

EBLIDA informiert

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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 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 SCOUNL.

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 develop-

ments 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 Council of Telecommunication Ministers adopted on 30 November the *Electronic Signature Directive*. The Council unanimously approved all the European Parliament's second reading amendments on the Directive, allowing the final adoption of this Directive in the form of the common position as amended by the Parliament. The Directive recognises that electronic signatures have the same legal value as hand-written signatures, under certain conditions. The Council common position of June can be found at:

<http://europa.eu.int/comm/dg15/en/media/sign/index.htm> (will be updated soon).

The Council also held an open debate on „The Information Society of the future: responding to the challenges of global electronic commerce.“ This has to be seen in context with the industry-led Global Business Dialogue (GBD). Last September in Paris, the GBD held its annual conference where it presented its first recommendations to governments and international organisations as regards future policy framework in the identified fields. Those were authentication and security, consumer confidence, content/commercial communications, information infrastructure (including interoperability and internet governance), intellectual property rights, jurisdiction, liability, protection of personal data, and tax and tariffs. Although in favour of self-regulation, Council agreed that self-regulation cannot be a substitute for regulation which is still needed, in particular in specific areas, for enhancing trust and security, as well as for the protection of consumers' interests.

For further info on Council: <http://ue.eu.int/> (in Newsroom) and on GBD: <http://www.gbd.org/>

Culture:

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 program-

me 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.

Education:

Leonardo da Vinci II Contact and Information days

The Commission plans to organise in Brussels on 27 and 28 January 2000 a major event on vocational training on the occasion of the operational launching of the second phase of the Leonardo da Vinci programme for the period 2000-2006.

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.

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 ser-

vices.“ 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 available at: <<http://www.coe.fr/cm/ta/rec/1999/99r14.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.

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 recommenda-

tions. 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 *Emanuela Giavarra*.

