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## OUTCOME OF THE COUNCIL MEETING

3798th Council meeting

### Transport, Telecommunications and Energy

#### Transport and telecom issues

Luxembourg, 3 and 4 June 2021

President **Pedro Nuno Santos**  
Portuguese Minister for Infrastructure and Housing

# P R E S S

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<sup>1</sup> • 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>).  
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## **ITEMS DEBATED**

### **TRANSPORT**

#### **Single European Sky**

The Council agreed on its position ('general approach') on the proposals to review the Single European Sky (SES) legislative framework ([9162/21](#) + [ADD1](#) + [ADD2](#) + [ADD3](#) + [ADD4](#)). The SES initiative aims to reform the air navigation services industry in order to make efficient the way in which European airspace is organised and managed.

[Single European Sky: Council agrees its position on air traffic management reform \(press release 3 June 2021\)](#)

#### **Hired vehicles**

The Council agreed on a general approach on revised rules for the use of hired vehicles for the carriage of goods by road ([8639/21](#)). The proposal seeks to establish a clear and uniform regulatory framework for the hired vehicles market linked to the carriage of goods, and to ease the restrictions on using hired vehicles in international transport.

[Clearer rules for the use of hired lorries – Council agrees its position \(press release 3 June 2021\)](#)

#### **Third country certificates in inland navigation**

The Council agreed on a general approach on a proposed amending directive on the transitional measures for the recognition of third countries' certificates in inland navigation ([8604/1/21 REV 1](#)). The amendment will ensure continuity and legal certainty for individuals and economic operators in the inland waterways sector.

[Inland navigation: Council approves general approach to allow continued work by non-EU nationals \(press release 3 June 2021\)](#)

#### **Rail at the forefront of smart and sustainable mobility**

The Council approved conclusions on 'Putting rail at the forefront of smart and sustainable mobility' ([8790/21](#)).

[Rail at the forefront of smart and sustainable mobility – Council adopts conclusions \(press release 3 June 2021\)](#)

## **Commission's Sustainable and Smart Mobility Strategy – conclusions**

The Council adopted conclusions on the Commission's strategy for sustainable and smart mobility ([8824/21](#) + [ADD1](#)).

[Sustainable and Smart Mobility Strategy – Council adopts conclusions \(press release 3 June 2021\)](#)

### **Sustainable and smart mobility strategy – the way forward**

Ministers exchanged views on the way forward on the Commission's strategy for sustainable and smart mobility, going beyond elements that were detailed in the Council conclusions. In particular, ministers shared their views on other actions that deserve focus with a view to achieving a more sustainable, smarter and more resilient mobility system, and on the best ways to ensure that the necessary resources, including financial resources, are geared towards this transition (presidency information note: [8695/21](#)).

The debate highlighted the various different starting points in member states, the varying ambitions, priorities and approaches, while it also showed that there is a common determination that the EU has to deliver on the objective of a more sustainable, resilient and digitalised transport sector.

It was widely recognised that innovation and technological developments as well as behavioural changes and the promotion of active mobility, such as cycling, play an important role in the transition to sustainable and smart mobility.

The necessity of a modal shift toward the increased use of less-polluting transport modes, such as railway or inland waterway, was also a recurrent element of the debate.

Some ministers pointed out that EU policies must be in line with environmental objectives, referring to the rule on the return of the vehicle to the home country which is now in force.

Regarding financing, ministers underlined that an appropriate level of financing, including EU, public and private funding, will be crucial to address the investment needs arising from an increased smart and sustainable ambition across different modes of transport.

A number of ministers also agreed that while the transformation of the transport sector will be challenging, these challenges can be turned into opportunities that create more jobs, make the European economy more competitive and more resilient.

The discussion, as well as the conclusions adopted on this topic, will help the Commission focus its future work in this area.

## Any other business

### – *Air connectivity and the recovery post pandemic*

The Cyprus delegation, on behalf of the Cyprus, Estonian, Greek, Hungarian, Lithuanian, Polish, Romanian and Slovak delegations, briefed ministers on the topic of air connectivity and the recovery post pandemic.

### – *Achieving an interoperable electronic freight information exchange system in Europe*

The Estonian delegation, supported by the Finnish, Hungarian, Latvian, Lithuanian, Maltese, Polish and Romanian delegations, presented a joint position paper entitled ‘Achieving an interoperable electronic freight information exchange system in Europe’.

Information note: [9004/1/21 REV 1](#)

### – *Current legislative proposal: Directive amending directive 1999/62/EC on Eurovignette (road charging Directive)*

The Presidency briefed ministers on the state of play of the proposal to revise EU road charging rules (Eurovignette directive) to reduce greenhouse gas emissions, make road transport greener and contribute to the financing of road infrastructure. The Portuguese presidency aims to reach a political agreement with the European Parliament on this priority file before the end of its term.

Information note: [8679/21](#)

### – *Update on the ePLF project*

The Commission updated ministers on its ongoing project for a common EU digital Passenger Locator Form (ePLF).

### – *Forced landing of a civilian aircraft*

The Council discussed an AOB raised by the Lithuanian delegation on the forced landing of the civilian aircraft in Minsk on 23 May. Ministers supported the Lithuanian AOB and the conclusions of the [European Council](#) of 24 May. They confirmed the importance of maintaining a strong and united front to safeguard the safety and security of EU citizens.

– ***C-ITS roadshow event in Brno***

The Czech delegation briefed ministers on the C-ITS roadshow event to be held virtually on 4 June 2021 in Brno.

Information note: [8820/21](#)

– ***Progress report of the Platform on International Rail Passenger Transport (IRP)***

The Netherlands and Austrian delegations presented the progress made under the Platform on International Rail Passenger Transport.

Information note: [8749/21](#)

– ***Initiatives to prevent container loss by ships***

The Netherlands delegation, supported by the Danish delegation, provided information on initiatives to prevent container loss from ships.

– ***Transition to zero-emission light-duty vehicles***

The Danish delegation, supported by the Greek, Irish, Luxembourg, Maltese, the Netherlands and Austrian delegations, shared its views on the transition to zero-emission cars as part of the European ambition to reach a net-zero emission target of greenhouse gases by 2050.

Information note: [9006/21](#)

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

The incoming Slovenian presidency presented its work programme for the second half of 2021.



## **TELECOMMUNICATIONS**

### **Data Governance Act**

Ministers **assessed progress on the draft Data Governance Act** (DGA) (progress report: [8724/21](#)). The proposal sets out policy measures designed to give the EU a competitive advantage by enabling it to capitalise on its vast quantities of data.

The overall objective of the proposal ([13351/20](#)) is to promote the availability of data for reuse by increasing trust in data intermediaries and by strengthening various data-sharing mechanisms across the EU.

The Telecommunications working party has been working intensely on the proposal. In its progress report, the presidency has identified a number of issues that still need to be addressed. For example, the relationship of the DGA with other legislation and the rules on data-sharing service providers require further clarification. More discussion is also needed on the provisions concerning national policies on data altruism, the nature, structure and tasks of the European Data Innovation Board, and the rules on international access and transfer of data.

Discussions on these and other issues are ongoing in the working party, and the presidency intends to continue the work on the DGA between now and the end of its term.

[A digital future for Europe \(background information\)](#)

## High common level of cybersecurity

The Council **took stock of progress on a proposed directive on measures for a high common level of cybersecurity across the EU** (revised NIS directive or ‘NIS2’) (progress report: [8640/21](#)).

The Commission presented the proposal in December 2020, with the aim of replacing the [current directive on security of network and information systems](#) (the NIS directive).

The objective of the NIS2 proposal is to further improve the resilience and incident response capacities of public and private entities, competent authorities and the EU as a whole.

The Horizontal Working Party on Cyber Issues has carried out a comprehensive read-through of the proposal. During discussions, member states broadly welcomed the revised directive, while raising a number of key concerns.

One of those concerns relates to the interaction of NIS2 with sectoral legislation, in particular the regulation on the resilience of critical entities (the ‘CER’ directive) and the ‘DORA’ regulation on digital operational resilience for the financial sector. During the discussions, most member states stated that it was imperative to view NIS2 as the horizontal framework for cybersecurity in the EU and that it should serve as a baseline standard for minimum harmonisation of all relevant sectoral legislation in this field.

Other concerns raised by delegations relate to the significant expansion of the scope of the revised rules, the size-cap criteria as the sole element to be considered when identifying essential and important entities to be covered, the proposed legal basis (single market), and national security concerns.

The presidency has now initiated the drafting process and will work closely with the incoming presidency in order to facilitate the continuation of discussions in the working party and to ensure smooth progress on this priority file in the Council.

[Cybersecurity: how the EU tackles cyber threats \(background information\)](#)

[A digital future for Europe \(background information\)](#)

## 2030 Digital Compass

The Council **held a policy debate on the topic ‘2030 Digital Compass: How to chart the way towards the EU’s digital future’** on the basis of the Commission’s communication on Europe’s digital decade (digital compass communication: [6974/21](#)).

The debate followed up on the leaders’ invitation to the Council to examine the communication swiftly ([leaders' statement](#)).

During the discussion, ministers supported setting up a digital compass with ambitious digital transformation targets for 2030.

They expressed their strong commitment to upholding fundamental rights, ethics and European values in the process of digital transformation.

Several ministers stressed that future work should enhance digital sovereignty, while cooperation with like-minded countries was also mentioned.

A few ministers stressed that people should have the same rights online as offline.

It is necessary to keep upskilling and reskilling employees and other citizens, and equal opportunities should be created for everybody to participate in digital society, across ages and genders and regardless of disabilities.

Ministers advocated the creation of more advanced digital public services, and stressed the importance of interoperability.

Digital infrastructure should be developed further, ensuring a geographical balance across the EU. Digitalisation should also accelerate the green transition.

Some ministers pointed out that local specificities should be taken into account in defining goals.

Furthermore, according to ministers, it is important to develop truly human centric and trustworthy artificial intelligence, based on European values. The need for a holistic approach in this context was also mentioned.

Ministers also welcomed the Commission’s recent proposal for a digital identity. They stressed that for developing a digital identity, trust is essential.

Today’s Council debate will help the Commission to operationalise the ambitions of communication on the digital decade.

[A digital future for Europe \(background information\)](#)

**Any other business**

- *Current legislative proposals:*
- *Regulation concerning the respect for private life and the protection of personal data in electronic communications (ePrivacy regulation)*

The presidency briefed ministers on the state of play of discussions on updated privacy rules for electronic communications (ePrivacy). The first political trilogue meeting with the European Parliament took place in May, and work will continue at technical level before the presidency hands this file over to the incoming Slovenian presidency, which is already involved in the work.

- *Regulation on roaming on public mobile communications networks within the Union (Roaming regulation)*

The presidency also updated ministers on the revision of the roaming regulation. In the Council working party, member states expressed their support for the extension of the ‘roam like at home’ scheme, and work is ongoing to ensure the regulation is adopted in due time.

- *Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)*
- *Regulation on a framework for a European digital identity*

The Commission provided information on the Artificial Intelligence Act and the European digital identity proposal.

- *Common Union Toolbox for Connectivity*

The Commission updated ministers on the common EU toolbox for connectivity.

- *Digital Assembly 2021*

The presidency also briefed ministers on the Digital Assembly 2021, which was held on 1 and 2 June.

– *ITU elections – Presentation of the Lithuanian candidate for the post of Deputy Secretary-General*

The Lithuanian delegation presented its candidate for the forthcoming elections for the post of Deputy Secretary-General of the International Telecommunication Union (ITU).

– *Work programme of the incoming presidency*

The incoming Slovenian presidency presented its work programme for the second half of 2021.

**OTHER TEMS APPROVED****TRANSPORT****International carriage by rail**

The Council adopted a decision on the EU position to be taken at the 13th session of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) ([9151/21](#); [8678/21](#)).

**FOREIGN AFFAIRS****ACP-EU Committee of Ambassadors: EU position**

The Council adopted a decision on the position to be taken on behalf of the European Union within the ACP-EU Committee of Ambassadors regarding the amendment of Decision No 3/2016 of the ACP-EU Committee of Ambassadors on the Centre for the Development of Enterprise ([8521/21](#)).

**EU Exercise Programme 2020-2025**

The Council approved the "European Union Programme of Exercises and Exercise-Related Activities under the CFSP 2020–2025", and agreed to transmit it to NATO for information purposes, in line with the "Guidelines for the Scheduling and Implementation of EU Exercises".

**Sixth Progress Report EU-NATO Common Set of Proposals**

The Council today took note of the [sixth progress report](#) on the implementation of the common set of proposals endorsed by EU and NATO Councils on 6 December 2016 and 5 December 2017.

The report elaborates on the progress achieved between June 2020 and May 2021 by demonstrating tangible deliverables in all areas of cooperation. It underlines that the long-standing EU-NATO partnership has made unprecedented progress over the past five years, demonstrating and reinforcing the solidity of the transatlantic bond, and further consolidating its mutually-reinforcing strategic partnership to the benefit of all NATO allies and EU member states.

### **Council Decision amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo\***

The Council adopted a decision amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO).

The Council decision extends the mission until 14 June 2023 and transfers the task of providing operational support to the EU-facilitated dialogue to the European Union Office in Kosovo by 31 December 2022.

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

### **Appeal against judgment of the EU General Court in Case T-322/19, Aisha Qaddafi v. Council**

The Council decided to make an appeal to the Court of Justice against the judgment of the General Court in Case T-322/19, Aisha Qaddafi v. Council.

**ECONOMIC AND FINANCIAL AFFAIRS****Mobilisation of the European Globalisation Adjustment Fund (EGF/2020/005 BE/Swissport)**

The Council approved the mobilisation of EUR 3 719 224 under the EGF to meet an application from Belgium to deploy the fund in respect of redundancies in the company Swissport Belgium, in order to provide assistance for re-integrating the 1 468 targeted beneficiaries into the labour market. The redundancies were caused by the global economic crisis resulting from the COVID-19 pandemic

**Mobilisation of the European Globalisation Adjustment Fund (EGF/2020/003 DE/GMH Guss)**

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**Mobilisation of the European Globalisation Adjustment Fund (EGF/2020/004 NL/KLM)**

The Council approved the mobilisation of EUR 5 019 218 under the EGF to meet an application from the Netherlands to deploy the fund in relation to redundancies at KLM Royal Dutch Airlines, in order to provide assistance for re-integrating the 1 201 targeted beneficiaries into the labour market. The redundancies were caused by the global economic crisis resulting from the COVID-19 pandemic.

**Mobilisation of the European Globalisation Adjustment Fund (EGF/2020/007 FI/Finnair)**

The Council approved the mobilization of EUR 1 752 360 under the EGF to meet an application from Finland to deploy the Fund following redundancies in Finnair Oyj and one subcontractor, in order to provide assistance for re-integrating the 500 targeted beneficiaries into the labour market. The redundancies were caused by the global economic crisis resulting from the COVID-19 pandemic.



## **JUSTICE AND HOME AFFAIRS**

### **Travel restrictions**

Following a review under the recommendation on the gradual lifting of the temporary restrictions on non-essential travel into the EU, the Council updated the list of countries for which travel restrictions should be lifted to add Japan. As stipulated in the Council recommendation, this list will continue to be reviewed every two weeks and, as the case may be, updated.

[Travel restrictions: Council adds Japan to the list of countries for which member states should gradually lift restrictions on non-essential travel \(press release on 3 June 2021\)](#)

## **AGRICULTURE**

### **EU position on extending the International Cocoa Agreement**

The Council adopted a decision on the EU's position within the International Cocoa Council as regards the extension of the 2010 International Cocoa Agreement. (9026/21, [8691/21](#))

### **Maximum residue levels for certain substances in or on certain products**

The Council decided not to oppose the adoption of a Commission regulation amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for ametoctradin, bixafen, fenazaquin, spinetoram, tefluthrin and thien carbazon-methyl in or on certain products. ([8893/21](#), [8176/21](#) + [ADD 1](#) + [ADD 2](#))

### **Maximum residue levels for certain substances in or on certain products**

The Council decided not to oppose the adoption of a Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 24-epibrassinolide, Allium cepa L. bulb extract, cyflumetofen, fludioxonil, fluroxypyr, sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate in or on certain products. ([8915/21](#), [8180/21](#) + [ADD 1](#) + [ADD 2](#))

## **TRANSPARENCY**

### **Public access to documents**

On 3 June 2021, the Council approved the reply to confirmatory application No 13/c/01/21 (doc. 8005/21)

On 3 June 2021, the Council approved the reply to confirmatory application No 14/c/01/21 (doc. 8206/21 + ADD 1).

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