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DRAFT MINUTES

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

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"A" ITEMS (doc. 16889/13)

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

1. Multiannual Financial Framework (2014-2020)

- a) **Council Regulation laying down the multiannual financial framework for the years 2014-2020**

11791/7/13 REV 7 POLGEN 129 CADREFIN 170

The Council adopted the Council Regulation laying down the multiannual financial framework for the years 2014-2020 as set out in doc. 11791/7/13 REV 7 (Legal basis: Article 312 of the Treaty on the Functioning of the European Union, and Article 106 of the European Atomic Energy Community).

- b) **Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management**

11838/13 POLGEN 130 CADREFIN 172

The Council approved the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management as set out in doc. 11838/13.

Joint Declaration on Own Resources

- "1. According to Article 311 of the TFEU the Union shall provide itself with the means necessary to attain its objectives and carry through its policies; it also stipulates that , without prejudice to other revenue, the budget shall be financed wholly from own resources. Article 311 al. 3 indicates that the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament adopt a decision on the system of own resources and that, in that context, the Council may establish new categories of own resources or abolish an existing category.
2. On this basis, the Commission presented in June 2011 a set of proposals to reform the Own Resources system of the Union. At its meeting of 7/8 February, the European Council agreed that Own Resources arrangements should be guided by the overall objectives of simplicity, transparency and equity. In addition, the European Council called on the Council to continue working on the proposal of the Commission for a new own resource based on value added tax (VAT). It also invited the Member States participating in the enhanced cooperation in the area of financial transaction tax (FTT) to examine if it could become the base for a new own resource for the EU budget.

3. The question of own resources requires further work. To this end, a high-level Group will be convened, composed of members appointed by the three institutions. It will take into account all existing or forthcoming input which may be brought by the three European institutions and by National Parliaments. It should draw on appropriate expertise, including from national budgetary and fiscal authorities as well as independent experts.
4. The Group will undertake a general review of the Own Resources system guided by the overall objectives of simplicity, transparency, equity and democratic accountability. A first assessment will be available at the end of 2014. Progress of the work will be assessed at political level by regular meetings, at least once every six months.
5. National Parliaments will be invited to an inter-institutional conference during 2016 to assess the outcome of this work.
6. On the basis of the results of this work, the Commission will assess if new Own Resource initiatives are appropriate. This assessment will be done in parallel to the review referred to in Article 2 of the MFF Regulation with a view to possible reforms to be considered for the period covered by the next multiannual financial framework."

Joint Declaration

on improving effectiveness of public spending in matters subject to EU's action

"The European Parliament, the Council and the Commission agree to work together with the objective of cost savings and better synergies at national and European levels in order to improve the effectiveness of public spending in matters subject to EU's action. To this end, the institutions will, as they consider most appropriate, draw on, *inter alia*, knowledge of best practices, information sharing as well as available independent assessment. The results should be available and serve as one basis for the proposal of the Commission for the next multiannual financial framework."

Joint Declaration

"The European Parliament, the Council and the Commission agree that the annual budgetary procedures applied for the MFF 2014-2020 will integrate, as appropriate, gender-responsive elements, taking into account the ways in which the overall financial framework of the Union contributes to increased gender equality (and ensures gender mainstreaming)."

Joint Declaration

on Article 15 of the Council Regulation laying down the multiannual financial framework for the years 2014-2020

"The Institutions agree to use the amount referred to in Article 15 of the Council Regulation laying down the multiannual financial framework for the years 2014-2020 as follows: EUR 2143 million for Youth Employment, EUR 200 million for Horizon 2020, EUR 150 million for Erasmus and EUR 50 million for COSME."

Declaration by the European Commission on national management declarations

"In its discharge resolution of 17 April 2013, the European Parliament requested to establish a template for national management declarations to be issued by Member States at the appropriate political level. The Commission is prepared to examine this request and is willing to invite the European Parliament and the Council to participate in a working group with a view to issue recommendations by the end of this year."

Declaration by the European Commission on the review/revision

"With regard to the provisions of Article 2 MFFR, taking into account the result of the Review, the Commission confirms its intention to submit legislative proposals for a revision of the MFF Regulation. In this context, it will pay particular attention to the functioning of the global margin for payments in order to ensure that the overall payments ceiling remains available throughout the period. It will also examine the evolution of the global margin for commitments. The Commission will also take into account the particular requirements of the Horizon 2020 programme. The Commission will also examine aligning its proposals for the next MFF with the political cycles of the Institutions."

2. Regulation of the European Parliament and of the Council establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC [First reading] (LA+S)

PE-CONS 67/13 RECH 368 COMPET 587 ATO 87 IND 218 MI 665 EDUC 307
TELECOM 209 ENER 369 ENV 732 REGIO 162 AGRI 504
TRANS 406 SAN 284 CODEC 1804

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Austrian and Maltese delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 173(3) and 182(1) of the TFEU).

Statement by Malta

"Malta welcomes the Horizon 2020 Framework Programme as a key tool in realising the European Research Area, as well as in implementing the Europe 2020 Strategy Innovation Union flagship initiative and in delivering on the commitments made therein. In this context, Malta has been fully committed to and fully engaged in the negotiations aimed at shaping an inclusive Horizon 2020 Programme which rewards excellence and supports potential excellence.

In spite of this, Malta cannot agree with the eligibility for funding under the Horizon 2020 Framework Programme of activities that involve the destruction of human embryos.

It is also of the opinion that the approach envisaged by the Horizon 2020 Framework Programme does not take sufficiently into account the therapeutic potential of human adult stem cells.

Furthermore, Malta believes that the principle of subsidiarity should be fully abided by with the refrain of EU level financing of research activities involving matters of fundamental ethical principles, which differ among the Member States."

Statement by Austria **on Human Embryonic Stem Cell Research**

"With regard to funding of research on human embryonic stem cells by public funds, Austria has a clear position, consistent with Austria's position held within the 6th and 7th EU Research Framework Programmes.

Research funding by public funds requires compliance with high ethical standards. Austria takes the view that adult stem cells have to be given absolute priority over the funding of research involving embryonic stem cells. In addition, with a view to ECJ rulings made in the meantime concerning the issue of the patentability of embryonic stem cell procedures, it will have to be clarified whether funding such procedures should not be dispensed with in principle."

Statement by Austria **on Energy Research**

"Austria has repeatedly proposed to provide the conducting of research on evaluating the potential of a nuclear fission-free energy economy in this regulation. This Austrian proposal has not been taken up."

Statement by the Commission

"For the Horizon 2020 Framework Programme, the European Commission proposes to continue with the same ethical framework for deciding on the EU funding of human embryonic stem cell research as in the 7th Framework Programme.

The European Commission proposes the continuation of this ethics framework because it has developed, based on experience, a responsible approach for an area of science which holds much promise and that has proven to work satisfactorily in the context of a research programme in which researchers participate from many countries with very diverse regulatory situations.

- (1) The decision on the Horizon 2020 Framework Programme explicitly excludes three fields of research from Community funding:
 - research activities aiming at human cloning for reproductive purposes;
 - research activities intended to modify the genetic heritage of human beings which could make such changes heritable;
 - research activities intended to create human embryos solely for the purpose of research or for the purpose of stem cell procurement, including by means of somatic cell nuclear transfer.

- (2) No activity will be funded that is forbidden in all Member States. No activity will be funded in a Member State where such activity is forbidden.
- (3) The decision on Horizon 2020 and the provisions for the ethics framework governing the Community funding of human embryonic stem cell research entail in no way a value judgment on the regulatory or ethics framework governing such research in Member States.
- (4) In calling for proposals, the European Commission does not explicitly solicit the use of human embryonic stem cells. The use of human stem cells, be they adult or embryonic, if any, depends on the judgment of the scientists in view of the objectives they want to achieve. In practice, by far the largest part of Community funds for stem cell research is devoted to the use of adult stem cells. There is no reason why this would substantially change in Horizon 2020.
- (5) Each project proposing to use human embryonic stem cells must successfully pass a scientific evaluation during which the necessity of using such stem cells to achieve the scientific objectives is assessed by independent scientific experts.
- (6) Proposals which successfully pass the scientific evaluation are then subject to a stringent ethics review organised by the European Commission. In this ethics review, account is taken of principles reflected in the EU Charter of Fundamental Rights and relevant international conventions such as the Convention of the Council of Europe on Human Rights and Biomedicine signed in Oviedo on 4 April 1997 and its additional protocols and the Universal Declaration on the Human Genome and the Human Rights adopted by UNESCO. The ethics review also serves to check that the proposals respect the rules of the countries where the research will be carried out.
- (7) In particular cases, an ethics check may be carried out during the lifetime of the project.
- (8) Each project proposing to use human embryonic stem cells must seek the approval of the relevant national or local ethics committee prior to the start of the project. All national rules and procedures must be respected, including on such issues as parental consent, absence of financial inducement, etc. Checks will be made on whether the project includes references to licensing and control measures to be taken by the competent authorities of the Member State where the research will be carried out.
- (9) A proposal that successfully passes the scientific evaluation, the national or local ethics reviews and the European ethics review will be presented for approval, on a case by case basis, to the Member States, meeting as a committee acting in accordance with the examination procedure. No project involving the use of human embryonic stem cells will be funded that does not obtain approval from the Member States.
- (10) The European Commission will continue to work to make the results from Community funded stem cell research widely accessible to all researchers, for the ultimate benefit of patients in all countries.

- (11) The European Commission will support actions and initiatives that contribute to a coordination and rationalisation of HESC research within a responsible ethical approach. In particular, the Commission will continue to support a European registry of human embryonic stem cell lines. Support for such a registry will allow a monitoring of existing human embryonic stem cells in Europe, will contribute to maximise their use by scientists and may help to avoid unnecessary derivations of new stem cell lines.
- (12) The European Commission will continue with the current practice and will not submit to the committee acting in accordance with the examination procedure proposals for projects which include research activities which destroy human embryos, including for the procurement of stem cells. The exclusion of funding of this step of research will not prevent Community funding of subsequent steps involving human embryonic stem cells."

Declaration by the Commission on Article 5(7) of the Specific Programme

"The Commission strongly regrets the inclusion of paragraph 7 in Article 5 introducing the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 for the granting of Union financial assistance to the projects or parts of projects selected following every call for proposals on the basis of the work programmes referred to in article 5 of the Specific Programme Implementing Horizon 2020. The Commission recalls that it did not propose this procedure in any of the sectoral MFF acts. This was intended to simplify the MFF programmes to the benefit of the recipients of EU funding. The approval of grant decisions without committee scrutiny would accelerate the procedure reducing the time-to-grant to the advantage of beneficiaries and avoiding unnecessary red tape and costs. Moreover, the Commission recalls that the taking of grant decisions is part of its institutional prerogative relating to the execution of the budget and therefore should not be adopted through comitology.

The Commission also considers that this inclusion cannot serve as a precedent for other funding instruments."

Declarations by the Commission:

1) Declaration on the Fast track to Innovation

"The Commission intends to provide appropriate visibility among the research and innovation community for the FTI through awareness-raising and communication activities preceding the pilot call in 2015.

The Commission does not intend to limit the duration of FTI actions ex-ante. Factors such as time sensitivity and the international competitive situation shall be taken into sufficient account when evaluating the "impact" of a proposal, to allow for flexibility according to the various specificities within different fields of applied research.

In addition to the in-depth assessment carried out within the interim evaluation of Horizon 2020, the FTI pilot will be subject to a continuous monitoring of all practicalities related to the submission, evaluation, selection and budgeting of proposals under the FTI Call, starting from the first cut-off date in 2015.

To allow for the pilot to be effective and to make sure a proper evaluation can be conducted, this could necessitate supporting up to a hundred projects."

2) Declaration on Energy (Framework Programme)

"The Commission acknowledges the essential future role of end-user energy efficiency and renewable energy, the importance of better grids and storage in maximising their potential, and the need for market uptake measures to build capacity, improve governance and overcome market barriers so that energy efficiency and renewable energy solutions can be rolled out.

The Commission will endeavor to ensure that at least 85%, of the energy challenge budget of Horizon 2020 is spent in non-fossil fuels areas, within which at least 15 % of the overall energy challenge budget is spent on market up-take activities of existing renewable and energy efficiency technologies in the Intelligent Energy Europe III Programme. This Programme will be implemented by a dedicated management structure and will also include support for sustainable energy policy implementation, capacity building and mobilisation of financing for investment, as been undertaken until today.

The remaining part will be devoted to fossil based technologies and development options, which are considered essential for reaching the 2050 vision and supporting the transformation to a sustainable energy system.

Progress towards these targets will be monitored and the Commission shall regularly report on the progress achieved."

3) Declaration on Article 6.5 (Framework Programme)

"Without prejudice to the annual budgetary procedure, it is the Commission's intention to present in the context of the structured dialogue with the European Parliament an annual report on the implementation of the budget breakdown set out in Annex II of Horizon 2020 by priorities and specific objectives within these priorities, including any application of Article 6(5)."

4) Declaration on Article 12 (Framework Programme)

"Upon request, the Commission will present the adopted work programmes to the responsible Committee in the European Parliament."

5) Declaration on Seal of Excellence (Framework Programme)

"Union level intervention enables EU-wide competition to select the best proposals, thereby raising levels of excellence and providing visibility for leading research and innovation.

The Commission considers that positively evaluated European Research Council, Marie Skłodowska-Curie, teaming actions, phase-2 SME instrument or collaborative project proposals that could not be funded for budgetary reasons, have still met the Horizon 2020 criterion of excellence.

Upon approval of the participants, this information can be shared with the responsible authorities.

The Commission therefore welcomes any initiatives to fund such projects by national, regional or private sources. In this context, cohesion policy also has a key role to play through building capacity."

6) Declaration on Spreading excellence and widening participation (Framework Programme)

"The Commission is committed to set up and implement the measures to close the research and innovation divide in Europe under the new heading 'Spreading Excellence and widening participation'. The level of funding foreseen for these measures will not be lower than the amount spent in the Seventh Framework Programme on the actions addressing 'widening participation'.

The new activities of COST undertaken in the context of 'widening participation' should be supported by the budget allocated to 'Spreading excellence and widening participation'. The activities of COST which do not fall thereunder, and which should be of a equal order of magnitude in terms of budget, should be supported from the budget allocated to '6. Europe in a changing World - Inclusive, innovative and reflective societies'.

The major part of the activities related to the Policy Support Facility and to the transnational networks of National Contact points should also be supported by the budget allocated to '6. Europe in a changing World - Inclusive, innovative and reflective societies."

7) Declaration on the guidelines on the criteria to implement the "bonus" (Rules for Participation)

"Regarding additional remuneration, it is the intention of the Commission to, without delay, issue guidelines on the criteria for its implementation after the adoption of the Horizon 2020 Rules for Participation and Dissemination."

8) Declaration on Article 42 (Rules for Participation)

"It is the intention of the Commission to lay down time limits in the model grant agreement regarding the protection of results, taking into account the FP7 time limits."

9) Declaration on direct costing for large research infrastructures (Rules for participation)

"In response to the demands from stakeholders, the Commission is committed to clarify the issue of direct costing of large research infrastructures along the lines described in this declaration.

The guidance on direct costing for large research infrastructures in Horizon 2020 will apply to the costs of large research infrastructures with a total value of at least EUR 20 million for a given beneficiary, calculated as the sum of the historical asset values of the individual research infrastructures as they appear in the last closed Balance Sheet of that beneficiary before the date of the signature of the grant agreement, or as determined on the basis of the rental and leasing costs of the research infrastructures.

Below this threshold, the guidance on direct costing for large research infrastructures in Horizon 2020 will not apply. Individual cost items may be declared as eligible direct costs in accordance with the applicable provisions of the grant agreement.

Generally, it will be possible to claim as direct costs all costs that both: fulfill the general eligibility criteria and are directly linked to the implementation of the action and can therefore be attributed directly to it.

For a large research infrastructure that is used for a project, this will typically be the case for the capitalised costs and for the operating costs.

‘Capitalised costs’ will be costs incurred to set up and/or renew the large research infrastructure, as well as some costs of specific repair and maintenance of the large research infrastructure together with parts or essential integral components.

‘Operating costs’ will be costs which the beneficiary incurs specifically for running the large research infrastructure.

By contrast, some costs could typically not be declared as direct costs, but would be deemed reimbursed through the flat-rate for indirect costs, e.g. rental, lease or depreciation costs of administrative buildings and headquarters.

Where costs have been caused only in part by the activities of the project, only the part which is directly measured to the project can be declared.

For this purpose, the measurement system of the beneficiary must provide for an accurate quantification of the actual true value of the cost for the project (i.e. showing the real consumption and/or use for the project). This will be the case, if measurement is obtained from the invoice of the supplier.

The measurement of the cost is generally associated with the time used for the project, which must correspond to the actual hours / days / months of use of the research infrastructure for the project. The total number of productive hours / days / months must correspond to the full potential of use (full capacity) of the research infrastructure. The calculation of the full capacity will include any time during which the research infrastructure is usable but not used. However, the calculation of the full capacity will take due account of real constraints such as the opening hours of the entity, repair and maintenance time (including calibrating and testing).

If a cost can be directly measured to the research infrastructure but not directly to the project, because of technical constraints, an acceptable alternative will be measurement of these costs by means of units of actual usage relevant for the project, supported by accurate technical specifications and actual data, and determined on the basis of the beneficiary’s analytical cost accounting system.

The costs and their direct measurement to the project must be supported by appropriate supporting documents allowing for a sufficient audit trail.

The beneficiary may prove the direct link through persuasive alternative evidence.

The Commission services will recommend best practices for direct measurement and supporting documents (e.g.: for capitalised costs: accounting statements accompanied by depreciation policy of the beneficiary as part of its usual accounting principles, showing calculation of the potential use and of the economic life of the asset, and evidence of its actual use for the project; for operating costs: specific explicitly labelled invoice related to the large research infrastructure, contract, project time, etc.).

Upon request of a beneficiary with large research infrastructures, and taking into account the resources available and the cost-effectiveness principle, the Commission is prepared to carry out an ex-ante assessment of the direct costing methodology of the beneficiary in a simple and transparent manner, to ensure legal certainty. These ex-ante assessments will be taken into full account during ex-post audits.

In addition, the Commission will establish a group consisting of representatives of relevant stakeholder organizations, to evaluate the use of the guidance.

The Commission confirms that it will promptly adopt guidance on direct costing for large research infrastructures, once Horizon 2020 regulations have been adopted."

10) Declaration on the SME instrument

"SME support in Horizon 2020 is of major importance and represents a prominent part to achieve its objective to foster innovation, economic growth and job creation. Therefore, the Commission will ensure high visibility of SME support in Horizon 2020, in particular through the SME instrument in the work programmes, guidelines and communication activities. All efforts will be undertaken that it is easy and straightforward for SMEs to identify and use the opportunities provided for them in the Societal Challenges and LEITs.

The SME instrument will be implemented through a single centralised management structure responsible for the evaluation and management of the projects, including the use of common IT systems and business processes.

The SME-instrument shall attract the most ambitious innovation projects of SMEs. It will be implemented primarily in a bottom up manner via a continuously open call tailored to the needs of SMEs as set in the specific objective "innovation in SMEs" while taking into account priorities and objectives of LEITs and societal challenges and allowing for cross-challenge/LEITs proposals, underpinning the bottom-up approach. This call may be reviewed/renewed every two years, to take into account the biannual strategic programmes. Where appropriate, calls on specific topics of strategic interest can be organised in addition to the call described above. These calls will use the concept and procedures of the SME instrument as well as its single entry point for applicants and the accompanying mentoring and coaching services."

11) Declaration regarding articles 3 and 4 (Rules for participation)

"It is the intention of the Commission to include references to national law in the grant agreement regarding public access to documents and confidentiality, in view of finding an appropriate balance between the different interests."

12) Declaration on Article 28 (Rules for Participation) (option of a 100% reimbursement rate for non-profit legal entities for innovation actions):

"The Commission notes that even non-profit entities may carry out economic activities which are close to market and whose subsidiation may create distortions in the internal market. Therefore, the Commission will assess ex-ante if eligible activities are of an economic nature, if cross-subsidiation of economic activities is effectively prevented, and if the funding rate for economic eligible activities has negative effects on competition in the internal market which are not outbalanced by its positive effects."

3. Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 [First reading] (LA+S)

PE-CONS 66/13 RECH 367 COMPET 586 ATO 86 IND 217 MI 664 EDUC 306
TELECOM 208 ENER 368 ENV 731 REGIO 161 AGRI 503
TRANS 405 SAN 283 CODEC 1803

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Maltese delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 173, 183, and the second paragraph of Article 188 of the TFEU).

Statements to this item are the same as the ones for item 2 (from page 6)

4. Council Decision establishing the Specific Programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC

15401/13 RECH 481 COMPET 752 IND 294 MI 930 EDUC 407
TELECOM 273 ENER 483 ENV 984 REGIO 234 AGRI 694
TRANS 549 SAN 413

+ COR 1 (sl)

The Council adopted the above Decision, with the Austrian and Maltese delegations abstaining (Legal basis: Article 182(4) of the Treaty on the Functioning of the European Union).

5. Regulation of the European Parliament and of the Council amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology [First reading] (LA)

PE-CONS 68/13 RECH 370 COMPET 589 ATO 88 IND 219 MI 667 EDUC 309
TELECOM 210 ENER 370 ENV 739 REGIO 163 AGRI 509
TRANS 409 SAN 288 CODEC 1810

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 173(3) of the TFEU).

6. Decision of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe [First reading] (LA)

PE-CONS 69/13 RECH 371 COMPET 590 ATO 89 IND 220 MI 668 EDUC 310
TELECOM 211 ENER 371 ENV 740 REGIO 164 AGRI 510
TRANS 410 SAN 289 CODEC 1811

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 173(3) of the TFEU).

7. Regulation of the European Parliament and of the Council establishing "Erasmus+": the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC [First reading] (LA+S)

PE-CONS 63/13 EDUC 292 JEUN 67 SPORT 66 SOC 577 RELEX 619
RECH 333 CADREFIN 181 CODEC 1688
+ COR 1 (sv)

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: Articles 165(4) and 166(4) of the TFEU).

Joint statement from France, Sweden, Denmark, Finland, Poland, Slovenia on the student loan guarantee facility

"France, Sweden, Denmark, Finland, Poland, Slovenia welcome the Irish Presidency compromise proposal on the Union programme 2014-2020 dedicated to education, training, youth and sport, which will promote European citizenship and strengthen the Europe of knowledge.

France, Sweden, Denmark, Finland, Poland, Slovenia wish to underline that the compromise proposal clearly defines that the loan guarantee facility for Master students will be of strictly experimental nature.

However, France, Sweden, Denmark, Finland, Poland, Slovenia reaffirm that the student loan guarantee facility for Masters students¹ is not a suitable answer to the democratisation and the development of international exchanges while mobility is at the very heart of the Erasmus project, one of the most emblematic European programs.

¹ - Recital 11; Articles 7(1)(a); 18(2)(c); 20; 21(2) and (3); 28(3)(a); and Annex 2 - of the Regulation of the European Parliament and of the Council establishing the Union Programme for Education, Training, Youth and Sport (2014-2020).

In a context of growing student debt and very high youth unemployment in Europe, we are very concerned about the choice of reducing de facto the number of student mobility grants (studies, internships) open to all categories of students, to the benefit of loans for Masters students only. Further on, we expect that the Student Loan Guarantee Facility will not lead to imbalances in mobility and "brain drain".

Given the absence of an updated impact study - in particular social - France, Sweden, Denmark, Finland, Poland, Slovenia have always wished the implementation of this student loan facility to remain at an experimental level, and, in accordance with the principle of equity, to include lending conditions that are more favorable than those of the market and don't lead to student over-indebtedness and don't replace grants that must remain the ideal vector for training mobility.

Therefore, it would have been advisable for the share of the budget allocated to this new instrument proposed by the Commission to be limited to 2 %, as France, Sweden, Denmark Finland, Poland, Slovenia have wished to.

France, Sweden, Denmark, Finland, Poland, Slovenia urge the Commission to ensure that the students will be protected from the potential negative effects of this instrument. They also affirm their commitment to use all the means possible to revise and review the impacts of the implementation of the Facility, in particular in view of its experimental nature that is part of this agreement."

"B" ITEMS

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...".

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.

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.

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 documents 16548/13, 16533/13, 16535/13, 16549/13 and mandated the Presidencies to enter into negotiations with the European Parliament on the basis of these general approaches.

14. Any other business

(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
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]

- Information from the Presidency

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

NON LEGISLATIVE ACTIVITIES - ADOPTIONS

(In accordance with Article 9(1) of the Council's Rules of Procedure)

"A" ITEMS

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

16233/13 AGRI 747 AGRIORG 163 AGRIFIN 185

The Council adopted the above Regulation (Legal basis: Article 43(3) of the Treaty on the Functioning of the European Union).

6. Council Regulation amending Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC)
15660/13 RECH 496 COMPET 765 FISC 213

The Council adopted the above Regulation (Legal basis: Articles 187 and 188 of the Treaty on the Functioning of the European Union).
