



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 July 2012

**10606/12
ADD 1**

**PV/CONS 30
COMPET 361
RECH 205
ESPACE 25**

ADDENDUM to DRAFT MINUTES

Subject: **3169th MEETING OF THE COUNCIL OF THE EUROPEAN UNION**
"COMPETITIVENESS" (Internal Market, Industry, Research and Space)
held in Brussels on 30 and 31 May 2012

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

- 1. Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (Recast) (Text with EEA relevance) [First reading] (LA)**

PE-CONS 20/12 TELECOM 65 COMPET 181 MI 210 CONSOM 38
CODEC 848 OC 166
+ COR 1 (de)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

- 2. Regulation of the European Parliament and of the Council repealing Council Regulation (EC) No 1342/2007 on administering certain restrictions on imports of certain steel products from the Russian Federation [First reading] (LA)**

PE-CONS 17/12 WTO 120 COEST 108 STIS 4 UD 92 CODEC 825 OC 158

The Council approved the European Parliament's position at first reading and adopted the proposed act, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU).

- 3. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community [First reading] (LA)**

PE-CONS 19/12 ANTIDUMPING 18 COMER 73 WTO 123 CODEC 847
OC 165

The Council approved the European Parliament's position at first reading and adopted the proposed act, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207(2) of the TFEU).

AGENDA ITEMS

4. Proposal for a Regulation of the European Parliament and of the Council establishing a Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) (2014-2020) (First reading)

- Partial general approach
17489/11 COMPET 553 IND 152 MI 605
9636/12 COMPET 249 IND 83 MI 305 CODEC 1218

The Council reached a partial general approach on the COSME-programme as set out in doc. 10586/12.

5. Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System (First reading)

- Orientation debate
18899/11 ETS 22 MI 679 COMPET 629 EDUC 297 CODEC 2507
9960/12 ETS 15 MI 339 COMPET 279 EDUC 112 CODEC 1309

The Council held an orientation debate on the basis of the questions set out in the Presidency discussion paper in document 9960/12. Following this debate, the Presidency considers that there is broad support for the European Professional Card, but there is a need to further optimize it and ensure that possible administrative burdens are reduced as much as possible. Furthermore, support was expressed for the idea of a thorough overview of the regulated professions in Member States and the Presidency considers that a clear definition of the scope of the transparency exercise might be useful.

7. Proposal for a Directive of the European Parliament and of the Council on Public Procurement (First reading)

- Progress report
- Orientation debate
18966/11 MAP 10 MI 686
9696/12 MAP 43 MI 316 CODEC 1245

The Council took note of the progress report set out in document 9696/12 and proceeded to an orientation debate on the two issues of e-procurement and governance on the basis of the leading questions set out in Annex to this document.

8. (a) **Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading)**
- General approach
17795/11 CONSOM 196 MI 616 JUSTCIV 339 CODEC 2242
9698/12 CONSOM 69 MI 318 JUSTCIV 171 CODEC 1247
- (b) **Proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) (First reading)**
- General approach
17815/11 CONSOM 197 MI 617 JUSTCIV 340 CODEC 2243
9698/12 CONSOM 69 MI 318 JUSTCIV 171 CODEC 1247

The Council discussed the Presidency compromise package set out in doc. 9698/12 and agreed on a general approach, by a qualified majority (with the abstention of Germany and Romania). Germany has made a statement which is reproduced hereafter.

The consolidated text of the general approach, which includes a new sub-paragraph (g) to Article 2, second paragraph, can be found in doc. 10622/12.

Statement by Germany

"Although claims by airline passengers are in principle open to mediation, certain provisions do not fully satisfy the special requirements relating to air transport. Consequently, some adjustments still need to be made."

10. Horizon 2020 (First reading)

(a) Proposal for a Regulation of the European Parliament and of the Council establishing Horizon 2020 – The Framework Programme for Research and Innovation (2014-2020)

17933/11 RECH 410 COMPET 578 IND 162 MI 631 EDUC 283
TELECOM 197 ENER 389 ENV 919 REGIO 143 AGRI 826
TRANS 342 SAN 260 CODEC 2273
+ REV 1 (fi, sv)

□ Partial general approach

10218/12 RECH 160 COMPET 303 IND 94 MI 359 EDUC 118 TELECOM 106
ENER 186 ENV 383 REGIO 67 AGRI 336 TRANS 173 SAN 118
CODEC 1390

The Council reached a partial general approach on the Horizon 2020 Framework Regulation (doc. 10663/12). AT, BE, DE and SI, LT and MT asked for statements to be annexed to the Council minutes. The Commission reserved its position on the entire compromise proposal and also made two statements to the Council minutes. All the statements are reproduced hereafter.

Statements by Austria

On Energy Research

"Within the framework of the negotiations on the partial general approach on the Horizon 2020 regulation, Austria has repeatedly proposed to provide the conducting of research on evaluating the potential of a nuclear fission-free energy economy in this regulation. This Austrian proposal has not been taken up.

From Austria's point of view, investigating this issue is essential for further energy policy discussions in the EU, to which Horizon 2020 should make important contributions. Austria underlines that, like all scientific work, this is a process without any preconceived outcome and that it does not a priori aim at a scientific confirmation of the Austrian position on the issue of nuclear fission.

Austria wishes to stress that this issue is one of the prerequisites for Austria's possible agreement to the Euratom Framework programme 2014-2018."

On Human Embryonic Stem Cell Research

"With regard to funding of research on human embryonic stem cells by public funds, Austria has a clear position, consistent with Austria's position held within the 6th and 7th EU Research Framework Programmes.

Research funding by public funds requires compliance with high ethical standards. Austria takes the view that adult stem cells have to be given absolute priority over the funding of research involving embryonic stem cells. In addition, with a view to ECJ rulings made in the meantime concerning the issue of the patentability of embryonic stem cell procedures, it will have to be clarified whether funding such procedures should not be dispensed with in principle."

Statement by Belgium

on SPACE PART (page 74 Annex 1 Part II section 1.6)

"The EU-ESA Space Council and the EU Competitiveness Council (Internal Market, Industry, Research and Space) have established the main principles for governance of European space policy. On that basis, the EU, ESA and their respective Member States devise, develop and run European space programmes and projects, harmoniously and in full complementarity, while taking into account the need to make the best use of public money. This applies primarily to research work (scientific and technological) on space."

Statement by Germany and Slovenia

"Slovenia and Germany share the view that Europe needs strong research and innovation policy actions in favour of SMEs. Thus, we can support the introduction of a new dedicated SME instrument under "Horizon 2020" as such. However, we consider the possibility to fund single SMEs as a paradigm shift. The criteria of "transnational cooperation" has proved its value over the last decades and must not be abandoned.

Serious doubts regarding the principle of subsidiarity remain, the European added value of this new feature stays unclear and the goal of strengthening cooperation within Europe seems to be disregarded.

Therefore, we reject the proposal of using the SME instrument to fund projects involving only one single company as this does not promise a clear European added value."

Statement by Lithuania

on Article 16 (ethical principles)

"Lithuania supports the forthcoming programme for research and innovation, Horizon 2020. We believe the programme to be an important step towards economic and social progress. We recognise the importance and clear added value of the Horizon 2020 programme for EU competitiveness and for the development of research and innovation. Lithuania emphasises, however, that the use of human embryos to obtain stem cells is a sensitive issue that raises a number of concerns.

We consider that destroying embryos is ethically and morally unacceptable, and that embryonic stem cell research violates certain fundamental ethical values, as the destruction of a human embryo constitutes the destruction of a human being.

We take the view that under the Horizon 2020 programme certain ethical principles should be assessed: the protection of human dignity (Article 1 of the Charter of Fundamental Rights of the European Union) and the precedence of human interests and welfare over the interests of society and science (Article 2 of the Convention on Human Rights and Biomedicine).

Lithuania considers that the Horizon 2020 programme should not finance research connected with the destruction of human embryos, including research using human embryonic stem cells, and we therefore oppose the provisions of Article 16 of the proposal for a Regulation of the European Parliament and the Council establishing Horizon 2020 – The Framework Programme for Research and Innovation (2014-2020) that allow such research to be financed in certain cases."

Statement by Malta

on Ethical Principles

"Malta strongly welcomes the Proposal for a Regulation establishing the Horizon 2020 – The Framework Programme for Research and Innovation (2014-2020) as an important instrument to strengthen the scientific and technological basis of the Union and to further promote the economic growth, social inclusion and create jobs. The proposed Horizon 2020 Framework Programme will undoubtedly be a key tool in realising the European Research Area as well as in implementing the Europe 2020 Strategy Innovation Union flagship initiative and in delivering on the commitments made therein. In this context, Malta has been fully committed to and fully engaged in the negotiations aimed at shaping an inclusive Horizon 2020 Programme which rewards excellence and supports potential excellence.

In spite of this, it cannot agree with the fact, as outlined in Article 16 of the said Proposal, that activities that involve the destruction of human embryos are eligible for funding under the proposed Horizon 2020 Framework Programme for Research and Innovation.

Therefore, Malta invites the European Commission to abandon plans regarding the eligibility for funding of all research activities which include the destruction of human embryos.

It is also of the opinion that the approach envisaged by the proposed Horizon 2020 Framework Programme does not take sufficiently into account the therapeutic potential of human adult stem cells.

In this regard, Malta asks for a consequent commitment at the European level in order to reinforce the research on human adult stem cells. Furthermore, Europe should fully abide by the principle of subsidiarity and abstain from financing research activities involving matters of fundamental ethical principles, which differ among the Member States.

Malta also reserves the right to return to the content of Article 16 and to the subject of ethical issues in order to give more detailed guidelines regarding bioethical principles, taking due account of the opinion of the European Parliament and of the upcoming additional work on the Proposal for a Regulation laying down the rules for participation and dissemination in the Horizon 2020 and the Proposal for a Council Decision establishing the Specific Programme implementing the Horizon 2020."

Statement by the Commission

Reserves in the Horizon 2020 Presidency Compromise proposal

"The Commission fully reserves its position on the entire compromise proposal. Its reservation pertains in particular to: the split of Societal Challenge 6 into two challenges; a new activity line on Cultural Heritage in Societal Challenge 5; the financing of the EIT, in particular concerning the second allocation (Article 6 and Article 26), and the percentage of transfer of appropriations between priorities in order to respond to unforeseen situations (Article 6); specific information obligations to Member States (Article 22); the reference to GMES in Societal Challenge 5; the reference to ERAC, as well as other ERA-related Groups and the EPG (Article 12); the requirement for "in cash or in kind" indicative financial commitments as regards public-public partnerships (Article 20); the need to remove the adjective "close" before "association" under Future and Emerging Technologies, section 2.3; the need to include a reference to the "ICT and service industries" in Challenge 7, sections 7.1 and 7.3; the reference to "supply chains and transport modes" in Challenge 7, section 7.3; and, the role of the EU in space RTD as described in "Industrial Leadership", section 1.6."

Statement by the Commission

"Whilst the focus of the ERA-NET instrument as foreseen in Article 20 of the proposal for a Regulation establishing Horizon 2020 (the Framework Programme for Research and Innovation 2014-2020) will be on topping-up a joint call, the Commission is willing to consider how other ways of funding envisaged under Horizon 2020 could be applied to support the preparation and structuring of specific emerging Public-Public Partnerships that demonstrate clear European added value".

- (b) **Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in Horizon 2020 – The Framework Programme for Research and Innovation (2014-2020)**
17934/11 RECH 411 COMPET 579 ATO 151 CODEC 2274
- (c) **Proposal for a Council Decision establishing the Specific Programme implementing Horizon 2020 – The Framework Programme for Research and Innovation (2014-2020)**
17935/11 RECH 412 COMPET 580 IND 163 MI 632 EDUC 284
TELECOM 198 ENER 390 ENV 920 REGIO 144 AGRI 827
TRANS 343 SAN 261
- (d) **Proposal for a Council Regulation on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 – The Framework Programme for Research and Innovation**
17936/11 RECH 413 COMPET 581 ATO 152
+ COR 1
- Progress report**
10219/12 RECH 161 COMPET 304 ATO 78 IND 95 MI 360 EDUC 119
TELECOM 107 ENER 187 ENV 384 REGIO 68 AGRI 337
TRANS 174 SAN 119 CODEC 1391

The Council took note of the Progress Report as set out in doc. 10219/12.

11. European Institute of Innovation and Technology (EIT) (First reading)

- (a) **Proposal for a Decision of the European Parliament and of the Council on the Strategic Innovation Agenda for the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe**
18091/11 RECH 419 COMPET 589 EDUC 286 CODEC 2306
- (b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) 294/2008 establishing the European Institute of Innovation and Technology (EIT)**
18090/11 RECH 418 COMPET 588 EDUC 285 CODEC 2305
- Progress report**
10221/12 RECH 163 COMPET 306 EDUC 120 CODEC 1392

The Council took note of the Progress Report as set out in doc. 10221/12.

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