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3243rd Council meeting

Transport, Telecommunications and Energy

Luxembourg, 6-10 June 2013

Presidents **Mr Pat RABBITTE**
Minister for Communications, Energy and Natural
Resources of Ireland
Mr Leo VARADKAR
Minister for Transport, Tourism and Sport

P R E S S

Main results of the Council

Telecommunications:

*The Council held a debate on the role of the telecommunications sector and the information and communication technologies sector within the framework of the **Digital Agenda for Europe**. Ministers expressed their views on what the main features of an EU single telecommunications market should be. The outcome of the debate will contribute to the preparation of the October European Council, which will focus on innovation and on the digital agenda.*

*Ministers took note of the state of play and discussed a proposed directive aimed at ensuring a high common level of **security of electronic communications networks and information systems** across the Union. The proposal is part of the European cyber-security strategy as outlined by the Commission.*

The Council also took note of progress made on a number of other legislative proposals, namely:

- a regulation aimed at making **secure electronic transactions** possible across the EU, which lays down rules for electronic identification and trust services for electronic transactions in the internal market and establishes a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic delivery services and website authentication;*
- two regulations concerning digital infrastructure and services: firstly, guidelines for the development of **trans-European telecommunications networks**, for which the Commission recently adopted an amended proposal; secondly, measures to foster the **deployment of high-speed electronic communication networks** by **reducing the costs** involved, for instance by sharing infrastructure such as gas, water or power conduits;*
- a directive aimed at harmonising member states' rules on the **accessibility of public sector bodies' websites**, so as to remove barriers for web developers in the internal market and improve the level of accessibility throughout the EU.*

Energy:

*The Council took note of a progress report on a draft directive on **indirect land-use change** amending the fuel quality and renewable energy directives, the aim of which is to minimise the impact of indirect changes of land use on greenhouse gas emissions.*

*The Council adopted **conclusions** on the Commission communication "**Making the internal energy market work**". The conclusion set out detailed tasks to be accomplished in order to achieve the 2014 and 2015 deadlines set by the European Council, to improve the rights and roles of consumers and to make the transition to the energy market of the future. They follow on the European Council conclusions on, inter alia, energy issues, adopted on 22 May 2013.*

The Council also held a policy debate on the Commission communication on **Energy Technologies and Innovation**. The debate will contribute to the ongoing process of reflection on priorities for research, development and innovation in energy until 2020 and beyond, as well as on the means to support the implementation of these priorities.

Transport:

The Council agreed on a general approach to a recast of the 2008 directive on the **interoperability of the EU rail system**, which is part of the technical pillar of the "fourth railway package" published by the Commission in January. The purpose of the recast is to remove the remaining administrative and technical barriers to a single railway market.

The general approach provides, in particular, for a dual system of authorisations with a separation of tasks and responsibilities between the European Railway Agency (ERA) and national safety authorities. The ERA will issue authorisations for vehicles to be used in cross-border operations, based on assessments carried out by the national authorities. For vehicles used only in national traffic, however, the applicant may choose to request authorisation either from the ERA or from the national safety authority.

The Council also agreed on general approaches on a number of other legislative proposals. The proposals concerned are:

- two directives which are part of the "**roadworthiness package**" presented by the Commission in July 2012 with the aim of improving road safety. One of them is an update of the 2000 directive on the ad-hoc technical **roadside inspections** to which **commercial vehicles** are subject in addition to the regular roadworthiness checks. It provides for the introduction of risk rating so that high-risk vehicles can be identified and checked more closely. The second directive is a revision of the 1999 directive on **vehicle registration documents**. The two draft directives complement the draft directive updating the common rules on periodic roadworthiness tests for motor vehicles, on which the Council reached a general approach last December;
- a revision of the 2003 directive on the **reporting of occurrences** that could endanger **aviation safety**. The new draft regulation is intended to improve the reporting system with a view to preventing future accidents;
- a revision of the 1998 directive on the rules applicable to **marine equipment** to be placed on EU ships. The purpose of the revision is to align the rules with other EU legislation on marketing of goods and to simplify and clarify how changing international requirements are enacted in EU and national law.

In addition, the Council took note of the state of play regarding the **Connecting Europe Facility (CEF)**, the future funding instrument for the trans-European networks in the transport, energy and telecommunications sectors.

CONTENTS¹

PARTICIPANTS.....	6
ITEMS DEBATED	
TELECOMMUNICATIONS.....	9
Digital Agenda for Europe - the role of the telecommunication sector and the information and communication technologies sector.....	9
Security of electronic communication and information systems.....	9
Enhancing trust in electronic transactions.....	11
Digital infrastructure and services.....	12
Accessibility of public sector bodies' websites.....	13
Other business.....	15
ENERGY.....	16
Indirect land-use change.....	16
Making the internal energy market work.....	17
Energy technologies and innovation.....	17
International relations.....	18
Other business.....	19
EVENT IN THE MARGINS OF THE COUNCIL.....	19
Political declaration of the Pentalateral Energy Forum.....	19
TRANSPORT.....	20
New interoperability rules under the fourth railway package.....	20
Roadworthiness of vehicles.....	22

¹

- 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.

– Roadside inspections of commercial vehicles	22
– Registration documents for vehicles.....	23
Occurrence reporting in civil aviation	23
Marine equipment directive	25
Connecting Europe Facility	26
EVENT IN THE MARGINS OF THE COUNCIL	27
Signing of aviation agreement with Israel	27
<u>Other Business</u>	27

OTHER ITEMS APPROVED

ENERGY

– Ecodesign requirements for standby, off mode electric power consumption and for televisions.....	30
– Safety of offshore oil and gas operations*	30
– Relations with Algeria/Memorandum of Understanding in energy field	30

TRANSPORT

– Transport protocol to Alpine Convention.....	31
------------------------------------------------	----

CUSTOMS UNION

– Update of the Union Customs Code	31
------------------------------------------	----

INTERNAL MARKET

– Safety of pyrotechnic articles	31
----------------------------------------	----

TRADE POLICY

– Generalised tariff preferences - Myanmar	32
--------------------------------------------------	----

AGRICULTURE

– Non-commercial movement of pet animals.....	32
-----------------------------------------------	----

AUDIOVISUAL ISSUES

SPORT

– Convention on combating manipulation of sports results	33
----------------------------------------------------------------	----

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 Member
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The Governments of the Acceding States were represented as follows:

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 Mr Siniša HAJDAŠ DONČIĆ

Deputy Permanent Representative
 Minister for Maritime Affairs, Transport and
 Infrastructure

ITEMS DEBATED

TELECOMMUNICATIONS

Digital Agenda for Europe - the role of the telecommunication sector and the information and communication technologies sector

The Council held a debate on the state of play and remaining obstacles for establishing a single digital market in the EU, which should be completed by 2015. The outcome of the debate will contribute to the preparation of the October European Council, which will focus on innovation and the digital agenda. The Irish presidency will submit a summary of the results of the discussions to the president of the European Council.

Ministers took note of the Commission's intention to present a package of new proposals for making a single telecommunications market work.

In their debate, which was based on a presidency paper ([9756/13](#)), ministers generally supported the principle of a single EU telecommunications market. There was broad agreement on a number of issues in this context. All citizens should have access to broadband services wherever they are located, and it is important to enhance citizens' digital skills and competences. Moreover, measures are needed to encourage greater investment in the telecommunications sector. There is also a need to ensure a strong, consistent and predictable regulatory environment, including better cooperation between regulators, and to safeguard the interests of consumers.

Some member states, however, were sceptical about the need for new legislation in this field, and some concerns were also expressed about an aggregation of market powers in the hand of a few companies. Moreover, the need to take into account the specific circumstances of member states was underscored.

Security of electronic communication and information systems

The Council discussed a proposal for a directive aimed at ensuring a high common level of security of electronic communication networks and information systems across the EU ([6342/13](#)). The discussion was based on a progress report by the presidency on the work done so far in the Council's preparatory bodies ([10076/13](#)).

As the importance of electronic communication and information systems for the economy and the society is growing, the risks of accidental security incidents and deliberate attacks are also increasing. The Commission considers that current differences between member states in their approaches and levels of preparedness weaken the security of interconnected networks where substantial disruption in one member state can also affect other member states.

To address this situation, the proposed directive provides in particular that:

- all member states must have in place a minimum level of capability to prevent, handle and respond to risks and incidents affecting information systems; this includes the establishment of a national competent authority, a national computer emergency response team and national strategies and cooperation plans;
- a network for cooperation between the national authorities should be created in order to ensure a coordinated response to incidents, where necessary, and uniform application of the directive throughout the EU;
- public administrations and market operators such as providers of internet networks and services and operators of critical infrastructures in the fields of energy, transport, finance and healthcare have to properly assess the risks posed to their information systems, take appropriate measures to prevent and deal with incidents and report any serious incident to the competent authorities.

In their discussion of the proposal, ministers acknowledged the seriousness of the issue of cyber-attacks and, as a consequence, the high priority to be given to improving security in this field. Many member states, however, favoured a more flexible approach, with EU-wide binding rules limited to critical infrastructure and basic requirements, complemented by optional, voluntary measures. Other delegations, in contrast, were of the opinion that only legally binding measures could ensure network security throughout the EU.

Moreover, many delegations underscored the importance of coordination at a global level when introducing security standards, not least in order to achieve comparable conditions for companies operating internationally. Nevertheless, the need to establish high security standards within the EU, even if they are higher than elsewhere, was widely recognised.

Other issues identified in the progress report as requiring further discussion include the identification of the market operators that should fall within the scope of the directive, the specific obligations to be imposed on those concerned, the notification obligations and the governance structure for the implementation of the directive.

The directive also has to be approved by the European Parliament in order to be adopted.

This draft directive is the main action under the **European cyber-security strategy** outlined by the Commission in its communication promoting "an open, safe and secure cyberspace" ([6225/13](#)) and which identifies achieving resilience against risks and threats to cyber-security as one of the priorities for action. The other priorities specified in the strategy are reducing cyber-crime, developing cyber-defence in the framework of the Union's Common Security and Defence Policy, developing the industrial and technological resources for cyber-security and establishing a coherent international cyberspace policy for the EU.

Enhancing trust in electronic transactions

The Council took note of progress made on a draft regulation intended to enhance trust in electronic transactions by setting up a legal framework for electronic identification and other electronic trust services in the internal market (progress report: [10100/13](#)). The aim is to make secure and seamless electronic interactions possible between businesses, citizens and public authorities, thereby contributing to achieving a fully integrated digital single market in the EU.

To that end, the draft regulation provides for mutual recognition and acceptance of electronic means of identification across the EU. In addition, it strengthens current rules on electronic signatures and introduces rules on the legal effects and admissibility in legal proceedings of other trust services such as electronic seals, electronic time stamps, electronic documents, electronic delivery services and website authentication.

Work on this technically complex draft legislation under the Irish presidency focused primarily on electronic identification and, to a lesser extent, trust services. One key issue is that of assurance levels for electronic identification, which are required so that electronic means of identification issued in another member state can be recognised. While a number of delegations favour the principle of matching levels as a basis for recognition, other delegations would prefer to have the required assurance levels set out in the regulation. There is, however, broad support amongst delegations for a number of general principles regarding electronic identification: initial limitation on services provided by the public sector; ensuring interoperability between national identification infrastructures; technological neutrality; and the need for security breaches to be addressed.

A considerable number of other issues will also require further discussion, including:

- liability with respect to electronic identification and trust services;
- treatment of trust service providers from third countries;
- supervision of trust service providers;
- the effect of certain provisions concerning electronic signatures and electronic seals on national and procedural law;

- the concept of "electronic document" and the appropriateness of covering electronic documents in this piece of legislation;
- clarification of definitions;
- the use of "delegated acts" empowering the Commission to adopt related legal acts on non-essential technical aspects of the regulation;
- the deadline for the entry into force of the regulation.

The Commission presented its proposal in June 2012 ([10977/12](#)). A first progress report on the discussions held in the Council's preparatory bodies was presented to the telecommunications ministers in December 2012 ([17269/12](#)). The competent committees of the European Parliament are expected to determine their position on the proposal in July and September 2013. The European Council has repeatedly called for this proposal to be adopted swiftly.

Digital infrastructure and services

The Council took note of the state of play of two regulations concerning digital infrastructure and services (progress report: [10076/13](#)): the guidelines for the development of **trans-European telecommunications networks**, on the one hand, and measures to foster the **deployment of high-speed electronic communication networks by reducing the costs** involved, on the other.

The guidelines for **trans-European telecommunications networks** set out the objectives and conditions applying to projects of common interest aimed at deploying telecommunications services and infrastructure across the EU. The Commission's original proposal was presented in October 2011 ([16006/11](#)) and has since been discussed in the Parliament and the Council (see previous progress reports: [10451/12](#) and [17257/12](#)). However, in February this year, the European Council agreed on budgetary cuts reducing the funds available for the telecommunications sector under the future Connecting Europe Facility from EUR 9.2 billion to EUR 1 billion (see *EUCO* [37/13](#), p. 9). To take account of this situation, the Commission adopted an amended proposal on 28 May. The Council's preparatory bodies must now discuss the amended guidelines.

Under the new proposal ([10201/13](#)), the resources available would be concentrated mainly on one of the two key objectives of the original proposal, namely providing support to trans-European digital services, notably interoperable service platforms. At the same time, the funding criteria would be tightened, and the number of services eligible for funding in this framework reduced. Nevertheless, limited support would also be available for the rollout of high-speed broadband networks, which was the other key objective of the original proposal; that support would be given through financial instruments designed to leverage private funds and investment from other public sources.

As regards the proposal for a regulation aimed at **fostering the deployment of high-speed electronic communications networks by reducing the costs involved**, presented by the Commission in March this year ([7999/13](#)), discussions in the Council's working party are still at an early stage.

In order to reduce costs, the Commission proposes introducing an obligation for utility networks (in the fields of electronic communications, gas, electricity, water or transport) to give access to their existing or planned infrastructure (such as gas, water or power conduits and buildings or masts) for the purpose of deploying broadband connections. Since civil engineering works account for much of the cost of network deployment, the Commission sees significant potential for savings through such sharing of infrastructure. Each member state would set up a dispute resolution body to settle any disputes over access rights.

In addition, new buildings or buildings undergoing major renovation works would have to be equipped with infrastructure ready to be connected to high-speed broadband services, with possible exemptions where this would lead to disproportionate costs.

Other measures proposed to reduce costs include coordinating civil engineering works, simplifying permit granting procedures and facilitating access to information on network infrastructure through a single information point.

The first discussions showed that member states have concerns about the choice of a regulation rather than a directive, the potential costs and increased administrative burdens. Many delegations see a need to further examine the impact of the proposal, notably its costs and benefits, the consequences for building owners and landlords, and the implementation of the proposed measures in countries with a federal structure. There are also doubts as to whether the proposed measures are proportionate to the objectives pursued and whether this type of measures should be adopted at EU level.

Both the guidelines for the trans-European telecommunications networks and the regulation on reducing the costs of high-speed internet connections also have to be approved by the European Parliament to be adopted.

Accessibility of public sector bodies' websites

The Council took stock of progress made on a proposal aimed at harmonising member states' rules on the accessibility of public sector bodies' websites, in order to remove barriers faced by web developers and related businesses in the internal market as a result of differing national approaches and to improve the level of accessibility throughout the EU (progress report: [10089/13](#)).

The proposed directive lays down a general obligation for member states to ensure accessibility, with two purposes in mind: enabling users to perceive and interact with websites adequately, and allowing for interoperability of user agents and assistive technologies. The accessibility requirements would be specified by the Commission in separate legislation. In addition, member states would need to take measures to promote and monitor the application of these requirements. The types of websites covered by the directive are set out in a list, which each member state is free to extend. This harmonised framework is intended to pave the way for a European standard for web accessibility, which is currently being developed.

Although member states generally support the objective of increased accessibility of public sector websites, they have a number of concerns or doubts about the proposal, relating in particular to

- its timing, since the European standard referred to in the proposal has not yet been adopted;
- its added value, since international standards already exist and are widely applied by the sector and, in addition, most member states have already developed national accessibility policies;
- the list of websites concerned;
- the power to be given to the Commission to specify the accessibility requirements;
- the monitoring and reporting obligations, which are considered to be too burdensome;
- the implementation deadlines and
- the implementation costs.

Web accessibility refers to the principles and techniques to be observed when constructing websites, in order to render their content accessible to all users, and in particular those with disabilities. Website content includes textual and non-textual information as well as the functionalities for interaction with the website. Ensuring accessibility is of particular importance for websites of public sector bodies, to enable them to extend their reach and fulfil their public responsibilities. There is also a fast-growing market in tools and services related to web accessibility. While most member states have introduced guidelines on this matter, actual accessibility is still poor, according to recent studies.

The proposal was presented by the Commission in December 2012 ([17344/12](#)). In order to be adopted, it also has to be approved by the European Parliament.

Other business

The incoming **Lithuanian presidency** presented its **work programme** for the second half of 2013 in the field of telecommunications and the information society. It intends to continue work on the five legislative proposals which were on the agenda of this Council meeting and will try in particular to reach a speedy agreement with the European Parliament on the amended guidelines for trans-European telecommunications network. The proposals on the single telecommunications market that the Commission is expected to present will also be looked at. In addition, the European Council meeting in October will focus on digital issues, besides innovation.

ENERGY

Indirect land-use change

In a public session, the Council took note of a presidency progress report on the draft directive on indirect land-use change (ILUC) amending the fuel quality (98/70/EC) and renewable energy (2009/28/EC) directives. The aim of the proposed directive is to minimise the impact of indirect land-use change on greenhouse gas emissions and to promote a transition to biofuels that deliver substantial greenhouse gas savings.

The progress report ([8920/13](#)) outlines the main issues discussed under the Irish presidency and tries to indicate possible ways to facilitate the development of a Council position. The member states generally support the aim of tackling the global occurrence of indirect land-use change resulting from the production of biofuels that compete with food and feed. However, many delegations are concerned with a policy shift that could create uncertainty among investors, jeopardise existing investments and render the achievement of the existing EU renewables objectives more costly and challenging. The report covers the main issues discussed at the working party, in particular: the 5% threshold for conventional biofuels, ILUC factors, treatment of new installations, the bonus for degraded land, fraud prevention, the review clause and delegated acts. The same report will be presented to the Environment Council on 18 June.

Policy debates on this proposal were held by the TTE (Energy) Council on 22 February and the Environment Council on 21 March 2013. The Permanent Representatives Committee decided last December to establish an ad hoc working party on indirect land-use change to ensure that amendments to the two directives would be made coherently and consistently.

When these directives were adopted, the European Parliament and the Council asked the Commission to review the negative effects on greenhouse gas savings which might result from the conversion of land and, if need be, to present a legislative proposal. The aim of the draft directive is to minimise greenhouse gas emissions resulting from situations where formerly non-agricultural land such as forests is used for food, feed or fibre production because agricultural land previously used for this type of production is being converted to biofuel production.

The draft directive was presented by the Commission in October 2012 ([15189/12](#)). The European Parliament ENVI committee vote is scheduled for July 2013.

Making the internal energy market work

The Council adopted conclusions ([9809/13](#)) on the Commission communication "Making the internal energy market work". They follow on the European Council [conclusions](#) on, *inter alia*, energy issues, that were adopted on 22 May 2013.

Building on the Commission communication ([16202/12](#)), which was adopted on 16 November 2012, these conclusions detail an approach designed to complete the internal energy market and meet the 2014 and 2015 deadlines as well as to improve the rights and roles of consumers. In addition, they include guidelines on how to contribute to the transition to the internal energy market of the future. The implementation of these conclusions will be reviewed by the end of 2014.

The conclusions emphasise the significant contribution that the internal energy market will make to all three pillars of the EU's energy policy - sustainability, competitiveness and security of supply - and to the EU's jobs and growth agenda. The internal energy market will also contribute to the EU's energy and climate targets, to the transition to a low-carbon economy, to the strengthening of the Union's external energy policy and to the reduction of the Union's external dependency.

The Commission communication reiterates the benefits of integrated European energy markets and sets out ways to ensure that the market fulfils its potential as soon as possible and satisfies the needs and expectations of EU citizens and businesses. It includes a proposal for an action plan to ensure that the internal energy market operates successfully. In its conclusions, the Council supports the broad thrust of this action plan and invites the Commission to proceed with the implementation of actions specified in these conclusions, reporting regularly to the relevant Council bodies.

Energy technologies and innovation

Ministers held a policy debate on the Commission communication on Energy Technologies and Innovation, adopted on 2 May ([9187/13](#)). The debate will contribute to the ongoing process of reflection on priorities for research, development and innovation in energy until 2020 and beyond, as well as on the means to support the implementation of these priorities.

Ministers were invited to answer two questions raised by the presidency ([9479/13](#)): the first focused on ministers' support for the Commission proposals in its communication. The second question sought to gauge ministers' support for the development of an integrated roadmap and action plan as described in the communication.

The presidency summarised the debate along the following lines:

- ministers expressed broad support for the Commission proposals to accelerate innovation in cutting-edge low-carbon technologies and innovative solutions and to speed up the introduction of new technologies to the market, looking at the whole innovation chain;
- ministers agreed in general on the need for the European Strategic Energy Technology Plan (SET Plan) to be reinforced and adapted in order to respond to new challenges and to better consolidate public and private research and innovation capacity and resources across Europe;
- ministers gave support to the development of an integrated roadmap and an action plan, as described in the Commission communication, in particular through enhanced coordination of national energy research and innovation programmes, while preserving the flexibility called for by technological development. The role of the EU Structural and Investment Funds was also noted;
- ministers broadly supported annual monitoring of the implementation of the integrated roadmap and action plan through a reporting system based on the Strategic Energy technologies Information System (SETIS). However, some concerns were expressed regarding burdensome reporting requirements.

The Communication sets out the Commission's strategy to ensure that the EU continues to have a world class energy technology and innovation sector to tackle the challenges for 2020 and beyond.

The SET Plan (established in 2008) establishes an energy technology policy for Europe. It is a strategic plan to accelerate the development and deployment of cost-effective low-carbon technologies. The plan comprises measures relating to planning, implementation, resources and international cooperation in the field of energy technology.

For more information see the Commission [website](#).

International relations

The Council was briefed by the presidency and the Commission on events and developments in international relations that have taken place during the Irish presidency, or are due to take place soon.

The briefing covered, amongst other issues, EU-Russia energy relations, the International Energy Agency, the fourth Clean Energy Ministerial meeting (New Delhi, 17-18 April 2013), developments on the Southern Corridor, the EU-Algeria Memorandum of Understanding on Energy and the fourth meeting of the Strategic Group for International Energy Cooperation (Brussels, 13 March 2013).

Other business**Work programme of the incoming presidency**

The Lithuanian delegation presented the incoming presidency's work programme for the energy sector ([9831/13](#)). It will focus on the completion of the EU internal energy market by 2014 and on strengthening the external dimension of EU energy policy.

The informal ministers' meeting will take place on 19-20 September 2013 in Vilnius and the TTE (Energy) Council on 12 December 2013 in Brussels.

EVENT IN THE MARGINS OF THE COUNCIL**Political declaration of the Pentalateral Energy Forum**

In the margins of the Council, Luxembourg, Belgium, the Netherlands, Germany, France, Austria and Switzerland signed a political declaration of the Pentalateral Energy Forum.

The Pentalateral Energy Forum is a temporarily, intergovernmental initiative, whose goal is to enhance cooperation between all relevant parties in order to create a regional north-west European electricity market as an intermediate step towards a single common European electricity market.

TRANSPORT

LAND TRANSPORT

New interoperability rules under the fourth railway package

The Council agreed on a general approach to a recast of the 2008 directive on the interoperability of the EU rail system ([10813/13](#)). The 2008 interoperability directive lays down the administrative, technical and operational conditions to be met to achieve interoperability within the EU rail system. The purpose of the recast is to remove the remaining administrative and technical barriers to a single railway market, in particular by increasing the efficiency of the vehicle authorisation process through an enhanced role for the European Railway Agency (ERA), and by clarifying and updating technical standards and conformity assessment rules. This should make it possible to cut administrative costs, speed up administrative procedures and increase economies of scale for railway undertakings operating across the EU.

While the Commission proposed a centralised **authorisation procedure**, with the ERA granting the authorisations to place vehicles on the market ([6013/13](#)), member states had misgivings about such a transfer of competences from national authorities, fearing increased costs and administrative workload and pointing to liability issues and a possible negative impact on rail network safety. The general approach agreed therefore provides for a dual system of authorisations with a clear separation of tasks and responsibilities between the ERA and national safety authorities. The ERA will issue authorisations for vehicles to be used in cross-border operations, based on assessments carried out by the national authorities. For vehicles used only in national traffic, however, the applicant may choose to request authorisation either from the ERA or from the national safety authority.

The general approach also stresses the liability of the ERA for the authorisations it issues and stipulates that the national authorities may enter into specific cooperation arrangements with the agency should networks require specific expertise for geographical or historical reasons.

In addition, the Commission's reporting obligations will be extended to cover aspects such as the functioning of the ERA and of the cooperation agreements, convergence between national vehicle registers and traceability of safety-critical components.

In addition, the transition period for introducing the new vehicle authorisation procedure will be five years rather than, as proposed by the Commission, two years.

Finally, ministers decided at the Council meeting that, when reviewing the ERA regulation as proposed under the "fourth railway package", a new provision will be included on a specific framework for the financial aspects of the cooperation agreements between the ERA and the national safety authorities, with a view to providing a model for the financial apportioning of the fees paid by the applicant for an authorisation.

The general approach also maintains a wider scope of **exemptions** than proposed by the Commission, including the possibility to grant exemptions from the interoperability requirements for vehicles circulating between member states and third countries with a different track gauge. In addition, ministers amended the compromise presented by the presidency ([10276/13](#)) so as to further widen the exemptions by allowing member states, under certain conditions and for connectivity purposes only, to also exempt vehicles primarily used on light rail infrastructure but equipped with some heavy rail components and light rail infrastructure occasionally used by heavy rail vehicles.

Furthermore, ministers agreed at the Council meeting to remove the reference to "a maximum axle load of 120 kN" in the definition of the terms "tram and light rail".

The draft interoperability directive is part of the technical pillar of the "fourth railway package" published by the Commission in January. This technical pillar also includes proposed amendments to the 2004 directive on railway safety and the 2004 regulation establishing a European Railway Agency. Work on the fourth railway package under the Irish presidency concentrated on the interoperability directive.

Besides the technical pillar, the new package also contains three other legislative proposals for amendments to existing EU legislation, aimed at further opening up domestic rail passenger markets and introducing new governance rules for infrastructure management and transport operations. The overarching goal of the package is to complete the market opening process in the rail sector and to provide legislative stability and visibility for business development, so as to improve the competitiveness of the railways in the EU in comparison to other modes of transport.

Roadworthiness of vehicles

The Council agreed on a general approach on two draft directives which are part of the "roadworthiness package" presented by the Commission in July 2012: firstly, an update of the 2000 directive on the technical **roadside inspections of commercial vehicles**; secondly, a revision of the 1999 directive on the **vehicle registration documents**.

– *Roadside inspections of commercial vehicles*

In addition to the regular roadworthiness checks, commercial vehicles are subject to ad-hoc roadside checks of their technical condition, to ensure that they meet safety standards throughout their lifetime.

Under the updated directive, checks will follow a stepwise approach: an initial roadside inspection consisting of a check of relevant documents and a visual assessment of the vehicle may be followed by more detailed technical inspection, if considered necessary. Moreover, risk profiling will enable inspectors to identify the undertakings presenting a high risk of deficiencies, so that these undertakings can be checked more closely and more often, if deemed appropriate. Finally, the annexes to the draft directive set out detailed requirements concerning the items to be inspected and the methods to be used, the assessment of deficiencies and the inspection of cargo securing.

The general approach agreed ([10837/13](#)) introduces a number of changes to the Commission's proposal ([12809/12](#)), essentially to avoid excessive administrative burdens and costs and to leave the member states more scope in implementing the rules. The main changes are as follows:

In line with the request of a large majority of member states, the text has been given the legal form of a directive rather than, as proposed by the Commission, a regulation.

The proposed extension of the scope of checks to light commercial vehicles under 3.5 tonnes and their trailers has not been retained, although a number of delegations were in favour of a broader scope, in particular including light commercial vehicles. In any case, member states are also free to carry out checks on other categories of vehicles if they so wish.

The proposal to set a minimum number of vehicles to be checked annually, as a percentage of all vehicles falling within the scope of the directive, was not supported by the majority of delegations.

Inspection of cargo securing will not be compulsory for member states, as the Commission had proposed, but optional. However, where inspections include cargo securing, personnel involved must be appropriately trained.

The compromise also gives member states seven years to gradually introduce the risk rating system for focusing inspections on high-risk undertakings.

– ***Registration documents for vehicles***

The 1999 directive on registration documents for vehicles sets out the requirements for the issuing of registration certificates, their mutual recognition and the harmonised minimum content of registration certificates. The aim of the proposed revision is to enhance the vehicle registration system's contribution to road safety, while limiting the administrative burden as much as possible.

Whereas the current directive only applies to the granting of a registration, the new draft directive also deals with the situation when vehicles with dangerous deficiencies are banned from the roads. There will be a distinction between outright cancellation of a registration and suspension of authorisation to use a vehicle, which will be lifted once the vehicle has successfully passed a new roadworthiness test.

The revision also provides for the electronic recording of registration certificate data. Technical vehicle data from the register will be made available to inspectors for the regular roadworthiness tests.

As a result of the discussions in the Council's preparatory bodies, the Commission's proposal ([12803/12](#)) has been adapted to take account of member states' specific circumstances and to preserve their prerogatives (general approach: [10838/13](#)).

The two draft directives complement the draft directive updating the common rules on periodic roadworthiness tests for motor vehicles, on which the Council reached a general approach last December ([5018/13](#)). All three roadworthiness directives also need to be approved by the European Parliament in order to be adopted.

AVIATION

Occurrence reporting in civil aviation

The Council agreed a general approach on a revision of the 2003 directive on the reporting of occurrences which could endanger aviation safety ([10735/13](#)). Building on the 2003 directive, which imposed the obligation to report such occurrences, the purpose of the revision is to improve the reporting system and to ensure efficient use of the data collected with a view to preventing future accidents, thereby moving further towards a proactive, risk-based safety management system. The overall objective is to contribute to reducing the number of aircraft accidents in a context of growing air traffic.

To this end, the draft regulation, which will replace the 2003 directive, updates the list of incidents to be reported and the list of persons obliged to report, while also requiring the establishment of voluntary reporting systems to facilitate the collection of details not covered by the mandatory system but perceived as important by the reporting person. The new text also contains provisions to improve the quality and completeness of reported data, clarify the flow of information and extend the exchange of information. In addition, the protection of persons reporting incidents will be strengthened in order to encourage people to report without fear of punishment or prosecution, as long as they have not acted in gross negligence. The text also introduces new requirements to ensure that occurrence reports are properly analysed with a view to identifying safety risks and that follow-up actions are taken to remedy any safety deficiency identified.

The general approach agreed on takes account of the main concerns raised by member states during the discussions in the Council's preparatory bodies, in particular by:

- reviewing the scope of mandatory occurrence reporting to exclude certain categories such as historic, amateur-built or experimental aircraft and to simplify reporting requirements for less complex aircraft;
- ensuring that employees who report occurrences are protected, without however encroaching on the criminal law of the member states;
- adapting the safety risk classification procedures in a way that allows all significant safety-related information to be detected while avoiding excessive administrative burdens;
- providing for delayed application in order to give member states time to prepare for the implementation of the regulation.

The French minister, however, stressed that he would have preferred further narrowing of the scope of mandatory occurrence reporting by excluding light aviation to avoid excessive administrative burdens. He decided to abstain from the adoption of the text.

In addition, as a result of the Council's discussions, the text presented by the presidency ([10279/13](#) + [COR 1](#)) was amended with regard to the protection of persons who report occurrences. The prohibition on using information contained in occurrence reports against reporting persons has been limited to disciplinary or administrative proceedings, and the reference to civil proceedings removed, in order not to interfere with the legal order of some member states. However, member states are free to provide for stronger protection and in particular to extend it to civil proceedings.

The proposal was presented by the Commission at the end of last December ([18118/12](#)). It needs the approval of both the Council and the European Parliament in order to be adopted.

SHIPPING

Marine equipment directive

The Council agreed on a general approach on the revision of the 1998 directive on the rules applicable to marine equipment to be placed on board EU ships ([10819/13](#)). Those rules basically serve two objectives: to improve safety at sea and prevent maritime pollution through the uniform application of the relevant international requirements, and to ensure the free movement of such equipment within the EU. The purpose of the proposed revision (Commission proposal: [17992/12](#)) is to align the rules with the legislative framework for the marketing of goods within the EU adopted in 2008 (regulation 765/2008 and decision 768/2008) and to simplify and clarify how changing international requirements are enacted in EU and national law. The new directive is intended, among other things, to improve market surveillance, conformity checking and the periodic updating of EU rules.

The compromise text presented by the presidency as a result of the discussions in the Council's preparatory bodies, which was accepted by all ministers, extends the time frame for implementation of the directive to three years. It also provides that member states' representatives must have a say when the Commission adopts harmonised technical specifications and testing standards, which it can do in exceptional cases where action is needed to remove a threat while there are no appropriate international standards or existing standards prove insufficient.

The draft directive includes provisions on issues such as:

- identification and adaptation of requirements applying to the design, construction and performance of marine equipment;
- testing standards and conformity-assessment procedures;
- the mark to be affixed to the equipment as proof of compliance;
- mutual recognition between member states of equipment approved by one member state;
- obligations of economic operators (manufacturers, importers, distributors);
- market surveillance by member states to monitor what products are put on the market;
- procedures for updating requirements in order to align them with new international requirements.

The Commission presented its proposal in December 2012. The European Parliament, whose approval is also required for the proposal to be adopted, has recently started discussing the text.

HORIZONTAL AND INTERMODAL QUESTIONS

Connecting Europe Facility

The Council took note of the state of play on the draft regulation establishing the Connecting Europe Facility (CEF), the future funding instrument for the trans-European networks (TEN) in the fields of transport, energy and telecommunications (progress report: [10060/13](#)). The regulation determines the conditions, methods and procedures for the Union's financial contribution to TEN projects. It will replace the existing legal bases for TEN funding.

The Council is currently discussing the CEF draft regulation with the European Parliament, and good progress has already been made. There is agreement on the majority of transport issues, on the provisions concerning the use of innovative financial instruments such as project bonds, designed to leverage additional investment from private and public sources, and on the question of whether value added tax should be an eligible cost for grants under the CEF. However, some energy issues still need further discussion, as do a number of budgetary provisions related to the ongoing negotiations with the Parliament on the next multi-annual financial framework (MFF), for the years 2014-2020. In addition, the part concerning the telecommunications sector will have to be adapted in the light of an amended proposal for guidelines on telecommunication networks ([10201/13](#)), adopted by the Commission at the end of May to take account of the budgetary cuts agreed by the European Council for this sector.

The negotiations between the Council and the European Parliament are based on the results of the discussion of the proposal within the two institutions. In June 2012, the Council agreed a partial general approach ([11236/12](#)), which did not include the financial provisions, pending the negotiations on the new Financial Regulation and on the MFF. Then, in December, it endorsed a progress report on further work done by the Council's preparatory bodies ([17101/12](#)). Also in December 2012, the Parliament's competent committees put forward amendments to the CEF proposal. Finally, in February this year the European Council agreed on the amounts to be allocated under the CEF to each of the three sectors covered (see *EUCO* [37/13](#), p. 9). The final decision on the financial envelope will, however, depend on the outcome of the MFF negotiations.

The general rules laid down in the CEF regulation will be complemented by sector-specific policy guidelines defining development strategies, priorities and implementation measures for each of the three sectors concerned. These guidelines will be adopted separately from the CEF regulation. The Council and the Parliament have already reached agreement on the sector-specific guidelines for the energy sector, and a provisional agreement on the transport guidelines is expected to be confirmed soon.

EVENT IN THE MARGINS OF THE COUNCIL

Signing of aviation agreement with Israel

On the sidelines of the Council meeting, the European Union and its member states signed an aviation agreement with Israel ([16828/12](#)).

The agreement provides in particular for a gradual and reciprocal market opening (with full market opening by 2017), an increase in frequency of flights per week and the possibility for EU airlines to operate freely from any point within the EU to any point in Israel. It also establishes new arrangements, based on EU legislation, for regulatory cooperation and convergence between the EU and Israel in fields essential for the safe, secure and efficient operation of air services. Moreover, one aim of the agreement is to ensure a level playing-field for economic operators and promote fair competition among airlines.

Other Business

Emissions trading in the aviation sector

The Commission updated the Council on the state of play of the negotiations on global action to tackle emissions from aviation ([10609/13](#)). The ongoing negotiations in the framework of the International Civil Aviation Organisation (ICAO) concern the development of a global market-based approach to this issue as well as agreement on principles guiding the application of national and regional market-based measures as long as a global system is not available. The negotiations are to prepare a resolution to be submitted to the ICAO assembly in September 2013. In an effort to contribute to finding a global solution at that assembly in the autumn, the EU decided in April to suspend temporarily the enforcement of its emissions trading scheme (ETS) for international flights to and from Europe.

Air passenger rights

The Commission presented its proposal for a revision of the regulations on compensation and assistance to air passengers and on air carrier liability in respect of the carriage of passengers and their baggage by air ([7615/13](#)). The goal is to clarify grey areas in existing legislation and strengthen passenger rights and complaint-handling rules while alleviating the disproportionate costs that some obligations may impose on air carriers in exceptional circumstances. This legislative proposal will be a priority for the Lithuanian presidency.

Aviation price transparency

The Commission also circulated an information note on ensuring transparent pricing of airline ticket in the interest of passengers ([10592/13](#)). While it considers the current legal framework fit for purpose, it sees a need for better cooperation between the member states' enforcement authorities and for tackling unfair commercial practices related to credit card fees.

Ports policy review

The Commission presented its communication on "Ports: an engine for growth" ([10160/13](#)) and its related proposal for a regulation which establishes a framework for access to the market of port services and common rules on the financial transparency and charges to be applied by managing bodies or providers of port services ([10154/13](#)). The proposal is intended to improve the quality and efficiency of port services, encourage investment in ports, help reduce costs for transport users and contribute to better connecting ports with other transport modes. It would apply to all seaports of the trans-European transport network.

Some member states, while welcoming the objective of strengthening ports, were sceptical about the need for regulatory measures in this respect.

Passenger ship safety

The Commission submitted the Council an information note on the state of play of work undertaken in reaction to the Costa Concordia accident in January 2012 in order to improve passenger ship safety ([10078/13](#)). The approach that has been followed includes improving international standards, reviewing EU legislation, strengthening enforcement and promoting voluntary measures by the shipping industry.

State of play of legislative files

The presidency briefed ministers on the state of play of legislative files in the transport sector, highlighting the agreements reached with the European Parliament on the new financial and governance framework for the European satellite navigation systems (EGNOS and Galileo), the tachograph regulation and the directive on port state responsibilities for enforcing the Maritime Labour Convention. Negotiations with the Parliament have also been concluded on the guidelines for trans-European transport networks and on the directive on flag state responsibilities for the enforcement of the Maritime Labour Convention, but the results of these negotiations still need to be endorsed by the member states' permanent representatives within the Council. Finally, good progress has been made in the discussions with the Parliament on the Connecting Europe Facility, so that an agreement should be possible in the near future.

Work programme of the incoming presidency

The incoming Lithuanian presidency informed ministers about its work programme for the second half of 2013 in the field of transport policy ([10544/13](#)). It intends to focus work on the air passenger rights package, the railway safety directive and the directive on the deployment of alternative fuels infrastructure. Work will also be done on proposals regarding an amendment to the regulation setting up the European GNSS Agency; multiannual funding for the response by the European Maritime Safety Agency (EMSA) to pollution caused by ships and oil and gas installations; the EU policy for sea ports; the Joint Undertaking to develop the new European air traffic management system SESAR; and a "Single European Sky II plus" package.

The legislative texts to be discussed with the European Parliament include the three directives of the roadworthiness package, the regulation on occurrence reporting and the directive on maritime equipment.

The informal meeting of transport ministers scheduled in Vilnius on 16 September will deal with the Single European Sky initiative.

OTHER ITEMS APPROVED**ENERGY****Ecodesign requirements for standby, off mode electric power consumption and for televisions**

The Council decided not to oppose the adoption of a Commission regulation amending Commission regulation (EC) No 1275/2008 with regard to ecodesign requirements for standby, off mode electric power consumption of electrical and electronic household and office equipment, and amending Commission Regulation (EC) No 642/2009 with regard to ecodesign requirements for televisions ([9791/13](#)).

The Commission regulation is subject to the 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.

Safety of offshore oil and gas operations*

The Council adopted a directive on safety of offshore oil and gas operations ([PE-CONS 8/13, 10197/13 ADD1](#)).

The new regulatory framework aims at reducing the occurrence of major accidents related to offshore oil and gas operations and to limit their consequences. Consequently, it will increase the protection of the marine environment and coastal economies against pollution. It establishes minimum conditions for safe offshore exploration and exploitation and improves the response mechanisms in the event of an accident.

For more details see press release [10588/13](#).

Relations with Algeria/Memorandum of Understanding in energy field

The Council endorsed a Memorandum of Understanding on the establishment of a Strategic Partnership between Algeria and the European Union in the field of energy.

The purpose of this Memorandum is to deepen the cooperation in the energy sector between the EU and Algeria and to extend it beyond hydrocarbons to include electricity and new and renewable energy, energy efficiency and infrastructure development.

The Memorandum has been negotiated in the context of the EU-Algeria Association Agreement, in force since 2005. The signature is foreseen to take place in June or early July.

TRANSPORT

Transport protocol to Alpine Convention

The Council authorised the conclusion by the EU of a protocol on the implementation of the Convention on the protection of the Alps (Alpine Convention) in the field of transport ([9769/13](#)).

The transport protocol provides a framework, based on the precautionary principle, the preventive principle and the polluter-pays principle, for ensuring sustainable mobility and protection of the environment, in relation to all modes of transport in the Alpine region.

The Alpine Convention is a treaty between the Alpine countries (Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia and Switzerland) as well as the EU, aimed at promoting sustainable development in the Alpine area and at protecting the interests of the people living within it.

CUSTOMS UNION

Update of the Union Customs Code

The Council adopted a regulation updating the EU's customs code and establishing its application date as from 1 November 2013 ([PE-CONS 23/13](#)).

The new regulation adjusts certain provisions of regulation 450/2008, which established the Modernised Customs Code, to take account of developments in customs and other relevant legislation, aligns the regulation on requirements resulting from the Treaty of Lisbon and postpones its application in order to give national administrations and economic operators enough time to undertake the necessary investments and ensure smooth implementation of electronic processes.

INTERNAL MARKET

Safety of pyrotechnic articles

The Council updated the rules concerning the circulation of fireworks and other pyrotechnic articles in the internal market ([PE-CONS 16/13](#) and [10156/13ADDIREVI](#)).

The updated rules seek to improve the free movement of pyrotechnic items within the internal market while ensuring a high level of protection for consumers and professional end-users. They are contained in a recast version of directive 2007/23/EC.

Pyrotechnic articles include not only fireworks but also those used for technical purposes, such as gas generators used in airbags for vehicles.

In order to prevent accidents, the directive lays down age limits for the sale and use of pyrotechnic articles. It also ensures that their labelling displays sufficient and appropriate information on safe use. Certain pyrotechnic articles are available only to persons with the necessary knowledge, skills and experience.

Pyrotechnic articles imported into the EU from third countries have to comply with the requirements laid down in the directive.

Safety during storage is governed by directive 96/82/EC and safety in transportation is covered by international rules on dangerous goods, therefore these aspects do not fall within the scope of the new directive.

TRADE POLICY

Generalised tariff preferences - Myanmar

The Council adopted a regulation repealing a regulation of 1997 that temporarily withdrew access to generalised tariff preferences from Myanmar/Burma.

This follows a Commission report on forced labour in Burma, showing that violations of the principles laid down in ILO Convention No 29 are no longer considered as 'serious and systematic' and recommending that access to generalised tariff preferences be reinstated to the country.

AGRICULTURE

Non-commercial movement of pet animals

The Council adopted a regulation on the non-commercial movement of pet animals in the EU following a first reading agreement with the European Parliament ([9/13](#)). This means that e.g. dogs, cats and ferrets accompanying their owner will have greater opportunities to travel across EU borders and into the EU.

The adoption of this regulation also amends the current directive 92/65 laying down *inter alia* the animal health requirements governing trade in and imports into the EU of dogs, cats and ferrets ([10/13](#)).

For further details, see [document](#).

AUDIOVISUAL ISSUES

Signing of the Beijing Treaty on audiovisual performances

The Council authorised the signing, on behalf of the EU, of an international treaty on audiovisual performances (the "Beijing Treaty") ([9188/13](#)).

The Beijing Treaty¹ establishes a set of new rules in the area of neighbouring rights which aim at ensuring the adequate protection and remuneration of audiovisual performers such as actors, singers, musicians or dancers, whose performances are incorporated in an audiovisual work (e.g. a film or a TV programme).

SPORT

Convention on combating manipulation of sports results

The Council authorised the Commission to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sports results with the exception of matters related to cooperation in criminal matters and police cooperation

¹ http://www.wipo.int/pressroom/en/articles/2012/article_0013.html