COUNCIL OF
THE EUROPEAN UNION

EN

10306/09 (Presse 155)

# PRESS RELEASE

2945th Council meeting

## Competitiveness (Internal Market, Industry and Research)

Brussels, 28-29 May 2009

Presidents **Mr Vladimír Tošovský**
Minister for Industry and Trade of the Czech Republic
**Ms Miroslava Kopicová**
Minister for Education, Youth and Sports of the Czech Republic

**P R E S S**

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

## Main results of the Council

*The Council held a debate on an integrated approach to a competitive and sustainable* ***industrial policy*** *in the EU.*

*The Council examined the progress in the implementation of the* ***Small Business Act for Europe*** *initiative, following a presentation by the Commission.*

*Ministers for competitiveness also discussed on ongoing negotiations aimed at establishing a* ***Community patent*** *and a unified patent litigation system.*

*The Council adopted a Resolution on* ***European Space Policy****, approved by the Space Council at its 6th meeting.*

*The Council reached political agreement on a draft regulation establishing a legal framework applicable to a* ***European Research Infrastructure Consortium*** *(ERIC).*

*It also adopted conclusions on:*

*- evaluation and impact assessment of European Research Framework Programmes;*

*- research infrastructures and the regional dimension of the European Research Area;*

*- the first steps towards the realisation of the European Research Area (Vision 2020).*

# CONTENTS[1]

**PARTICIPANTS** ..... **5**

**ITEMS DEBATED**

INDUSTRIAL POLICY: A SUSTAINABLE INTEGRATED APPROACH – *Council conclusions* ..... 7

SMALL BUSINESS ACT FOR EUROPE ..... 7

BETTER REGULATION – *Council conclusions* ..... 9

INTELLECTUAL PROPERTY: ENHANCING THE PATENT SYSTEM IN EUROPE ..... 9

EUROPEAN SPACE POLICY: 6TH "SPACE COUNCIL" ..... 11

EUROPEAN RESEARCH INFRASTRUCTURES ..... 19

EVALUATION AND IMPACT ASSESSMENT OF EUROPEAN RESEARCH FRAMEWORK PROGRAMMES – *Council conclusions* ..... 20

RESEARCH INFRASTRUCTURES AND THE REGIONAL DIMENSION OF THE EUROPEAN RESEARCH AREA – *Council conclusions* ..... 20

THE FIRST STEPS TOWARDS THE REALISATION OF THE EUROPEAN RESEARCH AREA VISION 2020 - *Council conclusions* ..... 23

ANY OTHER BUSINESS ..... 24

**OTHER ITEMS APPROVED**

*EXTERNAL RELATIONS*

– Situation in Zimbabwe - letter to the Secretary-General of the ACP Group of States ..... 28

*ECONOMIC AND FINANCIAL AFFAIRS*

– External auditor of the national central bank of the Netherlands ..... 28

[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).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

*FISHERIES*

– Provisional application of Fisheries Agreement with Guinea ..... 28

– Inter-American Tropical Tuna Commission ..... 29

– North Atlantic Salmon Conservation Organisation ..... 29

*AGRICULTURE*

– Exploitation and marketing of natural mineral waters ..... 29

*TRANSPORT*

– Customs Convention on the international transport of goods ..... 30

– Marketing authorisations for medicinal products* ..... 30

– Regulatory procedure with scrutiny - Legislative acts in codecision* ..... 30

# PARTICIPANTS

The governments of the member states and the European Commission were represented as follows:

| | |
|---|---|
| **Belgium:** | |
| Mr Vincent VAN QUICKENBORNE | Minister for Enterprise and Simplification |
| Ms Sabine LARUELLE | Minister for SMEs, the Self-Employed, Agriculture and Science Policy |
| **Bulgaria:** | |
| Ms Nina RADEVA | Deputy Minister for the Economy and Energy |
| **Czech Republic:** | |
| Mr Vladimír TOŠOVSKÝ | Minister for Industry and Trade |
| Ms Miroslava KOPICOVÁ | Minister for Education |
| Mr Martin TLAPA | Deputy Minister for Industry and Trade |
| Mr Erik GEUSS | State Secretary, Ministry of Industry and Trade |
| **Denmark:** | |
| Ms Lene ESPERSEN | Minister for Economic Affairs, Trade and Industry |
| Ms Helge SANDER | Minister for Science, Technology and Development |
| Mr Uffe Toudahl PEDERSEN | State Secretary, Ministry of Science, Technology and Innovation |
| **Germany:** | |
| Mr Lutz DIWELL | State Secretary, Federal Ministry of Justice |
| Mr Frieder MEYER-KRAHMER | State Secretary, Federal Ministry of Education and Research |
| Mr Peter HINTZE | Parliamentary State Secretary to the Federal Minister for Economic Affairs and Technology |
| **Estonia:** | |
| Mr Gert ANTSU | Deputy Permanent Representative |
| **Ireland:** | |
| Ms Mary COUGHLAN | Tánaiste and Minister for Enterprise, Trade and Employment |
| **Greece:** | |
| Mr Konstantinos MARKOPOULOS | Minister for Tourism Development |
| Mr Ioannis BOUGAS | State Secretary for Development |
| **Spain:** | |
| Ms Cristina GARMENDIA MENDIZÁBAL | Minister for Science and Innovation |
| Ms Teresa SANTERO QUINTILLÁ | SecretaryGeneral for Industry |
| **France:** | |
| Mr Hervé NOVELLI | Minister of State with responsibility for Trade, Craft Trades, Small and Medium-Sized Undertakings, Tourism and Services |
| Mr Philippe LEGLISE-COSTA | Deputy Permanent Representative |
| **Italy:** | |
| Ms Maria Stella GELMINI | Minister for Education, Universities and Research |
| **Cyprus:** | |
| Mr Efstathios HAMBOULLAS | General Director, Ministry of Commerce |
| **Latvia:** | |
| Mr Artis KAMPARS | Minister for Economic Affairs |
| **Lithuania:** | |
| Mr Dainius KREIVYS | Minister for the Economy |
| **Luxembourg:** | |
| Mr Jeannot KRECKÉ | Minister for Economic Affairs and Foreign Trade, Minister for Sport |
| Ms Michèle EISENBARTH | Deputy Permanent Representative |

| | |
|---|---|
| **Hungary:** | |
| Mr István VARGA | Minister for National Development and Economic Affairs |
| Mr Zoltán MESTER | State Secretary (with special responsibility), Ministry of National Development and Economic Affairs |
| **Malta:** | |
| Ms Theresa CUTAJAR | Deputy Permanent Representative |
| **Netherlands:** | |
| Ms Maria VAN DER HOEVEN | Minister for Economic Affairs |
| **Austria:** | |
| Mr Reinhold MITTERLEHNER | Federal Minister for Economics, the Family and Youth |
| **Poland:** | |
| Mr Marcin KOROLEC | Deputy State Secretary, Ministry of Economic Affairs |
| Ms Grażyna HENCLEWSKA | Deputy State Secretary, Ministry of Economic Affairs |
| Mr Jerzy DUSZYŃSKI | Deputy State Secretary, Ministry of Science and Higher Education |
| **Portugal:** | |
| Mr José MARIANO GAGO | Minister for Science, Technology and Higher Education |
| Mr António CASTRO GUERRA | State Secretary for Industry and Innovation, attached to the Minister for Economic Affairs and Innovation |
| **Romania:** | |
| Mr Vasile PUSCAS | Minister, Head of the Department for European Affairs |
| Mr Gerard JITAREANU | President of National Authority for Scientific Research |
| **Slovenia:** | |
| Mr Matej LAHOVNIK | Minister for the Economy |
| **Slovakia:** | |
| Mr Ivan RYBÁRIK | State Secretary at the Ministry of the Economy |
| Mr Jozef HABÁNIK | State Secretary at the Ministry of Education |
| **Finland:** | |
| Ms Katariina POSKIPARTA | State Secretary at the Ministry of Employment and the Economy |
| **Sweden:** | |
| Ms Maud OLOFSSON | Deputy Prime Minister and Minister for Enterprise and Energy |
| Mr Lars LEIJONBORG | Minister for Higher Education and Research |
| Ms Ewa BJÖRLING | Minister for Trade |
| **United Kingdom:** | |
| Mr Gareth THOMAS | Minister of State for Trade, Investment and Consumer Affairs |
| Mr David LAMMY | Minister of State for Higher Education and Intellectual Property |

.....

| | |
|---|---|
| **Commission:** | |
| Mr Günter VERHEUGEN | Vice President |
| Mr Janez POTOČNIK | Member |
| Mr Charlie MCREEVY | Member |

.....

| | |
|---|---|
| **Other participants:** | |
| Mr Philippe MAYSTADT | President of the European Investment Bank |

## ITEMS DEBATED

### INDUSTRIAL POLICY: A SUSTAINABLE INTEGRATED APPROACH – *Council conclusions*

The Council held a policy debate on industrial policy in the context of the current economic situation and adopted the conclusions set out in *10082/09*.

### SMALL BUSINESS ACT FOR EUROPE

The Council held a policy debate on the Small Business Act (SBA) for Europe initiative, following a presentation by the Commission on progress in its implementation (*10283/09*).

The debate took place on the basis of questions put forward by the Presidency *(9645/09)* and concentrated on the specific measures of the SBA action plan aimed at overcoming the economic crisis by helping small and medium-sized enterprises (SMEs) within the three priority areas identified as essential for strengthening their competitiveness: improving SME access to finance, a regulatory environment supportive of SMEs' needs and enhancing market access for SMEs.

The outcome of the debate provided guidance for continued implementation of the different initiatives of the SBA package.

The Council took also note of a Presidency progress report *(9658/09)* on the ongoing process for the creation of a European private company statute, which is one of the key elements of the SBA. This future Community instrument seeks to enhance the competitiveness of SMEs by facilitating their operations in the single market, providing a flexible corporate law regime across the EU and reducing the compliance costs of setting-up and operating SMEs.

Last December, the Council adopted a set of conclusions on the SBA stressing the fundamental role of SMEs in contributing to economic growth and job creation in Europe and the need to fully exploit the potential of SMEs in terms of productivity and innovation *(16788/08)*.

The Council also designed an action plan ("Translating intentions into actions"), for the implementation of the SBA within three priority areas. The Commission communication entitled "Think Small First - A Small Business Act for Europe" was presented in June 2008 and sets out ten principles and 92 associated measures, together with five legislative proposals that are already adopted or under examination *(11262/08)*.

*Additional information on the SBA can be found under:*

*http://ec.europa.eu/enterprise/entrepreneurship/sba_en.htm*

**BETTER REGULATION – *Council conclusions***

The Council held a discussion on ways to further promote the Better Regulation strategy within the European Union and adopted the conclusions set out in *9663/09*.

**INTELLECTUAL PROPERTY: ENHANCING THE PATENT SYSTEM IN EUROPE**

The Council took note of a Presidency report on ongoing negotiations aimed at establishing a Community patent and a unified patent litigation system *(9549/09)*.

Following the mandate given by the Council on 1 December 2008 *(16577/08, page 12)*, and building on the work of previous Presidencies, the Czech Presidency continued examining the draft regulation on a Community patent and the draft Agreement creating a unified patent litigation system.

With regard to the Community patent, in the first half of 2009 discussions in the Council preparatory bodies concentrated on possible cooperation arrangements between patent offices in Europe, based on enhanced partnerships, and on the economic benefits of a Community patent, on the basis of an expert study highlighting the potential of a future Community patent to foster innovation , in particular by SMEs and universities.

As regards the unified patent litigation system, discussions focused on a draft Agreement and the draft statute of the future court. EU delegations made progress in understanding how the envisaged court system would work. Important areas addressed and further developed include: the composition of the panels of judges, the implementation and operation of the envisaged Agreement, the role of the European Court of Justice (ECJ) in the interpretation of Community law and transitional arrangements. The analysis of economic aspects was carried out on the basis of an expert study highlighting the cost-saving benefits to business of a unified patent system.

In this regard, the Council agreed in principle to request the ECJ for an opinion on whether the envisaged Agreement, to be concluded between the Community, its Member states and other contracting parties to the European Patent Convention[1], is compatible with the EC Treaty.

[1] http://www.epo.org/patents/law/legal-texts/html/epc/1973/e/ma1.html

Following the conclusions of the Council of December 2006 and of the 2007 Spring European Council, the Commission presented a communication entitled "Enhancing the patent system in Europe" *(8302/07)* in April 2007.

Progress reports were presented to the Council in November 2007 *(15162/07)*, May 2008 *(9473/08)* and December 2008 *(16006/08)*.

*  *  *

Over a working lunch, Ministers for competitiveness made an assessment of the current economic situation in relation to the relevant national recovery measures and the long-term priorities under the Lisbon strategy for growth and jobs.

**EUROPEAN SPACE POLICY: 6TH "SPACE COUNCIL"**

The meeting of the 6th "Space Council" between the European Union Ministers responsible for space policy and the European Space Agency (ESA) took place on 29 May in the margins of the Competitiveness Council[1].

Ministers of the EU and the ESA held a debate on "space and innovation", focusing on three interlinked elements:

– The progressive integration of the space sector into European policies to take advantage of its potential for applying innovative models and for generating economic growth through technology in products and services.

– Developments in the implementation of the GMES (Global monitoring for environment and security[2]) programme. The Commission and the ESA made presentations on initial operations and future perspectives of the GMES programme.

– The contribution of space to innovation and competitiveness in the context of the European economic recovery plan.

---

[1] The legal basis for the "Space Council" is a framework agreement between the European Community and the ESA that came into force in May 2004. The agreement offers a common basis for the progressive and joint development of a coherent European space policy. It establishes that regular joint and concomitant meetings will be held between the Council of the EU and the Council of the ESA at ministerial level, known as the "Space Council", to coordinate and facilitate cooperative activities.

The "Space Council" is only able to adopt guidelines that are approved by consensus before being formally adopted by the two organisations, in accordance with their own legal rules.

[2] http://www.gmes.info/

At the conclusion of the debate, the Council adopted the following Resolution:

"THE 'SPACE COUNCIL'

EMPHASISING the orientations and resolutions adopted at past meetings of the 'Space Council', in particular the Resolution on the European Space Policy of 22 May 2007[1] establishing a political framework for space in Europe and the Resolution "Taking forward the European Space Policy" of 26 September 2008[2] setting out new priority areas for the further implementation and development of the European Space Policy, the results of the ESA Council at ministerial level of 25-26 November 2008 and the EU Competitiveness Council Conclusions "Towards a GMES Programme" of 2 December 2008[3];

RECOGNISING the progress made in the implementation of these Resolutions, in particular in the framework of the Structured Dialogue the increased coordination of space, security and defence related activities between key actors of the European Space Policy, including the identification of critical space technologies for European non-dependence; the acceptance of the Multinational Space-based Imaging System (MUSIS) as a new European Defence Agency (EDA) ad hoc category B programme; and, on Space Situational Awareness (SSA), the adoption of the ESA Preparatory Programme, while recalling that the EU will take, in liaison with ESA and their respective Member states, an active role to set-up progressively a European capability for SSA and an appropriate governance structure;

EMPHASISING the potential of space to impact on innovation in the economy, as well as on economic recovery, and the need for further orientations to the Commission and ESA in particular on the short- and long-term progress of the Global Monitoring for Environment and Security (GMES) initiative:

I) On the contribution of space to innovation and competitiveness in the context of the European Plan for Innovation and the European Economic Recovery Plan

EMPHASISES the Conclusions on the European Council of 11-12 December 2008, notably its support to the European Economic Recovery Plan (EERP) and its call for the launching of a European Plan for Innovation, which should also include space technology and services derived from it, as one of the main technologies of the future[4];

---

1 10037/07
2 13569/08
3 16722/08
4 17271/08 - point 18, page 8

CONSIDERS that, in view of the acknowledged contribution of space to the overall competitiveness and innovation potential of the European economy, space activities and their applications should receive full consideration in the use of funds allocated to economic recovery;

EMPHASISES the need to mobilise existing innovation support mechanisms at European, national and regional level, and consider new support instruments to ensure cross-fertilisation of knowledge, innovation and ideas between space and non-space sectors, and between space industry and leading research organisations and universities;

EMPHASISES the need to:

– identify innovation-boosting measures for the space sector in the framework of the European Plan for Innovation and in coordination, as appropriate, with national plans;

– encourage more prominent presence of the European space industry in trans-sectoral innovation clusters and networks;

– define adequate conditions for the development of downstream services based on EGNOS, Galileo and GMES, taking full benefit of an integrated approach that combines satellite navigation, communications and Earth observation technologies with ground-based assets;

– consider including space applications among any further selection of new lead markets under the Commission's Lead Market Initiative, in the light of the review of that initiative[1]; and

– analyse and measure the innovative impact of space technologies on other economic sectors in an effort to provide solid analytical input to the preparation of future European programmes;

---

[1] 5121/08

Further UNDERLINES the potential of space to develop enabling technologies and promote future economic growth in Europe. In particular:

– HIGHLIGHTS the potential of satellite communications technologies to bring broadband to European citizens and enterprises, ensuring a better access to modern ICT particularly in rural and remote areas[1], in the context of the European broadband strategy called for by the European Council of 19-20 March; CALLS on the Commission, ESA and the EU and ESA Member states to consider integrating satellite technologies in future broadband projects with a view to support the implementation of the EERP, while respecting the principles of open competition, technology neutrality, and open and neutral internet architecture; and further RECOGNISES the need to explore innovative approaches and architectures for the provision of global satellite communications services in response to institutional demand in support of European programmes and policies, including transport, energy[2] and security;

– STRESSES that space can provide a significant contribution to the 'Factories of the Future'[3] initiative, as well to other strategic priorities of the EERP.

II) On GMES Initial Operations

REAFFIRMS the importance of the rapid implementation of GMES services and TAKES NOTE of the Commission's proposal for a regulation of the European Parliament and of the Council on the European Earth observation programme (GMES) and its initial operations (2011-2013)[4], which aims at achieving a significant step towards a GMES Programme ensuring the sustainable long-term operation of GMES services, meeting the requirements of national and European users, while pursuing the development of a detailed data access and dissemination policy for these services[5];

STRESSES the need, in this context, to give funding priority to the operations of the GMES Space Component;

---

1 7201/09

2 7566/09

3 Designed to enable European industry to adapt to global competitive pressures by improving the technological base of EU manufacturing across a broad range of sectors (http://ec.europa.eu/research/press/2009/pdf/ppp-fact-sheet_en.pdf)

4 10285/09

5 As detailed in the Council conclusions on Global Monitoring for Environment and Security (GMES): "Towards a GMES Programme" (16722/08)

UNDERLINES the need to ensure that GMES services are supplied on a competitive basis, when relevant, and that appropriate SME involvement is ensured in their provision;

STRESSES the need for a coherent and complementary approach for funding schemes of GMES services and the observation data and infrastructure implemented through the Space Theme of the Seventh Framework Programme for research, technological development and demonstration activities[1], the proposed regulation on a GMES Initial Operations Programme,[2] the ESA GMES Space Component Programme and activities implemented at Member State level.

III) On the long-term arrangements for the GMES Space Component (GSC)

RECALLS the need to define, at national and European levels, a sustainable funding approach for the GMES Space Component based on an assessment of the overall financing needs for this infrastructure, 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, and an operational stage with dedicated funding for operations involving the users; EMPHASISES that some GMES Space Component elements are entering into the operational stage and WELCOMES that, with the adoption of a regulation on the GMES Initial Operations Programme, operational funding would be introduced into GMES;

RECOGNISES the need to identify and ensure funding for the remaining elements of the initial GSC build-up and INVITES the Commission and ESA to elaborate in consultation with the EU and ESA Member states a funding strategy for these elements, without prejudging the next EU Multi-annual Financial Framework;

Concerning observations related to operational oceanography and atmospheric composition monitoring, respecting the overall coordination role of ESA for the GMES Space Component, INVITES the Commission and ESA to lead a dialogue with EU and ESA Member states and with EUMETSAT and its Member states to explore options for the role of EUMETSAT to coordinate the user requirements for space observations;

---

[1] 2006/971/EC:"Council decision of 19 December 2006 concerning the Specific Programme Cooperation implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013)", OJ L 400/86 30.12.2006

[2] 10285/09

Concerning observations related to land monitoring, emergency response and security, INVITES the Commission and ESA to explore options for the long-term operation of relevant missions including procurement of data, by starting dialogues, based on terms of reference to be determined following close consultation of EU and ESA Member states, with those member states which own infrastructure, in order to discuss programmatic, governance and financial aspects;

UNDERLINES the importance of the Commission and ESA defining the data policy for, and the ownership of, the Sentinel missions consistent with the INSPIRE directive[1] and the provisions of the ESA GMES Space Component Programme Declaration approved at the ESA Ministerial Council 2008;

TAKES NOTE of the preliminary analysis carried out by ESA, notably the GMES Space Component Long-term Scenario[2], as a basis for the estimations of the GMES Space Component evolution and costs, INVITES ESA to consolidate this analysis through further consultation with EUMETSAT and member states owning infrastructure by the end of 2009, and REAFFIRMS the need for the EU to establish swiftly a long-term budget strategy, within the framework of the definition of the next EU Multi-annual Financial Framework.

IV) On space exploration

REAFFIRMS the need to assess the possibilities offered by European Union policies to embed space exploration in a wider political perspective and, recognising that space exploration has the potential to provide a major impact on innovation, LOOKS FORWARD to the Commission's proposed High-Level Political Conference on Space Exploration, on the basis previously agreed in the Space Council, as a first step towards the elaboration in due time of a fully-fledged political vision on "Europe and Exploration" encompassing a long-term strategy/roadmap and an international cooperation scheme.

---

[1] Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

[2] ESA/C(2009)36

V) On adequate instruments and funding schemes

RECALLS the need to develop adequate EU instruments and funding schemes taking into account the specificities of the space sector (in particular, the relatively small size of its market and its dependence on public funding/programmes), the need to strengthen the space industry's competitiveness and the necessity of a balanced involvement of capacities in Europe, and examining the modalities for the full association of all ESA member states;

WELCOMES in this context the Commission's initiative to conduct in-depth studies on these issues, on which it is consulting ESA and the results of which will provide much needed input to accelerate work in this domain, within the framework of the definition of the next EU Multi-annual Financial Framework and NOTES the invitation of the ESA Council at Ministerial level[1] to its Director General to start reflections with the European Commission and member states, with a view to making a common analysis of the current rules for joint ESA-EU programmes."

* * *

The Czech Presidency of the EU expressed its readiness to organise and host an International High-Level Conference on space exploration during the second half of 2009 in Prague, in the framework of a joint initiative of the trio of the French, Czech and Swedish EU Presidencies.

The Space Council took note of information by the Portuguese delegation about the state of play on the "GMES and Africa" partnership *(10294/1/09)*.

* * *

In December 2008, the European Council agreed on a recovery plan for the European economy and called for the launching of a European plan for innovation, which should also include space technology and services derived from it, as one of the main technologies of the future *(17271/08)*.

Following discussions among European experts in preparation for the 6th Space Council, three space technology areas appear to have a high innovative potential: space science and exploration; the process for developing critical technologies required for the autonomous deployment of activities and infrastructures in space; and space infrastructures and applications for achieving the EU's objectives in the fields of security and defence.

---

[1] ESA/C-M/CCVI/Res. 4 (Final) 25.11.2009

As regards space-based services, the European flagship projects Galileo and GMES, identified as first priorities for the implementation of the European Space programme, will create significant opportunities for the development of new, highly innovative downstream services and markets, as anticipated by the 5th Space Council (held in Brussels on 26 September 2008) in its Resolution "Taking forward the European Space Policy" *(13569/08)*.

**EUROPEAN RESEARCH INFRASTRUCTURES**

The Council reached political agreement on a draft regulation on the legal framework for a European Research Infrastructure Consortium (ERIC), resolving the main outstanding issues of the tax provisions for the future ERICs.

The regulation aims to provide a Community legal framework designed to facilitate the joint establishment and operation of research facilities of European interest between several member states, associated countries and intergovernmental organisations. The aim is to have a uniform procedure instead of the current system based on individual approaches for each research infrastructure.

An ERIC will comprise at least three member states and may include qualified associated countries and third countries other than associated countries as well as specialised intergovernmental organisations.

The draft regulation, which is an element of the implementation of the European Research Area, was submitted by the Commission on 25 July 2008, on the basis of Articles 171 and 172 of the EC Treaty *(12259/08)*.

**EVALUATION AND IMPACT ASSESSMENT OF EUROPEAN RESEARCH FRAMEWORK PROGRAMMES – *Council conclusions***

The Council held an exchange of views *(9992/09+ 9992/09 COR 1)* and adopted the conclusions set out in *9952/09*.

**RESEARCH INFRASTRUCTURES AND THE REGIONAL DIMENSION OF THE EUROPEAN RESEARCH AREA – *Council conclusions***

The Council adopted the following conclusions :

"RECALLING

– the Presidency conclusions on the "future European policy to support research" of 26 November 2004[1];

– the green paper entitled "European Research Area: New Perspectives" adopted by the Commission on 4 April 2007[2],

– the Council conclusions on "Research Infrastructures in the European Research Area" of 22 May 2007[3];

– the Council conclusions on the Commission communication entitled "A European Strategic Energy Technology Plan (SET Plan)" of 28 February 2008[4];

---

[1] 14687/04.

[2] 8322/07 + ADD 1.

[3] 10055/1/07.

[4] 6326/1/08.

– the Council conclusions on "European Research Infrastructures and their regional dimension" of 30 May 2008[1];

– the Council conclusions on the definition of a "2020 Vision for the European Research Area" of 2 December 2008[2];

– the European Councils of 11 and 12 December 2008 and of 19 and 20 March 2009[3];

The Council

1. EMPHASISES that Europe needs to maintain the support for R&D and innovation in the current economic crisis and that in particular national investments in the pan-European research infrastructures should be accelerated, as set out in the European Economic Recovery Plan. This will not only ensure short- and long-term benefits for European competitiveness but also stimulate further development of the ERA and help realise the "fifth freedom" - free movement of knowledge.

2. RECOGNISES the importance of excellent research infrastructures, single-sited and distributed, in promoting the development of the knowledge triangle and fostering the socio-economic development and competitiveness of Europe and its regions, as highlighted at the conference "Research Infrastructures and the Regional Dimension of the ERA" held in Prague on 24 and 25 March 2009.

3. WELCOMES the work of the European Strategy Forum for Research Infrastructures (ESFRI) on the updated Roadmap 2008, which has acted as a catalyst for national roadmaps and/or programmes for research infrastructures in many cases, and CALLS on the member states to amplify their efforts to bring about, where appropriate, its implementation within a realistic time frame.

4. ACKNOWLEDGES the importance of research infrastructures, in particular Regional Partner Facilities, for a more balanced development of the ERA and brain circulation throughout Europe, thereby promoting European cohesion. In this context, REITERATES the significance of the principle of excellence and an effective access of the European research community to the top research facilities;

---

[1] 10220/08.
[2] 16767/08.
[3] 17271/1/09 REV1.

5. EMPHASISES the importance of research infrastructures for the development of human resources in research and development, with special benefits for intersectoral mobility and the involvement of industry in the process of educating researchers, and INVITES the member states to engage in the development of special training activities with a view to bringing together universities, research performing organisations, research infrastructures and industry.

6. WELCOMES the Commission communication entitled "ICT infrastructures for e-Science"[1], which puts emphasis on the growing importance of e-Infrastructures for research excellence, innovation and efficient operation of research infrastructures, and UNDERLINES that e-Infrastructures are a key factor in overcoming fragmentation and the digital divide in Europe, with their potential to harness the collective power of European scientific resources regardless of their geographical location.

7. RECOGNIZING, in this context, the important role of e-Infrastructures and e-science for the development of the future of the ERA and the need to further examine the issue in due course, and CALLS on the Commission to pursue the sustainability, global connectivity, interoperability and unimpeded use of pan-European e-Infrastructures, and on the member states to consider the role of e-Infrastructures in their national roadmaps and/or programmes for research infrastructures.

8. INVITES the member states and the Commission, in consultation with ESFRI, where appropriate, to:

promote further use of existing financial tools, in particular the Structural Funds and EIB instruments for the construction, upgrading or maintenance of research infrastructures, including Regional Partner Facilities;

in this context, encourage the development of research infrastructures, including the distribution, in a way to facilitate balanced implementation of ERA, while preserving the principle of scientific excellence and ensuring effective access;

establish and strengthen links between national and pan-European research infrastructures;

analyse the socio–economic returns and cost effectiveness of research infrastructures for the regions hosting them and Europe as a whole, along with the identification of possible obstacles to the increased use of Structural Funds.

---

[1] 7432/09.

9. INVITES the member states, in consultation with ESFRI, to:

develop, in particular, common set of criteria which may be used to assess the efficiency of research infrastructures at European level;

develop relevant voluntary criteria for the assessment of bids before the site selection of large pan-European research infrastructures."

**THE FIRST STEPS TOWARDS THE REALISATION OF THE EUROPEAN RESEARCH AREA VISION 2020 - *Council conclusions***

The Council adopted the conclusions set out in document *9956/09*.

## ANY OTHER BUSINESS

The Council took note of information regarding the following issues:

**Draft directive on consumer rights**

The Presidency presented a progress report on the discussions held since the Commission presented the proposal in October 2008 (*10163/09*).

Following a first examination of the text, the work in the Council preparatory bodies concentrated on a number of key aspects of the proposal related to definitions, the scope of the directive, information requirements and the withdrawal right for off-premises and distance contracts.

**Outcome of the informal Competitiveness Council (Prague, 3-5 May 2009)**

The President provided brief information on the outcome of the informal meeting of the Ministers for competitiveness, which discussed the "knowledge triangle", the European Research Area Vision 2020 and human resources policy in the area of research, the future of the internal market and the programme for reduction of administrative burdens in its internal market/industry part.

**Trans-Atlantic Economic Relations**

Vice-President of the Commission G. Verheugen and the President of the Council briefed the Council on the state of play of Transatlantic Economic Relations, notably the Transatlantic Economic Council and the Transatlantic Business Dialogue.

**Google project**

The Council took note of information from the German delegation on the “Google Books" project” (scanning of books in US libraries to establish a database from digital copies) and its possible legal implications as regards copyright issues (*10221/09*).

The Commission was asked to prepare an assessment and to report back in due course.

**Tourism and its role in overcoming the economic crisis**

The Greek delegation presented a letter to the Council on the positive contribution of tourism in helping to alleviate the current economic crisis (*9900/09*).

**Conference on the future of the Lisbon strategy (Budapest, 25 May 2009)**

The Hungarian delegation provided information on the outcome of the conference (*10286/09*).

**Innovation policy**

The Council took note of a Presidency progress report (*9369/09*) concerning ongoing innovation activities, based on the 2005 communication entitled "More Research and Innovation - Investing for Growth and Employment: A Common Approach" (*13606/05*) and the European Innovation Strategy approved by the Council in December 2006.

**Better careers and more mobility: A European partnership for researchers**

The Commission and the Presidency informed the Council of the progress made in national action plans and the outcome of the conference on the mobility of researchers, organised by the Czech Presidency from 27-29 April 2009.

As well as adopting conclusions on this subject in September 2008, the Council invited Ministers Biltgen (Luxembourg) and Gago (Portugal) to examine the issue in order to identify priority actions with a view to rapid and concrete implementation of the objectives of the partnership, as well as to reflect on the concept of European researcher status. The Ministers' progress was reported to the December 2008 Council *(10003/09)*.

**Communication on future and emerging technologies**

The Commission presented a communication on “Moving the ICT frontiers - a strategy for research on future and emerging technologies in Europe”, which was adopted in April 2009 *(9077/09)*.

**Possible association of Russia in EU research framework programmes**

The Commission reported on developments in this issue. The EU-Russia Permanent Partnership Council in Brdo (Slovenia) on 26 May 2008 brought a formal Russian expression of interest in association in the Seventh Research Framework Programme. Negotiations for a new EU-Russia agreement were launched at the EU-Russia summit at Khanty-Mansiisk in June 2008.

**ITER project for nuclear fusion**

The Council was briefed by the Commission on the ITER project.

In December 2008, the Council asked the Commission to keep it regularly informed of developments in the project *(10342/09)*.

**European Institute for Innovation and Technology (EIT)**

The Commission briefed the Council on developments in the EIT.

After agreement on the seat of the EIT (to be in Budapest, Hungary) was reached on 18 June 2008, the Governing Board was appointed and its first meeting held in autumn 2008. The selection and launch of the first Knowledge and Innovation Communities (KICs) (within eighteen months of the appointment of the Governing Board) is expected to take place by 2009.

**Research Connection 2009**

The Commission briefed the Council on the outcome of the conference held in Prague from 7 to 8 May 2009. The conference addressed issues such as how to participate in EU research programmes, the priorities of European research initiatives, especially the Seventh Framework Programme, the Structural Funds and the Competitiveness and Innovation Programme.

**A Strategy for ICT R&D and Innovation in Europe: Raising the Game**

The Commission presented its communication, which was adopted in April 2009 *(7883/09)*. It proposes an ICT research and innovation strategy to enable Europe to lead ICT developments, to support the growth of new businesses and to make better use of ICT innovations in order to address key socio-economic challenges.

**Conference on sustainability: challenge for European research**

The Commission briefed the Council on the outcome of the conference held in Brussels from 26 to 28 May 2009.

**Priorities of the upcoming EU Presidency**

The Swedish delegation provided a general overview of the priorities for competitiveness and research to be addressed under the next EU Presidency.

## OTHER ITEMS APPROVED

### *EXTERNAL RELATIONS*

**Situation in Zimbabwe - letter to the Secretary-General of the ACP Group of States**

The Council approved a reply to the letter from the Secretary-General of the African, Caribbean and Pacific Group of States (ACP States), appealing for support for the dialogue between the EU and the government of Zimbabwe (*10044/09*).

### *ECONOMIC AND FINANCIAL AFFAIRS*

**External auditor of the national central bank of the Netherlands**

The Council adopted a decision approving the appointment of PricewaterhouseCoopers Accountants as the external auditor of De Nederlandsche Bank for the financial years 2008 to 2011 (*8967/09*, *8967/09 COR1*).

### *FISHERIES*

**Provisional application of fisheries agreement with Guinea**

The Council adopted a decision approving the provisional application of the Fisheries Partnership Agreement with the Republic of Guinea as from 1 January 2009 (*7806/09*).

The aim of this decision is to enssure the continuation of fishing activities by Community vessels until the new Fisheries Partnership Agreement enters into force.

In December 2008, the Community and the Republic of Guinea initialled a Fisheries Partnership Agreement which provides EU fishermen with fishing opportunities in Guinea's fishing zone. This new Agreement, which will repeal the existing Agreement concluded between the two parties in March 1983, still awaits formal conclusion.

**Inter-American Tropical Tuna Commission**

The Council adopted a decision on the establishment of the EU position to be adopted in the Inter-American Tropical Tuna Commission (IATTC).

The EU remains committed, in line with the general objectives of the Common Fisheries Policy, to providing for the sustainable exploitation of species regulated by the IATTC and to minimising the impact of fishing activities on the marine eco-system. It will also support, where appropriate, the adoption of the following actions by the IATTC:

– stringent conservation and management measures for fisheries resources, taking into account the best scientific advice available,

– measures to control fishing effort,

– monitoring, control and surveillance measures,

– measures to combat illegal, unreported and unregulated (IUU) fisheries,

– continued efforts to modernise IATTC.

**North Atlantic Salmon Conservation Organisation**

The Council adopted a decision on the establishment of the EU position to be adopted in the North Atlantic Salmon Conservation Organisation (NASCO). Pursuant to this decision and in line with the objectives pursued within the framework of the Common Fisheries Policy, the EU will in particular support the adoption of actions by NASCO aimed at ensuring the long term sustainability of salmon resources and taking into account the best scientific advice available. Furthermore the EU will support applications from responsible fishing countries for accession to the NASCO Convention.

## ***AGRICULTURE***

**Exploitation and marketing of natural mineral waters**

The Council adopted a directive on the exploitation and marketing of natural mineral waters (*3695/08*), following a first reading agreement with the European Parliament. The new directive aims to codify Directive 80/777 and bring it into line with the new committee procedure rules.

## *TRANSPORT*

### Customs Convention on the international transport of goods

The Council decided to publish in consolidated form the 1975 Customs Convention on the international transport of goods as amended, for information purposes (*7563/3/09 REV3*).

## *INTERNAL MARKET*

### Marketing authorisations for medicinal products*

The Council adopted[1] a directive amending two directives on the Community code relating to medicinal products (*3713/08*, *9542/09*, *9542/09 ADD1 REV1*), following a first reading agreement with the European Parliament. The new directive aims to ensure that all medicinal products are subject to the same criteria for the evaluation, approval and administrative treatment of variations in the production process, in the packaging or in the address of the manufacturer.

## *INSTITUTIONAL AFFAIRS*

### Regulatory procedure with scrutiny - Legislative acts in codecision*

The Council adopted a regulation adapting a number of legislative acts to the regulatory procedure with scrutiny (*3734/08* + *9970/09*, *9970/09 ADD1*), following a first reading agreement with the European Parliament. The new regulation covers the field of enterprise, environment, Eurostat, internal market, health and consumer protection, energy and transport.

The aim of the regulatory procedure with scrutiny is to allow the Council and the European Parliament effective and rapid examination of the Commission's proposals. In accordance with this procedure, the Council and the Parliament can oppose the adoption of the act in cases where the proposal exceeds the implementing powers, is not compatible with the aim or content of the basic instrument or fails to respect subsidiarity or proportionality, if the regulatory committee previously supported the measures envisaged by the Commission.

Decision 2006/512 amended Decision 1999/468 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.

---

[1] The German delegation abstained from the vote.