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THE EUROPEAN UNION**



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Competitiveness (Internal Market, Industry, Research and Space)

Luxembourg, 11 - 12 October 2010

President

Vincent VAN QUICKENBORNE

Minister for Enterprise and Streamlining Policy

Jean-Claude MARCOURT

Deputy Prime Minister of the Walloon Government and
Minister for the Economy, SMEs, Foreign Trade and New
Technologies

Isabelle WEYKMANS

Minister for Culture, Media and Tourism

Benoit CEREXHE

Minister for the Brussels-Capital Region Government, in
charge of Employment, Economy, Agricultural Policy,
Foreign Trade and Scientific Research of Belgium

P R E S S

Main results of the Council

*In the context of the EU 2020 strategy, aimed at stimulating economic growth and employment the Council, during a public session, held a broad debate on the **functioning of the internal market**. In particular, the Council discussed the **translation arrangements for a future EU patent system**.*

*The Council also took note of information on the provisional agreement reached with the European Parliament on a draft directive for combating **late payments in commercial transactions**.*

*Ministers discussed the political structure of a **new European pact for innovation**, to be addressed at the December European Council summit.*

*The Council adopted conclusions on a new political framework for **tourism in Europe**, making use of the new opportunities provided by the Lisbon Treaty.*

*In the field of research, the Council approved the launching of **joint programming projects for research** in three areas corresponding to major societal challenges: agriculture, food security and climate change, cultural heritage, and prevention of nutritional problems.*

*It also adopted conclusions on the **simplification of EU research programmes**.*

Without discussion, the Council adopted regulations:

- enhancing ship passengers' rights;
- establishing new measures to preventing gas supply disruptions.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

Belgium:

Mr Vincent VAN QUICKENBORNE
Mr Benoît CEREXHE

Mr Jean-Claude MARCOURT

Minister for Enterprise and Simplification
Minister of the Brussels Capital Regional Government,
with responsibility for Employment, Economic Affairs,
Scientific Research, Fire Prevention and Emergency
Medical Aid
Minister of the Walloon Government for the Economy,
SMEs, New Technologies, Foreign Trade and Higher
Education

Bulgaria:

Mr Peter STEFANOV

Deputy Permanent Representative

Czech Republic:

Mr Martin TLAPA
Mr Kryštof HAJN

Deputy Minister
Deputy Minister

Denmark:

Mr Brian MIKKELSEN

Minister

Germany:

Mr Bernd PFAFFENBACH

State Secretary at the Federal Ministry of Economics and
Technology
State Secretary to the Federal Minister for Education and
Research

Mr Georg SCHÜTTE

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Batt O'KEEFFE
Ms Geraldine BYRNE NASON

Minister for Enterprise, Trade and Innovation
Deputy Permanent Representative

Greece:

Mr Ioannis PANARETOS
Mr Alexandros FOURLAS
Mr Andreas PAPANASTAVROU

Deputy Minister for Research
Secretary General
Deputy Permanent Representative

Spain:

Mr Diego LÓPEZ GARRIDO
Mr Juan Tomás HERNANI
Mr José Pascual MARCO MARTÍNEZ

State Secretary
Secretary General
Deputy Permanent Representative

France:

Mr Philippe LÉGLISE-COSTA

Deputy Permanent Representative

Italy:

Mr Andrea RONCHI
Mr Giuseppe PIZZA
Mr Vincenzo GRASSI

Minister of European Affairs
State Secretary for Education, Universities and Research
Deputy Permanent Representative

Cyprus:

Ms Zeta EMILIANIDOU
Mr George CHACALLI

Permanent Secretary
Deputy Permanent Representative

Latvia:

Ms Tatjana KOŅE
Ms Zaiga LIEPIŅA
Ms Lelde LĪCE-LĪCĪTE

Minister for Education and Science
Deputy State Secretary
Deputy Permanent Representative

Lithuania:

Ms Nerija PUTINAITĖ

Deputy Minister

Luxembourg:

Ms Michèle EISENBARTH

Deputy Permanent Representative

Hungary:

Mr Zoltán CSÉFALVAY

State Secretary

Malta:

Mr Jason AZZOPARDI

Parliamentary Secretary

Netherlands:

Mr Derk OLDENBURG

Deputy Permanent Representative

Austria:

Mr Harald GÜNTHER

Deputy Permanent Representative

Poland:

Ms Barbara KUDRYCKA

Minister of Science and Higher Education

Portugal:

Mr José MARIANO GAGO

Mr Bernardo TRINDADE

Minister for Science, Technology and Higher Education
State Secretary**Romania:**

Mr Dragoş Mihael CIUPARU

Mr Claudiu Constantin STAFIE

State Secretary

State Secretary

Slovenia:

Mr József GYÖRKÖS

Mr Uroš VAJGL

State Secretary

Deputy Permanent Representative

Slovakia:

Mr Martin CHREN

Mr Peter JAVORČÍK

State Secretary

Deputy Permanent Representative

Finland:

Mr Mauri PEKKARINEN

Ms Anni SINNEMÄKI

Ms Marja RISLAKKI

Minister for Trade and Industry

Minister for Labour

Deputy Permanent Representative

Sweden:

Ms Maud OLOFSSON

Ms Ewa BJÖRLING

Mr Jan Roland OLSSON

Deputy Prime Minister and Minister for Enterprise and
Energy

Minister for Trade

Deputy Permanent Representative

United Kingdom:

Baroness WILCOX

Mr Andy LEBRECHT

Parliamentary Under-Secretary of State for Business,
Innovation and Skills

Deputy Permanent Representative

Commission:

Mr Antonio TAJANI

Mr Michel BARNIER

Ms Máire GEOGHEGAN-QUINN

Mr Johannes HAHN

Vice-President

Member

Member

Member

ITEMS DEBATED

Functioning of the internal market: the "Single Market Act"

The Council exchanged views on the functioning of the internal market, following a presentation by the Commission on the main elements of the Commission communication on a "Single market delivering smart, sustainable and inclusive economic growth", expected to be released before end of October.

The communication, also called the "Single Market Act" (SMA), will be a two-year plan (2011-2012) containing around 50 initiatives aimed at ensuring continuous optimisation of the internal market and contributing to the successful implementation of the EU 2020 objectives on stimulating employment and economic growth.

The debate was conducted on the basis of a questionnaire drawn up by the Presidency ([13926/2/10](#)).

The Council looked into the process and instruments for checking periodically the implementation of the SMA. During the follow-up, particular attention will be paid to the progress made on removing failures identified in the SMA, as well as to the means and actions to promote competitiveness in each individual country and in the EU as a whole.

Specific measures should be taken to strengthen citizens' confidence in the internal market, with the objective of:

- (1) ensuring proper enforcement of internal market rules;
- (2) better explaining the concrete advantages people can draw from it;
- (3) removing difficulties that citizens still encounter when dealing with internal market rules; and
- (4) better coordinating actions to be taken on a regular basis.

Ministers highlighted the importance of developing methods for assessing and monitoring the competitiveness of the EU in comparison with third countries and ways of addressing the difficulties that European companies face, such as access to markets and intellectual property rights.

Many delegations also mentioned :

- the need for a list of priorities on boosting competitiveness;
- ways of ensuring the overall coherence of different EU policies and measures related to the internal market; and
- the establishment of an ambitious timetable for implementation of the SMA.

The Presidency plans to propose a set of draft conclusions on the SMA for adoption by the Council at a forthcoming ministerial meeting.

In addition, the Council took note of the situation of retail services on the internal market, following the conclusion of a monitoring report presented by the Commission ([11901/10](#)).

Future EU patent system: language regime

Meeting in public, the Council held a policy debate on a draft regulation aimed at establishing translation arrangements for a future EU patent system ([14377/10](#)).

The outcome of the ministerial debate provides guidance and a good basis for continuing work on achieving an agreement as soon as possible on this long-standing issue.

At the end of the debate the Presidency summed up the discussions along the following lines:

- "The Council has reiterated the importance of an enhanced patent system in Europe for boosting the competitiveness of our innovative industry and in particular of our SMEs;
- A very large majority of delegations supports the compromise proposed by the Presidency in document *14377/10*, which should serve as a basis for further discussions;
- Several delegations stressed the importance of the accompanying measures being made available by the time the EU patent system becomes operational, namely: a high-quality system for machine translations of patent documentation into and from any EU language and the full compensation of the costs related to the translation of a patent application drafted in an EU language other than one of the EPO languages;
- A large majority of delegations underlined that the red lines for finding a final compromise are that no significant costs should arise from additional translations and that the new system should not result in legal uncertainty.
- The Presidency has received sufficient encouragement to intensify and accelerate work on this file with a view to reaching a successful outcome before the end of this year.
- Several member states mentioned the possibility of considering an enhanced cooperation, but the Presidency's ambition remains to find an acceptable compromise for all 27 member states.
- The Presidency plans to organise another ministerial meeting next November with a view to reaching an agreement."

The draft regulation is aimed at setting up translation arrangements for the EU patent that are cost-effective (reducing costs to ensure accessibility to patent protection), simplified (less administrative burden and less complexity for the users) and that ensure legal certainty (avoiding uncertainty caused by translations having legal effect), in order to stimulate innovation.

These basic principles are shared by all EU delegations, and the Belgian Presidency re-affirmed its commitment to intensifying efforts to see them applied, together with the fundamental respect of the Union's linguistic wealth.

The original proposal ([11805/10](#)) builds on the existing language regime of the European Patent Office (EPO)¹. It proposes that EU patents, like all European patents, would be granted in one of the official languages of the EPO: English, French or German. The applicant would be free to choose between an EU patent and a "bundled" European patent. In the case of EU patents, the applicant would have to provide translations of claims into the other two EPO official languages only. No further translations would have to be provided by the applicant and no validation in the member states would be required to enforce the EU patent throughout the EU.

Under the current European patent system, the EPO considers and grants European patents; for the granted patent to apply in different member states, however, the patent holder has to request validation individually in each.

The EU patent providing protection throughout the EU, is viewed as necessary for the completion of the internal market for innovative products. The complexity and high costs of the validation process for European patents give rise to a fragmented patent protection system in the EU, which is a major obstacle for innovative companies and therefore has a negative impact on the functioning of the internal market.

In December 2009, the Council adopted conclusions on a "Enhanced patent system in Europe" ([17229/09](#)). The conclusions state that "the EU patent regulation should be accompanied by a separate regulation, which should govern the translation arrangements for the EU patent adopted by the Council with unanimity. The EU patent regulation should come into force together with the separate regulation on the translation arrangements for the EU patent."

¹ <http://www.epo.org/>

New EU strategy for innovation

EU ministers discussed the essential elements of a new strategy for innovation, following a presentation of the Commission communication on a "Union for Innovation: the European potential in research and innovation in the light of the challenges posed by globalisation" ([14035/10](#)).

The outcome of the discussions, combined with the implementation of the EU 2020 strategy¹ and the development of the European Research Area, will feed into the preparation of the debate on innovation planned for the December 2010 European Council.

The Presidency drew up a list of leading questions for separate discussions in order to address better the specificities of the industry- and research-related elements, respectively, that may be taken into account in the future innovation strategy ([13976/10](#) and [13919/10](#)).

Industry Ministers concentrated principally on the current situation and the future evolution of financing conditions for innovative enterprises, while Research Ministers focused mainly on ways for EU and national research programmes to support innovation better. Both configurations addressed the most appropriate methods for implementing and monitoring the "Union for Innovation" strategy.

Delegations welcomed the broad-based approach, definition, agenda and evaluation procedures proposed by the Commission and underlined the need to place innovation at the core of the EU's internal market for boosting competitiveness. They agreed on the importance of identifying the main drivers for modernisation and for encouraging private investment in innovation, thus creating positive spill-over effects in the economy. Furthermore, the new strategy should contribute to removing bottlenecks that prevent innovative ideas from reaching the market.

The Presidency plans to submit a set of integrated conclusions for adoption at the 26 November Council meeting.

A preliminary joint ministerial session on an ambitious and integrated strategy for innovation took place at an informal meeting in Brussels on 15 July².

¹ "Innovation Union" is one of the flagship initiatives in the Europe 2020 strategy for sustainable growth and jobs launched by the European Council on 17 June.

² <http://www.eutrio.be/pressrelease/research-and-industry-ministers-want-provide-europe-ambitious-and-integrated-strategy-r>

Tourism: new political framework for Europe

Following a presentation by the Commission on its communication proposing 21 new measures in support of tourism, the Council adopted the conclusions set out in document [13930/10](#).

The conclusions endorse actions with European added value aimed at promoting the tourism industry, a sector with a great deal of potential in terms of turnover and employment.

Simplification of EU research programmes

The Council adopted conclusions on making research and innovation programmes more attractive through simplification and increased efficiency.

The conclusions are set out in document [14980/10](#).

Joint programming for research in response to societal challenges

In its conclusions ([14976/10](#)), the Council approved the launching of joint programming initiatives for research projects in the following three areas: agriculture, food security and climate change, prevention of diet-related diseases, and cultural heritage.

* * *

Over lunch, Industry Ministers, together with Commissioner Johannes Hahn, exchanged views on regional policy issues, following the publication of the Commission communication "Regional policy contributing to smart growth in Europe 2020" on 6 October ([14679/10](#)).

Over lunch, Research Ministers, together with Commissioner Máire Geogheghan-Quinn, exchanged views on a new approach towards innovation partnerships, which is one of the key elements in the "Innovation Union" initiative.

ANY OTHER BUSINESS

Late payments directive

The Council took note of information from the Presidency on the terms of the provisional agreement reached with the European Parliament concerning a draft directive on combating late payments in commercial transactions. If endorsed at Parliament's October part-session, the directive will establish specific deadlines for the payment of invoices and the right to compensation in cases of late payment in all commercial transactions irrespective of whether they are carried out between private or public undertakings or between undertakings and public authorities.

In its communication entitled "Think small first: a Small Business Act for Europe", the Commission emphasised that small and medium-sized enterprises' (SMEs) access to finance should be facilitated and that a legal and business environment should be developed that is supportive of timely payments in commercial transactions, with public authorities having a special responsibility in this regard.

One of the priorities of the "European Economic Recovery Plan" is to reduce administrative burdens and to promote entrepreneurship by, among other things, ensuring that, as a matter of principle, invoices, including to SMEs, for supplies and services are paid within one month so as to ease liquidity constraints.

Evaluation of competitiveness performance

The German delegation suggested that further discussions be held within the various Council configurations dealing with EU member states' competitiveness on how the surveillance of macro-structural imbalances should be organised, with a view to reinforcing economic policy coordination and on the role to be played by the respective Council configurations within that process ([14280/10](#)).

Conference on consumers' economic rights

The Council took note of information on the outcome of the high-level meeting on "Enforcement of the economic rights of consumers in the internal market", held in Brussels on 22 September ([13979/10](#)).

Informal ministerial meetings on industry and research

The Council took note of information regarding the outcome of the informal ministerial meetings that took place in Louvain-la-Neuve and in Brussels from 14 to 16 July ([14509/10](#)).

Efficient use of materials and resources

The Council took note of information concerning the sustainable use and management of materials and natural resources. The subject was discussed during the informal meeting of ministers for environment that took place in Ghent, Belgium, on 12 and 13 July ([14514/10](#)).

Conference on energy challenges facing European industry

The Council took note of the key messages delivered at the conference held in Spa, Belgium, on 16 and 17 September ([14530/10](#)).

ITER experimental reactor for nuclear fusion

The Council took note of information from the Commission on the state of play of the ITER project ([14727/10](#)).

In July 2010 the Council asked the Commission to examine measures that could result in improved governance of the project and in cost savings whenever possible.

Scientific and technical cooperation with Africa

The Council took note of information from the Presidency concerning scientific and technical cooperation with Africa, in preparation for the EU-Africa summit to be held in Libya on 29/30 November. It also took note of recommendations provided by the Strategic Forum for International S&T Cooperation aimed at strengthening S&T dialogue and cooperation with Africa ([14521/10](#)). S&T development is recognised as a vehicle for poverty reduction, economic growth and socioeconomic development.

Research joint programming in the fight against Alzheimer's

The Presidency updated delegations on the state of play of an ongoing project for joint programming on combating neurodegenerative diseases.

In December 2009 a pilot research project for joint programming was launched on combating neurodegenerative diseases, in particular Alzheimer's ([17226/09](#)), after a group of experts mandated by the Council drew up a list of priority themes eligible for joint programming initiatives corresponding to major societal challenges.

OTHER ITEMS APPROVED**ECONOMIC AND FINANCIAL AFFAIRS****Simplified rules on prospectuses for securities**

The Council adopted a directive aimed at simplifying rules on prospectuses for securities and on information about the issuers of transferable securities on financial markets, whilst at the same time upgrading investor protection ([29/10](#)).

For more details, see press release [14708/10](#).

Stronger rules for capital requirements and remuneration in the banking sector

The Council adopted a directive ([35/10](#) + [14218/10 ADD 1 REV 1](#))¹ aimed at:

- strengthening capital and disclosure requirements and disclosure for the trading book and for re-securitisation instruments in the banking sector; and
- ensuring that remuneration policies in the banking sector do not generate unacceptable levels of risk.

For more details, see press release [14673/10](#).

External auditor of the national central bank of Italy

The Council adopted a decision approving the appointment of Pricewaterhouse Coopers as the external auditor of the Banca d'Italia for the financial years 2010 to 2015 ([13691/10](#)).

¹ Draft directive amending directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies.

Republic of Moldova - Financial assistance*

The Council adopted a decision aimed at granting up to EUR 90 million in macro-financial assistance to support Moldova's economic stabilisation and to alleviate its balance of payments and budgetary needs, as identified in the current International Monetary Fund programme ([44/10](#) + [14232/10 ADD 1](#)). The decision follows a Council-Parliament agreement at first reading.

ENERGY**Security of gas supply**

The Council adopted a regulation concerning measures to safeguard the security of gas supply ([30/10](#)), following a first-reading agreement with the European Parliament.

The aim of the regulation is to establish measures for safeguarding the security of gas supply by ensuring the proper and continuous functioning of the internal gas market and by providing a clear definition and allocation of responsibilities, as well as efficient coordination of the response at member state and Union level regarding both preventive action and the response to specific disruptions of supply.

The Commission presented its proposal in July 2009 ([11892/09](#)), in response to a call by both the European Council and the European Parliament for an accelerated revision of the existing directive in order to take into account the new developments in the Union's internal gas market.

AGRICULTURE

Forestry - Obligations of operators placing timber products on the market*

The Council adopted a regulation laying down the obligations of operators who place timber and timber products on the market ([33/10](#) + [14222/10 REV 2](#)). The Swedish delegation voted against the regulation, and the Czech and Portuguese delegations abstained.

The new regulation prohibits the placing on the internal market of illegally harvested timber or timber products derived from such timber. In addition, operators who place timber or timber products on the internal market for the first time must exercise due diligence through a system comprising three elements inherent to risk management: access to information, risk assessment and mitigation of the risk identified.

The adoption of the regulation follows an agreement with the European Parliament at second reading.

EMPLOYMENT POLICY

Mobilisation of the European Globalisation Adjustment Fund for four member states

The Council adopted four decisions mobilising a total amount of EUR 14.5 million under the European Globalisation Adjustment Fund (EGF), to provide support for workers made redundant in Denmark, Spain, Portugal and the Netherlands as a consequence of the global financial and economic crisis and of major structural changes in world trade patterns. EUR 7.52 million has earmarked for dismissed workers in the Danish manufacture industry of machinery and equipment for the shipbuilding sector, and EUR 2.75 million for workers made redundant in the Spanish automotive sector. A further EUR 2.41 million is intended for workers made redundant at the Portuguese information technology firm Qimonda on account of the insolvency of the German mother company. EUR 1.81 million is to be mobilised for dismissed workers at the Dutch enterprise NXP Semiconductors. The support measures must be co-financed by the member states and include, among other things, training, occupational guidance, job-search assistance and assistance for entrepreneurship.

TRANSPORT

Reporting formalities for ships arriving at or leaving EU ports

The Council adopted a directive aimed at reducing the administrative procedures to be fulfilled when ships arrive at or depart from EU ports, thereby facilitating maritime transport ([34/10](#)).

To achieve that goal, the electronic transmission of data needed to comply with reporting formalities will be applied across the board. By 1 June 2015 at the latest, member states will be in a position to accept such data in electronic format via a single window, which links several electronic systems such as the EU's maritime information exchange system "SafeSeaNet" and the e-Customs network. On the same date, the use of the paper format for reporting will be abolished. Member states will share relevant information through an electronic data exchange system; however, they may exclude data for customs and border control purposes from this exchange.

The directive, which replaces directive 2002/6/EC on the same subject, does not create any additional reporting requirements. Moreover, ships moving exclusively between EU ports are exempted from the reporting formalities, unless member states require specific information necessary to protect internal order and security or to enforce customs, fiscal, immigration, environmental or sanitary laws.

Member states will have 18 months after the entry into force of the directive to transpose it into national law.

Regulation on ship passengers' rights *

The Council adopted a regulation enhancing rights of ship passengers, with particular attention being paid to passengers with disabilities or reduced mobility ([32/10](#) + [14223/10 ADD 1 REV 1](#)). The regulation provides for compensation and assistance when a journey is cancelled or delayed, as well as for non-discrimination against, and appropriate assistance for, disabled passengers.

For further details see press release [14443/10](#).

Investigation and prevention of accidents and incidents in civil aviation

The Council adopted a regulation on investigation and prevention of accidents and incidents in civil aviation ([36/10](#)), which modernises the existing legal framework in this field.

The regulation requires that safety investigations are conducted swiftly and are independent, strengthens cooperation between national safety investigation authorities and provides for information and assistance to relatives of victims in the event of an accident.

Every accident or serious incident will have to be investigated by an independent national authority, the aim being to prevent future accidents rather than to apportion blame or liability. The member states' civil aviation authorities and the European Aviation Safety Agency (EASA) will also be involved in the safety investigations. When judicial investigations are instituted in parallel, they will have to be coordinated with, and respect the independence of, the safety investigations.

The current informal cooperation between national civil aviation safety investigation authorities will be transformed into a European network, which will have an advisory and coordination role, while responsibility for safety investigations will remain with the national authorities. The purpose of the network is to contribute to better implementation of EU civil aviation investigation legislation and to improved availability of investigation capacity throughout the Union. Its tasks will include exchange of information, promotion of best practices, sharing of resources and provision of assistance. The network will also facilitate cooperation with the Commission and the EASA.

When an accident occurs, airlines will have to make available a list of all persons on board as soon as possible, and at the latest two hours after the accident, so that relatives of persons on board can be informed without delay. Travellers will have the possibility of giving the name of a person to be contacted in the event of an accident. Member states will also draw up emergency plans including assistance, and in particular psychological support, for the victims of an accident and for their relatives.

The new law replaces directive 94/56/EC, which laid the foundations for the European investigation and prevention system in civil aviation.
