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Transport, Telecommunications and Energy – Telecommunications items only –

Brussels, 27 May 2011

President Zsolt Nyitrai
Hungarian Minister of State for Information and
Communication

P R E S S

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Main results of the Council

*The Council adopted a regulation extending the current mandate of the **European Network and Information Security Agency** for another 18 months, until 13 September 2013.*

*In addition, ministers held an exchange of views on **critical information infrastructure protection** and adopted conclusions on this topic.*

*The Council adopted conclusions on the **e-government action plan 2011-2015** aimed at promoting the take up of e-government services at local, regional and EU levels.*

*The Council also adopted conclusions on the **World Radiocommunication Conference 2012**, which will take place in Geneva from 23 January to 17 February 2012.*

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*Without discussion, the Council adopted a directive introducing harmonised EU rules for entities engaged in the management of alternative investment funds, such as **hedge funds** and private equity firms.*

*In addition, the Council adopted a directive aimed at preventing **falsified medicines** from entering the legal supply chain.*

*The Council also adopted a directive on **hazardous substances in electrical and electronic equipment**, extending protection from dangerous chemicals to more electrical appliances and improving the safety of products such as mobile phones, refrigerators and electronic toys.*

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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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Ms Neelie KROES

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ITEMS DEBATED

First radio spectrum policy programme

In a public session, the Council took note of the Presidency's progress on a proposal for a decision establishing the first radio spectrum policy programme (RSPP).

The Presidency presented a progress report ([10295/11](#)) to ministers, with the aim of informing them on the progress made during the Hungarian Presidency. It identifies the main areas where the Council has reached a high level of agreement and points out that there are a number of issues where an agreement in principle exists but which are likely to be discussed further, both within the Council as well as in the forthcoming negotiations with the European Parliament, which adopted its first reading at the beginning of May 2011.

The work of the Council's preparatory bodies focused in particular on the following issues: aim and scope, general regulatory principles and policy objectives, enhanced efficiency and flexibility, competition, spectrum for wireless broadband, spectrum needs for specific EU policies, the radio spectrum inventory and international negotiations.

The Commission presented its proposal ([13872/10](#)) in September 2010, as a part of the "broadband package"¹ aimed at helping the EU fulfil its commitments in the digital agenda for Europe ([9981/1/10](#)) to give every European access to basic broadband by 2013 and fast and ultrafast broadband by 2020. The RSPP proposal aims to establish a five-year policy programme to promote efficient radio spectrum management and, in particular, to ensure that sufficient spectrum is made available for wireless broadband, which will contribute to bringing fast connections to people in remote areas and to making innovative services available in the EU.

The work on this file will continue under the Polish Presidency.

¹ The broadband package contains measures designed to facilitate the roll-out and take-up of fast and ultra-fast fixed and wireless broadband in the EU. In addition to the RSPP proposal, it comprises a Commission Recommendation on Regulated Access to Next Generation Access networks and a Broadband Communication that sets out a coherent framework for meeting the Digital Agenda's broadband targets and, in particular, outlines how best to encourage public and private investment in fast and ultra-fast broadband networks.

European Network and Information Security Agency

In a public session, the Council adopted a regulation extending the current mandate of the European Network and Information Security Agency (ENISA) ([PE-CONS 12/1/11](#)) for another 18 months, until 13 September 2013. It also took note of the progress report on a draft regulation regarding a new modernised mandate for ENISA ([10296/11](#)).

The proposal regarding ENISA's duration amends the existing regulation 460/2004. Its extension would help to avoid a legal vacuum if the new mandate is not adopted before the expiry of the current one.

The Presidency's progress report on the ENISA modernisation proposal describes work done on this file during the Hungarian Presidency. It identifies the main areas of agreement, in particular on the following issues:

- a clear list of tasks that would allow the agency to focus on its core business, which should not include operational tasks;
- an agreement in principle that as regards cybercrime, ENISA should liaise and exchange know-how and best practices with EU bodies and provide advice on network and information security aspects that might have an impact on their work;
- the structure and the role of its bodies, for instance greater involvement of the management board in the planning of the main activities, priorities and objectives; the post of the executive director should be subject to an open competition;
- the planning of its work and its functioning.

During discussion, ministers addressed in particular the issue of the duration of the agency's mandate.

The Commission's original proposal can be found in [14358/10](#).

The work on this file will continue under the Polish Presidency.

Critical information infrastructure protection

The Council held an exchange of views on critical information infrastructure protection (CIIP) as follow-up to the Presidency ministerial conference that took place in Balatonfüred on 14 and 15 April 2011. The Council adopted conclusions on this topic. The text of the conclusions is set out in [10299/11](#).

The Commission communication on critical information infrastructure protection ([8548/11](#)) was adopted on 31 March 2011. It takes stock of the results achieved since the adoption of the CIIP action plan in 2009, launched to strengthen the security and resilience of information and communication technology infrastructures. It illustrates next steps for action at the EU and international levels. Cyber security and the protection of critical information infrastructures are vital for people and companies to trust the internet and other networks and are a key priority of the Digital Agenda for Europe ([9981/10](#)).

The conclusions welcome the Commission communication. They underline the importance of the development of National/Governmental Computer Emergency Response Teams (CERTs) and the elaboration of national cyber incident contingency plans as well as the organisation of national cyber exercises.

With regard to European cooperation, the conclusions focus on the need to strengthen cooperation among member states and contribute to the development of European incident cooperation mechanisms, organising pan-European exercises and encouraging dialogue on issues related to ICT security. Member states' efforts in international fora are very important. With a view to strengthening international cooperation in the field of global network and information security and establishing strategic international partnerships at bilateral and multilateral level, member states and the Commission are invited to work in close coordination.

The conclusions call upon ENISA to actively support member states in their efforts to develop their national capabilities and cooperate with each other. In this context, member states stress the importance of a rapid and appropriate modernisation of ENISA. Finally, stakeholders are invited to initiate, promote and participate in actions aiming to strengthen network and information security and to foster the security and trust of users in electronic communications, networks and services.

World Radiocommunication Conference 2012

The Council adopted conclusions on the World Radiocommunication Conference 2012 (WRC-12) of the International Telecommunication Union ([10301/11](#)).

The conference will take place in Geneva from 23 January to 17 February 2012. Its objective is to decide how the airwaves are defined, allocated and used without harmful interference between the various wireless services around the world, such as wireless broadband, air navigation systems, electronic news gathering, etc. The Commission adopted its communication on this topic in April 2011 ([8758/11](#)).

The conclusions welcome this Commission communication, and recall how the EU prepares for and negotiates at such conferences. Furthermore, the conclusions support objectives to be achieved in view of the successful implementation of relevant EU policies, which rely on radio spectrum availability. These policy objectives relate in particular to the following areas: the digital dividend, short-range devices, air traffic management systems, broadcasting satellite services, software defined radio and cognitive radios, electronic news gathering, scientific services and spectrum requirements for systems such as Galileo. The conclusions invite member states to seek to satisfy these objectives in the negotiations and invite the Commission to report rapidly on its results.

E-government action plan

The Council adopted conclusions on the e-government action plan 2011-2015. The text of the conclusions is set out in [10308/11](#).

The conclusions welcome the e-government action plan 2011-2015 presented in the Commission communication, adopted in December 2010 ([18135/10](#)), and highlight the points which are important in the Council's view. The action plan is aimed at promoting the take up of e-government services at local, regional and EU levels. It promotes the provision of a new generation of these services with a view to maximising the complementary nature of national and European policy instruments. Joint action on e-government will contribute to overcoming the economic crisis by using public resources more efficiently and reducing public expenditure.

The conclusions recognise in particular the need for open, flexible and collaborative e-government services designed and produced for the benefit and around the needs of citizens and businesses. They invite member states to take steps to increase the use of e-government services to 50% of EU citizens and 80% of EU businesses by 2015, especially through the development and improvement of e-government services and by raising awareness and building trust in these services among EU citizens. Furthermore, member states are invited to enhance security, privacy, and trust and confidence in these services by applying mutually recognised solutions and electronic identification. The member states are also invited to ensure professional training for national civil servants in order to enhance their e-skills for e-government tools usage to improve public services and reduce administrative burdens.

Other business

Ministerial meeting on the critical information infrastructure protection

The Council was briefed by the Presidency on the ministerial meeting on the critical infrastructure protection organised on 14 and-15 April 2011 in Balatonfüred.

Net neutrality

The Commission presented to the Council its communication on net neutrality ([9350/11](#)) adopted on 19 April 2011. When concluding the 2009 EU telecoms reform package, the Commission set out in a declaration (OJ L 337, 19.12.2009) its commitment to "preserving the open and neutral character of the internet, taking full account of the will of the co-legislators now to enshrine net neutrality as a policy objective and regulatory principle to be promoted by national regulatory authorities". The communication seeks to fulfil this commitment, recalled in the Digital Agenda for Europe communication, setting out what the Commission has learned as a result of its consultation and fact-finding processes and drawing the appropriate conclusions.

Work programme of the incoming Presidency

The Polish delegation informed ministers on its work programme.

OTHER ITEMS APPROVED

FOREIGN AFFAIRS

Republic of Moldova - trade preferences

The Council adopted at first reading, with no amendments, a proposal for a regulation introducing autonomous trade preferences for the Republic of Moldova.

ECONOMIC AND FINANCIAL AFFAIRS

Harmonising rules for alternative investment fund managers*

The Council adopted a directive introducing EU rules for entities engaged in the management of alternative investment funds, such as hedge funds and private equity firms ([60/10](#) + [9131/11 ADD 1](#)).

Adoption of the text follows an agreement reached with the European Parliament at first reading. Member states have two years to transpose its provisions into national law.

The directive is aimed at establishing common requirements for the authorisation and supervision of alternative investment fund managers (AIFM) and allowing AIFM to provide services throughout the EU single market, subject to compliance with strict requirements.

For details, see press release [10791/11](#).

HEALTH

Falsified medicines

The Council adopted a directive aimed at preventing falsified medicines from entering the legal supply chain ([3/11](#) + [10313/11 ADD 1 REV 1](#)).¹ It acts against the increase of falsified medicines detected in the EU and the public health risk which that poses. The directive amends directive 2001/83 and reflects a first-reading agreement with the European Parliament reached during the Belgian Presidency.

For details, see press release [10787/11](#)

¹ The Latvian delegation abstained.

ENVIRONMENT**Hazardous substances in electrical and electronic equipment***

The Council revised the directive on hazardous substances in electrical and electronic equipment. This will extend protection from dangerous chemicals to more electrical appliances and improve the safety of products such as mobile phones, refrigerators and electronic toys ([62/10](#) + [COR 4](#) + [8117/11 ADD 1 REV 1](#)).

For more information, please see press release [10789/11](#).

DEVELOPMENT COOPERATION**Food aid**

The Council adopted the EU position within the food aid committee concerning the extension of the food aid convention ([9876/11](#)). The current food aid convention, adopted in 1999, expires on 30 June 2011.
