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Competitiveness (Internal Market, Industry, Research and Space)

Luxembourg, 11 - 12 October 2010

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P R E S S

Main results of the Council

*In the context of the EU 2020 strategy for stimulating economic growth and employment the Council held, during a public session, a broad debate on the **functioning of the internal market**. In particular, the Council discussed on **translation arrangements for a future EU patent system**.*

*The Council also took note of information on the provisional agreement reached with the European Parliament on a draft directive for combating **late payments in commercial transactions**, which is aimed at establishing, as a general rule, a thirty day limit for payment of invoices in commercial transactions between undertakings.*

*Ministers examined the political structure of a **new European pact for innovation**, to be addressed at the December European Council summit.*

*The Council adopted conclusions on a new political framework for **tourism in Europe**, making use of the new opportunities provided by the Lisbon Treaty.*

*In the field of research, the Council approved the launching of **joint programming projects for research** in three areas corresponding to major societal challenges : agriculture, food security and climate change; cultural heritage and prevention of nutritional problems.*

*It also adopted conclusions on the **simplification of EU research programmes**.*

Without discussion, the Council adopted regulations:

- enhancing **rights to ship passengers'**;*
- establishing new measures for **preventing gas disruptions**.*

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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.
- Documents for which 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 Council's Internet site or may be obtained from the Press Office.

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ITEMS DEBATED

Functioning of the internal market: the "Single Market Act"

The Council exchanged views on the functioning of the internal market, following a presentation by the Commission on the main elements of the Commission communication: "Single market delivering smart sustainable and inclusive economic growth", expected to be released before end of October.

The communication, also called the "Single Market Act" (SMA), will be a two year plan (2011-2012) containing around fifty initiatives aimed at ensuring a continuous optimization of the internal market and intended to contribute to the successful implementation of the EU 2020 objectives for stimulating employment and economic growth.

The debate was conducted on the basis of a questionnaire drawn up by the Presidency ([13926/2/10](#)).

The Council looked into the process and instruments for checking periodically the implementation of the SMA. During the follow-up, particular attention will be given to the progress made to remove failures that will be identified in the SMA, as well as to the means and actions to promote competitiveness in each individual country and in the EU as a whole.

Particular measures should be taken in order to strengthen citizen's confidence in the internal market, with the objective to, notably:

- (1) ensure proper enforcement of internal market rules;
- (2) better explain the concrete advantages people can draw from it;
- (3) remove difficulties that citizens still encounter in dealing with the internal market rules; and
- (4) better coordinate actions to be carried out on a regular basis.

Ministers highlighted the importance of developing methods for assessing and monitoring the competitiveness of the EU in comparison with third countries, and ways to address difficulties that European companies face, including access to markets and intellectual property rights.

Many delegations also mentioned :

- the interest of establishing a list of priorities contributing to boost competitiveness;
- ways to ensure the overall coherence of different EU policies and measures related to the internal market; and
- the design of an ambitious timetable for implementation of the SMA.

The Presidency plans to propose a set of draft conclusions on the SMA for adoption by the Council at a forthcoming ministerial meeting.

In addition, the Council took note of the situation of the retail services in the internal market, following the conclusion of a monitoring report presented by the Commission ([11901/10](#)).

Future EU patent system: language regime

In public deliberation, the Council held a policy debate on a draft regulation aimed at establishing translation arrangements for a future EU patent system ([14377 /10](#)).

The outcome of the ministerial debate provides guidance and good basis for continuing work with a view to achieving an agreement as soon as possible on this long-standing file.

At the end of the debate the Presidency summed up the discussions along the following lines:

- "The Council has reiterated the importance of an enhanced patent system in Europe for boosting the competitiveness of our innovative industry and in particular of our SMEs;
- A very large majority of delegations supports the compromise proposed by the Presidency in document 14377/10, which should serve as basis for further discussions;
- Several delegations stressed the importance of the accompanying measures being made available by the time the EU patent system becomes operational, namely: a high quality system for machine translations of patent documentation into and from any EU language and the full compensation of the costs related to the translation of a patent application drafted in an EU language other than one of the EPO languages;
- A large majority of delegations underlined that the red lines for finding a final compromise are that no significant costs should arise from additional translations and that the new system should not result in legal uncertainty.
- The Presidency has received sufficient encouragement to intensify and accelerate work on this file with a view to reaching a successful outcome before the end of this year.
- Several member states mentioned the possibility of considering an enhanced cooperation, but the Presidency's ambition remains to find an acceptable compromise for all 27 member states.
- The Presidency plans to organise another ministerial meeting next November with a view to reaching an agreement."

The draft regulation is aimed at setting up the translation arrangements for the EU patent that are cost-effective (reducing the costs to ensure the accessibility to patent protection), simplified (less administrative burden and unnecessary complexity for the users) and ensure legal certainty (avoiding uncertainty caused by translations having legal effect), in order to stimulate innovation.

These basic principles are shared by all EU delegations, and the Belgian Presidency re-affirmed its commitment to intensify efforts in order to make them applicable together with the fundamental respect of the Union's linguistic wealth.

The original proposal ([11805/10](#)) builds on the existing language regime of the European Patent Office (EPO)¹. It proposes that EU patents, as all European patents, will be granted in one of the official languages of the EPO: English, French or German. The applicant would be free to choose between an EU patent and a "bundle" European patent. In the case of EU patents, only the translation of the claims into the other two EPO official languages would have to be provided by the applicant. No further translations would have to be provided by the applicant and no validation in the member states would have to take place to enforce the EU patent throughout the EU.

Under the current European patent system, the EPO examines and grants European patents, but for the granted patent to be effective in different member states, the patent holder has to request validation individually in each one.

The EU patent providing protection covering the entire EU is deemed necessary for the completion of the internal market for innovative products. The complexity and high costs of the validation process for European patents entail a fragmented system for patent protection in the EU with negative effects on the functioning of the internal market, as it is a major obstacle for innovative companies.

In December 2009, the Council adopted conclusions on a "Enhanced patent system in Europe" ([17229/09](#)). The conclusions state that "the EU patent regulation should be accompanied by a separate regulation, which should govern the translation arrangements for the EU patent adopted by the Council with unanimity. The EU patent regulation should come into force together with the separate regulation on the translation arrangements for the EU patent."

¹ <http://www.epo.org/>

New EU strategy for innovation

EU ministers discussed the essential elements of a new strategy for innovation, following a presentation of the Commission communication on a "Union for Innovation: the European potential in research and innovation in the light of the challenges posed by globalisation" ([14035/10](#)).

The outcome of the discussions, combined with the implementation of the EU 2020 strategy¹ and the development of the European Research Area, will feed into the preparation of the debate on innovation planned at the December 2010 European Council.

The presidency drew up a list of leading questions for separate discussions in order to better address the specificities of the industry- and research-related elements, respectively, that may be taken into account in the future innovation strategy([13976/10](#) and [13919/10](#)).

Ministers for industry concentrated, notably, on the current situation and the future evolution of financing conditions for innovative enterprises; whereas ministers for research concentrated mainly on ways for EU and national research programmes to better support innovation. Both configurations addressed the most appropriate methods for implementing and monitoring the "Union for Innovation" strategy.

Delegations welcomed the broad-based approach, definition, agenda and evaluation procedures proposed by the Commission and underlined the need of placing innovation at the core of the EU's internal market for boosting competitiveness. They agreed on the importance of identifying the main drivers for modernisation and for encouraging private investment in innovation, thus creating positive spill-over effects in the economy. Furthermore, the new strategy should contribute to remove bottlenecks that prevent innovative ideas from commercialisation.

The Presidency plans to submit a set of integrated conclusions for adoption at the 26 November Council meeting.

A preliminary joint ministerial session on an ambitious and integrated strategy for innovation took place at an informal meeting in Brussels on 15 July².

¹ "Innovation Union" is one of the flagship initiatives contained in the EU 2020 strategy for sustainable growth and jobs launched by the European Council on 17 June.

² <http://www.eutrio.be/pressrelease/research-and-industry-ministers-want-provide-europe-ambitious-and-integrated-strategy-r>

Tourism: new political framework for Europe

Following a presentation by the Commission on its communication proposing twenty-one new measures in support of tourism, the Council adopted the conclusions set up in document [13930/10](#).

The conclusions give endorsement to actions with European added value for promoting the tourism industry, a very promising sector in terms of turnover and employment potential.

Simplification of EU research programmes

The Council adopted conclusions on raising attractiveness of research and innovation programmes through simplification and increased efficiency.

The conclusions are reproduced in document [13959/10](#).

Joint programming for research in response to societal challenges

By way of conclusions ([13960/1/10](#)), the Council approved the launching of joint programming initiatives for research projects in the following three areas: agriculture, food security and climate change; prevention of diet-related diseases and cultural heritage.

* * *

Over lunch, ministers for industry together with commissioner Johannes Hahn, exchanged views on regional policy issues, following the publication of the Commission communication "Regional policy contributing to smart growth in Europe 2020" on 6 October (14679/10).

Over lunch, ministers for research together with commissioner Máire Geoghegan-Quinn, exchanged views on a new approach towards innovation partnerships, which is one of the key elements contained in the "Innovation Union" initiative.

ANY OTHER BUSINESS

Late payments directive

The Council took note of information by the Presidency on the terms of the provisional agreement reached with the European Parliament concerning a draft directive for combating late payments in commercial transactions. If it is confirmed by the October plenary session in the Parliament, the directive will establish specific deadlines for the payment of invoices and the right to compensation in cases of late payment in all commercial transactions irrespective of whether they are carried out between private or public undertakings or between undertakings and public authorities.

In its communication "Think small first: a Small Business Act for Europe", the Commission emphasized that small and medium-sized enterprises' (SMEs) access to finance should be facilitated and that a legal and business environment supportive to timely payments in commercial transactions should be developed. Public authorities having a special responsibility in this regard.

One of the priority actions of the "European Economic Recovery Plan" is the reduction of administrative burdens and the promotion of entrepreneurship by, inter alia, ensuring that, as a matter of principle, invoices, including to SMEs, for supplies and services are paid within one month to ease liquidity constraints.

Evaluation of competitiveness performance

The German delegation suggested to engage in future discussions within the various Council formations dealing with EU member states' competitiveness on how surveillance of macro-structural imbalances should be organised, in view of reinforcing economic policy coordination and on the role to be played by the respective Council formations within that process ([14280/10](#)).

Conference on "Consumers' economic rights"

The Council took note of information on the outcome of the High-level meeting on "Enforcement of the economic rights of consumers in the internal market", held in Brussels on 22 September ([13979/10](#)).

Informal ministerial meetings on industry and research

The Council took note of information regarding the outcome of the informal ministerial meetings that took place in Louvain-la-Neuve and in Brussels from 14 to 16 July ([14509/10](#)).

Efficient use of materials and resources

The Council took note of information concerning the sustainable use and management of materials and natural resources. The subject was discussed during the informal meeting of ministers for environment that took place in Ghent, Belgium on 12 and 13 July ([14514/10](#)).

Conference on "Energy challenges facing European industry"

The Council took note of the key messages delivered at the conference held in Spa, Belgium, on 16 and 17 September ([14530/10](#)).

ITER experimental reactor for nuclear fusion

The Council took note of information by the Commission on the state of play of the ITER project ([14727/10](#)).

Last July, the Council requested the Commission to examine measures that could result in an improved governance of the project as well as in cost savings whenever possible.

Scientific and technical cooperation with Africa

The Council took note of information by the Presidency concerning the scientific and technical cooperation with Africa, in preparation for the EU-Africa summit to be held in Libya on 29/30 November. It also took note of recommendations provided by the "Strategic Forum for International S&T Cooperation" aimed at strengthening the S&T dialogue and cooperation with Africa ([14521/10](#)). S&T development is recognised as a vehicle for poverty reduction, economic growth and socio-economic development.

Research joint programming in the fight against Alzheimer's

The Presidency updated delegations on the state of play of an ongoing project for joint programming on combating neurodegenerative diseases.

In December 2009 a pilot research project for joint programming was launched on combating neurodegenerative diseases, in particular Alzheimer's ([17226/09](#)), after a group of experts mandated by the Council drew up a list of priority themes eligible for joint programming initiatives corresponding to major societal challenges.

OTHER ITEMS APPROVED**ECONOMIC AND FINANCIAL AFFAIRS****Simplified rules on prospectuses for securities**

The Council adopted a directive aimed at simplifying rules on prospectuses for securities and on information about the issuers of transferable securities on financial markets, whilst at the same time upgrading investor protection ([29/10](#)).

For more details, see press release [14708/10](#).

Stronger rules for capital requirements and remuneration in the banking sector

The Council adopted a directive ([35/10](#) + [14218/10 ADD 1 REV 1](#))¹ aimed at:

- strengthening capital requirements and disclosure for the trading book and for re-securitisation instruments in the banking sector; and
- ensuring remuneration policies in the banking sector do not generate unacceptable levels of risk.

For more details, see press release [14673/10](#).

External auditor of the national central bank of Italy

The Council adopted a decision approving the appointment of Pricewaterhouse Coopers as the external auditor of the Banca d'Italia for the financial years 2010 to 2015 ([13691/10](#)).

Republic of Moldova - Financial assistance*

The Council adopted a decision aimed at granting up to EUR 90 million of macro-financial assistance with a view to supporting Moldova's economic stabilisation and alleviating its balance of payments and budgetary needs, as identified in the current International Monetary Fund programme ([44/10](#) + [14232/10 ADD 1](#)). The decision follows a Council-Parliament agreement at first reading.

¹ Draft directive amending directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies.

ENERGY

Security of gas supply

The Council adopted a regulation concerning measures to safeguard the security of gas supply ([30/10](#)), following a first-reading agreement with the European Parliament.

The aim of the regulation is to establish measures for safeguarding the security of gas supply by ensuring the proper and continuous functioning of the internal gas market and by providing a clear definition and allocation of responsibilities, as well as an efficient coordination of response at the level of the member states and the Union regarding both preventive action and the response to specific disruptions of supply.

The Commission presented its proposal in July 2009 ([11892/09](#)), in response to a call by both the European Council and the European Parliament for an accelerated revision of the existing directive in order to take into account the new developments in the Union's internal gas market.

AGRICULTURE

Forestry - Obligations of operators placing timber products on the market*

The Council adopted a regulation laying down the obligations of operators who place timber and timber products on the market ([33/10](#) + [14222/10 REV 2](#)). The Swedish delegation voted against the regulation and the Czech Republic and Portuguese delegations abstained from voting.

The new regulation provides that the placing on the internal market of illegally harvested timber or timber products derived from such timber should be prohibited. In addition, operators who place timber or timber products on the internal market for the first time should exercise due diligence through a system including three elements inherent to risk management: access to information, risk assessment and mitigation of the risk identified.

The adoption of the regulation follows an agreement with the European Parliament at second reading.

EMPLOYMENT POLICY

Mobilisation of the European Globalisation Adjustment Fund for four member states

The Council adopted four decisions mobilising a total amount of EUR 14.5 million under the European Globalisation Adjustment Fund (EGF), providing support for workers made redundant in Denmark, Spain, Portugal and the Netherlands as a consequence of the global financial and economic crisis and of major structural changes in world trade patterns. An amount of EUR 7.52 million is allocated for dismissed workers in the Danish manufacture industry of machinery and equipment for the shipbuilding sector, and EUR 2.75 million for workers made redundant in the Spanish automotive sector. A further EUR 2.41 million is intended for workers in the Portuguese information technology sector Qimonda, resulting from the insolvency of the German mother company. An amount of EUR 1.81 million is mobilised for dismissed workers in the Dutch enterprise NXP Semiconductors. The support measures must be co-financed by the member states and include, inter alia, training, professional orientation, job-search and assistance for entrepreneurship.

TRANSPORT

Reporting formalities for ships entering or leaving EU ports

The Council adopted a directive aimed at reducing the administrative procedures to be fulfilled when ships enter and depart from EU ports, facilitating thus maritime transport ([34/10](#)).

To achieve that goal, electronic transmission of data for complying with reporting formalities will be generalised. At the latest on 1 July 2015 member states will accept the reception of those data in electronic format via a single window, which links several electronic systems such as the EU's maritime information exchange system SafeSeaNet and the e-customs network. At the same date, the use of the paper format for reporting will be abolished. Member states will share relevant information through an electronic data exchange system; however, they may exclude data for customs and border control purposes from such exchange.

The directive, which replaces directive 2002/6 on the same subject, does not create any additional reporting requirements. Moreover, ships moving exclusively between EU ports are exempted from the reporting formalities, unless member states require specific information necessary to protect internal order and security or to enforce customs, fiscal, immigration, environmental or sanitary laws.

Member states will have 18 months after the entry into force of the directive to transpose it into national law.

Regulation on ship passengers' rights *

The Council adopted a regulation enhancing rights of ship passengers, with particular attention paid to passengers with disabilities or reduced mobility ([32/10](#) + [14223/10 ADD 1 REV 1](#)). The regulation provides for compensation and assistance when a journey is cancelled or delayed, and non-discrimination against and appropriate assistance for disabled passengers.

For further details see press release [14443/10](#).

Investigation and prevention of accidents and incidents in civil aviation

The Council adopted a regulation on investigation and prevention of accidents and incidents in civil aviation ([36/10](#)), which modernises the existing legal framework in this field.

The regulation ensures the conduct of expeditious and independent safety investigations, strengthens cooperation between national safety investigation authorities and provides for information and assistance to relatives of victims in the event of an accident.

Every accident or serious incident has to be investigated by an independent national authority, the aim being to prevent future accidents and not to apportion blame or liability. The member states' civil aviation authorities and the European Aviation Safety Agency (EASA) will also be involved in the safety investigations. When judicial investigations are instituted in parallel, they must be coordinated with, and respect the independence of, the safety investigations.

The current informal cooperation among national civil aviation safety investigation authorities will be transformed into a European network, which will have an advisory and coordination role, while responsibility for safety investigations will rest with the national authorities. The purpose of the network is to contribute to better implementation of EU civil aviation investigation legislation and enhanced availability of investigation capacity throughout the Union. Its tasks include exchange of information, promotion of best practices, sharing of resources and provision of assistance. The network will also facilitate cooperation with the Commission and EASA.

When an accident occurs, airlines have to make available a list of all persons on board as soon as possible, but at the latest two hours after the accident, so that relatives of persons on board can be informed without delay. Travellers will have the possibility to give the name of a person to be contacted in the event of an accident. Moreover, member states will draw up emergency plans which include assistance, and in particular psychological support, to the victims of an accident and their relatives.

The new law replaces directive 94/56, which laid the foundations of the European investigation and prevention system in civil aviation.