



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 July 2011**

**10917/11  
ADD 1**

<b>PV/CONS</b>	<b>35</b>
<b>COMPET</b>	<b>220</b>
<b>RECH</b>	<b>141</b>
<b>ESPACE</b>	<b>42</b>

**DRAFT MINUTES**

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Subject: **3094th** meeting of the Council of the European Union (**COMPETITIVENESS (Internal Market, Industry, Research and Space)**) held in Brussels on 30 and 31 May 2011

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## PUBLIC DELIBERATION ITEMS<sup>1</sup>

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<sup>1</sup> 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).

## **LEGISLATIVE DELIBERATIONS**

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

### **2. Proposal for a Council Regulation on the Statute for the European private company (Legal basis proposed by the Commission: Article 352(1) of the TFEU)**

- Political agreement  
11252/08 DRS 17  
10611/11 DRS 84 SOC 432

The Council discussed the outstanding issues set out in doc. 10611/11 and noted that the Presidency compromise text, set out in doc. 10611/11, does not have the required unanimous support of delegations. The Presidency will reflect on the way that this file should be further handled.

### **3. Proposal for a Regulation of the Council and the European Parliament implementing enhanced cooperation in the area of the creation of unitary patent protection**

- Political orientation
- Exchange of views  
9224/11 PI 31 CODEC 671  
10629/11 PI 53 CODEC 891

### **4. Proposal for a Council Regulation implementing enhanced cooperation in the area of unitary patent protection with regard to the applicable translation arrangements**

- Political orientation
- Exchange of views  
9226/11 PI 32  
10629/11 PI 53 CODEC 891

As regards the two proposed Regulations implementing enhanced cooperation in the area of the creation of unitary patent protection, the Council broadly endorsed the Presidency's approach as described in doc. 10629/11 and called for the rapid resolution of the few remaining outstanding issues. The Council noted the Presidency's intention to convene an extraordinary Council meeting on 27 June 2011 with a view to adopting a general approach on both draft Regulations.

**5. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities**

(Legal basis proposed by the Commission: Article 50(1) of the TFEU)

- Political agreement  
7229/1/09 DRS 18 COMPET 125 ECOFIN 176 CODEC 298 REV 1  
10642/11 DRS 85 COMPET 213 ECOFIN 284 CODEC 896

The Council

- reached, with the German and Portuguese delegations abstaining, a unanimous political agreement on the text set out in doc. 10642/11. The text of the draft Directive will be adopted as an "A" item at a forthcoming Council meeting once it has undergone legal/linguistic revision;
- decided to enter the German and Maltese delegations' statements, contained in Annex, to its minutes.

**Statement by Germany**

"Germany supports the reduction of accounting and financial reporting requirements for micro-entities in order to reduce unnecessary administrative burdens.

Germany therefore supported the original proposal of the Commission. That proposal provided the Member States with the necessary options for providing exemptions and is consistent with the general efforts to reduce administrative burdens, which have been repeatedly expressed at the European level as well.

The current draft position of the Council will achieve considerable reduction of regulatory requirements for micro-entities in the area of accounting. However, Germany would have preferred to set the thresholds as high as in the Commission proposal. This would have given Member States the option to exempt more small companies. Furthermore, the current text no longer includes real possibilities for exemptions from the publication requirement, which would have substantially reduced administrative burdens. Therefore, Germany cannot accept the current package, which has strayed too far from the Commission proposal. Germany will continue to advocate for a more ambitious reduction of administrative burdens."

**Statement by Malta**

"Malta's vote was in favour of the Presidency compromise text, with the understanding that the definition under Article 1a(1) is only applicable to the proposal found in doc. 10642/11."

**11. Proposal for a Council Decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013)**

- Progress report  
7421/11 RECH 56 ATO 11 COMPET 87  
10519/11 RECH 127 ATO 49 COMPET 202

The Council took note of the progress report and the views expressed by delegations. The President recalled the agreement already reached on the content of the fusion research activities of the Framework Programme and indicated that the Presidency would continue its efforts to facilitate reaching General Approach as soon as possible.

**NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES**

**8. Creating a Unified Patent Litigation System**

- Orientation debate  
[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (proposed by the Presidency)]  
10630/11 PI 54 COUR 28

As regards the unified patent litigation system, the Council stressed that this constitutes an indispensable element of the final package. The Council broadly agreed on the need for the rapid resumption of work at technical level on the basis of the model suggested by the Commission services in doc. 10630/11 with a view to setting up an efficient and legally secure specialised patent litigation system in full respect of the Opinion 1/09 of the Court of Justice of the European Union.

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