

Brussels, 28 June 2018 (OR. en)

> 10007/18 PV CONS 33 TRANS 262 TELECOM 179 ENER 232

DRAFT MINUTES

COUNCIL OF THE EUROPEAN UNION (Transport, Telecommunications and Energy)

7, 8 and 11 June 2018

CONTENTS

		Page		
1.	Adoption of the agenda	4		
	TRANSPORT			
	Legislative deliberations			
<u>Avia</u>	<u>tion</u>			
2.	Regulation on safeguarding competition in air transport	4		
Ship	bing			
3.	Directive on port reception facilities	4		
Lanc				
4.	Regulation on rail passengers' rights and obligations	4		
5.	Mobility package I			
J.	 a) Directive on electronic road tolling and exchange of information b) Directive amending Directive 2006/1/EC on the use of hired vehicles c) Regulation on access to the profession d) Regulation on access to the haulage market e) Regulations on rest time periods and on tachographs f) Directive on enforcing social rules and on lex specialis for posting of drivers 			
6.	Mobility package II	5		
	 a) Directive on combined transport b) Directive amending Directive 2009/33/EC on clean and energy-efficient vehicles 			
	Any other business			
7.	a) Functioning of the fair competition framework in the aviation sector			
	b) Current legislative proposal	6		
	c) Action plan on military mobility	6		
	 d) Update on the implementation of the EU Cycling Strategy e) Follow-up on the Amsterdam Declaration: Third High-level dialogue on automated connected driving (Cothenburg, 18, 19 June 2018) 	and		
	connected driving (Gothenburg, 18 - 19 June 2018)			
	g) Work programme of the incoming Presidency	6		

2 10007/18 DGE 2

8.	App a)	Non-legislative list		
		TELECOMMUNICATIONS		
		<u>Legislative deliberations</u>		
9.	Cyb	persecurity Act Regulation		
10.	Regulation on ePrivacy			
11.	Directive on the re-use of public sector information			
		Any other business		
12.	a) b) c)	Current legislative proposals		
		<u>ENERGY</u>		
		<u>Legislative deliberations</u>		
13.	Reg	rulation on ACER9		
		Any other business		
14.	a) b) c)	Current legislative proposals		
ANI	NEX -	- Statements for the Council minutes		
		*		

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10007/18 3

MEETING ON THURSDAY 7 JUNE 2018

1. Adoption of the agenda

The Council adopted the agenda set out in 9401/18.

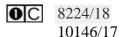
TRANSPORT

Legislative deliberations

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

Aviation

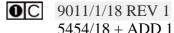
Regulation on safeguarding competition in air transport *General approach*



<u>The Council</u> has reached a general approach on the proposal for a Regulation of the European Parliament and of the Council on safeguarding competition in air transport. General approach set out in 8224/18.

Shipping

3. <u>Directive on port reception facilities</u>

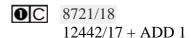


General approach

<u>The Council</u> has reached a general approach on the proposal for a Directive of the European Parliament and of the Council on port reception facilities. General approach set out in 9011/1/18 REV 1.

Land

4. Regulation on rail passengers' rights and obligations Progress report



The Council took note of the progress report on rail passengers' rights set out in 8721/18.

10007/18

5. Mobility package I



a)	Directive on electronic road tolling and exchange of	8856/1/18 REV 1
	information	9673/17 + ADD 1
b)	Directive amending Directive 2006/1/EC on the use of	8387/18
	hired vehicles	9669/17

General approach

The Council adopted a general approach on the proposal regarding electronic road tolling and exchange of information, as presented in document 8856/1/18 REV 1. Germany requested to enter a statement in the minutes on this agenda item.

The Council did not reach agreement regarding the proposal on the use of hired vehicles.

c)	Regulation on access to the profession	9259/18 + ADD 1-4
d)	Regulation on access to the haulage market	9668/17
e)	Regulations on rest time periods and on tachographs	9670/17
f)	Directive on enforcing social rules and on lex specialis	9671/17
	for posting of drivers	

Progress report

The Council has taken note of the progress achieved in the social and market pillar of the first mobility package with a view to preparing the way forward on the main outstanding issues on these proposals of the package. Progress report set out in 9259/18 + ADD 1-4.

6. **Mobility package II**

7864/18

14213/1/17 REV 1

Directive on combined transport a)

8916/18 b) Directive amending Directive 2009/33/EC on clean and 14183/17 + ADD 1energy-efficient vehicles

Progress report

The Council took note of the progress report on the proposal Combined Transport Directive set out in 7864/18. The Council took also note of the progress report on the Directive on clean and energy-efficient road transport vehicles. Progress report set out in 8916/18.

10007/18 DGE 2

Any other business

The Council addressed the following "any other business" item (7. a))

7. a) Functioning of the fair competition framework in the aviation sector within the EU

Information from the Greek delegation

9176/18 +COR 1

b) <u>Current legislative proposal</u>

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

Mobility package III

Oral information from the Commission



9006/18 + ADD 1

9040/18 + ADD 1 9060/1/18 REV 1

+ ADD 1

+ ADD 1 9075/18

9144/18

The Council took note of the oral information provided by Commission

<u>The Council</u> addressed the following "any other business" items (7. c)-g))

c) Action plan on military mobility *Information from the Commission*

7633/18

d) Update on the implementation of the EU Cycling Strategy Information from the Commission, requested by the Belgian, Luxembourg and the Netherlands delegations

9599/18

e) Follow-up on the Amsterdam Declaration:
Third High-level dialogue on automated and connected driving (Gothenburg, 18 - 19 June 2018)

Information from the Swedish delegation

9459/18

f) EU summer-time arrangements
Information from the Commission on the state of play,
requested by the Finnish delegation

9390/18

g) Work programme of the incoming Presidency Information from the Austrian delegation

9585/1/18 REV 1

10007/18

DGE 2 EN

MEETING ON FRIDAY 8 JUNE 2018

8. Approval of "A" items

Non-legislative list

9530/18 + ADD 1

The Council adopted the "A" items listed in 9530/18 + ADD 1 including COR and REV documents presented for adoption.

TELECOMMUNICATIONS

Legislative deliberations

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

9. **Cybersecurity Act Regulation**

OC 9350/18

General approach

12183/2/17 REV 2

The Council reached a general approach on the Cybersecurity Act Regulation as set out in 9350/18, which will be the basis for the negotiations with the European Parliament (EP) in the second semester of 2018. The Commission recalled the importance of taking urgent action in order to conclude this file with the EP by the end of the year. The Council took note of a statement by Hungary to this item as set out in the Annex.

10. **Regulation on ePrivacy**

9079/18 + COR 1

Progress report Policy debate

The Council took note of the progress report set out in 9079/18.

The Council held a policy debate on ePrivacy on the basis of the questions set out in 9079/18.

11. Directive on the re-use of public sector information

9090/18 8531/18

5358/17

Policy debate The Council held a policy debate on the re-use of public sector on the basis of the questions

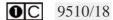
set out in 9090/18.

10007/18 DGE 2 7

12. a) Current legislative proposals

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

i) Regulatory Framework

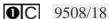


- a) Directive on the European Electronic Communications Code (Recast)
- b) Regulation on the Body of European Regulators for Electronic Communications (BEREC)

Information from the Presidency

<u>The Council</u> took note of the information provided by the Presidency on the successful conclusion of trilogue negotiations on these two files.

ii) Regulation on a framework for the free flow of non-personal data in the European Union



Information from the Presidency

<u>The Council</u> took note of the information provided by the Presidency.

<u>The Council</u> addressed the following "any other business" items (12 b)-c))

- b) Digital Single Market Information from the Commission on the state of play
- c) Work programme of the incoming Presidency *Information from the Austrian delegation*

9358/18

8

MEETING ON MONDAY 11 JUNE 2018

ENERGY

<u>Legislative deliberations</u>

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

13. Regulation on ACER

General approach

O C

9478/18

15149/1/16 REV 1

+ ADD 1 REV 1

The Council adopted a general approach on the text set out in the Annex to 9478/18.

Any other business

14. a) Current legislative proposals

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

Clean Energy Package

- i) Regulation on governance of the Energy Union
- ii) Directive on renewable energy (recast)
- iii) Directive on energy efficiency

Information from the Presidency on the state of play

OC 9287/18

15090/1/16 REV1

+ ADD 1 REV 1

15120/1/16 REV1

15091/16

+ ADD 1

<u>The Presidency</u> informed the Counci<u>l</u> on the state of play of the trilogue negotiations on these three legislative files. <u>The Commission</u> and all delegations reacted.

<u>The Council</u> addressed the following "any other business" items (14. b)-c))

b) Recent developments in the field of external energy relations

8557/18

Information from the Commission

c) Work programme of the incoming Presidency *Information from the Austrian delegation*

7683/18

0

First reading

C

Item based on a Commission proposal

10007/18 DGE 2

9

STATEMENTS FOR THE COUNCIL MINUTES

Statements to the legislative "B" items set out in 9401/18

Ad "B" item 5 Mobility Package I

a) Directive on electronic road tolling and exchange of information General approach

STATEMENT BY GERMANY

"Germany cannot agree with the general approach on the Directive on electronic road tolling systems and the exchange of information and therefore abstains from voting.

Germany assumes that the options referred to in Article 4c(3) for differentiating between the remuneration of national main service providers and EETS providers will make it possible to take into account the special position and tasks of the main service provider. The Directive must not lead to an increase in the costs of national road tolling systems or to interference with the competitive tendering process for selecting national toll providers."

Ad "B" item 9 Cybersecurity Act Regulation

General approach

STATEMENT BY HUNGARY

"Hungary considers cyber security a key aspect that can guarantee the secure future of the European Union. For this reason, we have welcomed the intentions for regulating this area, as strengthening the cybersecurity of ICT products and services is indispensable and is a fully justified goal. The difficulty of assessing the potential impact of threats requires adequate and detailed safeguards. Hungary has consistently signalled throughout the negotiations its concerns regarding ENISA and the cyber certification framework that could put the Union and its Member States at risk.

While taking into account the expiring mandate of the ENISA, and acknowledging that the proposal has been moving in the right direction during the technical discussions, Hungary is of the opinion that essential safeguards, including from a scientific point of view, as well as liability elements are missing which would be required to achieve the desired level of security.

We consider mutual recognition a useful tool, but as the vast majority of ICT products and services sold in the territory of the EU have core components from a third party which could be regarded as a black-box from security point of view, certification requirements should be adequately detailed and Member States should be provided with effective safeguard tools by having the possibility to challenge the validity of certification in justified cases.

Since the certification regime will be a system based on trust, it is essential in our opinion to mandate liability for intentional undocumented way of access to certified ICT products and services.

In light of the above we believe that it is premature to agree on a General Approach as further analysis and work is necessary to ensure an adequate level of security."

10007/18