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Internal Market, Industry and Research

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Presidents

Margarete Schramböck

Federal Minister for Digital and Economic Affairs of
Austria

Heinz Faßmann

Federal Minister for Education, Science and Research of
Austria

P R E S S

Rue de la Loi/Wetstraat 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/press>

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¹ • 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>).
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ITEMS DEBATED

INTERNAL MARKET AND INDUSTRY

Competitiveness check-up

The Council took note of a presentation by the Commission on the importance of regional convergence in the overall increase of productivity and competitiveness.

The Commission's presentation contained the following points :

- economic evidence has revealed the importance of regional convergence as a factor contributing to an overall increase in productivity, growth and competitiveness. Economic convergence and competitiveness interact with each other with cyclic causality;
- there are social and political arguments in favour of taking into account the uneven distribution of the costs and benefits of economic growth and integration across regions;
- while economic convergence among different EU regions seems to be gathering pace once again, regional inequalities within member states seem to be following the opposite trend;
- to achieve the objective of sustainable and inclusive growth within the EU, additional efforts should be made to render investments more efficient, effective and better tailored to regional and local needs;
- such efforts require consistency and coordination across different administrations to ensure that national objectives of sustainable growth can be compatible with specialisation choices made at regional level.

Following this presentation, ministers agreed on the importance of regional convergence in achieving greater overall competitiveness and growth.

Ministers exchanged information on current national policies aimed at promoting economic convergence among the various regions in their respective member states.

Furthermore, ministers exchanged views on what needs to be done, both at EU and national level, to promote greater regional economic convergence.

In this context, ministers stressed the need for focussing more on **spreading innovation** and **expanding digitalisation** across regions by investing in **modern, basic digital infrastructure** and in **upgrading citizens' digital skills**.

Governments would need to ensure **coordination with regional and local authorities** and to take account of the competitive advantages of each region (**smart specialisation**).

Several ministers stressed the role of **cohesion funds**, as well as the need for **synergies between various EU funding instruments**. Special reference was made to the future **multiannual financial framework**, currently under examination.

The 'competitiveness check-up' allows ministers to put forward priorities and respond to urgent issues and developments in the real economy. It is a regular working method that was established in 2015 with the aim of improving the role of the Competitiveness Council as regards the analysis of horizontal and sectoral economic issues as well as the monitoring of competitiveness. In practice, it is based on a presentation by the Commission of the latest figures and trends related to micro-economic issues, with ministers being invited to respond and provide input on possible implications for EU companies and citizens.

Rethinking European Industry: artificial intelligence and robotics

Following a keynote speech by Mr. Hirschbrich, an expert in artificial intelligence (AI) projects, as well as a report by Mr. Schuh, chairperson of the High Level working group on competitiveness and growth, the Council held a public debate on the type of actions needed to strengthen the innovation capacity of EU industry by (*inter alia*) capturing the potential of digitalisation and AI. The debate was based on a [presidency document](#), which highlights a number of possible actions to that effect.

Ministers underlined the importance of **close cooperation** and of **sharing best practices** on this issue in order to arrive at a coordinated approach at EU level, which is a key component of a future EU industrial strategy.

Substantial and impactful investments have to be made in favour of research in disruptive innovation, setting up a network of digital innovation hubs, promoting data sharing, standardisation, high-performance computing infrastructure and the development and spreading of digital skills amongst workers, while paying particular attention to start-ups and small and medium-sized enterprises. The need to address the gender digital gap was also stressed.

In this context, some ministers stressed that the public sector should create the necessary legal framework for the **free flow of public data**. In that context, respect for personal data and intellectual property rights, as well as the need to fight any threats to cybersecurity, were considered as important elements in ensuring that the public adhere to the **new data culture**.

The Council asked the High Level working group on competitiveness and growth to prepare discussions at Council level on a coordinated action plan on artificial intelligence in early 2019.

In April 2018 the Commission adopted a [Communication on Artificial Intelligence for Europe](#). The communication was accompanied by a [Commission Staff Working Document on liability](#). It proposed an artificial intelligence strategy for Europe based on the following pillars:

- boosting the EU's technological and industrial capacity and artificial intelligence uptake across the economy;
- preparing for socioeconomic changes;
- ensuring an appropriate ethical and legal framework.

Any Other Business

– Informal meeting of EU ministers responsible for competitiveness

The Council took note of a report by the presidency on the outcome of discussions at the informal meeting of competitiveness ministers on 15-16 July 2018 in Vienna.

– Implementation of the Digital Single Market e-commerce initiatives

The Council took note of a report by the Commission on the above-mentioned subject.

On 25 May 2016, the Commission presented a comprehensive package of measures to boost the potential for cross-border e-commerce in Europe, as a prerequisite for the full functioning of the [Digital Single Market](#).

The key e-commerce measures that have already been adopted (by co-legislators):

- Regulation addressing unjustified geo-blocking and other forms of discrimination
- Regulation on cross-border parcel delivery services
- Package on VAT for e-Commerce
- Review of Regulation on Consumer Protection Cooperation
- Revised Directive on Payment Services and Payment Accounts Directive

The key e-commerce measures that are still under discussion:

- Proposals on supply of digital content and on sale of goods
- Proposals under the New Deal for Consumers
- Proposed regulation on promoting fairness and transparency for business users of online intermediation services (P2B Regulation)

– *A retail sector fit for the 21st century*

The Council took note of a presentation by the Commission of its [Communication](#) on the above-mentioned subject, adopted in April 2018.

In this Communication, the Commission proposes a set of best practices, in order to provide guidance for Member States' efforts to create a more open, integrated and competitive retail market. Such practices concern, in particular, reducing restrictions on retail, facilitating retail establishment and alleviating the cost of compliance with regulations.

Retail and wholesale services account for 11.1% of the EU's GDP and provide around 33 million jobs (almost 15% of total employment in the EU). In retail alone, there are about 3.6 million active companies representing 4.5% of value added and accounting for almost 9% of EU jobs. E-commerce has increased the potential market for retailers and the scope of products available to consumers. However, in many EU Member States the regulatory framework was put in place decades ago and has not been adapted to the digital age. In the 2015 Single Market Strategy the Commission announced it would look at restrictions in the retail sector and identify best practices for facilitating retail establishment and reducing operational restrictions.

– *Conference on the 25th anniversary of the EU Single Market*

The Council took note of a report by the Czech delegation on the outcome of the above-mentioned conference, held in Prague on 8 June 2018. The information is contained in document [12432/18](#).

– *Single Market Forum '25 years, European, Free, and Single'*

The Council took note of a report by the Latvian delegation on the outcome of the above-mentioned forum, which took place in Riga on 14 September 2018. The information is contained in document [12433/18](#).

RESEARCH

Horizon Europe package

Following a [progress report](#) by the presidency, the Council held a public policy debate on three key issues regarding the proposed EU framework programme for research and innovation, entitled Horizon Europe. These key issues, as set out in a [presidency note](#), are the following :

- a) choice of the right legal basis for the specific programme implementing Horizon Europe;
- b) requirements for widening participation under Horizon Europe;
- c) ideas for improving the structure of Pillar 2 of Horizon Europe.

On the question of the **legal basis**, ministers shared the view that the right legal basis for the adoption of the Horizon Europe Specific Programme is Article 182(2) TFEU alone. Several ministers insisted however that this matter be dealt with in a way that does not hold back progress in the negotiations on the substance.

As regards **widening participation**, the Council broadly supported the two premises underlying the Horizon Europe package, i.e. that excellence must remain at the heart of the programme and that the EU should spare no efforts to fully exploit the potential of Europe's talent pool. The benefits of a research- and innovation-led economy should be maximised and widely distributed across the European Union. Several ministers stressed the need for synergies between Horizon Europe and other EU funding instruments in order to bridge the current innovation gap among member states.

Ministers concurred that the structure of **Pillar 2** of Horizon Europe needs some adjustments and provided input for further work to that effect to be carried out at technical level.

The Horizon Europe package, with a proposed total budget of 100 billion euros, consists of proposals for:

- 1) a **framework programme** for research and innovation entitled 'Horizon Europe', the successor to the current Horizon 2020 framework programme. It lays down the objectives, the budget for the period 2021–2027, the forms of Union funding and the rules for providing such funding. It is the Union's flagship programme to support R&I from concept to market uptake and aims to complement national and regional funding;
- 2) a **specific programme** to implement 'Horizon Europe';
- 3) a research and training programme under the Euratom Treaty complementing Horizon Europe; and
- 4) a Council Decision amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER.

The framework programme is based on four complementary and interconnected pillars. The first pillar (Open Science) supports excellent basic science. The aim is to reinforce the Union's scientific leadership and to develop high-quality knowledge and skills. The second pillar (Global Challenges and Industrial Competitiveness) supports research, which addresses societal challenges and industrial technologies within health, security, digital and key enabling technologies, climate, energy, mobility, food and natural resources. Alongside these areas, a limited number of research missions and partnerships will be introduced. A given mission (e.g. zero carbon emission cities) contains a portfolio of research activities. The third pillar (Open Innovation) focuses on breakthrough and market-creating innovation. The fourth pillar, which is a horizontal one, aims to strengthen the European Research Area and includes measures supporting member states in making the most out of their national research and innovation potential.

Strategic planning process in relation to Horizon Europe

On the basis of a [presidency note](#), ministers held a policy debate on the process for the adoption of the strategic plan, aimed at steering the implementation of the Horizon Europe programme by setting priorities and suitable types of action. Discussions focused on the key elements and the legal form of the future strategic plan.

Ministers expressed the view that member states need to remain closely involved in the elaboration of the strategic plan. To that effect, they expressed a clear preference for incorporating the main elements of the strategic plan, such as areas for missions and partnerships, into the Council Decision for the specific programme. The remaining elements could be adopted later on, subject to scrutiny by national experts.

OTHER ITEMS APPROVED

INTERNAL MARKET AND INDUSTRY

Single Digital Gateway*

The Council today adopted a regulation setting up a single digital gateway, with the Belgian delegation abstaining. This follows an agreement reached with the European Parliament in June. The new gateway will provide access to online information and procedures, assistance and problem solving services to individuals and companies ([PE/CONS 41/18](#)), ([11793/18 ADD 1](#)).

For more information see [press release](#).

Improved emission type approval tests and procedures for cars

The Council decided not to oppose the adoption of a Commission regulation aimed at improving tests concerning emissions of passenger and commercial cars.

The new regulation introduces a method to normalise the impact of specific test tolerances on CO₂ and fuel consumption test results in order to provide a level playing field among different vehicle manufacturers and to ensure that the measured CO₂ and fuel consumption values are more in line with real life. Furthermore, it introduces devices for monitoring real-world energy consumption when such cars are used on the road.

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

RESEARCH

European High Performance Computing Joint Undertaking

The Council today adopted a regulation aimed at giving a boost to a high-performance computing ecosystem by establishing a new European joint undertaking ([10594/18](#)).

For more information see [press release](#).

FOREIGN AFFAIRS

Relations with Ukraine

The Council amended the Association Agreement between the EU and Ukraine regarding the definition of the concept of 'originating products' and methods of administrative cooperation to take account of the regional convention on pan-Euro-Mediterranean preferential rules of origin.

The EU-Ukraine Association Agreement was signed in 2014 and entered into force on 1 September 2017. It promotes stronger economic links by offering Ukraine a framework for modernising its trade relations and for economic development by opening up markets and harmonising laws, standards and regulations in various sectors. The new protocol will allow Ukraine to align key sectors with EU standards.

[Regional Convention on pan-Euro-Mediterranean preferential rules of origin \(PEM Convention\)](#)

[EU-Ukraine Association Agreement](#)

[EU relations with Ukraine](#)

EU HEX-ML18 (PACE)

The Council agreed to the Exercise Specifications for the EU Hybrid exercise-multilayer, parallel and coordinated Exercise 2018.

In November, the EU will hold an exercise to test its crisis response tools and mechanisms. This will be a Parallel and Coordinated Exercise (PACE) with NATO, this year under EU lead.

The exercise will lay out a scenario of a Common Security and Defence Policy (CSDP) action in response to a hybrid threat affecting the EU and its member states. It will test their reactivity to such security challenges, in particular the coordination between external and internal security aspects.

[EU-NATO Parallel and Coordinated Exercise 2017](#)

[EU-NATO cooperation - Factsheet](#)

Relations with Azerbaijan

The Council endorsed the EU-Azerbaijan Partnership Priorities for the period 2018-2020. This decision follows the conclusions of the [EU-Azerbaijan Cooperation Council](#), which was held in Brussels on 9 February 2018.

In the framework of the [Eastern Partnership](#) and the European Neighborhood Policy, these strategic priorities focus on good governance, the rule of law and human rights. They also support the objectives of the 2030 Agenda for Sustainable Development, including the 17 UN Sustainable Development Goals, the implementation of the 2015 Paris Agreement on Climate Change and are committed to addressing issues of climate change, environmental degradation, poverty and inequality.

[EU-Azerbaijan Cooperation Council, 09/02/2018](#)

[EU relations with Azerbaijan](#)

Sanctions against Libya

In view of the continuing instability and gravity of the situation in Libya, the Council extended the duration of the sanctions against Libya targeting three persons for a period of six months, until 2 April 2019.

Since 1 April 2016, the Council has imposed restrictive measures on three persons for obstructing the implementation of the Libyan Political Agreement (LPA) of 17 December 2015 and the formation of a Government of National Accord in Libya. The three persons are: Agila Saleh, president of the Libyan Council of Deputies in the House of Representatives; Khalifa Ghweil, prime minister and defence minister of the internationally unrecognised General National Congress; and Nuri Abu Sahmain, president of the internationally unrecognised General National Congress.

[EU-Libya relations \(Factsheet\)](#)

TRADE

CETA - trade and sustainable development

The Council today adopted a decision setting out the EU's position as regards the establishment of lists of individuals willing to serve as panellists in the framework of the CETA committee on trade and sustainable development.

CETA was signed in Brussels on 30 October 2016 and has been provisionally applied since 21 September 2017. The agreement contains chapters covering sustainable development in order to ensure that trade and investment liberalisation does not lead to a deterioration in environmental and labour conditions. A joint EU-Canada committee has been set to oversee the implementation of those provisions. A first meeting of the joint committee on trade and sustainable development took place on 13 September. [\(11538/18\)](#)

JUSTICE

Cooperation agreement between Eurojust and Albania

The Council adopted a decision authorising Eurojust to conclude a cooperation agreement with Albania ([11960/18](#)).

For more information: [Eurojust website](#)

Decision to subject the new psychoactive substances cyclopropylfentanyl and methoxyacetylfentanyl to control measures

The Council adopted a decision to subject the new psychoactive substances cyclopropylfentanyl and methoxyacetylfentanyl to control measures ([9420/18](#)).

For further information see [press release from the European Monitoring Centre for Drugs and Drug Addiction](#)

European Public Prosecutor's office (EPPO)

The Council today adopted a draft joint declaration with the European Parliament on the appointment of the European chief prosecutor ([12101/18](#)).

The declaration aims to clarify that, in case an extension of the age of retirement from 66 years to 70 years were to be necessary for a European chief prosecutor to complete their seven-year mandate, this extension would be deemed to be granted without the need for a formal decision. The objective is to ensure the full independence of the chief prosecutor throughout his/her mandate.

The declaration will now be sent to the European Parliament for adoption.

HOME AFFAIRS**Rail traffic - border procedures**

The Council adopted a decision on the position to be taken on behalf of the EU in the UN in connection with the envisaged adoption of a new convention on the facilitation of border crossing procedures in international traffic by rail. According to this decision, EU member states shall abstain if the clause allowing for the participation of regional economic integration organisations is introduced in the draft convention. If that clause is not introduced, EU member states shall vote against. (12051/18)

European border and coast guard agency - former Yugoslav Republic of Macedonia

The Council adopted a decision (12027/18) approving the signature of a status agreement with the former Yugoslav Republic of Macedonia on actions carried out by the European border and coast guard agency in the former Yugoslav Republic of Macedonia (12043/18). It also decided to forward the draft decision on the conclusion of this agreement to the European Parliament for its consent. (12028/18)

EU-LISA - United Kingdom

The Council adopted a decision concerning the request of the UK to take part in some of the provisions of the Schengen acquis relating to eu-LISA, which is the EU agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

Under current rules, the UK already participates in certain activities of eu-LISA.

On 29 June 2017 the European Commission presented a proposal further developing the agency, legally replacing the existing regulation. In order to be able to continue its participation once the new proposed regulation replaces the previous one, in July 2018 the United Kingdom requested its participation in some of the provisions of the Schengen acquis relating to eu-LISA.

The Council decision establishes that the UK shall continue to participate in the agency under the new proposed regulation.

FISHERIES

EU and Gambia - Sustainable fisheries partnership agreement and implementation Protocol

The Council adopted a decision authorising the opening of negotiations between the EU and the Republic of Gambia for the conclusions of a sustainable fisheries partnership agreement ([11355/18](#)). The Council also adopted negotiating directives and noted that the European Parliament will be informed accordingly.

Fishing opportunities for European seabass

The Council adopted a regulation amending regulation [2018/120](#) as regards fishing opportunities for European seabass ([11852/18](#)).

Regulation [2018/120](#) fixed the fishing opportunities for 2018 for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

In view of revised advice submitted by the International Council for the Exploration of the Sea (ICES) for European seabass (*Dicentrarchus labrax*) in ICES divisions 4b–c, 7a, and 7d–h (central and southern North Sea, Irish Sea, English Channel, Bristol Channel, and Celtic Sea) for 2018, the Council decided to amend its previous decision so that in recreational fisheries:

- from 1 January 2018 to 30 September 2018, in ICES divisions 4b, 4c, 7a to 7k, only catch-and-release fishing for European seabass will be allowed, and
- from 1 October to 31 December 2018, in ICES divisions 4b, 4c, 6a, 7a to 7k, not more than one specimen of European seabass may be retained per fisherman per day.

TRANSPORT

Transport of dangerous goods by road and by inland waterways

The Council adopted a decision on the EU position as regards certain modifications to the international agreements on the transport of dangerous goods by road and by inland waterways ([11722/18](#) + [ADD 1](#)).

ENERGY**Regulation on the notification of investment projects in energy infrastructure**

The Council adopted a regulation repealing Regulation (EU) No 256/2014 concerning the notification to the Commission of investment projects in energy infrastructure within the European Union. The European Parliament previously adopted its position at first reading on the Commission proposal on 3 July 2018.

Regulation (EU) No 256/2014 of the European Parliament and of the Council requires Member States to notify the Commission of investment projects on which construction or decommissioning work has started or on which a final investment decision has been taken. In a review carried out in 2016, the Commission found that the regulation had not delivered the expected results in terms of quantity, quality and appropriateness of data and information received. The regulation is therefore being repealed in order to update and simplify Union legislation. ([11548/18](#), [PE-CONS 46/18](#))

ENVIRONMENT**Ecolabel - extension of validity for certain products**

The Council decided not to oppose the adoption of a Commission decision concerning the period of validity of the ecological criteria for the award of the EU Ecolabel for certain products, and of the related assessment and verification requirements ([11823/18](#) and [10954/18](#)).

This decision extends the validity of the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products, printed paper, bed mattresses and rinse off cosmetic products for a period of time of between 2 and 4 years depending on the product group.

The Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision unless the European Parliament objects.

Car manufacturing - sectoral reference document

The Council decided not to oppose the adoption of a Commission decision concerning the sectoral reference document on best environmental management practices, sector-specific environmental performance indicators and benchmarks of excellence for the car manufacturing sector ([11997/18](#) and [11274/18 ADD 1](#)).

This decision introduces a new sectoral reference document for the car manufacturing sector which includes best environmental management practices, sector specific environmental performance indicators and benchmarks of excellence and rating systems identifying environmental performance levels achieved by the best performing organisations in the sector. This document is relevant for organisations registered or considering registration with the Eco-Management and Audit Scheme EMAS or any organisation wishing to improve its environmental performance.

The Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision unless the European Parliament objects.

Electric and electronic equipment manufacturing - sectoral reference document

The Council decided not to oppose the adoption of a Commission decision concerning the sectoral reference document on best environmental management practices, sector-specific environmental performance indicators and benchmarks of excellence for the electrical and electronic equipment manufacturing sector ([11998/18](#) and [11285/18 ADD 1](#)).

This decision introduces a new sectoral reference document for the electrical and electronic equipment manufacturing sector which includes best environmental management practices, sector specific environmental performance indicators and benchmarks of excellence and rating systems identifying environmental performance levels achieved by the best performing organisations in the sector. This document is relevant for organisations registered or considering registration with the Eco-Management and Audit Scheme EMAS or any organisation wishing to improve its environmental performance.

The Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision unless the European Parliament objects.

Ecolabel - lubricants criteria

The Council decided not to oppose the adoption of a Commission decision establishing the EU Ecolabel criteria for lubricants ([12003/18](#) and [11286/18 ADD 1](#)).

This decision establishes the criteria for the award of the EU Ecolabel for lubricants, which are requirements concerning excluded or limited substances, additional aquatic toxicity, renewable ingredients and packaging, as well as biodegradability and bioaccumulative potential, the minimum technical performance, consumer information regarding use and disposal and the information appearing on the EU Ecolabel.

The Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision unless the European Parliament objects.

Persistent organic pollutants - updated list of wastes and substances

The Council decided not to oppose the adoption of a Commission regulation amending annexes IV and V to [regulation \(EC\) No 850/2004](#) of the European Parliament and of the Council on persistent organic pollutants ([11996/18](#) and [10980/18 ADD 1](#)).

This decision amends annexes IV and V of the regulation of the European Parliament and the Council on persistent organic pollutants by updating the list of substances and wastes subject to the management provisions set out in article 7 of the regulation, as well as their concentration limit and the operations required to dispose or recover them.

The Commission decision is subject to the so-called regulatory procedure with scrutiny. This means that, now that the Council has given its consent, the Commission may adopt the decision unless the European Parliament objects.

YOUTH

European Solidarity Corps*

The Council today adopted a regulation on the European Solidarity Corps, with the Polish delegation abstaining. This follows an agreement reached with the European Parliament in June. The regulation establishes a legal framework for young people to volunteer or work in beneficial projects across Europe under the auspices of the European Solidarity Corps (ESC) ([PE-CONS 47/18](#)), ([11549/18 ADD 1](#)), ([11549/18 ADD 2](#)).

For more information see [press release](#).
