



**COUNCIL OF
THE EUROPEAN UNION**



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2731st Council Meeting

Competitiveness (Internal Market, Industry and Research)

Brussels, 29-30 May 2006

President **Mr Martin BARTENSTEIN**, Federal Minister for
Economic Affairs and Labour,
Ms Ursula HAUBNER, Federal Minister for Social
Security, Generations and Consumer Protection,
Ms Elisabeth GEHRER, Federal Minister for Education,
Science and Culture,
Mr Hubert GORBACH, Vice Chancellor and Federal
Minister for Transport, Innovation and Technology
of Austria

P R E S S

Main Results of the Council

The Council reached a political agreement on a draft directive on services in the internal market.

The Council reached an agreement on a general approach on the 7th framework programme for research and technological development - EC (2007-2013).

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- 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://www.consilium.europa.eu>.
- 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 abovementioned 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 Marc VERWILGHEN

Minister for Economic Affairs, Energy, Foreign Trade and Scientific Policy

Mr Fientje MOERMAN

Vice-Minister-President of the Flemish Government and Flemish Minister for Economic Affairs, Enterprise, Science, Innovation and Foreign Trade

Czech Republic:

Mr Martin TLAPA

Deputy Minister for Industry and Trade

Mr Petr KOLÁŘ

Deputy Minister for Education, Youth and Sport

Denmark:

Mr Bendt BENDTSEN

Minister for Economic Affairs, Trade and Industry

Mr Helge SANDER

Minister for Science, Technology and Development

Germany:

Mr Joachim WUERMELING

State Secretary, Federal Ministry of Economic Affairs and Technology

Ms Annette SCHAVAN

Federal Minister for Education and Research

Estonia:

Mr Edgar SAVISAAR

Minister for Economic Affairs and Communications

Greece:

Mr Christos FOLIAS

State Secretary for Economic Affairs and Finance

Mr Anastasios NERATZIS

State Secretary for Development

Spain:

Mr Alberto NAVARRO GONZÁLES

State Secretary for the European Union

France:

Ms Catherine COLONNA

Minister with responsibility for European Affairs

Ireland:

Mr Micheál MARTIN

Minister for Enterprise, Trade and Employment

Italy:

Ms Emma BONINO

Minister for European Affairs and Foreign Trade

Mr Fabio MUSSI

Minister for University and Research

Cyprus:

Mr Yiorgos LILLIKAS

Minister for Commerce, Industry and Tourism

Latvia:

Mr Aigars ŠTOKENBERGS

Minister for Economic Affairs

Ms Baiba RIVŽA

Minister for Education and Science

Lithuania:

Mr Kęstutis DAUKŠYS

Minister for the Economy

Mr Raimundas MOCKELIŪNAS

Deputy Minister for Education and Science

Luxembourg:

Mr Jeannot KRECKÉ

Minister for Economic Affairs and Foreign Trade, Minister for Sport

Mr François BILTGEN

Minister for Labour and Employment, Minister for Culture, Higher Education and Research, Minister for Religious Affairs

Hungary:

Mr Péter GOTTFRIED

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

Mr Miklós BODA

State Secretary, Ministry of Research and Technology

Malta:

Mr Censu GALEA

Minister for Competitiveness and Communications

Netherlands:

Ms Karien van GENNIP

Minister for Foreign Trade

Ms Maria van der HOEVEN

Minister for Education, Culture and Science

Austria:

Mr Hubert GORBACH

Vice Chancellor and Federal Minister for Transport,
Innovation and Technology

Mr Martin BARTENSTEIN

Federal Minister for Economic Affairs and Labour

Ms Ursula HAUBNER

Federal Minister for Social Security, Generations and
Consumer Protection

Ms Elisabeth GEHRER

Federal Minister for Education, Science and Culture

Poland:

Mr Piotr Grzegorz WOŹNIAK

Minister for Economic Affairs

Mr Michał SEWERYŃSKI

Minister for Education and Science

Portugal:

Mr Manuel PINHO

Minister for Economic Affairs and Innovation

Mr José MARIANO GAGO

Minister for Science, Technology and Higher Education

Slovenia:

Ms Andrijana STARINA KOSEM

State Secretary, Ministry of the Economy

Mr Jure ZUPAN

Minister for Higher Education, Science and Technology

Slovakia:

Mr László POMOTHY

State Secretary, Ministry of the Economy

Finland:

Mr Mauri PEKKARINEN

Minister for Trade and Industry

Sweden:

Mr Thomas ÖSTROS

Minister for Industry

Ms Kerstin ELIASSON

State Secretary, Ministry of Education, Research and
culture

United Kingdom:

Lord David SAINSBURY of TURNVILLE

Parliamentary Under Secretary of State for Trade and
Industry

Commission:

Mr Günter VERHEUGEN

Vice-President

Mr Janez POTOČNIK

Member

Mr Markos KYPRIANOU

Member

Mr Charlie MCCREEVY

Member

The Governments of the Acceding States were represented as follows:

Bulgaria:

Mr Rumen OVCHAROV

Minister for Economy and Energy

Ms Ekaterina VITKOVA

Deputy Minister for Education and Science

Romania:

Mr Zsolt BOGOS

State Secretary, Ministry of Economy and Commerce

Mr Adrian CIOCANEA

State Secretary, Ministry of European Integration

Mr Anton ANTON

State Secretary, Ministry of Education and Research

ITEMS DEBATED

BETTER REGULATION

In public debate, the Council held an exchange of views on the ongoing process of better regulation and took note of a Presidency progress report.

The progress report gives a short account of work in progress under the Austrian Presidency as regards impact assessments, simplification of legislation, screening of pending legislative proposals and assessing and reducing administrative costs.

SUSTAINABLE DEVELOPMENT

The Council held a policy debate on the review of the EU sustainable development strategy in relation to competitiveness aspects with a view to the European Council meeting on 15 and 16 June (9395/06, 9478/06).

The review is aimed at renewing the strategy for the next five years, whilst strengthening environmental protection, social equity and cohesion and economic prosperity, and ensuring that the EU meets its international responsibilities. A renewed strategy, to be adopted by the European Council in June, will comprise targets, indicators and a monitoring procedure, integrating both the internal and external dimensions of sustainable development. Work on the strategy is ongoing within eight of the Council's nine configurations.

In the light of the debates in the different Council configurations, the presidency will prepare a draft to be submitted to the European Council.

CREDIT AGREEMENTS FOR CONSUMERS

On the basis of a Presidency note and in public deliberation, the Council held a policy debate on a draft directive on credit agreements for consumers amending Council Directive 93/13/EC¹.

This proposal is aimed at establishing the conditions for a genuine internal market, ensuring a high level of consumer protection and improving the clarity of EC regulation by recasting the three existing Directives on consumer credit (87/102/CE², 90/88/CE³ and 98/8/CE⁴).

The European Parliament first-reading opinion was adopted in April 2004⁵ and the Commission presented a modified proposal in October 2005. The modified proposal is based on a full harmonisation approach but also leaves a certain degree of leeway in national implementation of a restricted number of provisions, taking into account existing heterogeneity as regards national markets or national legislation and the principles of better regulation.

In the questionnaire, the Presidency has addressed three sets of questions on harmonisation (point I), early repayment (point II) and cross-border comparability of consumer credit agreements (point III).

About point I, a large majority of Member States supported the full harmonisation approach as proposed by the Commission, in order to improve the functioning of the internal market in the area of consumer credit provided that such harmonisation does not deteriorate the level of consumer protection. Member States also expressed some doubts on the mutual recognition clause as proposed by the Commission in Article 21(2) of its proposal, notably as this principle could be disadvantageous to consumers.

The Council considered that the other points should be discussed at Working Group and Coreper levels.

The Commission confirmed the necessity to propose a harmonisation Directive aiming to achieve a true internal market with a high level of consumer protection. The Commission also stated its willingness to continue to work intensively with the Council, on the basis of the outcome of the policy debate.

¹ OJ L 095, 21.4.1993 p. 0029 - 0034

² OJ L 278, 11.10.1988 p. 0033

³ OJ L 061, 10.3.1990 p. 0014 - 0018

⁴ OJ L 150, 8.6.2002 p. 0071 - 0071

⁵ 8493/04

SERVICES IN THE INTERNAL MARKET

(see also specific press release 9926/06)

The Council reached by unanimity¹, in public deliberation, a political agreement on a draft directive on services in the internal market. The Council will adopt its common position at one of its forthcoming meetings after finalisation of the text and will forward it to the European Parliament for a second reading.

The proposal is aimed at improving the basis for economic growth and employment in the EU, achieving a genuine internal market in services in the EU by removing legal and administrative barriers to the development of service activities, strengthening the rights of consumers as users of services and establishing legally-binding obligations for effective administrative co-operation between Member States.

The Council's agreement is based on a compromise text, put forward by the Austrian Presidency which in substance is closely in line with the first reading opinion of the European Parliament² and the Commission's amended proposal³ based on that opinion.

The key features of the compromise relate to scope of application of the directive, provisions on freedom to provide services and the monitoring process of national requirements that can be imposed to services providers.

¹ The Belgian and Lithuanian delegations announced that they would abstain.

² 6275/06

³ 8413/06

7TH RESEARCH FRAMEWORK PROGRAMME: EC AND EURATOM

The Council reached an agreement on a general approach on the 7th framework programme (FP7) for research and technological development: EC (2007-2013) (9187/06), pending the European Parliament's opinion.

It also examined a draft text on the Euratom framework programme (2007-2011) with a view to reaching an agreement at a later stage (9481/06).

Following the inter-institutional agreement on the EU's budget for the 2007-13 period¹, a total of EUR 54.5 billion will be allocated for the FP7.

The FP7 (EC) is organised in four specific programmes, corresponding to four major objectives of European research policy:

- "Cooperation": on collaborative research, with more than EUR 32 billion;
- "Ideas": which includes the establishment of a European Research Council, that would receive EUR 7.5 billion;
- "Capacities": dealing with potential research capacities of EU small and medium-sized enterprises, with approximately EUR 4.2 billion; and
- "People": for human resources, receiving around EUR 5 billion.

The Euratom programme would get an allocation of EUR 2.7 billion for five years.

Council deliberations took place on the basis of a partial general agreement reached last November.

The new FP7 is aimed at helping to implement one of the EU's priority goals of increasing the potential for economic growth and of strengthening European competitiveness by investing in knowledge, innovation and human capital.

¹ The inter-institutional agreement reached in April between the Parliament, the Council and the Commission, increased in EUR 300 million (in 2004 prices) the FP7 budget for the whole period in relation to the consensus reached by the European Council on 16 December.

RULES FOR PARTICIPATION UNDER THE FP7

The Council reached an agreement on a general approach on a draft regulation laying down the rules for the participation of undertakings, research centres and universities in actions under FP7 (EC) and for the dissemination of research results for the period 2007-2013 (9180/06). The Parliament is still due to deliver its opinion according to the co-decision procedure.

The rules on participation define conditions, rights and obligations of legal entities wishing to take part in FP7 and establish principles for the use and dissemination of research results.

The Council held, on 13 March, a preliminary discussion on the proposal regarding the broad principles about the conditions for participation in projects, on the evaluation, selection and award process, as well as on the rules for dissemination and use and access rights.

The corresponding rules on participation in the 7th "Euratom" framework programme will be examined at a later stage.

EUROPEAN SPACE POLICY

The Council took note of information by the Presidency on the main results of the GMES (Global monitoring for environment and security system) conference held in Graz, Austria, on 19-20 April, as an input for the future elaboration of the European space programme (9182/06).

The Council took also note of information by the Commission on the state of play concerning developments towards the European space policy and the roadmap foreseen for future developments in this area.

Other business

– ***Promotion of industrial growth***

The Council took note of the information provided by Commission Vice President, Günter Verheugen, on competitiveness clusters to promote industrial growth and to strengthen the regions in Europe.

– ***REACH***

The Council took note of the information provided by the Presidency on the conference "REACH at the second reading" which was held in Vienna, 30-31 March 2006.

– ***Conferences related to consumer protection held during the Austrian Presidency***

The Council took note of the information provided by the Presidency (8826/06) on three events regarding consumer protection: 1) Workshop on Alternative Dispute Resolution on 23 February 2006, 2) Conference on "Effective legal redress - The consumer protection instruments of actions for injunctions and group damages actions" on 24 February 2006 and 3) European Consumer Day, 15 March 2006.

– ***Community action in the field of Health and Consumer protection 2007-2013***

The Council took note of a progress report on work ongoing concerning consumer protection aspects of the draft decision establishing a Programme for a Community action in the field of Health and Consumer protection 2007-2013. Commissioner Kyprianou informed the Council that the Commission will present a modified proposal of the Programme.

– ***Public procurement directives***

The Council took note of the information given by the Austrian, French and German delegations on the draft Commission interpretative communication on "Community law applicable to contract awards not or only partially covered by the Public Procurement Directives". The Finnish, Greek, Czech and United Kingdom delegations intervened in support of three above mentioned delegations.

– ***Euro V***

The Council took note of information from the French delegation (9479/1/06) concerning the proposal for a regulation « EURO 5 » aiming at limiting pollution emissions from light vehicles "Euro V". A number of delegations intervened in support of the French delegation.

– ***Tariffs on aluminium imports***

The Council took note of information from the Polish delegation on EU import duties on primary aluminium (9560/06) requesting the Commission the suspension of import duties on unwrought aluminium in order to eliminate uncompetitive practices in the EU market. The Czech, Hungarian, Italian, Latvian, Portuguese, Slovenian, Swedish and United Kingdom delegations supported this request while the German delegation stressed its opposition.

– ***Tourism***

The Council took note of oral information provided by the Presidency on the Tourism ministerial conference held in Vienna on 20-21 March. It also took note of the presentation by Commission Vice president, Günter Verheugen, of the communication "A new tourism policy: towards a stronger partnership for European tourism" (7669/06).

– ***Modernisation of universities***

The Council took note of information from the Commission on its recent communication: "Delivering on the modernisation agenda for universities: education, research and innovation" (9166/06).

– ***Fusion energy: ITER***

The Council took note of a report by the Commission on the state of play concerning the ITER project, following the finalisation of negotiations on the international agreement.

OTHER ITEMS APPROVED

INDUSTRIAL POLICY

EU manufacturing: towards a more integrated approach for industrial policy - *Council conclusions*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING the conclusions of the Spring European Council 2006¹, its previous conclusions², and the communication from the Commission "Implementing the Community Lisbon Programme: A policy framework to strengthen EU manufacturing – Towards a more integrated approach for industrial policy"³;
2. UNDERLINING the importance of a rapid and well coordinated follow-up to the Commission's Communication and a successful implementation of the seven horizontal and seven sectoral initiatives announced therein as an important contribution to achieve the goals of the Lisbon Strategy on growth and jobs; Community initiatives should take into account measures at national level reflecting the specific situation in individual Member States;
3. STRESSES the importance of combining the horizontal and sectoral dimensions of EU industrial policy and welcomes the well balanced working programme outlined in the Commission's Communication;

¹ 7775/06

² Council conclusions on "More research and innovation - Investing for Growth and Employment: a common approach", 29.11.2005, doc. 14604/05; "Industrial policy and structural change", 24.9.2004, doc. 12898/04; "Competitiveness and Innovation", 18.5.2004, doc. 9995/04; "Better regulation", 18.5.2004, doc. 9995/04; "The contribution of industrial policy to European competitiveness", 27.11.2003, doc. 15472/03; "Industrial competitiveness in an enlarged Europe", 13.5.2003, doc. 9341/03; "Strengthening Europe's Innovation Policy", 13.5.2003, doc. 9341/03; and on "SME policy for Growth and Employment", 13.3.2006, doc. 7309/06.

³ 13143/05.

4. EMPHASISES the need to benefit on a larger scale from potential synergies between different Community policy areas. Consequently, initiatives and proposals with major impact on the competitiveness of European industry should be identified so that they can be effectively and coherently dealt with in the Competitiveness Council together with other relevant Council configurations.
5. WELCOMES the setting up of the High Level Group (HLG) on competitiveness, energy and environment¹ with a view to further enhancing the coherence of these policy areas which are crucial for sustainable growth and employment in Europe, and looks forward to the recommendations of the HLG on key issues such as the functioning of energy markets and the EU emission trading scheme;
6. REAFFIRMS its view that an improved regulatory framework, both at EU level and in the Member States, is essential to enhance competitiveness by eliminating unnecessary administrative burdens and to address other burdens on European enterprises, especially on SMEs. Simplification of legislation, while respecting the *acquis communautaire*, and effective use of impact assessments in accordance with the Interinstitutional Common Approach agreed in 2005² are particularly important instruments for achieving the objectives of better regulation and thereby competitiveness and growth;
7. UNDERLINES that industrial policy in the EU is horizontal in nature and focuses on creating the right framework conditions for successful industrial development. At the same time, industrial policy shall address concrete problems, challenges and deficiencies facing specific industrial sectors. The Council looks forward, therefore, to receiving detailed and timely reports from the Commission on both existing and new sectoral initiatives set out in its communication.
8. STRESSES the need, in this context, to improve the pool of transferable and sectoral skills across European industry, thereby helping it to adapt to structural change now and in the future.
9. WELCOMES the Commission's initiation of a broad debate on the external aspects of competitiveness and their interface with the Lisbon Strategy. Aspects such as market access, intellectual property, regulatory issues, investment and public procurement are of particular importance in helping the EU address the challenges of globalisation.
10. INTENDS to regularly monitor progress made in implementing policy objectives set out in the Commission's Communication and to examine all relevant contributions provided by the Commission and the Member States, in particular as they are reflected in the indicative roadmap annexed to these conclusions.

¹ Commission Decision of 23 December 2005 (2006/77/EC).

² 14901/05, adopted by the Competitiveness Council on 29 November 2005.

Industrial policy 2006 – 2007 – Indicative roadmap	
Initiatives/Communications/Reports	
2006	
First half	<ul style="list-style-type: none">▪ Launch of individual industrial policy initiatives▪ Council conclusions on industrial policy
Second half	<ul style="list-style-type: none">▪ Competitiveness report▪ Communication on external aspects of competitiveness▪ Communication on market access▪ Communication on the competitiveness of the automotive industry
2007	
	<ul style="list-style-type: none">▪ Midterm review of life sciences and biotechnology strategy and action plan▪ Report on the competitiveness of the ICT industry▪ Report on shipbuilding▪ Communication on space▪ Communication on defence▪ Mid-term review: Communication on Industrial Policy

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EXTERNAL RELATIONS

Mauritania - Conclusion of consultations

The Council adopted a decision concluding consultations with Mauritania under article 96 of the ACP-UE agreement, initiated after the coup d'état in this country (8902/06).

Through this decision, the EU will notify to the Mauritanian authorities that cooperation activities under the 9th European development fund (EDF) will be resumed, as the EU considers that initiatives introduced by the transitional authorities will help strengthen the respect for democratic principles, fundamental freedoms and rights, the rule of law and good governance in the country.

However, the 10th EDF country strategy paper for Mauritania will not be signed by the EU before confirmation that the country has effectively returned to a constitutional order after free and transparent presidential and parliamentary elections.

The consultations started in Brussels in November 2005, where Mauritania gave a presentation on developments in the country's situation since the coup d'état of 3 August 2005, and on the authorities' programme for the transitional period.

The EU condemned the coup d'état as a violation of essential elements contained in the ACP-UE agreement. It engaged in a political dialogue with the transitional government of Mauritania which led to the opening of consultations under article 96 of the agreement in order to carry out an in-depth analysis of the situation with the Mauritanian authorities on the basis of their public commitment to transition towards a democratic state.

COMMON FOREIGN AND SECURITY POLICY

Burma/Myanmar - Restrictive measures

The Council adopted a regulation aimed at implementing common position 2006/318/CFSP renewing for a year the restrictive measures against Burma/Myanmar (8804/06).

The common position 2006/318/CFSP adopted on 27 April, maintains a visa ban and a freezing of assets to members of the military regime and other individuals, groups and undertakings associated with the military regime who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy. The restrictive measures also include a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises (*see press release 8402/06, p. 41*).

Given that these measures fall within the scope of the Treaty, a regulation is necessary to implement them as far as the Community is concerned, notably with a view to ensuring their uniform application by economic operators in all EU member states.

(See also statement of the EU Presidency of 26 May: 9834/06).

DEVELOPMENT COOPERATION

Reserve of the 9th EDF for long-term development

The Council adopted a decision on the position to be adopted by the Community within the ACP-EU council of ministers regarding a decision to reassign part of the reserve of the 9th European development fund (EDF) envelope for long-term development.

ENVIRONMENT

Shipments of waste*

The Council adopted unanimously a regulation on shipments of waste aimed at protecting the environment, by approving all the amendments passed by the European Parliament at second reading (*PE-CONS 3662/4/05, 9407/06 ADD1*).

The regulation establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

It will apply to shipments of waste between Member States, within the Community or with transit through third countries; imported into the Community from third countries; exported from the Community to third countries; and in transit through the Community, on the way from and to third countries.

The main objectives of the regulation are:

- to incorporate in Community legislation an OECD Council Decision¹ and the revised Basel Convention² on the control of transboundary movements of waste;
- to encourage harmonisation of the rules at international level in the field of cross-border shipments of waste;
- to resolve the problems that have arisen with the implementation of existing Community legislation in the field of the supervision and control of shipments of waste³.

The agreement reached with the European Parliament concerns in particular two key elements; the application of the regulation and ship decommissioning. With regard to the application of the regulation, the Member States are required to carry out physical inspections and to cooperate in the prevention and detection of ships carrying illegal waste. With regard to ship decommissioning, the regulation includes a Council declaration that the Member States will use their best endeavours to increase ship dismantling in the EU and that the Member States will do their utmost to ensure good progress in international negotiations to establish mandatory requirements at the global level.

The regulation will apply from 12 months after its publication in the Official Journal of the EU. It repeals regulation (EEC) no 259/93 and decision 94/774/EC with effect from the date of its application, as well as decision 1999/412/EC with effect from 1 January of the year following the year of its application.

ENERGY

Energy Community Treaty

The Council adopted a decision approving the Energy Community Treaty aimed at creating an integrated market in natural gas and electricity in South-East Europe (13886/1/05).

¹ Decision C(2001) 107 final of the Council of the OECD of May 2002.

² Basel Convention of 22 March 1989.

³ Regulation (EEC) No 259/93 must be replaced and its structure reorganised and simplified.

The treaty was signed by the EU and nine countries of South-East Europe - Albania, Bulgaria, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia and the United Nations Interim Administration Mission on behalf of Kosovo - in Athens on 25 October 2005.

EDUCATION

Agreement with the USA - Cooperation in the field of higher education

The Council adopted a decision approving the signature of an agreement between the EU and the USA renewing the cooperation programme in the field of higher education and vocational education and training (9019/1/06).

The agreement replaces the 2000 agreement between the EU and the USA renewing a programme of cooperation in higher education and vocational education and training.

It is aimed at:

- promoting mutual understanding between the peoples of the EU and the USA including broader knowledge of their languages, cultures and institutions; and
- improve the quality of human resource development in both the EU and the USA, including the acquisition of skills required to meet the challenges of the global knowledge-based economy.

The agreement will be concluded for eight years and may be extended or amended by mutual written agreement.
