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Transport, Telecommunications and Energy

Luxembourg, 5 and 6 June 2014

Presidents

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Main results of the Council

Lorry sizes

The Council reached **political agreement** on new rules for the maximum weights and dimensions of lorries, buses and coaches. The amended rules are intended to improve vehicle aerodynamics, fuel efficiency and road safety. See [press release](#).

Railway interoperability and safety, and the European Railway Agency

The Council also reached **political agreement** on the draft directives on the interoperability and safety of European railways and the draft regulation on the European Railway Agency. Together, these three legislative acts make up the technical pillar of the fourth railway package. See [press release](#).

Maritime transport policy

The Council adopted [conclusions](#) on the mid-term review of the EU's maritime transport policy to 2018 and outlook to 2020. The conclusions incorporate the Athens Declaration endorsed by maritime transport ministers at their informal meeting on 7 May.

In addition, ministers took note of **progress reports** on a proposed update of the EU rules on **air passenger rights** and a draft regulation on **market access and financial transparency of ports**.

Mr Michail Chrysochoidis, the Greek Minister for Infrastructure, Transport and Networks, said, "From the very beginning we set a target for our presidency, which has involved tireless efforts to promote efficient and sustainable transport. We have worked hard to achieve this, and sought to increase economies of scale for transport undertakings, especially railways, across the EU, reduce administrative costs, speed up procedures, avoid discrimination and enhance competition as well as reduce energy consumption and environmental degradation. We have placed the needs of citizens and societies at the heart of our work on transport policy. We will continue to focus our efforts on these tasks up until the end of our presidency."

Network and information security

The Council took note of progress made on a proposal aimed at ensuring a high level of network and information security across the EU. The presidency concluded that the Council agreed that the approach set out in the presidency report in relation to the proposal could be a good basis for further work.

Telecommunications single market ("telecoms package")

The Council also took note of the state of play regarding a proposal intended to amend the EU's telecommunications regulatory framework.

Michail Papadopoulos, the Greek State Secretary for Infrastructure, Transport and Networks, said, "Telecommunications, information and communication technologies (ICT) are used almost in every function of our lives, while the threats arising from this use are everywhere. The safety and security of such systems were placed at the top of our priorities for the presidency, acknowledging at the same time the need for high-level services and reduced costs for all. During the final weeks of our presidency we will continue to work on these issues."

*Under "other business", the presidency highlighted the recent or imminent conclusion of two major Digital Agenda proposals: the **broadband cost reduction** directive was adopted in May (see [press release](#)) and the final adoption of the **electronic identification and trust services** regulation is expected to take place in July (see [press release](#) on the agreement with the Parliament). The presidency also briefed ministers on recent developments concerning the **web accessibility** proposal. The Commission provided an update on its **Digital Agenda Scoreboard**, and the incoming **Italian presidency** presented its telecommunications **work programme** for the second half of 2014.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- 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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None

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Minister for the Information Society

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Vice-President

Vice-President

ITEMS DEBATED

LAND TRANSPORT

Railway interoperability, railway safety and the European Railway Agency

The Council reached **political agreement** on the draft directives on the **interoperability and safety of European railways** and the draft regulation on the **European Railway Agency** ([9768/1/14 REV 1](#), [9766/1/14 REV 1](#) and [9767/14](#)).

Together, these three legislative acts make up the **technical pillar of the fourth railway package**, published by the Commission in January 2013.

The completion of this technical pillar is expected to increase economies of scale for railway undertakings across the EU, reduce administrative costs and speed up procedures. It should also help to avoid any covert discrimination in the issuing of safety certificates and vehicle authorisations.

For details, see press release [10401/14](#).

Lorry sizes

Ministers arrived at **political agreement** on new rules for the **maximum weights and dimensions of heavy goods vehicles, buses and coaches** ([10761/14](#)). The proposal ([8953/13](#), report to the Council [10204/14](#)) aims to amend the [current directive](#) from 1996 in order to improve those vehicles' aerodynamics, fuel efficiency and road safety.

In particular, the proposal grants derogations on vehicle length so as to allow rear flaps to be attached to the vehicle or the front of the vehicle to be redesigned to create a more aerodynamic shape. The new lorry cab design will improve drivers' field of vision and the safety of both drivers and other road users. The new deflecting shape and crumple zone will greatly reduce the impact of frontal collisions, thus helping to save the lives of numerous pedestrians and cyclists.

For details, see press release [8837/14](#).

AVIATION

Air passenger rights

The Council **took note of progress** achieved regarding a proposed **update of the EU rules on air passenger rights** on the basis of a report prepared by the presidency ([9820/1/14 REV 1](#) + [ADD 1 REV 1](#)).

The draft regulation is mainly aimed at clarifying the rules that apply in the event of delayed or cancelled flights, and at improving other aspects such as handling of complaints and enforcement of passenger rights. At the same time, the proposal intends to take into account the financial implications that passenger rights create for the air transport sector, thus ensuring that European air carriers operate under harmonised conditions in a liberalised market.

Solid progress has been made on the dossier since the policy debate held by the Council in October 2013. In particular, provisions giving rise to the application of air passenger rights in other transport modes have been deleted, and those on tarmac delay have been fine-tuned. The monetary limit on accommodation in the event of major travel disruption has been deleted, and the rules on informing passengers of their rights have been considerably improved.

Much attention has been devoted to the rigorous delimitation of the possibilities for airlines to claim exemptions from the requirement to pay compensation. For instance, delegations generally agree that technical defects should not be used by airlines as a pretext for refusing to pay compensation. Efforts have therefore been made to define under what conditions airlines may invoke technical defects to seek exemption from paying compensation.

As regards the need to ensure the effective enforcement of the regulation, important progress has been made towards reaching a compromise on a simple procedure for passengers to submit complaints to airlines and, subsequently, to out-of-court dispute resolution bodies.

However, despite the intense work carried out and the progress achieved, further work is needed on a number of issues. Major **outstanding questions** include thresholds for compensation, compensation for connecting flights, and the status of any list - be it exhaustive or non-exhaustive, binding or non-binding - defining exemptions from the obligation to pay compensation (extraordinary circumstances).

On the air carrier liability regulation, the only major outstanding issue relates to cabin baggage. It still needs to be decided whether clear provisions are needed on the so-called 'one bag rule', which would enable all passengers at Union airports to take items on board under the same conditions, or whether this should be regarded as part of the air carrier's commercial freedom.

The Commission presented its proposal ([7615/13](#)) to transport ministers in June 2013. The adoption of the regulation requires the approval of both the Council and the European Parliament. The Parliament adopted its position at first reading in February 2014.

For current rules on air passenger rights, see the [2004 regulation on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights](#) and the [1997 regulation on air carrier liability in respect of the carriage of passengers and their baggage by air](#).

SHIPPING

Port services

The Council **took note of the state of play** regarding proposed new rules for **market access to port services and financial transparency of ports**, based on a progress report drawn up by the presidency ([9771/14](#)).

The **proposed regulation** ([10154/13](#)) sets out to create a framework for access to the port services market in the EU. It also introduces common rules for the financial transparency of ports and for charges to be levied by port management bodies or providers of port services.

It would apply to specific categories of services and would cover all seaports listed in the [trans-European Transport Network Guidelines](#). Member states would be free to decide to apply it to other ports as well.

The new rules should contribute to fairer competition and reduce legal uncertainties, thereby encouraging efficient port services and investments in ports. This could bring down costs for transport users. It could also help create new short sea links and improve the integration of maritime transport with other transport modes.

In the Council, the shipping working party has carried out an article-by-article examination of part of the text and a more general discussion of the remainder. These discussions have shown that although the majority of member states support the proposal's general objectives, they have a number of concerns with regard to both the substance of the proposal and the form of the legal instrument, with most delegations preferring a directive instead of a regulation.

The substantive concerns expressed by delegations relate, inter alia, to the proposal's scope in terms of both the services and the ports covered. Most member states would like to have simpler and more coherent procedures throughout the proposal. Many delegations have requested more flexibility as regards the procedures for ensuring compliance with the minimum requirements for the provision of port services. They have also indicated the need for more flexibility when it comes to limiting the number of providers. For example, delegations have asked to have safety, security and environmental considerations included in the possible reasons for limiting the number of port service providers.

The Commission sent the proposal to the Council in May 2013, together with a communication entitled "Ports: an engine for growth" ([10160/13](#)). In order to be adopted, the legal act will also have to be approved by the European Parliament. The Parliament's committee responsible, the Committee on Transport and Tourism (TRAN), has not yet voted on this dossier.

– [EU maritime transport: ports](#)

Maritime transport policy

The Council adopted **conclusions on the mid-term review of the EU's maritime transport policy until 2018 and outlook to 2020** ([10041/14](#)). The conclusions incorporate the **Athens Declaration** endorsed by maritime transport ministers at their informal meeting on 7 May.

The conclusions are intended to provide input for the Commission's upcoming mid-term review of the EU's maritime transport policy, and they set out what the Council considers should be the **political priorities** of the Commission's forthcoming work programme from 2015 to 2019 (see Commission communication on EU maritime transport policy until 2018 ([5779/09](#)) and relevant Council conclusions ([7866/09](#))).

The text covers all aspects of maritime transport, organised under six headings, following the structure of the Commission communication:

European Shipping in globalised markets calls for increased efforts towards ensuring free access to markets and emphasises the role of the EU state aid regime for maritime transport.

Human Resources, Seamanship and Maritime Know-how focuses on increasing employment in the sector, implementing the ILO Maritime Labour Convention and enhancing the know-how and attractiveness of maritime careers, including equal opportunities for men and women.

Quality Shipping as a key competitive advantage calls, inter alia, for safety at sea and the environmental and social performance of shipping to be improved, and for efforts to be made to promote security at sea, in particular by combating piracy.

Working together on the international scene reaffirms the determination to work within the IMO and other international bodies.

Exploiting the full potential of short-sea shipping and sea transportation services for business and citizens in Europe focuses on promoting short sea shipping, implementing alternative fuels infrastructure in ports, developing ports, enhancing connectivity and implementing the Blue Belt and e-maritime service.

Lastly, *Europe should be the world leader in maritime research and innovation* stresses the need to reinforce targeted research and development and innovation efforts.

– [EU maritime transport](#)

Any other business***– Transport ministers' informal meeting – outcome of the lunch debate***

The presidency briefed ministers on the outcome of the lunch debate of the informal meeting of transport ministers which took place in Athens on 8 May 2014 ([10371/14](#)).

The debate summary notes that the increased competition that has resulted from the opening up of the road freight transport market has not been matched by a parallel process of harmonisation regarding the employment and working conditions of road haulage workers. Application of social legislation and enforcement of drivers' social rights across Europe should be ensured, inter alia, by strengthening enforcement mechanisms in the member states, introducing reporting mechanisms for the application of the directive on the posting of workers, enhancing co-operation between member states, and creating a European register of transport companies, which would include a black list of those companies that have been found responsible for illegal or unfair practices.

– Shift2Rail

The presidency informed ministers that the regulation establishing the Shift2Rail Joint Undertaking is due to be adopted by the Council, without discussion, on 16 June ([10553/14](#)).

– Cross-border exchange of traffic offence information

The Commission informed the Council of its intention to submit a new proposal for a directive "very soon" on the cross-border exchange of information on road safety-related traffic offences, following annulment of the previous directive by the European Court of Justice. The Court found that the measures under the directive did not concern "crime" as defined under the police co-operation rules, but rather road safety, which is a transport issue. However, it decided that the effects of the directive would be maintained until the entry into force of a new directive, provided that this takes place within twelve months (before May 2015). According to the Commission, the new proposal will include the transport legal basis without changing the directive's substance.

– Aircraft tracking

The Commission informed member states about measures envisaged to improve aircraft tracking, following the recent disappearance of Malaysian Airlines flight MH370. The Commission supports the recommendations made by the International Civil Aviation Organisation (ICAO) meeting on Global Tracking in May to ensure that the position of public transport aircraft is known at all times. The Commission plans to take such measures, including by making the necessary amendments to the EU aviation safety regulations in 2014 or 2015, subject to approval by the Council and the Parliament. It also considers that continued common efforts at the ICAO would bring the greatest benefits ([10267/14](#)).

– ***Airport charges***

The Commission informed ministers about its report on the application of the airport charges directive. The report, which was published in May 2014, analyses three years of implementation of the directive in about 70 EU airports. The Commission intends to create a new expert group to advise it on the application of the directive in the member states and to promote the exchange of information and best practices but, for now, it has not planned any new legislative initiatives on airport charges ([10356/14](#); Commission report: [10070/14](#)).

– ***EU influence at the International Civil Aviation Organisation***

The Council took note of the information provided by the Spanish delegation on maintaining EU influence at the Council of the International Civil Aviation Organisation (ICAO). Spain is of the view that the EU should endeavour to maintain its influence by ensuring that the EU keeps all its seats at the ICAO Council after the recent creation of the Black Sea-Caspian Rotation Group. The incoming Italian presidency said it would pursue this matter.

– ***Aviation and the social dimension***

The Council took note of the information provided by the Netherlands on the social dimension of the air transport sector. The Netherlands considers that the technical and legal aspects of recent developments in new airline business models, such as the use of non-EU labour, possible loss of employment and unfair competition, should be urgently discussed at EU level ([10438/14](#)).

– ***Incoming presidency's work programme in the field of transport***

The incoming Italian presidency presented its transport priorities for the second half of 2014. Under the theme of "Infrastructures and transports for growth and cohesion", the presidency will, inter alia, strengthen the governance of TEN-T Corridors, launch talks with the European Parliament on the fourth railway package's technical pillar and promote a policy debate on its political pillar. Other priorities include the Single European Sky and the satellite systems Galileo and Egnos ([10470/14](#)).

TELECOMMUNICATIONS

Network and information security

The Council **took note of the state of play** regarding a draft directive aimed at ensuring a **high common level of security of electronic communication networks and information systems across the EU**.

The **objective** of the proposal ([6342/13](#)) is to require all member states, key internet enablers and critical infrastructure operators – such as e-commerce platforms and social networks and operators in energy, transport, banking and healthcare services – to ensure a secure and trustworthy digital environment throughout the EU.

While the Council preparatory bodies have made considerable progress on this dossier, more work is required to amend the text. The **report** drawn up by the presidency ([10097/14](#)) sums up the work done so far and sets out **orientations and approaches** for further efforts. It highlights, inter alia, the following:

- All member states agree on the urgent need to improve cyber security and to take action in this regard at EU level. They share the view that the draft directive would be an essential part of the EU's overall cyber-security strategy (communication from the Commission and the High Representative for Foreign Affairs and Security Policy: [6225/13](#); General Affairs Council conclusions: [12109/13](#)).
- They also generally support the principle of minimum harmonisation, whereby member states are free to adopt more stringent provisions on cyber security.
- However, the discussions have highlighted the need to strike the right balance between enhancing cyber security, building the necessary trust, and, for the sake of efficiency, making full use of existing arrangements and bodies.
- Therefore, rather than creating a new "cooperation mechanism" between member states as proposed, most delegations would prefer to build on existing arrangements and entities.
- In the event of an incident, it should be up to the affected member state to decide which information to share, if any.

- Delegations broadly support the idea of each member state developing a cyber security strategy, but would prefer "future-proof" principles rather than concrete requirements.
- Other questions on which further discussion or clarification is needed include the stakeholders covered by the proposal, the nature of strengthened cooperation between authorities (whether priority should be given to strategic and policy cooperation or whether the text should also contain detailed provisions on operational cooperation), and the cases in which a "coordinated EU response" would be needed: major cross-border cyber crises or more limited incidents as well.

At the Council meeting, a large number of ministers took the floor to express their views on the best way to cooperate in order to improve the EU's and its member states' preparedness and reaction to cyber security threats. Many ministers said they preferred to develop strategic or policy cooperation as a first priority for building the necessary trust, pointing out that operational cooperation already takes place in several bodies such as Computer Emergency Response Teams (CERTS), the European Union Agency for Network and Information Security (ENISA) and the European Forum for Member States (EFMS). Some other ministers were in favour of spelling out in the directive what should be done in operational terms in the event of a cyber crisis.

As a conclusion, the presidency suggested that the directive should in the first instance focus on high-level strategic and policy cooperation, while at the same time giving further direction to the operational cooperation taking place in several bodies. Further discussion is however needed on the practical arrangements for the cooperation.

The presidency could also conclude that the Council agreed that the orientations and approaches proposed in the report could be a good basis for further work.

Progress reports on this proposal were submitted to the Council in December 2013 ([16630/13](#)) and June 2013 ([10076/13](#)).

The adoption of the directive requires the approval of both the Council and the European Parliament. The Parliament adopted its position at first reading in March 2014.

- [Digital Agenda for Europe - Cybersecurity](#)

Telecommunications single market

The Council **took note of the state of play** regarding a proposal aimed at amending the **EU telecommunications regulatory framework**. The draft regulation is part of the Connected Continent package.

The **objective** of the proposal ([13555/13](#)) is to move towards a single market for electronic communications in which:

- citizens and businesses can use electronic communications services across the EU without cross-border restrictions or unjustified additional costs
- companies providing electronic communications networks and services can operate regardless of where they are established or where their customers are located in the EU.

The ultimate goal is to underpin European competitiveness in a world which increasingly depends on the digital sector in order for the economy to function and grow.

The **main elements** of the proposal include: a single EU authorisation for electronic communications providers; coordination of the use of radio spectrum and provisions on European virtual access products; harmonised rights of end-users, including net neutrality; making it easier to switch provider; and provisions concerning the powers of national regulators, roaming and the Body of European Regulators for Electronic Communications (BEREC).

During the December **2013 policy debate** ([16637/13](#)), ministers generally welcomed the proposal's aims, such as providing incentives for investment, enhancing consumer rights and addressing net neutrality, but expressed concerns and doubts about a large number of issues.

A **report drawn up by the presidency** ([10109/14](#)) sets out the progress made on the proposal since the policy debate and draws attention to issues that require further work. Many concerns mentioned in the December 2013 report – e.g. that the same objectives could be achieved by making better use of current instruments, for instance in the case of spectrum allocation and roaming – remain valid. From this year's report it appears that:

- Most member states are concerned, inter alia, about the red tape and financial burden that would be created by the proposal, its unclear link to the current telecoms framework, and the impact on the national regulatory agencies' powers.

- Many delegations find a number of the new provisions on **radio spectrum** too prescriptive and that they often overlap or even conflict with EU or national legislation. Most member states consider that the provisions harmonising deadlines to synchronise the spectrum available for wireless broadband and laying down a European coordination mechanism on spectrum rights go too far, particularly with regard to the proposed new powers of the Commission.
- As regards efforts to enhance **consumer protection**, member states prefer minimum harmonisation to the proposed full-scale harmonisation, as this would allow them to keep or adopt more stringent national measures.
- As far as the principle of **open internet** is concerned, many delegations underlined the need for the text to be future-proof and clear. For instance, the definitions of "internet access service" and "specialised service" should be clarified. While delegations agree on the need to strike the right balance between net neutrality and reasonable traffic management, they have different views on how to achieve it. The common underlying principles relating to net neutrality have yet to be agreed on.

The draft articles on **roaming**, which are to be found towards the end of the Commission proposal, have not yet been examined in detail.

The adoption of the proposal requires the approval of both the Council and the European Parliament. The Parliament adopted its first-reading amendments in April.

- [Digital Agenda for Europe - Connected Continent](#)

Any other business– ***State of play of legislative files***

The presidency briefed ministers on the progress of legislative files in the telecommunications sector:

- Agreement on the draft regulation on **electronic identification and trust services** was reached with the European Parliament in February, and its final adoption is expected to take place in July ([9996/14](#)).
- Following an agreement reached with the Parliament in February, the Council adopted the directive on **broadband cost reduction** on 8 May. Member states must now adopt national provisions to comply with the new directive by 1 January 2016, and they must apply the new measures from 1 July 2016 ([9993/14](#)).
- As regards the proposal on the **accessibility of public sector bodies' websites**, the European standard for assessing conformity with web accessibility requirements was adopted in February. In the meantime, 26 member states have developed their national web accessibility policies and standards, broadly based on similar requirements ([10016/14](#)).

– ***Digital Agenda Scoreboard***

The Commission updated the Council on progress made and further efforts needed with respect to the targets set out in the Digital Agenda for Europe, one of the flagships of the Europe 2020 strategy for jobs and growth ([10220/14](#) + [10220/14 ADD 1](#)).

[Digital Agenda Scoreboard webpages](#)– ***Incoming presidency's work programme in the field of telecommunications***

The incoming Italian presidency presented its telecommunications work programme for the second half of 2014. The presidency will focus its work on the telecommunications single market proposal, the draft directive on network and information security and the draft directive on web accessibility. Other initiatives that the presidency plans to work on relate, inter alia, to boosting the roll-out of ultra-fast broadband networks, the role of Europe in internet governance, and open data, cloud and big data ([9994/14](#)).

OTHER ITEMS APPROVED
