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Transport, Telecommunications and Energy

Transport Items

Brussels, 10 October 2013

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Main results of the Council

*The Council agreed on a general approach on a recast of the 2004 **railway safety** directive, which is part of the technical pillar of the fourth railway package. The purpose of the recast is to further improve the safety of the Union's railways and facilitate access to the market for rail transport services.*

*The Council also agreed on a general approach on a proposal aimed at bringing the regulation on the **GNSS** (global navigation satellite system) **Agency** into line with the forthcoming regulation on the implementation of European satellite navigation systems. In particular, the proposal sets out to ensure that security accreditation of the European satellite navigation systems is carried out independently within the agency.*

*In addition, the Council adopted a general approach on a proposal for financing the **European Maritime Safety Agency's** activities to combat marine pollution in the years 2014 to 2020.*

*In the field of aviation, the Council adopted its position - pending the consultation with the European Parliament - on a proposal aimed at extending until 31 December 2024 the mandate of the **Joint Undertaking** which manages the development of the Single European Sky Air Traffic Management Research (**SESAR**) project.*

*Lastly, the Council held a policy debate on a proposed update of the EU rules on **air passenger rights**. The update is intended to clarify the current rules that apply in the event of delayed or cancelled flights, and to improve other aspects such as handling of complaints and enforcement of passenger rights.*

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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>).
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.....
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ITEMS DEBATED

LAND TRANSPORT

Railway safety

The Council adopted a general approach on a **recast** of the **2004 railway safety directive**, which is part of the technical pillar of the fourth railway package. The proposal is intended to further improve the safety of the Union's railways and facilitate access to the market for rail transport services.

For more information, please see press release [14602/13](#).

HORIZONTAL AND INTERMODAL QUESTIONS

EU GNSS (Global Navigation Satellite System) Agency

The Council adopted a general approach on a proposal aimed at bringing the regulation on the European **GNSS (global navigation satellite system) Agency** into line with the new governance framework established under the forthcoming regulation on the implementation of European satellite navigation systems ([14274/13](#)). This new governance framework will enter into force on 1 January 2014 ([8529/13](#)).

In particular, the regulation sets out to create watertight mechanisms within the agency to ensure that **security accreditation of the European satellite navigation systems** is carried out **independently** and without any conflict of interest once the agency becomes the operational manager of the European navigation programmes EGNOS and Galileo.

The text agreed by the ministers includes the following elements:

- A clear structural separation has been established between security accreditation and other activities.
- The tasks of the Agency's Security Accreditation Board have been further detailed and clarified.
- It has been specified which security rules apply to the various parties involved in the EU GNSS.
- Provisions related to conflicts of interest have been reinforced.
- It has been provided that the participation of third countries and international organisations in the Agency and the Security Accreditation Board will be established in international agreements, in accordance with Article 218 of the Treaty.

The new regulation will also bring the current text into line with the principles contained in the common approach on the decentralised agencies agreed between the European Parliament, Council and Commission in June 2012.

See also:

- [European GNSS Agency website](#)
- [Common approach on decentralised EU agencies](#)

SHIPPING

European Maritime Safety Agency

The Council adopted a general approach on a proposal for **financing the activities of the European Maritime Safety Agency (EMSA)** in the field of combating marine pollution in the years **2014 to 2020** as set out in [14076/13](#). EMSA's pollution response includes information, cooperation and coordination activities and, above all, operational assistance.

Previously EMSA's remit covered only monitoring of and response to pollution from ships, but earlier this year its tasks were extended to include pollution caused by offshore oil and gas installations. The new regulation is intended to ensure that the agency has the funds needed to carry out these tasks.

The Council kept the **ceiling of EUR 160.5 million** for the seven-year period as proposed by the Commission ([8219/13](#)). The amount is a financial envelope for the whole period, but the annual amounts will be determined through the EU's annual budgetary procedure.

As assistance by EMSA comes on top of national resources, coastal states remain responsible for having appropriate pollution response mechanisms in place.

See also: [European Maritime Safety Agency's website](#)

AVIATION

Air passenger rights

The Council held a **policy debate** on a proposed **update of the EU rules on air passenger rights**.

The goal of the proposed regulation is to:

- clarify grey areas in existing legislation¹, such as rules that apply in the event of delayed or cancelled flights
- strengthen passenger rights by reinforcing complaint-handling rules
- address the disproportionate costs that some obligations may impose on air carriers in certain exceptional circumstances.

The ministers' discussions were based on two questions prepared by the presidency ([13830/13, p. 4](#)).

Ministers generally agreed about the need to clarify the current rules. Several ministers underlined that the most important goal for passengers is to get to their destination and receive proper care and attention.

Most of them stressed the importance of striking the right balance between the rights of passengers and the need to avoid disproportionate costs for air carriers, thus preserving the competitiveness of EU airlines.

Most ministers expressed their opposition to linking the amount of compensation to the ticket price in the event of a delay, mentioning reasons such as the volatility of ticket prices, the difficulty of determining the price of tickets which are part of a package, and the principle of non-discrimination. A number of ministers considered instead that the basis for compensation should be the harm caused to the passenger and that compensation should not be an end in itself.

Several ministers were of the view that if the air carrier operating the first part of a combination flight is delayed, it should be the one to pay compensation.

¹ For current rules on air passenger rights, see the [2004 regulation on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights](#) and the [1997 regulation on air carrier liability in respect of the carriage of passengers and their baggage by air](#).

Ministers also cautioned against rules that would encourage companies to limit their offer of combination flights or even to cancel flights.

According to some ministers the provisions as proposed by the Commission still need further clarification.

Ministers' contributions will guide further examination of the proposal in the Council preparatory bodies.

SESAR joint undertaking

The Council adopted its position on a proposal aimed at extending until **31 December 2024** the mandate of the **joint undertaking** managing the development of the **Single European Sky Air Traffic Management Research (SESAR)** project.

The SESAR joint undertaking, which was set up in 2007, is a public-private partnership which involves the active participation of the European Commission, Eurocontrol and European industry.

The joint undertaking's current remit expires on 31 December 2016. The new mandate reflects the time-frame of the Union's 2014-2020 financial framework and allows an extra four years to close down ongoing projects.

The Council position retains the ceiling of EUR 600 million proposed by the Commission for the EU contribution to the joint undertaking, to be earmarked under the Union's Horizon 2020 framework programme for research and innovation (Commission proposal: [12392/13](#)).

The purpose of the SESAR project - which is the technological pillar of the Single European Sky (SES) initiative - is to modernise air traffic management (ATM) in Europe, putting an end to the current fragmentation. The joint undertaking's main task is the execution of the European ATM Master Plan, which will lead to the use of new generation ATM systems from 2020 onwards. Coordinated research is still needed to complete the missing elements of this Master Plan.

As the mid-term evaluation of the SESAR joint undertaking showed that, in terms of the scope of its activities and its governance structure, the joint undertaking is functioning satisfactorily, no fundamental changes will be made to these aspects of the 2007 regulation.

The Council decision is adopted under the special legislative procedure; the European Parliament is consulted.

See also: [SESAR joint undertaking website](#)

ANY OTHER BUSINESS

Aviation emissions - 38th ICAO Assembly

The Council took note of the information provided by the Commission ([14517/13](#)) on the state of play regarding the outcome of the 38th ICAO Assembly, which was held in Montréal from 24 September to 4 October 2013.

The ICAO General Assembly adopted a resolution on aviation and climate change whose main result is a commitment to implement a global market based measures (MBM) scheme from 2020.

The MBM will go hand in hand with a series of technical and operational measures to reduce emissions, including the use of sustainable alternative jet fuels and better procedures in the area of air navigation.

The solution agreed also takes into consideration the special circumstances and respective capabilities of certain countries.

The EU will now assess the Assembly's outcome, with a view to taking it into account when deciding on the way forward with its emissions trading system.

Recent transport accidents

The Spanish minister provided information on the major train accident which took place in Santiago de Compostela, Spain, in July 2013.

The Commission submitted to the Council an information note ([14436/13](#)) on measures already taken at EU level to improve further the safety performance of all modes of transport in the EU, with particular emphasis on rail safety.

Should the on-going investigations into the recent major accidents reveal a need for further action at EU level, the Commission will consider putting forward initiatives in this field.

Passenger Data (PNR) - Russia

At the request of the German delegation, the Commission informed the Council about the current state of play regarding the Russian Federation's requirement for transport operators to transmit passenger data to a new central Russian database, which is due to enter into force on 1 December.

The new passenger data regime will apply, inter alia, to domestic and international flights, to long-distance railway journeys and to international trips by seagoing vessels, inland waterway vessels and motor vehicles. This new framework would pose significant legal, technical and practical problems for EU carriers, because the legal basis required under national and European law for the transmission of personal data has not yet been established.

Greenhouse gas emissions from maritime transport

The Commission briefed ministers on its proposal for the monitoring, reporting and verification (MRV) of carbon dioxide emissions from international maritime transport, which is currently being examined by the Council working party on the environment ([14401/13](#)).

The purpose of the legislative proposal ([11851/13](#)) is to ensure that greenhouse gas emissions from ships are monitored and reported as the first step of a progressive approach to reduce these emissions which have been increasing.

The EU MRV system should then serve as an example for the creation and implementation of a global MRV involving the International Maritime Organisation.

OTHER ITEMS APPROVED

ECONOMIC AND FINANCIAL AFFAIRS

Trade repositories and OTC derivatives: Council intends not to object to delegated act

The Council decided not to object to a Commission regulation with regard to fees charged by the European Securities and Markets Authority to trade repositories and to a regulation on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities.

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. Now that the Council has given its consent, the act can therefore enter into force, unless the European Parliament objects to it.

FOREIGN AFFAIRS

Iran - restrictive measures

The Council adopted a technical amendment to the EU restrictive measures against Iran.

Military exercise programme adopted

The Council adopted the EU exercise programme 2014 - 2016. The programme determines the type and frequency of crisis management exercises to be conducted and highlights the main focuses of the related activities.

GENERAL AFFAIRS

EU staff regulations

The Council adopted the revised EU staff regulations, following a first-reading agreement reached with the European Parliament ([60/13](#) + [14349/2/13](#) + [ADD 1 REV 1](#)).

The revision of the staff regulations ensures a significant amount of savings in the context of the EU's multiannual financial framework 2014-2020 (heading 5). It includes, inter-alia, the following key elements:

- Salaries and pensions of EU officials are to be frozen in 2013 and 2014.
- From 2015 onwards salaries and pensions will be adjusted according to a new method aimed at ensuring that the purchasing power of EU officials develops in parallel with that of national civil servants in central governments of eleven member states¹. A new clause provides that salaries will not be increased if gross domestic product in the EU shrinks by more than 3%.
- A new solidarity levy of 6% will be imposed as from 1 January 2014; for top ranking officials the levy will be 7%.
- The minimum working time per week will be extended from 37.5 hours to 40 hours, without compensatory wage adjustments.
- The normal retirement age will be increased from 63 to 65, for new staff it will be 66. EU officials may continue to work until the age of 67 in the interest of the service, and until 70 on an exceptional basis.
- The link between grade and responsibility is strengthened in particular by establishing a new career structure limiting access to the four top grades to officials working in management or other equivalent posts entailing a higher level of responsibilities and by creating a new function group for secretaries and clerical staff.

In addition to the reform of the staff regulations, the number of staff in all EU institutions will be reduced by 5% over the 2013-2017 period.

¹ Belgium, Germany, Spain, France, Italy, Luxembourg, Netherlands, Austria, Poland, Sweden and United Kingdom.

ENERGY

Energy Community Treaty - Amendments

The Council adopted a decision authorising the Commission to negotiate amendments to the Energy Community Treaty on behalf of the European Union.

The forthcoming 30th meeting of the Permanent High Level Group on 23 October 2013 will discuss and agree on a decision on the implementation of the EU legislation concerning large combustion plants and on amendments to the Energy Community Treaty to be taken by the Ministerial Council of the Energy Community at its meeting on 24 October 2013.

For more information see the Energy Community Treaty [website](#).

Energy Community - Accession of Georgia

The Council adopted a decision on establishing as Union position the acceptance of the request of the Commission to negotiate on behalf of the Energy Community Parties the modalities for the accession of Georgia to the Energy Community.

FOOD LAW

Flavouring substances and food additives

The Council decided not to oppose the adoption of the following two Commission regulations:

- a regulation amending and correcting annex I to regulation 1334/2008, listing 23 flavouring substances assessed by the European Food Safety Authority as evaluated substances ([13110/13](#));
- regulation amending and correcting annexes II and III to regulation 1333/2008, notably by updating the specifications of food additives ([13128/13](#)).

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