



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.10.2004
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2004/0025 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

common position of the Council on the adoption of a

**common position of the Council on the adoption of a Decision of the European
Parliament and of the Council establishing a multiannual Community programme to
make digital content in Europe more accessible, usable and exploitable**

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council 13 February 2004.
(document COM(2004) 96 final– 2004/0025 COD):

Date of the opinion of the European Economic and Social 29 April 2004.
Committee:

Date of the opinion of the European Parliament, first reading: 22 April 2004.

Date of transmission of the amended proposal: 30 April 2004.

Date of adoption of the common position: 24 September 2004.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The proposed programme aims at improving the conditions for reuse of European digital content. It targets sectors of the digital content market where development has been slow and market forces alone have not been enough to secure optimal results in terms of economic growth, job creation, innovation and consumer choice. These sectors include public sector information – in particular geographic data, and educational material and cultural content.

3. COMMENTS ON THE COMMON POSITION

3.1. General remarks

The Commission notes that the Council has reached an agreement by unanimity. The Council's common position takes up in essence the amendments made by Parliament. It proposes a number of additional changes to the Commission's original proposal, including a change in the budget amount of the Programme.

3.2. Response to Parliament's amendments adopted at first reading

Parliament adopted 16 amendments all accepted by the Commission.

3.2.1. Amendments accepted by the Commission and included in the common position

The common position has taken up the following amendments by Parliament, some of them as formulated by Parliament, others in a modified form:

The **Amendment 1** clarifies the reference to digital content stakeholders. The Council's position stresses the importance of SMEs.

The **Amendments 2, 3, 4, 5, 11, 12, 13, 14, 15, 16** clarify the text related to the specific objectives. The Council's position adds further useful editorial clarifications increasing the precision of the text.

The **Amendments 6, 8, 9, 10** propose a revised text in order to ensure the consistency of the annual appropriations with the financial perspectives. In addition, as reported in the next section, the Council's position anticipates to mid-2006 the report on the implementation of the Lines of Action.

The **Amendment 7** proposes that the Commission forwards the results of the quantitative and qualitative evaluations to the European Parliament and the Council - together with any appropriate proposals for the amendment of the Decision - before the presentation of the draft general budget of the European Union for the years 2007 and 2009 respectively.

3.3. New provisions introduced by the Council

The following changes have been introduced by the Council in its common position:

3.3.1. Recitals

Recitals 2, 8, 10: minor wording changes.

Recitals 5, 6: editorial changes to stress the importance of the participation of SMEs and adding an explicit reference to people with special needs.

Recital 9: with this additional recital the Council repeats the importance of solid business models for greater economic return from services based on access and re-use of digital content.

Recital 14: editorial changes have been introduced to bring the recital in line with the proposed changes in Article 4.

Recital 16: inserts a footnote pointing to a recent amendment of the Interinstitutional agreement referred to in the text.

3.3.2. Articles

Article 1: useful editorial clarifications.

Article 2: increased legal precision of the text.

Article 3: the Council repeats the importance of implementing the programme in co-operation with the Member States and in co-ordination with other relevant Community policies. The Council proposes to refer to the Programme Committee for the assessment of the projects with an estimated amount of the Community contribution equal to or more than EUR 1 million.

Article 4: a management committee is proposed.

Article 5: the Council's position includes some editorial changes and proposes that the Commission shall report on the implementation of the Lines of Action by mid-2006 at the latest instead of January 2007 as proposed by the Parliament.

Article 6: the Council proposes to set the financial framework for the implementation of the programme to EUR 135 million.

3.3.3. *Annex I*

The Council proposes some editorial changes in line with the amendments listed above.

3.3.4. *Annex III*

The Council proposes a slight redistribution in the indicative breakdown of expenditure.

4. CONCLUSION

The Commission considers that the Council's common position does not substantially modify the objectives and scope of the Commission's proposal.