

COUNCIL OF THE EUROPEAN UNION



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PRESS RELEASE

2871st Council meeting

Competitiveness (Internal Market, Industry and Research)

Brussels, 29 and 30 May 2008

President	Mr Andrej Vizjak
	Minister for the Economy of Slovenia
	Mr Gregor Virant
	Minister for Public Administration of Slovenia
	Mrs Mojca Kucler Dolinar
	Minister for Higher Education, Science and Technology of
	Slovenia



Main results of the Council

The Council adopted conclusions on the competitiveness and innovation of European industry.

It also adopted conclusions on better regulation with particular emphasis on the reduction of administrative burdens on businesses, simplification of legislation and the use of impact assessments.

The Council adopted a regulation setting up a fuel cells and hydrogen joint technology initiative.

The Council adopted a resolution on the management of intellectual property in knowledge transfer activities.

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

- European research infrastructures and their regional dimension;
- *family-friendly scientific careers;*
- the launch of the "Ljubljana process" (towards full realisation of the European Research Area);
- evaluation and monitoring of EU research framework programmes.

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 - 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: Mr Vincent VAN QUICKENBORNE Ms Patricia CEYSENS

Bulgaria: Ms Nina RADEVA

Czech Republic: Mr Ondřej LIŠKA Mr Martin TLAPA

Denmark: Ms Helge SANDER Mr Michael DITHMER

<u>Germany:</u> Mr Michael GLOS Ms Brigitte ZYPRIES Ms Annette SCHAVAN

Estonia: Mr Tõnis LUKAS

<u>Ireland:</u> Ms Mary COUGHLAN

<u>Greece:</u> Mr Christos FOLIAS

<u>Spain:</u> Mr Diego LÓPEZ GARRIDO Mr Carlos MARTÍNEZ ALONSO

<u>France:</u> Ms Valérie PÉCRESSE Mr Hervé NOVELLI

Italy: Mr Vincenzo GRASSI

<u>Cyprus:</u> Mr Antonis PASCHALIDES

Latvia: Mr Mareks GRUŠKEVICS Mr Artūrs BERGHOLCS

<u>Lithuania:</u> Mr Vytas NAVICKAS

Luxembourg: Mr François BILTGEN

Hungary: Mr Gordon BAJNAI

Mr Géza EGYED

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

Deputy Minister for the Economy and Energy

Minister for Education, Youth and Sport Deputy Minister for Industry and Trade

Minister for Science, Technology and Development State Secretary, Ministry of Economic Affairs, Trade and Industry

Federal Minister for Economic Affairs and Technology Federal Minister for Justice Federal Minister for Education and Research

Minister for Education and Science

Tánaiste and Minister for Enterprise, Trade and Employment

Minister for Development

State Secretary for the European Union State Secretary for Research

Minister for Higher Education and Research Minister of State with responsibility for Enterprise and Foreign Trade

Deputy Permanent Representative

Minister for Commerce, Industry and Tourism

State Secretary, Ministry of Education and Science Parliamentary Secretary, Ministry of Economics

Minister for the Economy

Minister for Labour and Employment, Minister for Culture, Higher Education and Research, Minister for Religious Affairs

Minister for Local Government and Regional Development State Secretary (with special responsibility), Ministry of Economic Affairs and Transport <u>Malta:</u> Mr Jason AZZOPARDI

<u>Netherlands:</u> Ms Maria van der HOEVEN

<u>Austria:</u> Mr Johannes HAHN Ms Christine MAREK

Poland: Ms Barbara KUDRYCKA Mr Marcin KOROLEC

Portugal: Mr José MARIANO GAGO Mr Manuel PINHO Mr João Tiago SILVEIRA

<u>Romania:</u> Mr Anton ANTON

Slovenia: Ms Mojca KUCLER DOLINAR Mr Gregor VIRANT Mr Andrej VIZJAK

<u>Slovakia:</u> Mr Ján MIKOLAJ Mr Ivan RYBÁRIK

<u>Finland:</u> Ms Tarja CRONBERG

Sweden: Ms Maud OLOFSSON

Mr Gunnar WIESLANDER

<u>United Kingdom:</u> Mr Ian PEARSON Baroness VADERA

Commission: Mr Günter VERHEUGEN Ms Danuta HÜBNER Mr Janez POTOČNIK Mr Charlie McCREEVY Parliamentary Secretary for Revenues and Land in the Ministry of Finance, the Economy and Investment

Minister for Economic Affairs

Federal Minister for Science and Research State Secretary, Federal Ministry of Economic Affairs and Labour

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

Minister for Science, Technology and Higher Education Minister for Economic Affairs and Innovation State Secretary for Justice

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

Minister for Higher Education, Science and Technology Minister for Public Administration Minister for the Economy

Deputy Prime Minister and Minister for Education State Secretary, Ministry of the Economy

Minister for Labour

Deputy Prime Minister and Minister for Enterprise and Energy State Secretary to the Minister of Trade

Minister of State for Science and Innovation Parliamentary Under Secretary of State for Business and Competitiveness

Vice President Member Member Member

ITEMS DEBATED

<u>COMPETITIVENESS AND INNOVATION OF EUROPEAN INDUSTRY - Council</u> <u>conclusions</u>

The Council held a policy debate on the competitiveness and innovation of the European industry and adopted the conclusions set out in document 10174/08.

REVIEW OF THE "BETTER REGULATION" INITIATIVE - Council conclusions

The Council took note of the presentation by the Commission of its second strategic review report on better regulation and adopted the conclusions set out in document 9491/08.

INTELLECTUAL PROPERTY: ENHANCING THE PATENT SYSTEM IN EUROPE

The Council took note of a Presidency report (9473/08) and held an in-depth debate on key issues related to the development of the patent system in Europe, including a future patent litigation system and the Community patent.

The debate on the Presidency's report covered progress achieved under the Slovenian and previous EU presidencies, further to the Commission's communication of April 2007: "Enhancing the patent system in Europe" (8302/07).

While some delegations prefer to keep progress on patent litigation separate from that on the Community patent, others are of the opinion that agreement should be reached in both areas simultaneously.

As regards patent litigation, discussions focussed on the main outstanding issues related to the setting up of a new single patent litigation system, *inter alia* its compatibility with Community rules and the language regime.

As regards the Community patent, the main topics discussed were translation arrangements and distribution of revenues generated from renewal of patents.

The Council agreed that further work to find adequate solutions will be required under forthcoming EU presidencies and instructed its preparatory bodies accordingly.

MANAGEMENT OF INTELLECTUAL PROPERTY IN KNOWLEDGE TRANSFER ACTIVITIES - Council resolution

Following a presentation by the Commission, the Council adopted the following resolution:

"THE COUNCIL OF THE EUROPEAN UNION

RECOGNISES the importance of effective management and protection of intellectual property, the promotion of knowledge transfer across Europe and the efficient dissemination of scientific and technological innovations in the European Research Area in order to maximise the socio-economic impact of public research efforts,

RECALLS the work undertaken in the context of the "Intellectual Property Charter" Initiative of the 2007 German Presidency endorsed by the European Council in June 2007¹, the Commission's Communication entitled "Improving knowledge transfer between research institutions and industry across Europe" of 4 April 2007², its own conclusions on "Knowledge transfer and the use of intellectual property in the European Research Area" of 25 June 2007³, and the European Council conclusions of March 2008⁴; RECALLS the work of CREST in the context of the Open Method of Coordination (OMC);

WELCOMES AND SUPPORTS the Commission's Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations, included in the Annex to this Resolution, as one of the policy initiatives taken by the Commission to follow up its Green Paper entitled "The European Research Area: New Perspectives"⁵,

¹ 11177/1/07.

² 8323/07.

³ 10150/07.

⁴ 7652/08.

⁵ 8322/07.

INVITES Member States to actively support the Recommendation, and to promote the effective take-up of the Code of Practice by universities and other public research organisations, while fully respecting their autonomy in dealing with IPR;

CALLS UPON all universities and other public research organisation to pay due regard to the content of the Commission's Code of Practice and to implement it according to their specific circumstances, including appropriate flexibility for contract research¹;

INVITES the Commission to apply the principles laid down in the Recommendation of the Code of Practice in relevant EU policies and instruments;

INVITES Member States and the Commission to establish, in partnership, light and effective governance arrangements, including the monitoring and evaluation of the take up and impact of the Recommendation and Code of Practice, on the basis of indicators, the exchange of best practices with active involvement of stakeholders, which could lead to the definition of further guidelines on specific issues of common interest where justified;

RECOMMENDS to the Heads of State and Government to endorse this Resolution at their next summit meeting."

¹ Collaborative and contract research in this document are to be understood in the sense of the Community framework for State Aid for R&D and Innovation (O.J. No C 323 of 30.12.2006), in particular points 3.2.1. and 3.2.2. thereof.

JOINT TECHNOLOGY INITIATIVE ON FUEL CELLS AND HYDROGEN

The Council adopted a regulation setting up a fuel cells and hydrogen joint technology initiative (JTI) (8541/08).

The adoption of the regulation follows the agreement reached by the Council on 25 February 2008.

This JTI is aimed at coordinating research efforts by providing a framework encouraging European companies to collaborate between themselves, together with other stakeholders, within the fuel cells and hydrogen field.

Major specific objectives of the initiative include:

- enabling market breakthrough of fuel cell and hydrogen technologies, thereby enabling commercial market forces to drive the substantial public benefits;
- placing Europe at the forefront of fuel cell and hydrogen technologies worldwide;
- reaching the critical mass of research effort to give confidence to industry, public and private investors, decision-makers and other stakeholders to embark on a long-term programme;
- leveraging further industrial, national and regional investment in research and technological development.

This JTI is a research programme that aims, over the next six years, to speed up the development of fuel cells and hydrogen technologies in Europe thereby enabling their commercialization between 2010 and 2020. The EU will contribute EUR 470 million and the private sector is expected to raise a similar amount.

Currently the fuel cell and hydrogen technologies are not commercially available and further research and technical development is needed before they can be taken into use.

JTIs were introduced in the EU's Seventh Framework Programme for research (2007-13) as a way of creating public-private partnerships in research at European level.

The first four JTIs were adopted in December 2007 (see press release 16183/07, p. 27).

<u>EUROPEAN RESEARCH INFRASTRUCTURES AND THEIR REGIONAL DIMENSION -</u> <u>Council conclusions</u>

The Council adopted conclusions set out in document 10220/08.

RESEARCH AND SCIENTIFIC CAREERS - *Council conclusions*

The Council adopted conclusions set out in document 10212/08.

<u>REALISATION OF THE EUROPEAN RESEARCH AREA: THE LJUBLJANA PROCESS -</u> <u>Council conclusions</u>

In a public session, the Council held an exchange of views on the most important contributions that EU countries intend to make to the vision of the European Research Area (ERA) within the "Ljubljana process" in the near future, including in terms of governance of the ERA.

At the end of the debate the Council adopted the conclusions set out in document <u>10231/08</u>.

ANY OTHER BUSINESS

The Council took note of information on the following items:

Safety of toys

The Commission gave a presentation on this draft directive. It was submitted to the Council and the European Parliament early this year and is currently under examination at experts level in the Council (10032/08).

Small Business Act for Europe

The Commission provided information on the stage of preparation of this initiative, which will focus on a package of measures for the benefit of SMEs. It will be presented in July.

Cohesion policy strategies and programmes for 2007-2013

The Council took note of a presentation by the Commission on this communication.

Transposition of the "services" directive

The Commission recalled the importance of implementation of the "services" directive in a complete, coherent and timely manner. The directive will have to be implemented by EU member states by December 2009 at the latest (10013/08).

Informal meeting of competitiveness ministers at Brdo, Slovenia, 15-16 April

The Presidency briefed the Council on the outcome of the meeting.

CO2 emissions for cars

The Council took note of the state of play on this draft regulation (9850/08).

Fees charged by the Office for harmonization in the internal market

The Council took note of comments by the Portuguese delegation and of information from the Commission (9874/08).

Effects of rising oil prices on the European economy

The Council took note of comments by the Portuguese delegation (10048/08).

Better careers and more mobility: a European partnership for researchers

This Commission communication is going to be one of the five initiatives to be prioritised in 2008 under the "Ljubljana process". It aims at overcoming remaining administrative and legal barriers to the free movement of researchers within the European single market.

Proposal on a programme aimed at enhancing the quality of life of older people through the use of new information and communication technologies ("AAL programme").

Proposal for a decision on the participation by the Community in a programme aimed at supporting research and development performing small and medium-sized enterprises ("Eurostars joint programme")

The Presidency briefed on the progress of these two proposals on research and development programmes.

Both proposals concern initiatives under article 169 of the EC treaty, which provides for the possibility of financial participation by the European Community in initiatives undertaken by several member states, pooling their national research programmes with regard to certain areas of European interest.

In both cases, agreements have been reached with the European Parliament and final adoption is scheduled to take place soon.

Code of conduct for responsible nanosciences and nanotechnologies research

The Commission presented a code of conduct on this issue last February, recommending its adoption in order to contribute to European research in this field. The code is based on the seven general principles of meaning, sustainability, precaution, inclusiveness, excellence, innovation and accountability.

EU - Russia meeting on research and development

The Council took note of the outcome of the first meeting of the EU-Russia permanent partnership council on research that took place in Ljubljana, Slovenia, on 26 May.

At that meeting both sides exchanged views on the implementation of the common space on research, and in particular on the implementation of the EU-Russia science and technology cooperation agreement. It was also an opportunity to explore the prospects for Russia's joining the EU framework programme for research and development as an associate member.

Work programme of the French EU Presidency

The French delegation provided an overview of the priorities for the next EU Presidency within the remit of the Competitiveness Council.

OTHER ITEMS APPROVED

<u>RESEARCH</u>

Evaluation of EU research framework programmes: report 09/2007 by the Court of Auditors - *Council conclusions*

The Council adopted the conclusions set out in document <u>9096/08</u>.

COMMON FOREIGN AND SECURITY POLICY

EU support for the global initiative to combat nuclear terrorism

The Council adopted a statement in support of the global initiative to combat nuclear terrorism (GICNT). The statement will be made public on the occasion of the fourth plenary meeting of the GICNT in Madrid on 16-17 June.

The purpose of this initiative, which was initiated by the Presidents of Russia and the United States of America in 2006, corresponds to some of the objectives set out in the EU strategy against proliferation of weapons of mass destruction.

The EU has been an observer since June 2007 and all its member states have subscribed to the principles of the initiative.

EU Special Representative to the African Union

The Council adopted a Joint Action reviewing the financial reference amount to cover expenditure related to the mandate of the EU Special Representative to the African Union Mr Koen Vervaeke (9321/08).

The total financial reference amount will be around EUR 2 million for the period to 31 December 2008.

This Joint Action amends Joint Action 2007/805/CFSP. Mr Vervaeke was appointed on 6 December 2007.

<u>FISHERIES</u>

Conservation and enforcement measures in the NAFO area

The Council transposed into Community law the amendments adopted by the Northwest Atlantic Fisheries Organisation (NAFO) at its 2007 annual meeting by amending regulation 1386/2007 implementing NAFO conservation and enforcement measures (<u>8905/08</u>).

Those amendments relate to the provisions on mesh size, transhipments, closed areas to ensure coral protection, catch reports, definition of serious infringement, product codes, the port inspection format as well as technical requirements for boarding ladders.

Furthermore, a number of mistakes found in regulation 1386/2007 have been corrected.