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## OUTCOME OF THE COUNCIL MEETING

3658th Council meeting

### Transport, Telecommunications and Energy

### Transport and Telecommunications

Brussels, 3 and 4 December 2018

President **Norbert Hofer**  
Federal Minister for Transport, Innovation and  
Technology of Austria

# P R E S S

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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.
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## **ITEMS DEBATED**

### **TRANSPORT**

#### **Key road transport proposals on market access and social aspects**

The Council agreed on a general approach on core proposals relating to market access and social aspects of the road transport sector ([15084/18](#); statements: [15084/18 ADD 1](#)).

These proposals aim to ensure a balance between adequate working conditions for drivers and the freedom to provide cross-border services for operators. They include new rules on access to the occupation of haulier and access to the road haulage market (including cabotage); rest and driving times and tachographs; posting of road transport workers; and enforcement legislation.

For more information, see press release:

[Clearer, fairer and more enforceable rules for truck drivers – Council agrees its position](#)

[Europe on the move \(information on Commission proposals\)](#)

#### **Combined transport**

The Council reached a general approach on a proposal to promote the use of combined transport rather than road transport for long-distance freight ([15147/18](#)). The objective is to encourage the shift from road to lower-emission transport modes such as inland waterways, maritime transport and rail. This would improve air quality and reduce congestion on roads.

For more information, see press release:

[Promoting combined transport – Council agrees its negotiating stance](#)

[Clean mobility package \(information on Commission proposals\)](#)

## **Road infrastructure safety management**

The Council agreed on a general approach on a proposal to strengthen road infrastructure management to reduce road fatalities and serious injuries ([14109/1/18 REV 1](#)).

For more information, see press release:

[Making roads safer – Council agrees its position on reform to strengthen road infrastructure management](#)

[Europe on the move III \(information on Commission proposals\)](#)

## **Seasonal time changes**

The Council assessed progress on a proposal to stop seasonal time changes in the EU (Commission proposal: [12118/18](#) + [ADD 1](#); progress report [14838/18](#)).

The Commission has proposed putting an end to seasonal time changes in a harmonised manner in all EU countries as from 1 April 2019. The last switch to summer time would take place on 31 March 2019, after which member states would have the option of one final seasonal switch back to standard time ('winter time') on the last Sunday of October 2019. While member states have the right to decide on their own standard time, the Commission has also proposed introducing a notification system which should be used in case a member state wishes to change its standard time again in the future.

Following the discussions in the Council working party, the proposal was also discussed at the informal meeting of transport ministers in Graz on 29 October 2018.

In the light of the various discussions held so far, the presidency has concluded that member states will need more time for further consultations both internally and with neighbouring member states before the Council can form its position on the proposal.

## Rail passenger rights

The Council took stock of progress on a draft regulation updating rail passengers' rights (Commission proposal: [12442/17](#); progress report: [14277/18](#)).

The revision aims to introduce the concept of force majeure in the provision of rail services, cut down exemptions to the rules and improve the rights of persons with disabilities and reduced mobility. It would also encourage the availability of 'through-tickets', which cover successive railway services possibly operated by several companies.

The current rules as interpreted by the EU Court of Justice do not allow railway companies to be exempted from compensating passengers for delays caused by force majeure. This distinguishes rail from other transport modes and is perceived by rail companies as being discriminatory. To remedy this, the proposal introduces a force majeure clause that would apply in exceptional situations caused by severe weather conditions and natural disasters.

Member states may currently exempt certain domestic services from the application of the regulation. The proposed rules would significantly curtail these possibilities.

In addition, the proposal strengthens provisions on assistance and information for people with disabilities or with reduced mobility. It also seeks to improve enforcement of the rules in general by setting out more detailed complaint-handling procedures and deadlines.

In the Council, the ongoing discussions in the working party have shown that the challenge of reaching a technically correct and balanced solution is considerable and that defining the most suitable policy choice will continue to require detailed and comprehensive examination.

In the progress report, the presidency underlines the importance of protecting passenger rights. It also stresses that doing so in an intelligent and balanced manner could make rail services more attractive.

## **Seafarers' training**

The Council agreed on a general approach on a proposal to simplify and streamline the existing EU regulatory framework on seafarers' training and certification ([13233/1/18 REV 1](#)).

For more information, see press release:

[Seafarers' training: Council adopts its position on streamlined framework](#)

## **Maritime single window**

The Council reached a general approach on a proposal establishing a European maritime single window environment ([14587/1/18 REV 1](#)).

For more information, see press release:

[Modernising ship reporting systems – Council agrees its stance on a maritime single window](#)

## **Connecting Europe Facility**

The Council agreed on a partial general approach on a proposal aiming to establish the legal basis for the Connecting Europe Facility (CEF) beyond 2020 ([15146/18](#) + statements: [15146/18 ADD 1](#)).

The general approach is 'partial' as it excludes any financial and horizontal issues as well as issues related to the involvement of third countries in the CEF programme. All these are currently being discussed as part of the negotiations on the next multiannual financial framework (MFF) covering the period 2021 to 2027.

For more information, see press release:

[Supporting transport, digital and energy sectors – Council agrees its position on Connecting Europe Facility](#)

[Multiannual financial framework: shaping EU expenditure \(background information\)](#)



## **Trans-European transport network - streamlining measures**

The Council assessed progress on a proposal to facilitate the completion of the trans-European transport network (TEN-T) by simplifying the granting of permits and other regulatory procedures (Commission proposal [9075/18](#) + [ADD 1](#); progress report [14226/18](#)). The draft regulation also aims to clarify the procedures which project promoters need to follow, in particular as regards permit granting and public procurement.

Under the Commission proposal, member states would need to set up a single competent authority (one-stop shop) which would be in charge of the overall process and act as the single entry point for project promoters and other investors. Integrated procedures would be established, and they would lead to one comprehensive decision. A maximum time limit of three years would be set for the entire permit granting process.

There are currently no specific provisions related to permit granting and regulatory procedures in the area of the TEN-T, and it is often difficult for promoters to anticipate when the final permit will be granted. However, similar provisions are applicable in the area of the trans-European network for energy (TEN-E).

In the Council working party, member states have welcomed the objective of the proposal, namely to overcome delays due to permit-granting procedures and to implement the TEN-T network without unnecessary delays by 2030. However, many other aspects of the proposal have received mixed reactions and need to be addressed in order to allow further progress and an agreement on this dossier.

[About TEN-T](#)

[Europe on the move III \(information on Commission proposals\)](#)

## Clean vehicles

The Council assessed progress made on a proposal to promote the market uptake of clean and energy-efficient vehicles by encouraging public bodies to choose them in public procurement (Commission proposal: [14183/17](#) + [ADD 1](#); progress report [14779/18](#)).

An evaluation of the [current clean vehicles directive](#) from 2009 showed that the directive has not triggered sufficient market uptake of clean vehicles across the EU and that it has had only a limited impact on reducing greenhouse gas and air pollutant emissions.

The Commission therefore proposed an amending directive, which aims to increase the market uptake of low- and zero-emission vehicles in public procurement and thus contribute to the reduction of overall transport emissions, and to competitiveness and growth in the transport sector.

To achieve this, the proposal extends the scope of the existing directive to cover all relevant procurement practices, introduces a definition of a 'clean vehicle' and sets minimum procurement targets for clean vehicles for 2025 and 2030.

In the Council, the proposal is being discussed in the working party, where delegations have welcomed the objective of reducing emissions. The discussions have identified the definition of a 'clean vehicle' and the level and implementation of the procurement targets as key issues. Further work is needed at working party level to reach agreement on this file.

[Clean mobility package \(information on Commission proposals\)](#)

## Electronic freight transport information

The Council took stock of progress on a proposal to make the transport sector more efficient by establishing a uniform legal framework for use and transmission of digital freight transport information (Commission proposal: [9060/18](#); progress report [14231/18](#)).

Under the Commission proposal, all relevant public authorities would have to accept freight transport information which is transmitted in electronic form. They would also have to implement that obligation in a uniform manner.

In addition, the draft rules provide for interoperability of the different IT systems and solutions used for the exchange of freight transport information.

Currently the main barrier to wider use of digital transport documents is the authorities' varying and generally low degree of acceptance of digital documents. This situation is caused by a fragmented legal framework and an IT environment characterised by a multitude of non-interoperable systems for electronic information exchange. As a consequence, most freight transport companies and other transport business stakeholders continue to use paper documents.

In the Council working party the member states have had their first discussion on the proposal. While delegations expressed their overall support for the proposal and its main objective, the initial views have also included some concerns to be addressed in further discussions.

[Europe on the move III \(information on Commission proposals\)](#)

### **Inland waterway transport**

The Council adopted conclusions on inland waterway transport: [Inland Waterway Transport – see its potential and promote it!](#)

The conclusions acknowledge the significant contribution that this efficient, safe and sustainable mode of transport can make towards mitigating the negative effects of the transport sector as a whole.

The conclusions stress the need for further efforts to exploit the full potential of inland waterway transport, and call on the Commission to develop a follow-up programme to NAIADES II. This should be launched by the end of 2020.

## **Other business**

### **– *Directive on electronic road tolling and exchange of information***

The presidency updated ministers on the draft directive on electronic road tolling and exchange of information. The provisional agreement on this dossier was endorsed by the Permanent Representatives Committee on 28 November 2018.

See also press release of 28 November 2018:

[Recovering unpaid road tolls will become easier across Europe – Council approves provisional deal](#)

### **– *Regulation on safeguarding competition in air transport***

The presidency updated ministers on the draft regulation on safeguarding competition in air transport. The presidency reached a provisional agreement with the European Parliament on this dossier on 20 November 2018.

### **– *Regulation establishing the space programme of the Union***

The presidency briefed ministers on the state of play regarding the draft regulation establishing the space programme of the Union (progress report for the Competitiveness Council of 29-30 November: [13987/18](#))

### **– *Revision of regulation on wet lease***

The presidency updated ministers on the revision of regulation [1008/2008](#) regarding wet lease. The revision amends the legislation to align it with a recently negotiated modification of the EU-US Open Skies agreement. The Council and the European Parliament have reached an agreement on this proposal.

### **– *Informal meeting of transport and environment ministers (Graz, 29-30 October 2018)***

The presidency briefed ministers on the informal meeting of transport and environment ministers which took place in Graz ([14696/18](#)).

– *The social agenda in aviation*

The Luxembourg delegation briefed ministers on a declaration by Belgium, Denmark, France, Germany, Luxembourg and the Netherlands on the social agenda in aviation.

– *ASEAN negotiations*

The Commission briefed ministers on the state of play regarding the negotiations on a comprehensive air transport agreement with the countries of the Association of South-East Asian Nations (ASEAN).

– *Sustainable transport infrastructure charging and internalisation of transport externalities*

The Commission briefed ministers on the topic of sustainable transport infrastructure charging and internalisation of transport externalities.

– *Work programme of the incoming presidency*

The incoming Romanian presidency presented its work programme in the field of transport for the first half of 2019.

**Airspace capacity in Europe - informal lunch debate**

Ministers discussed, together with the Director-General of Eurocontrol Eamon Brennan and Commissioner Bulc, the issue of lack of airspace capacity in Europe.

The delays and cancellations caused by the lack of air traffic management capacity require urgent action in both the short and long term. Eurocontrol, as the EU's network manager, has identified seven action points to improve performance already in 2019. In the longer term, the European air traffic management system must be fundamentally modernised if it is to continue to meet the growing demand for air travel.

See also presidency press release following the informal lunch debate:

[Council tackles issue of flight delays](#)

## **TELECOMMUNICATIONS**

### **Digital Europe programme**

The Council agreed on a partial general approach on a proposed EU funding programme, Digital Europe, designed to support the digital transformation of Europe's societies and economies ([14488/1/18 REV 1](#)). The general approach is 'partial' as it excludes any financial and horizontal issues which are currently being discussed as part of the negotiations on the next multiannual financial framework (MFF) covering the period 2021 to 2027. It also excludes a number of elements related to ongoing legislative proposals discussed in different Council configurations.

For more information, see press release:

[Digital Europe programme – Council agrees its position](#)

[Multiannual financial framework: shaping EU expenditure \(background information\)](#)

[Digital single market for Europe \(background information\)](#)

### **Cybersecurity centres**

The Council assessed progress on a proposal to establish a European Cybersecurity Industrial, Technology and Research Competence Centre and a network of National Coordination Centres (Commission proposal: [12104/18](#), progress report [14368/1/18 REV 1](#)). The objective of the draft regulation is to set up an effective and efficient structure to pool and share cybersecurity research capacities and outcomes and to deploy innovative cybersecurity solutions, as the EU's current capabilities and competences in this domain are considerable but fragmented.

The proposal introduces three layers of governance:

- EU level - European Cybersecurity Competence Centre
- national level - network of National Coordination Centres
- stakeholder level - Cybersecurity Competence Community.

Funding for these centres would be provided mainly from the Digital Europe and Horizon Europe programmes, with the possibility of co-financing from the industry and voluntary contributions by member states. In this context, the Cybersecurity Competence Centre, in cooperation with the network of National Coordination Centres, would act as an implementation mechanism for two different EU cybersecurity funding streams under the next multiannual financial framework (Digital Europe programme, Horizon Europe).

In the Council, the Horizontal Working Party on Cyber Issues has discussed the proposal. Most delegations support the general objectives of the proposal, in particular as regards the need to retain and develop the cybersecurity technological and industrial capacities necessary to secure the digital single market and increase the competitiveness of the EU's cybersecurity industry. They have particularly welcomed the proposal to deepen coordination of the Union's cybersecurity research programmes. Nevertheless, a number of concerns and questions for clarification have been raised, which will be tackled in subsequent discussions.

The Romanian presidency intends to continue work on this important dossier with the aim of reaching a Council position at the beginning of next year.

[Reform of cyber security in Europe \(background information\)](#)

[Digital single market for Europe \(background information\)](#)

[Council conclusions on building strong cybersecurity for the EU](#)

[Action plan for the implementation of cybersecurity conclusions](#)

[Joint communication Resilience, Deterrence and Defence: Building strong cybersecurity for the EU](#)

## **ePrivacy**

The Council assessed progress and exchanged views on a proposal to update privacy rules for electronic communications (ePrivacy) (Commission proposal: [5358/17](#); progress report: [14491/18](#)).

The draft regulation sets out to ensure a high level of protection for privacy, communications and personal data in the electronic communications sector. It also aims to create a level playing field for providers of various services and to ensure free movement of electronic communications data and services in the EU. It will replace the [current ePrivacy directive](#), which was last updated in 2009, and complement the [general data protection regulation](#), which became applicable on 25 May 2018.

In the Council, key issues discussed in the working party this autumn have included permitted processing of electronic communications data, protection of terminal equipment information, the provision on privacy settings and supervisory authorities.

During the exchange of views in the Council, ministers acknowledged the importance of the proposed regulation for the digital single market.

Ministers broadly agreed that the latest presidency compromise proposal is a good basis for further work.

A number of delegations considered, however, that some additional work is needed in order to achieve a fully balanced text.

To that effect, they stressed the need for the text to be aligned on the general data protection regulation.

The exchange of views will guide further work on the proposal.

[Digital single market for Europe \(background information\)](#)



## Other business

### – *Directive on the reuse of public sector information*

The presidency briefed ministers on a draft directive on the reuse of public sector information. The Permanent Representatives Committee adopted a negotiating mandate on the proposal on 7 November and the first trilogue meeting with the European Parliament is planned for 12 December.

### – *Regulation on the implementation of the .eu top-level domain*

The presidency briefed ministers on a draft regulation on the implementation of the .eu top-level domain. The first trilogue meeting on the proposal is scheduled for 5 December. The presidency would like to conclude this dossier in one trilogue.

### – *Regulation on the Cybersecurity Act*

The presidency briefed ministers on the draft Cybersecurity Act. The presidency aims to conclude the negotiations with the Parliament in the next trilogue, which will take place on 10 December

### – *Status of the implementation of the DSM strategy*

The presidency and the Commission briefed ministers on the state of play on implementation of the digital single market strategy. The presidency highlighted the importance of the European Electronic Communications Code and the BEREC regulation, which were adopted by the Council on the same morning.

For more information, see press release:

[Better connectivity: EU adopts telecoms reform](#)

[Shaping the Digital Single Market](#) (Commission webpage)

### – *Work programme of the incoming presidency*

The incoming Romanian presidency presented its work programme in the field of telecommunications for the first half of 2019.

## **OTHER ITEMS APPROVED**

### **TELECOMMUNICATIONS**

#### **Broadband in EU member states**

The Council adopted conclusions on the European Court of Auditors' Special Report No [12/2018](#): "Broadband in the EU Member States: despite progress, not all the Europe 2020 targets will be met" ([14395/18](#)).

#### **European Electronic Communications Code and BEREC regulation**

The Council adopted, at first reading, a directive establishing the European Electronic Communications Code ([PE-CONS 52/18](#)) and a regulation establishing the Body of European Regulators for Electronic Communications (BEREC) ([PE-CONS 51/18](#); statement: [14288/18 ADD 1](#)).

For more information, see [press release](#).

### **EDUCATION, YOUTH, CULTURE AND SPORT**

#### **Council conclusions on Mobility under Erasmus**

The Council adopted conclusions on the European Court of Auditors' Special Report on mobility under the Erasmus+ programme ([14077/18](#)). The Council agrees with the Court's main findings, in particular that Erasmus+ plays a key role in building up learning mobility abroad and that the mainly indirect management approach increases the effectiveness of projects. The Council considers however that the performance criteria for the allocation of funds as defined in the legal basis of Erasmus+ are appropriate and that the Student Loan Guarantee Facility has not proven successful for the purposes of supporting mobility within Erasmus+ and should therefore be discontinued under the future programme.

## **ENVIRONMENT**

### **African-Eurasian migratory waterbirds**

The Council adopted an EU position for the seventh meeting of the parties of the agreement on the conservation of African-Eurasian migratory waterbirds with regard to certain amendments to annex 3 to the agreement ([14541/18](#) and [14175/18](#)). The amendments concern annex 3, on the action plan, and set out actions which the parties must undertake to protect priority species.

## **FOREIGN AFFAIRS**

### **EUMM Georgia**

The Council extended the mandate of the EU monitoring mission in Georgia (EUMM Georgia) until 14 December 2020. It also allocated a budget of €38.2 million for the period from 15 December 2018 to 14 December 2020.

EUMM Georgia is a civilian mission and was deployed in September 2008 following the EU-brokered Six-Point Agreement which ended the August war between Russia and Georgia. It contributes to stabilisation, normalisation and confidence building between the conflict parties. Over 200 European civilian monitors under EUMM Georgia assess the parties' actions, including full compliance with the Six-Point Agreement and subsequent implementing measures throughout Georgia. The mission also provides fact-based information and reporting to inform EU policy in support of a durable political solution for Georgia.

[European Union Monitoring Mission in Georgia \(EUMM Georgia\)](#)

[EU- Georgia relations \(factsheet\)](#)

### **Relations with Jordan**

The Council adopted a decision establishing the position of the EU within the EU-Jordan association committee with regards to an amendment to the Euro-Mediterranean agreement, concerning the definition of the concept of "originating products" and methods of administrative cooperation.

The EU and Jordan have been linked through an association agreement since 2002. Furthermore, Jordan was the first Mediterranean partner country to conclude technical negotiations leading to an "Advanced Status" with the EU in 2010.

## [Jordan and the EU](#)

### **ENERGY**

#### **International Solar Alliance**

The Council decided to authorise the Commission to sign, on behalf of the European Union, a Joint declaration between the International Solar Alliance and the European Union on cooperation for the promotion of Solar Energy.

The International Solar Alliance (ISA) is an international inter-governmental organisation which aims at collectively addressing key common challenges to the scaling up of solar energy. The EU and ISA will declare their intention to deepen their cooperation in support of solar energy, including by developing synergies between EU and ISA programmes and projects, sharing knowledge and lessons learned, and supporting research and innovation in the field of solar energy.

The Joint Declaration is expected to be signed on 11 December 2018. ([14357/18](#))

#### **Eco-design requirements for servers and data storage products**

The Council decided not to oppose the adoption of a Commission regulation concerning eco-design requirements for servers and data storage products.

The requirements aim at harmonising energy consumption and resource efficiency requirements for servers and data storage products throughout the EU, so that the internal market operates better and in order to improve the environmental performance of those products.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects. ([14362/18](#), [13267/18](#) + [ADD 1](#))

### **Directive on energy efficiency**

The Council adopted a directive amending Directive [2012/27/EU](#) on energy efficiency.

The revised energy efficiency directive establishes a framework of measures whose main objective is to ensure that the EU's 2020 and 2030 headline targets are met. The directive is scheduled to be published in the Official Journal of the EU on 21 December 2018 and will enter into force 20 days after publication. ([14281/18](#), [PE-CONS 54/18](#))

Belgium and the Czech Republic voted against, while Slovakia and Croatia abstained.

Statements by Belgium, Croatia, the Czech Republic and Portugal: [14281/18 ADD 1](#)

For more information, see [press release](#).

### **Directive on renewable energy**

The Council adopted a directive on the promotion of the use of energy from renewable sources.

The renewable energy directive will accelerate Europe's transition towards clean energy by building on a variety of renewable sources such as wind, solar, hydro, tidal, geothermal, biomass and biofuels. ([14286/18](#), [PE-CONS 48/18](#))

The Czech Republic voted against. Belgium, Hungary and Slovakia abstained.

Statements by the Commission, Belgium, Germany, the Czech Republic and Croatia: [14286/18 ADD1](#)

For more information, see [press release](#).

## **Regulation on Governance of the Energy Union**

The Council adopted a regulation on the Governance of the Energy Union and Climate Action.

The governance regulation defines how member states will cooperate both with each other and with the European Commission to reach the ambitious objectives of the Energy Union. ([14282/18](#), [PE-CONS 55/18](#))

The Commission made two statements. ([14282/18 ADD1](#))

For more information, see [press release](#).

## **INTERNAL MARKET AND INDUSTRY**

### **Directive on empowering national competition authorities: ECN Plus**

The Council approved the European Parliament's position at first reading as set out in [PE-CONS 42/18](#). It also decided to enter in its minutes the statements contained in [14278/18 ADD 1](#) and [14278/18 ADD 2](#) and to have the statement contained in [14278/18 ADD 1](#) published in the Official Journal of the European Union.

For more information, see [press release](#).

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