



An Roinn Post, Fiontar agus Nuálaíochta
Department of Jobs, Enterprise and Innovation

**REPORT OF THE
DEPARTMENT OF JOBS, ENTERPRISE
AND INNOVATION
TO THE OIREACHTAS**

**Under Section 2(5) of the European Union (Scrutiny) Act,
2002**

For the period from January to June 2011

September 2011

www.djei.ie

INTRODUCTION

Under the terms of the European Union (Scrutiny Act) 2002, Ministers must submit reports to the Oireachtas every six months on developments at European Union level under their area of responsibility. This Report summarises the key legislative and policy developments during the first six months of 2011 during which Hungary held the Presidency of the European Union.

This report has two parts. The first part sets out the principal developments in the policy areas which fall under the remit of the Department at EU level and provides an overview of the incoming Polish Presidency. The second part provides an update on the EU legislative proposals for which Information Notes were submitted to the Oireachtas Joint Committee on European Scrutiny under the European Union (Scrutiny) Act 2002, during the period from January to June 2011.

Part I – Developments in the EU

Competitiveness Council Issues

Meetings of the Competitiveness Council

The Competitiveness Council met on four occasions during the first half of 2011 under the Hungarian Presidency:

- 9th-10th March (Formal Council)
- 11th-13th April (Informal Council)
- 30th-31st May (Formal Council)
- 27th June (Extraordinary Meeting)

The main items discussed at the Formal Competitiveness Council meetings during the Hungarian Presidency included:

ANNUAL GROWTH SURVEY

The European Semester forms part of a new governance approved by Member States. It is a six-month period every year during which the Member States' budgetary and structural policies will be reviewed to detect any inconsistencies and emerging imbalances. The aim is to reinforce coordination while major budgetary decisions are still under preparation. The European Semester starts with the Annual Growth Survey, an analysis of progress on the Europe 2020 targets.

In January 2011, the EU Commission adopted a Communication entitled "Annual Growth survey: Advancing the EU's comprehensive response to the crisis", which provides the basis for the European Semester under the Europe 2020 Strategy for Growth and Jobs.

The March Council held an exchange of views on the research and industrial competitiveness aspects of the Annual Growth Survey. In the area of research and innovation discussions concentrated on two main areas: structural reforms in the areas

of education, research, innovation and entrepreneurship that can boost private investment into research and innovation; and the main challenges on the way towards reaching the EU 2020 headline targets for research and innovation.

In the area of industry and the internal market, discussions concentrated on: linkages between industrial competitiveness and the five headline goals of the Europe 2020 Strategy; the assessment of the Annual Growth Survey and the most urgent measures to be taken in the field of industrial competitiveness and EU initiatives that can best contribute to the implementation of the Europe 2020 Strategy.

PATENTS

The main obstacle to the creation of an EU patent is achieving unanimous agreement on the number of languages required to validate the EU patent. In March, Council authorised the launch of enhanced cooperation among EU Member States for the creation of a unitary patent protection following the European Parliament's consent to using this procedure on 15 February 2011. The enhanced cooperation is a procedure enshrined in the EU Treaty that allows a group of countries to adopt new common rules when EU-wide agreement cannot be reached within a reasonable period of time.

The use of enhanced cooperation was requested by 25 out of 27 Member States with the aim of establishing a single patent that will be valid across the territory of the participating member states. All Member States except Italy and Spain are in favour of the use of enhanced cooperation.

At the May Council a debate was conducted on the basis of a Presidency compromise text following two proposals submitted by the Commission on 13 April which included provisions to implement enhanced cooperation in the area of the creation of unitary patent protection. The first proposal prescribes how patent holders can obtain European patents with unitary effect that ensures uniform protection for their invention and the second contains the translation arrangements. An Extraordinary Competitiveness Council meeting, held in June, unanimously agreed on general approaches on the two draft Regulations.

The May Council also discussed the main elements of the creation of a unified patent litigation system on the basis of a document presented by the Commission, taking on board the opinion delivered by the European Court of Justice on the compatibility of the envisaged system with EU law.

The language regime for the future unitary patent system would be based on the language regime of the European Patent Office (EPO), where the official languages are English, French and German.

The existing European patent requires validation of the granted patent system separately in each and every EPO Member State, as well as a full translation of the patent in the official language of that Member state. The future unitary patent would be valid automatically throughout the territory of the EU Member States participating in the enhanced cooperation in the (EPO) language in which it has been granted.

Enhanced cooperation would remain open to non-participating countries, and access to the unitary patent on the territory of participating Member States would also be available to businesses from non-participating Member States.

SINGLE MARKET

The March Council held a debate on the Single Market Act (SMA), a two-year plan (2011-2012) of 50 initiatives aimed at ensuring continuous optimisation of the internal market and contributing to the successful implementation of the Europe 2020 objectives on stimulating employment and economic growth. The Commission conducted a public consultation and gave a presentation on the main findings of same.

Delegations expressed views on the criteria to be used for choosing an area for priority commitment by the institutions and the Member States and how best to define the priority actions for achieving the goals of the Europe 2020 Strategy in the most effective way.

In view of the debate, the outcome of the public consultation and the opinion of the European Parliament, on the 13 April, the EU Commission submitted a Communication identifying the 12 levers that can best contribute to untapping the single market's potential for growth and employment. The Communication sets out a timetable for the adoption of each lever. The 12 levers for growth and social progress include actions in the areas of workers' mobility, financing for small and medium-sized enterprises, consumer protection, the digital single market, energy taxation and trans-European networks. The Conclusions invite the Commission to put forward all these key actions before the end of 2011 and calls on all actors to commit themselves to adopting a first set of priority measures to give a new impetus to the single market by 2012.

SERVICES DIRECTIVE

The March Council adopted Conclusions on the mutual evaluation process of the Services Directive. The Directive provides for a mutual evaluation process which is a mechanism for systematic reviewing based on the results of the screening of national legislation (i.e. the identification, assessments and, when required, modification of requirements affecting service providers) carried out by Member States.

Following the publication by the Commission of an assessment of the ongoing process, the Council conclusions address the key findings of the results of the mutual evaluation process and consider the way forward, bearing in mind that the services falling under the scope of the Services Directive account for around 40% of the EU's employment and gross domestic product.

RAW MATERIALS AND COMMODITY MARKETS

The March Council examined a recent Commission Communication on Raw Materials and Commodity Markets and adopted Conclusions on the subject.

The Communication addresses present and future challenges concerning the supply of raw materials to the EU. The strategy for addressing these challenges is based on three pillars: developing a new EU raw materials diplomacy with a view to securing fair and sustainable access to raw materials on international markets; fostering

technologies for greater investment in Europe's own natural assets; and promoting resource efficiency and recycling in order to reduce demand for primary raw materials. The Council endorsed this approach by means of the Conclusions.

REVIEW OF SMALL BUSINESS ACT

At the March Council, the Commission gave a presentation on the mid-term review of the Small Business Act (SBA). The Communication has a focus on SME access to financing and on other Europe 2020 priorities. The nomination of a "Credit Ombudsman" is suggested to facilitate dialogue between SMEs and credit institutions, as well as a one-stop shop where SMEs could apply for EU, national and local grants.

By 2012, venture capital funds in any Member State should be able to invest freely in the EU via a new legislative regime. The Commission also proposes simplifying procedures for SMEs and introducing the "think small first" principle in EU structural fund criteria.

At the Informal Competitiveness Council in April, Industry Ministers had an opportunity to exchange views on this subject under various headings including smart regulation, internationalisation, access to finance, annual competitiveness report, SBA Advisory Group, SME Assembly and the establishment of SME envoys.

The May Council assessed the progress made in the first two years of the implementation of the Small Business Act for Europe (SBA) and adopted Conclusions.

These Conclusions set out new actions to respond to challenges resulting from the economic crisis and ways to improve the implementation of the SBA with the following areas to be addressed as a matter of priority; smart regulation, access to finance, better access to internal and international markets, entrepreneurship and enhanced governance.

EUROPEAN PRIVATE COMPANY

In May, the Competitiveness Council held a public debate on the creation of a European private company on the basis of a Presidency compromise proposal. The Council concluded that the compromise text failed to secure the unanimity required for the proposal to be approved. The proposal would establish the legal form of a future European Private Company also called "Societas Privata Europaea" or "SPE". The SPE would be a limited-liability company, i.e. its shareholders may not be liable for more than the amount they have subscribed for. As the SPE is a private company the shares of the SPE may not be offered to the public or be publicly traded.

The draft Regulation was presented by the Commission in 2008 as part of a series of measures in the Small Business Act for Europe and a first ministerial discussion took place in December 2009.

SIMPLIFICATION OF REPORTING RULES FOR MICRO-ENTERPRISES

In May, Council reached a political agreement on a Directive allowing member states to exempt very small enterprises (also known as "micro-entities") from accounting and financial reporting obligations.

The Directive is intended to facilitate the business environment by reducing administrative burdens. It will be forwarded to the European Parliament for a second reading under the ordinary legislative procedure. The debate focused on key elements of the draft Directive. The Directive provides that, in order to qualify as a "micro-entity", a company must not exceed the limits of two of the following three criteria on its balance sheet: a balance sheet total of €250,000, a net turnover of €500,000 and an average number of 10 employees during the financial year in question.

SMART REGULATION

In May, Council adopted Conclusions on "Smart Regulation", highlighting, among other elements, the continuous need to reduce administrative burdens for business to a minimum in order to allow them to work and compete more effectively.

These Conclusions build upon the Commission Communication on Smart Regulation, which emphasises a smart approach to legislation in the whole policy cycle, i.e. including the post-adoption, implementation and possible revision stages.

The Conclusions provide guidelines, addressed to National Governments, the European Parliament and the European Commission, for improving the implementation and enforcement of existing EU legislation, ensuring the quality of new legislation through impact assessments, simplification and reduction of unnecessary administrative burdens, in particular for SMEs and making EU law clearer, more easily understandable and accessible for all citizens.

Other Business

In March the Council took note of the following:

Internal Market Information System (IMI)

A presentation was given by the Commission of its Communication on the IMI system. IMI is an electronic application that allows national, regional and local European authorities to communicate quickly and easily with their counterparts across borders and the extension of this system is contained in one of the 50 proposals in the Single Market Act.

SOLVIT Annual Report

The Commission gave a presentation on the 2010 SOLVIT Report. The SOLVIT network aims to provide rapid and pragmatic solutions to cross-border problems caused by misapplication of EU rules by public authorities. The report gives a picture of the performance, development and main areas of focus of SOLVIT based on case-handling data collected from SOLVIT centres.

FIFTH CONSUMER SCOREBOARD

Information was given by the Commission summarising the outcome of the Fifth Consumer Scoreboard.

PUBLIC CONSULTATION ON COLLECTIVE REDRESS

The Commission launched a public consultation in February on collective redress in order to identify which forms of collective redress could fit into the EU legal system

and into the legal order of the 27 Member States. The consultation ran until the end of April 2011 and a Communication on the results will follow.

PUBLIC CONSULTATION ON ALTERNATIVE DISPUTE RESOLUTION (ADR)

The Commission launched a public consultation on ADR in January 2011 in order to research consumer and business awareness of ADR, possible involvement of the industry in ADR mechanisms and the scope and the funding of such mechanisms.

ELECTRONIC INVOICING IN EUROPE

E-invoicing is part of the flagship initiative "A digital agenda for Europe", which gives prominence to achieving a single digital market and calls for removal of the regulatory and technical barriers that hinder increasing use of e-invoicing. Existing rules governing e-invoicing in Europe are still fragmented along national lines and most of the potential of e-invoicing is still untapped. Exchanging e-invoices is still too complex and costly, in particular for small and medium enterprises (SMEs). The massive use of e-invoicing within the EU would lead to significant economic benefits. It is estimated that moving from paper to e-invoices would generate savings of around EU 240 billion over a six-year period.

CHEMICAL INDUSTRY

The Commission provided information on the situation of the chemical industry in Europe. In 2007, the Commission set up a high-level group that issued 39 recommendations to support the competitiveness of the European Chemicals industries. In its Europe 2020 flagship initiative "An integrated industrial policy for the globalisation era," the Commission underlined the potential contribution of the chemicals industry to providing solutions to critical societal challenges.

CONSUMER RIGHTS DIRECTIVE

At the Extraordinary Competitiveness Council meeting in June, Council took note of the positive outcome of the European Parliament's vote of 23 June on a draft Directive for improving consumer rights which allows the formal adoption of the Directive after the summer. This will result in better protection for consumers from unfair practices, enhance consumer choice and will unlock cross-border trade and distance selling.

Research

Items arising at the March Council:

In March, Council adopted the conclusions on the interim evaluation of the EU's seventh framework Programme (FP7) for research activities (2007-2013) including the risk-sharing finance facility.

Conclusions on the preparations for the launch of a pilot European Innovation Partnership on "Active and healthy ageing" were also adopted. European Innovation Partnerships (EIPs) as part of the Innovation Union flagship initiative lays down a new approach to European research and innovation intended to tackle common societal challenges, active and healthy ageing being one. The launch of an EIP on active and healthy ageing as a pilot case will enable the performance of this new concept to be tested for possible future EIPs.

Euratom Framework Programme for Nuclear Research (2012-2013)

At the Extraordinary Council meeting in June Council took note of the invitation to confirm the agreement on a general approach for extending, for a two-year period, the European Atomic Energy Community (Euratom) framework programme for nuclear research. A debate on this subject was held at the May Council and a progress report was endorsed. This new decision will extend the Euratom Programme which expires at the end of 2011 in order to align it with the end of the EU's current financial cycle in 2013. The Euratom framework programme is organised in two parts corresponding to actions on fusion energy research and nuclear fission and radiation protection and to research activities of the Joint Research Centre.

The extension of the Euratom framework programme 2012-2013 will continue to contribute to the implementation of the "Innovation Union" strategy by enhancing competition for scientific excellence and accelerating the deployment of key innovations in the nuclear energy field, notably in fusion and nuclear safety, and will contribute to tackling energy and climate change challenges.

Common Strategic Framework for Research and Innovation

Council heard a presentation on the Commission's Green Paper "Towards a common strategic framework for EU research and innovation funding", which sets out possible ways of enhancing the coherence and effectiveness of EU research and innovation funding in order to maximise its contribution to post-crisis recovery, address major societal challenges, increase the competitiveness of EU industries and make Europe a global powerhouse of cutting-edge research.

Items arising at the May Council:

European Research Council

Commissioner Máire Geoghegan Quinn presented this topic. Council were provided with an information note on progress in the evaluation of the European Research Council (ERC). The evaluation, due to be completed by July 2011, will assess whether the ERC's structure can be improved.

Joint Technology Initiatives

The Commission updated Ministers on the follow-up to the evaluation of ENIAC and ARTEMIS, two public-private partnerships for collaborative research in the fields of nanoelectronics and embedded computing systems. Commissioner Nellie Kroes presented this item and the Council took note.

European Institute for Innovation and Technology (EIT) - Strategic Agenda

The Council took note of the preparations underway on the strategic innovation agenda of the EIT. Commissioner Vassiliou announced that the Commission will present a proposal to the Council and the European Parliament before the end of 2011, with a view to adopting the EIT's strategic innovation agenda for the next seven years.

Framework for future EU research and innovation programmes

The Council took note of information from the Commission on the state of play of preparation on the common strategic framework for future EU research and innovation funding.

Last February, the Commission launched a public consultation, which ended on 20 May, on the key issues to be taken into account for future EU research and innovation funding programmes. These programmes will be part of the proposals for the next multi-annual framework of the EU.

Commission Geoghegan-Quinn presented the Commission's analysis of the public consultation at a conference in Brussels on 10 June.

ITER experimental project on nuclear fusion research - additional funding 2012-2013

The Council took note of a presentation by the Commission on a proposal for amending the EU's current multiannual financial framework in order to address additional financing needs of the ITER project. The initiative proposes a budgetary redeployment in order to provide additional funds for ITER, whilst keeping unchanged the overall ceilings for commitment and payment appropriations of the financial framework over the period 2007-2013. The final decision is to be approved by the European Parliament and the Council.

SPACE

The council took note of the outcome of the conference devoted to space research under the EU's framework programme for research (FP7), which took place in Budapest in May 2011.

Employment Social Policy, Health and Consumer Affairs Council (ESPHCA also known as EPSCO)

Employment Social Policy, Health and Consumer Affairs Council

The EU Employment and Social Policy Ministers met on four occasions in the first half of 2011 during the Hungarian Presidency:

- 17-18 January (Informal Council)
- 7 March (Formal Council)
- 19 May (Extraordinary Council)
- 17 June (Formal Council)

The Deputy Permanent Representative represented the Irish Government at the EPSCO Councils in January, March and May while Joan Burton, T.D. and Minister for Social Protection attended the June Council.

January Informal Council, 17-18 January 2011, Gödöllő, Hungary

The Hungarian Presidency's Informal EPSCO Council hosted two "workshops" for Ministers on better ways of integrating young people into the labour market and on employment-friendly recovery in EU markets. The Lunchtime discussion on 18th January focussed on reducing regional labour market disparities so as to boost the chances for European regions lagging behind. Ministers concentrated on the obstacles to the labour market integration of young people, held an exchange of views on their countries' strategies to facilitate the employment of young people and discussed the Commission flagship initiatives 'Youth on the Move' and "New Skills". Ministers also focussed on how to better link employment and economic policies in the interest of job-creation and what structural reforms could contribute to this aim at times of fiscal consolidation. Commissioner Andor presented the recently adopted first Annual Growth Survey and Joint Employment Report findings.

March 2011

The EPSCO Council met on 7th March in Brussels. The Commission was represented by Vice-President Viviane Reding, EU Justice Commissioner and László Andor, Commissioner for Employment & Social Affairs. The Council was primarily concerned with preparations for the Spring European Council. In this regard, the Council held a policy debate on and adopted related Reports and Council Conclusions on the Annual Growth Strategy and Joint Employment Report, the Guidelines for the Employment Policies of the Member States, the European Platform against Poverty and Exclusion, and the Social Dimension of EU2020. Council Conclusions were also adopted on the European Pact for Gender Equality (2011-2020). The Lunch break provided Ministers with an opportunity to discuss Active Ageing.

May 2011

An extraordinary session of the EPSCO Council was convened on 19 May to discuss the EU Framework for National Roma Integration Strategies up to 2020. The Council also adopted a Decision on guidelines for the employment policies of Member States. These guidelines were adopted on 21 October 2010 under the Europe 2020 Strategy. By virtue of Article 148(2) of the Treaty on the functioning of the EU, their validity for 2011 needed to be confirmed by this Council Decision

June 2011

The EPSCO Council met on Friday 17th June in Luxembourg. The Commission was represented by Vice-President Viviane Reding, EU Justice Commissioner and László Andor, Commissioner for Employment & Social Affairs. Joan Burton, T.D and Minister for Social Protection, was in attendance. The Council was primarily concerned with the preparation of the Country Specific Recommendations for the June European Council. The Council held a policy debate on the Implementation of the Europe 2020 Strategy and the Country Specific Recommendations, endorsed the joint opinion of the Employment Committee (EMCO) and the Social Protection Committee (SPC) on the Examination of National Reform Programmes, EMCO's Employment Performance Monitor, and the EMCO opinion on the Agenda for New Skills and Jobs.

The Council also took note of progress reports concerning recent work on proposals to amend the Maternity Leave Directive and also the proposal for a Directive on equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. It was briefed by the Presidency on a decision to designate 2012 as the European Year for active ageing and solidarity between generations. The Council exchanged views on demographic change and family policies and it adopted conclusions on reconciling work and family life in the context of demographic change. Finally, the Council adopted conclusions on the Social Open Method of Coordination, tackling child poverty and promoting child well-being and on supporting the implementation of the European disability strategy 2010-2020.

Trade Issues (General Affairs and External Relations Council)

WTO Negotiations

The Doha Development Agenda Round of talks in the World Trade Organisation was launched in November 2001. These talks cover trade in agricultural goods, industrialised goods and services, as well as trade facilitation (smoother customs procedures) and rules (such as on anti-dumping and fisheries subsidies). An important aim of the talks is to ensure that the development aspects of international trade are fully realised. A revival in political interest at the end of last year to conclude the Round before the end of 2011 has not yet manifested into any significant development or breakthrough. Discussions in Geneva are continuing, with a view to preparing for the 8th WTO Ministerial Meeting scheduled to take place in December 2011.

EU Common Commercial Policy- Bilateral Relations: developments in the period January to June 2011.

Negotiations on EU Free Trade Agreements continue, notably, with Ukraine, which is expected to be finalised in 2011, Canada, India and Singapore, with which negotiations will soon be extended to cover investment protection, Mercosur, and Malaysia.

The Free Trade Agreement between the EU and the Republic of Korea was provisionally applied from 1 July. Dáil Éireann passed a motion on 21 July approving the terms of the Agreement, and final step in the process for Ireland is formal notification to the Secretariat General of the EU Council that national legal requirements and procedures have been completed.

The next six months will see quite a volume of trade legislation to be progressed, including the proposed new regulation for the Generalised System of Preferences (GSP), the proposed regulation on Bilateral Investment Treaties, the proposed two Omnibus regulations amending existing trade legislation to bring it into line with the post-Lisbon Treaty comitology rules, and a proposal for a regulation on Public Procurement identified in the Commission's 2011 work programme for delivery in the 3rd quarter.

Overview of Key Issues likely to arise in relevant sectoral Councils during the Polish Presidency (July - December 2011)

European Councils

Formal Councils: 17-18 October, 9 December 2011

Competitiveness Councils

Informal Council 20-21 July 2011

Formal Councils 29-30 September, 5-6 December 2011

ESPHCA Councils

Informal Council: 7-8 July 2011

Formal Councils: 3 October, 1-2 December 2011,

Foreign Affairs Council (Trade Formation)

26th September, 16th December 2011

The Polish Presidency's priority is to deepen the Single Market and to complete its formation so that its growth potential can be fully realised. Actions will focus on the implementation of initiatives set out in the **Single Market Act**. The Single Market Forum will provide a platform for supporting and developing the single market by raising awareness of entrepreneurs and citizens about their rights and opportunities.

A major conference is to take place in Krakow in October leading to a joint declaration on the internal market.

Special attention will be placed on the development of **e-commerce** and the full **implementation of the Services Directive**, ensuring the proper application of its provisions. It will support the European Commission in its work to improve the administrative cooperation between Member States (**Internal Market Information System – IMI**)

Poland will support the European Commission's initiatives that improves development opportunities for **SMEs** and their access to venture capital and third country markets.

The Presidency will aim to finalise work on the creation of a **unitary patent protection system** with the assistance of a Friends of the Presidency Group. This is highly ambitious given the legal complexities involved to ensure conformity with ECJ opinion on jurisdiction and so it might fall to Denmark to complete this work. In **copyright law**, they will work on a Directive on the licensing of orphan works to enable the publication of library resources or archives in a digital format. The Council must also prepare important conclusions to respond to the recently published Commission Communication on an Intellectual Property Rights Strategy for Europe while work will continue to the reviews of the Intellectual Property Enforcement Directive and Trademarks.

Poland plans to start negotiations on the European Commission proposal for applying **alternative dispute resolution mechanisms (ADR)** in order to enhance the position

of consumers and enable them to effectively enforce their rights. It also intends to launch discussions on a **Directive on package travel, package holidays and package tours**. A horizontal proposal on collective redress would link the areas of consumer protection and competition but this will only arrive at the end of 2011, too late for any follow-up by this Presidency.

It also intends to work on **amending the General Products Safety Directive** once a draft is presented.

As part of **SMART Regulation**, special attention will be placed on the impact assessment instrument applied in the legislative process including the possibility of assessing substantive amendments proposed during the co-decision procedure by Council and by Parliament. On **Company Law** measures will be taken to **merge certain business registers** as a technical tool facilitating access to information for entrepreneurs. They will complete the work on **micro entities** and are planning a conference on **Corporate Governance**.

It will also put emphasis on continuing the process of opening the European market to **trade** contacts with external partners. The need to scrap non-tariff barriers imposed by third countries, which obstruct or disable access to those markets for EU goods, investments and services will be of key importance. The Presidency will also support the European Commission in finalising a roadmap laying down further negotiations in remaining areas of the WTO Doha round, including modalities on market access for goods and services. It will chair a Council of Trade Ministers in December in Geneva in December 2011 to sign off on an expected but still unprepared minipackage on development and other issues.

With the exception of the Ukraine, it is not likely that any bilateral **Free Trade Agreements (FTAs)** will be concluded during the Polish Presidency; negotiations on the FTAs of key interest to Ireland - Mercosur, Canada, Singapore and India - will extend into 2012. The Negotiating Directives for three of these FTAs are being amended to broaden the scope to include an Investment chapter. This will be the first tangible manifestation of the Commission exercising its new competence in the investment area under the Lisbon Treaty. The Polish Presidency will inherit a substantial programme of legislative measures relating to trade - including a new Regulation for a **General System of Preferences**, a Regulation on **Bilateral Investment Treaties**, a Regulation on **Liability and Jurisdiction in Investment Protection**, two Trade Omnibus Regulations on trade comitology and a regulation on **Public Procurement** (crosscutting with work of the Competitiveness Council).

The Polish Presidency also intends to place special emphasis on measures that enhance cohesion and synergy between EU policies and initiatives to take full advantage of Europe's intellectual capital. On the Research agenda the theme is "Full use of intellectual capital as a main factor of EU economic growth and competitiveness".

It will engage in actions aimed at implementing the "Innovation Union" initiative, supporting the **creation of a sustainable and integrated European Research Area (ERA)**. A ministerial conference is planned on the functioning and governance of the

ERA as well as a conference on national and regional specialisation and the effects of the Cohesion Policy on science and innovation.

The Presidency intends to continue discussions about a **Common Strategic Framework for EU Research and Innovation**, including the next Framework Programme in this area. Its aim is to create an effective and coherent system of supporting research and development at EU, national and regional levels. It will aim to support activities that lead to the creation of a simpler and more harmonised Framework Programme, which will be consistent with other support instruments, especially instruments applied under the Cohesion Policy. Special attention will be paid to streamlining administrative and financial rules governing participation in the Framework Programme and its accessibility for small research teams and SMEs. In the context of the decision to extend the **EURATOM Programme**, the Presidency intends to conclude negotiations and bring about its adoption before the end of 2011.

The **Competitiveness Council** will be involved in developing industrial policy, with the Presidency particularly focussing on those elements of the flagship initiatives promoting industry: “**Industrial Policy for the Globalisation Era**” and a “**Resource Efficient Europe**” which are of key importance.

September’s Competitiveness Council debate will be on **Horizon 2020** – successor to the 7th Research Framework Programme – is the only budget focussed discussion currently planned for Sectoral Ministers. It is hoped the text of Horizon 2020 can be presented to the December Competitiveness Council as adoption is planned for end November. Conclusions on the launch of more **Joint Programme Initiatives (JPIs)** will also be prepared.

Because environmental regulations, including those designed to increase the efficient use of resources, have the potential to affect industrial competitiveness, the Polish Presidency has decided to devote time to discussing this issue. The theme of the Informal Competitiveness Council which took place in Sopot on the 21/22 July was on the Europe 2020 Flagship on “**Resource Efficient Europe**”. It is expected conclusions will follow in September. The objective is to make links to the Industrial Policy Flagship and to give industry perspective to complement deliberations of Environment Ministers.

The future of the **Lead Markets Initiative** and the concept of the **European Innovation Partnerships** will be the subject of a conference in Warsaw in October.

In addition, the Presidency will address the **future of space policy** with an optional future space programme.

The recently adopted **standardisation package** will also feature high on the agenda. Legislative aspects are to be addressed through **technical harmonisation** but a more political response will come through conclusions for the December Council. These will also react to two other significant Communications to issue this year – Corporate Social Responsibility and the Internationalisation of SMEs (the latter to also conclude a legislative element).

In relation to **Chemicals Policy**, discussions will continue on reducing the use of phosphates in detergents and precursors to explosives. The 5th anniversary of the adoption of the REACH Chemicals package will be marked by a conference.

The Presidency's priorities in the **Employment, Social Policy, Health and Consumer Affairs Council** are

- Intergenerational solidarity: towards Europe's demographic future;
- Active Europe (A working Europe);
- Civic partnership: public authorities and non-governmental organisations in the implementation of social policy goals.

Oversight of the ongoing processes in the Employment area under the Europe 2020 Strategy will be an overarching priority for the Polish Presidency. In this context, the implementation of the Strategy's flagship initiative "An Agenda for New Skills and Jobs" will be a specific priority. Legislative work will include a proposal **amending six Labour Law Directives** with a view to including seafaring workers or vessels within their scope. Work will continue on the proposals regarding the conditions of entry and residence of third-country nationals for the purposes of seasonal employment, and also on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. Work will also start on discussions concerning the amending of the **Directive on Electromagnetic fields (EMF)**, with the aim of having the new Directive adopted by April 2012. The review of the **European Globalisation Fund** will be initiated.

Work is to continue on measures to encourage improvements in the **safety and health at work of pregnant workers**. This is highly contentious and a likely tension point for relations between Parliament and Council. The EP amendments are unacceptable to most Member States, including Ireland. Some Member States view the Directive as an intrusion into an area of national competence but Ireland is broadly supportive of the original Commission proposals. The Polish Presidency will continue to progress work on the **Directive on Equal Treatment between persons irrespective of religion or belief, disability, age or sexual orientation**. Slow progress on this is expected as the practical implications of this wide-ranging Directive remain unclear. Within the context of *the Demographic Future of Europe*, the Presidency will promote measures facilitating **work-life balance**, including improved access to childcare and elderly care services. Work will also be initiated on work-life balance, to be prepared by the European Institute for Gender Equality.

The Presidency intends to assess the implementation of the **Consumer Policy Strategy 2007 –2013** and will start work on a **new Consumer Policy Strategy 2014-2020** which will set out the challenges of the EU in the field of consumer protection for the coming years. It will organise the European Competition and Consumer Day which will bring together the heads of European consumer and competition protection agencies.

Current Oireachtas Scrutiny Proposals – 2011

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
COM (2010) 397	Proposal for a Regulation of the European Parliament and of the Council providing for duty-free treatment for specified pharmaceutical active ingredients bearing an "international non-proprietary name" (INN) from the World Health Organisation and specified products used for the manufacture of finished pharmaceuticals and amending Annex I to Regulation (EEC) No 2658/87	13 th January 2011 No further scrutiny	Regulation (EU) No 1238/2010 of the European Parliament and of the Council was signed by the European Parliament and the Council on 15-12- 2010 and came into effect on 01-01-2011.
COM (2010) 597	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 648/2004 as regards the use of phosphates and other phosphorous compounds in household laundry detergents		This proposal is being discussed by the Technical Harmonisation Working Group and discussions are ongoing.
COM (2010) 681	Proposal for a Council Regulation amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products	27 th January 2011 No further scrutiny	Council Regulation (EU) No 1264/2010 was adopted on the 20 th December 2010 and applied from 1 st January 2011
COM (2010) 694	Proposal for a Council Decision establishing the European Union position in the WTO General Council with regard to a decision on a Transparency Mechanism for Preferential Trade Arrangements	27 th January 2011 Adopted, no further scrutiny	Proposal formally adopted by Agriculture and Fisheries Council on 13-12-2010.
COM (2010) 697	Proposal for a Council Regulation amending Council Regulation (EC) No 452/2007 imposing a definitive anti-dumping duty on imports of ironing boards originating, <i>inter alia</i> , in the People's		Council Implementing Regulation (EU) No 1241/2010 formally adopted by Environment Council on 20-12-2010.

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
	Republic of China and imposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China produced by Since Hardware (Guangzhou) Co., Ltd.		
COM (2010) 703	Proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of synthetic fibre ropes originating in India following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009	13 th January 2011 No further scrutiny	Council Implementing Regulation (EU) No 1242/2010 formally adopted by Environment Council on 20-12-2010.
COM (2010) 710	Proposal for a Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products	27 th January 2011 No further scrutiny	Council Regulation (EU) No 1265/2010 was adopted on 20 th December 2010 and applied from 1 January 2011.
COM (2010) 781	Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances		The proposed measure is under discussion at the Working Party on the Environment (WPE). Discussions commenced in January 2011 and have continued under the Polish Presidency. A first reading agreement by year end seems possible.
COM (2010) 782	Proposal for a Council Regulation amending Regulation (EC) No 1292/2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating in India	27 th January 2011 No further scrutiny	Council Implementing Regulation (EU) No 38/2011 formally adopted by the Economic and Financial Affairs Council on 18-01-2011.
COM (2010) 790	Proposal for a Council Decision authorising enhanced cooperation in the area of the creation of	27 th January 2011	Adopted at the Competitiveness Council meeting in March 2011.

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
	unitary patent	No further scrutiny	
COM (2010) 791	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws	27 th January 2011 No further scrutiny	Coreper approved the text of this technical proposal on 22 nd June 2011. The text has now gone to jurists linguists. There is no indication as to when the proposal will go to Council.
COM (2010) 800	Proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of okoume plywood originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 and terminating a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009	27 th January 2011 No further scrutiny	Council Implementing Regulation (EU) No 82/2011 formally adopted by the General Affairs Council on 31-01-2011.
COM (6) 2011	Proposal for a Council Decision on guidelines for the employment policies of the Member States		Decision adopted on 19 May 2011 at the ESPHCA Council-2011/308/EU. (These guidelines were adopted on 21 October 2010 under the Europe 2020 Strategy. By virtue of Article 148(2) of the Treaty on the functioning of the EU, their validity for 2011 needed to be confirmed by a Council Decision).
COM (2011) 24	Proposal for a Council Regulation terminating the partial interim review of the anti-dumping measures applicable to imports of certain polyethylene terephthalate originating, inter alia, in the Republic of Korea		Council Implementing Regulation (EU) No 167/2011 formally adopted by the General Affairs Council on 21-02-2011.

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
COM (2011) 29	Proposal for a Directive of the European Parliament and of the Council on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent		This is a proposal for a codification and recast of the Second Company Law Directive, as amended. Following discussions on technical aspects of the proposal between the Commission, Council and Parliament, the Commission plans to present a revised proposal soon. That revised proposal will be adopted by an accelerated procedure as it will make only minimal changes to the existing Second Company Law Directive, as amended.
COM (2011) 38	Proposal for a COUNCIL REGULATION amending Regulation (EC) No 1292/2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating in India		Council Regulations 1292/2007 formally adopted by the Transport, Telecommunications and Energy Council on 28-02-2011.
COM (2011) 48	Green Paper: From Challenges to Opportunities: Towards a Common Strategic Framework for EU Research and Innovation Funding		National consultation process concluded in April 2011, and a formal submission was sent to European Commission (EC) on 16 th May. EC currently assessing submissions from all MS and AC's, with an official proposal on FP8 (Horizon 2020) expected at end 2011.
COM (2011) 65	Proposal for a Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on		Council Implementing Regulation (EU) No 248/2011 formally adopted by the Competitiveness

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
	imports of certain continuous filament glass fibre products originating in the People's Republic of China		Council on 09-03-2011.
COM (2011) 79	Proposal for a Directive of the European Parliament and of the Council amending Directives 89/666/EEC, 2005/56/EC and 2009/101/EC as regards the interconnection of central, commercial and companies registers		This proposal is under discussion in Council Working Party Group. Discussions commenced in April 2011 and will continue under the Polish Presidency whose aim is to arrive at a common approach on the text by the end of 2011.
COM (2011) 82	Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures		Proposal under discussion in Council Working Parties on Trade Questions and Generalised System of Preferences. Indicative dates for adoption by the International Trade Committee (INTA) – 22-11-2011 and for the Parliament Plenary session– 12-12-2011.
COM (2011) 87	Propooal for a Council Regulation imposing a definitive anti-dumping duty on imports of tungsten carbide, tungsten carbide simply mixed with metallic powder and fused tungsten carbide originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 12285/2009		Council Implementing Regulation (EU) No 287/2011 formally adopted by the General Affairs Council on 21-03-2011.
COM (2011) 151	Proposal for a Council Regulation imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel bars originating in India		Council Implementing Regulation (EU) No 405/2011 formally adopted by the Council (written procedure) on 19-04-2011.

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
COM (2011) 164	GREEN PAPER: The EU corporate governance framework		The consultation was open until 22 July 2011. The Commission will issue a feedback statement summarising the results of the consultation in the Autumn.
COM (2011) 165	Proposal for a Council Regulation amending Council Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China		Council Implementing Regulation (EU) No 474/2011 formally adopted by the Council (written procedure) 03-05-2011.
COM (2011) 185	Proposal for a Council Decision establishing the European Union position within the General Council of the World Trade Organization on the accession of the Republic of Vanuatu to the World Trade Organization		Council Decision was formally adopted by External Relations Council on 13-05-2011.
COM (2011) 191	Proposal for a COUNCIL REGULATION extending the definitive countervailing duty imposed by Regulation (EC) No 598/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive countervailing duty imposed by regulation (EC) No 598/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore		Council Implementing Regulation (EU) No 443/2011 formally adopted by Council (written procedure) on 05-05-2011.
COM (2011) 192	Proposal for a Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 on imports of biodiesel originating in the United States of		Council Implementing Regulation (EU) No 444/2011 formally adopted by Council (written procedure) on 05-05-2011.

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
	America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports of biodiesel in a blend containing by weight 20% or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore		
COM (2011) 197	Proposal for a Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of melamine originating in the People's Republic of China		Council Implementing Regulation (EU) No 457/2011 formally adopted by the Council (written procedure) 10-05-2011.
COM (2011) 198	Proposal for a Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of coated fine paper originating in the People's Republic of China		Council Implementing Regulation (EU) No 451/2011 formally adopted by the Council (written procedure) on 06-05-2011.
COM (2011) 201	Proposal for a Council Regulation imposing a definitive anti-subsidy duty on imports of coated fine paper originating in the People's Republic of China		Council Implementing Regulation (EU) No 452/2011 formally adopted by the Council (written procedure) on 06-05-2011.
COM (2011) 203	Proposal for a Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of zeolite A powder originating in Bosnia and Herzegovina		Council Implementing Regulation (EU) No 464/2011 formally adopted by the Council on 11-05-2011.
COM (2011) 207	Proposal for a Council Regulation amending Regulation (EC) No 1292/2007 imposing a		Council Implementing Regulation (EU) No 469/2011 formally

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
	definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating in India		adopted by the External Relations Council on 13-05-2011.
COM (2011) 209	Proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of furfuraldehyde originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 1225/2009		Council Implementing Regulation (EU) No 453/2011 formally adopted by Council (written procedure) on 04-05-2011
COM (2011) 210	Proposal for a Council Regulation amending Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating in the People's Republic of China and Thailand, and erminating the proceeding on imports of certain plastic sacks and bags originating in Malaysia		Council Implementing Regulation (EU) No 475/2011 formally adopted by the External Relations Council on 13-05-2011.
COM (2011) 215	Proposal for a Regulation of the European Parliament and of the Council implementing enhanced cooperation in the field of creating a unitary patent protection		<p>A common approach has been adopted by the Council on this proposal and COM (2011) 216.</p> <p>This Proposal is now before the European Parliament and has not been adopted yet. Proposed implementation date: 2013.</p>
COM (2011) 216	Proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements		<p>A common approach has been adopted by the Council on this proposal and Com (2011) 215.</p> <p>Proposal has not been adopted yet. Proposed implementation date: 2013.</p>

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
COM (2011) 224	Proposal for a Council Regulation amending Regulation EC No 521/2008 setting up the Fuel Cells and Hydrogen Joint Undertaking		Proposal currently being discussed at Council Research Working Group (RWG). Polish Presidency aims to get approval of European Parliament in September 2011 prior to formal adoption at the Competitiveness Council on 29-30 September 2011.
COM (2011) 231	Proposal for a Council Regulation amending Annex I to Regulation (EEC) No. 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff		Council Regulation (EU) No 555/2011 was adopted on 6 June 2011 and applied from 1 January 2011
COM (2011) 241	Proposal for a Regulation of the European Parliament and of the Council applying a scheme of generalised tariff preferences		Proposal under discussion in the Council Working Party on Generalised System of Preferences. No indicative date for first reading at European Parliament.
COM (2011) 245	Proposal for a Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals		The proposed measure is under discussion at the Working Party on the Environment (WPE). Discussions commenced in June 2011 and have continued under the Polish Presidency. The proposal is a “recast” initiative.
COM (2011) 259	Proposal for a Council temporarily suspending autonomous Common Customs Tariff duties on imports of certain industrial products into the Canary Islands		Proposal is still at adoption stage.

COM Number	Subject	Date Reviewed by Committee/Decision by Committee	Update
COM (2011) 261	Proposal for a Council Regulation terminating the anti-dumping proceeding on imports of polyester staple fibres originating in the People's Republic of China		Council Implementing Regulation (EU) No 554/2011 formally adopted by the Competitiveness Council 30-05-2011.
COM (2011) 269	Proposal for a Council Regulation amending Regulation (EU) No. 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products		Council Regulation (EU) No 630/2011 was adopted on 21 June 2011 and applies from 1 July 2011
COM (2011) 270	Proposal for a Council Regulation amending Regulation (EC) No. 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products		Council Regulation No 631/2011 was adopted on 21 June 2011 and applies from 1 July 2011
COM (2011) 289	Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of orphan works		Proposal is being discussed at the EU Council Working Party on Copyright. Most countries (including Ireland) are consulting with relevant stakeholders.
COM (2011) 315	Regulation of the European Parliament and of the Council on Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council.		Awaiting first reading in European Parliament.

COM (2011) 317	Proposal for a Council Regulation terminating the expiry review and 'the new exporter' review of the anti-dumping measures concerning imports of certain magnesia bricks originating in the People's Republic of China		Council Implementing Regulation (EU) No 616/2011 formally adopted by the Environment Council on 21-06-2011.
----------------	--	--	---