



July-August 2005

# EBLIDA Hot News

The EBLIDA newsletter on EU library & information society issues

## Copyright and Intellectual Property Rights

### Highlights:

- § Study on a Community initiative on collective management of copyright, p.1
- § EBLIDA submits response to the EC Study on Collective Management, p. 2
- § Consultation on BUMA and SABAM commitments for the licensing of online music, p. 5

### Study on a Community initiative on collective management of copyright

The European Commission published on 7 July an in-depth study on how copyright for musical works is licensed for use on the Internet. The study examines the present structures for cross-border collective management of copyright for the provision of online music services (including those provided on the Internet e.g. simulcasting, web casting, streaming, downloading or an online “on-demand” service and also provided to mobile telephones) and proposes a series of principles that Member States would have to pursue to develop new structures for cross-border collective management of copyright.

The main obstacle to the growth of legitimate online content services in the EU is the difficulty securing attractive content for online exploitation. The present structures for cross-border collective management of music copyright - which were developed for the analogue environment - prevent music from fulfilling its unique potential as a driver for online content services.

The study concludes that the most effective model for achieving these new structures is to enable right holders to authorise a collecting society of their choice to manage their works across the entire EU. This would create a powerful incentive for these societies to provide optimal services to all their right holders, irrespective of their location - thereby enhancing cross-border royalty payments.

Consultation with interested third parties will take place during July and August; then the Commission will submit a proposal - probably in October, based on the results. The study is available at [http://europa.eu.int/comm/internal\\_market/copyright/docs/management/study\\_collectivemgmt\\_en.pdf](http://europa.eu.int/comm/internal_market/copyright/docs/management/study_collectivemgmt_en.pdf). See also Frequently Asked Questions (*MEMO/05/241 of 7 July 2005*) at <http://europa.eu.int/rapid/> and a special feature, Single Market News “Copyright at the Crossroads?” at [http://europa.eu.int/comm/internal\\_market/smn/smn37/docs/special-feature\\_en.pdf](http://europa.eu.int/comm/internal_market/smn/smn37/docs/special-feature_en.pdf).

## Education

### Lifelong Learning, new proposal on a European Qualifications Framework

An Informal meeting of Education Ministers from the EU, EEA, candidate and accession countries was held in London on 12 and 13 July, aimed at looking at the impact of education and skills on the Lisbon agenda, with a particular focus on: the relationship of skills to productivity; sector skills development; and tackling skills gaps through easing mobility, including improved understanding of qualifications and through a forthcoming Commission proposal for a European Qualifications Framework (EQF)

[Commission Staff Working Document *SEC (2005)0957 of 8 July 2005* entitled “Towards a European Qualifications Framework for Lifelong Learning”.

Day 1 was devoted to a roundtable discussion on sector skills and approaches for employer engagement in Vocational Educational Training, followed by a session on the Commission's proposal for a European Qualifications Framework.

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## Lobbying for archives and libraries

### EBLIDA submits response to the EC Study on Collective Management

[http://europa.eu.int/comm/internal\\_market/copyright/docs/management/study-collectivemgmt\\_en.pdf](http://europa.eu.int/comm/internal_market/copyright/docs/management/study-collectivemgmt_en.pdf)

Following submission of an EBLIDA Position in the EC consultation on collective management (2004), EBLIDA has right away reacted to the EC invitation to submit further comments on its *Study on a Community initiative on the cross-border collective management of copyright* (7 July 2005) by issuing an EBLIDA Response, sent on 27 July, which content is summarised below. The full text of the EBLIDA Response can be found at: <http://www.eblida.org/position/index.htm>.

EBLIDA wishes to draw the Commission's attention to two facts causing concern to libraries:

First, though we know of reciprocal agreements between territorial collecting societies, libraries often pay licence fees without any knowledge of how much their fees contribute to the income of collecting societies in other Member States, nor the purposes to which that money is put. In the light of the statutory apparatus supporting the existence of collecting societies, we believe that higher standards of transparency are called for.

Second, the Special Feature *Copyright at the crossroads* ([europa.eu.int/comm/internal\\_market/smn/smn37/docs/special-feature\\_en.pdf](http://europa.eu.int/comm/internal_market/smn/smn37/docs/special-feature_en.pdf)) rightly calls attention to the 'plethora of collecting societies'. To a consumer keen to comply with copyright law, the multiplicity of collecting societies is bewildering and unhelpful. Though collecting societies purport to offer a 'one-stop shop' for copyright clearance, *Copyright at the crossroads* points out that the UK, for example, offers around twenty one-stop shops, all licensing a different *repertoire* of rights. We do not know of any EU country having a 'one-stop shop'. It is an inappropriate term when there are so many of them.

We have considered the Commission's proposal to give right-holders the choice of authorising one single collecting society to license and monitor all the different uses made of their works across the entire EU. This would have some advantage in its incentive to collecting societies to be efficient. However we do not see that the proposal would make for greater

transparency in the fee structure for consumers e.g. libraries. Nor would it necessarily reduce the number of collecting societies facing the consumer, since right-holders would be free to conclude contractual agreements directly with a society of their choice. Thus a UK library seeking copyright clearance might well be faced not only with the existing twenty collecting societies but also, in respect of certain right-holders, other collecting societies based anywhere in the EU. For the consumers such a situation could even be worse.

We applaud the efforts of the copyright and knowledge-based Economy Unit to improve the efficiency of collecting societies, and we believe that policy development towards improved protection and management of copyright should be matched by policies encouraging ease of copyright clearance. It even seems to us that 'public indifference or even hostility' (*Special Feature, column 4*) towards copyright is closely linked to the difficulties faced by honest consumers seeking clearance for small uses of works. Until consumers see improvements in the legitimate avenues to the use of copyright material, much of it will remain under-exploited. Sub-optimal use of creative work, when technology offers exciting new possibilities for it, is not in the interests of the Information Society (IS). Since its development depends not only on adequate protection of copyright works, but also on the encouragement of their legitimate use, we believe that the problems to be addressed are sufficient to justify policy interventions which go further than your proposals in order to embrace consumer use licensed by collecting societies. We take issue, in particular, with the conclusion on p.37 of the *Study on collective management* that 'rules of good governance would now be achieved [through option 3] by the CRM themselves without regulatory intervention'. This conclusion is based on an assessment of the bi-partite relationship between rights holders and collecting societies, disregarding the societies' contractual relations with consumers and their crucial role in the dissemination and use (or non-dissemination and non-use) of creative works. Such a view is in our opinion too narrow.

## Audiovisual

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### Results of consultations on EU rules for audiovisual content now available

The Commission made public on 12 July the preliminary conclusions drawn from the consultations on the future EU rules for audiovisual content (part of the i2010 initiative,

[http://europa.eu.int/information\\_society/eeurope/i2010/index\\_en.htm](http://europa.eu.int/information_society/eeurope/i2010/index_en.htm)). The objective is to provide a pro-competitive and flexible framework for audiovisual content services in Europe. These new rules would cover audiovisual content services, whether linear or non-linear, whatever the delivery platform e.g. broadcast, high-speed broadband, and third generation mobiles.

In addition, the Commission has made available five Issues Papers ([http://europa.eu.int/comm/avpolicy/revisi-on-tvwf2005/consult\\_en.htm](http://europa.eu.int/comm/avpolicy/revisi-on-tvwf2005/consult_en.htm)) with policy options for the future legislative framework for audiovisual content services focusing on the scope and jurisdictional matters; commercial communications; protection of

minors and human dignity, right of reply; cultural diversity and the right to information and short extracts. These Issues Papers are now subject to public consultation and will be discussed in a major conference, co-organised with the UK Presidency in Liverpool from 20 -22 September 2005, which will also discuss media pluralism. Interested parties should send their comments to [avpolicy@cec.eu.int](mailto:avpolicy@cec.eu.int) by 5 September. Following this final round, the Commission will present a proposal for the new EU rules at the end of 2005, which will replace the 1989 TVwF Directive.

Moreover, the Networked and Electronic Media (NEM) Initiative (<http://www.nem-initiative.org/>), successfully launched on 29 June, will represent the convergence of existing and new technologies, including broadband, mobile and new media, across several ICT sectors to improve the quality, enjoyment and value of life.

### Increase in applications for EU funding for European cinema

Applications from the new EU Member States for MEDIA funding have increased substantially over the past years and in some cases even tripled. This was highlighted on 1 July at the opening of the Karlovy Vary Film Festival 2005, which is a barometer for the development of cinema in the enlarged Union. This year, 8 films supported by the MEDIA programme are either in competition or the Variety Critic's Choice. MEDIA was extended to the new Member

States already prior to accession to ensure their active participation in this programme.

Further information can be found at [http://europa.eu.int/comm/avpolicy/media/index\\_en.html](http://europa.eu.int/comm/avpolicy/media/index_en.html). In addition, you can visit <http://www.cineuropa.org/>, an online portal devoted to European cinema, co-financed by the MEDIA programme and now accessible in English, French, Italian and Spanish.

## Consumer Protection

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### Transmission of documents in civil/commercial matters among EU-25

The European Commission adopted on 7 July a proposal for a Regulation (*COM (2005)0305 of 11 July 2005*) amending Council Regulation EC/1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. It aims at further improving and expediting the transmission and service of judicial and extrajudicial documents in civil/commercial matters for service between the Member

States, to simplify the application of certain provisions of the Regulation and to improve legal certainty for the applicant and for the addressee.

The proposed Regulation has been transferred to Parliament and Council for adoption under the co decision procedure (see <http://www2.europarl.eu.int/oeil/file.jsp?id=5263622>).

## Consumer Protection

### Co Decision Procedure First Reading

#### Rome II, Law applicable to non-contractual obligations

The European Parliament adopted on 6 July a resolution drafted by MEP WALLIS (*A6-0211/2005 of 27 June 2005*) and made some amendments to the Commission's proposal (*COM (2003)0427 of 22 July 2003*), which are intended to simplify the original proposal.

The Rapporteur suggests that the best approach is first to consider whether the parties have agreed on what the applicable law should be (Article 2a). She has made it possible for such agreements to be made in respect of disputes relating to **Intellectual Property Rights** for it warrants being debated. Otherwise the courts should apply either the rules set out in Article 3 or the successive rules for specific non-contractual obligations.

As regards **violations of privacy and rights** relating to the personality, the Rapporteur believes that the *lex loci delicti commissi* should apply in principle, but that the court should be able to consider that a closer connection

exists with the country of publication or broadcasting having regard to sales per Member State, audience figures and so on.

In line with the **Brussels I** Regulation, the court may also take account of the audience to which the publication/broadcast is mainly directed. Given that Internet publications are also covered, it will be possible to avoid a situation in which different rules apply to the same publication, depending on whether it is made off- or on-line. In order to take account of concerns expressed by publishers and broadcasters, the Rapporteur has also offered an alternative version of the provisions in question to allow full debate to take place in committee. The Commission proposed the law of the country where the damage occurs to apply unless this breaches the fundamental principles of freedom of expression and information.

The proposed regulation is now awaiting first reading by Council.

#### Transparency vs. Data Protection

Peter HUSTINX, the European Data Protection Supervisor (EDPS), has issued a paper providing guidelines for dealing with requests for access to public documents containing personal data. The guidelines highlight the background and importance of transparency and data protection, both essential elements of democratic life in the EU.

Examples from the EU institutions help to make the topic more concrete. A checklist for officials dealing with the possible tension between both rights completes the paper, which is the first in an EDPS-series of background papers.

A full version of the background paper and a summary can be found at <http://www.edps.eu.int>.

## Copyright and Intellectual Property Rights

#### Infringement proceedings for non-implementation of 2001 Copyright Directive

The Commission has taken action against four Member States to ensure that they implement the 2001 Copyright Directive, which Member States had to do before 22 December 2002. The Commission has sent (*Article 228 of the EC Treaty*) **France** and **Finland** further "reasoned opinions" requesting them to comply without delay with the previous judgments of the European Court of Justice. If they do not comply, the Commission can ultimately ask the Court to impose fines. In addition, the

Commission has sent the **Czech Republic** a letter of formal notice - the first stage of infringement proceedings (*Article 226 of the EC Treaty*) - requesting full information on its implementation and an informal letter to **Spain** asking it about how it intends to comply with a previous judgment of the European Court on its non-implementation.

Further information can be found at [http://europa.eu.int/comm/internal\\_market/copyright/infringements/infringements\\_en.htm](http://europa.eu.int/comm/internal_market/copyright/infringements/infringements_en.htm).

## Copyright and Intellectual Property Rights

### Criminal measures aimed at ensuring the enforcement of rights

(COM (2005)0276 of 12 July 2005)

The European Commission has adopted proposals for a directive (*co decision procedure*) and for a framework decision (*consultation procedure*) aimed at introducing measures to ensure the enforcement of intellectual property rights (IPR). The latter is required to supplement existing provisions as regards matters which fall under Title VI of the TEU.

These measures intend to align national criminal law as well as improving European cooperation so as to deal effectively with counterfeiting and piracy activities. They

apply to all types of IPR infringements - all intentional IPR infringements on a commercial scale, and attempting, aiding or abetting and inciting such infringements are treated as criminal offences under the proposed directive. The proposed framework decision sets a threshold for criminal penalties applicable to the perpetrators of these offences; it allows Member States however to apply tougher penalties.

Further information can be found at <http://www2.europarl.eu.int/oeil/file.jsp?id=5263692>.

### European Parliament rejects the software patent directive

On 6 July, the European Parliament rejected, by 648 votes to 14 with 18 abstentions, the so-called software patent directive (*ROCARD report, A6-0207/2005*), putting an end to a heated three year debate between supporters of more harmonised EU legal protection for computer-implemented inventions (CII) and those who say the current copyright regime sufficiently protects innovative European high-tech companies.

A split in opinion over its text led Parliament to reject the common position, citing that it was not "mature for adoption"; there will not be therefore any EU legislation on the computer-implemented invention.

According to the co decision procedure, the 'no' vote means the end of the legislative procedure and the fall of the directive. Attention moves now to the proposed

directive for a Community patent, currently in discussion in the Council, mentioned by a number of MEPs as the appropriate legislative instrument to address the issue of software patentability.

The common position, if approved, would have given software patent owners harmonised EU-wide protection for their inventions, with unified standards across the EU-25. This outcome was advocated by big software firms, which argued that patents would encourage research spending and defend European inventions from US competition. On the contrary, the directive was criticised by supporters of "open source" software, mainly smaller companies, who claimed copyright law already adequately protects their inventions and were afraid that patenting would just raise legal costs.

### Consultation on BUMA and SABAM commitments for the licensing of online music

The European Commission has opened a public consultation on commitments submitted by BUMA and SABAM, the Dutch and Belgian collecting societies that manage music copyrights for authors. These companies have proposed commitments aimed at ending the restrictions, as far as these two collecting societies are concerned, in the cross-licensing arrangements for online music that they have between themselves and with other societies. The

Commission issued a *Statement of Objections in 29 April 2004* raising concerns that these restrictions unjustifiably transposed into the Internet world the national monopolies that the societies have traditionally held in the offline world. The Commission sees modernising the licensing of music for online services as highly important and it will now consult third parties on the proposed commitments.

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Copyrights ensure that writers, composers, performers or record producers get a share of the money earned from the commercial use of their works. Right-holders are not able to individually monitor all use made of their works, thus entrusting this task to collecting societies that provide e.g. the grant of licences to users; enforcement of rights; collection of royalties; distribution of royalties to right-holders.

The Commission strongly supports the "one-stop shop" EEA-wide copyright licensing for legitimate online Internet music services and which include the music repertoires of all societies as foreseen in the so-called **Santiago Agreement**. It fully acknowledges the need to ensure adequate copyright protection and enforcement against piracy. However, it considers that the restrictions created by the "economic residency clause", which implies that users can only obtain EEA-wide licences for the online use of music from their national collecting society, may infringe *Article 81 of the EC Treaty*, as the territorial exclusivity afforded to each of the participating

collecting societies is not justified by technical reasons and is irreconcilable with the reach of the Internet.

BUMA and SABAM commit not to be party to any agreement containing an "economic residency clause". The commitments are published in the OJ 2005/C 200/05 of 17 August 2005, p. 11 ([http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/c\\_200/c\\_20020050817en00110012.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/c_200/c_20020050817en00110012.pdf)), so that interested third parties may submit observations prior to the Commission making, by decision, the commitments binding on these two collecting societies.

The Commission is continuing the formal proceedings as regards the other collecting societies that received the statement of objections with a view to adopt a formal negative decision. However, it will examine carefully any proposal on commitments that other collecting societies may submit to lift the restrictions, so that the procedure in respect of them could likewise be terminated with a commitments decision.

## Culture

### Inventory of the best practices linking culture with education

[http://europa.eu.int/comm/culture/eac/sources/info/studies/studies\\_en.html](http://europa.eu.int/comm/culture/eac/sources/info/studies/studies_en.html)

*EAC/59/03 (under way)*

For the first time, a specific action is proposed to promote links and synergies between culture and formal, non-formal and informal education. Consequently, we wish to commission a study to produce an inventory of the best practices linking culture with education in the Member States, the 12 candidate countries and the EEA countries.

The inventory will be used to produce a review of these various activities, in the form of a summary report. The purpose of this study will be to prepare future joint actions between now and 2007.

Prior information concerning this study was published on 1 August 2003 in the S series of the OJ of the EC (*2003/S 146-132297*).

### Cultural support schemes in Poland, Hungary and Denmark

On 20 July, the Commission authorised (state aid) schemes aimed at preserving national heritage in **Poland** and **Hungary** as well as a scheme in **Denmark** allowing tax deductions for donations to cultural institutions.

In all three cases, the Commission has taken a positive view as the schemes focus on non-commercial cultural activities and avoid distortions of competition as much as

possible.

The Danish scheme allows donors to deduct their donations from their taxable income, thus strengthening business' participation in cultural life. In Poland and Hungary, subsidies are made available to fund renovation and conservation works necessary for the preservation of buildings classified as national monuments.

## Education

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### Lifelong Learning, new proposal on a European Qualifications Framework

...continues from Page 1

Day 2 began with a panel discussion on skills and productivity, also involving the Secretaries General of UNICE (<http://www.unice.org/>), ETUC (<http://www.etuc.org/>), and a representative from a UK Sector Skills Council and ended with Ministerial discussion groups to consider next steps and possible areas for cooperation.

As regards the **European Qualifications Framework (EQF)**, a Europe-wide consultation will be open until December 2005 and then, the Commission will assess the results and submit a recommendation to the Council in the first half of 2006.

The new system would have eight levels; part of this framework would establish a mutual recognition system for the educational content of qualifications.

The European Training Foundation (<http://www.etf.eu.int/>) will support consultation in the candidate countries during the autumn, also in coordination with Cedefop (<http://cedefop.eu.int/>), which will hold a discussion group with representatives from the member states.

The British Presidency will be working closely together with the Austrian and Finnish Presidencies in this respect.

### Lifelong learning integrated action programme

<http://www2.europarl.eu.int/ocil/file.jsp?id=5190202>

*COM (2004)0474 of 14 July 2004*

In her draft report, MEP PACK sees no need for radical changes to the structure of the proposal; in addition to amendments addressing the concerns of specific groups of potential participants in the programme, and those of an essentially technical character, her amendments concentrate on four areas: Erasmus mobility grants; pupil and teacher mobility under COMENIUS; the multi annual budget and its distribution between the different sub-programmes; and administrative simplification.

ERASMUS mobility grants have remained at an average of about € 150 per month since 1993; the Rapporteur proposes that the average monthly grant gradually be increased from € 230 in 2007 to € 350 by the end of the programme.

The COMENIUS sub-programme: the Rapporteur proposes that the mobility target for upper secondary pupils be increased by 50% as well as a new COMENIUS-Regio action, consisting of a series of visits, organised through the National Agencies in each Member State, bringing together

teachers from a limited number of countries around a specific theme of common interest connected with regional cooperation across borders.

The multi-annual budget and its breakdown: the Rapporteur proposes to increase the programme budget to € 14 600m and to reduce somewhat the share of the budget which will be devoted to LEONARDO. Part of increase of € 980m above the multi-annual budget proposed by the Commission has been agreed by Parliament in its position on the next Financial Perspective (€ 755m in current prices); part represents a small further increase from the margin which will remain in Heading 1A of the Financial Perspective (€ 225m in current prices).

The Rapporteur believes that the guiding principle for awarding and paying grants should be proportionality. She has tabled four amendments to Part B of the Annex seeking to further simplify the administration of grants.

The draft report is scheduled for adoption in the CULT committee on 12 September and will be voted at plenary on 24 October.

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*Co Decision Procedure  
First Reading*



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*Co Decision Procedure  
First Reading*

### European Register of Quality Assurance and Accreditation Agencies

<http://www2.europarl.eu.int/ocil/file.jsp?id=5207052>

In its proposed Recommendation (COM (2004)0642 of 12 October 2004), the Commission aims at improving European cooperation in quality assurance (QA) in higher education which would facilitate the recognition of qualifications and promote student mobility.

In his draft report, MEP NOVAK stresses that QA systems must be adopted voluntarily by all those concerned, thus the common system should be developed by both the agencies and representatives of the higher education community.

The Rapporteur highlights that it is important to distinguish between the two processes of licensing - the power to award academic degrees and assessment/accreditation procedures - introduced to enhance transparency for the public and raise trust in the higher education establishments.

The draft report is scheduled for adoption in the CULT committee on 30 August and will be voted at plenary on 12 October; Council political agreement on its common position is scheduled for 14 November.

### Erasmus Mundus, 1000 third-country graduates and academics in the EU

[http://europa.eu.int/comm/education/programmes/mundus/index\\_en.html](http://europa.eu.int/comm/education/programmes/mundus/index_en.html)

The Commission has selected 803 third-country students and 133 third-country scholars to receive Erasmus Mundus scholarships for the next academic year (2005-2006). Nearly € 30 million will be used to fund them.

They will study in Europe for 1-2 years to obtain a European masters' degree from one of the 35 Erasmus Mundus masters courses; they will follow their courses in at least two universities in two different countries. The scholars will instead spend an average of 3

months in Europe working for one of the Erasmus Mundus masters courses. 455 were selected in the framework of Erasmus Mundus; the remaining 353 fall within the country-specific "Asian Windows". As for the scholars, 112 were selected under the general programme and 21 under the "China Window".

Students come from 84 different countries, with Brazil (35) ranking in the first place; those selected under the Asian windows come mainly from India (133).

### EU grants € 86 million to boost innovation in vocational training

The Commission has selected 295 projects from 31 countries to receive grants under the **Leonardo da Vinci** programme; € 86m have been awarded to co-finance the selected projects.

In 2005, 3 015 projects have been selected across Europe; almost 70 000 people (an average of 23 trainees per project) will complete vocational training placements in another European country.

Leonardo da Vinci projects are selected on the basis of calls for proposals; the deadline for the Call for Pre-proposals for 2006 selection is 30 September 2005. The 2006 selection round will be the last in its current phase. Contacts and general information can be found at

[http://europa.eu.int/comm/education/programmes/leonardo/new/leonardo2\\_en.html](http://europa.eu.int/comm/education/programmes/leonardo/new/leonardo2_en.html).

### TEMPUS, Commission gives green light to 108 projects

[http://europa.eu.int/comm/education/programmes/tempus/index\\_en.html](http://europa.eu.int/comm/education/programmes/tempus/index_en.html)

The Commission has selected 108 university cooperation projects under the TEMPUS programme to start on 1 September 2005 (€ 44 million). Each project lasts for a period of 2-3 years and involves a minimum of 3 universities in the EU and its neighbouring countries.

The projects will be the EU's contribution to the modernisation of the higher education systems of the partner countries. For further information on the selected projects, and the TEMPUS programme in general, visit <http://www.etf.eu.int/tempus.nsf>.

## Education

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### Admission to Austrian universities is contrary to Community Law

<http://curia.eu.int/en/actu/communiques/cp05/aff/cp050064en.pdf>

*(Case C-147/03 of Court of Justice)*

The Austrian legislation on university studies (Universitäts-Studiengesetz) provides that students who have obtained their secondary education diploma in a Member State other than Austria and who wish to pursue their higher or university studies in Austria must not only produce that diploma, but also prove that they fulfil the conditions of access to the chosen course of study in the State in which they obtained their diploma, such as, in particular, success in an entrance examination or obtaining a sufficient grade to be included in the numerous clauses.

On 7 July, the EC Court of Justice ruled that Article 36 of the Austrian University Studies Law led to discrimination against EU/EEA citizens because, in addition to the general requirements for admission to courses at universities or other higher education

institutions, students from outside Austria also have to fulfil special conditions for the desired course if there are restrictions on admission in the country of origin. The Court found this provision to constitute a violation of European law and ruled that it must be repealed by proclamation.

One consequence of this judgment is a dramatic increase in the number of non-Austrian students, particularly from Germany, especially at Austria's universities of medicine.

MEP Berger will ask the Commission in October how it will help Austria find a formulation relating to admission to university which complies with the Treaty, on the one hand guaranteeing open access to the higher education system while on the other hand protecting the system against disproportionate number of applications.

## EU Information Policy

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### New Commission Action Plan to improve communicating Europe

On 20 July, the Commission approved an **Action Plan** on Communicating Europe, which offers a working method to achieve more focused and efficient use of resources. The 50 actions set out in the Action Plan - to be implemented on an ongoing basis, each year, and funded as part of the multi annual financial programming - aim at improving the Commission's capacity and skills to communicate European policies; a timeline of the actions is attached.

A feasibility study will be launched in 2007 to assess the viability of progressively streamline contact centres and **Information Relays (Action 42)**. Moreover, an assessment of communication impact of the Information Relays activities will be carried out in 2009.

The new approach "**Listen, Communicate, Go local**" will be achieved in two phases; a **White Paper** setting out the policy vision and the initiatives to be undertaken in the medium and long-term in cooperation with other institutions and actors will follow in autumn.

The press release, a Memorandum, the Action plan, its Annex and the legislative financial statement can be found at [http://europa.eu.int/comm/dgs/press\\_communication/index\\_en.htm](http://europa.eu.int/comm/dgs/press_communication/index_en.htm).

In addition, the European Economic and Social Committee (EESC) will hold a major stakeholders' forum on Communicating Europe in the autumn.

## EU Research and Development

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### Admission of third-country nationals to carry out scientific research in the EU

*COM (2004)0178 of 16 March 2004*

The Council adopted on 18 July a Recommendation to facilitate the issue by Member States of uniform short-stay visas for researchers from third countries, which is aimed at consolidating European research policies.

It covers only the area of uniform visas issued for a total period of no more than three months and calls on Member States to adopt measures facilitating the entry and movement of researchers who are nationals of third countries subject to a visa

requirement under Regulation no 539/2001.

The Recommendation will be completed by two other texts: a Directive establishing procedure for admitting third-country nationals for purposes of scientific research and a Recommendation to facilitate the admission of third-country nationals to carry out scientific research in the EU.

The European Parliament adopted on 12 April a resolution drafted by MEP PEILLON (*A6-0054/2005 of 1 April 2005*) broadly approving the proposal with a few amendments.

### Scientific Council of the European Research Council announced

The European Commission announced on 18 July the names of the 22 eminent men and women who will be the founding members of the Scientific Council of the European Research Council (ERC), a funding organisation for frontier research proposed under the FP7 (2007-2013).

The Scientific Council will be an independent body whose role is to determine the scientific strategy of ERC and ensure

that its operations are conducted according to the requirements of scientific excellence. The 22 scientists were chosen by an independent panel of high-level scientists, chaired by Lord Patten of Barnes, Chancellor of Oxford and Newcastle-upon-Tyne Universities.

See *IP/05/956 and MEMO/05/265* at <http://europa.eu.int/rapid/> for further information.

## Information Society

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### Community Lisbon Programme, common actions for Growth and Jobs

[http://europa.eu.int/growthandjobs/pdf/COM2005\\_330\\_en.pdf](http://europa.eu.int/growthandjobs/pdf/COM2005_330_en.pdf)

*COM (2005)0330 of 12 July 2005*

The Commission has tabled a plan of EU measures to boost growth and create more and better jobs by promoting knowledge and innovation; to complement the activities of the European Social Fund (ESF), the Commission proposed a **Lifelong Learning Programme**. In addition, the Commission intends to support **universities and providers of tertiary education** by e.g. mobilising all sources of EU funding for their modernisation, and by strengthening cooperation under the **Education and Training 2010** programme to complement the **Bologna process**.

The policies presented in the "Community Lisbon Programme" cover areas where purely national action is insufficient. The full list of measures (See *Commission Staff Working Document SEC (2005)0981 of 20 July 2005* at [http://europa.eu.int/growthandjobs/pdf/S/EC2005\\_981\\_en.pdf](http://europa.eu.int/growthandjobs/pdf/S/EC2005_981_en.pdf)) sets out initiatives in the regulatory domain e.g. Proposal for a European credit system for lifelong learning, financial instruments and proposals for policy development.

Further information can be found at [http://europa.eu.int/growthandjobs/index\\_en.htm](http://europa.eu.int/growthandjobs/index_en.htm).

## ICT and Media Industry Sign Up to Commission Roadmap for Growth and Jobs

[http://europa.eu.int/information\\_society/europe/i2010/index\\_en.htm](http://europa.eu.int/information_society/europe/i2010/index_en.htm)

Ten business leaders of Europe's major telecom, Internet, TV and music companies met in London on 9 July to discuss how to give a spur to Europe's emerging "Digital Economy". In a joint statement, the ten business leaders agreed to work together with Member States and the Commission on the basis of an "Agenda for Unlocking Europe's Digital Economy", in particular on:

- § Promotion of media content markets through effective rights protection, licensing arrangements and encouraging legitimate use of content. For this, industry will seek to agree a European Charter "Content Online & IPR" by May 2006;
- § An appropriate and proportionate modernisation of single market rules on audiovisual content;
- § Stimulation of investments in new broadband networks (fixed and mobile), advanced applications and content-rich

- services and promotion of competition through implementation of the EU e-communications regulatory framework;
- § Greater efficiency and policy coordination on the use of and trade with radio spectrum in Europe;
- § Easy access for users to content and services through secure and interoperable software and services;
- § Investing in private and prioritising public research and development on ICT.

The next initiatives to be proposed by Commissioner Reding under the **i2010 Roadmap** will be a strategy for making the use of spectrum more efficient (September) and a proposal for a Directive on a modern and flexible framework for the provision of audiovisual content services in Europe (December).

## Commission invests € 1 billion into Research on ICT

The Commission will launch 276 new research projects in the field of Information and Communication Technologies (ICT) with €1 billion in EU funding as a result of the fourth IST call under FP6.

The selected projects aim at achieving industrial/societal breakthroughs in e.g. micro- and nano-electronics, mobile communications and broadband technology.

In the coming five years, new fields with high potential for industrial/commercial breakthroughs e.g. cognitive systems; improvements in the security and dependability of ICT systems; new

applications that will affect our lives in content creation, government administrations and services will also be supported.

The first contracts will be signed with research consortia in the autumn. Further information can be found at <http://www.cordis.lu/ist/home.html>.

The new Call allocates €162 m on ICT to SMEs (20% of all participating organisations) and €70 m to specific projects partnering research organisations from the EU-25 in e.g. eGovernment, eHealth, eLearning or eBusiness.

## 2006, European Year of Workers' Mobility

2006, the European Year for Mobility of Workers, aims at raising awareness of the benefits of both working abroad and in a new occupation. Its official launch will take place in February 2006.

Around € 4.3 million of the year's € 6 million budget will be dedicated to **mobility awareness**, to be submitted in a September call for proposals. The rest will be spent on major events e.g. **Vienna Mobility** conference (June) or the **'Job Fair Europe'**

(September). Several studies on the impact of mobility, as well as attempts to improve statistical data on it, are also planned. A European prize will be awarded to the organisation that has contributed the most to worker mobility.

2006 is also when the 12 EU Member States who applied labour mobility transitional arrangements after the latest enlargement will have the first opportunity to review whether to keep them.

## Internet

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### Commission opens policy debate on high-speed Internet access

The European Commission opened on 14 July a public consultation on policy measures needed to bring high-speed internet access to Europe's under-served areas.

Stakeholders, EU Member States and local/regional authorities are invited to contribute their views on the serious broadband challenge now facing Europe, as set out in a Commission staff working paper entitled "Broadband access and public support in under-served areas"

[http://europa.eu.int/information\\_society/europe/i2010/docs/implementation/ddf\\_re](http://europa.eu.int/information_society/europe/i2010/docs/implementation/ddf_re)

[port\\_final.pdf](#)]. Responses should be sent to [info-i2010@cec.eu.int](mailto:info-i2010@cec.eu.int) by 16 September 2005.

The paper proposes two policy orientations:

- § strengthening national broadband strategies (as part of the Growth and Jobs Strategy and the new i2010 Roadmap);
- § Improving the exchange of best practices.

Join the debate at

[http://europa.eu.int/information\\_society/eeurope/i2010/digital\\_divide/index\\_en.htm](http://europa.eu.int/information_society/eeurope/i2010/digital_divide/index_en.htm).

### New Commission Decision to enable faster wireless access to Internet

[http://europa.eu.int/information\\_society/policy/radio\\_spectrum/ref\\_info/documents/legislative\\_documents/index\\_en.htm](http://europa.eu.int/information_society/policy/radio_spectrum/ref_info/documents/legislative_documents/index_en.htm)

The Commission adopted on 14 July a decision to make wireless access to the Internet faster and more widespread; it makes available a substantial amount of radio spectrum throughout the EU for radio local area networks (RLANs) - commonly known as "WiFi" -, used in so-called "hotspots" that can be found at airports, hotels, coffee shops, etc to allow users to connect their laptop to the Internet and to make phone calls using "Voice over IP".

The Commission will propose later this year a strategy for efficient radio spectrum management to start implementing within the 2006 review of the e-communications

framework. It will also launch a Communication on a market-based approach to spectrum. A debate is under way on a common spectrum approach for all wireless transmission platforms providing e-communications services. Hence the Commission will soon table a proposal aimed at finding the right balance not only in terms of privacy and consumer confidence, but also in terms of cost for the industry.

Further information on radio spectrum is available at

[http://europa.eu.int/information\\_society/policy/radio\\_spectrum/index\\_en.htm](http://europa.eu.int/information_society/policy/radio_spectrum/index_en.htm).

## Telecommunications

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### Measures to improve competition in the e-Communications markets

[http://europa.eu.int/information\\_society/topics/ecomm/highlights/current\\_spotlights/art\\_7\\_task\\_force/index\\_en.htm](http://europa.eu.int/information_society/topics/ecomm/highlights/current_spotlights/art_7_task_force/index_en.htm)

The European Commission completed on 14 July its 200<sup>th</sup> assessment of measures proposed by national regulators to improve competition in the e-communications markets, where it has endorsed measures proposed by the Swedish national regulatory authority to increase competition on the leased lines market. Since the entry into force of the regulatory framework for e-communication services in July 2003,

Member States must ensure effective competition in their national e-communications markets, notify their analyses and propose regulatory measures to the Commission for assessment.

In this procedure, the Commission is in charge to ensure consistency of the EU rules throughout the Single Market.

### Commission takes action against 11 Member States to ensure effective

On 7 July, the Commission sent letters to the Czech Republic, Finland, France, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia for failing to implement properly EU rules on e-Communications. The key issues at stake include the independence of the national telecoms regulator, the requirement of number portability and of comprehensive subscriber directories, designation of

“universal service” providers, and the availability of the European emergency number 112.

Furthermore, a review of the current regulatory framework for e-Communications networks e.g. future of universal service; a broader consultation on the functioning of the existing framework will follow up in mid 2006.

## Trade Policy

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### New taxation rules for services supplied to private consumers

[http://europa.eu.int/comm/taxation\\_customs/index\\_en.htm](http://europa.eu.int/comm/taxation_customs/index_en.htm)

In a new proposal presented on 20 July, the Commission is proposing to change the place of taxation of certain services capable of being supplied at a distance, including **e-services** and **distance teaching**. The Commission believes that for e-services provided to private consumers, the place of taxation should be changed to that of the Member State of the customer receiving the service.

These changes would ease the VAT burden for businesses; they would mean that traders supplying these services to private customers in other Member States would have VAT compliance obligations in those other Member States. However, these obligations would be greatly simplified if the Council

adopts the Commission's proposal of 29 October 2004 for a One-Stop-Shop and other measures to simplify VAT obligations.

The proposed directive would have to be adopted unanimously by Member States following consultation of Parliament and the Economic and Social Committee. The Commission has proposed that it enters into force on 1 July 2006 at the latest. The temporary rule under which non-EU suppliers of e-services are required to apply the rate of taxation of the country of the consumer is due to expire on 30 June 2006.

For further information see *IP/05/997* and *MEMO/05/271* at <http://europa.eu.int/rapid>.

## Youth Policy

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### Youth action programme for 2007-2013

<http://www2.europarl.eu.int/ocil/file.jsp?id=5190212>

In her draft report, MEP GRÖNER takes the view that the financial framework for implementing the programme is inadequate and proposes indicative minimum values for funding Actions 1 to 5. **Action 1** should receive at least 30 % of total costs; for **Action 2** a relatively small share is sufficient. **Action 4** should receive at least 15 %, with **Action 3** taking 4 %; **Action 5** should receive a higher share (at least 4 %) for the ‘European Youth Week’ initiative.

Some of the amendments deal with the need to ensure that young people with disadvantages can participate in the

programme on equal terms. The aims of the programme should be extended to include support for linguistic diversity and promote youth participation in democracy. The Rapporteur recommends adding an extra point for the provision of informal education opportunities and the opening up of innovative possibilities for the exercise of active citizenship. She welcomes the inclusion of the southern Caucasus states.

The draft report is scheduled for adoption in the CULT committee on 12 September and will be voted at plenary on 24 October.

## EBLIDA, European Bureau of Library, Information and Documentation Associations

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### Information sources used include

Bulletin Quotidien Europe  
Council Press Office Newsroom, <http://ue.eu.int/newsroom/newmain.asp?lang=1>  
European Parliament Press Service [http://www.europarl.eu.int/press/index\\_en.htm](http://www.europarl.eu.int/press/index_en.htm)  
RAPID - Press and Communication Service of the European Commission,  
<http://europa.eu.int/rapid/start/welcome.htm>  
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.int/>  
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.

### About EBLIDA...

EBLIDA is the European Bureau of Library, Information and Documentation Associations. We are an independent umbrella association of national library, information, documentation and archive associations and institutions in Europe.

Subjects on which EBLIDA concentrates are European information society issues, including copyright & licensing, culture & education and EU enlargement. We promote unhindered access to information in the digital age and the role of archives and libraries in achieving this goal.