



Report on EBLIDA Lobbying issues

(Extract from Draft Annual Report 2004 – 2005)

European Commission review of the *acquis communautaire* on Copyright & Related Rights

The European Commission review on the copyright legislation was largely awaited as its publication had been delayed for some time. Finally, in July 2004, the EC issued a *staff working paper on the review of the EC legal framework in the field of copyright and related rights, SEC(2004) 995, 19.7.2004.*¹ EBLIDA submitted an official Response² to this document, focusing its concerns, among other issues, on the legislative inconsistencies between the Term Directive, the InfoSoc Directive and the Database Directive.

EBLIDA Position: <http://www.eblida.org/position/index.htm>

Directive 2004/48/EC³ of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights

Further to the EBLIDA lobbying strategy initiated in 2003 with the first proposal, the Directive on the enforcement of intellectual property rights was eventually approved in April 2004.

The Directive, which is already in force, should be implemented by the MMSS in a maximum period of two years, before May 2006.

Directive on the harmonisation of certain aspects of copyright and related rights in the information society

The European *Directive on the harmonisation of certain aspects of copyright and related rights in the information society* [2001/29/EC] came into force on 22 June 2001. Some MMSS have not implemented it into their national legislation, which was due by December 2002.

The Commission has recently launched infringement proceedings against Belgium, Finland and Sweden because these Member States have not complied with the 2004 rulings of the Court requiring them to implement the 2001 Copyright Directive (see IP/01/528). The EC has stated that in case these countries continue in not complying with the Copyright Directive, they might be eventually fined.

See press release:

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/347&format=HTML&aged=0&language=EN&guiLanguage=en>.

Digital Rights Management systems (DRMs)

Further to previous workshops and discussions, the European Commission established a High Level Group (HLG) on Digital Rights Management (DRM) issues in March 2004. The

¹ http://europa.eu.int/comm/internal_market/copyright/docs/review/sec-2004-995_en.pdf

² http://www.eblida.org/position/Copyright_Response_CommissionReview_October04.htm

³ http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_157/l_15720040430en00450086.pdf



Group comprised participants representing the e-content value chain, including content providers, authors and rights holders' organisations, publishers and broadcasters, operators (mobile, fixed), equipment manufacturers, DRM solutions providers, research and consumers.

The HLG met twice, on the 31st of March and 8th of July 2004 under the chairmanship of Commissioner Liikanen and with the participation of several Commission services. Four working level meetings were held to prepare the HLG Report which was issued on July 2004.

EBLIDA reacted to this document requesting the inclusion of the libraries point of view within the groups' discussions and expressing its concerns regarding DRMs on a Position Paper submitted to the European Commission in September 2004, which was made available also through the EC Information Society website area devoted to DRMs and the HLG:

http://europa.eu.int/information_society/eeurope/2005/all_about/digital_rights_man/documents/index_en.htm.

Further to this contribution, EBLIDA participated in two more meetings, the last one of which is scheduled for April 2005, convened by the EC in order to summarise the results of the Consultation and continue discussions, especially on the issue of private copying and levies.

EBLIDA Position: <http://www.eblida.org/position/index.htm>

Article 12 Contact Committee

EBLIDA attended a consultation meeting in Brussels on 11 October 2004, in order to express its opinion and concerns together with other stakeholders also invited to attend this event, organised by the EC in the context of the Contact Committee established under Article 12 of Directive 2001/29 (*Directive on the harmonisation of certain aspects of copyright and related rights in the information society*). The Contact Committee working group, conformed by European Commission and Member States' representatives, aims at examining the impact of the Directive on the functioning of the Internal Market, especially the impact of differences in national legislations in the area of private copying and the use of technological measures.

Depending on the future continuity of the works of the Contact Committee, EBLIDA will consider the possibility of submitting a Statement on the matter of private copying.

Directive 92/100/EC on rental and lending right and certain related rights ("Public Lending Right")

Although the Directive has been already implemented in several EU Member States, others are delayed in this complex and controversial procedure which has recently led the EC to initiate infringement actions against some MMSS.

Further to the EBLIDA Statement of March 2004 and the polemical implementation of the Directive provisions in several countries, e. g. Belgium, the European-level controversy continues with the European Commission recently deciding to refer Italy and Luxembourg to the European Court of Justice for failure to implement fully into national legislation the "public lending right". The EC has explained that *by introducing a "public lending right" the EU is aiming to ensure that creative effort is protected and encouraged throughout the European Union.*

EBLIDA Position Papers: <http://www.eblida.org/position/index.htm>

Data Protection issues related to Intellectual Property Rights

On 18 January 2005 the European Commission issued a Working Document on Data Protection issues related to intellectual property rights⁴, prepared by the EC Working Party on Data Protection set up further to the *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*.

Based on the working document above-mentioned, EBLIDA addressed the EC competent representatives in order to reflect its concerns in relation to the potential adverse effects on personal privacy from Digital Rights Managements systems, and recommending Principles of Good Practice.

Directive on the recognition of professional qualifications [COM (2002) 119, 7 March 2002]

Further to the Council approval of the amended proposal in May 2004 and after translation into the official EU languages, the proposal for Directive continues its progress under the co-decision procedure.

The EBLIDA Executive Committee and the Working Group on Professional Education (PEG) have discussed the matter and the possibility to encourage the creation of a European professional platform for the libraries, archives and information sectors' professionals. It was agreed that, being this Directive related to the current regulated professions, therefore not directly affecting libraries and archives' professionals at present, EBLIDA shall monitor the developments on this regards for future possible actions to be taken on this field.

Background information:

http://europa.eu.int/comm/internal_market/qualifications/index_en.htm

Open Access

EBLIDA Workshop on Open Access

EBLIDA has actively raised awareness among its members and the European library & archive community in general on the relevance of the Open Access initiatives going on at European level.

EBLIDA had the intention to organise a Workshop on Open Access in one of the new EU countries during autumn 2005. The fact that LIBER is actually organising one big event on this matter in October 2005, and the decision of the Executive Committee to establish closer cooperation between EBLIDA and LIBER, have derived in EBLIDA offering support and cooperation for the LIBER event, in order to avoid duplication of efforts and clash of dates among the European representatives involved.

María Pía González Pereira has contacted LIBER in order to seek cooperation between both organisations. The organisers of the LIBER event have welcomed the proposal of EBLIDA to cooperate with them and perhaps to sponsor some sessions at the October event.

EC Study on Scientific publications

⁴ http://europa.eu.int/comm/internal_market/privacy/docs/wpdocs/2003/wp80_en.pdf

In June 2004, the European Commission launched a study on the economic and technical evolution of the scientific publication markets in Europe, the results of which were expected to be available by the summer 2005. The objective of the EC is to determine the conditions required for optimum operation of the sector and to assess the extent to which the Commission can help to meet those conditions. The study will deal with the main topics of the current public debate, such as the future of printed scientific reviews, the risks associated with increases in the price of publications in terms of access to information for researchers, open access to research findings for all and the need to reconcile authors' rights and the economic interests of publishers.

The Commission's Study aims at giving answer to the following questions:

- § What are the main changes in Europe?
- § What and who is driving change and why? If there is any resistance to positive change, what/who is blocking it?
- § What are the consequences for users (authors, readers, libraries)?

The overall objective of the study is to eventually identify measures at European level which could help to improve conditions governing access to and the exchange, dissemination and archiving of scientific publications while guaranteeing a high level of quality, diversity and protection of authors' rights.

EBLIDA issued a Statement on this matter, which was submitted to the European Commission representatives and to the *Université Libre de Bruxelles* (ULB) in charge of conducting the study at the EC request.

Background information:

<http://www.europa.eu.int/comm/research/press/2004/pr1506en.cfm>

EBLIDA Positions: <http://www.eblida.org/position/index.htm>

Public Domain

On 24 November 2004, María Pía González Pereira attended a workshop on the Public Domain, organised by the European Commission in Luxembourg. The aim of the EC was to acknowledge the concerns of the Libraries, Archives and scientific community in relation to the Public Domain, with a view to include these contributions into a possible future EC Green Paper on the Public Domain.

The participants to the workshop identified a number of major problems which limit the access to and use of digital information and prevent the potential of the new information technologies to be fully realised. Initiatives underway and areas in need for action were also identified.

Based on the contributions by all the participants, the European Commission issued a Summary Report of the Workshop [*See Appendix 6*].

World Trade Organization (WTO) matters

GATS (General Agreement on Trade in Services)

The EBLIDA Working Group on WTO matters in cooperation with SCOUNL (UK) organised a [Conference on the GATS](#) and its implications for libraries under the title "*Trading in knowledge? The World Trade Organisation and Libraries*", on 2-3 March 2005 in Cambridge (UK)



World Intellectual Property Organization matters (WIPO)

Treaty on "Access to Knowledge" (A2K)

EBLIDA was invited to participate in an Experts Meeting on the WIPO Development Agenda and Treaty on Access to Knowledge (A2K) on February 2005 in Geneva (Switzerland).

At the WIPO General Assembly (27 September - 5 October 2004) the governments of Argentina and Brazil submitted a proposal for "*the Establishment of a Development Agenda for WIPO*" with the support of other Latin America and African developing countries. The Development Agenda proposal asked for fundamental changes in WIPO. Some of the proposals were specifically directed at the special concerns of developing countries, while others were efforts to redirect WIPO to give more weight to general consumer and public interests in matters concerning patents, copyrights and other intellectual property rights. Among the proposals for a Development Agenda is a proposal for a "Treaty on Access to Knowledge and Technology".

During the WIPO General Assembly (October 2004), a decision was taken that creates a rapid evaluation of the Development Agenda. The Development Agenda is also being discussed in the context of WIPO's regular meetings on patents and copyrights (Standing Committee on Patents (SCP), Working Group on Patent Cooperation Treaty (PCT) Reform, Standing Committee on Copyright and Related Rights (SCCR) etc). The SCCR has also agreed to include the issue of limitations and exceptions to copyright and related rights in its June agenda.

TWN, CPTech and IFLA organised this experts' meeting in order to prepare for these meetings, and to discuss the proposed treaty on A2K. The invited participants included Geneva-based delegates involved in TRIPS and WIPO negotiations from developing countries; key academics and civil society NGOs from developed and developing countries.

In January 2004 IFLA issued the document '*Library Related Principles for the International Development Agenda of the World Intellectual property Organization*' (See Appendix 7). María Pía González Pereira attended the meeting in Geneva and informed the EBLIDA Executive Committee members of the content of the discussions and the position of IFLA. EBLIDA is studying the possibility to subscribe the IFLA document.

Background information: <http://www.cptech.org/ip/wipo/futureofwipo.html>

World Summit on the Information Society (WSIS)

EBLIDA has been monitoring the actions of the EU Civil Society Caucus within the WSIS framework.

Several PrepCom meetings have taken place in Geneva in the last few months, in preparation for the WSIS meeting in Tunisia in November 2005. One of the main issues discussed was the Internet governance. There will be another meeting in Geneva in September 2005 in order to continue discussion about this. Proposals coming from NGOs are not directly accepted so lobbying actions are currently taking place at national level via national Governments.

IFLA is organising a Conference at *Bibliotheca Alexandrina*, to be held on 10 – 11 November, previous to the WSIS summit.

More information at: <http://www.itu.int/wsis> & <http://www.ifla.org/III/wsis.html>



European Info Points

Further to the EBLIDA letter addressed to the European Commission on November 2003, EBLIDA has kept monitoring the development of this matter.

In February 2005 the Work Programme for the Financing of Host Structures of Relays was released [See http://europa.eu.int/comm/dgs/press_communication/pdf/work_programme_en.pdf].

In its Communication of 20 April 2004 (COM(2004)0196), the Commission announced that a second-generation network of relays would be established in 2005 to provide information close to home for the general public covering the EU-25, the Europe Direct Information Relays. The appropriations available will be used to provide financial support in the form of an operating grant for the structures hosting the information relays.

Types of action must extend over a similar period and terminate by 31 December 2008:

- MMSS acceding to the Union in May 2004 - indirect centralised management (delegation of budget-implementation tasks)
- States that were already members in May 2004 - direct or indirect centralised management (call for proposals). In the EU-15 that opted for direct centralised management, proposals will be awarded grants at the beginning of 2005. Overall figures for the financial year (€) and further information can be found at the link above.

See also: http://www.eblida.org/position/EBLIDA_InfoPoints.htm

The Hague, April 2005