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Transport, Telecommunications and Energy

Brussels, 12 and 13 December 2011

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Main results of the Council

Transport

*The Council achieved a political agreement, confirming the general approach reached in June, on a draft directive establishing a **single European railway area**. The draft directive, which is a recast of the first railway package adopted in 2001, aims to simplify, clarify and modernise the rules for the railway sector so as to increase competition, strengthen market supervision and improve conditions for investment.*

*The Council agreed a partial general approach on a draft regulation on **tachographs** used in road transport, which will replace the 1985 tachograph regulation. The aim of the new draft legislation is to make fraud more difficult and reduce the administrative burden by making full use of new technologies and introducing a number of new regulatory measures. The issue of merging the driving licence with the driver card has been left out at this stage, as it has also to be discussed in the context of the revision of the driving licences directive.*

*The Council also reached a general approach on the update of the directive on the minimum level of **training for seafarers**, with a view to aligning EU legislation with recent amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW).*

*Furthermore, the Council agreed a general approach on the recast of the 2002 regulation on the phasing-in of **double-hull requirements for single-hull oil tankers**. Besides merging the past amendments to the regulation into one text, the recast modifies the procedure for updating references in the regulation to the relevant rules adopted within the International Maritime Organisation.*

*Finally, transport ministers took stock of the state of play on new guidelines defining a long-term strategy for the development of the **trans-European transport network (TEN-T)**. The guidelines lay down requirements for the management of the TEN-T infrastructure and priorities for the development of the network and provide for implementing measures.*

Telecommunications

*The Council adopted its position at first reading on the decision establishing a **multi-annual radio spectrum policy programme**.*

*It also adopted conclusions on the **open internet and net neutrality** in Europe.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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ITEMS DEBATED

LAND TRANSPORT

Establishment of a single European railway area

The Council reached political agreement on a draft directive on a single European railway area ([17324/11](#)), confirming its general approach adopted in June this year, while adapting the wording of some provisions in order to take account of amendments adopted by the European Parliament.

Two delegations did not agree to the text, however. One considers the requirement of independence in organisational and decision-making terms for a service operator belonging to a body with a dominant position to be too bureaucratic, and is also opposed to the obligation for railway undertakings to lease unused facilities. The second delegation is of the opinion that the legal framework contained in the text is too rigid and does not take sufficient account of the specific situations of member states. Another delegation abstained, pointing to concerns about infrastructure charging rules.

The political agreement will be formalised in the form of a first-reading position after legal and linguistic checks have been carried out. However, the Council will already endeavour to enter into negotiations with the European Parliament in order to seek agreement on a final text to be adopted jointly by both institutions at second reading.

The draft directive is a recast of the first railway package: a set of three directives on the development of European railways, licensing of railway undertakings and management of railway infrastructure (directives Nos 12, 13 and 14 of 2001), which launched a gradual opening-up of the railway sector to competition at European level.

The purpose of the recast is to simplify, clarify and modernise the regulatory framework for Europe's railway sector so as to increase competition, strengthen market supervision and improve conditions for investment in the sector. To that end, the recast merges the three directives, together with the amendments made to them over time, into a single text, and makes a number of other changes:

- Competition between railway undertakings will be enhanced by making rail market access conditions more transparent and improving access for operators to rail-related services such as railway stations, freight terminals and maintenance facilities. To guarantee non-discriminatory access, the recast specifically provides that a service operator belonging to a body with a dominant position on the railway market concerned must be independent from that body to a certain extent, which requires having separate accounts and independence in organisational and decision-making terms though there is no need to create a separate legal body.

- The independence of national regulatory bodies and their powers, for instance to impose sanctions or audits, will be strengthened. Cooperation between regulators on cross-border issues will also be enhanced. This will help eliminate discriminatory obstacles to access to rail services and ensure the proper functioning of the rail services market.
- Financing of rail infrastructure will be improved by longer-term planning, offering more certainty to investors, and by adapting charging rules so as to give incentives to modernise infrastructure, including the reduction of noise emissions.

The recast proposal was presented by the Commission in September 2010 ([13789/10](#)). The European Parliament reached its first-reading position on 16 November 2011 ([16805/11](#)).

Tachograph regulation

The Council agreed on a partial general approach on a new draft regulation setting out requirements for the construction, installation, use and testing of tachographs ([18148/11](#)). The tachograph is used in road transport to monitor compliance with the rules on driving time and rest periods, in order to ensure road safety, decent working conditions for drivers and fair competition between transport businesses. The aim of the new draft legislation, which will replace the 1985 tachograph regulation, is to make fraud more difficult and to reduce the administrative burden by making full use of new technologies and introducing a number of new regulatory measures.

The partial general approach does not cover the proposed provision on merging the driving licence with the driver card used with the tachograph. That provision will be discussed at a later stage, in parallel with the proposal for a revision of the driving licences directive, recently submitted by the Commission ([16842/11](#)), which also provides for the inclusion of the driver card functionalities into the driving licence.

The text agreed is a compromise presented by the presidency and supported by a large majority of delegations. However, some delegations still have concerns on specific points. One delegation wishes to extend the exemptions from the requirement to use the tachograph, so as to increase the radius for exempted transport operations to 150 km. Some other delegations, arguing that any harmonisation of sanctions should be excluded, would prefer leaving out the requirement that penalties must be in compliance with the categories of infringements defined in the directive on social legislation relating to road transport activities.

The partial general approach contains the following key elements:

As regards the use of technology, the current manual recording of the location of the vehicle will be replaced by automated recording through satellite positioning. Moreover, remote communication from the tachograph providing basic information on compliance will allow for early detection of possible manipulation or misuse, thereby enabling officers to target roadside checks better and avoid unnecessary checks. However, there will be no obligation for member states to ensure that their inspection authorities are equipped with the instruments required for remote early detection of this kind. In addition, the tachograph may be equipped with an interface facilitating its integration into Intelligent Transport Systems, subject to certain conditions.

The regulatory changes will include stricter requirements for workshops responsible for installing and calibrating tachographs. In order to cut the administrative burden, the exemption from the obligation to use tachographs, which member states may grant to certain users - mainly small and medium-sized enterprises - will be extended: for those users, the new draft regulation introduces an exemption for transport operations within a radius of 100 km, whilst hitherto the exemption has been limited to 50 km in certain cases.

The regulatory measures will apply two years after the publication of the regulation in the Union's Official Journal, with the exception of the rules on the approval and control of workshops and the use of driver cards, which will be applicable one year earlier. The "smart tachograph", that is, the application of the new satellite-linked technology, will become mandatory 40 months after the technical specifications for the new tachograph have been established, i. e. probably in 2017 or 2018.

The European Parliament, whose approval is also required for the adoption of the regulation, has yet to discuss the proposal.

SHIPPING

Training of seafarers

The Council agreed a general approach on updating a 2008 directive defining the minimum level of training for seafarers ([18147/11](#)), with a view to aligning EU legislation with recent amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW). The 2008 directive provides for the transposition into EU law of this convention, which was adopted by the International Maritime Organisation (IMO) and to which all EU member states are parties.

Two delegations, while supporting the general approach, raised certain issues. The first voiced its concerns regarding the requirement to send the Commission information on certificates for statistical purposes. The other delegation considered that there were legal uncertainties in the text and invited the Commission to address this problem in a future recast of the EU's STCW directive,

The amendments to the STCW agreed by the IMO in 2010, which enter into force in 2012 (with transitional arrangements until 2017), include provisions on:

- updated standards for medical fitness and fitness for duty, including as regards alcohol abuse,
- the establishment of the new professional profiles of "able seafarers", "electro-technical officers" and "electro-technical ratings",
- security-related training for all seafarers,
- clearer and simpler definition of certificates, and
- prevention of fraudulent practices relating to certificates.

The draft directive incorporates these amendments into EU law, while adapting the STCW provisions on watchkeeping in order to bring them into line with EU rules on working time for seafarers.

In addition, the draft directive extends the time frame available to the Commission for deciding on the recognition of the training and certification systems of non-EU countries from three to eighteen months, as the three-month deadline has proved impracticable. The new text also provides for the collection of information on seafarers' certificates for statistical purposes, as a tool for policy-making in this sector.

The proposed directive is part of the Commission's "Social agenda for maritime transport", which will also include a communication and a legislative proposal for the enforcement of the 2006 Maritime Labour Convention adopted by the International Labour Organisation (ILO).

The European Parliament has not yet determined its position on the proposal, which was presented by the Commission in September this year ([14256/11](#)).

Double-hull requirements for oil tankers

The Council agreed a general approach on a recast of the 2002 regulation on the phasing-in of double-hull requirements for single-hull oil tankers ([17025/11](#)). The recast improves clarity by bringing together in a single text the amendments made to the regulation over time; the only change to the rules currently in force concerns the procedure for updating the references in the regulation to the relevant regulations and resolutions adopted by the International Maritime Organisation (IMO).

The Council and the European Parliament will delegate to the Commission the power to align the numbering of those references with any renumbering of the IMO rules. This procedure, introduced by the Lisbon treaty, is to replace the current one under which decisions on amendments to those references are taken by a committee composed of experts from both the Commission and the member states. The Council deemed it sufficient to limit the scope of possible amendments to renumbering since single-hull oil tankers will be phased out in the near future and it is therefore unlikely that the IMO will modify the content of the relevant rules.

The regulation to be recast prohibits the transporting to or from EU ports of heavy grades of oil in single-hull oil tankers and lays down an accelerated phasing-in scheme for the application of the double-hull or equivalent design requirements of the International Convention for the Prevention of Pollution from Ships to single-hull oil tankers, with 2015 as the final deadline. That regulation was adopted in 2002 as a response to shipping accidents involving oil tankers and to the ensuing pollution of the Union's waters and coastlines. Its main objective is to enhance safety and to prevent pollution in maritime transport by making oil tankers safer.

The European Parliament, whose approval is also required for the adoption of the recast, has not yet determined its position.

INTERMODAL ISSUES

Trans-European transport network

The Council took note of a report ([17629/11](#)) presented by the presidency on the state of play on new guidelines for the development of the trans-European transport network (TEN-T). The guidelines define a long-term strategy for the TEN-T with the aim of establishing a complete and integrated transport network covering all member states and regions and providing the basis for the balanced development of all transport modes.

The Council's preparatory bodies have only recently started to discuss the guidelines proposed by the Commission ([15629/11](#)). While member states generally support the proposal to introduce a double-layer structure distinguishing between a core network to be put into place as a priority and a comprehensive network, other aspects of the proposed guidelines will need further discussion. Member states' main concerns are set out in the presidency's report. Many delegations took the floor to highlight the most important issues:

The budgetary consequences are considered problematic by several member states, especially as regards the costs for meeting the requirements set out in the guidelines for the different modes of transport, in particular rail transport.

Several delegations underscored the need to ensure member states' right to decide on projects to be carried out on their territory.

While the core network corridor concept set out in the proposal was supported by several member states, several other delegations were critical or pointed to the need for clarification. The governance of the corridors was mentioned as an important issue for further discussion, and the need to avoid an increase in the administrative burden was underlined.

Several member states also stressed the importance of transport connections with neighbouring non-EU countries.

Other issues raised include the binding deadlines proposed by the Commission for setting up the core and the comprehensive networks, and the Commission's decision to give the guidelines the legal form of a regulation, which is directly addressed to all potential stakeholders, including regional and local authorities and private bodies, rather than a decision addressed only to the member states, as is the case for the guidelines currently in force.

The Council instructed its preparatory bodies to continue discussions on the proposed guidelines, which need to be approved by both the Council and the European Parliament.

The guidelines lay down the requirements for the management of the infrastructure and the priorities for the development of the TEN-T network and also provide for implementing measures. They set out the framework for identifying projects of common interest contributing to the development of the network; such projects may relate to the creation, maintenance, rehabilitation and upgrading of infrastructure for all modes of transport as well as measures promoting its resource-efficient use.

The new double-layer structure of the network, as outlined in the Commission proposal, has the following key features:

The comprehensive network, to be completed by the end of 2050, will be made up of all existing and planned TEN-T infrastructure meeting the requirements of the guidelines, including resource-efficiency and environmental and technological aspects.

The core network, to be in place by the end of 2030, consists of the components of the comprehensive network with the highest strategic importance from a European perspective, such as cross-border missing links, key bottlenecks and multi-modal nodes. It will have to meet additional requirements and will be implemented through multi-modal network **corridors** covering at least three, or in justified cases two, different modes of transport and crossing at least three member states. These corridors will provide an instrument for capacity management, investment, interoperable traffic management systems, and building and coordinating multi-modal transshipment facilities. For each corridor, the member states concerned will set up a platform tasked with the governance and coordinated implementation of the corridor; each platform will be chaired by a European coordinator appointed by the Commission.

Maps indicating the layout of the comprehensive and core networks are included in the annexes to the proposal (addenda to [15629/11](#)), and the proposed list of core network projects can be found in annex I to the Connecting Europe Facility proposal ([16176/11](#)).

The first guidelines defining the TEN-T policy were adopted in 1996 and revised in 2004. In 2010, maps covering the 10 new member states that joined the EU in 2004 were added. The revision under way intends to tackle the main problems encountered: missing links, in particular at cross-border sections, infrastructure disparities between and within member states, insufficient multi-modal connections, greenhouse gas emissions by transport and inadequate interoperability.

OTHER BUSINESS (Transport)

Airport package

The Council heard a presentation by the Commission of three legislative proposals relating to different areas of airport activities: groundhandling services ([18008/11](#)), the allocation of slots ([18009/11](#)) and rules on the reduction of noise ([18010/11](#)). The aim of the package, which also includes a communication on airport policy ([18007/11](#)), is to address two key challenges: capacity at airports and the quality of airport services. More generally, it is intended to contribute to the implementation of the Single European Sky initiative.

The forthcoming Danish presidency considers the airport package a priority.

Single European Sky

The Council was briefed by the presidency on the results of a high-level conference on the implementation of the Single European Sky (SES) and its extension beyond the European Union, held in Warsaw on 28 November ([18108/11](#)). The conference emphasised the need to push ahead with the implementation of the SES and to foster cooperation with the EU's neighbours with a view to extending the SES beyond the Union. The importance of the deployment of the SESAR (SES air traffic management research) programme, which is the technological pillar of the SES, was also underlined.

The Council also took note of information provided by the Commission on the implementation of the regulatory framework of the SES ([18291/11](#)). The Commission drew ministers' attention to its report on this issue published in November ([16582/11](#)) and stressed that 2012 would be pivotal for the implementation of the SES with key challenges to be addressed in a number of areas: the establishment of functional airspace blocks (FAB) grouping together two or more member states in order to achieve better air traffic management; improvement of performance plans; network management; and preparations for the deployment of SESAR.

In addition, the Romanian and Bulgarian delegations informed the Council about the creation of the DANUBE functional airspace block, comprising both Romanian and Bulgarian airspace. The two countries signed the agreement on the establishment of this FAB the same day on the sidelines of the Council ([18299/11](#)).

Aviation safety management

The Commission presented to the Council its new approach to aviation safety management in Europe, shifting from rule-making and reaction to a proactive, risk-based safety management system that will draw on expertise and input from all aviation stakeholders across the EU ([18057/11](#)). This approach is set out in detail in the Commission communication on a European aviation safety management system ([16210/11](#)).

Air cargo security

The Council was briefed by the Commission on progress made in implementing an EU action plan, endorsed by the Council in December 2010, aimed at strengthening air cargo security. The Commission pointed in particular to work completed in three areas: common methodology for security risk assessment, screening of cargo and transfer of data on cargo coming into the EU.

Emissions trading in the aviation sector

The Commission briefed ministers on the state of play as regards the application of the EU's greenhouse gas emissions trading scheme (ETS) to aviation, due to start on 1 January 2012, and the relations with non-EU countries opposed to the inclusion of international aviation in the Union's ETS. The Commission will continue its ongoing bilateral discussions with those countries, while also pressing for progress in the International Civil Aviation Organisation (ICAO) on a global solution for this issue.

European satellite navigation programmes

The Commission presented to ministers its proposal for a regulation on the implementation and exploitation of the European satellite navigation programmes EGNOS and Galileo ([17844/11](#)). The proposal, which will replace regulation 683/2008, establishes in particular the rules for the financing and governance of the programmes for the period 2014 to 2020.

Eastern Partnership ministerial conference on transport

The Council was briefed by the presidency on the conference of transport ministers of EU member states, the six Eastern Partnership countries (Belarus, Ukraine, Moldova, Georgia, Armenia and Azerbaijan) and Croatia, which took place in Krakow (Poland) on 24 and 25 October 2011. The conference provided an opportunity for all partners to voice their expectations for transport cooperation, discuss their roles in implementing the partnership and consider ways to improve transport infrastructure connections between them. The conference also launched an Eastern Partnership Transport Panel and adopted a joint declaration on transport cooperation ([16406/11](#)).

Work programme of the incoming presidency

The Danish delegation presented the incoming presidency's work programme in the transport sector, the overarching aim of which will be "green growth". The incoming Danish presidency will continue ongoing work on the files on the Council's table and in particular seek to reach a second-reading agreement with the European Parliament on the recast of the first railway package. In addition, it will start work on the proposals recently submitted by the Commission, such as the airport package and the proposals on driving licences and the satellite navigation programmes, as well as on an expected proposal on enforcement of the maritime labour convention. The TEN-T guidelines and the airport package, especially the groundhandling and noise reduction proposals, will have high priority.

TELECOMMUNICATIONS

Multi-annual radio spectrum policy programme

In a public session, the Council adopted its position at first reading and the statement of its reasons ([16226/11](#) + [ADD1](#)) on the draft decision on the multi-annual radio spectrum policy programme. The Belgian delegation abstained from voting.

The text endorsed was negotiated in trialogue meetings between the Polish presidency, the European Parliament and the European Commission. The Council position will be transmitted to the European Parliament, which is expected to endorse it in its plenary meeting in February 2012.

The aim of the programme is to set out policy orientations and objectives for the strategic planning and harmonisation of spectrum use in order to ensure the functioning of the internal market. The programme covers all EU policy areas involving the use of spectrum such as electronic communications, research, technological development and space, transport, energy and audio-visual.

The new programme seeks to achieve in particular the following policy objectives:

- encourage efficient management and use of spectrum;
- allocate sufficient and appropriate spectrum in a timely manner to support EU policy objectives and, for that purpose, make every effort to identify, based on an inventory of spectrum, at least 1200 MHz of spectrum by 2015 at the latest;
- bridge the digital divide and contribute to the objectives of the Digital Agenda for Europe by fostering access to broadband at a speed of not less than 30 Mbps by 2020 for all EU citizens;
- enable the EU to take the lead in wireless electronic communication broadband services by freeing up sufficient spectrum in cost-efficient bands for these services to be widely available;
- promote innovation and investment;
- maintain and develop effective competition, in particular in electronic communication services;
- reduce the fragmentation and fully exploit the potential of the internal market in order to foster economic growth and economies of scale in the EU.

The decision provides for the establishment of an inventory of existing uses of spectrum for commercial and public purposes. The inventory will be administered by the Commission, which by July 2013 is expected to adopt relevant implementing acts to develop modalities and formats for the collection and provision of data by the member states.

The Commission will report on the implementation of this decision to the Council and the Parliament no later than two years after its entry into force and it will conduct a review of the application of this decision by 31 December 2015.

Roaming regulation

The Council took note, in a public session, of a progress report ([17900/11](#)) on a draft roaming regulation and discussed this proposal on the basis of the presidency questionnaire ([17751/1/11](#)).

The proposal ([12639/1/11](#)) aims at revising the current regulation by introducing pro-competitive structural measures and extending its validity until 30 June 2022. The proposed structural measures aim to tackle the lack of competition and consumer choice, which causes the high roaming prices. The intention is to open the market to different types of providers and raise consumers' awareness of roaming prices, as well as increase choice by allowing them to purchase roaming also as a stand-alone service.

The current roaming regulation will expire on 30 June 2012. The aim of the incoming Danish presidency will be to achieve a first-reading agreement with the European Parliament early 2012.

The presidency's progress report is intended to inform ministers of the work done so far and to identify issues, which will need more in-depth consideration.

The working party discussed the proposal at several meetings on the basis of three clusters which cover the main elements of the proposal: structural measures; price caps; transparency, safeguards and supervision. Most delegations welcomed the proposal. However, most delegations sought clarification with regard to the exact scope of the wholesale access obligation, and inquired about the technical and practical feasibility of de-coupling domestic mobile services and international roaming services, and about the implementation time-frame for particular actions indicated in the regulation. The delegations also expressed some concerns about the level of the proposed price caps and the margin of the price caps at wholesale and retail level.

The first roaming regulation, adopted in June 2007, covered only voice traffic. In June 2009, it was amended to extend its scope to regulating SMS and wholesale-level data roaming services too. The duration of the regulation was extended until June 2012.

European Network and Information Security Agency

In a public session, the Council took note of the progress report ([18156/11](#)) on a draft regulation concerning the European Network and Information Security Agency (ENISA).

The Commission proposal aims to strengthen and modernise the ENISA and to establish a new mandate for a period of five years. Its current mandate will expire on 13 September 2013.

The presidency's progress report describes work done on this file during the Polish presidency¹. The duration of the agency's mandate is still an outstanding issue; several delegations agree to a mandate which is limited in time (including a mandate longer than the period of five years proposed by the Commission) whereas several others support an indefinite mandate. The Polish presidency proposed new tasks for the agency, in particular to support and promote voluntary cooperation between Computer Security Incident Response Teams/Computer Emergency Response Teams and to play a supportive role in the organisation of network and information security awareness-raising activities. In the international field, the presidency proposal focuses on the contribution of the agency to the EU's efforts to cooperate with third countries and international organisations in particular by promoting involvement in international network and information security exercises.

The European Parliament is expected to conclude its first reading on this proposal in the early part of 2012.

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

Open internet and net neutrality

The Council adopted conclusions on the open internet and net neutrality in Europe ([17904/11](#)).

These conclusions were drawn up on the basis of the Commission communication on the subject published in April 2011 ([9350/11](#)). This communication seeks to fulfil the Commission commitment to preserve "the open and neutral character of the internet, taking full account of the will of the co-legislators now to enshrine net neutrality as a policy objective and regulatory principle to be promoted by national regulatory authorities". This commitment was made in its declaration on net neutrality when the 2009 telecoms package was concluded (*OJ C 308, 18.12.2009, p.2*).

¹ The Belgian presidency presented its progress report in December 2010 ([16835/10](#)) and the Hungarian presidency in May 2011 ([10296/11](#)).

In the conclusions the Council underlines, inter alia, the need to preserve the open and neutral character of the internet and consider net neutrality as a policy objective. It welcomes the Commission's intention to assess the need, based on investigations by the Body of European Regulators for Electronic Communications' (BEREC), for more stringent measures and to publish additional guidance on net neutrality if necessary. In addition, it welcomes the Commission's commitments to monitor the implementation of the EU regulatory framework for electronic communications and services and to issue a code of existing EU online rights by 2012.

The Commission is invited, inter alia, to assess, jointly with BEREC, the discrepancy between advertised and actual delivery speeds occurring in member states, and report to the Council and the Parliament on the situation thereof by 2012. Furthermore, the Commission is invited to provide additional information on the best practices in traffic management and on how to respond to the requirements of global service providers concerning quality and pricing of services.

OTHER BUSINESS (Telecommunications)

Digital Agenda for Europe

The Commission presented to the Council the state of play on the implementation of the Digital Agenda.

Ministerial conference "Perspectives for the development of the electronic communications market in the EU"

The presidency briefed the Council on the ministerial conference on "Perspectives for the development of the electronic communications market in the EU", which took place in Warsaw on 19-20 October 2011 ([18159/11](#)).

Sixth ministerial conference on e-government

The presidency briefed ministers on the sixth ministerial conference on e-government, which took place in Poznań on 17-18 November 2011 ([18290/11](#)).

Universal service in electronic communications

The Commission presented to the Council its communication on the results of public consultation on the role of universal service in electronic communications ([17466/11](#)).

Open data

In a public session, the Commission presented to the Council its communication on "Open data - An engine for innovation, growth and transparent governance", a draft decision on the re-use of Commission information and a proposal for the review of the directive on re-use of public sector information.

Connecting Europe Facility

In a public session, the Commission presented to the Council its proposal for a regulation of the European Parliament and of the Council on guidelines for trans-European telecommunications networks and repealing Decision No 1336/97/EC ([16006/11](#)).

Electronic Communications Framework

The Commission briefed the Council on the state of play on implementation of the Electronic Communications Framework ([18169/11](#)).

Work programme of the incoming presidency

The Danish delegation informed the Council of its work programme in the telecommunications sector. Its work will focus in particular on the roaming regulation, the Connecting Europe Facility proposal, the public sector information directive, the ENISA regulation and the upcoming review of the e-signature directive.

OTHER ITEMS APPROVED

TRANSPORT

Agreement with the US on promotion and use of GALILEO and GPS navigation systems

The Council authorised the conclusion of an agreement with the US providing a framework for cooperation in the promotion, provision and use of civil GPS and GALILEO satellite-based navigation systems and related applications ([11575/11](#)). This decision follows the completion of member states' internal procedures and the consent given by the European Parliament.

The agreement, signed in June 2004 and provisionally applied since November 2008, aims in particular at ensuring interoperability and radio frequency compatibility, access to signals, consultation before the establishment of standards and certification, licensing or technical requirements, and non-discrimination as regards trade in the goods and services concerned.

Athens Convention on the carriage of passengers and their luggage by sea *

The Council adopted two decisions ([8663/11](#)+ [16974/2/11 REV 2](#)) providing for the accession of the European Union to the protocol of 2002 to the 1974 Athens Convention on the carriage of passengers and their luggage by sea, following the consent given by the European Parliament. The decisions, one of which covers the transport part of the protocol and the other the civil law part, also stipulate that member states should, if possible, accede to the protocol at the same time as the Union, that is, by 31 December 2011.

The protocol deals with liability and insurance issues and related legal aspects. It will bring about better compensation rights for passengers, in particular by providing for strict liability for the carrier and including compulsory insurance with a right of direct action against insurers up to a specified limit. In addition, it contains rules on jurisdiction and the recognition and enforcement of judgments.

For more details, see press release [8395/11](#), pp. 11-12.

Equalisation mechanism for trans-Siberian flights

The representatives of the EU governments meeting within the Council approved conclusions on the establishment of an equalisation mechanism aimed at avoiding competitive distortions between EU carriers once an agreement with Russia on phasing out fees to be paid to Russian carriers for the use of trans-Siberian routes (see press release [17398/11](#), p. 21) has entered into force.

Under the equalisation mechanism, EU carriers operating new frequencies free of such payments will contribute to a fund to be redistributed among the EU carriers that still have to make payments under existing agreements with Russian carriers during the transitional period until 1 January 2014.

The agreement with Russia will enter into force on the first day of the month following the date on which the decision on the accession of Russia to the World Trade Organisation is taken, which is expected to be in December this year. As from that day - that is, probably from 1 January 2012 - newly operated frequencies on trans-Siberian routes will be free of commercial fees for EU carriers, while fees under existing commercial overflight agreements will be abolished by 1 January 2014 at the latest. Moreover, any charges to be paid to the Russian authorities will have to be cost-related and transparent and must not lead to discrimination between foreign airlines.

Statistics on carriage of goods by road

The Council adopted a recast of the 1998 regulation on statistical returns in respect of the carriage of goods by road ([PE 61/11](#)). The recast aligns the regulation with the Lisbon treaty as regards delegation of powers to the Commission, whilst bringing together the amendments made to the regulation over time in a single legal act.

SOCIAL POLICY

Statistics on income and living conditions

The Council decided not to oppose the adoption of a Commission regulation implementing regulation 1177/2003 concerning EU statistics on income and living conditions ([14914/11](#)).

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

EUROPEAN ECONOMIC AREA

Amendment to annex IV (Energy) to the EEA agreement

The Council adopted a decision on the position to be taken by the EU within the European Economic Area (EEA) joint committee concerning an amendment to annex IV (Energy) to the EEA agreement. By this amendment directive 2009/28/EC on the promotion of the use of energy from renewable sources will be incorporated into the agreement ([16720/11](#)).

EMPLOYMENT

Mobilisation of the European Globalisation Adjustment Fund for Italy

The Council adopted a decision to set aside EUR 3.92 million under the European Globalisation Adjustment Fund (EGF) to provide support for workers made redundant in the Italian construction sector following a decline in private investment in residential housing as a consequence of the global financial and economic crisis.

INTERNAL MARKET

Toys safety directive - Technical amendments

The Council decided not to oppose the adoption by the Commission of a directive amending directive 2009/48/EC relating to toys safety, for the purpose of adapting migration limits for cadmium.

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

TRADE POLICY**Anti-dumping - Compressors - China**

The Council adopted a regulation clarifying the scope of the definitive anti-dumping duties imposed by regulation 261/2008 on imports of certain compressors originating in China ([17055/11](#)).

ECONOMIC AND FINANCIAL AFFAIRS**Increase of co-financing rates for EU funds**

The Council adopted a regulation providing for a temporary increase of EU co-financing rates from the structural funds and the cohesion fund for member states undergoing financial difficulties ([66/11](#) + [18038/11 ADD 2](#)). This follows a first-reading agreement with the European Parliament. The main objective of the new rules is to facilitate the use of funding from the EU cohesion policy and thereby to alleviate the impact of the financial crisis on the real economy, the labour market and citizens.

The Council also adopted a regulation amending the general rules on the European regional development fund, the European social fund and the cohesion fund ([65/11](#) + [18036/11 ADD 1](#)), following a first-reading agreement with the European Parliament. The main aim of the new regulation is to provide clarification in the current cohesion policy general regulation on the use of repayable assistance in the context of financial engineering under the structural funds.

For details, see [18512/11](#).

JUSTICE AND HOME AFFAIRS**Local border traffic in the Kaliningrad area**

The Council adopted a regulation amending regulation 1931/2006 as regards the inclusion of the Kaliningrad area and certain Polish administrative districts in the eligible border area ([17894/11](#) + [ADD 1](#)).

The proposed amendments are aimed at facilitating border crossings in the Kaliningrad region of the Russian Federation, which has a population of almost one million inhabitants and became the only enclave within the EU as a consequence of the 2004 EU enlargement.

The original regulation, adopted in 2006, provides a derogation for persons living in a border area from the general rules on border checks set out in the Schengen Borders Code, in order to ensure that the borders between EU member states and their non-EU neighbours do not create unnecessary barriers to trade, social and cultural interchange or regional cooperation.

COMMON SECURITY AND DEFENCE POLICY**Fight against piracy in the Horn of Africa**

The Council approved the concept for a new Common Security and Defence Policy mission to support regional maritime capacity building in the Horn of Africa and Western Indian Ocean states.

For details see [18321/11](#).
