



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 30 June 2014
(OR. en)**

**10301/14
ADD 1**

**PV/CONS 30
TRANS 315
TELECOM 133
ENER 308**

DRAFT MINUTES

Subject: **3318th** meeting of the COUNCIL OF THE EUROPEAN UNION
(**TRANSPORT, TELECOMMUNICATIONS AND ENERGY**) held in
Brussels on 5 and 6 June 2014

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).

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LEGISLATIVE DELIBERATIONS

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

Land

2. Fourth railway package [First reading]

(Legal basis proposed by the Commission: Article 91(1) TFEU)

(a) Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004

Interinstitutional file: 2013/0014 (COD)

6012/13 TRANS 38 CODEC 225

9767/14 TRANS 265 CODEC 1269

(b) Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)

Interinstitutional file: 2013/0015 (COD)

6013/13 TRANS 39 CODEC 226

9768/1/14 TRANS 266 CODEC 1270 REV 1

(c) Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)

Interinstitutional file: 2013/0016 (COD)

6014/13 TRANS 40 CODEC 227

9766/1/14 TRANS 264 CODEC 1268 REV 1

– Political agreement

The Council adopted a Political Agreement on the above proposal as set out in docs. 9767/14, 9768/1/14, 9766/1/14 and agreed to enter in these minutes a statement by the European Commission.

Statement by the Commission

"It is necessary for the proper functioning of the Agency to implement certain principles regarding the governance of the Agency in order to comply with the Joint Statement and Common Approach agreed by the Inter-Institutional Working Group on EU decentralised agencies in July 2012, the purpose of which is to streamline the activities of agencies and increase their performance."

3. Road transport

Proposal for a Directive of the European Parliament and of the Council amending Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic
[First reading]

(Legal basis proposed by the Commission: Article 91 TFEU)

Interinstitutional file: 2013/0105 (COD)

– Political agreement

8953/13 TRANS 191 CODEC 933

+ REV 1 (en)

+ REV 2 (it)

10204/14 TRANS 284 CODEC 1360

+ COR 1

The Council adopted a Political Agreement on the above proposal as set out in doc. 10204/14 and agreed to enter in these minutes statements by Austria, Finland with Sweden, Italy and the European Commission.

Statement by Austria **concerning articles 8 and 9**

"The proposal to amend Directive 96/53/EC establishes new types of heavy vehicles. Especially with regard to transport policy objectives of modal shift, in particular from road to rail, as also contained in the White Paper on Transport, it is indispensable that these objectives are also accordingly ensured by this directive.

By licensing such longer vehicles for aerodynamic reasons (rear flaps, cabins), it has to be guaranteed that in the future all these vehicles must be displaceable on all wagon types (rolling stock) in unaccompanied as well as accompanied combined transport (rolling road). Railway companies must neither be faced with additional technical barriers, nor with additional costs, nor any capacity losses in this context. Moreover, for road safety reasons, concrete technical specifications and safety requirements must be standardized.

All these requirements must be taken into account and be ensured when determining the technical specifications within the framework of the technical "Working group on aerodynamics of heavy goods vehicles".

Therefore, Austria requires that all these conditions are additionally be taken into account in a supplementary recital."

Joint statement by Finland and Sweden

"In accordance with Directive 96/53/EC Member States may authorise on their territories vehicles or vehicle combinations with deviating weights and/or dimensions than the ones listed in Annex I of the Directive. Such vehicles or vehicle combinations should also be allowed to circulate in cross-border operations between Member States. It follows from the economic and internal market objectives that such a transport operation across the border should not be prohibited between two Member States if both authorise it.

The current situation concerning cross-border operations should be safeguarded also in the future. Without legal certainty in this matter, the result may be non-proportional internal market barriers for vehicles circulating between Member States."

Statement by Italy

"As announced by Minister Lupi when speaking at the Transport Council meeting, Italy reaffirms its position set out in footnote 25 of the text submitted to the Council, referring to point 2.2.2 (c) of Annex I: in the case of a two-axle motor vehicle with three-axle semi-trailer, we request that the maximum authorised weight be set at 44 tonnes."

Statements by the Commission

1. "The European Commission has already provided guidance on the application of Article 4 of the Directive; transport operations do not have significant impact on international competition if the cross-border use remains limited to two Member States where the existing infrastructure and the road safety requirements allow it. This balances the Member States' right under the principle of subsidiarity to decide on transport solutions suited to their specific circumstances with the need to prevent such policies from distorting the internal market."
2. "The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

Aviation

4. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air [First reading]

(Legal basis proposed by the Commission: Article 100(2) TFEU)

Interinstitutional file: 2013/0072 (COD)

– Progress report

7615/13 AVIATION 47 CONSOM 47 CODEC 616

+ REV 1 (de)

+ REV 2 (fr)

9820/1/14 AVIATION 112 CONSOM 115 CODEC 1288 REV 1

+ ADD 1 REV 1

The Council examined and took note of the progress report on the above proposal, as set out in doc. 9820/1/14 and its addendum.

Shipping

5. Proposal for a Regulation of the European Parliament and of the Council establishing a framework on market access to port services and financial transparency of ports [First reading]

Interinstitutional file: 2013/0157 (COD)

– Progress report

10154/13 TRANS 272 MAR 62 FIN 300 CODEC 1234

9771/14 TRANS 268 MAR 90 FIN 353 CODEC 1271

The Council examined and took note of the progress report on the above proposal, as set out in doc. 9771/14.

Telecommunications

8. Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (NIS) [First reading]

(Legal basis proposed by the Commission: 114 TFEU)

Interinstitutional file: 2013/0027 (COD)

– Progress report

6342/13 TELECOM 24 DATAPROTECT 14 CYBER 2 MI 104 CODEC 313

10097/14 TELECOM 118 DATAPROTECT 77 CYBER 31 MI 446 CSC 111
CODEC 1338

The Council took note of the progress report set out in doc. 10097/14 and on that occasion had an exchange of views on chapter III and IV of the proposal.

9. Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 [First reading]
(Legal basis proposed by the Commission: 114 TFEU)

Interinstitutional file: 2013/0309 (COD)

– Progress report

13555/13 TELECOM 232 COMPET 646 MI 753 CONSOM 161
CODEC 2000

+ REV 1 (sv)

10109/14 TELECOM 119 COMPET 294 MI 447 CONSOM 121 CODEC 1340

The Council took note of the progress report set out in doc. 10109/14.

10. Any other business

(a) Current legislative files

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

(i) Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for transactions in the internal market (eIDAS) [First reading]

Interinstitutional file: 2012/146 (COD)

– Information from the Presidency

9996/14 TELECOM 115 MI 437 DATAPROTECT 74 EJUSTICE 50
CODEC 1318

The Council took note of the information provided by the Presidency on the above item (doc. 9996/14).

(ii) Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the costs of deploying high-speed electronic communication networks [First reading]

Interinstitutional file: 2013/0080 (COD)

– Information from the Presidency

9993/14 TELECOM 113 COMPET 288 CODEC 1316

The Council took note of the information provided by the Presidency on the above item (doc. 9993/14).

(iii) Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites [First reading]

Interinstitutional file: 2012/0340 (COD)

– Information from the Presidency on the state of play

10016/14 TELECOM 116 CONSOM 118 MI 438 CODEC 1320

The Council took note of the information provided by the Presidency on the above item (doc. 10016/14).