



**COUNCIL OF  
THE EUROPEAN UNION**



10123/10 (Presse 136)

**PROVISIONAL VERSION**

## **PRESS RELEASE**

3016th Council meeting

### **Competitiveness (Internal Market, Industry and Research)**

Brussels, 25 and 26 May 2010

President            **Miguel SEBASTIÁN**  
Minister for Industry  
**Cristina GARMENDIA**  
Minister for Science and Innovation  
**Diego LÓPEZ GARRIDO**  
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# **P R E S S**

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10123/10 (Presse 136)

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**EN**

## **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.

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

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

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

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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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Ministre wallon de l'Economie, des PME, des  
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l'Enseignement supérieur  
Minister of the Brussels Capital Regional Government,  
with responsibility for Employment, Economic Affairs,  
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Mr Benoît CEREXHE

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Minister for Science and Innovation  
Secretary of State for the European Union in the Spanish  
Ministry of Foreign Affairs and Cooperation  
Secretary of State for Investigation at the Ministry of  
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General Secretary of Industry

Mr Felipe PETRIZ

Ms Teresa SANTERO

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Minister for Higher Education and Research  
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State Secretary for Education, Universities and Research  
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**Cyprus:**

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Permanent Secretary  
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State Secretary, Ministry of Education and Science

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Vice-Minister of the ministry of Education and Science

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Deputy Permanent Representative

**Hungary:**

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Deputy Permanent Representative

**Malta:**

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Parliamentary Secretary  
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**Netherlands:**

Mr Peter KOK

Deputy Permanent Representative

**Austria:**

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Mr Uroš VAJGL

**Slovakia:**

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Deputy Permanent Representative

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State Secretary, Ministry of Employment and the  
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State Secretary, Ministry of Enterprise, Energy and  
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Mr David WILLETS

Business Secretary  
Minister of State for Universities and Science

**Commission:**

Mr Antonio TAJANI  
Ms Viviane REDING  
Ms Neelie KROES  
Ms Máire GEOGHEGAN-QUINN  
Mr Michel BARNIER  
Mr John DALLI  
Ms Androulla VASSILIOU

Vice-President  
Vice-President  
Vice-President  
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 SME's 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 to bodies involved in the assessment and verification of 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 <sup>1</sup>.

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](#)).

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

**Automotive industry: clean and energy efficient vehicles - Council conclusions**

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

"RECALLING the priorities of smart and sustainable growth contained in the Commission's Europe 2020 Communication<sup>1</sup>, as well as one of its seven flagship initiatives – “Resource efficient Europe” which aims, among other things, to decouple economic growth from the use of resources and to modernise the European transport sector;

RECALLING that the European automotive industry, together with important associated sectors and service providers, is an important source of prosperity, trade surplus, and is a major employer and a constant driver of technological progress and innovation and that consequently it is of key importance to keep the industry's manufacturing base in Europe and to strengthen its competitiveness and technological leadership, in particular vis-à-vis competition from the EU's trading partners;

RECALLING that the European electrical engineering industry<sup>2</sup> as an enabling sector for advanced technologies can provide ecologically sound and innovative solutions for the successful deployment of clean and energy efficient vehicles, in the context of recent technological advances;

RECALLING that some EU Member States have already launched national actions to promote clean automotive technologies;

RECALLING that the European automotive industry has been severely affected by the economic and financial crisis and that recovery measures engineered under the European Economic Recovery Plan<sup>3</sup> are not only aiming at short-term recovery from the current crisis and preventing job losses, but also at strengthening the competitiveness of industry in the longer term by encouraging and financing investments in clean technologies;

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<sup>1</sup> Communication from the Commission: Europe 2020 - A strategy for smart, sustainable and inclusive growth (doc. [7110/10](#) of 5 March 2010).

<sup>2</sup> Communication from the Commission "For a competitive and sustainable electrical engineering industry in the European Union" (doc. [15461/09](#) of 30 October 2009).

<sup>3</sup> Communication from the Commission to the European Council - A European Economic Recovery Plan (doc. [16097/08](#) of 27 November 2008).

RECALLING the need to decarbonise the transport sector and reduce its fossil dependency and the emissions of greenhouse gases, *inter alia* through the introduction of innovative and energy efficient technologies for vehicles;

RECALLING the Commission's Communication on "A sustainable future for transport: Towards an integrated, technology-led and user friendly system" of 17 June 2009 and its Action Plan on Urban Mobility of 30 September 2009;

RECALLING the objective of the European Union to raise the share of renewable energies in its gross final energy consumption to 20% and to 10% in transport by 2020;

RECALLING that it is expected that further efforts need to be made beyond 2020 aimed at meeting the global climate objectives by 2050;

RECALLING that the Competitiveness Council in its Conclusions on the "Need for a new industrial policy" of 2 March 2010<sup>1</sup> invited the Commission to come forward with an action plan for clean and energy-efficient vehicles (including the growing role of fully electric cars and plug-in hybrids);

THE COUNCIL:

1. WELCOMES the Commission's Communication entitled "European strategy on clean and energy efficient vehicles" of 28 April 2010, which builds on the on-going measures and sets out an ambitious medium- to long-term policy through an Action Plan, which will strengthen Europe's leadership in clean automotive technologies, foster growth and job creation in the European automotive sector, including its suppliers and related industries, such as grid developers and safe and sustainable energy companies, and service providers, including SMEs; this will provide a clear orientation of the industry's restructuring, transformation and evolution;
2. WELCOMES the scope of the Communication covering not only light-duty vehicles but also two- and three-wheelers and quadricycles, taking into account the increasing role of the latter in the urban mobility and ACKNOWLEDGES the need to cover heavy-duty vehicles and progress quickly also in other fields of transport, including sustainable public transport and its synergies with e-mobility, and ensure the coherence of all actions with the overarching aims of combating climate change and reducing Europe's dependence on fossil fuels;

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<sup>1</sup> Council Conclusions on the need for a new industrial policy (doc. [6391/10](#) of 2 March 2010).

3. EMPHASIZES, in the light of scientific and market evidence, that:
  - (a) the environmental performance of conventional vehicles is constantly being improved by means of technological advances that include the use of alternative fuels to burn in combustion engines to partially substitute petrol or diesel fuel, including liquid biofuels and gaseous fuels (such as LPG, CNG and biogas) and offering a potential to reduce the environmental impact of road transport, if used in a sustainable manner; flex-fuel vehicles can also contribute to the expected reduction;
  - (b) electric vehicles (including full electric and plug-in hybrids) will soon be ready for market introduction by some manufacturers and are meeting increasing consumer acceptance, as the safety, standardisation, electricity consumption, environmental aspects and affordability are optimized;
  - (c) hydrogen vehicles remain a valid ultra-low-carbon mobility option in the medium-term perspective, as affordability of the car and of the fuel is achieved; also NOTES that hydrogen vehicles and electric vehicles are mutually complementary;
4. Because the internal combustion engines currently constitute the main mobility option for European citizens and the source of the European automotive industry's competitive advantage, EMPHASIZES the need to make further progress on improving the environmental performance and the fuel efficiency of these vehicles, including increased use of second generation bio-fuels and gaseous fuels;
5. SHARES the Commission's analysis that while conventional vehicles powered by internal combustion engines will remain dominant in the short and medium term perspective, electric and, in the mid-term perspective, hydrogen vehicles are a highly promising ultra-low-carbon power-train technology, as they have the potential to:
  - (a) address the challenges of climate change and fossil fuel dependency;
  - (b) cut local air pollution and noise from transport and therefore contribute to improving the air quality, in particular in cities and urban zones;
  - (c) enable synergies with smart grids and therefore promote renewable sources of energy and offer a possibility of energy storage;

- (d) offer an opportunity to revitalise the industrial fabric in Europe by fostering innovation, growth and jobs;
  - (e) offer, in particular if combined with electricity generated from safe and sustainable sources of energy, including renewables, a superior well-to-wheel energy efficiency and can therefore contribute significantly to the objective of transport decarbonisation;
6. **CONSIDERS** that in order to speed up the market uptake of clean and energy efficient vehicles, including full electric vehicles and hybrids, and to enable the citizens to benefit from the improvement of air quality, public authorities are encouraged to provide the appropriate support framework, in compliance with existing State aid rules and the principle of subsidiarity. A supportive policy framework could contribute to creating business confidence, which is necessary for investment and production decisions and ensuring uptake of more safe and sustainable sources of energy, including renewables. In that respect, a well-timed and well-tailored public policy could send the European automotive industry an important signal, improving competitiveness in the increasingly important and attractive global market for clean cars;
7. **EMPHASIZES** that the European Union should take leadership in supporting the roll-out and consumer acceptance of alternative power-trains and energy efficient vehicles while bearing in mind actions taken by the Member States, regions and municipalities – in line with the principle of subsidiarity.

With regard to the action plan presented in the Communication:

8. **HIGHLIGHTS** the importance of the actions set out in the action plan for further reduction of CO<sub>2</sub> emissions from vehicles following the adoption of Communication COM (2007) 19<sup>1</sup> and of Regulation (EC) No 443/2009<sup>2</sup> on CO<sub>2</sub> emission standards for passenger cars; the measures implementing the Regulation should be completed by the end of 2010, especially regarding the procedure for approving innovative technologies (eco-innovations);

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<sup>1</sup> Communication from the Commission to the Council and the European Parliament: Results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light-commercial vehicles (doc. [6204/07](#) of 12 February 2007).

<sup>2</sup> Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1-15).

9. STRESSES the need to focus on research excellence in order to ensure that alternative power-trains receive targeted research financing, including innovative energy storage and conversion technologies, such as batteries, fuel cells and the necessary respective infrastructure;
10. STRESSES MOREOVER the need to support breakthrough improvements in internal combustion engines, further step-change improvements to the performance of conventional vehicles and exploring the opportunities offered by mild hybridisation of conventional vehicles, aerodynamics improvement and weight reduction;
11. STRESSES that the research portfolio of different technologies should not be narrowed. In this context, CALLS ON the Commission to provide European added-value and contribute to the coordination of efforts in the field of R&D by using effective forms of organisation via Joint Programming Initiatives, Public-Private Partnerships or Joint Technology Initiatives. Also HIGHLIGHTS the need to simplify and streamline the administrative rules for obtaining EU research grants, as well as the framework of classical multilateral cooperation or existing instruments, such as collaborative projects, ERA-Net/ERA-Net Plus or measures under Article 185 (ex 169) of the TFEU and can thus be co-financed under the Framework Programmes;
12. HIGHLIGHTS the successful implementation of the Green Car Initiative via EIB financing and European research grants that helped the industry to maintain their R&D activities during the crisis in order to be well positioned for the economic recovery. STRESSES that further technical developments will make alternative power-trains more attractive for wider market uptake;
13. CALLS ON the Commission to consult Member States and stakeholders and to rapidly come up with guidelines on potential financial incentives for consumers to buy green vehicles in order to stimulate the market uptake of clean and energy-efficient vehicles, without giving preference to any particular technology as well as exploring the potential of public procurement and of grouped purchases for large vehicle fleets within the existing legal framework for public procurement. Non-financial incentives, at national or regional level, could also be explored by the relevant actors;
14. RECOGNIZES the need for the implementation of the Raw Materials Initiative<sup>1</sup> in order to ensure access to, recycling and recovery of indispensable materials, including rare earth elements and notably lithium reflecting their importance for the production of alternative power-train components, inter alia, batteries;

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<sup>1</sup> Communication from the Commission to the European Parliament and the Council - The raw materials initiative - Meeting our critical needs for growth and jobs in Europe (doc. [16053/08](#) of 20 November 2008).

15. CALLS ON local, regional and national authorities and all relevant stakeholders to take all necessary measures so that a skilled and qualified workforce is available for alternative power-train and energy-efficient technologies considering targeted training and monitoring the demand for new skills;

Considering the importance of completing the European framework on electric mobility:

16. WELCOMES the adoption on 10 March 2010 by the United Nations Economic Commission for Europe (UNECE) of a Regulation that introduces approval requirements for electric safety of vehicles equipped with an electric power-train. STRESSES that the Regulation, once implemented in the European Union, will ensure the electric safety of electric vehicles sold in the European market;
17. EMPHASIZES that standardisation of interfaces in view of the interoperability between electric vehicles and the charging infrastructure is of key importance in order to ensure that electric vehicles can be recharged, domestically or at public station points without difficulty within the territory of the EU and with the use of any electric vehicle charger. This is a prerequisite for consumer acceptance and, subsequently, the mass market uptake of electric vehicles. URGES European standardisation bodies, via the standardisation process, to develop, as a matter of priority by mid-2011, a harmonised solution for the interoperability between electric vehicles and the charging infrastructure and to address safety risks and electromagnetic compatibility. STRESSES that standardisation should also consider smart charging with respect to the electric vehicle charger. The European standardisation bodies should take into account existing technical solutions and ongoing work at international standardisation bodies, international promotion of EU standards should continue;
18. ENCOURAGES Member States to adopt and implement this harmonised solution as soon as possible, and the industry to agree on its application via a Memorandum of Understanding or another equivalent method;
19. ENCOURAGES all stakeholders to work on the roll-out of charging infrastructure for electric vehicles – according to national and regional market perspectives - that will be easily accessible, interoperable with vehicles coming across the national and regional borders; In this respect, AcknowledgES that the infrastructure for slow-charging is partly available, but needs to be further developed in areas accessible to the public and to allow fast-charging, drawing lessons from the pilot projects carried out in this field and fostering their interconnection. WELCOMES the intention of the Commission to launch an EU-wide electromobility demonstration project in 2011, which could integrate national pilot projects across borders;



20. NOTES WITH INTEREST the European Commission's intention to put forward a legislative proposal on smart grids; URGES all stakeholders to use electricity generated from safe and sustainable sources of energy, including renewables, for charging electric vehicles by smart meters and building of smart grids, while recognizing differences in energy sectors of Member States;
21. In this context, STRESSES the importance to closely collaborate with regional and local authorities and to accompany market introduction with measures like awareness building, mobility information tools and services, and incentives for adopting a more sustainable mobility behaviour privileging efficient choice of mobility modes;

The Council calls on the Commission to come forward with proposals for the implementation of actions set out in the Communication and therefore:

22. STRESSES the need for the Commission to engage in a thorough consultation process in order to propose legislative acts (accompanied by impact assessments) and guidelines and CALLS for the prompt re-launch of the CARS 21 process, with a revised mandate and extended stakeholder involvement, in order to allow stakeholders to contribute to strategic regulatory policies for the European automotive sector competitiveness in the 21st century;
23. CALLS ON the Commission to draw lessons from national strategies and regional pilot projects launched by European cities and regions and to incorporate, where appropriate, these in its work on guidelines for financial incentives and infrastructures;
24. CALLS ON the Commission to report annually on the implementation of the strategy to the Council, notwithstanding the mandatory review to be performed in 2014;
25. CONFIRMS that in order to achieve the ambitious, but also realistic and necessary objectives of the Communication, the Council is ready to assume responsibility for the timely and efficient implementation of the legislative measures required."

**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](#).

**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 directives<sup>1</sup> 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.

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<sup>1</sup> 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 international 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 <sup>1</sup>.

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.

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<sup>1</sup> [http://ec.europa.eu/commission\\_2010-2014/president/news/press-releases/pdf/20100510\\_1\\_en.pdf](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 on the idea of setting ambitious and realistic national targets for investment in R&D.

The also welcomed the Commission intention to go on working on the design of appropriate indicators for monitoring the impact of research into the economic growth. In relation to this, some ministers referred to the need of increasing resources for innovation whilst improving the efficiency in the use of the existing research instruments.

Some delegations highlighted the need to put forward means in order to encourage the private sector for investments in research and innovation.

Other participants emphasized the importance of education, the conditions to attract scientist and the promotion of a culture of innovation among European citizens.

Finally, some delegations proposed to monitor the progress towards achieving the objectives in 2020, 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 the combined public and private research investment levels to 3% of the gross domestic product.

In view of 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 a dialogue with the Commission.

**European Research Area**

The Council had 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:*

[9451/10](#)

*Governance of the ERA - Council resolution:*

"THE COUNCIL OF THE EUROPEAN UNION

RECALLS its Resolution of 14 January 1974 on the coordination of national policies and the definition of projects of interest to the Union in the field of science and technology which established a Scientific and Technical Research Committee (CREST)<sup>1</sup>, replaced by Council Resolution of 28 September 1995 on CREST<sup>2</sup>;

RECALLS relevant Articles of the Treaty on the functioning of the European Union concerning the objectives of the Union research policy and competence sharing between the Union and the Member States in the field of research, in particular as regards new emphasis to the development of the European Research Area (ERA);

RECALLS its Resolution of 15 June 2000 establishing a European Research Area (ERA)<sup>3</sup> following the European Council of 23 and 24 March 2000 which agreed on the Lisbon Strategy;

RECALLS the conclusions of the European Council of 8 and 9 March 2007 which referred to the notion of well functioning knowledge triangle in the form of interaction between education, research and innovation, and of 19 and 20 March 2009 which called for urgent concrete measures to encourage partnership between business, research, education and training and to step up and improve the quality of investment in research, knowledge and education;

RECALLS its Conclusions of 30 May 2008 on the launch of the "Ljubljana Process - Towards full realisation of ERA" aiming to establish an enhanced governance for the ERA based on a long-term vision on ERA developed in partnership by Member States and the European Commission ("the Commission") with broad support from stakeholders and citizens;

RECALLS its Conclusions of 2 December 2008 on the definition of a 2020 vision for the European Research Area<sup>4</sup> which invited future Presidencies to take this vision and its potential evolution into consideration in the development of their proposals for the future governance of the ERA and stressed the need to use the full potential of existing coordination structures such as CREST in dealing with ERA initiatives;

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<sup>1</sup> Official Journal C 7, 29.1.1974, p. 2-4.

<sup>2</sup> Official Journal C 264, 11.10.1995, p. 4-5.

<sup>3</sup> Official Journal C 205, 19.7.2000, p. 1.

<sup>4</sup> Official Journal C 25, 31.1.2009, p. 1-4.

RECALLS the conclusions of the European Council of 11 and 12 December 2008, which called for the launching of a European plan for innovation, together with the development of the ERA and with reflection on the future of the Lisbon Strategy beyond 2010;

RECALLS its conclusions of 29 May 2009, to establish and regularly update a Roadmap for the implementation of the ERA Vision 2020 and to further engage in ensuring enhanced complementarity and synergies between Union policies and instruments such as the RTD Framework Programmes, the Competitiveness and Innovation Framework Programme, Structural Funds, the Ljubljana Process, the Common Framework on Education and Training and the Bologna Process;

RECALLS its resolution of 3 December 2009<sup>1</sup> on the Enhanced Governance of the European Research Area, which recognised the need to develop more coherent policy-making at European and Member State level; the need to establish the means to provide fresh and innovative impetus on the political level in order to be able to achieve the goals of the ERA; emphasised the need for regular exchange of views and interaction with the European Parliament, and considered that a revised mandate for CREST should be drawn up and approved by the Council by mid-2010, on the basis of principles as set out in paragraphs 11 and 12 of the resolution,

CONSIDERS that this more coherent policy making may also extend to research activities covered by the EURATOM Treaty, without prejudice to the procedures set up by this treaty and the powers of the bodies charged with implementing those procedures;

1. On this basis, and with a view to provide for better policy interactions relevant to the development of ERA:
  - (a) EMPHASISES the need for improved support for policy interactions in the Council with respect to policy issues in the areas relevant to the knowledge triangle; and, in this respect, also the need to consider how the Council configurations could best address Research, Innovation and Higher Education issues to contribute to the full realisation of the ERA;
  - (b) EMPHASISES the invitation to future Presidencies of the Council of the EU to consider convening well prepared and focused ERA Ministerial conferences when there is a clear added value in providing orientations for a strategic view on the ERA, as well as the agreement that such conferences could take the form of a broadened informal meeting of Ministers;

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<sup>1</sup> Official Journal C 323, 31.12.2009, p. 1-4.

- (c) INVITES the Commission to ensure that, in matters related to ERA, it provides a coherent and comprehensive consideration to research, innovation and education issues;
  - (d) EMPHASISES the need for regular exchanges of views and interaction with the European Parliament on ERA issues;
  - (e) ACKNOWLEDGES the current status of cooperation with countries associated to the Framework Programme.
2. With a view to implementing and developing the Council resolution of 3 December 2009 on the Enhanced Governance of ERA, AGREES that:
- (a) CREST is renamed the European Research Area Committee (ERAC) (hereinafter referred to as “the Committee”) in order to better align its role with the new emphasis given to the ERA by the Treaty on the Functioning of the European Union;
  - (b) The Committee is a strategic policy advisory body whose main mission is to provide timely strategic input to the Council, the Commission and the Member States on any research and innovation issue relevant to the development of the ERA and, in this respect, WELCOMES the Commission’s intention to pursue its active support to the Committee;
  - (c) The Committee's mission as set out in this Resolution will be duly taken into account in the review of all ERA related groups that has to be initiated before the end of 2010.
3. AGREES that, in order to develop the ERA Governance structure as stated above, an adjustment of the terms of reference of CREST is necessary, and accordingly replaces the resolution of 28 September 1995 with a new mandate as set out in ANNEX to this Resolution. EMPHASISES that this new mandate should be based on equal partnership to reflect the shared competence between the Member States and the EU, as well as on the joint commitment to bringing forward the agenda to fully realise the ERA. The new mandate will take effect upon adoption of this resolution by the Council. The Vice-Chair, elected among the Member States' representatives, shall be appointed, the Steering Board shall be set up and the rules of procedure shall be drawn up in accordance with paragraphs 10, 12 and 17 of the mandate. This should be done by the end of 2010.
4. AGREES to review the mandate of the Committee by the end of 2012.



ANNEX

MANDATE OF THE EUROPEAN RESEARCH AREA COMMITTEE (ERAC)

1. CREST changes its name to European Research Area Committee – ERAC (hereinafter referred to as “the Committee”) to better reflect its renewed role as a strategic policy advisory committee in the framework of the governance of the European Research Area.
2. The Committee’s main mission is to provide timely strategic input to the Council, the Commission and the Member States on any research and innovation issue relevant to the development of the ERA, on its own initiative or on the request of the Council or the Commission;
3. With respect to its strategic policy advice mission, the Committee shall, in particular:
  - (a) at an early stage, provide advice on the identification and design of strategic priorities for policy initiatives on research and innovation relevant to the development of the ERA, including the EU Framework Programmes and other relevant EU, national and intergovernmental initiatives;
  - (b) provide advice on broad orientations for possible future policies and interaction between existing policies, at international, European and national levels, to contribute to the development of the ERA;
  - (c) monitor the progress of ERA, while having regard to the principles of subsidiarity and complementarity, with special attention to the efficiency, accessibility, transparency and coherence of its different instruments and initiatives, including those defined in EU Framework Programmes, based notably on the criterion of European added value;
  - (d) identify needs for independent, quantitative and qualitative, assessment and evaluation of ERA related policies and use the results of relevant assessments and evaluations to make recommendations for a faster and better progress of the ERA;
  - (e) contribute to promoting the coordination of national research and innovation policies, where relevant, and to ensuring that national policies and Union policy are mutually consistent;
  - (f) contribute to preparing any ERA Ministerial conferences, convened and organised under the auspices of the Member States holding the Presidency of the Council of the European Union;

4. In addition to its main mission, the Committee shall also stimulate the voluntary evaluation of national policy mix and promote mutual learning exercises relevant to the ERA.-For these activities it may arrange for the set-up of voluntary ad-hoc temporary groups which shall carry out their work under the guidance of the Committee.
5. The Committee shall develop strategic interactions and coherence with other policy areas, in particular those related to the knowledge triangle; the Committee shall also strive to develop interactions and synergies with other relevant policy areas when appropriate.

### **Membership and observers**

1. The Committee shall consist of two high level representatives responsible for research and innovation policies from each Member State, and the Commission (the "Members").
2. The Committee may invite representatives of the countries associated to the Framework Programme to participate in its meetings as observers for relevant agenda items. It may also invite other observers, including Members of the European Parliament when relevant items so require.

The Committee shall meet regularly, at least four times a year.

### **Organisation**

1. The Committee shall be chaired by the Commission.
2. A Vice-Chair shall be elected among the Member States' representatives of the Committee by majority of its component members for a period of two years, renewable for another two year term.
3. The Secretariat of the Committee shall be provided by the General Secretariat of the Council.
4. The Committee shall have a Steering Board. It shall consist of the Chair and Vice-Chair of the Committee, assisted by the Commission services and the General Secretariat of the Council, a representative from each of the previous, present and next Member State holding the Presidency of the Council of the EU, as well as up to two Members elected among Member States' representatives by majority of the Committee's component members for a period of 18 months.

5. The Vice-Chair of the Committee shall act as the Chair of the Steering Board. The Steering Board shall prepare the provisional annual Work Programme and draft agendas of the Committee meetings, according to the rules of procedure. After the agreement between the Chair and the Vice-Chair of the Committee, these shall be submitted to the Committee for adoption.
6. The Steering Board shall rely upon the support of the Commission Services.
7. The Committee shall keep overview of other ERA related groups, which it shall cooperate with and consult, as necessary to attain its objectives. It can also base its deliberations on input from these groups. The Committee may also create temporary ad-hoc working groups with specific mandates to deal with questions relevant to its mandate.
8. Records and opinions of the Committee shall as far as possible record the consensual opinion of its Members and shall also make mention of minority views.
9. The Committee shall draw up its rules of procedure."

*Social dimension of the ERA - Council conclusions:*

[9450/10](#)

### **Simplified and more efficient research and innovation programmes**

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

### **Creating an innovative Europe**

The Council adopted conclusions on ways for 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).

Its 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: the funding for 2011 to 2013, the governance and the 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 at 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, monitoring of 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 the participation by the Community 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 the Baltic Sea region's sustainable development.

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 at mid-June, thus allowing the EU to contribute with up to 50 million euros for all the 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 the way forward of the ITER project on nuclear fusion research<sup>1</sup>, 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 the project for the European competitiveness.

With that purpose, the Presidency proposed to establish a task-force to analyze 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 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 reasonable technical risks, including cost assessment and cost containment policies, realistic timetable and sound management.

The ITER project is conducted under the terms of an international agreement<sup>2</sup> 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 the 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 Commissioner for research, innovation and science, Maire Geoghegan-Quinn.

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<sup>1</sup> <http://www.iter.org/>

<sup>2</sup> OJ L 358, 16.12.2006, p. 62–80.

**ANY OTHER BUSINESS**

**Electric mobility in Europe**

The Council took note of a joint declaration 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 center 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, on 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 foresees in its article 195 the possibility for the Union to complement the action of the member states for the promotion of the 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 Barnier gave a presentation on the communication « A digital agenda for Europe », published on 19 May<sup>1</sup>, 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 3<sup>rd</sup> 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.

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<sup>1</sup> [http://ec.europa.eu/information\\_society/digital-agenda/documents/digital-agenda-communication-en.pdf](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 launching of EIT's first three KICs (knowledge and innovation communities) corresponding to 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 on holding future discussions within the Competitiveness Council about 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 gathers currently 36 countries. It is primarily funded by the EU's research programmes.

**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](http://www.reto2030.eu)), the science and innovation challenges that should be met in the future.

The "2030 Challenge" is a participation process in which experts proposed scientific challenges for 2030. Citizens choose the challenges they think should be a priority and the results are transmitted 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 Roma 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 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 the joint action 2008/112/CFSP<sup>1</sup> 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 caused by the use, manufacture and traffic 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*).

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<sup>1</sup> 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 register - *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's regulations:

- regulation amending annex II to 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](#));
- regulation amending annexes II, III and IV to regulation 396/2005 as regards maximum residue levels for certain pesticides in or on certain products ([7069/10](#));
- regulation amending annexes II and II to regulation 396/2005 as regards maximum residue levels for certain pesticides in or on certain products ([8924/10](#));
- regulation amending annex I to 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 member to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([9509/10](#)).

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