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ENERGY

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ITEMS DEBATED

TRANSPORT

Rail passenger rights

The Council agreed its position (general approach) on the **proposed reform of rail passenger rights** (14047/19 + COR 1). The updated rules will improve the rights of passengers, particularly those with disabilities or reduced mobility, ensure more uniform application of the rules and improve information provision. In addition, the new rules will raise passengers' awareness and promote the use of 'through tickets', which cover successive railway services operated by one or more companies. The proposal also creates a level playing field between transport modes by introducing a clause for exceptional circumstances (force majeure).

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

Trans-European transport network - streamlining measures

The Council agreed on a general approach on a proposal to **facilitate the completion of the trans-European transport network (TEN-T)** by speeding up permit-granting procedures (14401/19). The proposal also aims to clarify the procedures which project promoters must follow as regards permit granting and public procurement.

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

Digital transport services for people

The Council held a policy debate on the topic of **digital transport services for people: the next steps for sustainable European solutions**. The presidency had prepared a policy debate document with questions to structure the ministers' discussion (14063/19).

Ministers agreed on the importance of digitalisation of transport. However, many of them pointed out that it was not an end in itself, but a means to achieve wider access to transport, improved safety, efficiency, increased competitiveness and decarbonisation.

Solutions should not be only regional or national; EU level initiatives were also considered desirable, for example to create common technical standards for data sharing. Promoting best practice was also deemed important.

Availability of data was regarded as a key element for the digitalisation of transport. It is important to be able to aggregate data, make it anonymous and ensure its interoperability. Data security and integrity must be protected.

Several ministers also mentioned other aspects, such as multimodality, mobility as a service (MaaS), support for digital infrastructure, including 5G networks, liability of self-driving vehicles, and education and awareness-raising so that people have the necessary digital skills.

The ministers' debate will provide input for further work in this area, in particular for initiatives to be presented by the new Commission. Commissioner Vălean stressed that digitalisation of transport would be one of her priorities.

Road charging ('Eurovignette')

The Council did not reach a general approach on a proposal to **revise EU road charging rules** (Eurovignette directive) (Commission proposal: [9672/17](#) + [ADD 1](#); presidency compromise proposal: [\(14383/19\)](#)). The aim of the proposal is to address issues relating to road infrastructure financing, congestion and environmental impact.

Future of the Single European Sky

The Council held a policy debate to give guidance on the **future of the Single European Sky (SES)**. The topic was introduced by the Director-General of Eurocontrol, Eamonn Brennan.

The presidency had prepared a policy debate document ([13782/19](#)) with questions to structure the ministers' discussion.

Ministers acknowledged the need for swift action to address airspace congestion. They welcomed the recommendations of the airspace architecture study and the findings of the wise persons group. However, a large number of ministers expressed doubts about certain new measures, such as executive powers for the network manager, the European economic regulator or a single route charge, and requested further analysis from the Commission.

Ministers called for the deployment of SESAR solutions, taking into account the findings of the European Court of Auditors. They also called for simplification of the existing legislation, with full involvement of member states. Several ministers recalled that air traffic management was to remain a national competence. A number of ministers also stressed that one size would not fit all and that any new regulation must respect local specificities. Some ministers mentioned the social dimension of the SES reform.

While there were diverging views on the next legislative steps to be taken, a majority of member states advocated working on the basis of the SES II+ draft text and a complementary analysis from the Commission on proposals for new measures.

[Single European Sky \(background information\)](#)

Other business

– *Current legislative proposal: directive on discontinuing seasonal changes of time*

The presidency updated ministers on the proposal on discontinuing seasonal time changes. The proposal will be on the agenda of the Council's intermodal transport working party on 9 December.

[Seasonal clock changes in the EU \(background information\)](#)

– *Third Global Ministerial Conference on Road Safety (Stockholm, 19-20 February 2020)*

The Swedish delegation briefed ministers on the global ministerial conference on road safety ([14039/19](#)).

– *Transitional technical requirements for old small inland navigation vessels*

The Netherlands delegation briefed ministers on the issue of old small inland navigation vessels in relation to the transitional provisions of the technical requirements for such vessels.

– *Work programme of the incoming presidency*

The incoming Croatian presidency presented its work programme in the field of transport for the first half of 2020.

TELECOMMUNICATIONS

ePrivacy

The Council took note of the progress achieved on a proposal to update **privacy rules for electronic communications (ePrivacy)** (Commission proposal: [5358/17](#); progress report: [14447/19](#)).

The draft regulation sets out to ensure a high level of protection for 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 free movement of electronic communications data and services in the EU.

The Finnish presidency has worked intensively on the proposal. It has proposed solutions to all major issues raised by delegations, such as prevention of child abuse imagery, protection of terminal equipment information, the scope of the draft regulation, data retention, cooperation among various authorities, the role and involvement of the European Data Protection Board, and the way in which the ePrivacy proposal would interact with new technologies, in particular in the context of machine-to-machine communication and the internet of things. For more details on this work, please see the progress report.

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

European Union as a hub for ethical data use

The Council held a policy debate on the **European Union as a hub for ethical data use** (presidency background document with questions for ministers: [14070/19](#)).

In the discussion, all ministers welcomed the presidency's focus on data and its importance for economic and societal development.

Most ministers stressed that with the [general data protection regulation](#) (GDPR) regime now firmly in place, the EU is well positioned to take leadership in human-centric data use. Some ministers indicated, however, that further guidance and clarifications on the GDPR were needed. Others suggested that additional measures might be needed to make citizens' consent more meaningful.

While many delegations indicated that the EU is already a pioneer in ethical data use, there was also widespread agreement that more awareness raising, information campaigns, upskilling and training were needed, targeting in particular businesses dealing with data.

It would be important to encourage business-to-business data sharing, for example with a European interoperability framework with standards and model contracts for easy and safe exchange of data. A number of member states underlined that these data sharing arrangements should be strongly encouraged but non-mandatory, while some argued that legal obligations might be needed if these measures did not lead to more data sharing.

Some delegations also pointed out the need to consider the competition angle of data sharing arrangements in order to ensure that smaller players such as SMEs are not placed at a disadvantage vis-à-vis dominant online platforms.

Many ministers stressed the importance of building trust in the data economy. Several delegations suggested that it would be important to create possibilities to audit the use of algorithms and the work of organisations that use AI in their activities.

The ministers' debate will guide future work in this area.

5G – significance and the need to mitigate security risks linked to 5G

The Council adopted conclusions on the **significance of 5G to the European economy and the need to mitigate security risks linked to 5G** ([14517/19](#)).

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

Other business

- ***Current legislative proposal: regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres***

The presidency updated ministers on the latest developments on the draft regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres.

- ***Data Economy Conference (Helsinki, 25-26 November 2019)***

The presidency briefed ministers on the Data Economy Conference ([14353/19](#)).

- ***Digital Government Conference (Helsinki, 22 October 2019)***

The presidency briefed ministers on the Digital Government Conference ([14377/19](#)).

- ***Work programme of the incoming presidency***

The incoming Croatian presidency presented its work programme in the field of telecommunications for the first half of 2020.

ENERGY

Smart sector integration: Promoting clean energy

The Council held a policy debate on smart sector integration and its role in the decarbonisation of the European economy. The main focus of the debate was on how the EU can help make sector integration and sector coupling possible, and what barriers - regulatory or otherwise - must be removed to accelerate their development.

The aim of the policy debate was to provide the Commission with political guidance for its future legislative and non-legislative initiatives in this area. The Presidency prepared a background paper ([13854/19](#)) to guide the debate. Ministers were invited to respond to two questions:

- What is the role of the EU in enabling smart sector integration?
- Which regulatory and other barriers should be removed to accelerate smart sector integration?

Ministers agreed on the importance of sector integration for achieving decarbonisation of the economy, especially for sectors which could not easily be electrified, and also underlined the importance of a level playing field. They called for further work in areas including the regulatory framework for sector integration, support for research and innovation, the financing of innovative technologies and pilot projects, and cross-border cooperation.

The debate also served as a follow-up to [conclusions on the future of energy systems in the Energy Union](#), which were adopted by the Council on 25 June 2019. In those conclusions, the Council highlighted the importance of sector integration and sector coupling. It called on the Commission to "undertake an analysis of sector coupling and sector integration technologies, including the production of hydrogen, in particular with regard to regulatory and market barriers, and based on this analysis explore possible initiatives regarding the efficient integration and deployment of such technologies and energy carriers."

Follow-up to the communication on the draft national energy and climate plans "United in delivering the Energy Union and climate action"

The Council held an exchange of views on the follow-up to the Commission communication on the draft national energy and climate plans "United in delivering the Energy Union and climate action". Several ministers highlighted their further progress in drawing up their final national energy and climate plans, which have to be submitted to the Commission by the end of the year.

The national energy and climate plans (NECPs) are a new instrument put in place by the Regulation on the governance of the energy union and climate action, which entered into force on 24 December 2018. The plans play a key role in ensuring that the EU fulfils its energy and climate targets and that member states jointly work towards the objectives of the Energy Union.

Member states had to submit their draft NECPs by 31 December 2018. On 18 June 2019, the Commission presented its [communication "United in delivering the Energy Union and climate action"](#), assessing the draft NECPs as a whole, accompanied by country-specific recommendations. The communication identified gaps between the planned national contributions and the EU's 2030 targets for energy efficiency and renewable energy, with a minor gap concerning renewables and a more significant gap for energy efficiency.

At its meeting on 24 September 2019, the Council held an exchange of views on this topic, during which ministers were already invited to present updates to their draft NECPs and indicate any changes with regard to their national contributions for energy efficiency and renewable energy. The debate at this month's Council was a follow-up to this exchange of views. The Presidency prepared a background note ([14062/19](#)) and invited ministers to comment on the finalisation of their NECPs, with a focus on the following question:

Is there further progress that the Member States can inform the Presidency and the Commission about, in addressing ambition gaps that have been identified in their draft national plans in the areas of energy efficiency and renewable energy?

Member states now have until the end of the year to submit their final NECPs.

[Transport, Telecommunications and Energy Council \(Energy\), 24 September 2019](#)

[National Energy and Climate Plans \(European Commission\)](#)

[Regulation on the governance of the energy union and climate action \(EUR-Lex\)](#)

The new Commission's energy policy priorities

Following a presentation by the new Commissioner for Energy, Kadri Simson, ministers had an exchange of views on the energy policy priorities of the new Commission. Commissioner Simson highlighted in particular the European Green Deal, one of the flagship initiatives of President von der Leyen, and explained that her energy policy priorities would be based on three pillars: people, planet, and partners.

During the discussion, ministers welcomed the Commission's priorities and provided initial reactions to the plans outlined by the Commissioner. Several delegations called for the deployment of renewable energy sources to be accelerated and for energy efficiency to be further improved. At the same time, ministers emphasised that the transition must be fair and must take into account member states' different starting points. The need for adequate financing mechanisms for vulnerable regions as well as for innovative technologies and research was raised by several ministers. Delegations also welcomed the Commission's plans for a carbon border adjustment mechanism.

In her [letter to Commissioner-designate for energy, Kadri Simson](#), the President-elect of the European Commission, Ursula von der Leyen, outlined priorities for the energy sector in the next 5 years. Noting that energy will play a central role in the project of a European Green Deal, the mission letter focuses on developing the European energy market in order to ensure safe, secure and sustainable energy, and on empowering people and regions.

[Commissioner Kadri Simson \(European Commission\)](#)

[A European Green Deal \(European Commission\)](#)

Any other business

– *Trilateral gas talks and the winter outlook for the security of gas supply*

The Commission informed the Council about the latest developments in the trilateral talks with Russia and Ukraine on the future of gas transit and analysed the current situation in the EU with regard to the security of gas supply for the coming winter ([14227/19](#)). In that regard, the Commission emphasised that gas storages are full and the preparedness level is higher than in the past.

– *Regulation on tyre labelling*

The Presidency informed ministers about the progress made on the regulation on tyre labelling. A provisional agreement with the European Parliament was found on 13 November 2019.

[Labelling of tyres: Council endorses agreement to make labels more visible \(press release, 22/11/2019\)](#)

– ***Recent developments in the field of external energy relations***

The Commission gave an overview of recent development in the field of external energy relations ([14235/19](#)). The Commission underlined the importance of the external dimension of the European Green Deal and the need to promote the clean energy transition globally.

– ***Debrief of the SET-Plan Conference***

The SET-Plan Conference took place in Helsinki on 13-15 November 2019. It focused on research and innovation in the energy sector to enhance European industrial leadership. The Presidency briefed ministers on the main results of the conference ([14228/19](#)).

[Website of the SET-Plan Conference](#)

[Further information on the SET-Plan \(European Commission\)](#)

– ***Next steps on the implementation of nuclear safety recommendations outlined in the EU peer review report of the Belarus NPP ‘stress tests’***

The Lithuanian delegation informed ministers about the Astravets nuclear power plant in Belarus and the follow-up to the Belarussian ‘stress tests’. ([14761/19](#))

– ***Update on recent Turkish activities in the Mediterranean Sea***

The Greek delegation informed the Council about recent developments regarding the signing of a Memorandum of Understanding between Turkey and Libya on maritime jurisdiction in the eastern Mediterranean.

– ***Work programme of the incoming Presidency***

The incoming Croatian Presidency presented its work programme in the field of energy for the first half of 2020 ([14236/19](#)).

OTHER ITEMS APPROVED

ENERGY

Appointment of three members and three alternate members of the Administrative Board of the Agency for the Cooperation of Energy Regulators (ACER)

The Council decided to appoint the following persons as members of the Administrative Board of the Agency for the Cooperation of Energy Regulators (ACER) for a period of four years from 28 January 2020:

- Mr Michel THIOLLIÈRE, France,
- Mr Bogdan Marius CHIRIȚOIU, Romania,
- Ms Karin LUNNING, Sweden.

The Council decided to appoint the following persons as alternate members of the Administrative Board of ACER for a period of four years from 28 January 2020:

- Mr Zhecho Donchev STANKOV, Bulgaria,
- Mr Paweł PIKUS, Poland.

Mr Václav BARTUŠKA, Czechia, was appointed as an alternate member to the Administrative Board for a period of two years from 28 January 2020, to replace current alternate member Mr PIKUS.

See the I/A item note [\(14305/19\)](#) and the decision [\(14309/19\)](#).

Energy Charter Conference

The Council established the position to be taken on behalf of the EU at the 30th meeting of the Energy Charter Conference, which will take place on 10-11 December in Brussels, regarding the Draft Conclusions of the Review under Article 34(7) of the Energy Charter Treaty and the draft budget 2020-2021 [\(14289/19\)](#).