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THE EUROPEAN UNION**



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3317th Council meeting

Competitiveness (Internal Market, Industry, Research and Space)

Brussels, 26 May 2014

Presidents

Panagiotis Mitarakis

Deputy Minister of Competitiveness and Development

Christos Vasilakos

Secretary General for Research and Technology

P R E S S

Main results of the Council

Protection of trade secrets

The Council agreed on a general approach on new rules for the protection of trade secrets, which are aimed at making it easier for national courts to deal with the misappropriation of confidential business information, remove trade secret infringing products from the market and make it easier for victims to receive compensation for illegal actions.

The president of the Competitiveness Council, Greek State Secretary for Development and Competitiveness Panagiotis Mitarakis, made the following comments: "Today we have decided on a single, clear and coherent legal regime protecting against misappropriation of trade secrets in EU member states. This decision will promote innovative companies, ensure fair and honest competition and create a secure environment conducive to innovation, the exchange of valuable know-how and cross-border commercial activities within the internal market. This will empower companies to continue investing with more confidence in research and innovation in Europe". For more information see press release [10200/14](#).

eCall emergency service: type-approval requirements for in-vehicle devices

The Council agreed on a general approach on a proposal aimed at introducing EU-wide motor vehicle type-approval system requirements for fitting eCall devices in new models of vehicles. The EU-wide eCall system is designed to speed up emergency services in road accidents.

Research infrastructures

The Council adopted [conclusions](#) on the roadmap for implementation of pan-European research infrastructures.

EU - European Space Agency: towards a shared vision for fostering competitiveness

The Council adopted [conclusions](#) on how to better develop a shared vision for space fostering competitiveness by the EU and the European Space Agency.

EU budget: own resources

Without discussion, the Council adopted the three legislative acts forming the [own resources package](#) related to the EU's multiannual financial framework 2014-2020.

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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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Member
Member
Member

ITEMS DEBATED

INTERNAL MARKET AND INDUSTRY

Protection of trade secrets

The Council agreed on a general approach¹ for establishing a new legal framework for the protection of trade secrets ([9870/14](#)).

The new framework aims at making it easier for national courts to deal with the misappropriation of confidential business information, remove trade secret infringing products from the market and make it easier for victims to receive compensation for illegal actions.

Under the agreement, the new framework would include the following main features:

- a minimum harmonisation of the different civil law regimes, whilst allowing member states to apply stricter rules;
- the establishment of common principles, definitions and safeguards, in line with international agreements, as well as the measures, procedures and remedies that should be made available for the purpose of civil law redress;
- a limitation period of six years for claims or bringing actions before courts;
- the preservation of confidentiality in the course of legal proceedings, while ensuring that the rights of the parties involved in a trade secret litigation case are not undermined;
- the establishment of a regime favourable to employees as regards their liability for damages in the case of violation of a trade secret if acting without intent.

Businesses, irrespective of their size, value trade secrets as much as patents and other forms of intellectual property right and use confidentiality as a business competitiveness and research innovation management tool. They cover a diversified range of information, which extends beyond technological knowledge to commercial data such as information on customers and suppliers, business plans or market research and strategies.

¹ The general approach, which sets the Council common position on a draft directive, paves the way to starting negotiations with the European Parliament with a view to reaching an agreement at first reading. The European Parliament has not yet delivered its opinion.

Trade secrets have an important role in protecting the exchange of knowledge between businesses and research institutions within and across the borders of the internal market in the context of research and development and innovation.

In order to promote fair competitiveness and an innovative business environment, restrictions on the use of trade secrets are justified in cases where the relevant know-how or information has been obtained from the trade secret holder against their will through dishonest means. The assessment of whether and to what extent such restrictions are necessary is subject, on a case-by-case basis, to judicial control.

To this end, on 28 November 2013, the Commission submitted the draft directive regarding the protection of trade secrets against their unlawful acquisition, use and disclosure, within the context of the strategy for the development of the single market for intellectual property ([17392/13](#)).

The new provisions would come into force, at the latest, one year after the final adoption of the directive.

eCall system: type-approval requirements in vehicles

The Council agreed on a general approach on a draft regulation aimed at introducing EU-wide motor vehicle type-approval system requirements for fitting eCall devices in new models of vehicles ([9879/14](#)). The EU-wide eCall system is designed to speed up emergency services in road accidents.

The general approach paves the way to starting negotiations with the European Parliament with a view to reaching an agreement at second reading.

The draft regulation is part of a package of EU initiatives for ensuring the deployment of the 112-based eCall service in all member states. On 8 May 2014, the Council already adopted a decision to introduce the mandatory eCall system to handle emergency calls sent automatically by cars or triggered manually by people in the car in the event of a crash (*see press release* [9353/14](#)).

The eCall system will contribute to bringing down the number of casualties and to reducing the severity of injuries suffered in road accidents. To this end, new vehicles will have to be fitted with wireless devices that will trigger the distress signal to the 112 emergency call number.

Car manufacturers will therefore have to equip all new models with an in-vehicle technology that will communicate with the 112-based eCall interoperable service.

Reform of the trade mark system

The Council took note of a Presidency report on the progress made in the ongoing reform of the Community trade mark system ([9558/14](#)). It instructed the Council preparatory bodies to take the work forward.

The reform seeks to modernise the framework of trade marks in order to improve the conditions for business to innovate. It will thus make the Community trade mark system more accessible to SMEs and improve the efficiency of trade mark protection. It will furthermore improve cooperation between the Office for Harmonization in the Internal Market (OHIM), which is responsible for registering and administering Community trade marks, and the national offices.

Over the years there has been a steady growth in the commercial value and number of trade marks. In 2012, a record number of Community trade mark applications were filed and in 2011 the OHIM received its millionth application since starting operations in 1996. This development has been accompanied by growing expectations on the part of stakeholders for more streamlined and high-quality trade mark registration systems, which are more consistent, publicly accessible and technologically up-to-date.

The establishment of the OHIM has therefore been a great success and has contributed substantially to strengthening the competitiveness of the EU. The OHIM is located in Alicante, Spain.

The Community trade mark established a stand-alone system for the registration of unitary rights having equal effect throughout the EU. A trade mark serves to distinguish the goods and services of a company. It is the mark through which a business can attract and retain customer loyalty, and create value and growth. The mark works as an engine for innovation and has a favourable impact on employment. The system was designed to co-exist with the national trade mark systems which continued to be necessary for those undertakings which did not want their trade marks protected at EU level.

The Council received a first progress report on 2 December 2013 ([16218/13](#)).

The European Parliament adopted its position at first reading last February.

The Commission submitted the proposals for the reform on 2 April 2013 ([8065/13](#) and [8066/13](#)).

Travel Package Directive

The Council took note of a Presidency report on the progress made in the ongoing reform of the Travel Package Directive ([9322/14](#)). It instructed the Council preparatory bodies to take the work forward.

Consumers buying travel services are already protected by a wide range of EU and national rules. But the travel market has been deeply transformed, notably by the internet, since common rules were adopted 20 years ago, and the new market environment no longer meets the needs of consumers and businesses.

Considering that an overwhelming majority of EU tour operators and travel agents are SMEs, the update of the current directive aims to reduce the average cost of offering packages by modernising the rules and cutting red tape. By harmonising rules and compliance costs, the new conditions will favour a level playing field from which SMEs will benefit even more than larger operators. Additionally, removing obstacles to cross-border trade will open up more opportunities for businesses, particularly SMEs, to expand their activities in different Member States. This will generate a broader choice of travel agents and holiday products and may therefore lead to cheaper prices for consumers.

The new proposal also has close ties with other Union legislation, notably with the Air-Passenger Rights Regulation (regulation 261/2004), which is currently under revision and the Consumer Rights Directive (2011/83/EU) (package travels are not included in the scope of the latter directive).

The report reflects the main issues of concern raised by delegations in the course of the first examination, which include the scope, level of harmonisation and insolvency protection of the new rules.

The Commission presented the draft directive on package travel and assisted travel arrangements on 9 July 2013 ([12257/13](#)), together with a communication on "Bringing the EU package travel rules into the digital age" ([12259/13](#)).

The European Parliament adopted its position at first reading on 12 March 2014.

RESEARCH and INNOVATION

Pan-European research infrastructures

The Council adopted conclusions in support of the implementation of the roadmap for the European Strategy Forum on Research Infrastructures (ESFRI) ([10257/14](#)).

The conclusions acknowledge the work done by the [ESFRI](#) on prioritisation of projects for implementation and welcome plans to update the ESFRI roadmap with new research infrastructures of pan-European interest.

ESFRI has identified three projects that are strategically relevant for Europe and are ready for development:

- the European Plate Observing System (EPOS),
- the European Life-Science Infrastructure for Biological Information (ELIXIR), and
- the European Spallation Source.

Research infrastructures refers to facilities, resources and related services used by the scientific community to conduct top-level research. They may be ‘single-sited’ (at a single location), ‘distributed’ (a network of resources) or ‘virtual’ (with services provided electronically). These key infrastructures have not only been responsible for some of the greatest scientific discoveries and technological developments, but are also influential in attracting the best researchers from around the world and in building bridges between research communities and scientific disciplines.

Euro-Mediterranean cooperation

The Council held a debate on ways to reinforce and further develop scientific and technological cooperation between the EU and Mediterranean partner countries with a view to creating an area of shared prosperity and to jointly tackling society’s greatest challenges.

The Euro-Mediterranean cooperation in research and innovation was the focus of the informal Competitiveness Council held in Athens on 13 May, where the Presidency called for a renewed partnership in research and innovation in the Euro-Mediterranean area based on the principles of co-ownership and mutual interest involving EU, national and regional authorities with the objective of ensuring a sustainable management of common resources, regional socio-economic growth and stability.

This new partnership would cover the whole chain from research to innovation, mobilising universities, public and private research institutions, industry, research and innovation-driven enterprises, with a special emphasis on SMEs.

The debate was structured on the basis of a Presidency questionnaire on possible steps for establishing a cooperation programme ([9599/14](#)).

Many delegations considered that the Euro-Mediterranean cooperation in research and innovation should be consolidated via a long-term structured public-public partnership programme on the basis of article 185 of the EU treaty and funded by the Horizon 2020 research and innovation framework programme. Moreover, it should have an integrated thematic approach and be focused on food systems and water resources and on their interplay with Horizon 2020 societal challenges, notably energy, environment, transport and health.

The new programme would be established by building on the multiple bilateral and multilateral research and innovation activities in the region. It would be open to the financial participation of any EU member state, Mediterranean partner countries and countries associated with Horizon 2020.

Some delegations are of the view that preparations carried out under the "PRIMA" (Partnership in Research and Innovation in the Mediterranean Area) initiative have reached an advanced level of maturity. However, a number of delegations underlined the need to better evaluate the mutual benefits of a future cooperation programme

Certain delegations pointed out that a renewed Euro-Mediterranean partnership could serve in future as a model for the development of other regional cooperation partnerships.

SPACE POLICY

EU- ESA cooperation

The Council adopted conclusions on " Towards a shared EU-ESA vision for space fostering competitiveness" ([9851/14](#)).

The conclusions focus on the steps to be taken in order to provide proposals on improving the efficiency of relations between the EU and the European Space Agency (ESA), bearing in mind the broader space policy context and Europe's long-term strategic vision, which includes ambitious political objectives for autonomy and industrial competitiveness.

Any other business

– Unitary patent protection system

The Council took note of a report ([9563/14](#)) on the state of play in the implementation of the unitary patent protection system by the two committees in charge of preparations for the establishment of the system and of the Unified Patent Court:

- the "Select committee": set up in the framework of the European Patent Organisation, consists of representatives of the 25 EU member states participating in the enhanced cooperation for the creation of unitary patent protection, and the Commission as an observer, and
- the "Preparatory committee" for the establishment of the Unified Patent Court: www.unified-patent-court.org.

The work of both committees is closely connected in order to ensure a consistent approach.

Last December, the Council took note of a first report on the progress made ([15819/13](#)).

– State aid modernisation

The Council took note of updated information from the Commission on the state aid modernisation reform and, in particular, on the new "General block exemption regulation" and the guidelines for state aid for research, development and innovation, adopted by the Commission on 21 May. The Council also noted the comments made by delegations.

The "General block exemption regulation" enables the Commission to declare certain categories of state aid compatible with internal market aid.

In 2012, the Commission set out an ambitious state aid reform programme with three main objectives:

- to foster growth in a strengthened, dynamic and competitive internal market;
- to focus enforcement on cases with the biggest impact on the internal market;
- to create streamlined rules for faster decisions.

The new framework is set to enter into force on 1 July 2014.

Whilst all member states support the goals of modernisation of the state aid regime, some delegations expressed the need to induce consistency between state aid policy and other EU policies, be it industrial competitiveness, energy and climate change, cohesion, transport, resource efficiency or innovation.

Some ministers also referred to the role of state aid as an essential tool for industrial competitiveness and to the need to catch up with global developments.

The presentation was requested by the French delegation ([10057/14](#)).

– ***Guidelines on trade defence instruments***

The Council took note of information from the Commission on the ongoing initiative to modernise the EU's trade defence instruments, which was launched in October 2011. It comprises two main elements:

- a legislative proposal and a communication ([8493/13](#) and [8495/13](#)), and
- draft guidelines on four topics of trade defence investigations: the Union interest, injury margin, analogue country and expiry reviews.

The French delegation ([10054/14](#)), with the support of many other delegations, asked for the Commission to take into account member states' requests before the final approval of the guidelines.

The European Parliament adopted a legislative resolution on 16 April 2014.

– ***Improving the single market: the "frontrunners" initiative***

The Dutch and Swedish delegations presented, on behalf of other delegations, the “Frontrunners initiative: working together to improve the single market”, which is aimed at stepping up efforts to solve specific problems faced by businesses and consumers within the internal market ([9941/14](#)).

– ***Key enabling technologies***

The Council took note of information by the Commission on the progress made in the implementation of the EU strategy for key enabling technologies (KETs) ([9889/14](#)).

The KETs (micro- and nanoelectronics, nanotechnology, industrial biotechnology, advanced materials, photonics and advanced manufacturing technologies) are technologies of the future of high industrial interest for strengthening Europe's innovation base and the production of intelligent materials.

The EU's research framework programme "Horizon 2020" includes a dedicated budget for KETs of almost 6 billion € for seven years, in addition to contributions available from the EU structural funds and the loans provided by the European Investment Bank in support of the KETs strategy.

– ***Raw materials***

The Council took note of a Commission update on Europe's raw materials policy.

In June 2013, the Commission released a communication on the implementation of its Raw Materials Initiative, which considered the need to review the list of critical raw materials ([11876/13](#)).

The initiative sets out an integrated strategy aimed at responding to the various challenges related to access to raw materials. Fourteen raw materials were identified as critical for European industry, including rare earths, for which there is stiff competition on the world market. Following the review, the list contains now twenty critical raw materials.

In February 2012, the Commission had also presented a proposal for a European Innovation Partnership on raw materials. This partnership targeted non-energy, non-agricultural raw materials, including the afore-mentioned critical raw materials, with the objective of significantly reducing Europe's dependence on importing raw materials by 2020. This should be achieved by accelerating innovations that ensure secure and sustainable supplies of both primary and secondary raw materials, as well as by preventing the wastage of key raw materials during their entire life cycle.

– ***Launch of the first Copernicus satellite***

Ministers were presented with the first images collected by the Copernicus satellite Sentinel-1A, which was launched on 3 April 2014.

<http://www.copernicus.eu/>

– ***Innovation Investment Package***

The Council took note of the final step for the conclusion of the Innovation Investment Package. The nine legal acts of the package are expected to be published in the Official Journal of the EU in early June.

The innovation investment package, which implements the Innovation Union strategy to stimulate the creation of growth and jobs, will contribute to pool research and innovation investments up to 22 billion € in sectors facing major societal challenges in the next seven years (see press release [9530/14](#)).

– ***Public sector innovation***

The Council took note of information from the Commission on the state of play regarding public sector innovation ([10081/14](#)).

In 2013, the Commission set up a high-level group on public sector innovation in order to carry out an analysis of the key issues hampering innovation in the public sector across Europe. The expert group made three cross-cutting recommendations and nine specific ones aimed at improving the sector ([16066/13](#)).

The Competitiveness Council on 3 December 2013 discussed the recommendations and encouraged the Commission to enhance innovation policy for public sector innovation.

On 18 September 2014, the Commission is organising a round table to gather stakeholders' input on public sector innovation in Europe focusing on the most ambitious recommendations.

Innovation in and via the public sector is an essential part of the Innovation Union flagship initiative of the Europe 2020 agenda.

– ***European Innovation Partnerships***

The Presidency and the Commission reported to the Council on the state of play regarding the European Innovation Partnerships (EIPs).

EIPs are platforms for cooperation designed to tackle societal challenges that are shared across Europe by bringing together all relevant players at EU, national and regional levels across policy areas and industrial sectors. Five EIPs have been launched since 2011 in the fields of “active and healthy ageing”, agriculture, raw materials, water and “smart cities”.

At an informal meeting in Athens on 13 May, ministers for research expressed wide support for the recommendations contained in a report drawn up by an independent group of experts¹ with a view to improving the structure and functioning of EIPs.

The Commission pledged to take full account of the expert group's findings and recommendations to see how the EIP concept can be further strengthened in the future ([9992/14](#)).

– ***Science and technology international cooperation***

The Council took note of the 2013 annual report presented by the chair of the Strategic Forum for International Scientific and Technological Cooperation (SFIC) (*ERAC-SFIC* [1353/14](#)).

The SFIC is an advisory body to the Council and the Commission. It was set up with the objective of facilitating the further implementation and monitoring of the external dimension of the European Research Area by cooperating with third countries, with a view to identifying common priorities and developing joint projects.

– ***Work programme of the upcoming Italian Presidency***

The Italian delegation informed ministers about the Presidency's work programme on competitiveness for the second half of 2014.

In the field of internal market and industry, the top priorities of the Italian Presidency will include industrial recovery, better mainstreaming of competitiveness across all EU policy areas and support for SMEs.

As regards research and innovation, the upcoming Presidency will pay particular attention to the development of the European Research Area, including its external dimension by encouraging regional partnerships.

On space policy, there will be a focus on identification of solutions leading to the strengthening of relations with the European Space Agency.

¹ <http://www.gr2014.eu/sites/default/files/InformalCOMPETEIPMay2014-1.pdf>

OTHER ITEMS APPROVED

CUSTOMS UNION

Governance reform - Council conclusions

The Council adopted conclusions on the governance reform of the EU customs union ([9688/14](#) and [9559/1/14 REV 1 ADD 1](#)).

DEVELOPMENT COOPERATION

European Development Fund - transition period

The Council amended the regulation on the implementation of the 10th European Development Fund (EDF), as regards the Commission's management of the EDF bridging facility in the transition period between the 10th EDF (2007-2013) and the 11th EDF (2014-2020) until the entry into force of the legal acts underpinning the 11th EDF, i.e. the internal agreement and the implementation regulation.

The Council also amended the financial regulation of the 10th EDF, as regards the management of resources in the transition period between the 10th EDF (2007-2013) and the entry into force of the legal acts underpinning the 11th EDF (which is to cover the period 2014-2020).

COMMON SECURITY AND DEFENCE POLICY

Participation of the Swiss Confederation in EUBAM Libya

The Council approved the signing and conclusion of an agreement on the participation of the Swiss Confederation in the EU Integrated Border Management Assistance Mission in Libya (EUBAM Libya).

BUDGETS

Own resources package*

The Council adopted the following three legislative acts forming the own resources package related to the EU's multiannual financial framework (MFF) 2014-2020:

- a Council decision laying down the main provisions relating to the EU's own resources system and setting up the different categories of revenue ([5602/14](#) + [9823/14](#));
- a Council regulation laying down implementing measures for the own resources system ([5600/14](#));
- a Council regulation establishing the methods and procedure for making available the budget revenue ([5603/14](#) + [9826/14](#)).

Own resources constitute the EU revenue, which has to cover EU expenditure entirely.

For details, see [10166/14](#).

FISHERIES

Relations with international organisations

The Council agreed on the positions to be taken by the EU with a view to the annual meetings of the Northwest Atlantic Fisheries Organisation (NAFO), the North Atlantic Salmon Conservation Organization (NASCO) and the North-East Atlantic Fisheries Commission (NEAFC).

Within the different international fisheries organisations, the EU acts in accordance with the objectives and principles pursued within the EU common fisheries policy, which include the precautionary approach and the aims related to the maximum sustainable yield, to promote the implementation of an ecosystem-based approach to fisheries management and limiting environmental impacts of fishing activities, to avoid and reduce unwanted catches and to minimise the impact of fishing activities on marine eco-systems.

SOCIAL POLICY

International Labour Conference - Code of the Maritime Labour Convention*

The Council adopted a decision on the EU position at the 103rd session of the International Labour Conference on certain amendments to the Code of the Maritime Labour Convention ([9710/14](#) + [9710/14 COR 1](#) + [9710/14 ADD 1](#)). The amendments concern the liability of shipowners with respect to compensation for claims due to death, personal injury and abandonment of seafarers.

TRANSPARENCY

Public access to documents

The Council approved the reply to confirmatory application No 12/c/01/14 ([8915/14](#)).

APPOINTMENTS

Committee of the Regions

The Council appointed Mr Jean-Luc VANRAES and Mr Alain HUTCHINSON (Belgium) as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([9534/14](#)).
