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3113th Council meeting

Competitiveness (Internal Market, Industry, Research and Space)

Brussels, 29 and 30 September 2011

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Main results of the Council

The Council dealt with a number of issues relating to the unlocking of European competitiveness and innovation potential bearing in mind the priority of creating growth in the EU economies.

*In this regard, the Council adopted conclusions addressing the **competitiveness of the European economy**, whilst looking forward to the concrete implementation of the strategies to improve **resource efficiency** in various EU policy areas.*

Ministers also held debates on:

- the reform of the **standardisation policy**;*
- a draft agreement aimed at establishing a **unified patent litigation system**; and*
- the modernisation of the **professional qualifications directive**.*

*They took note of a progress report on the **reduction of administrative burdens** for the benefit of businesses.*

*Ministers for research reached an agreement on a general approach on the implementing programmes and rules for participation in the European Atomic Energy Community (**Euratom**) framework programme for 2012-2013.*

*The Council adopted a political agreement on a draft regulation updating the current provisions of the joint undertaking on **fuel cells and hydrogen technologies** in order to further facilitate research actions in this field.*

*It launched the new joint programming **initiative "More years Better lives"** aimed at uniting research efforts in the area of demographic change and population ageing.*

*Finally, the Council exchanged views on **partnering in research and innovation**, an approach to EU research for tackling specific societal challenges that are shared across the EU.*

* * *

Without discussion, the Council formally adopted:

- a directive aimed at facilitating cross-border exchange of information on **road traffic offences**;*
- a regulation on **food labelling** helping consumers to make healthier and better informed choices.*

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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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ITEMS DEBATED

Competitive European economy - Council conclusions

The Council held an exchange of views and adopted the conclusions set out in document [14181/11](#).

New standardisation strategy

During a public session the Council exchanged views on a strategy to modernise European standardisation. It instructed its preparatory bodies to pursue the examination.

This was the first ministerial debate that should lead to a deep reform of the standardisation system in Europe.

The debate was structured around key questions put forward by the Presidency on the basis of the two proposals submitted by the Commission:

- the communication " A strategic vision for European standards" ([11471/11](#)), and
- a draft regulation on European standardisation ([11300/1/11](#)).

Delegations expressed broad support for increasing the role of European standards to benefit the EU economy and to strengthen the single market and consumer protection.

They agreed on the need to shape a standardisation model adaptable to ever-changing conditions by making it more flexible.

Most delegations highlighted the need to speed up the process for adopting European standards without this being detrimental to their quality and consistency.

They outlined the important role that the use of information and communication technologies (ICT) standards developed by global ICT fora and consortia can play in public procurement policies.

Finally, ministers expressed convergent views on the importance of a greater involvement of stakeholders in the standardisation process and particularly of the small and medium-sized enterprises (SMEs).

More transparency and better accessibility to standards were also mentioned as an important aspect of the reform.

The new strategic vision put forward by the Commission contains a list of 29 legislative and non-legislative actions and 5 axes of action: industrial policy and innovation; inclusive standard-setting; standards on services; ICT fora and consortia standards, and European standards in the global market.

Standardisation can provide an essential contribution towards developing innovation and competitiveness, by facilitating access to markets, enabling interoperability between new and existing products, services and processes, enhancing protection of users, giving consumers confidence in innovations and disseminating research results.

Currently there is a growing number of standards which are adopted by the European standardisation bodies (ESOs) and which apply throughout the EU. The ESOs are independent organisations governed by private law¹.

¹ The ESOs are: CEN (The European Committee for Standardisation), CENELEC (The European Committee for Electrotechnical Standardisation) and ETSI (The European Telecommunications Standards Institute).

Unitary patent protection: draft agreement on creation of a unified patent court

The Council exchanged views on a draft agreement aimed at establishing a unified patent litigation system ([13751/11](#)) in the context of the creation of unitary patent protection.

The outcome of the debate provides the Presidency with political guidance for continuing work with a view to reaching a political agreement on the patent package before the end of the year.

The draft package is made of legislative measures on how to obtain European patent titles with unitary effect that ensure uniform protection for inventions together with the translation arrangements, and the creation of a unified patent litigation system ([10630/11](#)).

The debate focused on the main principles of a future agreement for creating a common patent court that would ensure compliance with the EU treaties, as requested by the Court of Justice of the EU in its Opinion 1/09 on the compatibility of the envisaged system with EU law ¹.

The vast majority of delegations supported the creation of a cost-effective and legally sound system that would include the following main features:

- the future court will be common to EU member states and thus part of the judicial order of the EU, including the arrangements for requesting a preliminary ruling from the Court of Justice of the EU;
- third countries will not participate in the agreement setting up the unified patent court;
- the new court will apply EU law in its entirety and respect its primacy;
- the draft agreement will contain guarantees for the protection of individuals' rights in the case of infringements of Union law committed by the future unified patent court.

On 27 June 2011 the Council agreed on general approaches² on two draft regulations implementing enhanced cooperation in the area of unitary patent protection ([11328/11](#)).

On 30 May 2011 a large majority of member states endorsed the way forward proposed by the Commission of setting up a common jurisdiction by means of an agreement to be concluded between member states (*see press release [10547/11](#), page 11*).

¹ <http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-03/cp110017en.pdf>

² A general approach is an agreement on the essential elements of a legal act, pending the opinion of the European Parliament.

Review of the Professional Qualifications Directive

The Council heard a presentation by the Commission of its Green Paper "Modernising the Professional Qualifications Directive" ([12111/11](#)).

It took note of the Commission's intention to present to the Council and to the European Parliament a legislative proposal on the review of the directive before the end of the year.

The presentation highlighted important issues in the Green Paper, such as:

- the creation of a European professional card;
- the simplification of citizens' access to information on the recognition of qualifications; and
- the modernisation of the automatic recognition system.

Delegations welcomed the initiative and expressed their willingness to contribute to improving the current system, as envisaged in the 12 priority measures approved in the Single Market Act.

The Green Paper, issued on 22 June 2011, launched a broad public consultation on a number of new ideas for modernising the Professional Qualifications Directive (directive 2005/36/EC).

It stresses that the recognition of qualifications among member states has become a fundamental building block of the single market, and professional mobility a key element of Europe's competitiveness.

Euratom programme for nuclear research (2012-2013)

The Council approved, during a public deliberation, a general approach to three legislative acts under the European Atomic Energy Community (Euratom) framework programme (2012-2013).

The legislative acts correspond to draft decisions implementing the Euratom framework programme through indirect and direct actions, and a draft regulation setting out the rules for the participation of undertakings, research centres and universities in indirect actions ([14073/11](#)).

On 28 June, the Council agreed on a general approach for extending the Euratom framework programme for nuclear research for the years 2012 and 2013 ([12161/11](#)). The purpose is to align it with the end of the EU's current financial perspectives in 2013. Euratom programmes are limited by the Euratom treaty to five years, whereas the general rule for framework programmes for research is a seven year duration. The current Seventh framework programme runs until end 2013.

The Euratom framework programme concerns research activities in nuclear energy (fusion and fission) and radiation protection.

It is organised in two parts, one for actions on fusion energy research and nuclear fission and radiation protection (indirect actions) ([7402/11](#)), and another for research activities of the Joint Research Centre (JRC) (direct actions) ([7404/11](#)).

The fusion energy research activities include, as central feature, completing the construction of ITER (International Thermonuclear Experimental Reactor), a major experimental facility to demonstrate the scientific and technical feasibility of fusion power.

- The nuclear fission research activities are in line with the objective of enhancing the safety of nuclear fission and other uses of radiation in industry and medicine.
- The activities of the JRC cover customer-driven scientific and technological support for the formulation, development, implementation and monitoring of the Union's policies with an enhanced focus on safety and security research. The JCR provides scientific advice and technical know-how to support a wide range of EU policies¹.

¹ <http://ec.europa.eu/dgs/jrc/index.cfm>

Fuel cells and hydrogen technologies - Joint undertaking for research

In public deliberation, the Council reached a political agreement for adapting the current provisions governing the Fuel Cells and Hydrogen Joint Undertaking in order to facilitate research actions and the possibility of increasing funding levels for the project ([14078/11](#)).

The fuel cells and hydrogen joint technology initiative is a public-private partnership supporting research, development and demonstration activities in fuel cell and hydrogen energy technologies in Europe. Its aim is to accelerate the market introduction of these technologies realising their potential as a vector in a carbon-lean energy system.

To implement the initiative, the founding members set up a joint undertaking in May 2008 for the period up to 2017 with the objective of pooling resources from public and private sources¹.

Launch of joint programming initiative 'More Years Better Lives' - Council conclusions

The Council launched the research joint programming initiative 'More Years Better Lives', aimed at uniting research efforts in the area of demographic change and population ageing ([14079/11](#)).

The initiative will help reduce the fragmentation of member states' research efforts and will step up the mobilisation of skills, knowledge and resources, with a view to advancing and strengthening Europe's leadership and competitiveness in research and innovation in this field.

¹ [Fuel Cells and Hydrogen Joint Undertaking](#)

Partnering in research and innovation

The Council had an exchange of views on partnering in research and innovation and, in particular, on European Innovation Partnerships.

The outcome of the debate will feed into future discussions and into the conclusions on partnerships in research and innovation that the Presidency will prepare for adoption by the Council at the December Competitiveness Council.

European Innovation Partnerships (EIPs) are a novel concept proposed in the "Innovation Union" flagship initiative ([14035/10](#)) to speed up innovations addressing major societal challenges. They are designed to provide a framework bringing together stakeholders across policy areas, sectors and borders to integrate or initiate supply and demand side measures across the whole research and innovation cycle.

In November 2010, the Council welcomed the objectives of the EIPs and supported the development of a proposal with a view to launching a pilot partnership on active and healthy ageing ([17165/10](#)). The pilot EIP on Active and Healthy Ageing (AHA) is intended to test the concept and assess how it can best be implemented. The Commission has carried out a first analysis of the pilot project ([13744/11](#)).

The debate was conducted on the basis of Presidency questions ([14080/11](#)), and taking into consideration the Commission communication on "Partnering in research and innovation" ([14555/11](#)), which presents the state of play of different forms of existing partnerships: public-public and public-private.

The majority of delegations supported the general thrust of the EIPs. They welcomed the first analysis on the AHA pilot project, and underlined that further steps could be taken after further analysis of the strategic innovation plan, which is to be presented in the next months.

Ministers underscored the importance for EIPs to have a focus on addressing fundamental societal challenges and that their governance structure, built on lessons learnt from previous partnership experiences, should be clearer, light, transparent and based on a well-balanced representation. EIPs should also have a European added value.

* * *

At an informal lunch, ministers exchanged views on the achievements and challenges of the European Research Council (ERC)¹, the EU body for stimulating scientific excellence. Mrs Máire Geoghegan-Quinn, Commissioner for science and innovation, and Mrs Helga Nowotny, President of the ERC, participated in the working lunch.

¹ <http://erc.europa.eu/>

OTHER BUSINESS

Informal ministerial meetings (Sopot, Poland, July 2011)

The Council took note of a Presidency summary on the outcome of the ministerial meeting on competitiveness held in Sopot, Poland, on 21 and 22 July.

Ministers for industry had a debate that focussed on the conditions under which industry operates, placed in the broader context of how to regain competitiveness and stability in the wake of the economic crisis ([14356/11](#)).

In the research part, ministers discussed the future framework programme for research and innovation "Horizon 2020" under two headings: "Cooperation in science - Towards smart Europe" and "From science to innovation for growth".

The Council also took note of the Presidency conclusions on the ministerial meeting on the environment that took place in Sopot on 11 and 12 July ([14623/11](#)).

European Tourism Forum - Informal ministerial meeting (Cracow, Poland, 5-7 October 2011)

The Council took note of preparations for the European Tourism Forum and the informal ministerial meeting on tourism, to take place in Cracow, Poland, from 5 to 7 October ([14353/11](#)).

The main theme at the Forum will be "Stimulating competitiveness in the European tourism sector".

On 6 October, ministers for tourism will be invited to discuss on the member states' needs concerning tourist promotion as well as possible directions for strengthening transnational cooperation in this field.

Strengthening competitiveness in Greece

The Council took note of information provided by the German and Greek delegations on the investment and growth campaign for Greece, a German initiative to support Greek efforts to strengthen the competitiveness of its economy ([14541/11](#) and [14792/11](#)).

The Presidency stated that EU countries together with the Commission will continue to show solidarity in helping Greece to strengthen its competitiveness.

Internal Market Scoreboard

The Commission presented the last internal market scoreboard, a regular monitoring exercise on member states' enforcement performance implementing and applying EU legislation.

Single Market Forum (SIMFO) in Cracow (2-4 October 2011)

The Council took note of preparations for the SIMFO, which will be organized jointly by the European Parliament, the Commission and the Polish Presidency. SIMFO is intended to be the starting point of a permanent platform for debate among EU institutions, stakeholders and citizens on the development of the internal market¹.

Reduction of administrative burdens

The Council took note of a Presidency progress report on the state of play of the reduction of administrative burdens in the EU ([14328/11](#)).

The Council also took note of the Presidency's intention to submit a text of conclusions on impact assessment at the next Competitiveness Council meeting on 5 and 6 December 2011.

Participation rates in the Seventh research framework programme (FP7)

The Council took note of information provided by the Commission on widening participation rates from certain EU member states in the FP7 ([14728/11](#)), as well as of the member states comments.

Some member states underlined the importance of introducing measures both at European and national levels and that actions should be reflected in the future framework programme for research "Horizon 2020".

The Council conclusions on the mid-term evaluation of FP7 of March 2011 invited the Commission, in consultation with the member states, to analyse the reasons for low participation and report back to the Council.

¹ http://ec.europa.eu/internal_market/top_layer/docs/draft_programme_internet_05-09-2011_en.pdf

OTHER ITEMS APPROVED

INTERNAL MARKET

Audit of the small and medium-sized enterprise (SME) Guarantee facility - *Council conclusions*

Following the special report No 4/2011 by the Court of Auditors concerning the audit of the SME Guarantee facility and the replies given by the Commission to the findings of the report ([12078/11](#)), the Council adopted the conclusions set out in document [14208/11](#).

The objective of the Court's audit was to assess the effectiveness of the SME Guarantee facility, notably the design and planning, the management of its operations and the achievement of its objectives.

The SME Guarantee facility is a financial instrument managed by the European Investment Fund on behalf of the European Commission and providing guarantees or counter-guarantees to financial intermediaries for loans granted by financial institutions to SMEs aimed at increasing the supply of debt financing. The financial intermediaries are public guarantee institutions, mutual guarantee organisations, micro-finance institutions and commercial or publicly owned or controlled banks.

The SME Guarantee facility was established in October 2006 as part of the Competitiveness and Innovation Framework Programme (<http://ec.europa.eu/cip/>).

Vehicles - Technical standards for tyres

The Council decided not to oppose the adoption by the Commission of a regulation amending regulation 1222/2009 with a view to improving the harmonisation of testing methods and requirements as regards the wet grip grading of tyres, the measurement of rolling resistance and the verification procedure.

Regulation 1222/2009 establishes a framework for harmonised information on tyre parameters through labelling, allowing end-users to make an informed choice when purchasing tyres.

The draft regulation is subject to the regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

FOREIGN AFFAIRS**EU annual report on human rights and democracy**

The Council approved the EU's annual report on human rights and democracy in the world 2010 ([11501/2/11 REV 2](#)). The report outlines the EU's work to promote human rights in its relations with other countries, both in its formal dialogues and in its practical, direct assistance. It also reviews the Union's work in multilateral fora, especially the UN, in trying to establish and entrench human rights as indivisible and universal.

Restrictive measures - Transnistria

The Council prolonged the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova until 30 September 2012. At the same time, in order to encourage a political settlement of the Transnistrian conflict, the Council suspended the restrictive measures until 31 March 2012.

Restrictive measures - Afghanistan

Following a UN decision, the Council updated the list of individuals, groups and entities subject to restrictive measures in view of the situation in Afghanistan.

TRANSPORT

Cross-border exchange of information on road safety offences*

The Council, on the basis of a text agreed with the European Parliament in second reading, adopted a directive on cross-border exchange of information on road traffic offences ([44/11](#), [14251/11 ADD 1](#)+ [ADD 2](#)). Member states will have two years following the publication of the directive in the EU's Official Journal to transpose it into their national legislation.

The aim of this directive is to combat road traffic offences that considerably jeopardise road safety, by enabling a member state in which an offence has been committed with a vehicle registered in another member state to identify the holder of the vehicle and investigate who is personally liable for the offence, so that sanctions can be enforced. To this end, member states will allow each other access to vehicle registration data for identification of the holder or owner of the vehicle with which the offence has been committed.

The directive covers the four traffic offences which cause the most road casualties in Europe, namely speeding, driving under the influence of alcohol or drugs, non-use of a seat belt and failing to stop at a red light. Three further offences also fall within the scope of the directive: failing to wear a safety helmet, use of a forbidden lane (such as emergency or public transport lanes), and illegally using a mobile phone while driving. The list may be extended in the future.

For details see press release [14413/11](#).

Training and examination of train drivers

The Council decided not to oppose the adoption by the Commission of a decision establishing criteria for the recognition of train driver training centres and examiners of train drivers and for the organisation of examinations ([13073/11](#)).

The draft decision is subject to the regulatory procedure with scrutiny; now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

EU model driving licence

The Council decided not to oppose adoption by the Commission of a directive updating the EU model driving licence in particular to take account of the accession of Bulgaria and Romania to the Union and of the introduction of new vehicle categories into the model licence ([12987/11](#)).

The directive, which amends the 2006 directive on driving licences, has to be transposed into national law by 30 June 2012, and the new provisions will apply from 19 January 2013.

The draft directive is subject to the regulatory procedure with scrutiny; now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

FOOD

New food labelling rules

The Council approved a compromise text aimed at ensuring that food labels carry essential information in a clear and legible way ([43/11](#) + [13135/11 ADD 1 REV 1](#)), following a second-reading agreement with the European Parliament. This means that the new regulation is now adopted. The new food labelling rules enter into force 20 days after their publication in the Official Journal of the EU, which is expected for the end of November. The vast majority of them become applicable three years after their publication.

The main objective of the new regulation is to enable consumers to make balanced and healthier dietary choices. In order to achieve this, prepacked food must in future be labelled with the energy value and the quantities of fat, saturates, carbohydrates, protein, sugars and salt.

For details see press release [14462/11](#).
