



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 January 2010

17038/1/09

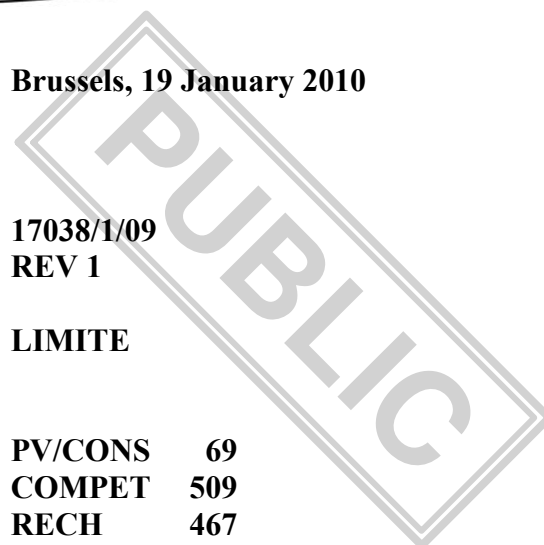
REV 1

LIMITE

PV/CONS 69

COMPET 509

RECH 467



DRAFT MINUTES

Subject : **2982nd** meeting of the Council of the European Union (**COMPETITIVENESS (Internal Market/Industry/Research)**) held in Brussels on 3 and 4 December 2009

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ANNEX 12

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1. **Adoption of the agenda**

16737/09 OJ CONS 68 COMPET 504 RECH 440

The Council adopted the above agenda.

Non-legislative activities

2. **Approval of the list of "A" items**

16865/09 PTS A 61

The Council approved the "A" items listed in 16865/09.

The documents in item 3 should read as follows:

Item 3: 16940/09 INST 203
16937/09 INST 202
+ **COR 1 (lv)**
+ **REV 1 (mt)**

RESEARCH

Non-legislative activities

3. **Guidance on future priorities for European research and research-based innovation in post-2010 Lisbon strategy**

- Policy debate
- Adoption of Council conclusions
15873/09 RECH 408 COMPET 476
16127/09 RECH 424 COMPET 486

The Council held an exchange of views on the basis of questions prepared by the Presidency (15873/09), and adopted the conclusions on the Guidance on future priorities for European research and research-based innovation in post-2010 Lisbon strategy as set out in 17189/09. It took note of the statement by the Austrian delegation (see the Annex).

4. **Enhanced governance of the European Research Area (ERA)**

- Adoption of Council resolution
16074/09 RECH 418 COMPET 481

The Council adopted a resolution on the enhanced governance of the European Research Area (ERA) as set out in 17159/09.

5. **The future of ICT research, innovation and infrastructures**

- Adoption of Council conclusions
16128/09 RECH 425 COMPET 487 TELECOM 248

The Council adopted conclusions on the future of ICT research, innovation and infrastructures as set out in 17190/09.

6. **Joint programming of research in Europe:**

- (a) **The launch of the pilot joint programming initiative on combating neurodegenerative diseases, in particular Alzheimer's**
- (b) **Progress in joint programming and the way ahead**
 - Adoption of Council conclusions
16129/1/09 RECH 426 SAN 328 REV 1

The Council adopted conclusions on joint programming of research in Europe as set out in 17226/09.

CONSUMER

Legislative deliberation

7. Proposal for a Directive of the European Parliament and of the Council on Consumer Rights

- Policy debate
14183/08 CONSOM 140 JUSTCIV 220 CODEC 1315
16121/09 CONSOM 219 JUSTCIV 238 CODEC 1326

The Council held a policy debate focused on four issues identified by the Presidency, namely the scope of the definitions of distance contracts and off-premises contracts, common rules on the right of withdrawal for such contracts, consumer rights specific to sales contracts and the exclusion from the scope of certain contracts.

After the debate the Presidency concluded that progress had been achieved on several important aspects of the proposal and that the examination of the proposal would be continued on this basis in the Council's preparatory bodies.

INTERNAL MARKET, INDUSTRY

Non-legislative activities

8. Enhanced patent system in Europe

- Adoption of Council conclusions
16114/09 PI 123 COUR 71
+ ADD 1

The Council held an exchange of views and adopted the conclusions contained in 16114/09, slightly amended (see 17229/09), as a basis for continued work on the file in the Council's preparatory bodies. It took note of statements by the Danish, Finish and Hungarian delegations (see the Annex).

Legislative deliberations

9. Proposal for a Council Regulation on the Community patent

- General approach
10786/00 PI 49
16113/09 PI 122
+ ADD 1

The Council reached agreement on a general approach on the draft Regulation, pending the opinion of the European Parliament.

Non-legislative activities

10. Towards a competitive, innovative and eco-efficient Europe – a contribution by the Competitiveness Council to the post-2010 Lisbon agenda

- Information from the Commission
- Policy debate
- Adoption of Council conclusions
16125/09 COMPET 485 ENV 807 IND 166 MI 437 RECH 423 ECO 145
ENER 399 ECOFIN 807 CONSOM 221
16268/09 COMPET 491 ENV 813 IND 169 MI 440 RECH 428 ECO 146
ENER 402 ECOFIN 816 CONSOM 222

After a policy debate on the basis of the question contained in 16268/09, the Council adopted the conclusions in 17179/09 COMPET 515 ENV 872 IND 181 MI 460 RECH 450 ECO 151 ENER 434 ECOFIN 865 CONSOM 236.

11. Better Regulation

- Adoption of Council conclusions
16111/09 COMPET 482

The Council adopted the conclusions in 16111/09.

Legislative deliberations

12. Proposal for a Council Regulation on a European private company

- Political agreement
11252/08 DRS 17
16115/09 DRS 71 SOC 711
+ ADD 1

In the absence of the required unanimity the Council was unable to reach a political agreement on the proposal.

Non-legislative activities

13. Priorities for the Internal Market in the next decade – contribution by the Competitiveness Council to the post-2010 Lisbon agenda

- Adoption of Council conclusions
16112/09 COMPET 483 MI 435 SOC 710 CONSOM 218

The Council adopted the conclusions in 16112/09.

14. Any Other Business

RESEARCH ITEMS

Legislative deliberations

(a) Proposal for a Decision of the European Parliament and of the Council on the participation by the Community in a Joint Baltic Sea Research and Development Programme (BONUS-169) undertaken by several Member States

- Information from the Commission
15234/09 RECH 369 COMPET 457 ENV 756 CODEC 1260
16768/09 RECH 442 COMPET 505 ENV 851 CODEC 1394

Non-legislative activities

(b) ITER

- Information from the Commission
16558/09 RECH 433 ATO 142

(c) Commission communication on Investing in the Development of Low Carbon Technologies (SET-Plan)

- Information from the Commission
14230/09 ENER 323 ENV 659 RECH 314
16767/09 RECH 441 ENER 418 ENV 850

(d) Declaration of the Czech Republic, Hungary and Romania on the integrated proposal to implement the project ELI (Extreme Light Infrastructure) of the ESFRI Roadmap

- Information from the Czech, Hungarian and Romanian delegation
16197/09 RECH 430

(e) Work programme of the incoming Presidency

- Information from the Spanish delegation

CONSUMER ITEMS

Non-legislative activities

(f) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Cross-Border Business to Consumer e-Commerce in the EU

- Information from the Commission
15058/09 CONSOM 198 MI 397 TELECOM 221
16540/09 CONSOM 227 MI 444 TELECOM 252

(g) Conference "Consumer rights when purchasing digital content" (Stockholm, 3-4 November 2009)

- Information from the Presidency
16616/09 CONSOM 229 MI 448 PI 137

INDUSTRY, INTERNAL MARKET ITEMS

Non-legislative activities

(h) Better regulation – Presentation of practical exercise on sharing good examples

- Information from the Presidency
16596/09 COMPET 497

- (i) **Communication on Global Monitoring for Environment and Security (GMES): Challenges and Next Steps for the Space Component**
 - Information from the Commission
16546/09 COMPET 493
- (j) **Latest developments in dossier Opel/GM**
 - Information from the Belgian delegation
16693/09 RC 14 IND 175 COMPET 501
- (k) **Legal framework for gambling and betting in the Member States of the European Union**
 - Information from the Presidency
16571/09 MI 446 ECOFIN 835 EF 179 ETS 7 JUR 503 COMPET 495
- (l) **Google Books**
 - Information from the Commission
15109/09 AUDIO 43 CULT 73 RECH 364 PI 119
- (m) **Work programme of the incoming Presidency**
 - Information from the Spanish delegation

Legislative deliberations

- (n) **Proposal for a Regulation of the European parliament and of the Council laying down harmonised conditions for the marketing of construction products**
 - Information from the Presidency
16570/09 MI 445 ENT 213 COMPET 494 CODEC1361

The Council took note of the information presented under the respective sub-items, of interventions by delegations, as well as of the statement by the United Kingdom and Maltese delegations under sub-item 14 (k) (see the Annex).

STATEMENTS FOR THE COUNCIL MINUTES

Ad item 3: Guidance on future priorities for European research and research-based innovation in post-2010 Lisbon strategy

STATEMENT BY AUSTRIA

"With regard to paragraph 6 of the Council conclusions and in view of the oncoming discussion of Commission communication of 7 October 2009 (Doc. 14230/09) in Council, Austria recalls its statement¹ to the minutes of the 2854th Council on 28 February 2008 regarding the SET-Plan."

¹ 7033/08.

Ad item 8: Enhanced patent system in Europe

JOINT STATEMENT BY DENMARK AND FINLAND

"The creation of a European Union patent by Council Regulation is part of a comprehensive patent reform which also involves Enhanced Partnership and the establishment of a European and EU Patents Court.

The creation of this new instrument for protecting inventions within the EU necessitates further guidelines for implementing the system, particularly as regards the fee structure and the Enhanced Partnership. These are essential political elements that would need to be determined within the Council at the same time as the EU Patent Regulation is adopted.

Denmark and Finland strongly support the aim of Enhanced Partnership to improve the efficiency of the patent granting process and the overall patent quality through making use of national patent offices' existing expertise and by strengthening their capacity. Establishing Enhanced Partnership between the European Patent Office and national patent offices is a fundamental part of the EU patent solution since it determines how the system works in practise. Denmark and Finland stress that the Council conclusions are without prejudice to any future development of Enhanced Partnership, including regular use of the result of work by national patent offices on any application carried out under common standards (ESS).

The political agreement that has been reached on the elements mentioned above should be appropriately reflected in the text of the EU Patent Regulation before a final agreement is reached."

ADDITIONAL STATEMENT BY FINLAND

"Finland considers the establishment of the European and EU Patents Court as a fundamental part of the overall final agreement. We underline that the cost structure and budgetary implications need clarification before the Agreement on the European and EU Patents Court will be adopted. Finland also recalls that, notwithstanding paragraph 8 of the Council conclusions, all Contracting States are entitled to set up a local/regional division upon request once the Agreement enters into force."

STATEMENT BY HUNGARY

"The government of Hungary remains committed to developing an enhanced patent system in Europe through the creation of an EU patent and a unified litigation scheme.

One of the basic underlying principles of such an enhanced system should be the harmonious co-existence of European Union (EU), European and national patents, which would ensure that the different needs of the various user groups be met. An artificially high demand for EU level protection must be avoided since unjustified monopolies may have an adverse effect on Europe's competitiveness. There is a need to maintain an adequate difference between the costs of EU wide protection and protection in only a handful of Member States, to ensure that applicants only choose that type of protection which is justified by their business needs. When fixing the level of renewal fees for the EU patent, these factors will also have to be taken into account.

Hungary supports the adoption of the Council conclusions on the enhanced patent system in Europe on the understanding that the harmonious co-existence of EU, European and national patents will remain a fundamental principle."

Ad item 14 (k) Legal framework for gambling and betting in the Member States of the European Union

JOINT STATEMENT BY MALTA AND THE UNITED KINGDOM

"Malta and the UK note the Swedish Presidency progress report on gambling and betting and the views of the Swedish Presidency expressed within. However, they remain concerned that key aspects of the report may be misunderstood and in some regards misleading in so far as the report lacks references to studies and research used, and are generally of the opinion that the report does not adequately reflect the views and situation of all Member States or relevant ECJ case law.

Malta and the UK continue to consider that the greatest potential for further clarity and improvement of standards in the areas of gaming and betting would be achieved through the Commission continuing to enforce the Treaty provisions, Member States completing their reviews of national legislation, and an improved dialogue between regulators and the sector itself. They believe that in the current circumstances, in particular wide ranging Member State positions and limitations on resources, work in Council would serve no useful purpose.

Malta and the UK would like to continue to emphasise the following: the advances made by some jurisdictions in developing regulatory regimes that are compliant with Treaty principles and the potential benefits of more open yet effectively regulated markets; the work done by European gambling operators themselves to improve standards, especially in the area of social responsibility; the practical and legal limitations of methods to block service provision; as well as the need to comply with the Treaty and ensure that any national restrictions are objectively justified by reasons in the general interest, are applied coherently and in a proportionate and non-discriminatory manner."

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