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3335th Council meeting

Transport, Telecommunications and Energy

Luxembourg, 8 October 2014

President **Maurizio Lupi**
Minister for Infrastructure and Transport of Italy

P R E S S

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Main results of the Council

Port services

*The Council adopted a **general approach** on a draft regulation on market access to port services and financial transparency of ports. The new rules are expected to promote fairer competition and reduce legal uncertainties, thereby encouraging efficient port services and investment in ports.*

Road traffic offences

*The Council also adopted a **general approach** on a draft directive on the cross-border exchange of information on road traffic offences. This comes only five months after the Court of Justice annulled the previous directive on the grounds of an incorrect legal basis. "After the Court of Justice's judgment in May 2014, the Italian presidency swiftly conducted negotiations on the new legislative act, today reaching an important agreement in the Council that allows us to quickly start negotiations with the European Parliament and to respect the May 2015 deadline for the entry into force of the new directive", said Maurizio Lupi, the Italian Minister for Infrastructure and Transport and President of the Council. "The cross-border enforcement directive will improve road safety, reducing the number of traffic code infringements and allowing a swifter procedure to identify persons who have committed traffic offences abroad."*

Railway market opening and governance

*Ministers held a **policy debate** on two proposals to improve rail services in the EU by opening the market for domestic passenger services and stronger governance (fourth railway package). The discussion will guide future work on the proposals. "After three semesters devoted exclusively to the technical pillar of the fourth railway package, I was proud to host today the first strategic debate on the political pillar of the package", said Minister Lupi. "All ministers had the chance to express their views on key issues such as domestic market opening, non-discriminatory access to networks, financial transparency and the awarding of public service contracts. On the basis of today's discussion, the Council will go on working towards a strategic, shared approach to the political pillar with a view to agreeing on this shared approach by the December Council."*

Civil use of remotely piloted aircraft systems (drones)

*Ministers also held a public **policy debate** on the development of civilian drones in Europe and their future use in an airspace open to general traffic.*

Single European Sky

*The Council took note of a **progress report** on a proposed revision of the **Single European Sky** rules, aimed at speeding up the modernisation of EU air traffic management.*

Minister Lupi said: "Following our informal meeting of transport ministers in Milan on 16 and 17 September, which highlighted the important contribution of trans-European transport network (TEN-T) projects to growth in preparation for the upcoming review of the EU 2020 strategy, we welcome the interim report drafted by the Commission's former Vice-President Christophersen as well as the European Coordinators Bodewig and Secchi, in consultation with the European Investment Bank. The report identifies the main categories of projects particularly suited to public-private partnerships which could benefit in the next three years from the use of innovative financial instruments, notably the EU financial instruments, in the context of the 'Jobs, Growth and Investment Package' proposed by the President-elect of the European Commission."

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Parliamentary Under Secretary of State for Transport

Commission:

Mr Siim KALLAS

Vice-President

ITEMS DEBATED

SHIPPING

Port services

The Council reached a **general approach** on a draft regulation on **market access to port services and the financial transparency of ports** ([14034/14](#) + [14034/14 ADD1](#)).

The objective of the new rules is to promote fairer competition and reduce legal uncertainties, thereby encouraging efficient port services and investment in ports. This can bring down costs for transport users. It can also help create new short sea links and improve the integration of maritime transport with other modes of transport.

Transparency in financial relations between the state, ports and port service operators is expected to contribute to better allocation of public funds and to the effective and fair application of EU competition rules in ports.

For details, see press release [13957/14](#).

AVIATION

Single European Sky

The Council **took note of progress** regarding a draft regulation on the **implementation of the Single European Sky**, intended to speed up the **modernisation of EU air traffic management and air navigation services** (report: [13234/1/14 REV 1](#)). The proposal ([11501/13](#) + [ADD 1](#) + [ADD 2](#)) is part of a package to develop the Single European Sky rules, called Single European Sky 2+ or **SES2+**.

The **Single European Sky initiative** aims to reform the organisation and management of European airspace. The goal of the reform is to overcome the current fragmentation of airspace, to make air traffic services more efficient and to optimise the use of air traffic management capacity. This should strengthen the competitiveness of the European air transport sector compared with other regions of the world.

The proposed **SES2+ package** comprises two draft regulations:

- implementation of the Single European Sky, which brings the four existing SES regulations together under one legislative act and revises them
- amended rules for the European Aviation Safety Agency (EASA).

The purpose of SES2+ is, *inter alia*, to simplify the legislation, to introduce more stringent performance targets for air navigation services in terms of safety, capacity, cost efficiency and environmental impact, and to increase the independence of national authorities overseeing navigation service providers. It seeks to introduce more flexible, industry-led partnerships to further develop cross-border "functional airspace blocks", and to strengthen the role of network manager (Eurocontrol). Under the proposal, some monopoly services would be opened up to competition, and air traffic control organisations would have to consult airspace users before approving investment plans.

In the Council, the Working Party on Aviation has been examining the proposal on the implementation of Single European Sky under the Italian presidency. These discussions have shown that member states strongly support the SES objective of safer, more efficient and less costly air navigation services within a less fragmented European airspace. The delegations have generally welcomed the Commission's intention to simplify and clarify the current SES legislation, but have also expressed a number of concerns for instance regarding the timing of the proposal and some of its elements, such as compulsory unbundling of support services from core air navigation services, the future tasks of the network manager, and the need to take member states' local circumstances into account in the revised performance scheme.

The presidency intends to continue examination of the proposal in the working party, with a view to reaching a general approach by December.

The adoption of the regulation requires the approval of both the Council and the European Parliament.

- [Single European Sky](#)

Civil use of remotely piloted aircraft systems (drones)

Ministers held a **policy debate** on the **future use of drones in the European aviation market**, based on the Commission communication entitled "A new era for aviation - Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner" ([8777/14](#)). The aim of the public-session discussion was to collate the views of the member states and give guidance to the Commission on the main areas that may be affected by this rapidly developing technology. The presidency had prepared a set of questions that focused on **safety, subsidiarity and privacy** ([13235/1/14 REV 1](#)).

Council debate:

In the course of the debate, ministers expressed their agreement with the objective of gradual and progressive integration of civil drones into normal airspace, stressing the need to focus on safety in the first place. They also emphasised the importance of protecting privacy. A large number of delegations said current data protection rules are sufficient for these purposes, and some delegations mentioned the need for flexibility for national rules.

Most member states were in favour of a harmonised European approach to allow remotely piloted aircraft to fly in civil airspace and to enable this fast-growing industry to reap its full potential. A number of delegations added that different drone types should be taken into account, for instance by authorising the simplest drones first. Some ministers pointed out that current national rules should be taken into account and that EU-wide rules could be based on successful national rules.

Many member states thought that the European Aviation Safety Agency (EASA) was best placed to develop technical and safety standards, licences and certificates, and stressed the need for cooperation between EASA and national and European experts.

Several delegations mentioned the need to be prepared to address potential interference in radio frequencies resulting from the wide use of remotely piloted aircraft systems.

The Italian presidency is taking the issue of civil drones forward at a meeting in Rome in October. The incoming Latvian presidency has also scheduled a high-level meeting on drones for the beginning of March next year and invited EU transport ministers to attend this meeting.

Background:

In its communication, the Commission suggests putting in place a European policy which would enable the progressive development of the commercial drones market while safeguarding the public interest. While safety is the first priority for EU aviation policy, European rules would also need to address concerns such as security, privacy, data protection, liability and insurance. A common policy would create legal certainty and set the conditions for developing a strong manufacturing and services industry able to compete in the global market.

In December 2013, the European Council called for action to enable the progressive integration of remotely piloted aircraft into civil airspace from 2016 onwards.

While drones have so far been mainly used for military purposes, the technology has matured to the point of being ready for civilian use. There is also a clear market demand for this shift. The emerging industry has potential for significant job creation, and it could be a major source of innovation and economic growth in coming years.

Civil uses of remotely piloted aircraft include, *inter alia*, inspection of infrastructure, emergency response, precision farming, delivering parcels, weather forecasting, prospecting, wildlife research and mining.

- [Remotely piloted aircraft systems](#)

LAND TRANSPORT

Railway market opening and governance

Ministers held a **policy debate** on two proposals to **improve rail services** in the EU ([13286/14](#)).

The proposed directive ([5985/13](#)) and regulation ([5960/13](#)) are aimed at increasing the quality, quantity and efficiency of **domestic passenger services** by **opening these markets to competition**. They would also introduce new rules for the **governance of infrastructure managers** in order to ensure equal access to infrastructure and a better response to market needs.

The proposals are part of the **"political" or "market" pillar of the fourth railway package**.

Council debate:

Ministers agreed that it is important to strive to make railway services more dynamic and customer-oriented and encourage investment and innovation. However, many of them thought there were several ways to achieve this and questioned whether market opening would be the best one. They pointed out that what suits one country might be detrimental to another, as EU countries are very different in terms of their population, geography, markets and national rail systems. Certain member states were in favour of market opening but even many of them expressed the need to consider certain aspects such as good preparation, the need to do this progressively or the need for a market analysis or a study on the potential economic or social impact.

Many member states said they were against "cherry picking" i.e. commercial companies should not be allowed to choose profitable lines to the detriment of loss-making lines that are in the public interest.

A large number of member states were in favour of a transition period for any new market opening measures. Several delegations mentioned the need to let the current contracts run their course.

As regards governance, a few ministers said that it should be up to the member states to choose their own model. Some ministers said no additional measures would be necessary in this area. Some others mentioned the need to ensure transparency and oversight.

Most member states considered it necessary to retain the possibility to award public-service contracts directly. Many delegations mentioned the need for public services to include both profitable and non-profitable lines.

A few ministers said non-discriminatory access to rolling stock should be ensured for railway undertakings, whereas a number of delegations stressed the principle of subsidiarity in this connection. Others said no budget obligations should be created.

A large number of delegations considered it important to make progress on and conclude the technical pillar as swiftly as possible.

The presidency said that it would make every effort to move forward on the technical pillar and that it intended to work further on the political pillar with a view to reaching a general approach on the "governance" proposal at the Transport Council of December.

Commission proposals:

After the opening up of rail freight services in 2007 and international passenger transport in 2010, the Commission is proposing opening up domestic rail passenger services to competition from December 2019. From then on, EU rail companies would have equal access in all EU countries to tracks, signals and stations to run domestic passenger services. Member states could, however, limit access if such opening up compromised the "economic equilibrium" or viability of a public service contract, i.e. a contract which entails an obligation to ensure services even when they are unprofitable.

Also from 2019, public service contracts, which currently account for over 90% of EU rail journeys, would, as a general rule, be subject to mandatory tendering. Existing, directly awarded contracts would be allowed to run until their expiry date but not after the end of 2022. There would be certain exceptions to the tendering obligation, for instance for contracts of limited value or scope.

The Commission is also suggesting strengthening EU rules on the separation between infrastructure managers, which run the network and stations, and rail undertakings, which provide the services. National railway monopolies comprising both functions would be split into two ("institutional separation"). Alternatively, where member states wished to maintain existing holding structures, strict safeguards would be introduced to ensure the infrastructure manager's independence.

Fourth railway package:

The fourth railway package, presented by the Commission in January 2013, is aimed at removing the remaining barriers to the completion of a Single European Railway Area. The goal is to increase the share of rail transport in relation to other, more carbon-intensive, modes of transport, and to foster competitiveness and growth.

The package also includes a technical pillar, consisting of proposals on the interoperability and safety of European railways and on the European Railway Agency. The Council reached political agreement on these in June of this year (for details, see press release [10401/14](#)).

- [Fourth railway package](#)

Road traffic offences

The Council adopted a general approach on a draft directive on the cross-border exchange of information on road traffic offences ([13577/14](#) + [13577/14 ADD1](#)).

This follows the Court of Justice's annulment of the [previous directive](#) in May 2014 on the grounds of an incorrect **legal basis** ([Court press release](#)). However, the Court granted a one-year reprieve to allow for adoption of the new directive. This means that the current rules remain in effect until a new directive enters into force, provided that this occurs before **6 May 2015**.

For details, see press release [13907/14](#).

Any other business

– Europe 2020 mid-term review - outcome of the informal ministerial meeting

The presidency briefed the Council on the outcome of the informal meeting of transport ministers held in Milan on 16 and 17 September 2014 ([13380/14](#)). In Milan, ministers discussed the ways in which transport infrastructure can boost competitiveness, and in particular the governance and funding of trans-European transport networks. The informal discussion kicked off preparation of transport ministers' contribution to the review of the Europe 2020 growth strategy. Ministers intend to return to these issues at the Transport Council meeting in December with a set of conclusions.

– ***International Civil Aviation Organisation: elections to the ICAO Council***

The presidency updated ministers on the efforts made to maintain EU influence in the Council of the International Civil Aviation Organisation (ICAO). Discussions on the selection procedure for European candidates are continuing at the European Civil Aviation Conference (ECAC), and the presidency said it would closely follow the upcoming ECAC meetings and their outcomes.

This item followed up on the June Council, where Spain drew attention to the recent creation of the Black Sea-Caspian Rotation Group and the need for the EU to take action to ensure that it retains all its seats at the ICAO Council.

– ***Galileo***

The Council took note of information provided by the Commission on the latest developments regarding the technical incident that occurred during the launch of two Galileo satellites in August 2014 and on the possible way forward.

– ***Aviation safety: follow-up to the Malaysian Airlines flight MH17 crash***

The Netherlands briefed the Council on the Dutch Safety Board's initial findings regarding the cause of the Malaysian Airlines plane crash in eastern Ukraine in July 2014. It also called upon the member states to support the work of the International Civil Aviation Organisation (ICAO) task force set up to explore how to improve information sharing to make sure that future decisions on flying over a conflict zone are based on complete information.

– ***Road hauliers and the Russian import ban***

The Polish delegation briefed ministers on the impact that Russia's embargo on certain EU products is having on EU international road haulage. The delegation suggested that this problem should be examined at EU level. Latvia and Greece took the floor to support this request. The Commission said it was monitoring this evolving situation. The presidency concluded that the situation should be analysed at EU level to assess the full scale of the problem.

– *Tribute to Commissioner Kallas*

At the close of the Council meeting, the presidency paid tribute to Commission Vice-President Siim Kallas, for whom it was the last meeting of his five-year mandate as Commissioner for Transport. Council President Lupi hailed Commissioner Kallas for his achievements in several areas of transport policy such as trans-European transport networks, especially the nine core network corridors, road safety and passenger rights.

OTHER ITEMS APPROVED

TRANSPORT

Railway interoperability

The Council decided not to oppose adoption by the Commission of three acts concerning the interoperability of European railways. The first act is a Directive amending annexes V and VI to Directive 2008/57/EC on the interoperability of the rail system within the Community ([12322/14](#) + [12322/14 ADD1](#)); the second act is a Decision amending Commission Decision 2012/88/EU on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system ([12333/14](#) + [12333/14 ADD1](#)); and the third act is a Regulation on the technical specification for interoperability relating to the subsystem 'rolling stock - noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU ([12341/14](#) + [12341/14 ADD1](#)).

These draft acts are subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

Air transport agreements - taking account of Croatia's accession

The Council adopted three decisions in the field of aviation to take account of Croatia's accession to the EU. The decisions will permit the inclusion of Croatia in the following agreements:

- Agreement on Air Transport between Canada and the European Community and its Member States ([12254/14](#); [12255/14](#))
- Common Aviation Area Agreement between the EU and its Member States and Georgia ([12211/14](#); [12226/14](#))
- Euro-Mediterranean Aviation Agreement between the EU and its Member States and Israel ([12262/14](#); [12264/14](#)).

FOREIGN AFFAIRS**Restrictive measures - Afghanistan**

The Council amended legislative acts concerning restrictive measures in view of the situation in Afghanistan to take account of changes decided by the UN. Five persons were added to the list of those subject to a travel ban and an asset freeze while a number of entries on that list were updated.

EU-Indonesia Comprehensive Partnership and Cooperation Agreement

The Council approved, on behalf of the EU, the signature and the provisional application of the Accession Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the EU and Indonesia to take account of Croatia's accession to the EU.

EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation

The Council approved, on behalf of the EU, the signature of a protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the EU and Vietnam, to take account of Croatia's accession to the EU.

Restrictive measures - North Korea

The Council amended the EU restrictive measures against the Democratic People's Republic of Korea. Following a decision at the UN, it targeted an additional entity with sanctions and updated information regarding other entries on the list. The Council also removed one person from the list of those targeted by the EU's autonomous sanctions.

EU-Philippines Framework Agreement on Comprehensive Partnership and Cooperation

The Council approved, on behalf of the EU, the signature of a protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the EU and the Philippines, to take account of the accession of the Republic of Croatia to the EU.

COMMON SECURITY AND DEFENCE POLICY**Agreement with Mali on the status of EUCAP Sahel Mali**

The Council approved the signing and conclusion of an agreement between the European Union and the Republic of Mali on the status of the EU CSDP mission in Mali (EUCAP Sahel Mali). EUCAP Sahel Mali, currently in a start-up phase, will deliver strategic advice and training for the three internal security forces in Mali, i.e. the National Police, Gendarmerie and Garde Nationale; it will also coordinate with international partners. The mission will thus support the Malian state to ensure constitutional and democratic order and the conditions for lasting peace as well as to maintain its authority throughout the entire territory.

EUFOR Central African Republic: EU forces transiting Cameroon

The Council approved the signing and conclusion of an agreement between the European Union and Cameroon on the status of the EU forces, of the EU military operation in the Central African Republic (EUFOR RCA), in transit on the territory of Cameroon.

EUFOR RCA is providing temporary support towards achieving a safe and secure environment in the Bangui area, with a view to handing over to a UN peacekeeping operation.

JUSTICE AND HOME AFFAIRS

Memorandum of Understanding Eurojust-Agency for Fundamental Rights

The Council approved the Memorandum of Understanding on cooperation between Eurojust¹ and the EU Agency for Fundamental Rights ([12347/14](#)), aiming to establish, encourage and improve cooperation between the parties, in particular through the exchange of strategic and technical information.

The main task of the EU Agency for Fundamental Rights is to provide advice relating to the respect of fundamental rights in the domain of Union law.

DEVELOPMENT COOPERATION

Technical Centre for Agricultural and Rural Cooperation

The Council approved, on behalf of the European Union, the renewal of the appointment of Mr Michael Hailu (Ethiopia) as Director of the Technical Centre for Agricultural and Rural Cooperation, set up in the framework of the partnership between the EU and the African, Caribbean and Pacific Group of States. His second term of office will begin on 1 March 2015 and end on 29 February 2020.

ENERGY

Energy labelling of residential ventilation units

The Council decided not to object a Commission Delegated Regulation of 11 July 2014 supplementing Directive 2010/20/EU with regard to energy labelling of residential ventilation units ([12074/14](#), [12074/14 ADD 1](#)).

¹ Established by Council Decision 2002/187/JHA (<http://www.eurojust.europa.eu/>)

The regulation will introduce a harmonised scheme for the energy labelling of residential ventilation units according to their energy efficiency and providing standard product information for consumers. The labelling requirements also provide a dynamic incentive for manufacturers to improve energy efficiency of residential ventilation units placed on the market, and to accelerate the market take-up of energy-efficient products.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.

HEALTH

Deferral period for blood donations

The Council decided not to oppose the adoption of a Commission directive allowing member states to accept blood donations from donors having left an area with ongoing transmission of West Nile Virus to humans within a deferral period of 28 days if a Nucleic Acid Test was carried out and the test was negative ([12820/14](#)).

The Commission directive is subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

FISHERIES

Partnership agreement between EU and Senegal - new agreement and protocol

The Council adopted a decision on the signing, on behalf of the EU, and provisional application of a sustainable fisheries partnership agreement (FPA) between the EU and the Republic of Senegal and the implementation protocol thereto ([12831/14](#)).

The most recent protocol between the EU and Senegal expired eight years ago. Following negotiations, a new FPA and an implementation protocol were initialled on 25 April 2014. In order to allow EU vessels to carry on fishing activities, the new protocol should be applied from the date of its signature on a provisional basis, pending completion of the procedures for its formal conclusion.

In addition to the signing and the provisional application of this FPA and its implementation protocol, the Council also adopted a Regulation concerning the allocation of fishing opportunities between member states ([12832/14](#)).

INTERNAL MARKET

Construction products classification - resistance to fire

The Council decided not to oppose the entry into force of simplified conditions proposed by the Commission for determining the resistance to fire of the following construction products: uncoated wood floorings ([12176/14](#)); metal lath, beads and feature profiles ([12177/14](#)), and wood-based panels, solid wood panelling and cladding ([12178/14](#)).

Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products envisages that manufacturers should not be subjected to unnecessary administrative burdens and costs and that the Commission should choose the least onerous system for assessment and verification of constancy of performance. The system for classifying the performance of construction products with regard to their reaction to fire is set out in Commission Decision 2000/147/EC.

EMPLOYMENT

Mobilisation of the European Globalisation Adjustment Fund for Spain and the Netherlands

The Council adopted three decisions mobilising a total amount of EUR 3.3 million under the European Globalisation Adjustment Fund (EGF), providing support for workers made redundant in Spain and the Netherlands.

An amount of EUR 1.6 million is being deployed following the dismissal of 562 workers in 89 companies operating in the Dutch construction industry. A further EUR 960 000 is being mobilised following the dismissal of 904 workers in 661 enterprises operating in the Spanish food and beverage service sector. In both cases, the redundancies are the result of the continuing global financial and economic crisis. An additional EUR 700 000 is being mobilised following the dismissal of 587 workers at three companies operating in the Spanish wood manufacturing industry as a result of major structural changes in world trade patterns due to globalisation.

The EGF helps workers to find new jobs and develop new skills when they have lost their jobs as a result of changing global trade patterns, e.g. when a large company shuts down or a factory moves outside the EU, or as a result of the global financial and economic crisis. The help of the EGF consists in co-financing measures such as job-search assistance, careers advice, tailor-made training and re-training, mentoring and promoting entrepreneurship. It also provides one-off, time-limited individual support, such as job-search allowances, mobility allowances and allowances for participating in lifelong learning and training activities.

APPOINTMENTS

European Economic and Social Committee

The Council appointed Ms Lynne FAULKNER and Mr David YEANDLE OBE (United Kingdom) as members of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015 ([13547/14](#) and [13521/14](#)).
