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Extraordinary Council meeting

Competitiveness (Internal Market, Industry, Research and Space)

Luxembourg, 27 June 2011

President **Mr Zoltán Cséfalvay**
Minister of State for Strategic Affairs of Hungary

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Main results of the Council

*The Council agreed on a general approach for implementing enhanced cooperation in the area of the creation of **unitary patent protection**, which will be valid throughout the territories of the participating member states.*

*The Council took note of the invitation to confirm, at its meeting of 28 June, the agreement on a general approach for extending, for a two-year period, the European Atomic Energy Community (Euratom) **framework programme for nuclear research**.*

*The Council took note of the outcome of the European Parliament's vote confirming the agreement on a new directive for improving **consumer rights** in distance and off-premises purchases.*

CONTENTS¹

| | |
|---------------------------|----------|
| PARTICIPANTS | 4 |
|---------------------------|----------|

ITEMS DEBATED

| | |
|---|---|
| Unitary patent protection: enhanced cooperation | 6 |
|---|---|

| | |
|-----------------------------|---|
| OTHER BUSINESS | 7 |
|-----------------------------|---|

| | |
|--|---|
| Research activities in the field of energy | 7 |
|--|---|

| | |
|---------------------------------|---|
| Consumer rights directive | 7 |
|---------------------------------|---|

| | |
|--|---|
| Euratom framework programme for nuclear research (2012-2013) | 7 |
|--|---|

OTHER ITEMS APPROVED

none

¹

- 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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Mr Michel BARNIER

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ITEMS DEBATED

Unitary patent protection: enhanced cooperation

During a public session, the Council unanimously agreed on general approaches¹ on two draft regulations implementing enhanced cooperation in the area of unitary patent protection ([11328/11](#)).

The agreement follows the two proposals submitted by the Commission last April, which contain provisions to implement enhanced cooperation in the area of the creation of unitary patent protection and the outcome of the ministerial debate that took place on 30 May.

The first proposal prescribes how patent holders can obtain European patents with unitary effect that ensures uniform protection for their invention ([9224/11](#)), and the second one contains the translation arrangements ([9226/11](#)).

The Council authorised the launch of enhanced cooperation in the field of the creation of unitary patent protection on 10 March after having received the European Parliament's consent to the use of this procedure on 15 February. The enhanced cooperation is a procedure enshrined in the EU treaty that allows a group of countries to adopt new common rules when EU-wide agreement cannot be reached within a reasonable period of time.

The use of enhanced cooperation was requested by 25 out of 27 EU member states with the aim of establishing a unitary patent that will be valid across the territory of the participating member states. All member states except Italy and Spain were in favour of the use of enhanced cooperation. The main obstacle to the creation of a unitary patent valid throughout the EU (i.e. in all 27 member states) is the lack of unanimity on the number of languages in which the future unitary patent will be valid, hence the recourse to enhanced cooperation.

Enhanced cooperation is open to non-participating countries, and access to the unitary patent on the territory of participating member states will also be available to businesses from non-participating member states.

See also joint Presidency and Commission [press statement](#).

¹ A general approach is an agreement on the essential elements of a legal act, pending the opinion of the European Parliament.

OTHER BUSINESS

Research activities in the field of energy

The Council took note of information provided by the Commission on research activities in the field of energy ([12055/11](#)).

Consumer rights directive

The Council took note of the positive outcome of the European Parliament's vote on a draft directive for improving consumer rights. The first-reading vote in the Parliament on 23 June confirms the agreement reached within the Council by the Permanent Representatives Committee on 15 June, which allows the formal adoption of the directive after the summer ([11699/11](#)).

The Presidency thanked delegations for their contributions to the agreement on a legislative text that will better protect consumers from unfair practices, enhance consumer choice and unlock cross-border trade and distance selling.

Among other features, the directive fully harmonises the list of information to be given to consumers and the right of withdrawal for distance and off-premises purchases.

Euratom framework programme for nuclear research (2012-2013)

The Council will be called upon to confirm, at its meeting of 28 June, the provisional agreement reached by the Council preparatory bodies on a general approach for extending, for a two-year period, the current European Atomic Energy Community (Euratom) framework programme ([12009/11](#)).

The new decision will extend the Euratom programme, which expires at the end of 2011, in order to align it with the end of the EU's current financial cycle in 2013. Euratom programmes are limited by the Euratom treaty to five years, whereas the general 7th framework programme for research, which runs until end 2013, lasts for seven years.

The Euratom framework programme is organised in two parts corresponding to actions on fusion energy research and nuclear fission and radiation protection ([7402/11](#)), and to research activities of the Joint Research Centre ([7404/11](#)).

On 31 May, the Council held a debate and endorsed a progress report ([10519/11](#)).

OTHER ITEMS APPROVED

None.
