



Council of the
European Union

Brussels, 14 December 2017
(OR. en)

15356/17
ADD 1

PV/CONS 70
TRANS 537
TELECOM 338
ENER 496

DRAFT MINUTES

Subject: **3581st** meeting of the Council of the European Union
(**Transport, Telecommunications** and Energy),
held in Brussels on 4 and 5 December 2017

PUBLIC DELIBERATION ITEMS¹

Page

"A" ITEMS

2.	Approval of the list of "A" items	
a)	Non-legislative list	4
b)	Legislative list	4
	Transport	4
1.	Professional qualifications in inland waterways Directive	
2.	Cooperative Intelligent Transport Systems (ITS) Decision	
	General Affairs	5
3.	TERCET Regulation	
	Foreign Affairs	6
4.	New antidumping methodology Regulation	
	Energy	6
5.	Regulation on risk-preparedness in the electricity sector	

"B" ITEMS

TELECOMMUNICATIONS

Legislative deliberations

3.	Regulation on free flow of data	7
4.	Regulation on ePrivacy.....	7
5.	Regulation on BEREC.....	7

Any other business

6.	a)	Current legislative proposal	8
		– Directive on the European Electronic Communications Code	
	b)	5G Roadmap	
	c)	Council conclusions on building strong cybersecurity for the EU and draft Council Action Plan for their implementation.....	
		–	

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).

TRANSPORT

Legislative deliberations

LAND

7. Mobility package I..... 9
- a) Revision of rules on market access
 - i) Regulations governing access to the profession and to the market
 - ii) Directive on hired vehicles
 - b) Revision of Directive and Regulations on the social pillar
 - i) Posting of road transport workers and enforcement of social conditions
 - ii) Driving and rest time periods and tachographs
11. Mobility package I..... 9
Directives on Eurovignette and EETS - road charging

AVIATION

12. Regulation on safeguarding competition in air transport 9

Any other business

13. g) Current legislative proposals..... 10
- i) Mobility package II
 - ii) Regulation on rail passenger rights

*

* *

MEETING ON MONDAY 4 DECEMBER 2017 (10:00)

"A" ITEMS

2. Approval of the list of "A" items

a) Non-legislative list

14817/17

The Council adopted the "A" items listed in 14817/17.

For the following items, the related documents should read as follows:

EU positions for international negotiations

2. Council Decision on the EU position for 37th Standing Committee of the Bern Convention
Adoption
approved by Coreper, Part 1, on 29.11.2017

14764/17

14671/17

+ **COR 1 (en)**

Institutional Affairs

Appointments

5. Appointment of the members of Article 255 TFEU panel
Adoption
approved by Coreper, Part 2, on 01.12.2017

13247/2/17 REV 2

+ **REV 2 COR 1**

(pl)

13247/17 ADD 1

+ **ADD 1 REV 1**

(pl)

13107/17 + ADD 1

13957/17

A statement related to these items is set out in the Annex of 15356/17 INIT.

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

14818/17

Transport

1. **Professional qualifications in inland waterways Directive**
Adoption of the legislative act
approved by Coreper, Part 1, on 29.11.2017



14772/17 + ADD 1
PE-CONS 42/17

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 91(1) TFEU).

Statement by the Slovenia and Greece

"In the Council and its preparatory bodies the Republic of Slovenia and the Hellenic Republic have always maintained the position that those EU Member States, like Slovenia and Greece, where inland navigation is a limited and infrequent activity, primarily used for a local or/and seasonal purpose in waterways with no linkage to inland waterways of other Member States, should be exempted from the obligation to transpose and implement the provision of the Directive of the European Parliament and of the Council on the recognition of professional qualifications in inland navigation and repealing Council Directive 96/50/EC and Council Directive 91/672/EEC.

In addition to not having inland waterways linked to the navigable network of other Member States, the Republic of Slovenia and the Hellenic Republic are exempt from transposition and implementation of the existing EU legislation in the field of inland waterways and up to the present have not transposed and implemented any relevant legislative requirements.

In the light of the above and as long as inland waterway navigation on their territory is technically not possible in accordance with the Union classification of inland waterways and as clearly stated in the Impact Assessment accompanying the respective legislative proposal, the Republic of Slovenia and the Hellenic Republic consider that there is no need and shall not be obliged to transpose the Directive.

As has been stated on several occasions during the respective negotiations within the Council and its preparatory bodies, the Republic of Slovenia and the Hellenic Republic wish to underline that the obligation to transpose and implement this Directive in cases of Member States like Slovenia and Greece imposes a disproportionate and unnecessary administrative burden with no justified added value for the inland waterways sector in the EU or for the mobility of workers."

2. Cooperative Intelligent Transport Systems (ITS) Decision

Adoption of the legislative act

approved by Coreper, Part 1, on 29.11.2017



14774/17

PE-CONS 52/17

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 91 TFEU).

General Affairs

3. TERCET Regulation

Adoption of the legislative act

approved by Coreper, Part 1, on 29.11.2017



14773/17

PE-CONS 49/17

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 338(1) TFEU).

Foreign Affairs

4. New antidumping methodology Regulation

Adoption of the legislative act

approved by Coreper, Part 2, on 29.11.2017



14775/17 + ADD 1
PE-CONS 50/17

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207(2) TFEU).

Statement by the Commission on transition

"The Commission recalls that the purpose of the new methodology is to maintain the continued protection of the Union industry against unfair trade practices, in particular those arising from significant market distortions. In that respect, the Commission will ensure that the Union industry incurs no additional burden when seeking protection under the anti-dumping instrument, in particular in the context of potential expiry reviews requests lodged after the entry into force of the new methodology."

Statement by the Commission on Article 23 and interaction with European Parliament and Council

"The Commission shall inform the European Parliament and the Council whenever it intends to produce or update a report pursuant to Article 2(6a)(c) of the Basic Regulation. Where the European Parliament or the Council inform the Commission that they consider that the conditions for producing or updating a report pursuant to Article 2(6a)(c) of the Basic Regulation are met, the Commission will take the appropriate action and inform the European Parliament and the Council accordingly."

Statement by the Commission concerning the reports pursuant to Article 2(6a)c of the Basic Regulation

"The Commission will swiftly make use of the possibility foreseen under Article 2(6a)c of the Basic Regulation to produce reports on significant distortions, so that interested parties have those reports at their disposal when preparing submissions to which Article 2(6a) of the Basic Regulation may apply. It will provide guidance to interested parties on the use of those reports."

Energy

5. Regulation on risk-preparedness in the electricity sector

General approach

approved by Coreper, Part 1, on 16.11.2017



14702/17

The Council adopted the general approach as set out in the Annex to 14702/17. The general approach will constitute the Council's mandate for negotiations with the European Parliament in the context of the Ordinary Legislative Procedure.

Statement by Austria

"Austria questions why the adoption of the general approach will not be discussed as a B-item in the Council. The competent Council would be the TTE Energy Council.

Austria abstains from agreeing to the A-item "*Proposal for a Regulation of the European Parliament and of the Council on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC*" for the following reasons:

- Austria is a country with a federal structure. In order to ensure the necessary room for manoeuvre for a tailor-made implementation in Austria a directive would be preferable to a regulation; the federal authorities are bound by this position of the "Länder".
- Austria has doubts with regard to the transfer of competences entailing broad discretionary power to an agency and does not see any value added in connection with a greater role of ACER in the area of electricity security of supply. As an alternative and in analogy to the recently adopted Gas Security of Supply Regulation the coordination group of the European Commission and the Member States could be in charge of the evaluation of the proposals of ENTSO-E."

"B" ITEMS

TELECOMMUNICATIONS

Legislative deliberations

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

3. Regulation on free flow of data



14378/17

Policy debate

12244/17

The Council held a policy debate on free flow of data the basis of the questions set out in

14378/17.

4. Regulation on ePrivacy



14374/17 + COR 1

Progress report

5358/17

The Council took note of the progress report set out in 14374/17.

5. Regulation on BEREC



14376/17 + COR 1

General approach


12257/16

The Council adopted a general approach on BEREC Regulation as presented by the

Presidency in 14376/17.

Any other business

6. a) Current legislative proposal (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

- **Directive on the European Electronic Communications Code**  14930/17
Information from the Presidency

The Council took note of the information provided by the Presidency.

- b) 5G Roadmap**  14931/17
Information from the Presidency

The Council took note of the information provided by the Presidency.

- c) Council conclusions on building strong cybersecurity for the EU and draft Council Action Plan for their implementation**  14435/17 + COR 1
Information from the Presidency

The Council took note of the information provided by the Presidency.


MEETING ON TUESDAY 5 DECEMBER 2017 (9:30)

TRANSPORT

Legislative deliberations


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

LAND

7. **Mobility package I**  14841/17
9668/17
9669/17
9670/17
9671/17
- a) **Revision of rules on market access**
- i) **Regulations governing access to the profession and to the market**
- ii) **Directive on hired vehicles**
- b) **Revision of Directive and Regulations on the social pillar**
- i) **Posting of road transport workers and enforcement of social conditions**
- ii) **Driving and rest time periods and tachographs**

Progress report

The Council took note of the progress report and held a debate on critical issues of the social and markets pillar of the first mobility package, with a view to preparing further work.

11. **Mobility package I**  14426/17
Directives on Eurovignette and EETS - road charging
Policy debate 9672/17 + ADD 1
10175/17 + ADD 1
9673/17 + ADD 1

The Council held a policy debate on the first mobility package as regards the proposals relating to road charging.

AVIATION



12. **Regulation on safeguarding competition in air transport**  13848/17
Progress report 10146/17

The Council took note of the progress report on the proposal of the Safeguarding Competition Regulation.



Any other business

13. g) **Current legislative proposals**

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

- i) **Mobility package II**   14183/17 + ADD 1
14213/17
14184/17
14333/17
- a) Directive on the promotion of clean and energy-efficient road transport vehicles
- b) Directive on the establishment of common rules for certain types of combined transport of goods
- c) Regulation on common rules for access to the international market for coach and bus services
- d) Related Commission communication: Action Plan on Alternative Fuels Infrastructure
Oral presentation by the Commission

The Council took note of the oral presentation by the Commission and will revert to the proposals under future Presidencies.

- ii) **Regulation on rail passenger rights**   14637/17
Information from the Presidency on the state of play 12442/17 + ADD 1

The Council took note of the information provided by the Presidency on the state of play.

 First reading

 Item based on a Commission proposal

 Public debate in accordance with Article 8(2) of the Council's Rules of Procedure.