



Council of the
European Union

Brussels, 10 November 2014
(OR. en)

14127/14
ADD 1

PV/CONS 47
TRANS 470
TELECOM 176
ENER 426

DRAFT MINUTES

Subject: **3335th** meeting of the Council of the European Union (**TRANSPORT, TELECOMMUNICATIONS AND ENERGY**) held in Luxembourg on 8 October 2014

PUBLIC DELIBERATION ITEMS¹

Page

"B" ITEMS (doc. 13570/14 OJ CONS 47 TRANS 445 TELECOM 166 ENER 406)

LEGISLATIVE DELIBERATIONS

3. 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] 3
4. Proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (SES II+) [First reading]..... 4
6. Fourth Railway Package [First reading]..... 4
7. Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences [First reading]..... 4

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

5. Communication from the Commission "A new era for aviation: Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner (RPAS)" 6
8. Any other business 6
 - (a) Europe 2020 Strategy: Mid-term review
Outcome of the informal ministerial meeting (Milan, 16-17 September 2014)

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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).

"B" ITEMS

LEGISLATIVE DELIBERATIONS

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

**3. 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)

– General approach

10154/13 TRANS 272 MAR 62 FIN 300 CODEC 1234

+ REV 1 (de)

+ REV 2 (fr)

13764/14 TRANS 456 MAR 152 FIN 695 CODEC 1925

The Council adopted a general approach as set out in the outcome of proceedings

(doc. 14034/14) and agreed to enter in these minutes a statement by Denmark, Estonia, Finland and the Netherlands (doc. 14034/14 ADD 1).

Statement by Denmark, Estonia, The Netherlands and Finland

"Denmark, Estonia, the Netherlands and Finland fully support the need to enhance transparency on financing of ports, clarifying the destination and use of public funding to the different port activities, with a view to avoiding any distortion of competition.

Departing from the principle of financial transparency, which is one of the crucial elements of the Regulation establishing a framework on market access to port services and financial transparency of ports, Denmark, Estonia, the Netherlands and Finland are disappointed that Article 12 paragraph 7a provides for a derogation for smaller ports on the comprehensive Trans-European Transport Network². These ports will not have to apply paragraph 2 of Article 12 in certain cases.

Article 12 contains the core provisions for transparency in the use of public funds and therefore should be fully applicable, both to all ports on the TEN-T network, and to all port services. This will avoid distortion of competition and encourage a more rational use of public funding including in smaller ports.

Denmark, Estonia, the Netherlands and Finland hope that during the next stages of the legislative process, a constructive dialogue between the three institutions can be pursued to that effect."

² Ports which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013.

AVIATION

4. **Proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (SES II+) [First reading]**

Interinstitutional file: 2013/0186 (COD)

– Progress report

11501/13 AVIATION 91 CODEC 1588

+ REV 1 (el)

13234/1/14 AVIATION 182 CODEC 1822 REV 1

The Council took note of a Progress Report as set out in doc. 13234/1/14 REV 1.

6. **Fourth Railway Package [First reading]**

(a) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure**

Interinstitutional file: 2013/0029 (COD)

5985/13 TRANS 36 CODEC 216

(b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail**

Interinstitutional file: 2013/0028 (COD)

5960/13 TRANS 35 CODEC 209

– Policy debate

13286/1/14 TRANS 434 CODEC 1837 REV 1

The Council held a policy debate on the basis of the questions set out in doc. 13286/1/14 REV 1.

7. **Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences [First reading]**

Interinstitutional file: 2014/0218 (COD)

– General approach

12107/14 TRANS 373 DAPIX 103 ENFOPOL 225 CODEC 1659

+ ADD 1

13577/14 TRANS 446 DAPIX 131 ENFOPOL 290 CODEC 1874

+ COR 1

+ ADD 1

The Council adopted a general approach on the above proposal, as set out in doc. 13577/14 and agreed to enter in these minutes statements by Belgium, Czech Republic, Germany, Ireland, Spain, France, Italy, Austria, Portugal and United Kingdom, as set out below.

STATEMENT BY BELGIUM

"Belgium underlines that the adopted general approach should be without prejudice to the negotiations on the revision of legislation on data protection."

STATEMENT BY GERMANY

"Concerning Article 4(3)(3):

The paragraph

«The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road safety related traffic offences listed in Article 2.»

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".

JOINT STATEMENT BY CZECH REPUBLIC, SPAIN, FRANCE, ITALY, AUSTRIA AND PORTUGAL

"The above mentioned 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".

JOINT STATEMENT BY IRELAND AND UNITED KINGDOM:

"The United Kingdom and Ireland fully support the road safety objectives of this revised proposed Directive and appreciates the additional two year transposition period that has been granted to the United Kingdom, Ireland and Denmark.

However, the United Kingdom and Ireland are disappointed that they have not been given sufficient time in order to properly consider the impact of the proposal, including potential costs on courts which would have to enforce any subsequent prosecutions pursuant to the new measure. Although the United Kingdom and Ireland appreciate that the existing Directive 2011/82/EU (facilitating the cross-border exchange of information on road safety related traffic offences) is already in force in other Member States, the United Kingdom, Ireland and Denmark did not participate in that measure following the application of Protocols 21 and 22 to the Treaties. Accordingly, following its annulment by the Court of Justice in its judgment in case C-43/12, the proposed Directive represents new requirements for the United Kingdom, Ireland and Denmark.

The United Kingdom and Ireland note the judgment of the Court of Justice that Directive 2011/82/EU should have had a transport legal base (Article 91(1)(c) TFEU) rather than a police co-operation legal base (Article 87(2) TFEU), in light of its aim and content. It remains the view of the United Kingdom and Ireland that matters which do pertain to the enforcement of criminal offences should be considered as being brought forward pursuant to Article 87 TFEU. In this regard, we note the possibility of a future review of this measure considering such aspects as the harmonisation of road traffic rules and enforcement and would like to make clear that where a proposed measure contains content which would be an exercise of competence by the Union pursuant to Title V Part III TFEU, then Protocol 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice will apply."

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with article 8(2) of the Council's Rules of Procedures)

5. Communication from the Commission "A new era for aviation: Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner (RPAS)"

– Policy debate

8777/14 AVIATION 102 TRANS 214 RECH 157 DATAPROTECT 57
13235/1/14 AVIATION 183 TRANS 424 RECH 368
DATAPROTECT 121 REV 1

The Council held a policy debate on the basis of the questions set out in doc. 13235/1/14 REV 1.

8. Any other business

(a) Europe 2020 Strategy: Mid-term review

Outcome of the informal ministerial meeting (Milan, 16-17 September 2014)

– Information from the Presidency

13380/14 TRANS 457

The Council took note of the information provided by the Presidency on the above issue (doc. 13380/14).