various mailing lists

Calls for Tenders are published in the S series of the OJ as well as in the Tenders Electronic Daily database TED, <http://ted.publications.eu.int/official/> (new dates for the Official Journal Supplement since January 2005). EBLIDA Hot News online provides links to calls and programmes!

Calls are in general published in the C series of the Official Journal (OJ) of the European Communities, which comprises information and notices issued by the institutions of the Union e.g. preparatory legislative documents and questions put by Members of Parliament to the Commission and Council.

The C series is available online via EUR-Lex. Please note that the C E edition of the Official Journal, which is only available online, now publishes the explanatory statement for all Commission proposals.

EBLIDA encourages dissemination of our information. However, we would ask that the source be acknowledged. Documents are available at the EBLIDA Secretariat.

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