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OUTCOME OF THE COUNCIL MEETING

3696th Council meeting

Transport, Telecommunications and Energy

Transport and Telecommunications

Luxembourg, 6 and 7 June 2019

Presidents

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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>).
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

FISHERIES

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- Multi-annual plan for demersal stocks in the Western Mediterranean Sea adopted..... 17

ITEMS DEBATED

TRANSPORT

Electronic freight transport information

The Council agreed on [its position \('general approach'\)](#) 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 (eFTI)**. Under the draft regulation, competent national authorities will have to accept information submitted by operators electronically on certified platforms. They will also have to implement that obligation in a uniform manner.

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

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 and shortening permit-granting and other regulatory procedures ([progress report](#)). The proposal also aims to clarify the procedures which project promoters need to follow as regards permit granting and public procurement.

Under the Commission proposal ([9075/18](#) + [9075/18 ADD 1](#)); 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.

The proposal has been discussed in the **Council** working party, and on the basis of these discussions, the presidency has presented compromise proposals providing greater simplification, clarity and flexibility for member states. The latest presidency compromise changes the legal nature of the proposal from a regulation to a directive. In addition, it proposes having an overall deadline of four years for the completion of the permit-granting procedure.

Despite the progress made, there are a number of issues that will require further work at technical level. These include the key issues of scope, the role of the single competent authority, and the duration and organisation of the permit-granting process. These would need to be addressed under the incoming presidency in order to make further progress and reach an agreement on this dossier.

The Commission presented the proposal in May 2018 under the [third 'Europe on the move' package](#), which is designed to make European mobility safer, cleaner, more efficient and more accessible.

For the proposal to be adopted, the text will need to be approved by both the Council and the European Parliament.

[About TEN-T](#)

Hired vehicles

The Council assessed progress on a proposal to **update the rules on hired vehicles** ([progress report](#)).

The [proposal](#) aims to establish a clear and uniform regulatory framework for the hired vehicles market. It also seeks to soften the restrictions on using hired vehicles in international transport, as hired vehicles tend to be newer, safer and less polluting. Broader possibilities for hiring vehicles would give transport operators more flexibility to carry out their transport activities in a more efficient way.

The proposal is part of the first mobility package and is linked to the proposed overhaul of rules on access to the profession of road transport operator and access to the road haulage market (regulations [1071/2009](#) and [1072/2009](#)).

Under the Commission proposal, EU countries would no longer be able to restrict the use of hired vehicles for own-account operations. The Commission also proposes that member states would have to allow a vehicle hired in another member state to be used in their territory for at least four months a year, so that transport companies would be able to meet peak demand and replace defective vehicles. A limitation of the rental period is considered necessary to prevent possible fiscal distortions owing to significant differences in road vehicle taxation among member states.

In the **Council**, concerns expressed by delegations in relation to the proposal have included its impact on vehicle tax revenues and the need to have effective control measures in particular to monitor cabotage activities.

In its progress report, the presidency considers that the good progress made has resulted in a further reduction of the member states' concerns. At the same time the core objectives of the original proposal have been preserved. The presidency also notes that many delegations have emphasised the link to the main files of the first mobility package.

The Commission presented the proposal in May 2017 under the first mobility package ([Europe on the move](#)), which is designed to promote clean, competitive and socially fair mobility.

The Council and the European Parliament must agree on the text before it can enter into force.

Road charging ('Eurovignette')

Ministers assessed progress made on a proposal to **revise EU road charging rules** (Eurovignette directive) ([progress report](#)). The revision aims to address issues relating to road infrastructure financing, congestion and greenhouse gas emissions by reinforcing the 'polluter pays' and 'user pays' principles

Road charging is a national choice in the EU, and member states are free to introduce it on their territory or not. In its [proposal](#) (+ [9672/17 ADD 1](#)) the Commission suggests stipulating that for those countries which decide to charge for road use, charging should be only based on the distance driven in order to reflect actual usage and pollution. The scope of the directive would be wider so as to include buses and coaches, light commercial vehicles, and passenger cars.

In its **progress report**, based on the work carried out so far, the presidency draws the conclusion that a clear majority of the member states considers that several requirements in the Commission proposal are too prescriptive in that they limit the member states' flexibility in the use of their policy instruments.

Issues to be solved include, for example, the impact on existing concession contracts; the possible need to include time-based charging as a cost-effective alternative to distance-based charging; treatment of private cars, as well as buses, coaches and minibuses; and the conflict between the proposed further earmarking of road charging revenues and national budgetary practices (and even constitutional principles).

While additional technical work is necessary, the presidency considers it feasible to develop a position that could be supported by a majority of the member states.

The Commission presented the proposal in May 2017 as part of the first mobility package ([Europe on the move](#)). For it to be adopted, the text will need to be approved by both the Council and the European Parliament.

Rail passenger rights

The Council took stock of progress on a draft regulation **updating rail passengers' rights** ([progress report](#)).

The [proposal](#) revises the [current regulation](#) from 2007, which applies to both domestic and international journeys and services.

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 also seeks to improve enforcement of the rules in general by setting out more detailed complaint-handling procedures and deadlines. In addition, it would encourage the availability of 'through-tickets', which cover successive railway services possibly operated by several companies.

In the **Council**, discussions in the working party have shown the need to examine the proposal in the light of the reality in the sector. Adaptations may be necessary, for example, in cases where member states have already applied the derogations allowed by the current regulation, in particular in situations involving public service obligations; to better take into account the special character of urban, suburban and regional services (as opposed to long-distance services); and to address a number of other issues.

While the presidency considers that the first compromise proposal is an important step towards a Council position, further preparatory work remains.

The Commission presented the proposal in September 2017. For it to be adopted, the text will need to be approved by both the Council and the European Parliament.

Other business

a) Current legislative proposals

- i) Directive amending directive 2008/96/EC on road infrastructure safety management
- ii) Regulation on establishing a European Maritime Single Window environment (EMSWe)
- iii) Directive on the promotion of clean and energy-efficient road transport vehicles
- iv) Regulation on the Connecting Europe Facility (CEF)
- v) Directive on discontinuing seasonal changes of time

The presidency briefed ministers on the large number of dossiers agreed on with the European Parliament under the Romanian presidency, on Brexit-related work, as well as on the state of play regarding the proposal on **seasonal time changes**.

Information from the presidency

- [Making roads safer – EU agrees on reforms to strengthen road infrastructure management \(press release, 21/2/2019\)](#)
- [Cutting red tape for ships – provisional agreement with Parliament on maritime single window \(press release, 7/2/2019\)](#)
- [EU cuts red tape for seafarers' training and certification \(press release, 6/6/2019\)](#)
- [Promoting clean vehicles: provisional deal with Parliament \(press release, 12/2/2019\)](#)
- [Roll-out date for safer, more aerodynamic lorry cabs confirmed by Council \(press release, 22/5/2019\)](#)
- [Connecting Europe Facility: Coreper confirms common understanding with the Parliament on extending the programme \(press release, 13/3/2019\)](#)
- [Seasonal clock changes in the EU \(background information\)](#)

b) Clean Planet for all: A European strategic long-term vision for a prosperous, modern, competitive and climate-neutral economy

The presidency briefed ministers on the initial discussions held by different Council instances on the transport-related challenges related to the strategic long-term vision to combat climate change.

Information from the presidency

c) Airspace capacity

The Commission, together with the Director-General of Eurocontrol Eamonn Brennan, updated ministers on the issue of airspace capacity.

[Information from the Commission](#)

d) Tackling greenhouse gas emissions and congestion by aviation pricing

The Luxembourg delegation provided information on the issue of tackling greenhouse gas emissions and congestion by aviation pricing.

[Information from the Luxembourg delegation](#)

e) Connectivity-related outcomes of the EU-China summit (Brussels, 9 April 2019)

The Commission briefed ministers on the connectivity-related outcomes of the EU-China summit which was held in Brussels on 9 April 2019.

[Information from the Commission](#)

f) Study on transport externalities

The Commission updated ministers on the study on sustainable transport infrastructure charging and internalisation of transport externalities.

[Information from the Commission](#)

g) Conference on "Benefits for regions resulting from the implementation of the route Via Carpatia" (Łańcut, Poland, 17 April 2019)

The Polish delegation provided information on the international conference on "Benefits for regions resulting from the implementation of the route Via Carpatia", which was held in Łańcut, Poland, on 17 April 2019.

[Information from the Polish delegation](#)

h) Work programme of the incoming presidency

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

[Information from the Finnish delegation](#)

Eastern Partnership Ministerial meeting on transport

In the margins of the Council, EU ministers met together with their counterparts from six Eastern Partner countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine) at an Eastern Partnership Ministerial meeting on transport.

The meeting endorsed a [joint declaration](#) on regional transport cooperation within the framework of the Eastern Partnership in the context of the 10th anniversary of the Eastern Partnership.

[Eastern Partnership \(background information\)](#)

TELECOMMUNICATIONS

Highly digitised Europe beyond 2020

The Council held a policy debate and adopted conclusions on the **future of a highly digitised Europe beyond 2020**: 'Boosting digital and economic competitiveness across the Union and digital cohesion' ([policy debate document](#)).

In the **Council policy debate**, ministers underlined the importance of EU leadership in key digital technologies such as artificial intelligence, supercomputing, cybersecurity, 5G, the Internet of Things or blockchain.

Close cooperation in the field of digital will be necessary to avoid fragmentation and to break "silos" as digital policy cannot stand on its own. Many ministers called for support for, and the close involvement of, SMEs, start-ups and public administrations, and pointed out that Digital Innovation Hubs will play an important role in this regard.

Availability, interoperability and sharing of data will be of crucial importance for a successful EU data economy. It is also important to promote innovation and excellence needed to sustain the growth of European digital champions.

Ministers further underlined the need for any future policy to be human-centric and inclusive, and to respect ethical principles and privacy.

Many ministers considered that ensuring full connectivity for all citizens, regardless of where they are, is an effective way in which to address digital disparities. Some ministers mentioned the Digital Europe Programme and Connecting Europe Facility as appropriate tools in contributing to digital cohesion. It is also essential to invest in digital skills and life-long learning so that nobody will lag behind.

A number of ministers mentioned the need to ensure the effective implementation and enforcement of the existing framework before new legislation is proposed. Any new laws should be sufficiently flexible so as not to create barriers for new technological advances or expansion of European businesses.

The ministers' discussion and the Council conclusions will feed into the development of future EU digital policy.

[Council conclusions on the future of a highly digitised Europe beyond 2020: 'Boosting digital and economic competitiveness across the Union and digital cohesion'](#)

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

World Radiocommunication Conference 2019

Ministers agreed on a decision establishing the positions to be taken, on behalf of the EU, by member states at the [World Radiocommunication Conference 2019 \(WRC-19\)](#). The conference will take place from 28 October to 22 November 2019 in Sharm el-Sheikh, Egypt.

WRC-19 is held under the auspices of the International Telecommunication Union (ITU), which is the United Nations specialised agency for information and communication technologies (ICTs).

WRC-19 will revise the ITU Radio Regulations, the international treaty which allocates radio-frequencies to different radiocommunication services and sets the technical conditions for the use of those frequencies in order to avoid harmful interference.

The envisaged WRC-19 Final Act is aimed at adapting the radio spectrum for different types of networks in response to technological advances and changes in demand. It will be binding on the parties.

EU negotiating positions are needed because certain WRC-19 agenda items could affect common EU rules or alter their scope.

The ITU has 193 members, and all EU countries are members of the ITU. Each ITU member has a vote. The EU is a sector member of the ITU, with no vote or right to speak.

The decision will be formally adopted by the Council on 13 June 2019.

ePrivacy

The Council took note of the [progress report](#) on a proposal to update **privacy rules for electronic communications (ePrivacy)**.

[The proposed regulation](#) sets out to ensure a high level of protection of private life, 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 the 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.

The **Council** held a policy debate on the proposal on 8 June 2018 and an exchange of views on 4 December 2019.

In the **working party discussions** the Romanian presidency has addressed the vast majority of the issues raised by ministers. The main issues discussed have included the way in which the ePrivacy proposal would interact with new technologies, in particular in the context of machine-to-machine communication, the internet of things or artificial intelligence; the prevention and detection of child abuse imagery; aspects related to data retention regimes and their compliance with the requirements of the EU Charter of Fundamental Rights; and giving member states sufficient flexibility in the provisions on supervisory authorities while respecting the Charter's requirements as regards independence.

The Commission presented its proposal in January 2017. It is one of the actions under the digital single market strategy to reinforce trust and security in the digital single market. For it to be adopted, the text will need to be approved by both the Council and the European Parliament.

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

Other business

- a) Current legislative proposals:
- i) Regulation establishing the Digital Europe programme for the period 2021-2027
 - ii) Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres

The presidency updated ministers on current legislative proposals. A partial common understanding was reached with the European Parliament on the proposal establishing the Digital Europe programme on 13 February. Trilogue meetings with the Parliament were launched on the draft regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres. The presidency also highlighted the directive on open data and the reuse of public sector information, which was adopted the day before.

[Digital Europe programme – Coreper confirms common understanding reached with Parliament \(press release, 13/03/2019\)](#)

[EU to pool and network its cybersecurity expertise – Council agrees its position on cybersecurity centres \(press release, 13/03/2019\)](#)

[EU stimulates digital innovation by increasing the availability of publicly funded data \(press release, 6/6/2019\)](#)

- b) Overview of presidency events in Romania

The presidency provided an overview of the most important presidency events held in Romania.

[Presidency website](#)

- c) Prague 5G security conference (Prague, 1 May 2019)

The Czech delegation briefed ministers on the 5G security conference held in Prague on 1 May 2019.

[Information from the Czech delegation](#)

[Conference website](#)

d) Law enforcement and judicial aspects related to 5G

The EU Counter-Terrorism Coordinator Gilles de Kerchove provided information on the law enforcement and judicial aspects related to 5G.

[Information from the EU Counter-Terrorism Coordinator](#)

e) Work programme of the incoming presidency

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

[Information from the Finnish delegation](#)

OTHER ITEMS APPROVED

TRANSPORT

Seafarers' training

The Council adopted a directive on the minimum level of training of seafarers ([9205/19](#); [PE-CONS 39/19](#)).

[See press release](#)

TELECOMMUNICATIONS

Open data and the re-use of public sector information

The Council adopted a directive on open data and the re-use of public sector information (PSI) ([9204/19](#); [PE-CONS 28/19](#)).

[See press release](#)

FISHERIES

Multiannual recovery plan for Mediterranean swordfish adopted

The Council adopted a regulation on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No [1967/2006](#) and Regulation (EU) 2017/2107 ([PE-CONS 18/19](#)).

At the 2016 annual meeting of the International Convention for the Conservation of Atlantic Tunas ('ICCAT'), of which the EU is a party, all relevant actors recognised the need to address the alarming situation as regards swordfish (*Xiphias gladius*) stocks in the Mediterranean Sea, which have been overfished over the last 30 years. To that end, ICCAT adopted a recommendation establishing a multiannual recovery plan for Mediterranean swordfish.

The newly adopted regulation will implement the ICCAT recommendation and recovery plan into EU legislation.

Multi-annual plan for demersal stocks in the Western Mediterranean Sea adopted

The Council adopted a new regulation establishing a **multiannual management plan** for **demersal stocks** (i.e. those that live at the bottom of the seabed) in an area covering mainly **French, Italian and Spanish waters**. The aim of these rules is to **revitalise depleted stocks** and **ensure** environmental and socio-economic **sustainability** for fisheries in the area.

[See press release](#)
