



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 October 2011

**11723/11
ADD 1**

PV/CONS	40
TRANS	194
TELECOM	97
ENER	247

ADDENDUM to DRAFT MINUTES

Subject: **3098th** meeting of the Council of the European Union (**TRANSPORT,**
TELECOMMUNICATIONS AND ENERGY), held in Luxembourg on
16 June 2011

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)

"A" ITEMS

1. Draft amending budget No 3 to the general budget for 2011 - General statement of revenue

The Council adopted its position on the draft amending budget No. 3 to the EU budget for 2011.

AGENDA ITEMS

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

- General approach
 - 13789/10 TRANS 238 CODEC 862
 - + COR 1
 - + REV 1 (mt)
 - 11373/11 TRANS 188 CODEC 1005

The Council resolved the remaining outstanding issues and reached, by qualified majority, a general approach on the text of the Directive of the European Parliament and of the Council establishing a single European railway area (Recast), as set out in Document 11784/11.

Austria and Luxembourg voted against the general approach. Estonia abstained.

The Commission has a general reservation on the text of the general approach.

Latvia presented a statement to be entered into these minutes, as set out hereafter.

Statement by Latvia

"Latvia supports the initiative of recasting the first railway package in order to simplify, clarify and modernise the regulatory framework of the European railway area.

Nevertheless, Latvia has concerns regarding some provisions of the Directive. Article 7, point 1 contains an obligation for the Member States to show that the independence of essential functions of an infrastructure manager have been achieved. Lack of clearly defined criteria in the Directive and a general requirement for the Member States to ensure that the essential functions are entrusted to bodies or firms that do not themselves provide any rail transport services gives possibility for a broad interpretation and will not decrease ambiguity and gaps of the current regulatory framework. Transposition of the current Directive and related infringement procedures prove that the Member States have difficulties in this regard. Clearly defined criteria would allow a better transposition of the Directive as well as ensure the railway sector that national measures are not excessive *vis-à-vis* regulatory framework of the EU.

Latvia also has concerns with regard to the inclusion of collection of the infrastructure charges in the list of essential functions (Article 7 point 1). Latvia fully understands the necessity to protect the commercially sensitive information. In case of Latvia this function should be transferred from the infrastructure manager, who at the same time is an owner of the infrastructure, to the performer of the essential functions. That would hinder the ability of the infrastructure manager to control its finances, have a negative impact on its existing or future financial obligations as well as financing of the infrastructure development.

Notwithstanding the above mentioned concerns, Latvia understands the importance of advancing the creation of Single European Railway area and expresses its support for a general approach on the Directive."

4. Proposal for a Regulation (EU) [.../....] of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency

- General approach
15717/10 MAR 111 CODEC 1210
11257/11 MAR 91 CODEC 984

The Council adopted a general approach on the text of the draft Regulation as reflected in 11769/11. The Commission has a general reservation on the text of the general approach.

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(pursuant to Article 8 (2) of the Council's Rules of Procedure[Proposed by the Presidency])

6. White Paper - Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system

- Policy debate

[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure, proposed by the Presidency]

8333/11 TRANS 102 MAR 48 AVIATION 74 ENV 247 ENER 72 IND 39

10531/11 TRANS 153 MAR 77 AVIATION 144 ENV 378 ENER 118 IND 70

+ COR 1

+ ADD 1-24

+ ADD 3 REV 2

+ ADD 21 REV 1

The Council held a policy debate on the Transport White Paper. In the light of this debate and taking into account the written contributions submitted by the delegations, the Presidency drew up a synthesis of Member States' views. The Council took note of this synthesis which is reflected in document 11255/11.

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