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Information and Notices

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⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Ecu ⁽¹⁾

12 February 1998

(98/C 48/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,7572	Finnish markka	5,99412
Danish krone	7,52503	Swedish krona	8,82192
German mark	1,97467	Pound sterling	0,664786
Greek drachma	312,397	United States dollar	1,08845
Spanish peseta	167,372	Canadian dollar	1,56444
French franc	6,61954	Japanese yen	133,662
Irish pound	0,788506	Swiss franc	1,58370
Italian lira	1949,32	Norwegian krone	8,21021
Dutch guilder	2,22589	Icelandic krona	78,6082
Austrian schilling	13,8952	Australian dollar	1,60421
Portuguese escudo	202,180	New Zealand dollar	1,85521
		South African rand	5,37043

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789,
- give their own telex code,
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ L 379, 30.12.1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ L 189, 4.7.1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ L 349, 23.12.1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ L 349, 23.12.1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ L 345, 20.12.1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ L 345, 20.12.1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ L 311, 30.10.1981, p. 1).

Commission communication amending the Community framework for State aid for research and development

(98/C 48/02)

(Text with EEA relevance)

1. Article 130(1) of the EC Treaty states that the Community and the Member States are to take action aimed at 'fostering better exploitation of the industrial potential of policies of innovation, research and technological development'.
2. It follows from the principle laid down in Article 3(g) of the EC Treaty that such actions taken by Member States have to be compatible with the common market and the rules governing State aid, which are based on Articles 92 and 93 of the EC Treaty.
3. One aim of competition policy is to improve the international competitiveness of Community industry and thereby contribute to the achievement of the objectives set out in Article 130(1) of the EC Treaty. The competition rules must therefore be applied constructively to encourage cooperation which helps new technology to be developed and disseminated in the Member States, while observing the rules on intellectual property rights. In the control of State aid, regard must be paid to the need for resources to be made available to those sectors which will contribute to improving the competitiveness of Community industry.
4. The Commission has expressed its favourable view on State aid for R & D in its Community framework for research and development ⁽¹⁾. According to point 9 of this framework the Commission may at any time, in cooperation with the Member States, decide to amend it, should that prove necessary for reasons connected with competition policy or to take account of other Community policies and international commitments.
5. The Commission has recently reviewed this framework in cooperation with the Member States as regards certain research and development aids in the agricultural sector. It has concluded that it would be advisable for policy in this area not to be subject to the maximum limit of 75 % applicable in all instances (except for fundamental research) where the aid fulfils the conditions of Article 92(1) of the Treaty but to allow rates of up to 100 % in defined circumstances, consistent with EC obligations under the WTO. It is recalled that the Agreement on agriculture provides for derogations from the Agreement on subsidies where aid involves research in agriculture of a general nature.
6. In order to achieve this policy objective, the following point is inserted in the framework:

‘5.14

As regards R & D aid concerning products listed in Annex II to the EC Treaty, and by way of derogation from aid intensity limitations or supplements specified elsewhere in this framework, the Commission will, as was the case prior to 1997, allow gross aid intensities of up to 100 % even in cases where the R & D is carried out by firms, subject to fulfilment in each case of the four following conditions:

 - it is of general interest to the particular sector (or subsector) concerned, without unduly distorting competition in other sectors (or subsectors),
 - information is published in appropriate journals, with at least national distribution and not limited to members of any particular organisation, to ensure that any operator potentially interested in the work can readily be aware that it is or has been carried out, and that the results are or will be made available, on request, to any interested party. This information shall be published no later than any which may be given to members of any particular organisation,
 - the results of the work are made available for exploitation by all interested parties, including the beneficiary of the aid, on an equal basis in terms both of cost and of time,
 - the aid fulfils the conditions laid down in Annex II, “Domestic support: the basis for exemption from the reduction commitments”, to the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations ⁽²⁾.

Cases of R & D aid for Annex II products not fulfilling the above conditions are to be examined under the normal rules of the present framework.

When examining aid schemes notified by Member States, the Commission, reserves the right to request notification of significant individual cases implementing the scheme’.

⁽¹⁾ OJ C 45, 17.2.1996, p. 5.

⁽²⁾ OJ L 336, 23.12.1994, p. 31.

RESOLUTION OF THE ECSC CONSULTATIVE COMMITTEE ON STATISTICAL INSTRUMENTS IN THE COAL AND STEEL SECTORS

(adopted unanimously during the 338th Session of 18 December 1997)

(98/C 48/03)

(Text with EEA relevance)

1. THE ECSC CONSULTATIVE COMMITTEE
 - 1.1. recalls its previous positions on matters connected with the expiry of the ECSC Treaty in 2002 and the future of statistical instruments⁽¹⁾. It has noted that the ECSC statistical instruments relating to the industrial, economic, commercial and social fields, as developed by the Statistical Office and the other departments of the European Commission in cooperation with the coal and steel industries, have proved successful from the point of view of all the parties involved. It has expressed a wish for continuity beyond 2002, mentioning in particular the usefulness for investment decisions of the transparency resulting from information on investment and capacity development programmes whilst the rules of competition continued to be respected;
 - 1.2. is mindful of the disappearance of the ECSC Treaty, which has been the legal basis defining the Commission's responsibility for making statistical data available and for the collection of those data by the undertakings covered by that Treaty;
 - 1.3. is aware of the need to base the statistical instruments for the coal and steel sectors on the provisions of the Treaty on European Union as from 2002;
 - 1.4. fully supports the desire of the undertakings, their associations and the Member States' governments to rationalise and simplify the present system for collecting statistics, while assuring the relevance of the data.
 2. POINTS CONCERNING COAL
 - 2.1. Statistical data on coal will be needed after 2002. They are essential for analyses of the coal market in the European Union, in particular for the undertakings in the sector. Energy policies, both national and at Union level, also depend on such data;
 - 2.2. coal statistics have undergone successive changes. The present collection system is a rational response to the need for meaningful and comparable data for the European Union's coal and energy market. For the coal sector, coal statistics are valuable in their own right, but they have traditionally been incorporated into energy statistics as well, where they are firmly established;
 - 2.3. this framework also includes the other solid fuels, in particular lignite, peat and biomass;
 - 2.4. hence no substantial change would appear to be necessary as regards the sector for coal, one of the two main products covered by the ECSC Treaty.
3. POINTS CONCERNING STEEL
 - 3.1. The statistics for steel are detailed and have been adapted at regular intervals to keep pace with developments. By this means a high level of transparency has been achieved, leading to an extremely useful instrument providing guidance for economic agents, those involved in politics and the two sides of industry;
 - 3.1.1. it is vital for the above parties to have rapid access to detailed information enabling them to analyse and make decisions with full knowledge of the facts and with future developments in mind;
 - 3.1.2. the undertakings and their workers must be able in the future, as at present, to find their way around in an environment which is rapidly changing in a climate of increasingly intense competition. In the future, flexibility and adaptability will depend more than ever on the quality of the information available and the speed with which it is made available;
 - 3.1.3. the steel industry is subject to enormous fluctuations resulting from economic cycles. If imbalances between supply and demand are to be detected in good time, the industry must be able to rely on detailed data referring to all essential areas;

⁽¹⁾ OJ C 206, 11.8.1995, p. 7.

- 3.1.4. if a balance is to be maintained in the medium and the long term, data need to be available which provide a timely indication of the risks of over-production or overcapacity. The restructuring process under way in the CEECs and the other countries of Eastern Europe, where there are virtually no databases on this subject, will require monitoring for many years to come;
- 3.1.5. the radical overhaul of the steel industries of Europe and of the rest of the world and the trend towards market globalisation will continue. In this context, sound policies require high-quality information;
- 3.2. the collection of statistical data also represents a substantial workload for undertakings. In return for this effort, the information made available to the authorities and the undertakings must be reliable, timely and complete;
- 3.3. the steel industry should no longer be seen as confined by the ECSC, but should now include primary processing (forging, tubes, rerolling, drawing, including wire drawing, coating and shaping) ⁽¹⁾.
4. CONSEQUENTLY, THE CONSULTATIVE COMMITTEE RECOMMENDS THAT, AS REGARDS THE FUTURE OF STATISTICS IN THE COAL AND STEEL SECTORS, THE FOLLOWING POINTS SHOULD BE TAKEN INTO ACCOUNT:
- 4.1. since the ECSC Treaty has now fewer than five years left to run, a new legal basis derived from the Treaty on European Union must be sought immediately, care being taken to ensure maximum compatibility at international level, in particular with international organisations such as the IEA, the ECE and the OECD;
- 4.2. the ECSC field needs to be extended to include primary processing and, if possible, other basic industries (such as ferro alloys, foundries) that are frequently faced with problems similar to those of steel, as happened with coal, which was incorporated into energy statistics;
- 4.3. the collection and processing of data must be organised in the best possible way by agreement between the Statistical Office of the European Communities and the other departments of the European Commission, the national statistical institutes, the professional associations and the undertakings, in order to lighten the workload of both the undertakings and the national authorities and to ensure that the data collected are reliable;
- 4.4. the instruments retained should provide the transparency which the undertakings require to enable them to take well-founded short-term commercial decisions and long-term decisions on investment strategy. They should also provide the social partners in the sectors involved and the governments with the information they need to implement their social policies. The CEECs should begin straight away gradually to adopt the statistical instruments of the European Union which relate to coal and steel. To this end,
- 4.4.1. detailed data on activity in the industries concerned should be available as quickly as possible after the end of the census periods. The data should cover the following fields: raw materials, energy, output, employment, orders, deliveries, external trade and stock movements. A system of reasonable provisional figures should, whenever necessary, precede publication of the definitive results to enable market operators to see current situations in terms of economic cycles and to adapt accordingly with full knowledge of the facts;
- 4.4.2. a body of meaningful information on structural and technological changes, medium- and long-term market trends and trends in production capacities must be made available to undertakings to assist them with their long-term investment and development policy decisions;
- 4.4.3. as regards social aspects, information on employment and the structure of the workforce, including appropriate data on industrial accidents *inter alia*, should round off the technical instruments.
- 4.5. The ECSC Consultative Committee calls on the Commission to set about, in consultation with interested parties in the economic and social fields, reorganising the statistical instruments for coal and steel, in line with the principles set out above.
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- ⁽¹⁾ Chapters 27.1, 27.2 and 27.3 of the NACE, corresponding roughly to Chapters 72 and 73 of the Harmonised System for the classification of products.

Non-opposition to a notified concentration
(Case No IV/M.997 — Swedish Match/KAV)

(98/C 48/04)

(Text with EEA relevance)

On 18 December 1997, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 397M0997. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/4B),
2 rue Mercier,
L-2985 Luxembourg;
tel. (352) 29 29 42 455, fax (352) 29 29 42 763.

Non-opposition to a notified concentration
(Case No IV/M.1093 — ECIA/Bertrand Faure)

(98/C 48/05)

(Text with EEA relevance)

On 28 January 1998, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is available only in French and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CFR' version of the CELEX database, under document number 398M1093. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/4B),
2 rue Mercier,
L-2985 Luxembourg;
tel. (352) 29 29 42 455, fax (352) 29 29 42 763.

Prior notification of a concentration
(Case No IV/M.1117 — Pinault/Guilbert)

(98/C 48/06)

(Text with EEA relevance)

1. On 9 February 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which the groupe Pinault-Printemps-Redoute (controlled by Artémis) acquires within the meaning of Article 3(1)(b) of the Regulation control of the groupe Guilbert by way of public bid announced on 28 January 1998.

2. The business activities of the undertakings concerned are:

- Pinault-Printemps-Redoute: retailers, financial services and international trade,
- Guilbert: retailers of office stationery materials.

3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1117 — Pinault/Guilbert, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989; Corrigendum: OJ L 257, 21.9.1990, p. 13.

Prior notification of a concentration
(Case No IV/M.1108 — SBG/SBV)

(98/C 48/07)

(Text with EEA relevance)

1. On 3 February 1998, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾ by which the German undertaking Schweizerische Bankgesellschaft (SBG) and the undertaking UBS AG (UBS) within the meaning of Article 3(1)(a) of the Regulation by way of transferring all assets and liabilities to UBS
2. The business activities of the undertakings concerned are banking and financial services.
3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference IV/M.1108 — SBG/SBV, to the following address:

European Commission,
Directorate-General for Competition (DG IV),
Directorate B — Merger Task Force,
Avenue de Cortenberg/Kortenberglaan 150,
B-1040 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989; Corrigendum: OJ L 257, 21.9.1990, p. 13.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision adopting a multiannual Community action plan on promoting safe use of the Internet

(98/C 48/08)

(Text with EEA relevance)

COM(97) 582 final — 97/0337(CNS)

(Submitted by the Commission on 27 November 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

(1) Whereas the Internet by developing into an industry offering services to the general public offers positive benefits in particular in education, by empowering citizens, lowering the barriers to the creation and distribution of content and offering wide access to even richer sources of digital information, as recognised by the Council and the representatives of the Governments of the Member States, meeting within the Council on 17 February ⁽¹⁾;

(2) Whereas however, the amount of harmful and illegal content carried over the Internet, while limited, can seriously hamper the development of the emerging Internet industry and thus, adversely affect the set-up of the necessary favourable environment for initiatives and undertakings to flourish;

(3) Whereas it is essential, in order to ensure the full potential of the Internet industry, that a safe environment for its use be created by combating illegal use of the technical possibilities of the Internet in particular for offences against children ⁽¹⁾;

(4) Whereas promotion of industry self-regulation and content-monitoring schemes, development of filtering tools and rating mechanisms provided by the industry and increased awareness of industry services as well as fostered international cooperation between all parties concerned will play a crucial role in consolidating that safe environment and will contribute to remove obstacles to the development and competitiveness of the concerned industry;

(5) Whereas the Council of Ministers requested the Commission on 24 April 1996 to produce a summary of problems by the rapid development of Internet, and to assess, in particular, the desirability of Community or international regulation;

(6) Whereas the Council requested a working party composed of all interested parties (Ministers of Telecommunications, access and service providers, content industries and users) to present concrete proposals for possible measures to combat illegal use of Internet or similar networks;

(7) Whereas this Working Party submitted its first report to the Council of 28 November 1996; whereas a second report, submitted to the Council on 27 June 1997, sets out the progress achieved in the Member States on measures to deal with illegal and harmful content and summarises activities since then in the EU institutions;

(8) whereas the Council and the Ministers for education within the Council in their meeting of 20 December 1996 adopted a declaration on protection of children and countering paedophilia;

⁽¹⁾ OJ C 70, 6.3.1997, p. 1.

- (9) Whereas the Commission submitted to the Dublin European Council in December 1996 an updated version of the 'Europe's way to the information society' action plan in order to clarify the coherence of the various steps undertaken;
- (10) Whereas the Commission transmitted on 23 October 1996 a communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on illegal and harmful content on the Internet ⁽¹⁾ and a Green Paper on the protection of minors and human dignity in audiovisual and information services ⁽²⁾;
- (11) Whereas the Council and the representatives of the Governments of the Member States, meeting with the Council in their resolution of 17 February 1997 welcomed the report of the Commission Working Party on illegal and harmful content on the Internet and requested Member States and the Commission to undertake a number of actions;
- (12) Whereas the European Parliament in its resolution of 24 April 1997 called on the Member States to define a minimum number of common rules in their criminal law and to strengthen administrative cooperation on the basis of joint guidelines and called on the Commission to propose, after consulting the Parliament, a common framework for self-regulation at EU level and to submit proposals for a common regulation of liability for Internet content;
- (13) Whereas in the Ministerial declaration adopted during the international ministerial conference entitled 'Global information networks: realising the potential', held in Bonn on 6 to 8 July 1997 at the initiative of the German Government, Ministers stressed the role which the private sector can play in protecting the interests of consumers and in promoting and respecting ethical standards, through properly functioning systems of self-regulation in compliance with and supported by the legal system; whereas they encouraged industry to implement open, platform-independent content rating systems, and to propose rating services which meet the needs of different users and take account of Europe's cultural and linguistic diversity; whereas Ministers further recognised that it is crucial to build trust and confidence in global information networks by ensuring that basic human rights are respected and by safeguarding the interests of society in general, including producers and consumers;
- (14) Whereas the Council adopted on ... a recommendation concerning the protection of minors and human dignity in audiovisual and information services, whereas this action plan will be implemented in close coordination with the Council recommendation;
- (15) Whereas special attention should continue to be paid by the Commission and Member States to coordination of the efforts of groups working in all the relevant fields;
- (16) Whereas cooperation from the industry and a full functioning system of self-regulation are essential to limiting the flow of illegal content on the Internet;
- (17) Whereas, to this effect, industry self-regulatory systems including representative bodies for Internet service providers, consumers and users, and effective codes of conduct should be encouraged and possibly hotline reporting mechanisms available to the public should be established; whereas European coordination of representative and self-regulating bodies is essential for the Europe-wide effectiveness of such systems;
- (18) Whereas it is important to identify accurately the chain of responsibilities in order to place the liability for illegal content on those who create it; whereas it is inevitable to this effect to have at least common European, if not global, standards given that the Internet is by its nature cross-national, as underlined by the ministerial declaration adopted during the Bonn Conference (point 41 et seq.);
- (19) Whereas, as emphasised by the Bonn Declaration (point 55 et seq.), it is necessary to promote on a European level the provision to users of filtering mechanisms and the setting-up of rating systems, for example the PICS (platform for Internet content selection) standard launched by the international Word-Wide-Web consortium with Community support;
- (20) Whereas awareness activities should be encouraged so that users understand the opportunities as well as the drawbacks of the Internet in order to increase use of services provided by industry; whereas parents, educators and consumers, in particular, should be sufficiently informed so as to be able to take full advantage of parental control software and rating systems;

⁽¹⁾ COM(96) 487 final.

⁽²⁾ COM(96) 483 final.

- (21) Whereas it is essential to engage in international cooperation activities with international organisations and third countries for the purpose of implementing this action plan and extending its reach beyond the European Union, given the global character of the problems encountered in the Internet, requiring global solutions;
- (22) Whereas supporting the creation of industry self-regulation mechanisms and the provision to users of filtering mechanisms and the setting-up of rating systems encourage an environment favourable to initiative and foster the development of undertakings throughout the Community; whereas increasing user awareness fosters better exploitation of the potential of the industrial potential of policies of innovation, research and technological development with regard to the Internet and similar global networks;
- (23) Whereas any content policy actions must be complementary to other ongoing national and Community initiatives, as outlined notably in the Commission's action plan 'Europe's way to the information society: an action plan', and shall be performed in synergy with other Community activities in the field such as the INFO 2000 programme⁽¹⁾, with Community research programmes (programmes concerned with advanced technology, technology, advanced communications services and telematics) and with Community education training, cultural and SME actions and initiatives, and with the Structural Funds;
- (24) Whereas the activities under this action plan take account of the work accomplished in the field of justice and home affairs;
- (25) Whereas the action plan 'Learning in the information society', adopted by the Commission⁽²⁾ on October 2 1996, is intended to promote the widespread use of electronic networks in schools;
- (26) Whereas progress of this action plan should be continuously and systematically monitored with a view to adapting it, where appropriate, to developments in the audiovisual and multimedia content market; whereas in due course there should be an independent assessment of the progress of the action plan so as to provide the background information needed in order to determine the objectives for subsequent content policy actions; whereas at the end of this action plan

there should be a final assessment of results obtained compared with the objectives set out in this Decision;

- (27) Whereas, in conformity with the principle of subsidiarity as expressed in Article 3b of the Treaty, the objectives of the envisaged actions cannot be sufficiently achieved by the Member States due to the transnational character of the issues at stake and can, therefore, by reason of the pan-European effects of the action be better achieved by the Community;
- (28) Whereas it is necessary to fix the duration of the action plan,

HAS ADOPTED THIS DECISION:

Article 1

1. The multiannual Community action plan on promoting safe use of the Internet ('the action plan'), as described in Annex I to this decision, is adopted.
2. The action plan shall cover a period of four years from 1 January 1998 to 31 December 2001.

Article 2

The action plan has the objective of encouraging an environment favourable to the development of the Internet industry by promoting safe use of the Internet.

Article 3

In order to attain the objective referred to in Article 2, the following actions shall be undertaken under the guidance of the Commission, in accordance with the action lines set out in Annex I and the means for implementing the action plan set out in Annex III:

- promotion of industry self-regulation and content-monitoring schemes (especially dealing with content such as child pornography, racism and anti-semitism),
- encouraging industry to provide filtering tools and rating mechanisms, which allow parents or teachers to select content appropriate for children in their care while allowing adults to decide what legal content they wish to access, and take account of linguistic and cultural diversity,
- increasing awareness of services provided by industry among users, in particular of parents, teachers and children, so that they can better understand and take advantage of the opportunities of the Internet,

⁽¹⁾ Council Decision of 20 May 1996 adopting a multiannual Community programme to stimulate the development of a European content industry and to encourage the use of multimedia content in the emerging information society (OJ L 129, 30.5.1996, p. 24).

⁽²⁾ COM(96) 471.

- support actions such as assessment of legal implications,
- activities fostering international cooperation in the areas listed above,
- other action furthering the objective set out in Article 2.

Article 4

1. The Commission shall be responsible for the implementation of the action plan.
2. The procedure laid down in Article 5 shall apply to:
 - the work programme,
 - the breakdown of the budgetary expenditure,
 - the criteria and content of calls for proposals,
 - the measures for programme evaluation,
 - any departure from the rules set out in Annex III,
 - participation in any project by legal entities from third countries and international organisations.

Article 5

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.
2. The Commission representative shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter concerned, if necessary by taking a vote.
3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform

the committee of the manner in which its opinions has been taken into account.

Article 6

1. In order to ensure that Community aid is used efficiently, the Commission shall ensure that actions under this Decision are subject to effective prior appraisal, monitoring and subsequent evaluation.
2. During implementation of projects and after their completion the Commission shall evaluate the manner in which they have been carried out and the impact of their implementation in order to assess whether the original objectives have been achieved.
3. The selected beneficiaries shall submit an annual report to the Commission.
4. At the end of two years and at the end of the action plan, the Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, once the committee referred to in Article 5 has examined it, an evaluation report on the results obtained in implementing the action lines referred to in Article 2. The Commission may present, on the basis of those results, proposals for adjusting the orientation of the action plan.

Article 7

Participation in this action plan may be open, in accordance with the procedure laid down in Article 5, to legal entities established in the EFTA countries which are member of the EEA and to European international organisations. Participation may be opened, in accordance with the procedure laid down in Article 5, and, as a general rule, without financial support by the Community from this action plan, to legal entities established in non-EEA third countries and to non-European international organisation, where such participation contributes effectively to the implementation of the action plan and taking into account the principle of mutual benefit.

Article 8

This Decision is addressed to the Member States.

*ANNEX I***ACTION LINES — ACTION PLAN ON PROMOTING SAFE USE OF THE INTERNET**

The action lines, in conjunction with the proposal for a Council recommendation on protection of minors and human dignity, are a means of implementing a European approach to safe use of Internet, based on industry self-regulation, filtering and rating and awareness. Strong support has been expressed for this approach at the level of the European Parliament and of the Council and Member States, as well as in the wider European context of the Bonn Declaration agreed to by Ministers from 29 European countries.

The action lines have the following objectives:

- incite the actors (industry, users) to develop and implement adequate systems of self regulation,
- pump prime developments by supporting demonstrations and stimulating applications of technical solutions,
- alert and inform parents and teachers, in particular through their relevant associations,
- foster cooperation and exchange of experiences and best practices,
- promote coordination across Europe and between actors concerned,
- ensure compatibility between the approach taken in Europe and elsewhere.

1. CREATING A SAFE ENVIRONMENT

Cooperation from the industry and a fully functioning system of self-regulation are essential elements in limiting the flow of illegal content on the Internet.

1.1. Create a European network of hotlines

An effective way to restrict circulation of illegal material is to set up a European network of centres (known as hotlines) which allow users to report content which they come across in the course of their use of the Internet and which they consider to be illegal. Responsibility for prosecuting and punishing those responsible for illegal content remains with the national law-enforcement authorities, while the hotline aims at restricting circulation of illegal material. Differences in national legal systems and culture must also be respected.

So far, hotlines exist only in a limited number of Member States. Their creation needs to be stimulated so that there are hotlines operating covering the EU both geographically and linguistically. Mechanisms for exchange of information between the national hotlines, and between the European network and hotlines in third countries need to be put in place.

In order for this network to develop its full potential, it is necessary to improve cooperation between industry and law-enforcement authorities, ensure Europe-wide coverage and cooperation, and increase effectiveness through exchange of information and experience.

This action will take the form of a call for proposals for participating organisations (20 to 25) to establish a European network of hotlines, and links between this network and hotlines in third countries, develop common approaches and stimulate transfer of know-how and best practice.

The participating organisations will be supported by a cross-section of industry actors (access and service providers, telecoms operators, national hotline operators). They will have to demonstrate a forward-looking and innovative approach, in particular in their relationship with national law-enforcement authorities.

1.2. Encourage self-regulation and codes of conduct

For the industry to contribute effectively to restricting the flow of illegal and harmful content, it is also important to encourage enterprises to develop a self-regulatory framework through cooperation between them and the other parties concerned. The self-regulatory mechanism should provide a high level of protection and address questions of traceability.

In view of the transnational nature of communications networks, the effectiveness self-regulation measures will be strengthened, at European Union level, by coordination of national initiatives and of the bodies responsible for their implementation.

Under this action line, it is foreseen to develop guidelines at European level for codes of conduct, to build consensus for their application, and support their implementation. This action will be carried out through a call for tender to select organisations that can assist self-regulatory bodies to develop and implement codes of conduct. Measures will be taken to carefully monitor progress. This will be done in close coordination with the promotion of common guidelines for the implementation, at national level, of a self-regulation framework as advocated by the Council recommendation on protection of minors and human dignity.

2. DEVELOPING FILTERING AND RATING SYSTEMS

To promote safe use of the Internet, it is important to make content easier to identify. This can be done through a rating system which describes the content in accordance with a generally recognised scheme (for instance where items such as sex or violence are rated on a scale) and by filtering systems which empower the user to select the content he/she wishes to receive. Ratings may be attached by the content provider, or provided by a third party rating service. There are a number of filtering and rating schemes which are possible. However, their level of sophistication is still low and none have yet reached the 'critical mass' where users can be sure that content in which they are interested and content which they wish to avoid will be rated appropriately and that perfectly innocuous content will not be blocked. Uptake of rating systems by European content providers and users remains low.

The measures under this action line will focus on demonstrating the potential and the limitations of filtering and rating systems in a real world environment, with the objective of encouraging establishment of European systems and familiarising users with their use. Filtering and rating schemes must be internationally compatible and interoperable and developed with full cooperation or representatives of industry, consumers and users.

2.1. Demonstrate benefits of filtering and rating

Rating systems will be stimulated which are relevant to European requirements and which ensure that filtering and rating is implemented in a way which provides workable options in practice for users, parents and teachers. In order to build critical mass, a wide coverage of sites should be obtained. Action will therefore be taken to stimulate use of rating by content providers. Rating carried out by independent third parties ensures a standard approach to content rating and deals with cases where the content provider fails to rate properly. There is a need to meet specific requirements of business, institutional or educational users as well as those of end users not met by the content provider's rating system.

Following a call for proposals, projects will be selected to validate rating systems in relation to European content, to encourage integration of rating into the content creation process and to demonstrate benefits of these technical solutions. Emphasis will be placed on usefulness and practicality in 'real-world' situations involving a large cross-section of typical users.

A second call for proposals will particularly target the validation and demonstration of third-party rating systems.

In order to obtain maximum benefit from the demonstration projects, it is necessary to assess their impact and to ensure European-wide dissemination of their results. Evaluation of the demonstration projects and dissemination of their results will be the subject of a call for tenders.

The demonstration projects under this action line can make an important contribution to the awareness actions to be carried out under action line 3.

The demonstration projects will involve industry: self-regulatory bodies, industry (access and service providers, content providers, network operators, software houses), user, consumer and citizens rights groups and government bodies involved in industry regulation and law enforcement.

2.2. Facilitate international agreement on rating systems

International cooperation between operators and other concerned parties in the European Union and their partners in other regions of the world is particularly necessary in the field of rating, in order to ensure interoperability.

Work is already under way in a number of bodies dealing with protocols and with the design of a rating system to deal with the various requirements. It is essential that Europe's voice be heard in international discussions, and concertation meetings will be organised to ensure this.

3. ENCOURAGING AWARENESS ACTIONS

The public is increasingly engaging in Internet activity, reaping the benefits of the new services. At the same time there is a degree of uncertainty as to how to deal with every aspect of network communication; parents, teachers and children need to be made aware of potential of Internet and its drawbacks and to not always have sufficient knowledge about means to protect children from undesirable content. Awareness actions contribute to trust and confidence of parents and teachers in safe use of the Internet by children.

Awareness is also the necessary complement of action lines 1 and 2, since the actions of industry to implement self-regulation and filtering and rating will only bear fruit if users and potential users are aware of them.

The European Parliament has called for the implementation of a European campaign and an information and awareness action programme, to be funded by the EU budget, to inform parents and all people dealing with children (teachers, social workers, etc.) on the best way (including technical aspects) to protect minors against exposure to content that could be harmful to their development, so as to ensure their well-being.

European action will create a framework for synergy with action at level of member States, and will strengthen initiatives in Member States through exchange of information and experience. The action plan will initiate awareness actions that will build on the dissemination of information from access providers to customers and develop material for use in educational institutions.

Electronic distribution of material should be supplemented by more widespread traditional packages for use in schools and libraries. The awareness initiatives will take advantage of the awareness actions carried out under other programmes, in particular the MIDAS-NET established under INFO 2000.

This action will be carried out in two stages. In the first stage the best means of achieving the objectives will be identified and in the second stage multiplier organisations in the Member States — such as consumer bodies and other relevant associations — will be assisted to implement actions nationally.

3.1. Prepare the ground for awareness actions

In the first phase, a call for proposals will be launched for a preparatory action will identify multiplier organisations and most appropriate channels, media and content to reach the target audience, prepare basic material, adapt it for linguistic and cultural specificities and take account of results of demonstration projects under action line 2.1, which will make an important contribution to the content of awareness actions. An implementation plan will be prepared.

The target audience are parents, teachers and the action will involve industry (Internet service providers, content providers) and multipliers, e.g. consumer associations, education organisations.

3.2. Encourage implementation of full-scale awareness actions

A second call for proposals will select initiatives for Community support for follow-up action in all Member States using the multiplier organisations and the channels, media and content identified in the preparatory action. The purpose of the action is to make adults (parents and teachers) aware of the potential and the drawbacks of the Internet, and of the means to identify useful content and how to block harmful content.

Actions will be appropriate for the needs of Member States, and may differ according to their size, population, degree of Internet use, etc. Actions will be of two types: those focused on teachers and educational institutions, and those with a broader focus aimed at the general public (parents and children).

Actions aimed at teachers will include seminars and workshops and preparation and distribution of specific printed and multimedia material to a large cross-section of members of the profession. Special netdays — a series of special events aimed at increasing user awareness — will be organised in collaboration with the Learning in the information society action plan, which has wide support from industry. Typical actions aimed at the general public would include: creation of web-sites, distribution of information material in schools, through access providers and through shops and other outlets selling computers, distribution of CD-ROMs in computer magazines. More specific information would be given when targeting families already own a computer. Traditional media (press, television) would also be used to stimulate awareness through publicity campaigns and information packs for journalists. Using the platform of the European network of schools, which is being set up which the support of the education ministries of Member States, special web-pages will be created and maintained.

The purpose of the Community support is to pump-prime large-scale awareness actions and to provide overall coordination and exchange of experience so that lessons can be drawn from the results of the action on an ongoing basis (for instance by adapting the material distributed). Community funding will in general not exceed one third of eligible costs. The use of existing networks will permit cost-saving, but additional financing is required to produce the relevant content.

4. SUPPORT ACTIONS

4.1. Assess legal implications

The Internet operates on a global basis. The law operates on a territorial basis — national or in the case of Community law, covering the European Union. It will contribute to the effectiveness of the other action lines to consider legal questions not dealt with by other Community initiatives, in particular including questions of applicable law and procedure.

A call for tenders will be organised for an assessment of legal questions raised by the content or the use of Internet.

4.2. Coordinate with similar international initiatives

The Council recommendation on protection of minors and human in audiovisual and information services calls on the Commission to promote international cooperation in the various fields covered by this recommendation, particularly through the sharing of experience and good practices between operators and other concerned parties in the European Union and their partners in other regions of the world. Therefore it is necessary to ensure coherence between European action and similar initiatives in other parts of the world. Regular concertation meetings will help to achieve this.

An international conference will allow the experience gained through the action lines to be shared with actors concerned both in Europe and more widely. This would deal with all of the issues addressed by the action plan and bring together industry (access and service providers, content providers, network operators, software houses), user, consumer and citizens rights groups and government bodies involved in industry regulation and law enforcement. Such a conference can also be instrumental in disseminating the results of the action plan.

4.3. Evaluate impact of Community measures

It is obviously important to make an in-depth evaluation whether the objectives of the action plan and the recommendation have been achieved. Also possible further measures which should be taken by industry, Community institutions, Member States or consumer representatives, could be identified that way. The evaluation foreseen will be done in liaison with evaluating the measures taken to protect minors and human dignity foreseen by the Council recommendation on protection of minors and human dignity in audiovisual and information services, and will be launched through a call for tenders.

ANNEX II

INDICATIVE BREAKDOWN OF EXPENDITURE

1. Creating a safe environment	14 to 18 %
2. Developing filtering and rating systems	37 to 43 %
3. Encouraging awareness actions	35 to 41 %
4. Support actions	5 to 7 %
Total:	100 %

ANNEX III

THE MEANS FOR IMPLEMENTING THE ACTION PLAN

1. The Commission will implement the action plan in accordance with the technical content specified in Annex I.
2. The action plan will be performed through indirect action and wherever possible on a shared-cost basis.

3. The selection of shared-cost projects will normally be based on the usual procedure of calls for proposals published in the *Official Journal of the European Communities*. The content of the calls for proposals will be defined in close consultation with the relevant experts and according to the procedures referred to in the Decision. The main criterion for supporting projects through calls for proposals will be their potential contribution to achieving the objectives of the action plan.
 4. Applications for Community support should provide, where appropriate, a financial plan listing all the components of the funding of the projects, including the financial support requested from the Community, and any other requests for or grants of support from other sources.
 5. The Commission may also implement a more flexible funding scheme than the call for proposals in order to provide incentives for the creation of partnerships, in particular involving SMEs and organisations in less favoured regions, and for the establishment of long-term measures against illegal and harmful content on Internet. This scheme might be operated on a permanent basis.
 6. The Commission will make provision for considering in exceptional cases unsolicited project proposals which involve a particularly urgent measure following technological changes that call for change of action.
 7. The detailed arrangements for the procedures referred to under points 5 and 6 will be implemented through the advisory committee procedure (type I) and in accordance with the Commission's financial regulations. They will be published in the *Official Journal of the European Communities*.
 8. Projects fully financed by the Commission within the framework of study and services contracts will be implemented through calls for tenders in accordance with the financial provisions in force. Transparency will be achieved by consulting external groups of experts (the Internet Working Party and the Legal Advisory Board) as well as actively using the information services of the Commission in connection with the awareness measures.
 9. In the course of the action plan, the Commission will also undertake preparatory, accompanying and support activities designed to achieve the general objectives of the action plan and the specific aims of each action line. This includes activities such as: studies in support of the general goals of the action plan; preliminary actions in preparation of future activities; measures aimed at facilitating participation in measures under the action plan as well as facilitating access to the results produced by action plan initiatives.
 10. All projects receiving financial support will be required to display an acknowledgment of the support received.
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Proposal for a Council Regulation (EC, Euratom) on assistance to the applicant countries in Central and Eastern Europe in the framework of the pre-accession strategy

(98/C 48/09)

COM(97) 634 final — 97/0351(CNS)

(Submitted by the Commission on 19 December 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the economic and political conditions to be fulfilled by the associated Central and East European countries wishing to join the European Union were set out at the European Council meeting in Copenhagen in June 1993; whereas the main difficulties which those countries are encountering in meeting those conditions have been identified in the course of implementing the procedure provided for in Article O of the Treaty on European Union;

Whereas the Heads of State or Government meeting in Amsterdam from 16 to 17 June 1997 reiterated their intention of reinforcing the Union's pre-accession strategy to facilitate the applicants' preparations for accession; whereas for that purpose the Commission presented a package of proposals in this connection Agenda 2000;

Whereas Community assistance in support of the pre-accession strategy should properly be provided within the framework of a partnership with each applicant and such assistance should focus on the above-mentioned difficulties;

Whereas it is essential to manage the available financial resources carefully and in line with the priorities arising out of the Commission's opinions on the applications for accession; whereas the Council must be free to decide what principles, priorities and general conditions are to govern the accession partnerships so that the Commission can take those decisions into account when establishing the partnerships;

Whereas Community assistance under the pre-accession strategy should be provided by applying to the countries concerned the aid programmes adopted in accordance with the provisions of the Treaties, and particularly Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain Central and East European countries⁽¹⁾, as last amended by Regulation (EC) No 753/96⁽²⁾; whereas therefore, this Regulation will have no financial implications;

Whereas the programming of the financial resources making up Community assistance will be decided in accordance with the procedures set out in the regulations relating to the corresponding financial instruments or programmes;

Whereas the granting of pre-accession assistance is also subject to the application of democratic principles and the rule of law, respect for human rights, and the protection of minorities;

Whereas observance of the obligations laid down in the Europe Agreements is also a pre-condition of Community assistance;

Whereas implementing such accession partnerships is likely to help achieve the Community's objectives; whereas, for this kind of system, the only powers provided for are those in Article 235 of the EC Treaty and Article 203 of the Euratom Treaty.

HAS ADOPTED THIS REGULATION:

Article 1

The aid described in Regulation (EEC) No 3906/89, and any other Community assistance granted in line with the pre-accession strategy for countries applying to accede to the European Union, shall be provided as part of an accession partnership within a single framework, covering:

— the priorities, as defined in the analysis of the situation in each country, on which preparations for

⁽¹⁾ OJ L 375, 23.12.1989, p. 11.

⁽²⁾ OJ L 103, 26.4.1996, p. 5.

accession must concentrate in the light of the political and economic obligations incumbent on a Member State,

- the financial resources for helping each applicant to implement the priorities identified during the pre-accession period.

Article 2

Acting on a proposal by the Commission, the Council shall decide by qualified majority, before 15 March 1998, what principles, priorities and general conditions, as disclosed by the Commission's opinions on applications for accession, are to govern each accession partnership.

Article 3

Under the pre-accession strategy the Community shall provide the kind of assistance that is provided for in the programmes adopted in accordance with the Treaty, and in particular Regulation (EEC) No 3906/89.

On the basis of decisions taken by the Council pursuant to Article 2 of this Regulation, the programming of the financial resources of the assistance granted in the framework of the accession partnerships shall be established in accordance with the procedures set out in the

regulations relating to the relevant financial instruments or programmes.

Article 4

Any adjustments to the accession partnerships shall be made in accordance with the procedures set out in Articles 2 and/or 3.

Article 5

Where a component essential to the continuance of pre-accession assistance is missing, where the principles of democracy, the rule of law, respect for human rights or the protection of minorities are violated, the Council, acting by qualified majority on a proposal from the Commission, may take appropriate steps with regard to any pre-accession assistance granted to an applicant country.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
