



**COUNCIL OF
THE EUROPEAN UNION**



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3016th Council meeting

Competitiveness (Internal Market, Industry and Research)

Brussels, 25 and 26 May 2010

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Main results of the Council

The Council reached a political agreement on a draft regulation updating the conditions for the **marketing of construction products** in the internal market.

The Council adopted conclusions on **clean and energy efficient vehicles** for a competitive automotive industry and decarbonised road transport.

The Council adopted conclusions on the future revision of the **trade mark system** in the EU.



Research ministers exchanged views on the setting of national **targets for investment in research** and development, as planned in the strategy for the creation of jobs and growth («Europe 2020 strategy»), with a view of the June European Council.

The Council carried out an in-depth examination of the development of the **European Research Area** and adopted a set of conclusions, including on its social dimension, and a resolution concerning its governance.

The Council also adopted conclusions on ways of creating an **innovative Europe** and on the **simplification of research programmes**.



In the field of international justice, the Council adopted, without discussion, conclusions on the Review Conference of the Rome Statute of the **International Criminal Court**.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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Mr John DALLI
Ms Androulla VASSILIOU

Vice-President
Vice-President
Vice-President
Member
Member
Member
Member

ITEMS DEBATED

Marketing of construction products

During a public debate, the Council reached, by qualified majority, a political agreement on a draft regulation updating the conditions for the marketing of construction products in the internal market ([9459/10](#)).

Once the legal and linguistic adjustments of the text are completed, it will be forwarded to the European Parliament for a second reading under the ordinary Council-Parliament legislative procedure.

Several delegations and the Commission made statements regarding the following key topics of the file:

- the requirement for manufacturers to supply a declaration of performance;
- the possible impact of the declaration of performance on SMEs and micro-enterprises and the compatibility of the declaration of performance with better regulation principles;
- the information attached to the declaration of performance concerning the content of hazardous substances;
- the scope of delegated acts for adapting the regulation to technical progress in the future; and
- the possibility for member states to exercise market surveillance in relation to the declaration of performance.

The proposed regulation is intended to simplify and clarify the existing framework for placing construction products on the market by replacing the measures contained in directive 89/106/EEC, which is currently in force, in order to ensure the free circulation of construction products within the single market.

The objective is to clarify the basic concepts and the use of "CE marking"; to introduce simplified procedures so as to reduce the costs incurred by enterprises; and to increase the credibility of the whole system by imposing new and stricter designation criteria for bodies involved in the assessment and verification of the constancy of performance of construction products. More specifically, it seeks to ensure accurate and reliable information on construction products in relation to their performance.

The future regulation will also take into account the "New Legal Framework" for the marketing of products adopted in 2008 ¹.

Following the European Parliament's first reading opinion of April 2009 ([8906/09](#)), the Commission submitted an amended proposal on 20 October 2009 ([14989/09](#)).

The Commission presented its original proposal in May 2008, and an intermediate report was noted by the Council in December 2009 ([16570/09](#)).

Automotive industry: clean and energy efficient vehicles - Council conclusions

The Council held a debate and adopted conclusions on clean and energy efficient vehicles for a competitive automotive industry and decarbonised road transport:

The conclusions are set out in document [10151/10](#).

Trade mark system in the EU - Council conclusions

The Council adopted conclusions aimed at providing the Commission with input for its ongoing study on the future revision of the trade mark system in the EU.

The conclusions are set out in document [9412/10](#).

¹ <http://ec.europa.eu/enterprise/policies/single-market-goods/regulatory-policies-common-rules-for-products/new-legislative-framework/>

Consumer rights directive

In public session, the Council held a policy debate on a draft directive aimed at improving the functioning of the internal market while ensuring a high level of consumer rights across the EU, by revising and complementing four existing directives¹ and introducing new rules on delivery and the passing on of risk.

The outcome of this second ministerial debate, after the first one held on 3 December 2009, provides guidance and a solid basis for continuing work, pending the opinion of the European Parliament.

The debate was structured by means of a questionnaire drawn up by the Presidency ([9480/10](#)).

Ministers examined key political aspects of the proposal, notably concerning maximum harmonization as a general principle governing the directive and the level of harmonisation as regards consumer information, the right of withdrawal and guarantees (covered by chapters II to IV of the proposal) for distance contracts (including off-premises contracts) and face-to-face contracts.

All delegations subscribed to the objective of an updated, clear and more uniform set of rules concerning consumer rights when purchasing goods and services in order to contribute to a properly functioning internal market as well as to ensure a high level of protection for consumers.

The Commission proposal ([14183/08](#)) covers the right to information and withdrawal when buying at a distance and off premises, refund when terminating a contract due to late delivery and remedies for faulty goods. There is also a ban on unfair contract terms.

¹ Directive 85/577/EEC on contracts negotiated away from business premises, Directive 93/13/EEC on unfair terms in consumer contracts, Directive 97/7/EC on distance contracts and Directive 1999/44/EC on consumer sales and guarantees.

Services directive: implementation and evaluation process

The Council took note of information from the Commission on the state of play on implementation of the directive on services in the internal market ([9475/10](#)).

Several delegations provided additional information regarding the progress made in implementing the directive into their national legislations.

The Council also took note of a Presidency report on the mutual evaluation process ([9327/10](#)).

Mutual evaluation is based on the results of the screening of national legislation (i.e. the identification, assessment and, when required, modification of requirements affecting service providers) carried out by member states during the implementation period. At the end of the process, the Commission will issue a report to be presented to the Council and the European Parliament.

The services directive aims at eliminating obstacles to trade in services, allowing the development of cross-border operations, bringing down prices and improving quality and choice for consumers.

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Over lunch on 25 May, ministers of internal market exchanged views on priority areas for reinvigorating the single market and the links between market integration in goods, services, labour and capital and the social and citizens' dimensions of Europe. The informal debate followed an introduction by Professor Mario Monti, president of Bocconi University, who delivered a report to the Commission on the future of the internal market on 9 May ¹.

Vice-president Antonio Tajani, commissioner for industry and entrepreneurship, Michel Barnier, commissioner in charge of internal market and services, and Malcolm Harbour, chairman of the internal market committee of the European Parliament, also attended the ministerial lunch.

¹ http://ec.europa.eu/commission_2010-2014/president/news/press-releases/pdf/20100510_1_en.pdf

Strategy for growth and jobs: targets for investment in research

The Council held an exchange of views on the new EU strategy for the creation of growth and jobs, on the basis of the results of the dialogue between the Commission and the member states regarding national targets for investment in research and development (R&D).

Delegations agreed with the Commission that ambitious and realistic national targets should be set for investment in R&D.

They also welcomed the Commission intention to go on working on the design of appropriate indicators for monitoring the impact of research into economic growth. In this context, some ministers referred to the need to increase resources for innovation whilst using existing research instruments more efficiently.

Some delegations highlighted the need to suggest means to encourage the private sector to invest in research and innovation.

Other participants emphasized the importance of education, the conditions for attracting scientists and the promotion of a culture of innovation among European citizens.

Finally, some delegations proposed monitoring progress towards achieving the 2020 objectives, by conducting a mid-term review in 2015.

At the last spring summit, the European Council agreed on several of the main elements of the Europe 2020 strategy together with headline targets. In the area of knowledge and innovation, the objective is to bring combined public and private research investment levels up to 3% of gross domestic product.

With a view to the next EU summit on 17 June, the European Council called for member states to set their national targets taking due account of their relative starting positions, national circumstances and potential for increasing research expenditure, and to check consistency with the EU headline targets through dialogue with the Commission.

European Research Area - Council conclusions and resolution

The Council held an in-depth examination of the development of the European Research Area (ERA), and adopted the following texts:

Future development of the ERA - Council conclusions:

[10246/10](#)

Governance of the ERA - Council resolution:

[10255/10](#)

Social dimension of the ERA - Council conclusions:

[9450/10](#)

Simplified and more efficient research and innovation programmes - Council conclusions

In the context of the development of the ERA, the Council adopted the conclusions set out in [9449/10](#).

Creating an innovative Europe - Council conclusions

The Council adopted conclusions on ways of creating an innovative Europe. The conclusions are set out in [9448/10](#).

European Earth observation programme (GMES) and its initial operations (2011-2013)

The Council took note of a presidency progress report ([9862/10](#)) on a draft regulation on the European Earth observation programme (GMES) and its initial operations (2011-2013).

The objective is to establish GMES as an operational programme and to provide additional funds for its initial operations enabling a gradual build-up of capabilities up to the end of the current EU financial framework in 2013, as well as putting into place the necessary structures for the governance of the programme.

The report includes the three main outstanding issues contained in the proposal: funding for 2011 to 2013, governance and treatment of data and information policy.

A first reading agreement with the European Parliament is expected to be confirmed after the vote at the EP plenary assembly in mid-June, thus allowing to invest 107 additional million euros in the initial operational phase of GMES, as proposed by the Commission in May 2009 ([10285/09](#)).

GMES is an EU-led initiative to develop Europe's own operational Earth observation capacity in order to collect information about the planet's physical, chemical and biological systems or, more generally, to monitor the natural environment. It draws on both space-based (i.e. satellite) and non-space-based facilities, including airborne, seaborne and ground-based ("*in situ*") installations. Data collected via satellites and *in situ* infrastructure are processed to provide information services allowing better management of the environment and enhancing security for citizens.

Baltic Sea research project ("BONUS-169 programme")

The Council took note of a presidency progress report ([9423/10](#)) on a decision aimed at approving Community participation in a research project in the Baltic Sea ("BONUS-169 programme") undertaken by several EU countries.

BONUS-169 is a joint research programme undertaken by eight EU Baltic Sea member states (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden) in support of sustainable development of the Baltic Sea region.

Its main objective is to provide an effective response to key challenges in the region in relation to environmental protection and sustainable development, tourism, aquaculture, food safety, maritime transport and socio-economic issues.

A first reading agreement with the European Parliament is expected to be confirmed after the vote at the EP plenary assembly in mid-June, thus allowing the EU to contribute up to 50 million euros for the whole duration of the project.

BONUS-169, which is in line with the objectives of the European strategy for maritime research and the Union's strategy for the Baltic Sea region, is to be considered as a pilot case for other similar regional initiatives.

ITER experimental reactor for nuclear fusion

Ministers exchanged views on the status and way forward for the ITER project on nuclear fusion research¹, with a view to the establishment of a sound and sustainable financial framework for the construction of the thermonuclear reactor, following the estimated cost increases of the project.

The Council reiterated its commitment to the success of the ITER project. All member states recognised its importance and the need to find a solution for the financial situation in due time. They also acknowledged the strategic role of the project for European competitiveness.

To that end, the Presidency proposed to establish a task-force to analyse possible options in order to find a sustainable solution.

The result of the discussions of this task-force will feed into the work of the Council's preparatory bodies, with a view to carrying out further deliberation in the Competitiveness Council prior to the ITER Council meeting.

The discussion took place on the basis of a Commission communication published on 4 May ([9424/10](#)) presenting financial and governance options for the continuation of the project.

In November 2009, the Council requested the Commission to examine the financial situation and the boundary conditions to be met in order to ensure the success of the project at acceptable cost and with reasonable technical risks, including cost assessment and cost containment policies, a realistic timetable and sound management.

The ITER project is conducted under the terms of an international agreement² between the EU and 6 other countries (China, India, Japan, Korea, Russia, and the USA), which entered into force in October 2007. The agreement has an initial duration of 35 years in order to construct (10 years), operate (20 years), and de-activate (5 years) the ITER facilities. The site for building ITER is located in Cadarache, France.

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Over a working lunch on 26 May, research ministers exchanged views on the theme: "Stock taking and challenges in the development of the European Research Area: setting of priorities in the context of the economic crisis", with the participation of the Commissioner for research, innovation and science, Máire Geoghegan-Quinn.

¹ <http://www.iter.org/>

² OJ L 358, 16.12.2006, p. 62–80.

ANY OTHER BUSINESS

Electric mobility in Europe

The Council took note of a joint declaration ([10199/10](#)) made by France, Germany, Portugal and Spain, for electric mobility in Europe, in line with the conclusions adopted by the Council on clean and energy efficient vehicles. The declaration states that the electric vehicle needs to be placed at the centre of development and competitiveness prospects, linking research, innovation, industrial development and sustainability. It also calls on the Commission to grant financial support to pilot-projects of electric mobility, in particular trans-national ones.

Shipbuilding industry

The Council took note of information from the Presidency ([10040/10](#)) and from the Commission regarding the situation and perspectives of the European shipbuilding industry ([9840/10](#)). In particular, this information covered ways to address the impact of the global economic crisis in this sector through the promotion of new demand for safer and less polluting ships; improved access to finance; the establishment of a level playing field; the stimulation of research and innovation and a renewed commitment to better jobs in the shipbuilding sector.

Informal meeting of ministers of tourism

The Presidency provided an information note on the informal meeting of ministers of tourism that took place in Madrid on 14 and 15 April ([9864/10](#)). The meeting offered an opportunity to exchange views on future developments and policies on tourism in Europe. Ministers also adopted a declaration on a new model for social tourism.

The Lisbon treaty provides in its article 195 for the possibility for the Union to complement the action of the member states for the promotion of competitiveness in the tourism sector.

Legal framework for gambling and betting

The Council took note of a Presidency report on the outcome of discussions concerning the legal framework on betting and gambling ([9495/10](#)). In particular, the discussions held under the Spanish Presidency focused on the definition and negative effects of illegal gambling.

Digital agenda for Europe

Commissioners Neelie Kroes and Michel Bannier gave a presentation on the communication « A digital agenda for Europe », published on 19 May¹, which is one of the seven flagship initiatives of the Europe 2020 strategy.

This initiative clusters policy actions in six main areas: very fast internet access, a digital single market, a sustainable digital society, trust and security, research and innovation, and open standards and interoperability.

It will be discussed at the next telecommunications Council on 31 May.

Consumer market scoreboard

The Commission presented the first part of the 3rd consumer market scoreboard, which focuses on the integration of the EU retail market ([9821/10](#) and [9821/10 ADD1](#)). The document outlines that the retail market is far from being integrated and that sustained efforts are needed to address the existing barriers, notably in the digital economy.

From 2010 the consumer market scoreboard is published in two parts, the second one to be issued next autumn.

During his presentation, Commissioner John Dalli also referred to the recommendation on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries adopted by the Commission on 12 May ([9821/10](#)).

Legislation on textile labelling

The Council took note of preliminary remarks made by the Commission ([10120/10](#)) on the European Parliament's opinion on the revision of the EU legislation on textile labelling, following the vote in first reading on 18 May.

In 2009 the Commission submitted a proposal aimed at simplifying the regulatory environment for the labelling of textile products and encouraging innovation in the textile industry.

The proposal is currently under examination in the Council by a group of experts from the member states.

¹ http://ec.europa.eu/information_society/digital-agenda/documents/digital-agenda-communication-en.pdf

European institute of innovation and technology (EIT)

The Council took note on preparations for the launch of EIT's first three KICs (knowledge and innovation communities) on the following themes: climate change mitigation and adaptation ("Climate KIC"), sustainable energy ("InnoEnergy"), and future information and communication society ("EIT ICTLabs") ([9917/10](#)).

European Cooperation in Science and Technology (COST)

The Council took note of a request by the Portuguese delegation for the Competitiveness Council to discuss the future perspectives for COST ([9918/10](#)).

The request was supported by the Czech Republic, the Netherlands and Italy.

COST is one of the longest-running European instruments supporting cooperation among researchers across Europe. Its intergovernmental framework was created in 1971 and currently covers 36 countries. COST receives financial support for its coordinating activities from the EU research framework programme.

Strategic forum for international scientific and technical cooperation (SFIC)

The Council took note of a presentation by the German delegation on the first annual report of activities of the SFIC ([1354/10](#)).

"2030 Challenge" initiative: Science and Innovation Citizens Agenda

Research ministers were informed on the results of the "2030 Challenge – Science and Innovation Citizens Agenda" initiative, a Presidency project that allows European citizens to choose, through internet (www.reto2030.eu), the science and innovation challenges that should be met in the future.

The "2030 Challenge" is a participative process in which experts proposed scientific challenges for 2030. Citizens choose the challenges they think should be a priority and the results are forwarded to political decision-makers.

Work programme of the incoming EU Presidency

The Belgian delegation briefed the Council on the work programme in the field of competitiveness policies under its Presidency in the second half of 2010. Its priorities are in line with the combined programme prepared by the Spanish, Belgian and Hungarian presidencies covering the period January 2010 to June 2011 ([16771/09](#)).

OTHER ITEMS APPROVED**FOREIGN AFFAIRS****Review Conference of the Rome Statute of the International Criminal Court - *Council conclusions***

The Council adopted the conclusions set out in [9809/10](#).

EU mission in support of security sector reform in Guinea-Bissau

The Council adopted a decision amending and extending joint action 2008/112/CFSP on the EU mission in support of security sector reform in the Republic of Guinea-Bissau ("EU SSR GUINEA-BISSAU mission") (9140/10).

The EU SSR GUINEA-BISSAU mission is being extended for a period of 4 months, until 30 September 2010, with a view to making a final decision on further engagement in Guinea-Bissau by July 2010, based on a strategic review and on developments on the ground.

In February 2008 the Council approved joint action 2008/112/CFSP¹ on the EU SSR GUINEA-BISSAU mission, which was to apply until 31 May 2009.

JUSTICE AND HOME AFFAIRS**EU drug precursors legislation: Functioning and implementation - *Council conclusions***

The Council adopted the conclusions set out in [8427/10](#).

Drugs - Mephedrone

The Council took a decision requesting that the risks arising from the use, manufacture and trafficking of mephedrone (4-methylmethcathinone), the involvement of organised crime and possible consequences of control measures, be assessed in accordance with the procedure set out in decision 2005/387/JHA (*Official Journal L 127 of 20.5.2005*).

¹ OJ L 40, 14.2.2008, p. 11.

EUROPEAN ECONOMIC AREA

Cooperation with EEA in the field of European public administration

The Council adopted a decision on the EU position to be taken in the joint committee of the European Economic Area (EEA) concerning cooperation in fields outside the four freedoms. The approved EU position aims at extending the cooperation between the EU and the members of the EEA (Iceland, Liechtenstein, Norway) in the field of European public administration (ISA) with effect from 1 January 2010.

COMPANY LAW

Interconnection of business registers - *Council conclusions*

The Council adopted the conclusions set out in [9678/10](#).

AGRICULTURE

Feed and pesticides - committee procedure

The Council decided not to oppose the adoption of the following four Commission regulations:

- amending regulation 767/2009 as regards the prohibition to place on the market or use for animal nutritional purposes products obtained from yeasts of the *Candida* variety cultivated on n-alkanes ([7637/10](#));
- amending regulation 396/2005 as regards maximum residue levels for certain pesticides in or on certain products ([7069/10](#));
- amending regulation 396/2005 as regards maximum residue levels for certain pesticides in or on certain products ([8924/10](#));
- amending regulation 396/2005 as regards additions and modifications of the examples of related varieties or other products to which the same maximum residue level applies ([8056/10](#)).

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality if the regulatory committee previously supported the envisaged measures.

TRANSPORT

EU/Mexico agreement on air services *

The Council adopted a decision approving the signing of an agreement with Mexico on certain aspects of air services (7158/2/09).

CUSTOMS UNION

International rail freight - Borders crossing procedures

The Council adopted a decision on the position to be taken by the EU within the International Convention on the Harmonization of Frontier Controls of Goods, in order to amend the Convention with a view to facilitating borders crossing procedures for international rail freight.

TRADE POLICY

Anti-dumping - Silicon from China and Korea

The Council adopted a regulation imposing a definitive anti-dumping duty on imports of silicon originating in China, as extended to imports of silicon consigned from the Republic of Korea, whether declared as originating in Korea or not, following an expiry review and a partial interim review pursuant to regulation 1225/2009 ([9308/10](#)).

APPOINTMENTS**Office for Harmonization in the Internal Market (Trade Marks and Designs)**

The Council appointed the President, the Vice-President, the President of the Boards of Appeal and three chairmen of a Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) ([9453/10](#)):

- Mr António-Serge DE PINHO CAMPINOS, President;
- Mr Christian L.L.G. ARCHAMBEAU, Vice-President;
- Mr Paul Alexandre MAIER, President of the Boards of Appeal;
- Mr Théophilos MARGELLOS, Mr Tomás DE LAS HERAS LORENZO and Mr Detlef Michael SCHENNEN, chairmen of a Board of Appeal.

Committee of the Regions

The Council appointed Mr. Jan BOYE (Denmark) as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([9509/10](#)).
