



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 March 2011

**17843/10
ADD 1**

PV/CONS	73
COMPET	433
RECH	419
ESPACE	24

ADDENDUM to DRAFT MINUTES

Subject: **3057th** meeting of the Council of the European Union (**COMPETITIVENESS (Internal Market, Industry, Research and Space)**) held in Brussels on 10 December 2010

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

1. **Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 (Single CMO Regulation) as regards the aid granted in the framework of the German Alcohol Monopoly**

= Adoption of the legislative act

PE-CONS 56/10 AGRI 405 AGRIORG 39 CODEC 1046

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, the Estonian and Polish delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: first paragraph of Article 42 and Article 43(2) of the TFUE)

2. **Regulation of the European Parliament and of the Council concerning European Union financial contributions to the International Fund for Ireland (2007-2010)**

= Adoption of the legislative act

PE-CONS 26/10 REGIO 43 FIN 282 CODEC 603

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 175 and Article 352(1) of the TFUE)

3. **Regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EEC) No 2658/87 as regards the provision of duty-free treatment for specified pharmaceutical active ingredients bearing an "international non-proprietary name" (INN) from the World Health Organization and specified products used for the manufacture of finished pharmaceuticals**

= Adoption of the legislative act

PE-CONS 59/10 WTO 353 UD 292 CODEC 1167

The Council approved the European Parliament's position at first reading and adopted the proposed act, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFUE)

4. Proposal for a Regulation of the Council amending Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories

= Adoption of

– the Council's position at first reading

– the statement of reasons

16440/10 COASI 194 ASIE 75 COMEM 256 COLAT 41 COEST 357
DEVGEN 341 PE 500 RELEX 979 CADREFIN 66 CODEC 1280
+ ADD 1

17378/10 CODEC 1447 COASI 205 ASIE 78 COMEM 268 COLAT 44
COEST 378 DEVGEN 378 PE 535 RELEX 1059 CADREFIN 74
+ COR 1 (es)
+ ADD 1

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207(2) and 209(1) of the TFUE)

Commission declaration concerning Article 16

"The Regulation addresses the issue of support for a number of specific non-Official Development Assistance (ODA) activities in countries covered by the Development Cooperation Instrument (DCI Regulation n°1905/2006). The Regulation is intended to be a one-off solution to this issue.

The Commission reaffirms that the eradication of poverty, including the pursuit of the Millennium Development Goals, is the primary objective of its development cooperation and remains a priority.

It recalls that the financial reference amount fixed in Article 16 for countries listed in Annex II will be implemented using dedicated budget lines which are intended for activities other than Official Development Assistance.

Furthermore, the Commission confirms its intention to respect the financial reference amount fixed in Article 38 of the Development Cooperation Instrument (Regulation n° 1905/2006) for the period 2007-2013 as well as the provisions in the same Regulation regarding the fulfilment of the criteria for ODA. It recalls that on the basis of its current financial planning, this reference amount will be exceeded in 2013.

In this context, the Commission intends to propose draft budgets which ensure a progression in development assistance for Asia and Latin America under the DCI Regulation n°1905/2006 over the period until 2013 so that the currently projected ODA amounts under the DCI and the EU budget generally are not affected."

5. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation

= Adoption of

- the Council's position at first reading
- the statement of reasons

16442/10 DEVGEN 342 NIS 136 PESC 1470 RELEX 980 FIN 580 ACP 281
CADREFIN 67 COHOM 250 CODEC 1282
+ ADD 1

17377/10 CODEC 1446 DEVGEN 377 NIS 146 PESC 1578 RELEX 1058
FIN 695 ACP 310 CADREFIN 73 COHOM 276

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 209(1) of the TFUE)

6. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide

= Adoption of

- the Council's position at first reading
- the statement of reasons

16446/10 DEVGEN 343 NIS 137 PESC 1471 RELEX 981 FIN 581 ACP 282
CADREFIN 68 COHOM 251 CODEC 1283
+ ADD 1

17381/10 CODEC 1448 DEVGEN 379 NIS 147 PESC 1579 RELEX 1060
FIN 696 ACP 311 CADREFIN 75 COHOM 277

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 209(1) and Article 212 of the TFUE)

7. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation

= Adoption of

- the Council's position at first reading
- the statement of reasons
16447/10 DEVGEN 344 ACP 283 AGRI 479 WTO 381 CODEC 1284
+ COR 1 (bg)
+ ADD 1
17383/10 CODEC 1450 DEVGEN 380 ACP 312 AGRI 528 WTO 399

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 209(1) and Article 212 of the TFUE)

- 8. - Draft amending budget No 9 to the general budget for 2010 – Statement of expenditure by Section – Section III – Commission**
- Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the EU Solidarity Fund
16865/10 FIN 646

The Council adopted the Decision on the mobilisation of the EU Solidarity Fund for France and Portugal, as set out in document 14961/10, as well as its position on draft amending budget No 9 for 2010. (Legal basis: Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund¹; Article 314 of the TFEU).

- 9. Draft amending budget No 10 to the general budget for 2010 as amended by letter of amendment No 1**
17568/10 FIN 708

The Council adopted its position on draft amending budget No 10 for 2010 as amended by letter of amendment No 1 as set out in doc. 17568/10 (Legal basis: Article 314 of the TFEU).

- 10. New draft budget for 2011**
17569/1/10 REV 1 FIN 709
+ ADD 1 REV 1

The Council adopted its position on the new draft budget for 2011 as set out in doc. 17569/1/10 REV 1 + ADD 1 REV 1 (Legal basis: Article 314 of the TFEU).

¹ OJ L 311, 14.11.2002, p. 3.

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES
(In accordance with Article 8(2) of the Council's rules of procedure)

AGENDA ITEMS

6. The European Union Patent: Way forward and possible enhanced cooperation

- Exchange of views
16946/10 PI 140

The Council noted

- that the majority of delegations concurred with the Presidency's assessment that it is impossible to reach a unanimous agreement on this file within a reasonable period of time;
- that a very small number of delegations considered that discussions for a unanimous agreement should continue, while two of them requested that the statement hereafter be entered in the minutes of the Council;
- that eleven Member States, supported by several others, had formally requested the Commission to submit a proposal for launching enhanced cooperation for the EU patent;
- that in response to this request, the Commission would adopt its proposal to that effect on 14 December 2010;
- the oral advice given by the Council Legal Service as regards the compatibility of the envisaged enhanced cooperation mechanism for the EU patent with the Treaties;
- that the forthcoming Hungarian presidency is prepared to work towards achieving progress on this file as soon as possible.

Joint statement by Italy and Spain

"Italy and Spain strongly believe that it is possible to achieve a consensus-based solution among the 27 Member States as we did in December 2009 on the Patent regime. Therefore, Italy and Spain are committed to evaluate, with flexibility and in a constructive spirit new solutions that will benefit the entire European Union as well as the economic operators and that are acceptable to all Member States.

Italy and Spain are convinced that the Council has not exhausted all the negotiating possibilities. It is clear that *inter alia* the “last resort” requirement for an enhanced cooperation is not fulfilled.

Besides, for the sake of caution the Council should wait for the Court’s Opinion on the European Jurisdictional System of Patent since it could have a material impact on this matter. Even one of the Member States which wish to establish enhanced cooperation has pointed out this element.

In this controversial context, Italy and Spain reserve their right to take any legal measure provided for in the Treaties to preserve the values and objectives of the EU as a whole."

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