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## **DRAFT MINUTES**

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

2 and 3 June 2022

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## MEETING ON THURSDAY 2 JUNE 2022

### 1. Adoption of the agenda

The Council adopted the agenda set out in 9386/1/22 REV 1.

### 2. Approval of 'A' items

(a) **Non-legislative list** 9391/22

The Council adopted the "A" items listed in 7959/22 including COR and REV documents presented for adoption. The statements to these items are set out in the Addendum.

(b) **Legislative list** (public deliberation in accordance with Article 16(8) of the Treaty on European Union) 9392/22

Internal Market and Industry

**Regulation amending Regulation (EU) 2016/1628 as regards the extension of the empowerment of the Commission to adopt delegated acts**



9305/22  
PE-CONS 20/22  
MI

*Adoption of the legislative act*

approved by Coreper, Part 1, on 1 June 2022


The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

## TRANSPORT

### Legislative deliberations

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

#### Intermodal transport

3. **Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU**  9111/22  
*General approach* 10877/21+ ADD 1

The Council agreed on a General Approach as set out in doc. 9111/22.

Poland presented a statement, as set out in the Annex.


#### Air transport

4. **Regulation on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation initiative)**  8859/22  
*General approach* 10884/1/21 REV 1  
+ ADD 1

The Council agreed on a General Approach as set out in doc. 9805/22.

Germany, supported by Austria, Belgium and Luxembourg, presented a statement, as set out in the Annex.

#### Intermodal transport

5. **Revision of the Directive on the framework for the deployment of Intelligent Transport Systems (ITS)**  9114/22  
*General approach* 15114/21 + ADD 1

The Council agreed on a General Approach as set out in doc. 9114/22.

#### Maritime transport

6. **Directive amending Directive 2003/25/EC introducing improved stability requirements for ro-ro passenger ships**  9236/22 + COR 1  
*General approach* 6405/22 + ADD 1


The Council agreed on a General Approach as set out in doc. 9236/22 + COR 1.

7. **Regulation on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime initiative)**  9278/22 + COR 1  
10327/21 + ADD 1  
*General approach*

The Council agreed on a General Approach as set out in doc. 9278/22 + COR 1.

Belgium, Denmark, Germany, Ireland, Luxemburg, the Netherlands and Sweden presented a statement, as well as Estonia, Finland and Latvia, as set out in the Annex.

#### Intermodal transport

8. **Regulation on Union guidelines for the development of the trans-European transport network (TEN-T)**  8784/22  
*Progress report*  
*Exchange of views*


The Council took note of the progress report set out in 8784/22.

The Council exchanged views on the basis of questions related to the Proposal for a Regulation on Union guidelines for the development of the trans-European transport network (TEN-T).

#### Any other business

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

**Decision on CORSIA offsetting requirements**  
*Information from the Presidency*

 9167/22  
10869/21 + COR 1

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

- (b) **Presentation of the second Progress Report of the Platform on International Rail Passenger Transport**  
*Information from the Dutch and Austrian delegations*

 9232/22

The Council took note of the information provided by the Dutch and Austrian delegations.

- (c) **Driver attestations for third-country drivers** 9119/22  
*Information from the Danish delegation*

The Council took note of the information provided by the Danish delegation.

- (d) **Measures needed at European level to complete infrastructure investments: Joint statement by the Ministers for Transport of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Romania** 9612/22 + ADD 1  
*Information from the Polish delegation, on behalf of the Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovak and Romanian delegations*

The Council took note of the information provided by the Polish delegation, on behalf of the Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovak and Romanian delegations.

- (e) **Work programme of the incoming Presidency** 9505/22  
*Information from the Czech delegation*

## **MEETING ON FRIDAY 3 JUNE 2022**

### **TELECOMMUNICATIONS**

#### **Legislative deliberations**

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

10. **Regulation laying down harmonised rules on artificial intelligence and amending certain Union legislative acts (Artificial Intelligence Act)** 8576/22  
8115/21 + ADD 1  
*Progress report*

The Council took note of the progress report set out in 8576/22.

11. **Regulation amending Regulation (EU) No 910/2014 on the framework for a European Digital Identity**  8701/22  
*Progress report* 9471/21 + ADD 1

The Council took note of the progress report set out in 8701/22.

12. **Regulation laying down harmonised rules for fair access to and use of data (Data Act)**  8577/22  
*Progress report* 6596/22


The Council took note of the progress report set out in 8577/22.

### Non-legislative activities

13. **Digital and green transition**  8907/22  
*Policy debate*

The Council held an exchange of views based on a discussion paper by the Presidency (8907/22).

### Any other business

14. (a) **Current legislative proposals** (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 
- (i) **Regulation on privacy in electronic communications** 5358/17
  - (ii) **Decision on the Path to the Digital Decade** 11900/21
  - (iii) **Directive on measures for a high common level of cybersecurity across the Union** 14150/20 + ADD 1  
*Information from the Presidency* + ADD 1 COR 1

The Council took note of the state of play of negotiations on these files.



(b) European Declaration on Digital Rights and Principles for the Digital Decade  
*Information from the Presidency*

(c) International Telecommunication Union Plenipotentiary Conference (Bucharest, 26 September - 14 October 2022)  
*Information from the Presidency and delegations*

(d) **‘Digital Humanism and Artificial Intelligence’ high-level workshop (Brussels, 3 March 2022)**  
*Information from the Austrian, Czech and Slovak delegations*

 9415/22

The Council took note of the outcomes of this high-level workshop.

(e) Work programme of the incoming Presidency  
*Information from the Czech delegation*



First reading



Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)



Item based on a Commission proposal

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Statements to the legislative or public "B" items set out in doc. 9386/1/22 REV 1

Ad "B" item 3:

**Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU**

*General approach*

**STATEMENT BY POLAND**

“Republic of Poland emphasize the necessity of linking implantation of AFIR project with provisions arising from TEN-T regulations.

Therefore, Republic of Poland is pleased to note that relevant provision was included in point 14 (b) of the preamble. It is important that AFIR and TEN-T requirements take into account specific situation of TEN-T network dynamic development in particular Member States, supported from EU funds.

We agree that we shall not provide for construction of alternative fuels infrastructure on old TEN-T road corridors, while construction of new road sections adapted to the TEN-T guidelines is foreseen. This creates a legitimate risk of stranded assets or the risk that transit traffic will not shift to dedicated infrastructure.

In our understanding, Preamble of AFIR project as adopted in the general approach include differences in development of the TEN-T network in particular member states. It concerns especially members states where investment process in road corridors, that shall meet TEN-T technical requirements, is supported by EU funds. It also provides for joint implementation of the provisions of these two legal acts. Location of alternative fuel infrastructure on the target TEN-T network will lead to more efficient use of funds and will provide in our opinion for an accelerated implementation of provisions.

All European countries shall strive to provide all new alignments with alternative fuels infrastructure stations on a market basis, to accelerate energy transformation of transport and making it in a seamless manner for EV drivers. In that respect, amended provisions of the Regulation Preamble provide for a flexible and rational use of financial resources, taking into account challenges that all member states face, especially in these where network meeting requirements to the state-of-the-art is implemented.”

**Ad "B" item 4:**

**Regulation on ensuring a level playing field for sustainable air transport  
(ReFuelEU Aviation initiative)**

*General approach*

**STATEMENT BY GERMANY, SUPPORTED BY AUSTRIA, BELGIUM AND  
LUXEMBOURG**

“Germany believes that transport must also play its part in achieving climate protection targets. Sustainable aviation fuels can make a decisive contribution to making air traffic more climate-friendly. Against this background, Germany welcomes the "ReFuelEU Aviation" initiative and thanks the French Presidency for its intensive work and the progress that has been achieved.

Germany must abstain, but would like to expressly draw attention to the following points with a view to trilogue deliberations.

Germany rejects the inclusion of so-called "low carbon fuels" in the regulation because such low carbon fuels do not represent sustainable and renewable fuels. The use of such fuels is neither in the interest of climate protection nor of sustainable aviation. Low carbon fuels must not hinder the development of synthetic aviation fuels from renewable energies. In addition, the inclusion of low carbon fuels in this regulation shall have no effect on other legislative acts of the Fit for 55-Package.

It is also essential to avoid competitive disadvantages for the German and European aviation industry and a climate-damaging shift of traffic via airports to third countries (carbon leakage). This requires reliable, effective and enforceable regulations. Overall, all Fit for 55 dossiers relating to air transport must be designed in such a way that carbon leakage and competitive disadvantages are avoided. Until trilateral agreement is reached, further solutions should therefore be developed for the competition and carbon leakage aspects of the aviation-related dossiers in the Fit for 55 package.”

**Ad "B" item 7:**

**Regulation on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime initiative)**

*General approach*

**STATEMENT BY BELGIUM, DENMARK, GERMANY, IRELAND, LUXEMBURG, THE NETHERLANDS AND SWEDEN**

“Belgium, Denmark, Germany, Ireland, Luxemburg, the Netherlands and Sweden, are fully in support of the overall objective of the FuelEU Maritime initiative. There is an urgent need for action to reduce the GHG emissions from the maritime sector and FuelEU Maritime will contribute to achieving this objective.

We welcome the efforts of the Presidency to reach a compromise proposal for General Approach, which is presented today in the Transport Council. It is important to act now and to send the right signals to reduce the GHG emissions from the sector. Therefore, we see the need to progress the negotiation process and it is meaningful that we achieve a General Approach.

At the same time, we reiterate our view that more proactive legislative framework is necessary to reduce the GHG emissions from the sector. Therefore, in discussions on this file to date, we have emphasised the possibility and need for higher ambition and have put forward several credible proposals and openings for discussion in attempts to achieve this. Moving into the trilogues, we see momentum to underline this.

Higher GHG reduction targets within FuelEU Maritime are needed to achieve the EU’s climate intermediate and 2050 ambitions.

Higher targets are needed to achieve the 2030 objectives, of 13% reduction and a share of 2.6% of RFNBOs (as discussed in RED), on the supply of renewable energy to transport.

More incentives are needed to accelerate the use of clean and renewable fuels in maritime transport.

Higher ambitions on the demand side are needed to contribute to strengthen the competitiveness of the EU maritime sector and provide planning reliability for fuel suppliers, ship owners and operators. This would eventually also lead to a level playing field between EU- and non-EU-Ports.

Higher ambitions for EU Member States to maintain our credibility in our efforts to promote an ambitious global GHG reduction strategy within the IMO, which is also crucial to maintain a level playing field.

It is meaningful that we achieve a General Approach and we support to progress the process. At the same time, we reiterate our view that a more proactive legislative framework is necessary to reduce the GHG emissions from the maritime sector and will continue to advocate for this at EU level in cooperation and collaboration with colleagues across the EU.”

## STATEMENT BY ESTONIA, FINLAND AND LATVIA

“Estonia, Finland and Latvia endorse the text presented by the Presidency and support the adoption of Council’s general approach on the Regulation.

Estonia, Finland and Latvia emphasise that the Regulation must ensure a level playing and not discriminate Member States based on geographical location. In this regard, for Estonia, Finland and Latvia, a key issue throughout the negotiations has been to ensure that the additional burden caused by ice conditions is duly taken into account in the calculation of GHG intensity of energy used on board. Estonia, Finland and Latvia appreciate that the provisions on ice-classed ships and navigation in ice conditions have been included in the text, however, unfortunately in a limited temporary manner.

However, ice conditions in the Northern parts of the Union and the need to accommodate them fairly will persist also in the coming years and decades. Therefore, we maintain that it is not sufficient to enact on the matter in EU legislation in a temporary manner. Otherwise, ship-owners are incentivized to switch away from ice-strengthened vessels at the cost of safety of navigation and the environment. Thus, accidents causing oil and chemical spills would be especially devastating to the marine environment of the Baltic Sea, which has been defined as a Special Area under various MARPOL Annexes and designated as a Particularly Sensitive Sea Area.

Therefore, Estonia, Finland and Latvia strongly emphasize the need to take navigation in ice conditions and special characteristics of ice-classed ships into account fairly in the Regulation even after 2030 and importance of the specific review clause.”