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Copyright Directive: harmonising copyright and related rights

On 16 March 2000, the *Internal Market Council* took note of the state of work on the proposed directive, which is now moving from working party level to the Permanent Representatives Committee. The Council confirmed its intention of making all possible efforts to find a common position on 25 May, in Brussels.

The objective of the proposal is to adapt existing legislation on '*Copyright and related rights in the information society*', given the possibilities offered by the new technologies of the 'digital age' and the Internet. This is to ensure that transmission of material protected by copyright from one EU country to another does not alter rights related to reproduction, communication to the public and distribution. This proposal will implement the main elements of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, both concluded in 1996. Its adoption is a pre-condition for the ratification of these treaties by both the Community and the member states.

WIPO Copyright Treaties: Awaiting Council common position

On 16 February, the European Parliament agreed on the Approval of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

On 16 March 2000, at the *Internal Market Council* meeting, the Council adopted the Decision concerning the approval of the WIPO Treaties. Both Treaties were adopted in Geneva on 20 December 1996 and have since been signed by each of the member states and also by the Community. They are intended to help ensure a balanced level of protection for works and other subject matter while allowing the public access to material available via networks.

As far as performances and phonograms are concerned, rightholders will be able to benefit from an exclusive right of reproduction, distribution, rental, and making available to the public (over networks) of their performances and phonograms. Moreover, performers and phonogram producers will also benefit from a right of remuneration for broadcasting and all other forms of communication to the public of phonograms published for commercial purposes. Just as in the Copyright Treaty, this Treaty sets out provisions on technological measures, on rights management systems and on the enforcement of rights.

Data Protection: provisional agreement reached

On 14 March 2000, the European Union and the United States reached a provisional agreement on a package of arrangements known as the 'safe harbor' to ensure 'adequate' privacy protection for electronic personal data. This enables American companies to continue to receive data from Europe if they sign up to the principle of 'safe harbor'. The new regulations will apply to companies conducting e-commerce. It does not cover the financial services sector, still under discussion. The 'safe harbor' constitutes a bridge between the mainly self-regulatory approach of the US and the EU's law-based regime.

One major issue that has been clarified is the way in which the principles of data protection will be enforced in the US, and in particular the accuracy and reliability of the list of companies adhering to the 'safe harbor', and the possible sanctions for non-compliance. Another problem previously unresolved was the way in which existing US laws could be integrated into the arrangement.

On the EU side, the 'safe harbor' principles would be met by a formal decision recognising the 'adequate protection' standard, as required by the EU Data Protection Directive (1998) for transfers of personal data to third countries (Article 25.6). Before adopting a formal decision to this effect, the agreement of a qualified majority of member states and consultation with data protection commissioners and the European Parliament is required. Once adopted, the decision will be binding on all member states and so constitute a strong guarantee against the interruption of data flows from the EU to 'safe harbor' participants in the US.

Approval procedures will take some time, but the Commission hopes to be able to submit a formal proposal at the end of June or July. The US has agreed to *guidelines to ensure American companies comply with EU rules* and says it will make the regulators subject to US law. Companies will be reviewed in mid-2001 to see if they've complied with privacy laws.

E-commerce Directive: Council common position adopted

On 28 February, the Council adopted its common position on the directive on e-commerce. The proposed directive seeks to ensure that the internal market principles of free movement of services and freedom of establishment also apply to Information Society services and that service providers can operate throughout the European Union beyond legal frontiers. It builds upon and completes a number of other initiatives (regulatory transparency mechanism, protection of personal data, legal protection of conditional access services, electronic signatures) that together will eliminate the remaining legal obstacles

to the online provision of services. This directive applies solely to providers operating from within the Union.

The common position incorporates most of the amendments adopted by Parliament at first reading and has maintained the balance of the amended proposal. However, the Commission and the Council have adopted a different position from that adopted by Parliament at first reading. The most significant changes concern the complete deletion of comitology in all relevant areas (procedures which govern relations between the Commission and the committees, based on models set out in a Council Decision - „comitology" Decision) and the treatment of electronic contracts. Principle changes made to the Commission proposal relate to:

- liability of intermediate providers. It emerges that the balance proposed by the Commission is the product of an arrangement between the two parties most concerned - beneficiaries and intermediate providers;
- consumer protection;
- the relationship of the draft Directive with international private law: the Council has considered it necessary to clarify the relationship of the draft Directive's provisions on home country control with provisions of international private law, in particular the existing Brussels and Rome Conventions;
- cybercrime and protection of minors;
- fixed book prices: e-commerce impacts on the book market in the same way that it does on the market for any other product which is saleable on the internet. The directive as such has no bearing, however, on the application of fixed book price schemes introduced in some member states via legislation or by arrangement between the parties concerned.

In order to facilitate rapid adoption of the Directive, which is a matter of urgency, the Commission has accepted these changes to its amended proposal. This common position was forwarded to the European Parliament for its second reading on 2 March.

Public sector information: COR opinion on the Green Paper

The opinion of the *Committee of the Regions* (COR) on the Commission's Green Paper on Public sector information in the information society, entitled '*Public sector information: a key resource for Europe*' was published on 29 February. The COR supports the right of European citizens to have access to the information that affects their daily lives.

The COR says that the Commission 'may wish to reflect on the most appropriate channels for providing information and to whom the information should

be addressed'. The need for protection and privacy of personal data is also noted in the opinion.

It proposes a number of pilot local and regional authorities across the member states be selected to report to the Commission on how principles of access could be translated into reality and on whether it would be possible to achieve greater commonality in information provision. For further information please refer to *Official Journal no C57 of 29 February 2000, p. 11*

INTERREG Initiative: European Parliament adopted report

On 15 February, with the adoption of the report by Mr *Decourrière* on the resolution recommending the approval of the new INTERREG initiative, that aims to promote regional cross-border co-operation, the European Parliament marked its agreement on the priority granted to Interreg III and on the financial allocation earmarked for it - Euro 4.875 billion for the period 2000-2006. However, the report stresses the need to concentrate on the remote regions and for closer co-operation with regions in Eastern Europe. Among the amendments that were adopted was one calling for particular attention to be paid to countries sharing a common border with the European Union.

The European Parliament calls on the Commission to co-ordinate better with INTERREG the various instruments used for co-operation projects in third countries, namely ISPA, MEDA, PHARE, SAPARD, TACIS and EDF. It calls on the Commission to forward its report on the measures for improving co-ordination between INTERREG and the various above-mentioned Community instruments before 1 June 2000 at the latest. In addition, the Parliament invites the Commission to examine the creation of a single common fund.

Education: Lisbon Summit on 'Employment, economic reform and social cohesion'

At the *Lisbon Special Summit* on 23 and 24 March, the European Council calls upon the member states, the Council and the Commission to take the necessary steps within their areas of competence to meet several targets, some of which are:

- schools and training centres, all linked to the Internet, should be developed into multi-purpose local learning centres accessible to all;
- learning partnerships should be established between schools, training centres, firms and research facilities for their mutual benefit;

- a European framework should define the new basic skills to be provided through lifelong learning: IT skills, foreign languages, technological culture, entrepreneurship and social skills;
- a European diploma for basic IT skills should be established in order to promote digital literacy throughout the Union;
- define, by the end of 2000, the means for fostering the mobility of students, teachers and training and research staff through making the best use of existing Community programmes (Socrates, Leonardo, Youth);

This new approach should have three main components: the development of local learning centres, the promotion of new basic skills, in particular in the information technologies, and increased transparency of qualifications.

The European Council asked the Education Council to undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities while respecting national diversity, with a view to contributing to the Luxembourg and Cardiff processes and presenting a broader report to the European Council in the Spring of 2001.

Education: new education programmes launched

The Leonardo da Vinci, Socrates II and Youth programmes were launched on 17 and 18 March in Lisbon. At the Conference, the ministers of education noted their consensus in asking the Council to introduce an 'education' dimension in the Luxembourg process, develop benchmarking instruments regarding lifelong learning and move towards eLearning in order to 'train trainers' in the new technologies.

The new generation of European programmes lays particular emphasis on lifelong learning and the use of new technologies. The programmes also reflect the aim of strengthening social cohesion. With a combined budget of 3.52 billion euros for 7 years (30% up on the previous period) the Socrates, Leonardo da Vinci and Youth programmes will enable two million Europeans - mostly young people - to acquire new skills and learn other languages.

Education: EP/Council of Europe on 'Media Education'

In December 1999, the *Parliamentary Assembly of the Council of Europe* initiated a motion for a recommendation on media education. After having set the guidelines for future work in a preliminary draft report, the Committee on Culture and Education of the Parliamentary Assembly decided to engage in a broad political dialogue on this issue and invited the Committee on Culture of

the European Parliament to organise jointly a hearing involving experts, media education professionals, NGOs and journalists. This hearing took place in Brussels on 23 March 2000.

The persisting problems in the traditional media and the new challenges posed by the information technologies require more specific action from which the 47 states participating in European cultural co-operation would benefit. This hearing served as a basis for the completion of the report that the Committee on Culture will present to the Parliamentary Assembly of the Council of Europe. The recommendations that will be addressed to the Committee of Ministers to a great extent will foreshadow the intergovernmental work in the years to come. The European Union will be one of the main partners in this work.

Among these recommendations could be:

- to encourage the elaboration and development of media literacy programmes for children, adolescents and adults;
- to promote the elaboration and development of teacher training programmes in the field of media education;
- to examine existing practices in media education;
- to involve in an active dialogue on these issues educational bodies, parent organisations, media professionals, internet service providers, NGOs, etc.

Netd@ys Europe 2000: new media in education and culture

Netd@ys Europe is an initiative of the European Commission to promote the use of new media in education and culture. Its main objective is to become familiar with the possibilities of using new media as a resource for learning and teaching by spreading and exchanging experiences on knowledge and discovery.

Netd@ys Europe was launched for the first time in 1997 within the framework of the European Commission Action Plan "Learning in the Information Society" (1996-1998). An effort has been made to achieve better co-ordination, in particular at the national level, between the thousands of projects and events which are organised locally and regionally. Originally focused mainly on schools, Netd@ys Europe has gradually been extended to include other types of organisations, such as vocational training centres, youth clubs, museums, cinemas, opera houses, libraries and companies. The informal and cultural aspects of education are now taken fully into account.

The 2000 initiative will be organised in a limited number of theme categories: citizenship, European cultural diversity and identity, equality of opportunities

and education and training for improving digital literacy. More information can be found at <<http://europa.eu.int/comm/education/netdays/index.html>>.

Information Society: eEurope Initiative progress report

The Commission's *eEurope initiative* was welcomed by the EU leaders last December, who then invited the Commission to prepare an action plan for their endorsement by June 2000 and to provide a progress report for the European Council in Lisbon. The Commission adopted the progress report on the eEurope Initiative on 9 March, in response to this request.

The report addresses progress since the *eEurope initiative* was launched. It provides details on current and planned initiatives which contribute towards achieving the targets in eEurope and sets out further actions required. It elaborates the ten actions of the Communication and makes recommendations endorsed by the Conclusions of the European Council.

The Commission has received input from various interest groups: industry, academics, non-governmental organisations (NGOs), national, regional and local governments and individuals.

On 31 March, the European Commission launched an interactive website on its eEurope Initiative <http://europa.eu.int/comm/information_society/eeurope/index_en.htm>.

The purpose is to show how the initiative is being pursued following the Lisbon Summit on 23-24 March 2000. This is part of the Commission's commitment to tracking progress towards the targets of eEurope and to prompt a public debate on the initiative. The eEurope home page aims at becoming a new entry point into the Commission's policy and actions in the field of Information Society.

Information Society: eLearning Initiative

On 9 March, the Commission launched the *eLearning Initiative* to implement and supplement the *eEurope initiative* in education and training. One of the objectives of the *eEurope initiative* is to make digital literacy one of the basic skills of every young European.

eLearning is intended to implement the education/training part of *eEurope*. This initiative contains four elements: to equip schools with multimedia computers, to train European teachers in digital technologies, to develop European educational services and software and to speed up the networking of schools and teachers. Most of the resources to be mobilised will be national, but they should be backed by European Structural Fund assistance in the eli-

gible regions, mobilisation of the Community programmes to promote digitalisation and development of partnerships between public authorities and industry.

eLearning sets the following objectives, within *eEurope*:

- for end-2001, all schools to have access to the Internet and multimedia resources;
- for end-2002, all teachers to be equipped and skilled in the use of the Internet and multimedia resources; and all pupils to have rapid access to the Internet and multimedia resources in their classrooms;
- for end-2003, all pupils to be digitally literate by the time they leave school.

Commissioner *Viviane Reding* will be presenting the details of the *eLearning* project to the Council meeting of Education Ministers on 8 June.

An Information Society for All - Lisbon Summit on 'Employment, economic reform and social cohesion'

In preparing the transition to a competitive, dynamic and knowledge-based economy, the Council and the Commission are invited to draw up an *eEurope Action Plan* to be presented to the European Council in June this year, using an open method of co-ordination based on the benchmarking of national initiatives, combined with the Commission's recent *eEurope* initiative as well as its communication „Strategies for jobs in the Information Society“.

Furthermore, the European Council calls in particular on:

- the Council along with the European Parliament to adopt as rapidly as possible during 2000 pending legislation on the legal framework for electronic commerce, on copyright and related rights;
- the Council and the European Parliament to conclude as early as possible in 2001 work on the legislative proposals announced by the Commission following its 1999 review of the telecommunications regulatory framework;
- the Member States, together with the Commission, to work towards introducing greater competition in local access networks before the end of 2000 and unbundling the local loop in order to help bring about a substantial reduction in the costs of using the Internet;
- the Member States to ensure that all schools in the Union have access to the Internet and multimedia resources by the end of 2001;
- the Community and member states to make available low cost interconnected networks for internet access. Specific targets should be defined in the *eEurope Action Plan*.

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