



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 22 January 2014
(OR. en)**

17312/13

LIMITE

**PV/CONS 59
COMPET 898
RECH 591
ESPACE 103**

DRAFT MINUTES¹

Subject: **3276th** meeting of the Council of the European Union
(**COMPETITIVENESS (Internal Market, Industry, Research and Space)**)
held in Brussels on 2 and 3 December 2013

¹ Information on Council legislative deliberations, on other cases of Council deliberations open to the public and on public debates may be found in Addendum 1 to these minutes.

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1. **Adoption of the agenda**

16886/1/13 REV 1 OJ CONS 59 COMPET 875 RECH 571 ESPACE 96

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Approval of the list of "A" items**

16889/13 PTS A 81

The Council adopted the "A" items, **except item 18**, listed in **16889/13** on 2 December 2013.

On 3 December 2013 the Council adopted **item 18** of the "A" items listed in **16889/13**.

The documents on item 18 should read as follows:

Item 18: 16371/1/13 **REV 1** ASIM 98 TU 10
16371/13 ADD 1

Statements to these items are set out in the Annex.

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

3. **Approval of the list of "A" items**

16888/13 PTS A 80

The Council adopted **item 1** of the "A" items listed in **16888/13 + REV 1 (ro)** on 2 December 2013. On 3 December 2013 the Council adopted **items 2 to 7** of the "A" items listed in **16888/13 + REV 1 (ro)**.

Details on the adoption of these items are set out in the Addendum.

INTERNAL MARKET AND INDUSTRY

4. **Proposal for a Directive of the European Parliament and of the Council on electronic invoicing in public procurement [First reading]**

Interinstitutional file: 2013/0213 (COD)

– General approach

12104/13 MAP 62 COMPET 552 MI 621 EF 145 ECOFIN 687
TELECOM 192 CODEC 1703

16162/13 MAP 86 COMPET 822 MI 1024 EF 226 ECOFIN 1014
TELECOM 307 CODEC 2563

The Council adopted the General Approach as set out in doc. 16162/13.

5. **Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union [First reading]**

Interinstitutional file: 2013/0185 (COD)

- General approach
11381/13 RC 29 JUSTCIV 177 CODEC 1566
+ COR 1
+ REV 1 (nl, pt, sk)
15983/13 RC 43 JUSTCIV 261 CODEC 2515

The Council adopted the General Approach as set out in doc. 15983/13 with one amendment to Art 9 para 2, inserting the text "... as evidence *in accordance with national law* among other...".

NON-LEGISLATIVE ACTIVITIES

6. **Contribution to the European Semester and upcoming European Council meetings**

- Policy debate
16173/13 COMPET 825 MI 1029 IND 330 RECH 536 ECOFIN 1015
- (a) **Communication from the Commission on "Annual Growth Survey 2014" and "Annual Single Market Integration Report"**
 - Presentation by the Commission
15803/13 ECOFIN 984 SOC 904 COMPET 781 EDUC 425
ENV 1025 RECH 509 ENER 502 FISC 214
+ COR 1
16171/13 COMPET 824 MI 1027 CONSOM 196 IND 329 RECH 535
TRANS 588 TELECOM 308 ENER 522 POLGEN 220

The Council held a policy debate as a contribution in view of future discussions on the European Semester and upcoming European Council meetings.

(b) **Draft Council conclusions on the "European Industrial Policy"**

- Adoption
16560/13 IND 346 COMPET 857 MI 1059 EDUC 445 ENER 545 RECH 565
ECOFIN 1040

The Council adopted the Council conclusions as set out in doc. 17202/13

(c) **Draft Council conclusions on the "Single Market Policy"**

- Adoptions
16443/13 MI 1048 COMPET 840 MAP 89 TELECOM 317

The Council adopted the Council conclusions as set out in doc. 16443/13.

(d) Draft Council conclusions on the "Smart Regulation"

- Adoption
16445/13 COMPET 841 MI 1049 POLGEN 226

The Council adopted the Council conclusions as set out in doc. 17227/1/13 REV 1.

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

7. Revision of European Trade Mark System [First reading]

- (a) Proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast)**
Interinstitutional file: 2013/0089 (COD)
8066/13 PI 52 CODEC 711
+ REV 1 (de)
- (b) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark**
Interinstitutional file: 2013/0088 (COD)
8065/13 PI 51 CODEC 710
+ REV 1 (es)
- Progress report
16218/13 PI 165 CODEC 2573

The Council took note of the progress report set out in doc. 16218/13.

SPACE

8. Proposal for a Regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 [First reading]

- Interinstitutional file: 2013/0164 (COD)
- General approach
10275/1/13 ESPACE 37 CODEC 1272 COMPET 375 RECH 213 IND 168
TRANS 288 MI 477 ENER 239 ENV 484 COSDP 498 CSC 53
TELECOM 146 REV 1
16534/13 ESPACE 93 CODEC 2645 COMPET 845 RECH 552 IND 341
TRANS 606 MI 1054 ENER 538 ENV 1090 COSDP 1096
CSC 156 TELECOM 319
+ COR 1

The Council reached a general approach as set out in doc. 17235/13 and mandated the Presidency to enter into negotiations with the European Parliament on the basis of this general approach.

9. **Proposal for a Decision of the European Parliament and of the Council establishing a Space Surveillance and Tracking (SST) support programme [First reading]**

Interinstitutional file: 2013/0064 (COD)

– Progress report

6952/13 ESPACE 18 COMPET 120 IND 54 RECH 52 TRANS 83

COSDP 187 CSC 19 CIVCOM 88 CODEC 547

+ COR 1

16537/13 ESPACE 94 COMPET 847 IND 342 RECH 555 TRANS 607

COSDP 1097 CSC 157 CIVCOM 487 CODEC 2647

The Council took note of the Progress report as set out in doc. 16537/13.

RESEARCH

10. **Proposals by the Commission to establish public-public partnerships with Member States under Article 185 TFEU for joint implementation of national research programmes [First reading]**

- (a) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States**

Interinstitutional file: 2013/0242 (COD)

12372/13 RECH 358 COMPET 576

16548/13 RECH 560 COMPET 852 CODEC 2653

- (b) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a Research and Development Programme jointly undertaken by several Member States aimed at supporting research performing small and medium-sized enterprises**

Interinstitutional file: 2013/0232 (COD)

12336/13 RECH 350 COMPET 568 MI 643 IND 210

16533/13 RECH 551 COMPET 844 MI 1053 IND 340 CODEC 2644

- (c) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a second European and Developing Countries Clinical Trials Partnership Programme jointly undertaken by several Member States**

Interinstitutional file: 2013/0243 (COD)

12369/13 RECH 356 SAN 271 SOC 596

16535/13 RECH 553 SAN 458 SOC 961 CODEC 2646

- (d) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in the Active and Assisted Living Research and Development Programme jointly undertaken by several Member States**

Interinstitutional file: 2013/0233 (COD)

12367/13 RECH 355 COMPET 574 TELECOM 204 SOC 595 MI 648

16549/13 RECH 516 COMPET 853 TELECOM 320 SOC 962 MI 1056

CODEC 2652

- General approach

The Council reached a general approach on all four proposals as set out in docs. 16548/13, 16533/13, 16535/13 and 16549/13, and mandated the Presidencies to enter into negotiations with the European Parliament on the basis of these general approaches.

NON-LEGISLATIVE ACTIVITIES

11. Proposals by the Commission for Joint Technology Initiatives established under Article 187 TFEU

- (a) **Proposal for a Council Regulation on the Bio-Based Industries Joint Undertaking**

12355/13 RECH 354 COMPET 573 IND 212 ENER 363 AGRI 483

16540/13 RECH 556 COMPET 848 IND 343 ENER 540 AGRI 764

- (b) **Proposal for a Council Regulation on the Clean Sky 2 Joint Undertaking**

12347/13 RECH 353 COMPET 572 ENV 708 AVIATION 108

16551/13 RECH 562 COMPET 854 ENV 1095 AVIAION 224

- (c) **Proposal for a Council Regulation on the ECSEL Joint Undertaking**

12375/13 RECH 359 COMPET 577 MI 649

16542/13 RECH 557 COMPET 849 MI 1055

- (d) **Proposal for a Council Regulation on the Fuel Cells and Hydrogen 2 Joint Undertaking**

12378/13 RECH 360 ENER 364 COMPET 578 ENV 709

16544/13 RECH 558 ENER 542 COMPET 850 ENV 1093

- (e) **Proposal for a Council Regulation on the Innovative Medicines Initiative 2 Joint Undertaking**

12370/13 RECH 357 COMPET 575 IND 213 SAN 272

16547/13 RECH 559 COMPET 851 IND 344 SAN 459

- General approach

The Council reached a general approach on all five proposals as set out in documents 16540/13, 16551/13, 16542/13, 16544/13 and 16547/13.

12. **Public Sector Innovation: Follow-up to the European Council of October 2013**

- Policy debate
16066/13 RECH 528 COMPET 808

The Council held a Policy debate on the basis of the questions as set out in doc. 16066/13.

13. **Proposal for a Council Decision amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it**

(Legal basis: Article 47 of the Euratom Treaty)

- Political agreement
13253/13 RECH 387 ATO 95 COMPET 617
16536/13 RECH 554 ATO 148 COMPET 846

The Council was informed by the Commission on the latest state of play on the ITER project and reached a political agreement on the basis of doc. 16563/13. COM and LU delegation made statements (as set out in the Annex to these minutes).

14. **Any other business**

Internal market and Industry

(a) **General Block Exemption Regulation (GBER)**

- Information from the Commission (requested by the Czech delegation)
16345/13 COMPET 836 RC 46

The Council took note of the information provided by the Czech delegation in doc. 16345/13, the remarks of many delegations, and of the information provided by Commission Vice-President Almunia.

(b) Product Safety and Market Surveillance Package

- **Proposal for a Regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC**

Interinstitutional file: 2013/0049 (COD)

- **Proposal for a Regulation of the European Parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EC) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council**

Interinstitutional file: 2013/0048 (COD)

- Information from the Presidency
(*Public deliberation in accordance with Article 16(8) of the Treaty on European Union*)

16872/13 ENT 322 MI 1077 CONSOM 204 CODEC 2718 COMPET 874
UD 312 CHIMIE 128 COMER 272

The Council took note of the information provided by the Presidency.

(c) Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market [First reading]

Interinstitutional file: 2012/0180 (COD)

- Information from the Presidency
(*Public deliberation in accordance with Article 16(8) of the Treaty on European Union*)

The Council took note of the information provided by the Presidency.

(d) European Patent with Unitary Effect and Unified Patent Court

- Information from the Presidency and the Preparatory and Select Committees
15819/13 PI 159

The Council took note of the information set out in doc. 15819/13 and of the oral information provided by the Presidency and the two Chairs of the Preparatory and Select Committees.

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(e) Work programme of the incoming Presidency

- Information from the Greek delegation

The Council took note of the information provided by the incoming Greek Presidency.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 1:

Proposal for a Council Regulation fixing the production levies in the sugar sector for the marketing years 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, the coefficient required for calculating the additional levy for the marketing years 2001/2001 and 2004/2005 and the amounts to be paid by sugar manufacturers to beet sellers in respect of the difference between the maximum amount of the levies and the amount of these levies to be charged for the marketing years 2002/2003, 2003/2004 and 2005/2006 - Adoption

STATEMENT BY THE COMMISSION

"The Commission confirms that the question whether, and under which conditions, in a given case, the decision of the national authorities on the collection of the sugar levy has become definitive or needs to be reviewed on the basis of the revised levy amounts included in the new Council Regulation is to be answered in accordance with the applicable national law."

Ad "A" item 18:

Joint Declaration on the Mobility Partnership between Tunisia and the European Union and its Member States

STATEMENT BY THE UNITED KINGDOM

"The UK welcomes the conclusion of the Mobility Partnership with Tunisia. We intend to participate in this Partnership, and for the Annex to make clear our offer to work with Tunisia in the area of border management.

Noting the non-binding character of the political declaration, and the voluntary nature of action under such Partnerships, the UK would like to make clear its intention *not* to participate in the specific provisions relating to the portability of social security benefits."

Ad "A" item 25:

Proposal for a Council Decision establishing the position to be taken by the European Union within the Ministerial Conference of the World Trade Organization on the accession of the Republic of Yemen to the WTO

STATEMENT BY THE COMMISSION

"The Commission welcomes the adoption of the Council Decision establishing the EU position in favour of the accession of the Republic of Yemen.

The Commission notes that it is proposed that a Decision of the Representatives of the Governments of the Member States meeting within the Council be adopted on this accession by common accord as regards the position of the Member States in the WTO. The Commission notes that it would have been possible to adopt an EU decision which would have rendered such a separate decision unnecessary."

STATEMENT BY IRELAND

"The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind Ireland as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of Ireland and the United Kingdom in respect of the area of Freedom, Security and Justice. Ireland will ensure that the temporary presence of natural persons for business purposes is allowed in accordance with those provisions."

STATEMENT BY THE UNITED KINGDOM

"The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind the United Kingdom as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice."

Ad "B" item 13: **Proposal for a Council Decision amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it**

STATEMENT BY THE COMMISSION

"The Euratom contribution to the budget for the ITER project for the years 2014-2020, as indicated in the Commission's proposal in current values, is fully in line with the capped overall budget of 6.6 Billion Euros (in 2008 values) as decided by the Council in 2010 for the construction phase of this first of a kind international research project.

In this respect the Commission will ensure that the annual commitment and payment appropriations to be transferred to the Joint Undertaking for ITER and the development of Fusion Energy (Fusion for Energy) are consistent with the development of the ITER project, while at the same time closely monitoring cost containment and cost savings measures implemented by the ITER International Organization and by the Fusion for Energy.

Should cost overruns occur and additional financing from the EU budget be needed, Article 16 of Council Regulation laying down the MFF for the years 2014-2020 would need to be amended. Following an amendment of the MFF Regulation, the Budgetary Authority would need to take the necessary steps under the normal budgetary procedure."

STATEMENT BY LUXEMBOURG

"Luxembourg recognises the importance of the ITER project and welcomes the compromise text while nevertheless maintaining its critical attitude to nuclear research in general. However, Luxembourg stresses that, in future, European funds for research and training should be geared more towards renewable energy. As the amended proposal for a Council Decision establishing the European Joint Undertaking for ITER and the Development of Fusion Energy does not start such a shift towards renewable energies, Luxembourg cannot subscribe to it in its entirety and is, therefore, abstaining in the vote. Furthermore, the new Luxembourg government will look into the possibility of terminating its financial contribution to ITER."