

EBLIDA informiert

Data Protection:

Agreement on privacy laws

There was significant progress towards finding political agreement on the protection of personal data on the Internet, in time for the mutually declared deadline of end of March 2000. This follows the dialogue on 21 and 22 February between *John Mogg*, Commission Director General for the Internal Market and *David Aaron*, US Commerce Under Secretary. The talks were the latest after more than two years of negotiation, following the European Union directive (Directive 95/46/EC) allowing EU national authorities to suspend the transfer of data towards third countries whose level of protection for personal data is considered inadequate.

The dialogue between Brussels and Washington aimed at having the American provisions recognised by the EU as sufficient to meet the requirements of the European directive. While both sides characterised the agreement as a breakthrough in the issue of enforcement, key details, including how it would apply in cyberspace, remained unresolved.

Europeans are protected from the commercial gathering and selling of personal data without their informed consent, while the American approach gives preference to self-regulation: the American administration and the private sector set up a 'safe harbour' arrangement, which groups together companies that undertake to respect certain principles of personal data protection. This allows companies that agree to follow specific standards to be exempt from potential legal action or data cut-offs generated by the directives.

Mr Mogg believes that 'although sometimes less explicit or less horizontal than comparable EU legislation, US self-regulation could provide an adequate level of protection'.

Both sides stressed that there are still several steps to be taken before final agreement can be reached. The Commission must consult with member states and with the European Parliament (which cannot veto an agreement but must be consulted). Any deal approved by the US Secretary of State for Commerce must also be put to the National Council and through a process of public consultation.

**WIPO Copyright Treaty:
European Parliament approves**

On 14 February, with the adoption of the report by MEP *Cederschiöld* on the proposal for the approval of the WIPO Treaties, the European Parliament thereby gave its assent to the approval of both WIPO Treaties - WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty.

On 10 January 2000, the Committee on Legal Affairs and the Internal Market adopted the *Cederschiöld* report. Despite reservations about various provisions in the WIPO Treaties, which the committee felt were unclear and needed improving, the report felt that the Treaties represented significant progress in the protection of copyright and related rights. It particularly welcomed the fact that the Treaties took account, for the first time, of new technologies and the possibilities and risks associated with them (in particular the Internet) and sought appropriate solutions. It felt that the Community's ratification of the Treaties would provide an incentive for potential applicant countries to accede to the Treaties also, while the community's failure to accede to the Treaties would set a negative example for those countries. Despite shortcomings of the Treaties, therefore, the committee took the view that they represented an improvement by comparison with the current legal situation and that it was better to take a step in the right direction than to do nothing and merely wait on events.

**Copyright Directive:
Harmonising copyright and related rights**

EFPICC, European Fair Practices in Copyright Campaign, <<http://www.eblida.org/efpicc.htm>> supported by EBLIDA, met with a member of the Cabinet of Commissioner for Internal Market on 8 February to discuss the current situation regarding the Copyright Directive. EFPICC expressed their main concerns on the Directive, particularly the Commission's revised proposal on article 5.2.b concerning the issue of fair compensation. The Commission is working intensively with the Portuguese Presidency to reach a political agreement on the Directive in March.

One extra meeting of the Council Working Group was scheduled for 29 February/1 March after which the dossier will go to COREPER (Permanent Representatives Committee) at the end of March in order to reach a common position in May.

Culture:**Culture 2000 Programme adopted**

On 9 December 1999, the European Parliament and the Council reached agreement on the Culture 2000 programme during their conciliation meetings. The legal act was adopted at the European Parliament plenary session on Thursday 3 February. The Culture 2000 programme is for the 2000-2004 period and replaces the three existing European programmes for culture: Ariane, Kaleidoscope and Raphael. In the conciliation procedure on 9 December, the Council and the European Parliament agreed on a budget of 167 meuro over five years. This decision represents an increase of 30% in real terms over the three programmes it replaces. The decision was formally adopted within the Council on 24 January 2000. The Decision of the European Parliament and of the Council establishing the Culture 2000 programme is accessible at: http://europa.eu.int/comm/culture/program-2000%20informal_en.pdf.

Following approval of the programme, the Commission published on 22 February a pre-information notice of call for proposals. The Call for Proposals for the year 2000 will appear in the Official Journal of the European Communities in March.

Fifth Framework Programme:**Changes to Guide for Proposers**

The guide for proposers for the Fifth Framework Programme have been altered in response to user feedback. The changes, which were introduced in December 1999, have largely simplified procedures and ironed out areas of confusion. The guides are divided into two parts. The first contains general information common to all thematic programmes, as well as a section on programme-specific information. The second part is different for each programme, and contains a mixture of general, programme-specific and call-specific information necessary for submitting a specific proposal.

Once established, the new web-based guided tours will be available via each programme's web service on Cordis. The guide for proposers are available at: <http://www.cordis.lu/fp5/src/guideline.htm>.

IST Programme:**Workprogramme 2000 available**

The European Commission has published the final version of the IST Workprogramme 2000. Under this workprogramme, key action III: multimedia content and tools invites co-operation with the content industries (including

INFO2000, MLIS, Internet Action Plan and relevant follow-up programmes), audio-visual policy (including the MEDIA programmes), cultural initiatives (including CULTURE 2000), and education and training (including SOCRATES and LEONARDO). Three action lines have been planned for the digital heritage and cultural content area:

- III.1.4 Access to digital collections of cultural and scientific content, called by a fixed deadline. The call opened on 10 February and will close on 10 May, 17.00 hours;
- III.1.5 Trials on new access modes to cultural and scientific content. Call is scheduled to open in June;
- III.1.6 Virtual representations of cultural and scientific objects. Call is scheduled to open in June.

The full text of Workprogramme 2000 and the call for proposals can be found at: <http://www.cordis.lu/ist/calls/200001.htm>

In addition, a list of projects retained under the First Call for Proposals of the IST Programme is now available on the web at:

<http://www.cordis.lu/ist/projects.htm>

Socrates II:

Guidelines and application forms

Guidelines and application forms for applicants taking part in the Socrates programme are now available from the internet. The second phase of the programme covers the period 1 January 2000 to 31 December 2006. It will be implemented in two stages in order to preserve the continuity of the programme. In stage 1, covering the year 2000, most of the actions will run along similar action lines to Socrates I. Stage 2 will be implemented from 2001 when more substantial changes will have been introduced.

The guidelines for applicants 2000 should be read together with the guidelines for 1998. Both guidelines and application forms are available at:

<http://europa.eu.int/comm/education/socrates.html>

Fixed-Book Prices:

Agreement between Germany and Austria

On 17 January 2000, proposals were made by German and Austrian publishers and bookshops, which mainly consisted of replacing the present transnational system with two national systems. The Commission called for some amendments, thereof the two states have until 31 March to present to the

Commission their revised proposals and the deadline of 30 June 2000, at which the transnational system will disappear.

On 23 February, the German and Austrian publishers accepted the Commission's position as regards to the application of fixed book prices. *Mario Monti*, EU Competition Commissioner, and his predecessor *Mr Karel Van Miert*, in accordance with *Ms Viviane Reding*, EU Education Commissioner all welcomed this development as a solution to ensure that cross-border trade in the EU is not impeded by practices contrary to a free market economy.

Germany is moving towards a new system based on a contractual arrangement to be established between publishers and bookshops, while Austria plans the adoption of a law (to be voted by the parliament) similar to the 'Lange' law in France - a law of the Lange type would enable Austrians to determine the level of set prices with regard to publishers and also importers. In either case publishers from other member states will not be included in a national system of fixed book prices - the German agreement between the two professions enables the maintenance of set prices for German publications, but no longer for books imported from Austria. Furthermore, such prices cannot be imposed on direct cross-border sales of books to end consumers.

Dot EU:

Commission proposes new Internet Top Level Domain

On 2 February, the European Commission proposed, as part of the *eEurope* Initiative, the creation of a new internet top level domain for the European Union: **.EU**. The paper argues that the creation of this domain would strengthen the image and infrastructure of the internet in Europe, for the purposes of the European Institutions, private users and for commercial purposes including electronic commerce. The Commission launched a public consultation and will communicate the project to the European Parliament, Council and other organisations of the European Union. It should proceed with an exchange of views with ICANN (Internet Co-operation for Assigned Names and Numbers), which is responsible for managing the technical co-ordination of Internet infrastructures, especially the allocation of names and addresses.

This working paper raises particular problems, such as the nature of the organisation of the future register, the drawing up and implementation of registration measures and the dispute settlement policy. It also raises six key questions. All interested parties are invited to address their comments and suggestions in response to those questions and any other points to: *DG Information Society of the European Commission, E-Mail: INFSo-Dot-EU-*

Consult@cec.eu.int or fax: +32 2 295 3998. All replies will be published on the commission website, unless interested parties specifically request confidentiality.

After the consultation period of 6 weeks and depending on the results, the Commission will refer to the Council and Parliament, if it appears that a decision is needed.

E-commerce in Europe:

Surveys

The DG for Health and Consumer Protection of the European Commission provided financial support to „Stiftung-Warentest“ for their investigations into electronic commerce in Europe and to „Consumers International“ for a study on practical consumer experiences with electronic commerce.

The first survey, carried out with service suppliers based in Germany, provides an overview of the current market situation for consumers. It shows that, in spite of the many advantages of buying over the Internet such as convenience, 24-hour shopping and the ability to compare prices, there are also many obstacles, which explain the reserved attitude of German consumers and the relatively low demand. Information is provided on the range of goods and services available, effecting online transactions, procedures for returning goods, customs duties, risks associated with buying abroad and underlying security problems when transmitting confidential data. The survey aims at educating the consumer and at providing market transparency and it shows that there is still much to be done if the targeted growth is to be achieved. The final report is now available at:

http://www.europa.eu.int/comm/dg24/library/surveys/sur11_en.pdf

The second survey is an international comparative study of electronic commerce programme for developed economies and economies in transition. It gives the results of real-life experiences of shopping in the borderless world of the internet. The aim of the research was to find out how easy it is to shop, both at home and abroad, on the internet, and to identify good and bad practice, as well as potential problem areas. The shopping survey which forms the basis of this report was carried out in late 1998 and early 1999, involving consumer organisations in 11 countries. The results of this study show that regulators and retailers have much work still to do before the internet can offer a reliable environment in which consumers can shop with confidence. The final report is now available, and can be downloaded from this site or at: <http://www.consumersinternational.org/campaigns/index.html#electronic>

Information Society:***eEurope Initiative for the Lisbon European Council***

This Commission initiative for the special European Council of Lisbon on 23 and 24 March 2000 aims at accelerating Europe's potential on new technologies to drive growth and create jobs, since its progress into the digital age is relatively slow. Europe must overcome the handicaps that are impeding the rapid uptake of digital technologies. These handicaps include the lack of a sufficiently entrepreneurial, service-oriented culture, and an insufficiently proactive public sector. The initiative builds on the current policy framework, concentrating on priority actions, with specific targets and deadlines. Two of particular importance are:

- cheaper internet access. Access to the local loop is a pressing issue for new and alternative networks. This is addressed by the '1999 Communications Review' which aims at simplifying and improving the current framework and will lead to regulatory proposals in the spring of 2000. Plans to cut the cost of internet access and other telecoms services across Europe were due to be discussed in Brussels on 22 February. The Commission have set a target date of December 2000 for the provision of unbundled access to local loops. These are the circuits between a customer's premises and the telecom operator's local switching system. Permitting unbundled access would allow other operators to use the loops. The Commission believes this would open the market to competing services, thus reducing prices;
- accelerating electronic commerce. The need to strengthen consumer trust calls for the completion of the internal market for electronic commerce. Several directives are already in place, a directive on electronic signatures was adopted in November 1999, the remaining proposals on certain legal aspects have been tabled. By the end of 2000 the remaining electronic commerce-related directives should be fully in place. Meanwhile, the Commission has launched a public consultation on the creation of an '.EU' top-level domain name.

The eEurope initiative can be found at:

http://europa.eu.int/comm/information_society/eeurope/index_en.htm

Information Society:***European Internet Foundation launched***

Members of the European Parliament together with political groups have formed the „European Internet Foundation“, which was formally launched on 22 February, in Brussels. The Foundation aims to intensify the dialogue at Euro-

pean level on issues relating to the information society and is open to all members of the European Parliament and players in the information society world. It will pursue its mission through an on-going programme of live debates, briefings, and special projects and will address the topics of e-democracy, the new economy and social change - identifying emerging policy priorities and helping frame policy intentions.

***Intergovernmental Conference:
EP Culture Committee opinion***

The European Parliament Culture Committee appointed Mr *Andreasen* as draftsman at their meeting on 12 October 1999 for an opinion on the preparations for the next Intergovernmental Conference. The Committee considered the draft opinion and adopted the conclusions unanimously on 27 January 2000.

The EP Committee on Culture calls on the Committee on Constitutional Affairs, as committee responsible, to include in its report the following items:

- points out that a European information and communication policy based on the principles of pluralism, openness and diversity would enhance public awareness of European cooperation;
- calls for the future reform of the Treaties to include sufficient legal basis for the development of common policies on cultural matters, and for an increase in Community competencies with regard to education;
- calls for the introduction of qualified majority voting in those areas in which the conciliation procedure currently exists alongside unanimity in the Council, especially Article 151 on cultural policy;
- calls for the necessary basis to be provided for the creation of a European dimension of education with a view to enabling the European Community's objectives in this area to be fully achieved, particularly those laid down in Article 149 of the EC Treaty.

In its opinion of 31 January, Mr *Andreasen* notes that the Treaty of Amsterdam did not bring about the institutional reform needed if an enlarged EU is to operate appropriately and effectively. Therefore, in addition to the institutional reforms as the most important part of the intergovernmental conference, there will have to be negotiations on amendments and additions to those provisions of the Treaty falling within the sphere of the Committee on Culture, and those amendments must not entail any form of harmonisation of the member states' rules and administrative provisions.

***Internet Economy:
Recommendations presented in Strasbourg***

The summit of experts who met in Madrid on 11 January made specific recommendations in connection with the new emerging internet economy. MEP *Monica Ridruejo*, initiator of the European summit which took place in Madrid, presented these recommendations during a press conference in Strasbourg on 18 February. The recommendation cover five sectors: the promotion of innovation in enterprise on the part of the public administration, financing on the part of entrepreneurs, encouragement to talent in activities in the Internet network, taxation and regulatory aspects, and access to the global market.

These recommendations aim at increasing internet usage in Europe to catch up with the United States.

Quelle: EBLIDA Hot news, Februar 2000

