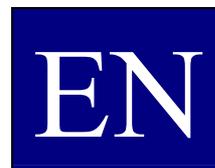




**COUNCIL OF
THE EUROPEAN UNION**



10410/08 (Presse 165)

PRESS RELEASE

2877th Council meeting

Transport, Telecommunications and Energy

Luxembourg, 12-13 June 2008

President **Andrej Vizjak,**
Minister for the Economy
Mojca Kucler Dolinar
Minister for Higher Education, Science and Technology
Radovan Žerjav
Minister for Transport of Slovenia

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6083 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

10410/08 (Presse 165)

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Main results of the Council

Telecommunications

*The Council held a public exchange of views on the **review of the EU regulatory framework for electronic communications networks and services** and took note of the presidency's three progress reports on the work carried out so far in its preparatory bodies.*

*The Council adopted conclusions on a common approach to **using the spectrum** released by the digital switchover and on the **i2010 mid-term review**.*

*In addition, the Council reached a general approach on a draft regulation extending for three years the mandate of the **European Network and Information Security Agency**.*

Transport

*The Council reached political agreements on three **road transport** proposals, namely access to the international **road haulage market**, the occupation of **road transport operator** and the international market for **coach and bus** services.*

*The Council adopted decisions on negotiating mandates for a **Transport Community Treaty** with the **Western Balkans** and for **aviation agreements** with **Australia** and **New Zealand**.*

*The Council also reached a general approach on a proposal on the promotion of **clean and energy efficient road transport vehicles**.*

*In addition, the Council adopted conclusions on **multi-annual contracts for rail infrastructure quality**.*

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- 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.

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PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Vincent VAN QUICKENBORNE
Mr Etienne SCHOUPPE

Minister for Enterprise and Simplification
Secretary of State for Mobility

Bulgaria:

Ms Vessela Borissova GOSPODINOVA

Deputy Minister for Transport

Czech Republic:

Ms Daniela KOVALČÍKOVÁ
Mr Martin TLAPA

Deputy Minister for Transport, Legislation Section
Deputy Minister for Industry and Trade, European Union Section

Denmark:

Mr Helge SANDER

Minister for Science, Technology and Development

Germany:

Mr Wolfgang TIEFENSEE

Federal Minister for Transport, Building and Urban Development

Mr Bernd PFAFFENBACH

State Secretary, Federal Ministry of Economic Affairs and Technology

Estonia:

Mr Juhan PARTS

Minister for Economic Affairs and Communications

Ireland:

Mr Noel DEMPSEY

Minister for Transport and the Marine

Greece:

Mr Konstantinos HADJIDAKIS

Minister for Transport and Communications

Spain:

Mr Francisco ROS PERÁN

State Secretary for Telecommunications and the Information Society

France:

Mr Dominique BUSSEREAU
Mr Luc CHATEL

Minister of State with responsibility for Transport
Minister of State with responsibility for Industry and Consumer Affairs, Government Spokesperson

Mr Eric BESSON

Minister of State with responsibility for Forward Planning, Assessment of Public Policies and the Development of the Digital Economy

Italy:

Mr Altero MATTEOLI
Mr Paolo ROMANI

Minister for Infrastructure and Transport
State Secretary for Economic Development

Cyprus:

Mr Nicos NICOLAIDES

Minister for Communications and Works

Latvia:

Mr Ainārs ŠLESERS

Minister for Transport

Lithuania:

Mr Algirdas BUTKEVIČIUS

Minister for Transport and Communications

Luxembourg:

Mr Jean-Louis SCHILTZ

Minister for Cooperation and Humanitarian Action,
Minister for Communications, Minister for Defence
Minister for the Environment, Minister for Transport

Mr Lucien LUX

Hungary:

Mr Ákos BÓNA
Mr. Lajos CSEPI

State Secretary for Telecommunication
State Secretary for Transport

Malta:

Mr Austin GATT

Minister for Communications and National Projects

Netherlands:

Mr Frank HEEMSKERK
Mr Camiel EURLINGS

Minister for Foreign Trade
Minister for Transport, Public Works and Water
Management

Austria:

Mr Werner FAYMANN

Federal Minister for Transport, Innovation and
Technology

Poland:

Mr Cezary GRABARCZYK

Minister for Infrastructure

Portugal:

Mr Pedro Nuno BARTOLO

Deputy Permanent Representative

Romania:

Mr Laszlo BORBELY
Mr Barna TÁNCZOS

Minister for Development, Public Works and Housing
State Secretary, Ministry of Transport

Slovenia:

Mr Radovan ŽERJAV
Mr Andrej VIZJAK
Ms Mojca KUCLER DOLINAR
Mr Peter VERLIČ

Minister for Transport
Minister for the Economy
Minister for Higher Education, Science and Technology
State Secretary at the Ministry of Transport

Slovakia:

Mr Ľubomír VÁŽNY

Minister for Transport, Post and Telecommunications

Finland:

Ms Suvi LINDÉN

Minister for Communications

Sweden:

Ms Åsa TORSTENSSON

Minister for Infrastructure

United Kingdom:

Ms Rosie WINTERTON
Baroness VADERA

Minister of State for Transport
Parliamentary Under Secretary of State for Business and
Competitiveness

Commission:

Ms Viviane REDING

Member

ITEMS DEBATED**TELECOMMUNICATIONS****Review of the EU regulatory framework for electronic communications**

The Council held a public exchange of views on the review of the EU regulatory framework and took note of the presidency's three progress reports on the work carried out so far in its preparatory bodies.

The Commission's telecoms reform package¹, adopted on 13 November 2007, aims to enable citizens, wherever they live and wherever they travel in the EU, to benefit from better and cheaper communication services.

On the basis of questions drawn up by the presidency ([9849/08](#)), the *Ministers' debate focused* in particular on the proposal on better regulation, namely the consistent application of the regulatory framework in the internal market and the management of the radio spectrum in the EU.

The discussions provided political guidance for further work on these proposals that will continue under the forthcoming French presidency.

– ***Better regulation directive***

The presidency progress report ([10334/08](#)) on this proposal reflects the progress made so far at working party level and the main reactions by delegations.

This Commission's proposal aims to amend the regulatory framework for electronic communications by improving its effectiveness, reducing the administrative resources needed to implement economic regulation and making access to radio frequencies simpler and more efficient.

¹ It contains the following legislative proposals:

- a proposal for a "better regulation" directive amending directives 2002/21/EC (framework directive), 2002/19/EC (access directive), and 2002/20/EC (authorisation directive) ([15379/07](#));
- a proposal for a "citizen's rights" directive, which amends directive 2002/22/EC (universal service directive), directive 2002/58/EC (personal data directive) and regulation (EC) No 2006/2004 on consumer protection cooperation ([15387/07](#));
- a proposal for a regulation establishing the European Electronic Communications Market Authority ([15408/07](#)).

During the discussions in the Council's bodies, delegations supported a number of objectives put forward in this proposal, such as the need to ensure consistent application in the member states of the regulatory framework for electronic communications and the need to ensure flexible and efficient use of the radio spectrum. However, they have some doubts about the proposed measures to achieve those objectives, about the proposed procedures to achieve harmonisation and about the level of detail of such harmonisation. In addition, the member states are concerned that the proposals could disturb the current balance of proportionality and subsidiarity and that a number of provisions would considerably add to the administrative burden.

The progress report also identifies the main issues that will need to be addressed further, in particular: radio spectrum, article 7 procedures and remedies, and implementation issues.

– *Citizen's rights directive*

The presidency's progress report on the proposal for a directive on citizen's rights can be found in [10336/08](#).

During the examination of the proposal in the working party, the delegations supported the Commission initiative in principle, agreeing that in general the amendments proposed by the Commission go in the right direction and concern important issues. The general thrust of the proposal, namely to ensure that consumers' rights remain an important focus of regulatory policy in the sector, was broadly supported, as regards both the universal service directive and the e-privacy directive.

However, the member states underlined the need to carefully examine the proposals in order to maintain an appropriate balance of proportionality and subsidiarity, as well as to avoid unnecessary burdens for both national regulatory authorities and the undertakings concerned, while ensuring competition and benefits for end-users.

In addition, the progress report identifies the main issues that remain open. In respect of the universal service directive, these issues are: provision of access at a fixed location and provision of telephone services; provisions for contracts; quality of service as well as emergency call provisions. As far as the e-privacy directive is concerned, the security of processing and the issue of implementation and enforcement, in particular, will need further discussion.

– *Establishment of the European electronic communications market authority*

The presidency progress report on the work carried out so far on this proposal can be found in [10337/08](#).

Discussions in the Council bodies on this proposal showed that almost all member states were against the creation of a new market authority as proposed by the Commission.

Ministers also discussed, over lunch, the issue of the establishment of a new market authority. The presidency summarised the debate as follows:

- "there was a broad consensus among the majority of the member states that there is a need to improve the consistency of functioning of the internal market for electronic communications;
- there is a need for a prior agreement on aims and tasks of the new body before the determination of its legal structure;
- the new body has to function in accordance with the principles of efficiency, transparency, independence and expertise;
- the establishment of the new body would have no affect on the existence and functioning of the European Network and Information Security Agency;
- tasks of the new body would not include spectrum management issues;
- regarding aims and tasks, the new body has to focus on economic regulation issues.

The debate also showed that there are many reservations regarding the establishment of a new body as a Community body and that there is broad support among member states to the idea that the existing European regulators group should be enhanced."

The European Parliament first reading opinions on all these legislative proposals are expected to be adopted in September 2008.

Use of the spectrum released by digital switchover - *Council conclusions*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

The Commission Communication on "Reaping the full benefits of the digital dividend in Europe: A common approach to the use of the spectrum released by the digital switchover"¹.

2. RECALLS

- (a) The Council Conclusions of 1 December 2005 on "Accelerating the transition from analogue to digital broadcasting"²;
- (b) The Presidency Conclusions of the European Council of December 2006, stating in particular that immediate priorities include the development of spectrum allocation models meeting all objectives, the fast promotion of advanced mobile services and to the extent possible a coordinated approach of the use of spectrum capacity becoming available as a result of digital switchover³;
- (c) The Council Conclusions of 6/8 June 2007 on "i2010 – Annual Information Society Report 2007"⁴;
- (d) The Council Conclusions of 1 October 2007 on the Communication from the Commission on the ITU World Radiocommunications Conference 2007 (WRC-07)⁵.

3. TAKES NOTE OF

- (a) The Opinion of the Radio Spectrum Policy Group of 14 February 2007 on "EU Spectrum Policy implications of the digital dividend"⁶;

¹ 15365/07

² 14636/1/05 REV1 (Presse 303)

³ 16879/1/06 REV1(para. 30, p. 14)

⁴ 10456/07 (Presse 133)

⁵ 13066/07 (Presse 203)

⁶ http://rspg.ec.europa.eu/doc/documents/opinions/rspg07_161_final_op_digdiv.pdf

- (b) The Opinion of the Radio Spectrum Policy Group of 19 November 2004 on "Spectrum Implications of Switchover to Digital Broadcasting"¹;
- (c) The reports from CEPT in response to the Commission mandates on the digital dividend, pursuant to the Radio Spectrum Decision.

4. RECOGNISES

- (a) The importance of the i2010 initiative forming part of the renewed Lisbon strategy, which emphasises the importance of ICT in delivering growth and jobs as a major driver of innovation and productivity gains;
- (b) That, following the transition to digital broadcasting transmission, existing broadcasting services may be provided in a fully digital environment by using less spectrum than historically dedicated to analogue broadcasting in the UHF band. In general, this gain in spectrum shall be termed the "digital dividend";
- (c) The principle to ensure flexibility of usage of the digital dividend notwithstanding constraints necessary to avoid harmful interference or to promote general interest objectives such as large availability of the service or media pluralism and cultural and linguistic diversity;
- (d) That, besides the extension of broadcasting services a potential of the digital dividend is to support the achievement of the Lisbon goals by inter alia increasing the availability of broadband access services to citizens and economic players throughout the EU territory, addressing the digital divide in the provision of ICT services, particularly providing, where appropriate, benefits for under-privileged, remote or rural areas;
- (e) That the ITU Geneva-06 Agreement² (RRC-06) and the Final Acts of the World Radiocommunications Conference 2007 (WRC-07) to the reorganisation of the UHF band provides the basis of the international framework within which spectrum coordination of the digital dividend can be undertaken;

¹ http://rspg.groups.eu.int/doc/documents/opinions/rspg04_55_op_dig_switch.pdf

² COM (2005) 461 on "EU spectrum policy priorities for the digital switchover in the context of the upcoming ITU Regional Radiocommunication Conference 2006 (RRC-06)"

- (f) The potential benefits of a coordinated EU approach in allocating the digital dividend to other electronic communication services than the broadcasting services, while taking into account the principle of subsidiarity and general interest objectives of the EU and of the Member States, such as cultural diversity and media pluralism, as well as individual national situations and time plans for the switchover;
- (g) That in many Member States plans for switchover are either highly developed or being implemented, while in a few switchover has already taken place.

5. UNDERLINES

- (a) The need to make the best use of the digital dividend taking into account all the potential social, cultural and economic benefits, while considering also the different national circumstances in Member States;
- (b) The potential use of the digital dividend as an opportunity both to extend broadcasting services and to provide for example a better picture and audio quality as well as to introduce new communication services such as wireless broadband communications, additional terrestrial broadcasting services and mobile multimedia services;
- (c) The genuine right of Member States to determine the amount of spectrum from the digital dividend to be used for the achievement of general interest objectives in conformity with Community law, including broadcasting services;
- (d) The need for close cooperation between Member States in coordinating spectrum usage in the EU in order to enhance its more efficient use and to avoid harmful cross-border interference among Member States and between Member States and third countries;
- (e) The potential benefits of identifying the parts of the UHF bands for non mandatory use by uni – and bidirectional networks in the interest of achieving more efficient spectrum use; in order to facilitate the emergence of innovative and successful national or cross-border services the radio interference potential arising from the co-existence of uni – and bidirectional networks in the same band as well as existing authorisations should be taken into account;

- (f) The potential benefits of close cooperation between Member States in coordinating spectrum usage in the EU in terms of economies of scale;
- (g) The benefits of ensuring flexibility of usage of the digital dividend with the exception of services of general interest, including those serving cultural and linguistic diversity and media pluralism, while taking into account constraints necessary to avoid harmful interference and to safeguard efficient spectrum use;
- (h) The need to take into account different situations regarding current uses of spectrum in the UHF band in different Member States, as well as differences in national plans regarding the digital switchover when coordinating usage of spectrum in the UHF band;
- (i) The desirability of Member States releasing their digital dividends as quickly as possible after the switchover, depending on national switchover dates, allowing European citizens and consumers to benefit from the deployment of new, innovative and competitive services.

6. INVITES THE MEMBER STATES TO

- (a) Actively engage in the debate and help define the shared objectives and the elements for close cooperation between Member States for coordinating spectrum usage in the UHF band;
- (b) Work together for identifying the relevant parts of the UHF bands which could be made available for services using uni – and bidirectional networks respectively, on a non-exclusive, non-mandatory basis, without prejudice to subsequent agreements between Member States;
- (c) Facilitate cross-border spectrum coordination based on the results of the RRC 06 and the WRC 07;
- (d) Use the UHF radio spectrum in accordance with the provisions adopted at ITU level (RRC 06, WRC 07).

7. INVITES THE COMMISSION

- (a) To initiate the studies and consultations necessary to define a coherent basis for the coordinated usage of spectrum on a non exclusive, non mandatory basis, notably including the technical aspects, the cost analysis and the socio-economic impact of different options and the regulatory conditions for accessing spectrum;
- (b) To facilitate a wide and open investigation, involving all concerned parties, to identify any priorities and options when considering close cooperation between Member States in coordinating spectrum usage in the UHF band in line with the results of the WRC 07;
- (c) To recognise previous advice by both the RSPG and CEPT that harmonisation of a sub-band of UHF for mobile communications is feasible provided that it is on a non-mandatory basis;
- (d) To support and assist the Member States in the process of achieving close cooperation between Member States in coordinating spectrum usage and of reaping the full benefits of the digital dividend;
- (e) To support and assist the Member States in avoidance of harmful cross –border interference, if and when appropriate, without prejudice to existing bodies;
- (f) To report to Council by December 2008 on the results of this process and on any further steps required."

i2010 mid term review - *Council conclusions*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

- (a) the Commission communication of 17 April 2008 on "Preparing Europe's Digital Future: i2010 Mid-term review".

2. RECALLS

- (a) the Council Conclusions of 1 December 2005 on "i2010 – A European Information Society for Growth and Employment", including the eAccessibility conclusions;
- (b) the Riga Ministerial Declaration on eInclusion of 11 June 2006;
- (c) the Council Conclusions of June 2007 on the "i2010 – Annual Information Society Report 2007", inviting the Commission to develop policies regarding future trends, in particular for the future of networks and the internet, the internal market and the users' perspective;
- (d) the Ministerial Declaration of Lisbon of 19 September 2007 on eGovernment;
- (e) the Conclusions of the Spring European Council of March 2008, inviting Member States to aim to make high-speed internet available to all schools by 2010 and to set ambitious national targets for household access as part of their National Reform Programmes.

3. ACKNOWLEDGES

- (a) the strategic importance of ICTs in EU policies for growth and jobs as highlighted recently in the assessment of the Lisbon strategy, the Single Market Review, the implementation of the Innovation Action Plan, the Information communication technologies Policy Support Programme, and the review of the consumer acquis;

- (b) the progress towards the Internet economy and the significant achievements in implementing comprehensive information society policies, both in the Member States to support the structural reform of national economies, and at the EU level to promote convergence, to strengthen research and innovation, to improve the delivery of public services and to make the information society more inclusive.

4. UNDERLINES

- (a) the need to develop European Information Society policies that improve competitiveness and address the gaps in performance, thus countering fragmentation within Europe in areas such as research and innovation, broadband developments, digital literacy, delivery of interoperable public services, and ICT take-up by businesses, with particular attention being paid to SMEs;
- (b) the need to identify trends and obstacles emerging in the progress towards an ubiquitous information society and assess how they challenge current policies;
- (c) that promoting market-driven investment and innovation in the field of ICTs, and a Single Market for the Information Society and media, including through the review of the regulatory framework for electronic communications, remains one of the main objectives of the i2010 initiative;
- (d) that the Single Market requires to promote the free movement of knowledge and innovation - the 'fifth freedom', encouraging inter alia open access to knowledge and open innovation - by removing the barriers which prevent the EU from further developing and exploiting ICT on a pan-European scale;
- (e) that ICT has a role to play to close major gaps in the Single Market, streamline procedures and reduce the administrative burden for citizens and businesses, notably through eGovernment, e-inclusion and cross-border and pan-European interoperability of public services with continuous effort given to the definition and broader uptake of open technical standards and publicly available specification;
- (f) that ICT is an important driver for innovation and its role in this respect could further enhance existing lead market initiatives for eHealth, pre-commercial public procurement, using ICT to address climate change and energy efficiency, or promote the role of eInfrastructures in the global research environment;

- (g) the need to provide the privacy and data protection in innovative ICT products and services (such as RFID) to increase user awareness, trust and confidence in order to promote and ensure broad acceptance and use;
- (h) the need to develop appropriate measures to improve e-skills and the uptake of ICT in order to contribute to innovativeness, productivity and employability and to better respond to global challenges;
- (i) the European i2010 initiative on eInclusion as a strategic framework to boost the effective participation of groups at risk of exclusion, improve the quality of life through the use of ICTs, and address major EU challenges such as the ageing population, employment and equal opportunities;
- (j) the need for a long term agenda to address users' expectations and concerns regarding interoperability, the use of and access to online services, copyrighted and user-created content, content quality, information accuracy, the integrity of information, privacy and the protection of minors;
- (k) the importance of broadband coverage of the population for the inclusion in the information society;
- (l) the strategic importance of the development of fixed and mobile very high speed broadband networks. This development is a condition for European competitiveness, disruptive innovations and next generation services.

5. WELCOMES THE INTENTION OF THE COMMISSION TO

- (a) develop the long-term agenda for information society and media policies with a particular focus on achieving a fully functioning Single Market and eInclusion, the user's needs and their roles in the ubiquitous information society, and further advancement of knowledge on ICTs and their use;
- (b) assess the overall contribution of ICT to the modernisation of European economies and societies, the performance of the EU in the Internet economy and its readiness to face future challenges;
- (c) further develop the Internet of Things through appropriate initiatives.

6. INVITES THE COMMISSION TO

- (a) promote the necessary measures to create appropriate conditions and to identify the policy challenges, in cooperation with Member States, to ensure that future developments in networks and Internet continue to benefit the economy, improve EU's competitiveness and serve the needs of citizens;
- (b) report back in time for the 2009 Spring European Council on its assessment of the overall contribution of ICT to the modernisation of European economies and societies, the performance of the EU in the Internet economy and its readiness to face future challenges;
- (c) initiate in the autumn of 2009, in consultation with the Member States, a review of the i2010 action plan, to prepare the future Information society policy, decisions and actions to reach the future Lisbon Strategy Objectives;
- (d) develop, in consultation with the Member States a Broadband Performance Index, to be published together with the values observed for each of its component indicators, that will seek to compare broadband developments in the Member States and their propensity to further take up of advanced services and the benefits that arise from their use.

7. INVITES THE MEMBER STATES TO

- (a) strengthen their efforts to increase the contribution of ICTs to economic structural reforms as part of the national reform plans in the context of the Lisbon strategy for growth and jobs;
- (b) contribute to reducing disparities in information society developments across the EU by promoting market-driven investment, in particular through rapid implementation of relevant national programmes, aimed at increasing broadband coverage and multiplatform access, and speeding ICT R&D and take up, making use, where appropriate, of EU structural funds, in line with the Community legislation;
- (c) stimulate research in ICT to close the gap with the main competing regions in the world and to contribute to more integrated and effective innovation systems;

- (d) create the appropriate conditions for the rolling-out of infrastructures for very high speed access (fixed and mobile), which are strategic for European competitiveness;
- (e) define ambitious targets for broadband penetration at the national level, with a view to reaching, by enhancing competition, an EU average broadband penetration of 30% compared to the 2007 level of 20%, and a national penetration level of at least 15% by 2010;
- (f) implement an eInclusion strategy, which will enable to meet the Riga declaration objectives and commitments;
- (g) promote the adoption of IPv6 and the strategic need of developing and adopting sensor based networks, including those based on RFID;
- (h) keep momentum in the implementation of eGovernment in order to improve service delivery, reduce administrative burdens for business and citizens, and to increase participation.

8. INVITES ALL STAKEHOLDERS TO

- (a) develop and promote user-friendly products and services for improved accessibility;
- (b) develop innovative and interoperable ICT applications, standardisation and increase reliability and security, in order to maximize the benefits of ICT to business productivity;
- (c) identify new business models and innovative technological solutions, which can promote competition and strengthen consumer trust on the use ICT products and services."

European Network and Information Security Agency

The Council reached a general approach on a proposal for a regulation amending regulation 460/2006 establishing the European Network and Information Security Agency (ENISA) as regards its duration ([10338/08](#)).

Ministers agreed to extend the ENISA's mandate for three years. This time will be used to enable further discussions on ENISA and allow reflection on the general direction of the European efforts towards an increased network and information security. The Commission was invited to contribute to these discussions.

The ENISA was established for a limited period of time in 2004 and its mandate will expire in March 2009. In December 2007, the Commission proposed extending ENISA for two years ([16840/07](#)).

The ENISA was set up to enhance the capability of the EU, the EU member states and the business community to prevent, address and respond to network and information security problems. In order to achieve this goal, it is a centre of excellence in network and information security and is stimulating cooperation between the public and private sectors.

The European Parliament's first reading opinion is expected to be adopted in June.

TRANSPORT

Road transport

The Council reached by qualified majority¹, in a public deliberation, political agreements on three legislative proposals² that seek to modernise, replace and merge provisions governing road transport operators and access to the road transport markets.

Ministers were invited to agree on the presidency compromise text ([10159/08](#)) addressing the main outstanding political questions of this legislative package, in particular: cabotage and the establishment of national electronic registers.

The Commission submitted these proposals in May 2007 with the aim of reducing distortions of competition and improving transport operators' compliance with the provisions of social legislation on road safety rules.

– Access to the international road haulage market

The proposal for a regulation on common rules for access to the international road haulage market seeks to simplify and harmonise further the current rules by consolidating and merging regulations 881/92, 3118/93 and directive 2006/94/EC on access to the road transport market.

The main objective of this proposal is to eliminate legal uncertainty for Community hauliers and adapt legislation to market needs.

¹ The Austrian delegation indicated that it would vote against. The Czech, Italian and Portuguese delegations would abstain.

² - Proposal for a regulation on common rules for access to the international road haulage market (recast) ([10092/2/07](#));
 - Proposal for a regulation establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator ([10114/1/07](#));
 - Proposal for a regulation on common rules for access to the market of coach and bus services ([10102/2/07](#)).

The issue of cabotage was particularly discussed within Council's bodies. Ministers agreed on the following compromise on this issue:

- to allow for 3 cabotage operations within 7 days, following an international journey. These operations may be also performed in transited member states as long as they are limited to 1 operation within 3 days per member state;
- in order to avoid a possible heavy disturbance of a national market, certain existing safeguard provisions will be re-introduced in the text, allowing member states to introduce protective measures in case of serious disturbances of the national transport market;
- addition of provisions underlining the temporary character of cabotage operations which should not lead to market disturbances;
- addition of a provision on reporting, asking the Commission to include in its assessment report on the possible further opening of domestic transport markets an evaluation of the control mechanism envisaged in this proposal;
- the Commission assessment report will be presented in 2013.

Following discussions in the Council's preparatory bodies, certain provisions of the Commission's proposal were adapted in order to reach a consensus on most parts of the draft regulation. These modifications concern in particular:

- scope and definitions, such as the definition of serious infringement of Community road transport legislation;
- a simplified and standardised format for the Community licence, certified copies and the driver attestation;
- the periods of validity of the Community licence and of verification of compliance;
- the chapter covering mutual assistance and penalties, i.e. the sanctioning of infringements by the member state of establishment and the host member state;
- a list of security features in order to avoid manipulation and forgery of the Community licence and driver attestation documents.

– *The occupation of road transport operator*

The draft regulation on access to the occupation of road transport operator aims to rectify certain shortcomings identified in the Commission's impact assessment and public consultation and replaces the existing directive 96/26/EC.

The Council agreed with the objectives and principles set out in this proposal, in particular the establishment of uniform and enforceable provisions for the access to the profession of transport operator.

Ministers agreed on the following compromise on the issue of the setting up of national electronic registers:

- the Commission will issue guidelines on the structure of the register until 1 June 2009;
- the member states will have to establish a national register 24 months after entry into force of this regulation;
- these registers will be interconnected by 31 December 2012 at the latest;
- serious infringements will be included in the national register from 2016 onwards while the most serious infringements will be recorded as from the establishment of the national register;
- all aforementioned dates or time-limits can be modified through the comitology procedure;
- the Commission will review in its bi-annual report, the functioning and the elements of the national electronic registers.

In addition, in order to reach an overall consensus on this legislative proposal, the Council modified the following points as compared with the Commission's original text:

- subject matter, scope and definitions;
- requirements and conditions for becoming a transport manager;
- exemption from examination to become a transport manager;

- establishment of a risk based checking system;
- mutual recognition of certificates and other documents;
- the list of the most serious infringements.

– *Access to the international market for coach and bus services*

A draft regulation on common rules for access to the international market for coach and bus services is aimed at revising and consolidating the current legislative framework (regulations 684/92 and 12/98) by clarifying the scope, simplifying procedures and establishing a standardised format for the Community licence and certified copies.

All member states welcomed the Commission's proposal and agreed on the need to simplify and further harmonise the current rules by eliminating legal uncertainty, reducing the administrative burden and improving the exchange of information.

Compared to the Commission's initial proposal, the Council's preparatory bodies adapted certain provisions to allow an overall consensus on the draft regulation. This consensus concerns in particular:

- scope and definitions, such as the definitions of international carriage and cabotage operations;
- a simplified and standardised format for the Community licence and certified copies including a list of security features in order to avoid their manipulation and forgery;
- access to the market;
- implementation issues.

The European Parliament adopted its first reading opinion in May on the proposals on the access to the international road haulage market and on the occupation of road transport operator and in June on the proposal on the international market for coach and bus services.

Roadworthiness tests for motor vehicles

The Council reached a general approach on a draft directive on roadworthiness tests for motor vehicles and their trailers, which codifies directive 96/96/EC¹ currently in force. The opinion of the European Parliament is still pending.

The current directive harmonises the rules on roadworthiness tests, prevents distortion of competition between road hauliers and guarantees that vehicles are properly checked and maintained.

The draft directive codifies and adapts the legislation in force to the new comitology procedure with scrutiny² for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the co-decision procedure. The Council also decided to incorporate in the draft directive a recent judgment of the Court of Justice on the establishment of so-called secondary or derived legal basis. All the modifications are of a technical nature and aim at making Community law more readable.

¹ OJ L 46, 17.2.1997, p. 1. directive as last amended by regulation 1882/2003 (OJ L 284, 31.10.2003, p. 1).

² The regulatory procedure with scrutiny was introduced by Decision 2006/512/EC, which amended Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.

Multi-annual contracts for rail infrastructure quality - Council conclusions

The Council adopted the following conclusions:

(1) "Having regard to

- the renewed Lisbon Strategy for growth and jobs and the reviewed Sustainable Development Strategy;
- the Commission Communication: "Keep Europe moving - Sustainable mobility for our continent - Mid-term review of the European Commission's 2001 Transport White Paper";
- Directive 2001/14/EC on the allocation of railway infrastructure and the levying of charges for the use of railway infrastructure and safety certification, in particular its Article 6;
- the Commission Report on the implementation of the first railway package;
- the Communication from the Commission to the European Parliament and the Council on monitoring development of the European Rail Market.

(2) Whereas

- rail transport has great potential for contributing to the development of sustainable transport in Europe;
- the provision of safe, efficient, reliable and timely rail transport services depends on the availability of a well-performing and interoperable rail infrastructure on a national and European scale;
- considerable investments may be needed to achieve rail infrastructure of sufficient capacity and quality, the decision on character and scope of the financing remains in Member States' hands and public finances must be used in an efficient manner;

- there is a recognised need to define a clear-cut, transparent relationships between Member States and infrastructure managers, drawing a line between issues relating to long-term infrastructure related investment and management of rail infrastructure;
- the provision of rail infrastructure is a shared responsibility within the Member States, usually the national governments that own the infrastructure and the managers of the infrastructure;
- rail infrastructure constitutes a natural monopoly and its financing is largely borne by the Member States, also by reason of its capital intensive nature whereby investments only pay off after many years of use;
- rail infrastructure use is open to all potential users in a fair and non-discriminatory manner, and access to that infrastructure is charged for at an appropriate rate, as stipulated by the Community legislation (Directive 2001/14/EC);
- rail infrastructure has been built according to past demand patterns, while future user needs should be fully considered when defining development and maintenance needs.

THE COUNCIL OF THE EUROPEAN UNION

- (3) TAKES NOTE of the Commission Communication "Multi-annual contracts for rail infrastructure quality";
- (4) REITERATES its support for initiatives aimed at reinforcing the provision of rail infrastructure by adequate planning and implementation of maintenance, renewal and upgrading;
- (5) RECOGNISES the importance of establishing long term national strategic transport frameworks covering all modes of transport for improving the quality of infrastructure and whereby infrastructure managers and Member States make sure that business plans are consistent with the financing;
- (6) HIGHLIGHTS the need to develop the European rail network taking due account of the existing and future demand for services of passengers and freight transport which should determine the level of infrastructure quality and extent of the rail network;

- (7) UNDERLINES that the expected increase in volumes of rail traffic will not only require new infrastructure and the removal of physical bottlenecks but will also necessitate optimisation of the use and of the maintenance of existing infrastructure;
- (8) EXPRESSES its concern about the mismatch of finance and maintenance needs as it exists in some parts of the EU and the need to avoid increasing maintenance backlogs which may result in excessively high infrastructure charges;
- (9) STRESSES the need for management independence and demand orientation of infrastructure managers to attract more users and create additional business from them, all of which leads to a better use of available capacity and improves the financial situation of infrastructure managers;
- (10) RECALLS that multi-annual contracts are not mandatory and that Member States should choose between such agreements and appropriate regulatory measures to ensure fulfilment of Article 6 of Directive 2001/14/EC;
- (11) INVITES THE MEMBER STATES, having regard to their individual circumstances, to consider setting up agreements with the infrastructure managers with a view to:
 - (a) ensuring that financing and tasks of infrastructure managers allow consistency of output specifications including reliability and capacity of infrastructure with State funding and the level of access charges, with due regard to infrastructure safety and quality;
 - (b) reinforcing incentives on infrastructure managers to reduce costs of infrastructure provision and thus also the charges for the use of it. Furthermore, these agreements may:
 - (c) reward better than planned performance of infrastructure managers with regard to the quality of the infrastructure, overall profit and loss situation and traffic accommodated;
 - (d) identify, if needed, a body in charge of monitoring the execution of the multi-annual agreements, or otherwise establish procedures which will guarantee the implementation of the multi-annual agreements;

- (e) establish conflict settlement procedures, which may include sanctions to deal with non-compliance;
 - (f) create a favourable framework for optimising costs, which may, where appropriate and practicable, include contracting out parts of the work by infrastructure managers to contractors on a multi-annual basis.
- (12) INVITES infrastructure managers to step up their efforts in the provision of rail infrastructure of high-quality in accordance with the demand of their customers by:
- (a) monitoring, measuring and informing the relevant authorities about infrastructure condition on a regular basis;
 - (b) publishing a set of key performance indicators such as those relating to capacity, quality, efficiency and reliability in infrastructure provision and its relation with the quality of rail transport services;
 - (c) providing timely information on forthcoming maintenance works and other capacity restrictions, especially along international corridors;
 - (d) coordinating maintenance works along corridors to achieve the smooth management and operation of rail traffic and investment planning causing as little disruption as possible;
 - (e) fully exploiting the potential of incentives in the charging scheme to minimise disruption.

(13) INVITES THE COMMISSION

- to monitor on regular basis the implementation of multi-annual agreements and the progress made in their application, possibly in the framework of the rail market monitoring scheme. In this context:
 - a format for benchmarking of infrastructure services should be developed in close cooperation with Member States and infrastructure managers and monitoring bodies, including publication of the key performance indicators;
 - Member States or any monitoring bodies should be consulted to update best practice for an optimal monitoring and conflict settlement procedure.
- to devise measures to foster effective and consistent application of best practice in this field."

Promotion of clean and energy efficient vehicles

The Council reached a general approach on a draft directive on the promotion of clean and energy efficient road transport vehicles ([10724/08](#)). The European Parliament's first reading opinion is still pending.

This proposal was transmitted to the Council in January 2008 ([5113/08](#)). Its aim is to promote the market for clean and energy efficient vehicles and improve the transport sector's contribution to fulfilling the EU's environment, climate and energy policies. The directive will require authorities and public passenger transport operators to take energy consumption, CO₂ emission and other pollutant emissions into account when purchasing a vehicle.

The Council's preparatory bodies made several changes to the Commission's proposal, in particular by re-defining the scope and by introducing the requirement for authorities and operators to take energy and environment impacts into account when purchasing a vehicle while allowing the application of different options for fulfilling this requirement.

The scope of the draft directive has been re-defined in order to achieve coherence with the public procurement directives 2004/17/EC and 2004/18/EC and the public service obligations regulation (EC) 1370/2007.

The Commission proposed that authorities and operators should apply a single harmonised method of calculation of lifetime costs when vehicles are purchased without setting any further requirement as to the energy and environmental impact of the purchased vehicle.

The text agreed by the Council requires authorities and operators to take energy and environmental impacts into account when purchasing a road transport vehicle - including at least the energy consumption, the CO₂ emissions and the pollutant emissions - and provides for two options to fulfil this requirement. These options are: setting of technical specifications for energy and environmental performance in the documentation for the purchase of road transport vehicles or including energy and environmental impacts in the purchasing decision. In cases where a procurement procedure is applied, this must be done by using these impacts as award criteria and in cases where these impacts are monetised for inclusion in the purchasing decision, a harmonised methodology as set out in this draft directive needs to be used.

Such flexibility as to the options will permit the purchasing authorities and operators to better reflect the diversity of local environmental issues and priorities.

The member states will have two years from the entry into force of the directive to transpose its provisions.

The European Parliament is expected to adopt its first reading opinion in July 2008.

Transport Treaty for the Western Balkans

The Council adopted a decision authorising the Commission to open negotiations on a treaty establishing a Transport Community with the Western Balkans.

The treaty establishing a Transport Community with the Western Balkans is part of the strategy for enhancing the European prospects of the countries in the Western Balkan. This treaty should initially promote cooperation in the field of transport between the states within the region.

Eventually, it should accelerate the integration of the transport systems in the region as well as integration with those of the EU. It should also provide operators and investors in the transport sector with legal certainty, thus stimulating investment and economic development.

Air transport agreements with Australia and New Zealand

The Council adopted two decisions authorising the Commission to open negotiations with Australia and New Zealand on comprehensive air transport agreements.

The Commission requested these mandates in 2005. These agreements will bring economic benefits to air carriers, airports, passengers, the tourism industry and the wider economy within the EU and in both countries. In addition, they will aim at a reciprocal opening of market access within a framework that ensures fair competition and high standards of safety, security and environmental protection.

OTHER BUSINESS

Mobile satellite services

The Council took note of the information provided by the presidency on a draft decision on the selection and authorisation of systems providing mobile satellite services ([10472/08](#)).

The Council and the European Parliament have reached a first reading agreement on this proposal. After legal-linguistic finalisation of the text, it will be adopted at the end of this month.

Deployment of Internet Protocol version 6 in Europe

The Commission presented to the Council its communication on "Advancing the Internet-Action plan for the deployment of Internet Protocol version 6 (IPv6) in Europe" ([10185/08](#)).

The objective of this action plan to support the widespread introduction of the next version of the Internet Protocol (IPv6).

Indicators on the broadband internet access

The Council took note of the information provided by the Portuguese delegation on indicators on the broadband internet access ([10544/08](#)).

Cost of SMS and data roaming

The Council took note of the information provided by the Netherlands delegation on the costs of SMS and data roaming.

Finalisation of the Ireland/United Kingdom functional airspace block

The Council took note of the information provided by the Irish and United Kingdom delegations on the finalisation of the Ireland/United Kingdom functional airspace block.

Reduce CO2 emissions from light-duty vehicles

The Council took note of the information provided by the presidency on the state of play of the discussions on the draft regulation setting emission performance standards for new passenger cars as a part of the Community's integrated approach to reducing CO₂ emissions from light-duty vehicles (9850/08).

1st Asia-Europe ministerial meeting on cooperation in transport

The Council took note of the information provided by the Lithuanian delegation on its initiative to host the first Asia-Europe ministerial meeting on cooperation in transport, which will take place in Vilnius in October 2009 (10530/1/08).

Informal meeting of transport ministers

The Council took note of the information provided by the presidency on the results of the informal meeting of transport ministers, which took place in Brdo on 6 May 2008 (10514/08).

Transport conference on the Western Balkans

The Council took note of the information provided by the presidency on the results of the transport conference on the Western Balkans entitled "The European Union and South East Europe: A common vision for connecting people" which took place in Belgrade on 7 May 2008 (10516/08).

OTHER ITEMS APPROVED**TRANSPORT****Abolition of discrimination in transport rates and conditions**

The Council adopted a regulation amending regulation no 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 of the Treaty establishing the European Economic Community ([7653/08](#)).

Regulation No 11 will be simplified, in order to reduce administrative burdens on businesses, by the removal of outdated and unnecessary requirements, in particular the requirement that certain information which, as a result of technical progress, is now available in carriers' accounting systems, be retained on paper.

Technical requirements for inland waterway vessels - EU enlargement

The Council adopted a directive adapting directive 2006/87/EC in the area of technical requirements for inland waterway vessels by reason of the accession of Bulgaria and Romania to the EU in January 2007 ([9129/08](#)).

COMMON FOREIGN AND SECURITY POLICY**EU Special Representative to the African Union - Presidency report**

The Council adopted the presidency report under Article 14 of Council joint action 2007/805/CFSP appointing a EU Special Representative (EUSR) to the African Union.

The report focuses on the set-up of the office of the EUSR to the African Union over the initial period of the mandate as well as its further build-up and structuring until the end of the mandate on 31 December 2008.

GENERAL AFFAIRS**Amendments to the statute of the European ombudsman**

The Council adopted its position on the amendments to the statute of the European ombudsman in order to allow the European Parliament to approve the final report and to adopt the resolution amending the statute ([10424/08](#)+[COR 1](#), [COR 2](#)).