

6648/04 (Presse 62)

**PROVISIONAL VERSION**

2570th Council meeting

**- COMPETITIVENESS -**

**(Internal market, Industry and Research)**

Brussels, 11 March 2004

President : **Ms Mary HARNEY**  
An Tánaiste (Deputy Prime Minister) and  
Minister for Enterprise, Trade and Employment  
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<sup>1</sup> ▪ *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*  
▪ *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*  
▪ *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the above mentioned Council Internet site or may be obtained from the Press Office.*

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## **PARTICIPANTS**

The Governments of the Member States and the European Commission were represented as follows:

### **Belgium :**

Mr Berd GENTGES

Minister for Education and Training, Culture and Tourism (German-speaking Community)

### **Denmark :**

Mr Bendt BENDTSEN

Mr Helge SANDER

Minister for Economic Affairs, Trade and Industry  
Minister for Science, Technology and Development

### **Germany :**

Mr Georg Wilhelm ADAMOWITSCH

Mr Hansjörg GEIGER

Mr Wolf-Dieter DUDENHAUSEN

State Secretary, Federal Ministry of Economic Affairs and Labour  
State Secretary, Federal Ministry of Justice  
State Secretary, Research

### **Greece :**

Mr Dimitris RALLIS

Deputy Permanent Representation

### **Spain :**

Mr Ramón de MIGUEL Y EGEA

Mr Pedro MORENÉS EULATE

State Secretary for European Affairs  
State Secretary for Science and Technology Policy

### **France :**

Ms Noëlle LENOIR

Ms Claudie HAIGNERÉ

Minister attached to the Minister for Foreign Affairs, with responsibility for European Affairs  
Minister attached to the Minister for Youth, Education and Research, with responsibility for Research and New Technology

### **Ireland :**

Mr Michael AHERN

Minister of State at the Department of Enterprise, Trade and Employment (with special responsibility for Trade and Commerce)

### **Italy :**

Ms Letizia MORATTI

Mr Rocco BUTTIGLIONE

Mr Antonio MARZANO

Minister for Education, the Universities and Research  
Minister without portfolio, Minister for Community policies  
Minister for Production Activities

### **Luxembourg**

Ms Erna HENNICOT-SCHOEPGES

Mr Henri GRETHEN

Minister for Culture, Higher Education and Research, Minister for Public Works  
Minister for Economic Affairs, Minister for Transport

### **Netherlands :**

Mr Laurens Jan BRINKHORST

Ms Maria van der HOEVEN

Minister for Economic Affairs  
Minister for Education, Cultural Affairs and Science

### **Austria :**

Mr Martin BARTENSTEIN

Federal Minister for Economic Affairs and Labour

### **Portugal :**

Mr Carlos TAVARES

Ms Maria da Graça CARVALHO

Minister for Economic Affairs  
Minister for Science and Higher Education

**Finland :**

Mr Mauri PEKKARINEN

Minister for Trade and Industry

**Sweden :**

Mr Thomas ÖSTROS

Minister for Education

**United Kingdom :**

Ms Patricia HEWITT

Secretary of State for Trade and Industry and Minister for Women and Equality

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**Commission :**

Mr Frederik BOLKESTEIN

Member

Mr Philippe BUSQUIN

Member

Mr Mario MONTI

Member

Mr Erkki LIIKANEN

Member

Mr David BYRNE

Member

**The Governments of the Acceding States were represented as follows:**

**Czech Republic :**

Mr Miroslav SOMOL  
Mr Petr KOLAR

Deputy Minister, Ministry of Industry and Trade  
Deputy Minister, Ministry of Education, Youth and Sports

**Estonia :**

Mr Meelis ATONEN  
Mr Toivo MAIMETS

Minister for Economic Affairs and Communications  
Minister for Education and Science

**Cyprus :**

Mr Soteris SOTERIOU

Permanent Secretary, Ministry of Commerce, Industry and Tourism

**Latvia :**

Mr Kaspars GERHARDS

State Secretary, Ministry of Economic Affairs

**Lithuania :**

Mr Rimantas VAITKUS  
Mr Nerijus EIDUKEVIČIUS

Deputy Minister for Education and Science  
Deputy Minister for the Economy

**Hungary :**

Mr Péter GOTTFRIED

Head of State Secretariat for Integration and External Economic  
Relations, Ministry of Foreign Affairs

**Malta:**

Mr Edwin VASSALLO

Parliamentary Secretary, Ministry of Finance and Economic Affairs

**Poland :**

Ms Danuta HÜBNER

Minister, Office of the Committee for European Integration,  
Member of the Council of Ministers

**Slovenia :**

Ms Tea PETRIN

Minister for the Economy

**Slovakia :**

Mr László POMOTHY  
Mr František TÓTH

State Secretary at the Ministry of the Economy  
State Secretary at the Ministry of Education

**ITEMS DEBATED**

**CONTRIBUTION TO THE SPRING EUROPEAN COUNCIL MEETING**

The Council had an in-depth policy debate based on a wide range of issues affecting competitiveness at European level. Following the discussions, the Council approved the "Key Issues and Priorities Paper" as its contribution to the Spring European Council and requested the General Affairs Council to forward it to the Spring European Council.

In this Paper, the Council committed itself to undertaking a series of clearly defined actions aimed at enhancing competitiveness, developing the integrated approach, moving forward on regulatory reform and ensuring the right framework conditions exist for enterprise, entrepreneurship and industry. The key issues paper underlines the vital importance of investment in research and development and of innovation and stresses as well the full integration of the acceding Member States in all these efforts.

**STIMULATING ENTREPRENEURSHIP – Council Conclusions**

The Council adopted Conclusions on "Stimulating Entrepreneurship" as set out below:

“THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING the conclusions of various European Councils <sup>1</sup> calling for action to improve entrepreneurship and framework conditions for small businesses;
2. RECOGNISING that entrepreneurship is a major driver of innovation, competitiveness, employment and growth and that encouraging and training more people to become entrepreneurs are key requirements for the achievement of the Lisbon objectives;
3. WELCOMES the fact that the Commission's communication "Action Plan: The European agenda for Entrepreneurship" identifies principal areas where the environment for entrepreneurship needs to be improved, as well as a range of actions to create a more favourable environment for and to give a strong impetus to entrepreneurship by raising its general profile and WELCOMES the progress achieved in implementing the European Charter for small enterprises;
4. STRESSES that within the context of the integrated approach to competitiveness, the re are policy priorities including access to finance, training/education, and better regulation, which are crucial to the success of the relevant Community Action Plans and measures;
5. Considering the urgent need for concrete results to deliver these policy priorities, CALLS ON the Commission to set out a more ambitious timetable for undertaking these actions and ENCOURAGES Member States to exploit best practices, in particular those identified through the open method of coordination;
6. INVITES Member States and the Commission, within their respective competencies, to intensify efforts and take early action in:
  - improving education and training for entrepreneurship at all levels;
  - improving the regulatory environment, building on the "Better Regulation" Action Plan; the impact of proposed legislation on small businesses and entrepreneurs should be assessed, informed by systematic consultation; the cumulative effects of existing legislation should also be assessed, in order to reduce the greater relative burden on small businesses;
  - supporting and facilitating access to finance for entrepreneurs, in particular with regard to start-ups, transfers, innovative businesses and entrepreneurs in under-represented groups; concerns about the implications of the Basel II Accord for small businesses should also be taken into account;
  - ensuring that the State Aids framework is appropriately targeted towards addressing market failures that inhibit entrepreneurial and innovative activity;

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<sup>1</sup> Including Cardiff 1998, Lisbon and Feira 2000, and Brussels 2003.

- enhancing mechanisms to strengthen the dialogue between entrepreneurs and policy makers, and improving access to information;
- raising the profile of successful entrepreneurs and of entrepreneurship policies, including an examination of the feasibility of establishing a "European Centres of Enterprise" awards scheme;
- identifying and jointly agreeing appropriate indicators of performance and progress as a basis for the subsequent voluntary setting of targets for increased entrepreneurial activity, taking into account global markets;
- examining the European Charter for small enterprises in the light of priorities identified in the Commission's Entrepreneurship Action Plan, within the same timeframe as the mid-term review of the Lisbon strategy, in order to ensure that it reflects in a coherent way the specific needs of entrepreneurs and small businesses in an enlarged European Union;
- streamlining all reporting arrangements between the Member States and the Commission in respect of the Charter and other related instruments."

**REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTING OF  
CHEMICALS (REACH)**

The Council took note of a Presidency progress report (6200/04) and of remarks by Commissioner Liikanen on the state of play of the on-going examination of the REACH proposal in the ad-hoc Working Party.

Both the Competitiveness and the Environment Council will hold policy debates on REACH at their sessions in May and June, respectively.

It is recalled that the main goals of the Community's chemicals policy are to avoid chemical contamination of air, water, soil and buildings to prevent damage to biodiversity and to improve the health and safety of workers and the general public. It is aimed at preserving a sensitive balance between environmental benefits of REACH and its effects on the competitiveness of European industry.

**TDM FOR SHIPBUILDING**

The Council approved, by qualified majority, the Danish, Dutch, Finnish and Swedish delegations voting against, a Council Regulation concerning a temporary defensive mechanism (TDM) to shipbuilding.

Amending Regulation (EC) No 1177/2002, the new Regulation (6532/04) aims at prolonging, by a maximum of one year, until 31 March 2005, the use of limited contract-related operating aid to certain segments of the shipbuilding industry subject to allegedly unfair competition from the Republic of Korea.

The existing TDM Regulation was adopted on 27 June 2002 after it had been shown that Community shipyards had suffered adverse effects from unfair Korean competition. It allows for a 6 % state aid to construction of container ships, chemical and product tankers and Liquefied Natural Gas carriers. It was originally launched as a measure for the period foreseen for resolving the dispute under WTO rules between the Community and Korea. However, the dispute settlement has taken a longer time than expected, although it is hoped that it will be concluded by the beginning of 2005. The Commission has therefore proposed a prolongation of TDM, which will terminate either when the WTO dispute is settled or on 31 March 2005, whichever is the earlier.

**REGULATION ON CONSUMER PROTECTION CO-OPERATION**

The Council took note of a progress report as well as of interventions made by some delegations and Commissioner Byrne on the state of play on the draft Regulation on co-operation between national authorities responsible for the enforcement of consumer protection laws. The Council invited the Permanent Representatives' Committee to pursue examining this file with a view to reaching a first reading agreement with the European Parliament.

The proposal aims at providing for co-operation between the enforcement authorities in dealing with intra-Community infringement that disrupt the internal market, and at contributing to an improved enforcement of consumer protection laws as well as to the monitoring of the protection of consumers' economic interests. The main issues dealt with in the progress report regard the designation and powers of the competent authorities responsible for the enforcement and the question of the overlapping between the administrative and the judicial measures taken in compliance with the Regulation.

It is recalled that a policy debate held by the EPSCO Council of 1 December revealed the worries of a number of delegations regarding on the one hand the creation of a cumbersome bureaucratically and financially structure and on the other hand the risk of interference with existing national systems. Taking into account these concerns, the Irish Presidency decided to draw up a compromise proposal and, in parallel, held informal contacts with the European Parliament.

**FRAMEWORK CONDITIONS FOR COMPETITIVE SERVICES INDUSTRIES -**

***Council Conclusions - Public Debate***

The Council had an exchange of views on the draft framework Directive on Services in the Internal Market, adopted by the Commission on 13 January 2004. Presenting the new proposal, Commissioner Bolkestein pointed out that it aims at establishing a legal framework to facilitate the exercise of establishment for economic service providers and the free movement of services in the internal market. Its main objective is, by eliminating certain obstacles to guarantee service providers and recipients legal certainty.

Having taken note of the presentation, the Council stressed the importance of the proposed Directive to which it will give high priority with a view to a speedy progress.

Preceding the debate, the Council drew Conclusions with regard to the Commission Communication on the competitiveness of business-related services, as set out below:

"THE COUNCIL,

1. RECALLING

- the crucial role of services in the European economy and their potential for productivity growth and employment creation, in particular in the context of achieving the objectives of the Lisbon strategy;
- the efforts being made in the context of the integrated strategy for competitiveness for improving the competitiveness of industry and business in general, promoting secure and favourable framework conditions and encouraging entrepreneurship;

2. WELCOMES the Commission's communication on "the Competitiveness of Business-related Services" <sup>1</sup> and their contribution to the performance of European enterprises" <sup>2</sup> and RECOGNISES that the measures identified by the Commission could contribute to increasing productivity growth and employment;

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<sup>1</sup> As defined in the Commission's communication, business-related services consist of four major groups of activities, namely business services, distributive trades, network services and financial services, performing in different market conditions.

<sup>2</sup> Doc. 15933/03 COMPET 82 MI 316 IND 182 ECO 270.

3. RECOGNISES that the proposed framework directive on services in the Internal Market constitutes an important element in improving the competitiveness of business-related services and UNDERTAKES to examine this proposal as a matter of priority;
4. WELCOMES, therefore, the intention of the Commission to establish a goal-oriented European Forum on business-related services for the purpose of effectively consulting stakeholders and other experts in its development of an Action Plan for business-related services;
5. In the light of the Commission's analysis and in the context of improving the competitiveness of business-related services, STRESSES in particular the need for action on a European level to:
  - develop the internal market and competitive framework conditions for business related services in order to improve competition, strengthen market integration and meet global competitive challenges;
  - promote continuous learning and updating of skills of the labour force and stimulate the integration of ICT into business processes in order to improve productivity;
  - improve the understanding of linkages between business-related services and other sectors of the economy, in particular the manufacturing industries and the public sector;
  - improve statistical information: business-related services are of considerable economic importance to the EU. Better data and economic analysis constitute essential instruments for achieving better knowledge and determining policy choices. Improvements in statistical information should be achieved whilst minimising the overall administrative burden;
  - encourage R&D and non-technological innovation, the establishment of voluntary standards for services products and the further development of business-related services in regional and local markets;
6. LOOKS FORWARD to the development of a well targeted Action Plan for business-related services and accompanying timetable and WELCOMES the intention of the Commission to present this early in 2005 to complement the measures contained in the proposed Framework Directive on Services."

**COMMUNITY PATENT**

The Council held extensive discussions on a limited number of questions still outstanding with regard to the proposal for a Council Regulation on the Community patent. In the absence of agreement on these issues, the Presidency concluded that it would reflect on how to proceed further.

**ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS**

The Council took note of information from the Presidency that the European Parliament voted on 9 March 2004 amendments to the proposal for a Directive on measures and procedures to ensure the enforcement of intellectual property rights. The Council will adopt the Directive as amended by Parliament in the next few weeks.

The Council welcomed the step forward which this first-reading agreement represents in the fight against piracy and counterfeiting and underlined that the new Directive will constitute a key element of the EU legal framework in the area of intellectual property rights and in the internal market at large.

**EUROPE AND BASIC RESEARCH – *Council Conclusions***

The Council, following an exchange of views on Europe and basic research during which it was agreed to return to this issue following further input from the Commission, adopted the Conclusions set out below:

“THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING

- The Commission Communication of January 2000 on the European Research Area;
- The conclusions of the Lisbon European Council of March 2000 which set a strategic goal for the European Union to become the most competitive knowledge based economy by 2010;
- Council Resolutions of 15 June 2000 on Establishing a European area of research and innovation and of 16 November 2000 on Making a reality of the European area of research and innovation;
- Council conclusions of 26 November 2002 on progress made in the development of the European Research Area (ERA) and on providing it with new momentum;
- The Commission Communication of 5 February 2003 on The role of the universities in the Europe of knowledge which examines the place and role of the European universities in society and in the knowledge economy;
- The Council resolution of 22 September 2003 on "Investing in research for European Growth and Competitiveness" which recognises that fundamental research is crucial for the sustainable development of the knowledge based society;
- The Resolution of the European Parliament of 18 November 2003 on Investing in research;

2. NOTES:

- The role of international and European scientific cooperation frameworks in promoting basic research, and the recent work undertaken by various high level and scientific groups on furthering excellence of basic research in Europe;

- The High Level Dublin Castle Symposium, held on 16/17 February 2004, on “Europe's Search for excellence in basic research” which, inter alia, recognised that there is a clear challenge for Europe to enhance its levels of creativity and excellence in basic research in the context of global competition and called for a European initiative to promote excellence in basic research; NOTES that the symposium took the view that such an initiative would require a specific funding within the 7<sup>th</sup> Framework Programme, and could imply a new mechanism which should have the full confidence and involvement of the scientific communities and be characterised by minimum bureaucracy;
3. ACKNOWLEDGES that the main objective of high quality basic research is the development and enhancement of knowledge, thereby contributing to the advancement of science and to promoting sustainable economic development, competitiveness and employment in the knowledge based economy; ACKNOWLEDGES also the positive impact that high quality basic research will have on society as a whole; REAFFIRMS therefore the importance of reinforcing support, also with the involvement of the private sector, to basic research in the context of the European Research and Innovation Area;
  4. WELCOMES the fact that the Commission, in its Communication "Europe and Basic research", examines the impact of basic research on the competitiveness, growth and quality of life in Europe and puts forward suggestions for exploring the means of strengthening Europe's performance in basic research;
  5. RECOGNISES the need to:
    - continue to work to improve the climate for the development of science and research careers in Europe and the key role of basic research in training researchers;
    - stimulate research excellence of world class quality in Europe in a wide range of sectors and disciplines, including social sciences and humanities, by encouraging more competition in science-driven research at European level selected on the basis of excellence;
    - improve the exploitation of results of basic research by supporting transfer of knowledge between researchers, centres of excellence and enterprises, with particular reference to the role of universities, as well as within society as a whole;
    - coordinate, on a voluntary basis, resources, approaches and instruments and to encourage cooperation with the best in the world to strengthen basic research at the European level, and to add value to existing national approaches wherever possible;
  6. ACKNOWLEDGES therefore the need, in the context of the preparation of the next research framework programme and taking into account an analysis of the respective merits of existing national approaches and a possible European initiative, to examine the case for specific funding within that Programme to support basic research of the highest quality. At the same time, an appropriate balance should be maintained with other priorities, approaches and activities in research, technological development and innovation;

7. NOTES the intention of the Commission to bring forward, by May 2004, an initiative on operational mechanisms which should add value to existing national approaches and provide a European dimension, with the objective of reinforcing the creativity and excellence of basic research in Europe, through encouraging more competition at the highest European level amongst individual research teams while enhancing cooperation between national programmes.”

**SPACE POLICY**

The Council had an exchange of views on European space policy on the basis of the Commission White Paper of November 2003, which outlines a detailed set of space policy actions and also suggests a road map for a "European Space Programme", as well as of the Communication on GMES (Global monitoring for environment and security).

Bearing in mind the need to have a co-ordinated approach by the Community, European Space Agency (ESA) and Member States in 2004, as outlined in the Commission's White Paper, Ministers examined the following questions:

1. the general approach and priorities of the White Paper and the respective roles and responsibilities of different actors, in particular the Community and ESA in the context of the EC/ESA Framework Agreement;
2. the time-scale of and approach to further development of space policies in the *short term* which could be discussed and undertaken jointly with the ESA, possibly via an informal "Space Council";
3. the aspects or lines of action of the White Paper on which the Commission could begin work during 2004;
4. the approach the Commission should have to ongoing and future space projects included under the Quick Start initiative, such as GMES (Global monitoring for environment and security).

Ministers agreed to pursue reflection on the issues raised in the Commission's Communication with a view to holding an informal joint meeting of the EU/ESA Council before of 2004.

**ITEMS APPROVED WITHOUT DEBATE**

**INTERNAL MARKET**

**Detergents – *Public Deliberation***

The Council approved the second reading amendments of the European Parliament on the compromise package concerning the proposal for a Regulation on Detergents, in view of the adoption of this act in the form of an amended common position (10595/03 + 16147/03).

The Regulation aims at modernising existing EU legislation on detergents to further protect the environment, more particularly as it improves requirements on the biodegradability of surfactants.

**EXTERNAL RELATIONS**

**West Bank and Gaza Strip – Financial and technical co-operation – *Public Deliberation***

The Council adopted a Regulation of the European Parliament and the Council amending Regulation 1734/94 on financial and technical co-operation with the West Bank and the Gaza Strip, as amended by the Parliament at first reading (PE-CONS 3619/04).

Modifications to Regulation 1734/94 take account of developments, in particular with regard to implementation of the "roadmap" for peace in the Middle East, with the aim of preventing any further deterioration of the Palestinian economy.

**TRADE POLICY**

**Textile quotas – EU enlargement**

The Council adopted a Regulation adjusting quantitative limits set under Regulation 3030/93 for imports of textile and clothing products in order to take account of the EU's enlargement to include ten new Member States as from 1 May (6046/1/04).

Adjustment of the quotas takes account of average imports into the new Member States over the last three years.

**FISHERIES**

**Accession of the Community to a Convention- request for assent.**

The Council decided to request the assent of the European Parliament concerning the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (6132/1/04). The assent of the European Parliament, on the basis of Article 300(2) and (3) of the Treaty is needed to adopt at a later stage the Council Decision on the accession of the Community to the Convention.

**TRANSPORT**

**Aviation - Passenger Name Record (PNR)**

The Council approved the submission to the ICAO Facilitation Division of a Working Paper (7236/04) on behalf of the European Community and its Member States. As one element in the wider context of the issue of government access to Passenger Name Record data, the working paper addresses the following aspects:

- the scope of data that may be used for aviation security and border control purposes;
- the practices that may be employed for the collection, processing, storage and transfer of such data;
- the technical implications in respect of the systems employed for the capture, processing, storage, and transfer of such data

**HEALTH**

**Pharmaceuticals – Review of the Community legislation\* - *Public deliberation***

The Council adopted a package of Community legislation on pharmaceuticals updating existing rules with the aim of responding to technical and scientific innovations whilst maintaining a high level of health protection and continuing to ensure the proper functioning of the EU's internal market in the pharmaceuticals sector (16151/03 + 16157/03).

The Council adopted the following texts, as amended by the European Parliament in second reading:

- Regulation on authorisation and supervision of medicinal products for human and veterinary use and on the European Medicines Agency (replacing Regulation 2309/03<sup>1</sup>);<sup>2</sup>
- Directive on the Community code relating to medicinal products for human use (amending Directive 2001/83/EC<sup>3</sup>);<sup>2</sup>
- Directive on the Community code relating to medicinal products for veterinary use (amending Directive 2001/82/EC<sup>4</sup>);<sup>2</sup>
- Directive on traditional herbal medicinal products (amending Directive 2001/83/EC).

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<sup>1</sup> OJ L 214, 24.8.1993.

<sup>2</sup> Adopted by qualified majority, with the Belgian delegation voting against.

<sup>3</sup> OJ L 311, 28.11.2001, p. 67.

<sup>4</sup> OJ L 311, 28.11.2001, p. 1.

The new legislation is particularly aimed at:

- responding to innovations, such as the development of new substances and therapies;
- enhancing the competitiveness of Europe's pharmaceutical industry, particularly small and medium-sized enterprises in the context of globalisation;
- ensuring the proper operation of the internal market, in particular in view of the EU's enlargement on 1 May;
- simplifying authorisation procedures and improving transparency;

while ensuring a high level of health protection, through the quality, safety and efficacy of medicinal products;

### **INSTITUTIONAL AFFAIRS**

#### **European Commission – Nomination of Stavros Dimas to succeed Anna Diamantopoulou**

The Council adopted a Decision nominating Mr Stavros Dimas as Commissioner until 31 October, to succeed Anna Diamantopoulou who resigned on 10 March (7235/04).

Mr Dimas was designated Commissioner by the Greek government following Ms Diamantopoulou's election to the Greek Parliament.

### **APPOINTMENTS**

#### **Office for Harmonisation in the Internal Market**

In the light of the Administrative Board's proposal and the comments of the President of the Office for Harmonisation in the Internal Market (Trade Mark and Designs), the Council adopted the Decision renewing the term of office of Mr von Mühlendahl as Vice-President of the Office (6807/1/04).