



Brussels, 9 March 2010

**BACKGROUND<sup>1</sup>**  
**TRANSPORT, TELECOMMUNICATIONS AND ENERGY COUNCIL**  
*(transport and energy items only)*

*Brussels, Thursday 11 and Friday 12 March 2010*

**Transport session on 11 March**

*The Council meeting will start at 10.00. It will be chaired by Mr José Blanco López, Minister of Public Works of Spain.*

*In the field of land transport, the Council is due to reach a general approach on a draft directive on **transportable pressure equipment**.*

*All other items to be discussed fall within the aviation sector:*

*The Council will be called on to reach a general approach as regards a draft regulation on **investigation and prevention of accidents and incidents in civil aviation**.*

*Ministers will be briefed by the Commission on the state of play of the second-stage **air services negotiations with the United States** and will have a debate on the issue.*

*Moreover, the Council will take note of a progress report regarding a proposal for a directive on **aviation security charges**.*

*The items "transportable pressure equipment", "investigation of accidents" and "aviation security charges" concern legislative acts and will accordingly be dealt with in public session.*

*The presidency will hold a press conference at the end of the meeting (+/- 13.30).*

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<sup>1</sup> This note has been issued under the responsibility of the Press Office.

## **Energy session on 12 March**

*The Energy session will take place only in the morning, starting at 10.00. The meeting will be chaired by the Secretary of State for Energy, Pedro Luis Marín Uribe.*

*The Council is expected to reach political agreement on a regulation concerning the notification to the Commission of investment projects in energy infrastructure within the European Community.*

*The Council will also adopt conclusions on the SET (Strategic Energy Technology) Plan, on the basis of the Commission communication entitled "Investing in the development of low carbon technologies".*

*In preparation of the European Council of 25 and 26 March, ministers will also hear a presentation from the Commission of its Communication "EUROPE 2020" and will held an exchange of views on energy issues relating to the European Strategy for Growth and Jobs.*

*Over lunch, Ministers will discuss the Commission's work programme on energy with the new Commissioner, Günther Oettinger.*

*The Presidency will hold a press conference before lunch (+/- 13.00).*

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## **TRANSPORT SESSION - THURSDAY 11 MARCH**

### **LAND TRANSPORT**

#### **Transportable pressure equipment**

In public deliberation, the Council is due to reach a general approach, pending the European Parliament's position at first reading, with regard to a draft directive on transportable pressure equipment (6856/10).

The draft legislation is a revision of directive 1999/36 on the same subject adopted in order to enhance transport safety for such equipment and to ensure their free movement in a single transport market. The text contains rules on the obligations of the different economic operators, on the conformity of the equipment, as well as on the inspection and monitoring bodies and their mutual recognition.

The purpose of the revision is to update and streamline the provisions of the 1999 directive in the light of recent EU and international legislative developments, in particular directive 2008/68 on the inland transport of dangerous goods as well as regulation 765/2008 and decision 768/2008 which set the framework for the marketing of products in the single European market. This will eliminate conflicting rules and simplify the regulatory framework, especially as regards conformity assessment procedures, without substantially modifying the scope or measures provided for by the existing directive.

As a consequence of this revision, several directives relating to pressure equipment will be repealed.

The Commission submitted its proposal in September 2009 ([13566/09](#)). The Council intends to reach an early agreement with the European Parliament so that the two institutions can adopt the text at first reading.

### **AVIATION**

#### **Aviation security charges**

In public deliberation, the Council will take note of a progress report on a proposal for a directive establishing common principles for the levying of security charges at EU airports (6439/10).

The common framework proposed is designed to guarantee non-discrimination and transparency, to provide sufficient possibility for consultation with respect to the level of the security charges and to ensure that these charges are directly related to the cost of providing aviation security. Furthermore, an independent supervisory authority should be established in each Member State to ensure correct application of the directive.

The state of play on this proposal has not much changed since the last progress report presented to the Council at its December meeting (see press release [17456/09](#)). Under these circumstances, the presidency decided to await the European Parliament's position at first reading, likely to be adopted in April 2010, and to again submit a progress report to the Council, which might want to give further guidance to the work of the Council preparatory bodies.

The key issue where positions differ is still the scope of the proposed legislation. Under the original Commission proposal, the directive would apply to all EU airports. Several member states, however, favour limiting the scope to airports whose annual passenger traffic exceeds a certain threshold. Whilst a threshold of five million passenger movements would be acceptable for a majority of delegations, a number of member states would prefer to include all commercial airports or to lower the threshold. As a compromise, the Spanish presidency suggested a threshold of two million passenger movements, but that proposal was opposed by a majority of member states, which fear that lowering the threshold might entail a major administrative burden.

The provisions on impact assessment and cost-relatedness as well as a possible exemption from the obligation to have an independent supervisory authority are also issues still under discussion.

The Commission submitted its proposal in May 2009 ([9864/09](#)) in response to a commitment it made to the European Parliament in 2007 during the negotiations leading to the adoption of framework regulation 300/2008 on aviation security.

### **Investigation and prevention of accidents and incidents in civil aviation**

In public deliberation, the Council will try to reach a general approach, pending the European Parliament's position at first reading, concerning a draft regulation on investigation and prevention of accidents and incidents in civil aviation ([7085/10](#)).

The overall objective of the draft regulation is to ensure that safety investigations are carried out expeditiously and to the highest standards in order to prevent future accidents, without apportioning blame or liability. To this end, a cooperation network between the national safety investigation authorities will be established, whose purpose is to contribute to better implementation of EU civil aviation investigation legislation and to enhanced availability of investigation capacity throughout the Union. This cooperation will be complemented by a set of compulsory rules for safety investigations.

Cooperation and coordination among national safety investigation authorities will be strengthened by transforming the existing informal cooperation into a **European network of civil aviation safety investigation authorities**, composed of the heads of these authorities or their representatives and whose chairperson will be appointed for a mandate of three years. The cooperation includes exchange of information, promotion of best practices, sharing of resources and provision of assistance. The network will also facilitate cooperation with the Commission and the European Air Safety Agency (EASA). The network will have an advisory and coordination role. It will not have the status of a new EU body. Responsibility for safety investigations will rest with the national authorities.

As regards the **conduct of safety investigations**, the text includes in particular the following common requirements:

- every accident has to be investigated by an independent body, that is, the safety investigation authority of the member state in which the accident occurred; such investigation has also to be undertaken in the case of a serious incident involving aircraft with a maximum take-off mass of over 2250 kg;
- the state of registry, the state of the operator, the state of design and the state of manufacture of the aircraft concerned will be invited to dispatch accredited representatives to participate in the safety investigation
- the European Air Safety Agency (EASA) should, when appropriate, be invited to appoint a representative to participate in investigations under the control and at the discretion of the national authority in charge;
- coordination has to be ensured between safety investigations and possible judicial investigations instituted in parallel.

The draft regulation sets out the rights and obligations of safety investigators and provides for protection of sensitive information and procedures for follow-up of safety recommendations issued as a result of the investigations. It also contains provisions on assistance to victims and their families.

The main issues still under discussion concern the extent to which EASA should be involved, the communication of confidential information and the relationship between safety investigations and judicial investigations.

This draft regulation is to replace directive 94/56 which laid the ground for the European investigation and prevention system in civil aviation. The need for a new legal text has arisen for several reasons: the aviation market and aircraft systems have become more complex; divergence of investigation capacity between member states has increased; and account has to be taken of changes in the institutional and regulatory framework for civil aviation safety, such as the establishment of the European Air Safety Agency (EASA) in 2002.

The Commission submitted its proposal ([15469/09](#)) in October 2009.

### **Second stage air services negotiations with the United States**

Based on a brief by the Commission, the Council will examine the state of play of the negotiations on a second-stage air services agreement with the United States. It will discuss the issue with a view to giving guidance for the next steps.

The EU-US "Open Skies" agreement signed in 2007 and provisionally applied since March 2008 established a framework for regulatory cooperation with the US and brought new commercial freedoms for airline operators. However, it did not fully open access to the US domestic market. It therefore included a roadmap for new negotiations, which were initiated in May 2008. The aim is to reach a second-stage transport agreement by the end of November 2010.

The seventh round of negotiations took place in Madrid on 15-17 February 2010. Important progress has been achieved in areas such as environmental protection, labour standards, competition rules and reciprocal recognition of regulatory decisions. In previous rounds common ground had already been found in particular on aviation security issues and on the management of the agreement.

There remain however some issues that, despite considerable progress having been made, still need to be resolved. This concerns in particular the EU request for better access to the US aviation market and the opening of further transatlantic investment opportunities, on the one hand, and the US demand for a review of noise restrictions applicable in the Union, on the other hand.

Pending guidance from the Council, a further round of negotiations is likely to be held later in the first half of 2010.

### **Other business**

- Single European Sky conference (Madrid, 25-26 February 2010)
  - Information from the presidency (*6708/10* and *6708/10 ADD 1*)
- Informal Transport Council (La Coruña, 12 February 2010)
  - Information from the presidency (*7118/10*)
- International Transport Forum (ITF) (Leipzig, 26-28 May 2010)
  - Information from Germany ([6648/10](#))
- Train accident in Buizingen (Belgium)
  - Information from the Commission
- Trans-European transport network ministerial conference (Zaragoza, 8-9 June 2010)
  - Information from the Commission
- Informal Competitiveness Council (9 February 2010): EU measures planned to promote electric mobility
  - Information from the presidency ([7119/10](#))

## ENERGY SESSION - FRIDAY 12 MARCH

### Regulation concerning the notification to the Commission of investment projects in energy infrastructure within the European Community

The Council is expected to reach political agreement on this proposal ([6502/10](#)) which establishes a common framework for the notification by member states of data and information on investment projects in energy infrastructure in the oil, natural gas, electricity, including from renewable sources, and bio-fuel sectors, and on investment projects related to the capture and storage of carbon dioxide. More and better data on planned investments will contribute to draw a clear and complete picture of development and needs of energy infrastructure in the Union and subsequently allow for an anticipation of potential risks and for a better coordination between Member States concerned and at Community level.

The current proposal is the follow-up to the Action Plan 2007-09 on Energy Policy for Europe <sup>1</sup> and to the Second Strategic Energy Review <sup>2</sup>: Commission and the Member States had been invited to identify investment required to satisfy EU strategic needs in relation to gas and electricity supply and demand. The TTE (Energy) Council on 7 December 2009 took note of a progress report on the proposal ([15692/09](#)). The consultation of the European Parliament was optional in this case but the Council has already included in the text draft amendments received from the Parliament.

Due in particular to the changing nature of the energy structure within and outside the Community, the increasing inflow of energy from renewable sources from a growing number of producers and recurring supply problems, this regulation constitutes an important link in the Union's energy policy instruments, since its implementation will contribute to the security of energy supply, the completion of the internal market and the transition towards a low-carbon economy.

In order to avoid administrative burdens, reporting under this regulation will only concern projects on which construction has started or on which a final investment decision has been taken. As regards all existing energy infrastructure in operation, only the total volume of installed production, transmission and storage capacities has to be reported and this information stays largely the same from report to report. The Commission is preparing a notification template which will be presented at a later stage and has issued a declaration on the required procedures.

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<sup>1</sup> 7224/07, Annex I.

<sup>2</sup> 6692/09

## **A European Strategic Energy Technology Plan (SET-Plan)**

The Council is expected to adopt conclusions on the SET- Plan ([6510/10](#)), on the basis of the Commission Communication "Investing in the Development of Low Carbon Technologies" ([14230/09](#)), presented at the TTE (Energy) Council on December 2009.

The SET Plan will contribute to accelerating the development and widespread application of clean, sustainable and efficient energy technologies, while promoting the EU leadership in the Research & Development areas concerned, as well as the EU's competitiveness and security of supply. These technologies will also make it possible to achieve the EU's ambitious energy and climate goals for 2020 (at least quadrupling the global investments in energy R&D, in particular in the area of renewable energy and energy efficiency), as well as the EU's intention to make the transition to a low-carbon economy by 2050.

The implementation of the SET Plan has progressed well: the European Industrial Initiatives (EII)<sup>1</sup>, have developed their Technology Roadmaps (2010-2020) and are working towards the establishment of effective European programmes, the European Energy Research Alliance (EERA) is ready to launch its first research activities and the Smart Cities initiative is being developed. All identified **EIIs** should be launched by 2011 at the latest and already in 2010 of those **EIIs** that demonstrate their maturity, as well as their cost-effectiveness.

The Commission estimated the additional investment over 2010-2020 to be in the order of € 75-80 bn for the EII and for other supporting initiatives. Given the scale of the public and private funding required for the medium term, an increase in the proportion of public investment at EU level may be needed, without prejudging the outcome of the negotiations regarding the next Financial framework and the applicable financing rules for RTD programmes.

There are several EU funding programmes and initiatives that can be called upon in this area, namely: the Seventh Framework Programme for research; the Competitiveness and Innovation Framework Programme; the European Energy Programme for Recovery and the Cohesion Policy. Furthermore, the Commission's and the European Investment Bank's (EIB) have been working together in order to improve the coordination and continuity of available funding to finance higher-risk R&D and demonstration projects in the energy sector.

In addition, the Council invited the Commission to speed up international cooperation and to improve coordination of the EU actions with key strategic partners in both developed and developing countries, as well as with international organisations, such as the International Energy Agency (IEA) and International Renewable Energy Agency (IRENA).

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<sup>1</sup> The European wind initiative, the solar Europe initiative, the European electricity grid initiative, the sustainable bio-energy Europe initiative, the European CO<sub>2</sub> capture, transport and storage initiative, the sustainable nuclear fission initiative, and the initiative on fuel cells and hydrogen.

## **Preparation of the European Council on 25 and 26 of March 2010: European Strategy for Growth and Jobs**

Ministers will also hear a presentation from the Commission of its Communication "EUROPE 2020", in the framework of the renewed European Strategy for Growth and Jobs. They will held an exchange of views on energy issues on the basis of the following two questions prepared by the Presidency in order to structure the debate at the Council:

1. How can the European energy policy, and in particular the development of energy infrastructure – as established in the Second Strategic Energy Review-, contribute to a stronger economic growth and more job creation in Europe?
2. How - in practical terms - can the TTE (Energy) contribute to the European Strategy for Growth and Jobs?

The outcome of this exchange of views will be summarised by the President of the Energy Council and conveyed to the European Council, via the General Affairs Council.

### **Any other business**

- Informal Energy Ministerial meeting (Seville, 15-16 January 2010)
    - Information from the Presidency
  - International relations in the energy field between Russia and Ukraine
    - Information from the Commission
  - Communication from the Commission to the Council and the European Parliament : "Report on progress in creating the internal gas and electricity market (2009)"
    - Information from the Commission
  - Visegrad Group Energy Security Summit (Budapest, 12 March 2010)
    - Information from the Hungarian delegation
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