



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 February 2011

**17363/10
ADD 1 REV 1**

PV/CONS	68
TRANS	364
TELECOM	143
ENER	352

ADDENDUM to DRAFT MINUTES

Subject: **3052nd** meeting of the Council of the European Union (**TRANSPORT, TELECOMMUNICATIONS and ENERGY**), held in Brussels on 2 and 3 December 2010

PUBLIC DELIBERATION ITEMS¹

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(public deliberation in accordance with Article 16(8) of the Treaty on European Union)

2. Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety

- Conclusion on political agreement
7984/08 TRANS 100 CODEC 416
16944/10 TRANS 356 CODEC 1383 DAPIX 53 ENFOPOL 347

The Council concluded on the political agreement on the text of the draft Directive as reflected in the outcome of proceedings (doc.17409/10).

AT, CZ, FR, ES, IT and PT made a joint statement. DE, IE, UK and the Commission also made statements (see Annex).

Joint statement by Austria, Czech Republic, France, Italy, Portugal and Spain

"The abovementioned Member States want to state that for the purpose of investigating the person liable for a road safety related traffic offence, all measures as provided by national law can be taken".

Statement by Germany

"Re Article 4(1a):

The subparagraph

"The Member State of offence shall, under this Directive, use the data obtained for the purpose of investigating who is personally liable for road safety related traffic offences referred to in Article 2 and Article 3."

is taken to mean that the person who is personally liable within the meaning of this provision can be none other than the driver as it is only he/she who has actually committed the offence. Any data on vehicle operators that is supplied may therefore, in the German delegation's view, be used solely to investigate who the driver is".

Statement by Ireland

"The proposed measure falls within the area covered by Title V of Part Three of the Treaty on the Functioning of the European Union. Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice therefore applies. In accordance with Article 3(1) of the Protocol, Ireland is not bound by the measure unless it has notified the President of the Council in writing, within three months of the proposal being presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, that it wishes to take part in the adoption of the proposed measure".

Statement by the United Kingdom

"The proposed measure falls within the area covered by Title V of Part Three of the Treaty on the Functioning of the European Union. Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice therefore applies. In accordance with Article 3(1) of the Protocol, the United Kingdom is not bound by the measure unless it has notified the President of the Council in writing, within three months of the proposal being presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, that it wishes to take part in the adoption of the proposed measure".

Statement by the Commission

"The Commission notes that there is unanimity within the Council on the draft Presidency compromise, including on the replacement of the legal basis proposed by the Commission, namely Article 91, paragraph 1c, TFEU by Article 87, paragraph 2, TFEU. While the Commission shares the view of the Council about the importance of pursuing the aims of the proposed Directive to improve road safety, it considers however from a legal and institutional perspective that Article 87, paragraph 2, TFEU does not constitute the appropriate legal basis and therefore reserves its right to use all legal means at its disposal".

3. Proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (recast)

- Progress report
- Policy debate
 - 13789/10 TRANS 238 CODEC 862
 - + COR 1
 - 16308/10 TRANS 332 CODEC 1264

The Council took note of the progress report on the work carried out on the proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (Recast).

Following the policy debate, the Presidency drew the following conclusions:

- the publication of the national rail infrastructure development strategies was generally seen as an appropriate instrument to stimulate sustainable investments in the railway sector. Some delegations, however, emphasized that Member States' competence for the financing of the rail infrastructure had to be ensured. Moreover, due regard should be given to the principle of the annual budgetary decisions, applied by Member States, when establishing multi-annual plans;
- differentiation of track charges based on noise performances could provide an incentive for retrofitting noisy wagons and thereby diminishing noise emissions. Several Member States, however, underlined the strong need to ensure equal treatment of rail and road transport and advocated a voluntary application of noise-differentiated infrastructure charges. It was also mentioned that this measure should primarily focus on heavily populated areas;
- temporary reduction of track access charges for trains equipped with the European train control system (ETCS) could stimulate railway undertakings to install this system. However, several Member States underlined that they wanted to keep the right to levy new charges or increase the existing ones in order to compensate for the loss of revenues caused by such a reduction.

4. Proposal for a Decision of the European Parliament and of the Council on the detailed rules for access to the public regulated service offered by the global navigation satellite system established under the Galileo programme

– Progress report

14701/10 TRANS 267 MAR 98 AVIATION 156 CAB 17 RECH 321
CODEC 996

16265/10 TRANS 328 MAR 120 AVIATION 183 CAB 29 RECH 372
CODEC 1259

+ COR 1

The Council took note of the above mentioned progress report (doc. 16265/10 + COR 1) and invited the competent Council's preparatory bodies to pursue the examination of this file.

13. Proposal for a Decision establishing the first radio spectrum policy programme

- Progress report
- Exchange of views
 - 13872/10 TELECOM 91 AUDIO 26 MI 314 CODEC 872
 - 16567/10 TELECOM 130 AUDIO 47 MI 464
 - 16832/10 TELECOM 135 AUDIO 51 MI 487 CODEC 1361

The Council held an *exchange of views* on the proposal for a first radio spectrum policy programme on the basis of a *progress report* (doc. 16832/10) and a number of *questions for the exchange of views* (doc. 16567/10).

14. Proposal for a Regulation amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency (ENISA) as regards its duration

- Progress report
 - 14322/10 TELECOM 98 MI 344 DATAPROTECT 69 CAB 15 INST 358
CODEC 936
 - 16835/10 TELECOM 137 MI 489 DATAPROTECT 90 JAI 996 CAB 31
INST 530 CODEC 1362

The Council examined the progress report made on two draft regulations regarding the European Network and Information Security Agency (ENISA) (doc. 16835/10).

15. Proposal for a Regulation concerning the European Network and Information Security Agency (ENISA)

- Progress report
 - 14358/10 TELECOM 99 MI 346 DATAPROTECT 70 JAI 794 CAB 16
INST 361 CODEC 943
 - 16835/10 TELECOM 137 MI 489 DATAPROTECT 90 JAI 996 CAB 31
INST 530 CODEC 1362

The Council examined the progress report made on two draft regulations regarding the European Network and Information Security Agency (ENISA) as set out in document 16835/10).

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(in accordance with Article 8(2) of the Council's Rules of Procedure)

11. Towards a new energy strategy for Europe for 2011-2020

- (a) Communication from the Commission "Energy 2020: A strategy for competitive, sustainable and secure energy"
- (b) Communication from the Commission "Priorities for energy infrastructure for 2020 and beyond"
 - Presentation by the Commission
 - Policy debate with a view to the February European Council meeting
[public debate in accordance with Article 8(2) of the Council's Rules of Procedure
(proposed by the Presidency)]
 - 16096/10 ENER 312 ENV 758 COMPET 346 POLGEN 181
 - 16302/10 ENER 331
 - 16303/10 ENER 332 ENV 772 COMPET 364 POLGEN 188

The Council held a policy debate on the two Communications on the basis of the questionnaire set out in doc. 16303/10.

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