



**COUNCIL OF
THE EUROPEAN UNION**



12959/1/08 REV 1 (Presse 251)

PRESS RELEASE

2891st Council meeting

Competitiveness (Internal Market, Industry and Research)

Brussels, 25 and 26 September 2008

Presidents **Ms Valérie PÉCRESSE**
Minister for Higher Education and Research, France
Mr Hervé NOVELLI
Minister of State with responsibility for Trade, Craft Trades,
Small and Medium-sized Undertakings, Tourism and
Services, France
Mr Luc CHATEL
Minister of State with responsibility for Industry and
Consumers, France

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 5389 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

12959/1/08 REV 1 (Presse 251)

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Main results of the Council

*The Council held an exchange of views on an action plan on improving **sustainable patterns of production and consumption**. In this connection, it approved conclusions on "**public procurement favouring a better environment**".*

*After a debate, the Council adopted a Resolution on an **anti-counterfeiting** action plan.*

*The Council adopted conclusions on **standardisation and innovation**.*

*It also adopted a set of conclusions on improving regulation, emphasising in particular **access to legislation**, as part of the "**Better Regulation**" programme.*

*In addition, the Council held a debate on the subject of "**Priority to small and medium-sized undertakings** (a "**Small Business Act**" for Europe)".*

*The Council adopted a Resolution on **European Space Policy**, approved by the Space Council at its fifth meeting.*

It also adopted a set of conclusions in the field of research concerning:

- **nanosciences and nanotechnologies;**
- **ensuring better careers and more mobility for researchers in Europe;**
- **combating Alzheimer's and neurodegenerative diseases.**

In the environmental field, the Council adopted, without debate, a Regulation on the banning of exports of metallic mercury and the safe storage of that substance.

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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>).
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PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Sabine LARUELLE

Minister for SMEs, the Self-Employed, Agriculture and Science Policy

Ms Patricia CEYSENS

Minister for the Economy, Enterprise, Science, Innovation and Foreign Trade

Bulgaria:

Ms Nina RADEVA

Deputy Minister for the Economy and Energy

Mr Plamen VATCHKOV

Chairman of the National Agency for information technologies and communications

Czech Republic:

Mr Ondřej LIŠKA

Minister for Education, Youth and Sport

Mr Martin TLAPA

Deputy Minister for Industry and Trade

Denmark:

Ms Helge SANDER

Minister for Science, Technology and Development

Germany:

Mr Lutz DIWELL

State Secretary, Federal Ministry of Justice

Mr Peter HINTZE

Parliamentary State Secretary at the Federal Ministry of Economic Affairs and Technology

Mr Frieder MEYER-KRAHMER

State Secretary, Federal Ministry of Education and Research

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Ms Geraldine BYRNE NASON

Deputy Permanent Representative

Greece:

Mr Christos FOLIAS

Minister for Development

Mr Philippos TSALIDIS

Secretary-General for Research and Technology

Spain:

Ms Christina GARMENDIA MENDIZÁBAL

Minister for Science and Innovation

France:

Ms Valérie PÉCRESSÉ

Minister for Higher Education and Research

Mr Luc CHATEL

State Secretary with responsibility for Industry and Consumers; government spokesman

Mr Hervé NOVELLI

Minister of State with responsibility for Trade, Craft Trades, Small and Medium-sized Undertakings, Tourism and Services

Italy:

Mr Giuseppe PIZZA

State Secretary for Education, Universities and Research

Cyprus:

Mr Antonis PASCHALIDES

Minister for Commerce, Industry and Tourism

Mr Costas IACOVOU

Planning bureau, Research

Latvia:

Mr Mareks GRUŠKEVICS

State Secretary, Ministry of Education and Science

Mr Artūrs BERGHOLCS

Parliamentary Secretary, Ministry of Economics

Lithuania:

Mr Vytas NAVICKAS

Minister for the Economy

Ms Virginija BŪ DIENĖ

Deputy Minister for Education and Science

Luxembourg:

Ms Jeannot KRECKÉ

Minister for the Economy and Foreign Trade, Minister for Sports, Minister for Sea Transport

Hungary:

Mr Károly MOLNÁR

Minister without Portfolio with responsibility for Research Policy and for Research and Development

Malta:

Mr Jason AZZOPARDI

Parliamentary Secretary for Revenues and Land in the Ministry of Finance, the Economy and Investment

Netherlands:

Ms Maria van der HOEVEN

Minister for Economic Affairs

Austria:

Ms Christine MAREK

State Secretary, Federal Ministry of Economic Affairs and Labour

Poland:

Mr Jerzy DUSZYNSKI

Mr Marcin KOROLEC

Deputy Minister for Science and Higher Education
Deputy State Secretary, Ministry of Economic Affairs**Portugal:**

Mr José Mariano GAGO

Mr Fernando SERRASQUIERO

Minister for Science, Technology and Higher Education
State Secretary for Trade, Services and Consumer Protection**Romania:**

Mr Anton ANTON

State Secretary for Research, President of the National Authority for Scientific Research, Ministry of Education and Research

Slovenia:

Ms Mojca KUCLER DOLINAR

Minister for Higher Education, Science and Technology

Slovakia:

Mr Ivan RYBÁRIK

Mr Jozef HABÁNIK

State Secretary, Ministry of the Economy
State Secretary, Ministry of the Economy**Finland:**

Ms Tarja CRONBERG

Minister for Labour

Sweden:

Ms Maud OLOFSSON

Ms Ewa BJÖRLING

Mr Lars LEIJONBORG

Deputy Prime Minister and Minister for Enterprise and Energy
Minister for Trade
Minister for Higher Education and Research**United Kingdom:**

Mr Ian PEARSON

Baroness Delyth MORGAN

Minister of State for Science and Innovation
Under Secretary of State for Intellectual Property and for Quality**Commission:**

Mr Günter VERHEUGEN

Mr Janez POTOČNIK

Mr László KOVÁCS

Mr Charlie McCREEVY

Vice President

Member

Member

Member

ITEMS DEBATED

Small and Medium-sized Undertakings: "Small Business Act"

The Council held an exchange of views on the communication entitled "Priority for small and medium-sized undertakings (SMUs) first - A "Small Business Act" for Europe ([11262/08](#)).

The exchange of views made it possible to work out political guidelines to aid the Council's preparatory fora in discussion of draft conclusions with a view to the adoption of these at the next Council (Competitiveness) on 1 and 2 December 2008.

Delegations voiced their opinions in particular in identifying the priority measures laid down in the "Small Business Act" (SBA), which could have a rapid impact on growth against a background of economic slowdown.

A broad consensus emerged regarding the beneficial effects which implementation of the measures contained in the package could have on SMUs, in particular by facilitating access for SMUs to funding, by tending to reduction and simplification of administrative burdens and by favouring undertakings' access to the market.

The proposal to create an SBA for Europe put forward by the Commission in June 2007 had been the subject of an initial discussion at the informal meeting of ministers at Versailles (France) on 17 and 18 July 2008.

The measures contained in the SBA are subject to a set of ten principles intended as a guide to the design and implementation of policies at EU and Member State level, with the ultimate aim being to improve their growth and their formidable potential for creating employment and prosperity.

The SBA proposes the implementation of legislative and non-legislative measures.

The package of new legislative measures is made up of:

- a general exemption regulation by category relating to State aids,
- a regulation on a future European private company statute,
- a directive on reduced rates of VAT.

In addition, proposals will be worked out within the framework of the SBA relating to modernisation of the existing provisions on VAT invoicing with a view to lightening the burden weighing on undertakings, and to amendment of the directive on late payments, to ensure that SMUs are paid punctually in all commercial transactions.

Sustainable production and consumption

The Council held an exchange of views on the action plan on enhancing sustainable means of production and consumption and a sustainable industrial policy. In that connection, it approved the conclusions on "Public procurement for a better environment".

Action plan on sustainable production and consumption

The exchange of views enabled progress to be made in terms of the substance of the text of the conclusions with a view to facilitating its adoption at the meeting of the Environment Council on 20 October 2008.

Discussions focused on the priority measures of the action plan which best fulfil European ambitions and objectives relating to sustainable consumption and production and a sustainable industrial policy. In particular, the discussions analysed the challenge facing European industry in moving towards an economy which should be based on sustainable means of production and consumption.

Specifically, discussions showed the need to:

- keep the public better informed about the environmental performance of products,
- move towards a low carbon-emission economy while ensuring that European undertakings remain competitive,
- strengthen instruments which help to promote sustainable production and consumption practices,
- take account of the contributions made by all those concerned, with particular reference to small and medium-sized undertakings,
- establish appropriate incentive measures to encourage eco-efficiency,
- ensure that, with regard to all the measures which will have to be taken, there is an equal balance between voluntary and regulatory measures, with due regard for the principle of subsidiarity,
- link the measures proposed in the action plan to other Community instruments.

The action plan aims to ensure that sustainability criteria are better integrated and accorded greater consideration in terms of the production and consumption of goods and services in the EU and at international level.

It identifies several challenges in the establishment of intelligent methods of production and consumption in terms of energy efficiency and use of resources, aiming to reduce pressure on the environment in a growing economy and convert environmental protection requirements into economic opportunities.

Green public procurement - Council conclusions

On the basis of the action plan to promote sustainable production and consumption, the Council adopted the following conclusions:

"[\(13067/08\)](#)"

Standardisation and innovation - Council conclusions

The Council adopted the following conclusions on standardisation and innovation in Europe:

"THE COUNCIL

RECALLING

- the conclusions on standardisation adopted on 21 December 2004,
- the conclusions adopted in December 2006 entitled "A broad-based innovation strategy",

CONSIDERING

- the Communication from the European Commission of 19 June 2008 entitled ""Think Small First": A "Small Business Act" for Europe",
- the fact that standards are drawn up to meet the needs of stakeholders,
- the essential contribution which standardisation can make towards developing innovation and competitiveness, by facilitating access to markets, enabling interoperability between new and existing products, services and processes, enhancing protection of users, giving consumers confidence in innovations and disseminating research results,
- the potential of standards for encouraging innovation in areas such as services,
- the legislative package on the free circulation of goods and the role of standards to strengthen the internal market and to support the better regulation policy,
- the context of increasing globalisation in which economic operators must now operate and the importance of the external dimension of competitiveness,

WELCOMES the communication from the European Commission of 11 March 2008 on standardisation and innovation,

ADOPTS the following conclusions:

- (1) DESIRES that the stakeholders of European standardisation actively participate in international standardisation in order to promote the development of worldwide standards for global markets with a view to facilitating trade and investment in the interests of the European economy;
- (2) in that spirit, CALLS ON the European Commission, the Member States and European and national standardisation bodies to act in a coordinated manner to promote European standards;
- (3) RECOMMENDS that public research bodies and public financers of research programmes at European and national level examine, at certain decisive phases of research projects from launch to evaluation, the potential interest in developing standards in order to exploit the results obtained;
- (4) ENDORSES the European Commission's intention to financially support the development of technology watch activities in order to identify areas where standardisation could be useful to the transfer of research and development results;
- (5) INVITES standardisers to work closely with the research community in order to include it in standardisation work whenever the research results show that there is potential for developing standards;
- (6) ENCOURAGES the Member States to take action to increase the value of participation in standardisation activities in the careers of researchers;
- (7) ASKS European and national standardisation bodies to further facilitate participation in standardisation by all interested parties, in particular representatives of small and medium-sized enterprises, consumers, trade unions and bodies representing societal interests, and ENCOURAGES the European Commission and the Member States to promote the participation of those stakeholders in standardisation work;
- (8) SUPPORTS the steps taken by the European Commission and the European standardisation bodies to carry out studies into all barriers to the involvement of those stakeholders in standardisation and to the use of standards, as well as into the possible ways of seeking to remove them;

- (9) CALLS on the European Commission, the Member States and business associations to strengthen their support for small and medium-sized enterprises to encourage them to cooperate and to promote their interests in standardisation work;
- (10) UNDERLINES the importance of the principle of national delegation and the crucial role of the national standardisation bodies to better ensure that the interests of small and medium-sized enterprises are taken into account by European standardisation;
- (11) ENCOURAGES European and national standardisation bodies to exploit information and communications technologies to the full, for example, to organise virtual meetings, in order to facilitate the participation of all interested parties and ensure that their views are collated;
- (12) EMPHASISES the importance of providing standards in national languages to ensure proper understanding by all users and INVITES European standardisation bodies, in close link with the European Commission, to examine the possibility of using automatic translation systems, in order to facilitate the validation of European standards into national versions by the national standardisation bodies;
- (13) ENCOURAGES the European Commission, in cooperation with European and national standardisation bodies, to simplify the financing arrangements for the translation of standards, while respecting European financial rules;
- (14) ASKS European and national standardisation bodies to draw up and validate a summary of each standard at the same time as it is developed, for publication without any access restriction, and to ensure that standards are comprehensible and easy to use so that they can be better understood and implemented by users;
- (15) RECOMMENDS that European and national standardisation bodies and business associations draw up and disseminate guides on use, adapted to sectors of activity, in order to raise awareness of the standards environment and facilitate the effective use of standards;
- (16) ENCOURAGES European and national standardisation bodies to provide market players with the means to gain added value from the knowledge stemming from their innovations;

- (17) RECOGNISES that both standards and patents are innovation dissemination tools and SUPPORTS the carrying out of a study by the European Commission to analyse the interplay between the two;
- (18) ASKS European standardisation bodies to be particularly vigilant when developing standards based on proprietary technologies, in order to allow broad access to all users, and EMPHASISES the need to implement procedures designed to make intellectual property rights available under fair, reasonable and non-discriminatory conditions;
- (19) ENCOURAGES European standardisation bodies, together with national standardisation bodies, to review their business model in order to improve access to standardisation and the use of standards and to reduce the cost associated with access to standards, while ensuring their financial viability;
- (20) RECOGNISES that the three European standardisation bodies have started a process of reform and ASKS them to continue and broaden this process in a timely manner and in close cooperation with each other with a view to reinforcing the effectiveness and visibility of European standardisation, whilst taking better account of the convergence of technologies, and to include all the parties concerned in that process in a transparent manner;
- (21) CALLS UPON the European Commission to ensure regular monitoring of the progress of that reform and report on it to the Member States;
- (22) INVITES national standardisation bodies, in coordination with European standardisation bodies, to examine the feasibility of introducing a voluntary peer assessment process to encourage continuous improvement and exchange of good practice;
- (23) TAKES THE VIEW that it would be helpful for European standardisation bodies to exploit possible synergies with standardisation fora and consortia and RECALLS its preference for making the transformation of informal normative documents into formal standards through the recognised standardisation bodies conditional on an evaluation of market needs, the carrying out of a public enquiry and the search for consensus among all interested parties;
- (24) POINTS OUT that the desired acceleration of the standardisation process must not take place to the detriment of the principles of quality, transparency and consensus among all interested parties;

- (25) ENDORSES the desire of the European Commission to support the use of standards in matters relating to sustainable industrial policy, lead markets, public procurement, information and communications technology and the better regulation policy;
- (26) DRAWS the attention of the European Commission and of all the players involved to the innovative potential existing in the services sector and to the need to inform interested parties of the possible benefits linked to the development of standards in that area, as invited to do by Directive 2006/123/EC on services in the internal market, in order to improve the quality and competitiveness of European services;
- (27) ENCOURAGES the Member States to improve the position of standardisation in education programmes and academic curricula, in order to familiarise students with the strategic benefits and challenges of standardisation, drawing on the expertise of standardisation bodies;
- (28) RECOGNISES the need to have medium-term strategic recommendations for standardisation;
- (29) INVITES the European Commission to review the action plan for European standardisation in the light of these conclusions."

"Better Regulation" initiative - Council conclusions

Within the framework of the "Better Regulation" programme, designed to reduce the administrative burden and improve legislation in the EU, the Council adopted the following conclusions:

["\(13148/08\)"](#)

Anti-counterfeiting and anti-piracy measures - Council Resolution

The Council noted the Commission's submissions relating to its communication entitled "An industrial property rights strategy for Europe" ([12267/08](#)) and the assessment of the anti-counterfeiting customs action plan for 2005-2008. On the basis of those submissions, the Council held an exchange of views on the subject of anti-counterfeiting and anti-piracy measures, underlining the need to step up cooperation at European and international level in order to curb this phenomenon, which is damaging the competitiveness of undertakings.

The Council adopted the following Resolution on a comprehensive European anti-counterfeiting and anti-piracy plan:

"THE COUNCIL OF THE EUROPEAN UNION,

- (1) CONSIDERING the Commission's strategic report¹ and the new cycle of the renewed Lisbon strategy for growth and jobs (2008-2010) launched by the European Council on 14 March 2008;
- (2) STRESSING that the European Union has been called upon, in this connection, to continue its efforts to make the system for protecting intellectual property rights more efficient in order to combat counterfeiting more effectively;
- (3) EMPHASISING the need to respect the basic freedoms of the internal market and improve the way it works;
- (4) POINTING OUT the advisability, in the fight against counterfeiting and piracy, particularly at the borders of the European Union, of harmonising intellectual property rights, where appropriate, and the importance of existing national and Community industrial property titles;
- (5) CONSIDERING the Community instruments adopted to combat counterfeiting and piracy, particularly Directive 2004/48/EC on the enforcement of intellectual property rights and Regulation No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights;

¹ Communication from the Commission to the European Council "Strategic report on the renewed Lisbon Strategy for growth and jobs: launching the new cycle (2008-2010) – Keeping up the pace of change" COM(2007) 803 final.

- (6) AWARE also of the amended proposal for a Directive on criminal measures aimed at ensuring the enforcement of intellectual property rights;
- (7) CONSIDERING the anti-counterfeiting and anti-piracy initiatives which have been developed multilaterally, particularly in the World Trade Organisation (WTO), the World Customs Organisation (WCO), the World Intellectual Property Organisation (WIPO), the Organisation for Economic Cooperation and Development (OECD), the World Health Organisation (WHO) and the G8 (Heiligendamm process);
- (8) CONSIDERING the Strategy for the Enforcement of Intellectual Property Rights in Third Countries¹;
- (9) CONSIDERING the OECD report on the economic impact of counterfeiting and piracy, particularly its estimate that international trade in counterfeit and pirated goods may have been some USD 200 billion in 2005, on the basis of customs seizures in OECD countries, indicating that the total value of trade in counterfeit or pirated products could exceed this amount by several hundred billion dollars, and considering its recommendations for increased cooperation between governments and industry;
- (10) AWARE of the seriousness and the worrying growth of the phenomenon of counterfeiting and piracy, in particular in a globalised economy, for the competitiveness of the European Union, for its businesses, creative forces and consumers; aware of the scale of this phenomenon on the Internet too; aware of the risks involved in counterfeiting products, which poses a health and safety hazard;
- (11) EMPHASISES the importance of protecting intellectual property rights, which are fundamental to promoting culture and diversity, and for drawing full benefit from the research, innovation and creative activity of European undertakings, especially SMEs, in order to support growth and jobs in the European Union and make Europe more competitive in the world;
- (12) AWARE, against this background, of the need to give innovative companies the means to obtain the best protection for their inventions and to profit from them more efficiently; points out the advantages of a Community patent and a patent court system in order to give users the means to enforce their intellectual property rights throughout the Union;

¹ OJ C 129, 26.5.2005, p. 3.

- (13) EMPHASISES the need to mobilise all stakeholders to boost the effectiveness of the whole range of instruments for protecting intellectual property and combating counterfeiting and piracy on the internal market and internationally; pointing out that these measures are consistent with due regard for basic rights and general principles of Community law, such as the protection of personal data and the protection of property rights;
- (14) WELCOMES the Commission communication of 16 July 2008 designed to implement an industrial property rights strategy for Europe, especially as regards the enforcement of industrial property rights and of copyright and related rights:
- customs initiatives to combat counterfeiting and piracy at the borders and outside the European Union,
 - action to complement legislation, designed to encourage a change in public perceptions of the phenomenon of counterfeiting and piracy, to increase precise awareness of the phenomenon, to improve cooperation between all stakeholders in the Member States, to establish an effective network for administrative cooperation between Member States, to allow for Europe-wide action, and to promote public/private partnership agreements and the conclusion of inter-industry agreements at European level to reduce piracy and the sale of counterfeit goods on the Internet,
 - consideration of how cross-border enforcement of judgments can be improved,
 - action designed to enforce intellectual property rights in third countries, through regular inquiries, through the promotion of effective protection of those rights in bilateral trade agreements, and through closer cooperation in the framework of regular dialogues with third states, especially those with a high level of counterfeiting and piracy,
 - work on a plurilateral anti-counterfeiting trade agreement (ACTA);
- (15) INVITES the Commission to act on these guidelines by:
- setting up a European counterfeiting and piracy observatory, defining how it is to operate and the detailed arrangements, including financial arrangements, for setting it up; the observatory, based on the Commission's existing structures, should enable a regular assessment to be made, on the basis of the data which the public and private sectors wish to provide, of the extent of counterfeiting and piracy and a more precise analysis of these phenomena,

- disseminating information on the phenomenon of counterfeiting and piracy to those involved in combating these phenomena, especially via the Internet,
 - developing action to raise awareness and to communicate with those involved in combating counterfeiting and piracy and with consumers, including the youngest consumers, by, amongst other things, activities organised to mark a European awareness day on the dangers of counterfeiting and by drawing up operational guides;
- (16) INVITES the Commission and the Member States, acting within their respective spheres of competence, to use all appropriate means to combat counterfeiting and piracy effectively, and in particular to:
- submit an anti-counterfeiting customs plan for the years 2009 to 2012 which gives priority to information-sharing through full use of electronic systems and the development of cooperation between the authorities concerned, in particular at the border, principally customs authorities, and with rights holders; to make a survey of customs law and evaluate the improvements needed to the legal framework to improve action against counterfeit products which are a danger to consumers and to raise awareness of the risks of the phenomenon,
 - set up a network for the rapid exchange of information on counterfeit products and services, in particular by stepping up cross-border administrative cooperation, drawing on national contact points and modern information-sharing tools,
 - promote coordination between institutions involved in combating counterfeiting and piracy, in particular by sharing good practice between national administrations,
 - study the effectiveness of the legal framework in enforcing intellectual property rights,
 - submit appropriate proposals to encourage public/private sector partnerships to combat counterfeiting and piracy, to recommend good practice, especially as regards Internet sales, and to encourage professionals to work together,
 - step up the protection of intellectual property rights internationally; promote the inclusion, in bilateral and multilateral agreements concluded by the European Union, of measures on intellectual property rights, with due regard for the *acquis communautaire*, and help to enforce those measures; take an active part in negotiations for the conclusion of a plurilateral anti-counterfeiting trade agreement, including by seeking to secure the creation at such time of a task force with the remit of scrutinising implementation of the agreement; promote the issue in dialogue between the European Union and third countries and in the context of cooperation activities with third countries."

European Space Policy: 5th Space Council meeting - Council Resolution

The fifth meeting of the "Space Council"¹ brought together the ministers in charge of space at European Union and European Space Agency (ESA) levels.

It was jointly chaired by Valérie Pécresse, France's Minister for Higher Education and Research and President-in-Office of the Council of the EU, and Maria van der HOEVEN, Minister for Economic Affairs of the Netherlands and current Chair of the ESA Council.

Jean-Jacques Dordain, ESA Director-General, also attended the meeting.

Commissioner Günther Verheugen, Vice President of the European Commission, presented a progress report on the implementation of European space policy (12992/08).

After an exchange of views, and prior approval by the Space Council, the following Resolution² was adopted:

"THE COUNCIL

HAVING REGARD to the Framework Agreement between the European Community and the European Space Agency, which entered into force in May 2004, and to the increasing cooperation between the two parties,

RECALLING the orientations of the "Space Council" meetings of 25 November 2004, 7 June 2005 and 28 November 2005,

EMPHASISING the Resolution of the "Space Council" on 22 May 2007 which welcomed and supported the European Space Policy and established the policy base for space in Europe,

NOTING that the Resolution invited the European Commission, the ESA Director-General and the European Union and ESA Member States, to monitor and evaluate the implementation of the policy within the scope of the Framework Agreement, including the implementation of the key issues defined in the annexes of the Resolution,

¹ An agreement between the EU and the ESA in force since 2004 provides a common basis for developing a European space policy. The agreement establishes regular joint and concomitant meetings of the EU and the ESA at ministerial level within a "Space Council", for coordinating and facilitating cooperative activities.

² The Resolution was approved by the Space Council and formally adopted by the two organisations in accordance with their respective internal procedures.

NOTING that the Member States, on the basis of the European Space Policy Implementation Plan, have identified as priorities two programmatic areas for action which are the successful implementation of both GALILEO and GMES (Global Monitoring for Environment and Security), as well as a number of horizontal issues,

RECOGNISING the significant progress made in these areas as set out in the joint ESA-EC progress report, and WELCOMING the progress made in the setting-up of an international relations strategy for space in Europe,

REAFFIRMS in this context the importance for Europe to maintain an autonomous access to space, a world-class scientific programme, its leading satellite applications services in operational meteorology and commercial communications, and a sustained and innovative technology base,

UNDERLINES the importance to strengthen EC-ESA coordination of space technology development programmes, in particular on critical space technologies for European strategic non-dependence,

RECALLS the discussions among European ministers in charge of space at their informal meeting in Kourou, the space port of Europe, on 21 and 22 July 2008,

I - A vision for Europe in space

RECOGNISING that the European Space Policy established the vision to strengthen Europe as a world-class space leader responding to the needs of European policies and objectives, in terms of applications, services and related infrastructures, contributing to its societal, cultural, economic and scientific influence, developing its industrial and scientific potential and assuring its political and technological autonomy in a reasoned, coherent and realistic manner;

RECOGNISING that this policy, based on the EU, ESA and their respective Member States involved in the European Space Programme, should continue to be implemented and further developed, maintaining ambitious goals within the capacities made available for research and operational applications;

EMPHASISING that all of Europe's space activities contribute to the goals of, and fully respect the principles set out by, the United Nations' "Outer Space Treaty", in particular:

- the exploration and use of outer space for the benefit and in the interests of all countries and the recognition of outer space as a province of all mankind,
- the use of outer space for exclusively peaceful purposes,
- the promotion of international cooperation in the exploration and use of outer space,

and that Europe supports the ongoing efforts of the United Nations' Committee on the Peaceful Uses of Outer Space (COPUOS) on the mitigation and prevention of space debris;

UNDERLINING the importance of reinforcing public support for the development of space technologies, ensuring complementarities of actions and maximising synergies with non-space developments;

RECOGNISING that the European Union, ESA and their respective Member States are the three key actors of the European Space Policy, and HIGHLIGHTING that the European Union is taking increased responsibilities for space matters, especially related to space applications, consistent with those of a global actor and bringing an added-value to ESA and Member States while respecting roles and responsibilities of each of them,

CONSIDERING that, in these conditions and in the framework of the European Space Policy, the European Union, as well as ESA and their respective Member States, are main space actors, and they will develop Europe as a leading space power on the international scene. In this context, IDENTIFIES the following issues to be addressed:

- In line with the international relations strategy, promoting a coherent approach to international cooperation in space programmes in view of their global nature, while recognising that Europe should be able to face global competition. Solar System exploration, Earth environment and sustainable development are the priority domains for implementing international cooperation,
- Ensuring for all the EU and ESA Member States an open and equitable access to the benefits of space activities in terms of public policies, scientific data, technological development, industrial activities and services,

- Strengthening the existing mechanisms to coordinate European expertise and investments in space funded from Community, intergovernmental and national sources as well as setting-up the mechanisms to improve synergies between civil and defence space programmes, while respecting the specific requirements of both sectors, including their decision competences and finance schemes,
- Guaranteeing the continuity of autonomous, reliable and cost-efficient access to space at affordable conditions for the EU, ESA and their respective Member States, based on both the availability of a set of adequate and competitive world-class launchers and an operational European space port,
- Federating through the EU, based on the policy needs of the EU, and of ESA and EU Member States, their demand for space applications, through a transparent process enabling the EU to identify user requirements, to establish priorities, and to ensure the continuity of services. Maintenance of the necessary tools to provide these services, including their funding, should be executed in partnership with the stakeholders concerned and the operators when appropriate,
- Promoting the development of an appropriate regulatory framework to ease the swift emergence of innovative and competitive downstream services, in particular with the objective of guaranteeing sustained access to spectrum for all space-based applications,
- Organising the governance of space in line with the Resolution of the 4th Space Council and with the political ambitions of EU, ESA and their respective Member States, in particular the optimisation of the decision-making process in the field of space in the Council of the European Union as well as in other EU institutions,
- Developing adequate EU instruments and funding schemes, taking into account the specificities of the space sector, the need to strengthen its overall and its industry's competitiveness and the necessity of a balanced industrial structure; and allowing appropriate long-term Community investment for space related research and for the operation of sustainable space-based applications for the benefit of Europe and its citizens, in particular by examining all space-related policy consequences within the framework of the next financial perspective,
- Strengthening the cooperation with developing countries,

UNDERLINES the added value for EU and ESA Member States' ministers in charge of space to meet as frequently as useful to address the main political issues on the basis of an appropriate roadmap;

II - Current Priorities

WELCOMES the following significant advances in the GALILEO and GMES programmes:

- the successful launch and in-orbit validation of GIOVE-B, allowing to demonstrate critical new technologies needed for the performance of the Galileo system,
- the conclusions of the EU Council in November 2007 and the subsequent adoption by the European Parliament and the Council of the Regulation on the further implementation of the European GNSS programmes, clarifying the public governance of the Galileo deployment phase and the EGNOS operations and the implications of the actions for GALILEO funding,
- the decision by ESA Member States to initiate the GMES Space Component programme; the conclusion of the EC-ESA agreement providing the Community contribution to this programme; and the provision by EC of initial operational funding through the implementation of a GMES preparatory action in 2008,
- the demonstration at the Lille GMES Forum of pre-operational GMES services,
- the launch of the GMES and Africa partnership through the "Lisbon Process on GMES and Africa" with a view to serving the African users,
- the proposal on the fundamental architecture of GMES described in the Munich roadmap,

REAFFIRMS the continuing priority to implement both GALILEO and GMES rapidly.

A. GALILEO

RECOGNISING that Galileo constitutes the first flagship space programme of the EU;

INVITES the Commission to take into consideration and analyse past difficulties in order to reap the full benefits of this experience;

LOOKS FORWARD to the creation of the Galileo Inter-Institutional Panel;

UNDERLINES the need for increased coordination between the European Commission, ESA and their respective Member States, in relation to R&D for satellite navigation systems, services and applications;

HIGHLIGHTS the continued cooperation with international partners on issues of system compatibility and interoperability;

INVITES the Commission to address the legal implications of the European Community becoming the owner of those tangible and intangible assets it has funded related to space applications, such as those of the Galileo and EGNOS programmes, in particular with respect to liability issues.

B. GMES

RECALLING that GMES is a user-driven initiative that should maximise the use of existing space and non-space Earth Observation centres, capacities and services in Europe, including EUMETSAT, the EU Satellite Centre, etc.;

STRESSES that the in-situ Earth observation infrastructures which Member States support, together with space observation infrastructures, represent a major contribution to the Earth observation capacities and should be made available to GMES on a permanent basis;

HIGHLIGHTS that data and service continuity is indispensable and that such continuity must be guaranteed by the European Union, in particular through long-term funding, based on partnerships for the various GMES components;

REAFFIRMS the role of ESA as development and procurement agency for the dedicated GMES Sentinel missions, and as coordinator for the whole GMES Space Component, including contributions made available by Member States, EUMETSAT and further GMES partners;

INVITES the Commission to define an adequate GMES legal framework, involving the Council General Secretariat where appropriate, and to explore the implications of certification of satellite remote sensed data;

STRESSES that many GMES information services have the nature of a European public good and must be made available according to a full and open access principle, subject to some constraints such as security;

IDENTIFIES the need to elaborate an action plan leading to the setting-up of an EU GMES programme, aiming at securing the continuity of GMES services and of the critical observation data which they require. This action plan should include:

- An approach for the overall GMES governance and all its components, identifying the relevant actors with their role and responsibilities, and based on a series of GMES partnerships, as well as arrangements for appropriate participation of ESA Member States which are not members of the EU,
- A plan for sustainable funding of GMES, based on an assessment of the overall financing needs for GMES and the definition of the budgetary strategy at national and European levels, taking into account the three successive stages: R&D stage to be funded from R&D appropriations, transition stage with mixed R&D and operational funding, operational stage with dedicated funding for operations involving the users,
- The definition of operational service delivery mechanisms for each GMES service, including identification of their operators,
- The definition between the EU and Member States of a process to formalise their commitments to contribute to GMES through existing in-situ observation and service infrastructures,
- The identification of the role of the GEO initiative and other intergovernmental or multilateral initiatives, such as CEOS, in accessing the whole range of data available, as well as the contribution of GMES to these international endeavours,

- A process to establish a comprehensive data policy for all data generated by the GMES system, including appropriate labelling and a data security policy which will ensure that all sensitive data is fully protected and kept confidential,

WELCOMES

- the proposal of the European Commission for a new preparatory action in the Preliminary Draft Budget for 2009, paving the way for a future funding of the operational phase of GMES,
- the intention of the Commission to address all of these issues in a Communication to be adopted by the end of October 2008, having consulted with the main stakeholders, in particular agreeing with ESA an overall programmatic approach for the GMES Space Component,
- the intention of the ESA DG, having consulted with ESA Member States and the Commission, to submit a proposal for the GMES Space Component Segment 2 programme for subscription to the ESA Council at Ministerial level in November 2008.

III - New priorities within the European Space Policy

HIGHLIGHTS that the European Council welcomed on 14 March 2008 the joint report from the High Representative and the European Commission on Climate Change and International Security which in particular recalled that the majority of UN emergency appeals for humanitarian aid in 2007 were climate related, and identified the multiplier effect of climate change on security risks;

RECALLS that the European Council asked the Council of the European Union to submit recommendations on appropriate follow-up action in the field;

IDENTIFIES the following four priority areas in the implementation of the European Space Policy for the coming period.

A. SPACE AND CLIMATE CHANGE

CONSIDERING that climate challenges facing humanity are of global concern, and that the EU is adapting its policies to address them;

EMPHASISES the objective to improve the qualitative and quantitative understanding of the extent of climate change and of its consequences and the need to continue and expand the European contributions to this understanding and related modelling, in order to provide the evidence base for key decisions to be taken in environment policy;

RECOGNISES the unique contribution of space programmes which, through their global observation capacity and long-term coverage, provide the series of data requested by the scientific community for research into climate change, while complementing other observation and measurement tools;

RECOGNISES the contribution of the ESA Living Planet Programme and the national Earth science space missions, of EUMETSAT operational programmes, and of the GMES Space Component infrastructure to the collection of observations enabling Europe to derive time series of climate parameters and to understand the major climate processes;

CALLS FOR the scientific community, in conjunction with the European Commission, ESA and EUMETSAT, to define how the range of GMES services and European space observation archives can contribute most effectively to the provision of data including Essential Climate Variables for scientific research;

INVITES the Commission to conduct a study to assess the needs for full access to standardised data and for increased computing power, and the means to fulfil them, taking into account existing capacities and networking in Europe,

WELCOMES the joint preparation by ESA and EUMETSAT of a programme proposal for Meteosat Third Generation (MTG) to be submitted to the ESA Council at Ministerial level in November 2008 and subsequently to the EUMETSAT Council; its central role being in operational meteorology, MTG will also contribute to GMES, to the monitoring of climate and thus to the detection of global climate change.

B. CONTRIBUTION OF SPACE TO THE LISBON STRATEGY

EMPHASISES that space, as a high tech R&D domain and through the economic exploitation of its results, can contribute to reaching the Lisbon goals so as to fulfil the economic, educational, social and environmental ambitions of the EU and the expectations of its citizens, and so as to achieve the objectives for growth and employment by providing new business opportunities and innovative solutions for various services, throughout Europe, thus contributing to territorial cohesion;

CONSIDERS that, with the adoption by the European Parliament and Council on 18 December 2006 of the Community Seventh Framework Programme for Research, Technological Development and Demonstration and its new thematic chapter Space as part of the Cooperation Specific Programme, space has been recognised by the EU as one of the priorities and key building blocks of the European knowledge-based society;

UNDERLINES that space applications, such as satellite telecommunications, the EGNOS and GALILEO systems and GMES, are expected to create substantial global market opportunities, especially for SMEs, through the development of value-added downstream services; and that the EU, ESA and their respective Member States must accordingly maximise the value they secure from these space assets. This growth should be promoted to accelerate the emergence of economic opportunities and the development of services seamlessly integrating navigation, observation and communications satellite systems and combining them with terrestrial networks. To achieve this requires appropriate regulatory framework, sustained access to radio-spectrum for space applications, and development of standards in relevant areas;

TAKES NOTE that space activities could thus be considered for inclusion into the Lead Market Initiative.

C. SPACE AND SECURITY

HIGHLIGHTS the important contribution of space to the CFSP/ESDP including the Petersberg tasks, and thus to the security of European citizens;

RECALLS that space assets have become indispensable for our economy and that their security must thus be ensured; UNDERLINES the need for Europe, in line with its ambition to strengthen its status as world-class space leader, to develop a European capability for the monitoring and surveillance of its space infrastructure and of space debris, initially based on existing national and European assets, taking benefit of relationships which may be established with other partner nations and their capabilities;

CONSIDERS that, taking into account the international and political nature of this capability, the European Union will take, liaising with ESA and their respective Member States, an active role to set up progressively this capability and an appropriate governance structure;

UNDERLINES the need for Europe to have the ability to detect non-compliance with implementation of international treaties and obligations, being a key instrument to safeguard and promote European values;

WELCOMES, within the decision competences and finance schemes of the existing framework, the setting up of the structured dialogue among European institutional actors in response to the 2007 Space Council Resolution, with the aim of achieving a substantial increase in the coordination of space, security and defence related activities, including the European Commission, the General Secretariat of the Council, the European Defence Agency, ESA and Member States;

RECALLING that GMES relies on some dual use observation capacities and that GALILEO, GMES and satellite communications systems will provide services which may be of interest for some security applications;

RECOGNISES that the uses made by any military users of Galileo or GMES must be consistent with the principle that Galileo and GMES are civil systems under civil control, and consequently that any change to this principle would require examination in the framework of the Title V/TEU

and in particular Articles 17 and 23 thereof, as well as in the framework of the ESA Convention;

HIGHLIGHTS the need to:

- define the way and means to improve the coordination between civilian and defence space programmes in long-term arrangements,
- develop a capacity to meet European user needs for comprehensive situational awareness of the space environment through a coordinated activity within Europe, and possibly with other partners,
- recognise Europe's dependence on overseas suppliers for selected critical space technologies and components, establish mitigation strategies to ensure guaranteed European access, and take practical steps to pursue reduction of Europe's dependence,

UNDERLINES the benefits of drawing on existing capacities and infrastructures at national as well as European level;

TAKES NOTE of the intention of the ESA DG to submit a proposal for a programme on space situational awareness, for subscription at the ESA Council at Ministerial level in November 2008, setting the basis for the operational capability and respecting the roles of the European Defence Agency and of the EU and ESA Member States;

D. SPACE EXPLORATION

WELCOMES the successful launch of the ESA Columbus laboratory and the successful demonstrations of the Automated Transfer Vehicle "Jules Verne" as truly European technology development projects and crucial elements for ensuring European access to the International Space Station ISS and its sustained utilisation;

AFFIRMS that space exploration is a political and global endeavour and that Europe should undertake its action within a worldwide programme, without any monopoly or appropriation by one country; the different actors taking part with their own capacities and priorities;

HIGHLIGHTS the need for Europe to develop a common vision and long-term strategic planning for exploration, ensuring key positions for Europe, therefore based on its domains of excellence; thus the necessary political dialogue with the other states involved in the worldwide exploration programme has to be further developed and promoted on the international scene by the European Union, ESA and their respective Member States, each one in its own role, and in close coordination among each other;

WELCOMES the proposal by the Commission to organise a high level political conference on a long term global vision for space exploration, opening a public debate on the European role in this global endeavour, and based on appropriate preparatory studies coordinated by ESA to assess the European domains of excellence, and elaborate different scenarios for a European contribution with associated costs and planning;

TAKES NOTE of the Global Exploration Strategy outlining the global coordination of the major powers' plans for human and robotic exploration, including the possibility, at a later stage, of a human expedition to Mars;

AFFIRMS that Europe, building on its successful track record in exploration over a number of decades, in which science has been the key driver, is committed to playing a significant role in the international enterprise to explore the Solar system and to develop a deep understanding of the conditions for life to function beyond our planet and ACKNOWLEDGES the fact that establishing Europe as a fundamental pillar of these activities will be achieved only through sustained investment;

REALISES that the technologies to be developed must be assessed carefully with a perspective of taking key decisions, and HIGHLIGHTS that these may have a lasting impact on the perception of Europe's scientific and technological capabilities in the world and the self-perception of European citizens;

UNDERLINES the value of space exploration for inspiring young Europeans to choose a career in science and technology and to strengthen these capabilities in Europe."

Nanosciences and nanotechnologies - Council conclusions

The Council adopted the following conclusions on responsible nanosciences and nanotechnologies research:

"THE COUNCIL OF THE EUROPEAN UNION,

RECALLING its conclusions of 24 September 2004 entitled "Towards a European strategy for nanotechnology" and of 23 November 2007 on nanosciences and nanotechnologies¹;

NOTING the Commission Recommendation of 7 February 2008 on a code of conduct for responsible nanosciences and nanotechnologies research² ("the Recommendation") and the Commission Communication of 17 June 2008 on Regulatory aspects of nanomaterials³;

REAFFIRMING:

- the important role and potential of nanosciences and nanotechnologies ("N&N") in many areas, such as health care, information technologies, materials sciences, manufacturing, instrumentation, energy, environment, security and space,
 - that the role of nanosciences and nanotechnologies is crucial for the improvement of Europe's competitiveness and the quality of life of its citizens, and for the achievement of the economic, social, and environmental goals of the renewed Lisbon Strategy,
 - that a safe and responsible development of nanotechnologies is essential,
 - the need to foster synergies and cooperation between all stakeholders, including the Member States, the European Commission, academia, research centres, industry, financial bodies, NGOs and society at large,
1. ACKNOWLEDGES the progress made in Europe in N&N research and its contribution to the harmonious and coherent development of the European Research Area (ERA) and STRESSES the need to intensify efforts in this sector bearing in mind both the socio-economic benefits of this research and the need for management of possible health and environmental risks;

¹ 12898/04 and 15967/1/07 REV 1.

² OJ L 116, 30.4.2008, pp. 46-52.

³ 11010/08.

2. NOTES that the established principles of responsible research, including ethical principles, are equally applicable to all research activities and, whilst acknowledging the principle of scientific freedom, notes that the innovative nature and the specific features of certain fields of research, such as N&N, merit particular attention in this respect;
3. NOTES the Commission Communication of 17 June 2008 on "Regulatory aspects of nanomaterials", which reviewed the legislation in force and concluded, inter alia, that "Current legislation covers in principle the potential health, safety and environmental risks in relation to nanomaterials. The protection of health, safety and the environment needs mostly to be enhanced by improving implementation of current legislation";
4. ACKNOWLEDGES that measures for the prevention and management of potential risks should be implemented on the basis of the general principles of risk management (proportionality, non-discrimination, consistency), including the precautionary principle, and of a particularly careful and active monitoring of the results of scientific research in this area; WELCOMES the approach proposed in the Commission Communication of 17 June 2008, aiming to widen the knowledge base for risk assessment and risk management;
5. ENCOURAGES the development of research activities in areas underpinning risk assessment and risk management and the deepening of scientific knowledge of all relevant aspects necessary for determining the potential risks of nano-objects and nanoparticles to human health and the environment (including the understanding of fundamental biological processes, toxicology and eco-toxicology as well as the metrology of nano-objects and nanoparticles, whether natural or man-made), and CONSIDERS that the results of such research activities should lead to the establishment of detection methods validated for the products of nanotechnologies which could have, directly or indirectly, a potentially harmful effect on human or animal health;
6. UNDERLINES that, in the field of N&N research, the protection of researchers and workers potentially exposed to nano-objects and nanoparticles calls for particular attention and efforts;
7. ENCOURAGES the continuation of an international dialogue, in particular as part of the work of the OECD, towards an international framework of guidelines for N&N research with a view to facilitating international cooperation in this area, inter alia by providing all actors with a set of common rules and terminology both locally and globally;

8. INVITES Member States and other stakeholders concerned to take note of the Commission Recommendation in the light of the above considerations;
9. INVITES the Commission to:
 - continue its efforts in supporting N&N research in Europe and in monitoring developments world-wide, with a view to promoting European competitiveness in this sector, improving the safety of researchers, workers and consumers, as well as protecting the environment and identifying good governance or regulatory practices for risk management issues,
 - encourage public debate and foster public awareness through the dissemination of information on N&N research,
 - collect information on the practices of Member States and other stakeholders with respect to responsible N&N research, paying particular attention to the need for a coherent and equitable development of these practices in Europe,
 - review and, as appropriate, amend its Recommendation by February 2010 and regularly thereafter, in close consultation with Member States, while taking into account the above considerations as well as the state of European competitiveness in the nanosciences and nanotechnologies and developments in this sector at European and global level, and then report back regularly to the Council and the European Parliament,
 - engage in the work carried out by the relevant international organisations regarding the terminology related to nanotechnologies so as to ensure coherence at European and global level in this respect."

Researchers' careers and mobility - *Council conclusions*

The Council adopted the following conclusions aimed at ensuring better careers and more mobility for researchers in Europe:

["12854/08"](#)

Combating Alzheimer's and neurodegenerative diseases - Council conclusions

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

- the RTD priorities in the 5th and 6th Framework Programmes of the European Community for research, technological development and demonstration activities (FPs) concerning studies on diseases and disorders among the older population, including Alzheimer's,
 - the thematic priority "Health" in the Specific Programme "Cooperation" implementing the 7th Framework Programme (2006-2013)¹ and its activities in translational research, for the improvement of human health, targeting brain research and related diseases, especially diseases linked to brain senescence,
 - the strategic objective of promoting good health in an ageing Europe, established on the basis of the Commission White Paper "Together for Health: A Strategic Approach for the EU 2008-2013"², which stressed the need to intensify research in the interests of palliative care and a better understanding of neurodegenerative diseases,
1. RECOGNISES the challenges posed by neurodegenerative diseases, of which the increasing number of diagnosed cases is closely related to an ageing European population. CONSIDERS that the stakes are significant both in terms of human suffering and the social and health burden, and on the grounds of the complexity of preventive or curative responses to such diseases. The preponderance of Alzheimer's disease should be especially highlighted insofar as it represents 70% of cases of dementia;
 2. RECOGNISES the need to better understand, detect, prevent and combat the basic mechanisms which trigger neurodegenerative diseases, particularly Alzheimer's, by supporting research in this field, and to improve care services for people suffering from these diseases;

¹ OJ L 400, 30.12.2006, p. 86.

² 14689/07.

3. BELIEVES it is necessary in Europe to significantly strengthen cooperation and coordination of research efforts, the level of financial investment in this area, and the degree of mobility of researchers, in order to combat neurodegenerative diseases, particularly Alzheimer's, now a major challenge for European societies;
4. TAKES NOTE of the various community initiatives which are already in existence and should be continued, such as the Joint Technology Initiative for innovative medicines (IMI), the Ambient Assisted Living joint research and development programme, ERA-NET "NEURON" and ERA-NET "ERA-AGE", both already having 12 participating Member States, the NeuroNE network of excellence and other projects on neuroscience funded under FP7, and ASKS the Commission to continue to provide up-to-date information on the scientific findings of these initiatives;
5. TAKES NOTE of the Commission communication on "Towards joint programming in research: Working together to tackle common challenges more effectively";¹
6. ENCOURAGES strengthened rapprochement between relevant players, including networks of excellence, in order to create a real collaborative dynamic of all research stakeholders in Europe; EMPHASISES in particular the importance of combining the psychosocial approach to ageing with the results of medical and biomedical research;
7. RECOGNISES the relevance of the knowledge triangle - higher education, research, innovation - in the context of the fight against neurodegenerative diseases, notably by facilitating and ensuring transdisciplinary, cross-sectoral and geographical mobility;
8. ENCOURAGES the preparation of research activities that can be implemented rapidly in order to create the conditions enabling the launch in Europe of a large-scale trial to understand, detect, prevent and combat neurodegenerative diseases, particularly Alzheimer's; CONSIDERS, in this regard, that it is necessary to establish as soon as possible national R&D strategies for preventive action designed to delay the age of onset of neurodegenerative diseases and that the coordinated mobilisation of the largest possible number of Member States is necessary in order to have sufficient approaches and resources to provide answers to these complex diseases;

¹ 11935/08.

9. EMPHASISES the need to incorporate the work undertaken in a long-term vision and to take into account disease in its entirety;
10. RECOMMENDS the launching of a European initiative bringing together Member States, the Commission and other stakeholders with a view not only to mobilising and maintaining available researchers in Europe but also to training sufficient numbers of new specialists in order to reduce neurodegenerative diseases, particularly Alzheimer's;
11. RECOGNISES that R&D activities relating to Alzheimer's constitute a good example for testing innovative ways of pooling national expertise and resources on a voluntary basis as part of joint Europe-wide goals; in this regard, INVITES Member States and the Commission, to:
 - create a forum bringing together key players in European research, aiming to understand better the basic mechanisms of Alzheimer's and find treatments to combat it,
 - take into account any existing national plans in this area,
 - explore proposals for a commitment by Member States to establish closer and stronger collaboration in this respect, *inter alia* by mobilising appropriate FP7 instruments,
12. INVITES the Commission to look into possible forms of consultation and cooperation on this subject with scientifically-advanced groupings at international level."

Joint programming in research

The Council held a policy debate on methods and prospects for joint programming, following the presentation by the Commission of its communication "Towards joint programming in research: Working together to tackle common challenges more effectively" (11935/08).

The debate made possible a useful contribution to pursuing discussions in the Council preparatory bodies with a view to drawing up draft conclusions on this subject, which could be adopted by the Competitiveness Council in December (12855/08).

The debate focused on the following aspects:

- applying the concept of joint programming in research in order to tackle the major societal challenges facing Europe,
- balancing freedom for each of the Member States to participate on the one hand against a long-lasting commitment to joint work by scientific communities on priority scientific themes on the other,
- whether to found the choice of priority themes on a decision-making process which involves a procedure for the consultation of European scientific communities and other stakeholders through the appropriate channels, and a procedure which is ultimately a matter for the European institutions.

The Ministers for Research had held a preliminary exchange of views on joint programming at the informal meeting held at Versailles on 17 July.

The Commission Communication sets out a new approach for making better use of public R&D funds through enhanced cooperation, aiming thereby to increase the efficiency and impact of national public research funding in strategic areas.

OTHER BUSINESS

The Council noted information concerning the following matters:

Safety of toys

The Presidency reported on progress in a proposal to revise Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safety of toys.

The Commission forwarded its proposal to enhance the safety of toys ([5938/08](#)) to the European Parliament and the Council on 28 January 2008, and made a presentation of it to the Council on 29 May 2008.

Electricity prices

The Polish delegation provided information concerning the possible consequences of future measures under the climate-energy package for the level and stability of electricity prices.

Transatlantic economic dialogue

Commission Vice-President G. Verheugen gave an oral briefing on future prospects with regard to the transatlantic economic dialogue.

Internal Market Scoreboard

Commissioner C. McCreevy presented Internal Market Scoreboard No 17 concerning the state of transposition of internal market legislation into national law ([11740/08](#)).

Ljubljana Process: "2020 Vision" for the European Research Area (ERA)

The Presidency reported on progress in the definition of the way ahead between now and 2020 for the ERA, which is an essential component of the Ljubljana Process. Conclusions are planned for adoption in December ([12852/08](#)).

Strategy for marine and maritime research

Commissioner J. Potočnik presented the broad outlines of the Commission communication entitled "A European Strategy for Marine and Maritime Research - A coherent European Research Area framework in support of a sustainable use of oceans and seas", sent to the Council on 5 September ([12699/08](#)).

European research infrastructure

The Commission gave a presentation of the draft Regulation on the Community legal framework for a European Research Infrastructure (ERI).

The proposed Regulation ([12259/08](#)), which was sent to the Council on 29 July 2008, is designed to facilitate the joint establishment and operation of research facilities of European interest between several Member States and countries associated to the EU R&D Framework Programme. It has been drawn up in response to requests from the Member States and the scientific community ([12259/08](#)).

International science and technology cooperation

The Commission presented its communication on a strategic European framework for international science and technology cooperation (including "nuclear" aspect). The communication is in response to the Council conclusions of February 2008 and is one of the Commission's five initiatives on the European Research Area.

Review concerning the European Research Council structures and mechanisms

The Commission presented its communication on the Review to be carried out by independent experts concerning the European Research Council structures and mechanisms, provided for by the legislation relating to the 7th EU research Framework Programme ([12557/08](#)).

Information society technologies

The Commission presented its communication entitled: "Ex-post evaluation of the "Information Society Technologies" Thematic Priority in the Sixth Framework Programme for Research, Technological Development and Demonstration (RTD) ([12718/08](#)).

European Institute of Innovation and Technology (EIT)

The Presidency reported on the EIT's inauguration ceremony, held in Budapest (Hungary) on 15 September 2008 ([13275/08](#)).

OTHER ITEMS APPROVED

EXTERNAL RELATIONS

Relations with the Republic of Moldova

The Council approved the position which the European Union is to take at the ninth meeting of the EU-Moldova Cooperation Committee on 3 October in Brussels.

This meeting will be dedicated *inter alia* to implementing the EU-Moldova action plan within the framework of the partnership and cooperation agreement and to the assistance which the European Union is providing to Moldova.

INSTITUTIONAL AFFAIRS

Regulatory procedure with scrutiny - Legislative acts in codecision

The Council adopted two Regulations adapting certain legislative acts to the recently adopted regulatory procedure with scrutiny.

The Regulations in question amend acts in force which must be adapted to the regulatory procedure with scrutiny introduced by Decision 2006/512/EC.

One of the Regulations brings together 59 legislative acts concerning various areas of Community policy ([3654/08](#) + [COR 2](#)). The other brings together four legislative acts in the field of justice and home affairs, taking account of the special provisions applicable in this area to Denmark, Ireland and the United Kingdom ([3655/08](#) + [COR 1](#)).

The aim of the adaptation is to encourage effective and rapid examination by the co-legislators (the European Parliament and the Council).

Decision 2006/512/EC amended Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. It introduced the new procedure for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the codecision procedure (Article 251 of the EC Treaty).

ENERGY

Transparency of gas and electricity prices charged to industrial end-users

The Council adopted a Directive concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users ([3647/08](#)).

The Directive encodes and adapts the legislation in force (Directive 90/377/EEC) to the new committee procedure with scrutiny¹ intended for use with measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the codecision procedure. All the modifications are of a technical nature and aim to make Community law more readable.

The current Directive provides that Member States should take the steps necessary to ensure that undertakings which supply gas or electricity to industrial end-users communicate to the Statistical Office of the European Communities (EUROSTAT) the prices and terms of sale of gas and electricity to industrial end-users; the price systems in use; and the breakdown of consumers and the corresponding volumes by category of consumption.

TRANSPORT

Agreement with India on air services

The Council adopted a Decision approving the signature and provisional application of an Agreement with India on air services.

The Agreement is the result of negotiations conducted within the framework of a mandate given by the Council in June 2003 with a view to bringing into line with Community law bilateral agreements in the field of aviation concluded between Member States and those third countries.

¹ The regulatory procedure with scrutiny was introduced by Decision 2006/512/EC, which amended Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.

EDUCATION

Comparability of vocational training qualifications - Repeal

The Council adopted a Decision repealing Council Decision 85/368/EEC on the comparability of vocational training qualifications between the Member States of the European Union ([3640/08](#)).

Implementation of Decision 85/368/EEC has not been effective in achieving the comparability of vocational qualifications for the benefit of workers seeking employment in another Member State. Furthermore, the Decision has been superseded by the adoption in April 2008 of the Recommendation of the European Parliament and of the Council on the establishment of the European Qualifications Framework for lifelong learning¹. The repeal of this Decision is consistent with the general Commission aim of reducing the regulatory burden and removing obsolete and unused legislation.

CUSTOMS UNION

EU/Switzerland - Originating products and administrative cooperation - Enlargement

The Council adopted a Decision on the Community position within the Joint Committee established by the Agreement between the EU and Switzerland on the adaptation of the Protocol concerning rules of origin and methods of administrative cooperation to take account of the accession of Bulgaria and Romania to the EU and the entry into force of the harmonised system on 1 January 2007 ([11088/08](#)).

Frontier controls of goods

The Council adopted a Decision approving new Annex 8 to the International Convention on the Harmonisation of Frontier Controls of Goods concerning the facilitation of border crossing procedures for international road transport, with a view to incorporating it into the Community legal system ([11343/08](#)).

¹ OJ C 111, 6.5.2008, p. 1.

ENVIRONMENT

Metallic mercury - Exports and storage

The Council adopted a Regulation on the banning of exports of metallic mercury and the safe storage of that substance in order to reduce the risk of exposure for humans and the environment ([3638/08](#)).

Under that Regulation, the export of metallic mercury, cinnabar ore, mercury chloride, mercury oxide and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95% weight by weight will be banned from March 2011.

From that date, mercury from the three main sources (the chlor-alkali industry, the cleaning of natural gas and the production of non-ferrous metal) will be considered as waste. Consequently, the safe storage of this mercury within the EU will have to be ensured in order to prevent it from re-entering the market.

Mercury has been recognised worldwide to be toxic, especially when transformed during its life cycle into methylmercury.

INTELLECTUAL PROPERTY

Laws of the Member States relating to trade marks

The Council adopted a codified version of the Directive to approximate the laws of the Member States relating to trade marks ([3634/08](#)).

The new Directive replaces the various acts incorporated into Directive 89/104/EEC, while fully preserving their content.

SOCIAL POLICY**Protection of employees in the event of the insolvency of their employer**

The Council adopted a codified version of the Directive on the protection of employees in the event of the insolvency of their employer ([3630/08](#)).

The new Directive replaces the various acts incorporated into Directive 80/987/EEC, while fully preserving their content.

STATISTICS**Transmission of data subject to statistical confidentiality**

The Council adopted a codified version of the Regulation on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities ([3628/08](#)).

The new Regulation replaces the various acts incorporated into Regulation (Euratom, EEC) No 1588/90, while fully preserving their content.
