



**COUNCIL OF
THE EUROPEAN UNION**



6670/09 (Presse 43)

PRESS RELEASE

2924th Council meeting

Transport, Telecommunications and Energy

Energy

Brussels, 19 February 2009

President **Mr Martin ŘÍMAN**
Minister for Industry and Trade of the Czech Republic

P R E S S

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Main results of the Council

*The Council adopted **conclusions** on the communication the Commission submitted last November concerning the second strategic review of energy policy, whose core element is an EU energy security and solidarity action plan. The conclusions set, in particular, short and long term priorities regarding **energy security and solidarity**.*

*The Council held a **policy debate** on two related topics: a proposal for a directive requiring member states to maintain minimum **stocks of oil** or petroleum products, on the one hand, and a Commission communication concerning measures to safeguard security of **natural gas supplies**, on the other hand. The debate provided guidance for the further work of the Council and its preparatory bodies on the draft directive in order to reach an early agreement. The debate on Commission communication provided an input for the Commission's preparation of the proposal for a revision of Council directive 2004/67/EC on measures to safeguard the security of natural gas supply.*

*In addition, the Council adopted without discussion a **directive on airport charges**, approving all the amendments voted by the European Parliament at second reading.*

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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.

PARTICIPANTS

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

Belgium:

Mr Didier SEEUWS

Deputy Permanent Representative

Bulgaria:

Mr Petar Vladimirov DIMITROV

Minister for the Economy and Energy

Czech Republic:

Mr Martin ŘÍMAN

Minister for Industry and Trade

Mr Tomáš HÜNER

Deputy Minister for Industry and Trade, Energy Section

Denmark:

Mr Thomas EGEBO

Permanent Secretary of State at the Ministry of Climate and Energy

Germany:

Mr Karl-Theodor FREIHERR ZU GUTTENBERG

Federal Minister for Economic Affairs and Technology

Estonia:

Mr Juhan PARTS

Minister for Economic Affairs and Communications

Ireland:

Mr Eamon RYAN

Minister for Communications, Energy and Natural Resources

Greece:

Mr Konstantinos HADJIDAKIS

Minister for Transport and Communications

Spain:

Mr Pedro MARIN

Secretary General for Energy

France:

Mr Jean-Louis BORLOO

Ministre d'État, Minister for Ecology and for Sustainable Development and Town and Country Planning

Italy:

Mr Claudio SCAJOLA

Minister for Economic Development

Cyprus:

Mr Efstathios HAMBOULLAS

Permanent Secretary, Ministry of Commerce, Industry and Tourism

Latvia:

Mr Artūrs BERGHOLCS

Parliamentary Secretary, Ministry of Economics

Lithuania:

Mr Arvydas SEKMOKAS

Minister for Energy

Luxembourg:

Mr Jeannot KRECKÉ

Minister for Economic Affairs and Foreign Trade,
Minister for Sport

Hungary:

Mr Csaba MOLNÁR

Minister for Transport, Telecommunications and Energy

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Maria van der HOEVEN

Minister for Economic Affairs

Austria:

Mr Reinhold MITTERLEHNER

Federal Minister for Economic Affairs

Poland:

Mr Marcin KOROLEC

Deputy State Secretary, Ministry of Economic Affairs

Portugal:

Mr Manuel PINHO

Minister for Economic Affairs and Innovation

Romania:

Mr Adriean VIDEANU

Minister for the Economy

Slovenia:

Ms Andreja JERINA

State Secretary, Government Office for Development and European Affairs

Slovakia:

Mr Peter ŽIGA

State Secretary at the Ministry of the Economy

Finland:

Mr Mauri PEKKARINEN

Minister for Economic Affairs

Sweden:

Ms Ulrika BARKLUND LARSSON

Deputy Permanent Representative

United Kingdom:

Mr Ed MILIBAND

Secretary of State, Department for Energy and Climate Change

.....

Commission:

Mr Andris PIEBALGS

Member

ITEMS DEBATED**ENERGY SECURITY****Gas crisis: follow-up**

Following a brief review by the President of the broad categories of measures that need to be translated into concrete actions the Council was briefed by the Commissioner on the follow-up to the gas crisis caused by the Russia/Ukraine gas dispute as called for in the conclusions of the extraordinary Council of Energy ministers held on 12 January ([5215/09](#)). The Commissioner noted the solidarity displayed during the crisis by all actors, public and private, as well as the EU's ability to speak with one voice, that of the Presidency and the Commission, and recalled that the core elements of the EU energy policy are security and solidarity. It pointed out the necessity for short and long-term actions, in particular: agreement on the internal energy market package before the end of the European Parliament's mandate, development of the EU energy strategy, improvement of energy efficiency, proposals on oil stocks and on the revision of the Directive on the security of gas supply and the need for more transparency in internal market and external relations and for more investment.

Second Strategic Energy Review - *Council conclusions*

The Council adopted the following conclusions:

"THE COUNCIL

WELCOMES the energy security and energy efficiency package presented by the Commission on November 13 2008, in particular the Communication entitled "An EU Energy Security and Solidarity Action Plan";

AND RECALLS AND REAFFIRMS

- The conclusions reached at the extraordinary TTE (Energy) Council on January 12 (5165/1/09) and the conclusions of the October European Council on energy security.

- The commitment to the goals on the reduction of greenhouse gas emissions, on the share of renewable sources of energy and on energy efficiency as agreed by the European Council in March 2007 and the agreement reached in December 2008 on the climate and energy package.
- The need for Europe to act together to deliver sustainable, secure and competitive energy.
- Solidarity between Member States that has to be strengthened and balanced with Member States' responsibility over their energy security, fully respecting Member States' choice of energy mix and sovereignty over energy sources.
- An efficient, liberalised and well connected internal energy market together with a stable and transparent legal and regulatory framework as a prerequisite for an effective energy policy at Member States and EU level.
- Early implementation of measures and commitments related to the internal market, energy efficiency and renewable energy that also contribute to energy security.

AGREES TO THE FOLLOWING PRIORITIES:

I. Short term Priorities

Efforts for interconnection and diversification of energy suppliers, sources and supply routes must intensify, notably in the gas sector, as was proved during the recent unprecedented interruption of gas supplies from Russia via Ukraine to the EU. In order to provide for the infrastructure needs and diversification of energy supplies of a well integrated EU energy market and to be able to prevent possible future major supply disruptions in gas or other energy sectors or cope with their consequences, the Council agrees to:

- Carrying out further work on the six priority infrastructure actions: the Southern gas corridor, a diverse and adequate LNG supply for Europe, effective interconnection of the Baltic region, the Mediterranean Energy Ring, adequate North-South gas and electricity interconnections within Central and South-East Europe, and the North Sea and North West Offshore Grid, as outlined in the 2nd Strategic Energy Review. These actions are without prejudice to ongoing TEN-E projects and to the discussion on concrete projects in the context of both the TEN-E policy revision, the European Recovery Plan and decisions on financing that will be taken in accordance with applicable budgetary and financial rules or to the financing of other infrastructure that may contribute to diversify suppliers, sources and routes in a geographically balanced way and to enhance connectivity for central as well as peripheral European energy markets.

- Improving transparency and promoting investments, be they public or private, in gas storage as sufficient gas stocks proved to be of significant importance for mitigating supply disruptions.
- Exploring the feasibility of a mechanism, in line with EU competition rules, which would facilitate access to Caspian gas with a view to enabling competitive new gas sources to come onto the European market and the necessary infrastructure to be constructed.
- Regular assessment of energy supply and demand including information on physical gas flows, storage capacities and stock changes and infrastructure and production capacities that would facilitate identification of investments that could contribute to reducing risks to security of supply. In this context, while noting that infrastructure investments are primarily but not exclusively driven by market factors, the Council supports the intensification of the activities of the European Networks of Transmission System Operators on supply and generation adequacy outlooks and network development plans, as foreseen in the Third Package, as well as of the Market Observatory for Energy.
- In the context of the TEN-E policy revision, the need to refine the criteria for the selection of infrastructure including interconnections, which should be based on the EU energy policy goals, contributing to the creation of a fully interconnected EU energy market, competitive energy supplies, the energy security of Member States and the EU and the diversification of energy suppliers, sources and supply routes, while striking the right balance between the economic viability and maturity of the projects and their contribution to energy security.
- Identification and removal of barriers to investment, including by means of streamlining of planning and consultation procedures or by appointing European coordinators, in particular for projects which improve interconnection.
- Promote a co-ordinated approach between Commission and Member States, where appropriate, in order to support in a cost effective way large scale deployment of offshore wind power in the European seas while preserving the reliability of the grid.

Due to increasing energy demand worldwide and in order to ensure a more diversified and secure supply, energy policy represents a key part of external relations of the EU and its Member States. Building on the "Energy Policy for Europe" Action Plan¹, the Council stresses that it is important to:

- Ensure that the EU and its Member States deliver consistent messages ("speaking with one voice"), drawing from the experience of the January gas supply crisis, on external energy issues in their dialogues with supplier, transit and consumer countries.
- Messages to third countries should be consistent with the EU policy objectives, focusing on the reduction of GHG, energy efficiency, renewables and low-emission technologies
- Step up energy relationships with third countries and regions, that should be based on the acquis and on the principles of the Energy Charter Treaty, notably through:
 - Rapid development of the Eastern Partnership while ensuring complementarity with all other forms of cooperation already existing in the Union's neighbourhood, such as the Black Sea synergy, in line with the conclusions of the December 2008 European Council
 - Further development of Energy cooperation with Russia
 - Continued high level political engagement with supplier and transit countries along the Southern Corridor
 - Accession of Ukraine and the Republic of Moldova and pursuing further accessions to the Energy Community Treaty
 - Strengthened cooperation with Mediterranean countries
- Further develop a common approach to external energy policy to support EU, Member States and companies to develop energy cooperation, by defining a common agenda towards energy partner countries and developing new broad-based partnerships.

¹ European Council Action Plan (2007 – 2009), Energy Policy for Europe, heading III International Energy Policy

- Increase transparency and reliability through meaningful exchange of information between the Commission and Member States level on energy relations, including long term supply arrangements, with third countries while preserving commercially-sensitive information.

With a view to addressing supply disruptions, such as the recent ones, the Council reaffirms the need to develop further flexible, efficient and transparent crisis response mechanisms for oil and gas supplies and therefore recognizes the need to:

- Revise the Oil Stocks Directive 2006/67 in order to increase transparency and effectiveness, on the basis of the IEA rules, including on stockholding and crises response mechanism.
- Improve, as an urgent priority, both national and EU level instruments for ensuring the security of supply for gas, through the revision of the Gas Security of Supply Directive 2004/67 to be tabled by the Commission in 2009, following its preparation in close cooperation with the Gas Coordination Group. In this respect it is important to better define the major supply disruption indicator and to provide for a more effective crisis response mechanism, e.g. through pre-defined emergency plans at the appropriate levels.

Efficient transformation, transmission and consumption of energy sources contribute to energy security in third countries as well as in the EU. Energy efficiency measures should therefore be further developed and strengthened, national energy efficiency plans thoroughly implemented and the Commission Action Plan on Energy Efficiency revised. In this respect, the Council:

- Welcomes, in line with the 20% energy efficiency target by 2020 and as a key element to reaching the climate and renewable targets, the Energy Efficiency Package presented by the Commission in November 2008
- Endeavours to reach agreement on the proposals comprised in the Energy Efficiency Package by the end of 2009.

In order to decrease its dependency on external energy sources, the EU needs to make the best use of its own energy resources, including renewables, fossil fuels and, in countries which choose to do so, nuclear energy and create a climate where Member States according to their fuel choice may effectively facilitate investments in these resources. The Council therefore confirms that it is necessary to:

- Promote renewables and tackle barriers to energy from renewable sources
- Promote environmentally compatible development of the EU's indigenous fossil fuel resources and their efficient and sustainable use through application of advanced technologies
- Consider the development of a Community regulatory framework for nuclear safety and the need to make progress on waste management, with full involvement of the European Nuclear Safety Regulators Group (ENSREG).

II. Long term priorities

Building upon the EU's policy towards 2020, the Council recognizes that due to increasingly tight energy supply-demand balance and the continuous need to address climate changes and contribute to the moderation of global energy demand, it is important to act today to develop a policy agenda for 2030 and a vision for 2050. This should be an important element in the Energy Policy for Europe Action Plan from 2010 onwards. It should involve:

- Developing low-carbon and efficient energy systems , including inter alia through greater decentralisation
- Speeding up the implementation of the SET Plan and ensuring consistency with these priorities in the future Framework Research Programmes
- Securing the timely deployment of the CCS technologies and projects
- Speeding up the development of electric vehicles and of hydrogen and alternative fuels in order to decrease oil dependency

Means

In order to reach the above mentioned priorities, the Council invites the Commission to:

- Identify the necessary legislative and non-legislative actions and appropriate financial resources, taking due account inter alia of what is already foreseen under the European Economic Recovery Plan as agreed by the European Council conclusions of December 2008.

- Present, on the basis of a thorough impact assessment, a new EU Energy Security and Infrastructure Instrument, building on the result of public consultation on the Green Paper "Towards a secure, sustainable and competitive European energy network".
- Prepare a Sustainable Energy Financing Initiative as a joint Commission and European Investment Bank project to mobilise large-scale funding from capital markets for investments and in this respect take into consideration relevant expertise of the EBRD and other international financial institutions.

and also agrees that:

- it is necessary to improve the exchange of information and of best practice within the EU and with third countries through existing mechanisms and regional and multilateral fora.
- Further actions, initiatives and instruments, as appropriate, are needed to strengthen the development of a common approach to external energy policy."

OIL STOCKS AND SECURITY OF GAS SUPPLY

The Council held a policy debate on a proposal for a Council directive on oil stocks ([15910/08](#)) and on the Commission communication on the security of gas supply ([15905/08](#)).

Both proposals were submitted by the Commission in response to the March 2007 European Council conclusions ([7224/1/07](#), p.16), which underlined the need to enhance the security of supply for the EU as a whole and for each member state, inter alia by developing more effective crisis response mechanisms. They are part of the action plan for energy security and solidarity which the Council endorsed at this same meeting.

The debate provided guidance for the further work of the Council and its preparatory bodies on the draft directive in order to reach an early agreement. The debate on the Commission communication provided an input for the Commission's preparation of the proposal for a revision of Council directive 2004/67/EC on measures to safeguard the security of natural gas supply.

The debate was held on the basis of a Presidency questionnaire ([6199/09](#)). As far as the oil stocks draft directive is concerned, all Member States welcome the proposal and generally share its objectives, in particular harmonisation with the International Energy Agency standards. Concerns expressed included, in particular, those regarding the creation of central stockholding entities, the obligation of weekly reporting on oil stocks and the abolition of bilateral stockholding agreements between Member States or with commercial companies. Ministers in general underlined the need for a flexible, balanced, cost-effective and improved legislative instrument.

Concerning the communication on the security of gas supply, delegations reiterated their support for timely presentation of a proposal for a revision of Council directive 2004/67/EC. Concrete suggestions were made by delegations in light of the recent experiences during the January 2009 gas crisis, such as the need for revision of the definition of major supply disruption, the need for improved interconnections and solidarity mechanisms, and the appropriateness of preparing *regional* emergency plans for energy supply problems. The Council also outlined that the framework of the revised proposal should be responsibility and solidarity. On that basis, the Commission undertook to present rapidly a legislative proposal, specifying that this would be in the form of a regulation.

Draft oil stocks directive

The proposed directive on minimum oil stocks, which is to replace all existing Community

legislation in this field (Council Directives 2006/67/EC and 73/238/EEC and Council Decision 68/416/EEC), aims to improve the functioning of the current EU oil stocks mechanisms, so as to ensure availability of oil in the event of a crisis.

To this end it seeks, for example, to improve the regulatory framework and to encourage the setting up of a central stockholding entity by member states. It also proposes the voluntary creation of dedicated stocks, i.e. product reserves established specifically for the purposes of this directive.

In addition, the proposal aims to align intra-EU rules with International Energy Agency-led action on the release of emergency oil stocks.

OTHER BUSINESS**Energy Summit on "Natural gas for Europe: security and partnership"**

The Council took note of the information provided by the Bulgarian delegation concerning the Energy Summit on "Natural gas for Europe: security and partnership", which will take place in Plovdiv on 24 and 25 April 2009 ([5965/09](#)).

Nabucco Summit

The Council took note of the information provided by the Hungarian delegation on the results of the Nabucco Summit held in Budapest on 26 and 27 January 2009 ([6252/09](#)).

Conference on security of electricity supply

The Council took note of the information provided by the Presidency on a conference "In search for security of energy supply of the EU Member States on the common electricity market" that took place in Ostrava on 29 and 30 January ([6253/09](#)).

Candidature of Slovenia for the seat of the Agency for the Cooperation of Energy Regulators

The Council took note of the information provided by the Slovenian delegation on the candidature of Slovenia for the seat of the Agency for the Cooperation of Energy Regulators ([6558/09](#)).

OTHER ITEMS APPROVED

TRANSPORT

Airport charges*

The Council adopted² a directive on airport charges, approving all amendments voted by the European Parliament at second reading ([3712/08](#), [6164/09 ADD1](#)).

The directive sets common principles to be observed by airport operators when determining their airport charges. It aims to clarify the relationship between airport operators and airport users by requiring transparency, user consultation and the application of the principle of non-discrimination when calculating charges levied on users. In addition, it aims to create strong, independent national authorities in the member states to arbitrate and settle disputes, in order to reach a speedy resolution.

The directive will apply to airports with an annual traffic of over 5 million passengers as well as to the airport with the highest passenger movement in each member state.

The member states will have 2 years from the entry into force of the directive to transpose its provisions.

EXTERNAL RELATIONS

Appropriate measures against Zimbabwe

The Council adopted a decision extending the period of application of appropriate measures within the meaning of Article 96(2)(c) of the ACP-EC Partnership Agreement until 20 February 2010 ([6058/09](#)). The measures would have expired on 20 February 2009. Under these measures

- the financing of budgetary support under Zimbabwe's 7th and 8th EDF National Indicative Programmes (NIP) is suspended

² The Luxembourg delegation voted against.

- financial support for all projects is suspended except those in direct support of the population, in particular in the social sectors
- financing will be reoriented in direct support of the population, in particular in the social sectors, democratisation, respect for human rights and the rule of law.
- the signature of the 9th EDF NIP is suspended.
- Article 12 of Annex 2 to the ACP-EC Partnership Agreement is suspended in so far as required for the application of restrictive measures adopted on the basis of the Treaty establishing the European Community
- contributions to operations of a humanitarian nature will not be affected
- regional projects will be evaluated on a case-by-case basis.

AGRICULTURE

Information provision and promotion measures for agricultural products

The Council adopted a regulation on information provision and promotion measures for agricultural products on the internal market and in third countries ([5600/09](#)). This regulation extends the procedure to be followed in the absence of information programmes on the internal market to cases where there are no programmes to be carried out in third countries. Furthermore, it offers member states the possibility of broadening the scope of the measures to be covered by their programmes, including seeking the help of international organisations, in particular for promotion programmes for the olive oil and table olive sector in third countries.

STATISTICS

Trading of goods

The Council adopted a regulation amending regulation (EC) No 638/2004 on Community statistics relating to the trading of goods between Member States ([3706/08](#)).

The regulation aims to provide the legal framework for exempting more companies from providing Intrastat³ information, while preserving the accuracy of data and satisfying user requirements for statistics on trade by business characteristics.

It will apply from 1 January 2009.

European statistics *

The Council adopted⁴ a regulation of the European Parliament and of the Council on European statistics ([3708/08](#), [6163/09 ADD1](#)).

The regulation establishes a legal framework for the development, production and dissemination of European statistics. It aims to revise the existing basic legal framework with a view to adapting it to the current reality and improving it to meet future developments and challenges.

The new regulation repeals regulation (EC, Euratom) No 1101/2008 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, regulation (EC) No 322/97 on Community Statistics, and decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities.

³ The system for collecting Community statistics relating to the trading of goods between Member States.

⁴ The Austrian delegation voted against.