



**COUNCIL OF
THE EUROPEAN UNION**



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PRESS RELEASE

2987th Council meeting

Transport, Telecommunications and Energy

Brussels, 17 and 18 December 2009

President **Ms Åsa Torstensson**
Minister for communications of Sweden

P R E S S

Main results of the Council

On transport,

*the Council reached political agreement on a draft regulation concerning **bus and coach passengers' rights**.*

*Moreover, it agreed on general approaches regarding a draft regulation on the **European Global Navigation Satellite System (GNSS) agency** and a draft directive on **reporting formalities for ships** arriving in or departing from EU ports.*

*The Council authorised the Commission to negotiate a cooperation **agreement with the International Civil Aviation Organisation (ICAO)** and reviewed the progress of the **second-stage air services negotiations with the United States**.*

On telecommunications,

*the Council held a policy debate on the **future of the i2010 strategy**, on which it adopted conclusions.*

*It also adopted conclusions on **transforming the digital dividend into social benefits and economic growth**, and a resolution on a **collaborative European approach on network and information security**.*

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¹ 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>).

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PARTICIPANTS

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

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State Secretary for Mobility, attached to the Prime
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Minister for Transport, Information Technology and
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Czech Republic:

Mr Gustáv SLAMEČKA
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Minister for Transport
Deputy Minister for the Interior with responsibility for
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Denmark:

Mr Lars BARFOED

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Germany:

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State Secretary at the Ministry of Higher Education,
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State Secretary at the Ministry of Transport

Mr Igor JAKOMIN

Slovakia:

Mr Lubomír VÁŽNY

Minister for Transport, Post and Telecommunications

Finland:

Ms Anu VEHVILÄINEN

Ms Suvi LINDÉN

Minister for Transport
Minister for Communications**Sweden:**

Ms Åsa TORSTENSSON

Mr Leif ZETTERBERG

Minister for Infrastructure
State Secretary to the Minister for Infrastructure**United Kingdom:**

Mr Stephen TIMMS

Mr Sadiq KHAN

Financial Secretary to the Treasury
Parliamentary Under Secretary of State, Department for
Communities and Local Government**Commission:**

Mr Antonio TAJANI

Vice-President

ITEMS DEBATED

LAND TRANSPORT

Passengers' rights in bus and coach transport

The Council reached political agreement on a draft regulation on passengers' rights in bus and coach transport ([17412/09](#)). The Council will thus be able to adopt its first-reading position on the proposal at a forthcoming meeting and to forward it to the European Parliament for the second reading.

The objective of the proposal is to strengthen the rights of bus and coach passengers as regards assistance to persons with disabilities or reduced mobility, compensation issues, passenger information and handling of complaints.

The main outstanding issue concerned the **scope** of the draft regulation. At the Council meeting in June 2009, a majority of member states were in favour of restricting the scope to national long-distance and international regular services. However, the work undertaken in the Council's preparatory bodies showed that an EU-wide definition of "long-distance" services was very difficult to find. After re-discussing the issue, ministers now agreed that the regulation should cover regular services in general while providing for a range of possible exemptions. So urban, suburban and regional services may be exempted, except from the rules on non-discrimination and on the right to transport for disabled persons, which, consequently, will apply to all services. A transitional exemption may be granted for domestic regular services in general as well as for particular regular transport links with countries outside the EU. Non-commercial own-account transport and special regular services reserved for a specific category of passengers will remain outside the scope of the regulation. Occasional services will have to comply with the rules on compensation and non-discrimination, but not the other provisions.

The draft regulation contains, in particular, rules on

- compensation in the event of **accidents** for death or injury of passengers as well as for loss of or damage to their luggage. In this respect ceilings for financial compensation under national law must not be lower than the minimum amounts set in the regulation, that is, EUR 220 000 per passenger, and EUR 500 (regional or sub-regional regular or occasional services) or EUR 1200 (all other regular or occasional services) per item of luggage. Damage to assistive devices such as wheelchairs has to be compensated entirely. Moreover, the provisions include assistance to cover passengers' immediate practical needs after an accident.
The issue of liability, that is, of who eventually has to pay for compensation, is to be dealt with in accordance with national law, in order to take account of diverging legislation on this subject in different member states;
- non-discrimination and assistance concerning **disabled persons** and persons with reduced mobility: they must not be refused transport except for safety reasons or for lack of necessary infrastructure. No extra charge must be asked. Assistance is to be provided at specific terminals designated by member states, subject to prior notification of the need for assistance. An accompanying person has the right to be carried free of charge;
- passenger rights in the event of **cancellation or delay** of a journey: carriers must offer a choice between continuation of the journey or re-routing or else reimbursement. In addition, assistance must be offered in the form of the provision of snacks, meals or refreshments as well as in finding accommodation, where necessary.

The obligations under this draft regulation do not imply technical requirements for carriers to modify or replace vehicles or infrastructure and equipment at terminals.

The proposal is part of a general EU policy to ensure equal treatment of passengers, regardless of the mode of transport chosen, while reinforcing passenger rights, with particular attention paid to non-discrimination against persons with disabilities or reduced mobility. Similar legislation has been adopted for air and rail transport and is underway for ship passengers.

The Commission presented its proposal in December 2008 ([16933/08](#)). The European Parliament adopted its first-reading opinion in April 2009.

INTERMODAL QUESTIONS AND NETWORKS

European Global Navigation Satellite System (GNSS) agency

The Council reached a general approach, pending the European Parliament's position at first reading, with regard to a draft regulation amending the 2004 regulation on the structures for the management of the European satellite radio-navigation programmes (17688/09).

The objective of the proposed regulation is to bring regulation 1321/2004, which established a European Global Navigation Satellite System Supervisory Authority, now to become the European GNSS agency, into line with the rules adopted in 2008 for the governance and financing of the European satellite navigation programmes.

The rules, introduced by regulation 683/2008 on the further implementation of those programmes, take account of the fact that the concept of private management of the navigation satellite programme Galileo, as initially provided for in the regulation of 2004, has been abandoned. As a consequence, the Commission has been given full management responsibility and ownership of all Galileo assets has been transferred to the EU.

It has therefore become necessary to adapt regulation 1321/2004 accordingly. To this end, the new draft regulation

- redefines the relation between the agency and the Commission by strengthening the powers of the Commission, which will provide the guidelines for the agency's work.
- establishes rules for security accreditation. While the Commission keeps general responsibility for all security matters, security accreditation and operation of the Galileo security monitoring centre will fall within the remit of the agency. A Security Accreditation Committee will be set up as an autonomous body within the agency, to deal with tasks such as approval of the security accreditation strategy and of satellite launches, authorisation to operate systems and services as well as authorisation to manufacture certain products.

The Commission submitted its proposal ([6257/1/09](#)) in March 2009. During discussions in the Council preparatory bodies, the proposal has been substantially modified as regards the provisions on security accreditation. The European Parliament's position at first-reading is expected early in 2010.

Intelligent Transport Systems

The Council took note of the state of play regarding a proposal for a directive on the deployment of Intelligent Transport Systems (ITS) in the field of road transport.

The objective of the proposed directive is to accelerate and to coordinate deployment of interoperable ITS in road transport, including interfaces with other transport modes, by creating the necessary conditions and mechanisms through a coherent EU-wide framework.

The text as it stands is, in substance, acceptable for the member states. On the eve of the Council meeting, the European Parliament also signalled its readiness to accept the substance of the text. Consequently, the Council now invited the competent bodies to finalise the agreement with the Parliament so that the directive can swiftly be adopted by both institutions once the Council has adopted its first-reading position at a forthcoming meeting.

However, there remains a more technical legal issue to be discussed with the Parliament, namely the provisions on "delegated acts", newly introduced following the entry into force of the Lisbon treaty. "Delegated acts" are decisions taken by the Commission in implementing legislative acts adopted by the Parliament and the Council.

The Commission proposal, presented in December 2008 ([17564/08](#)), has been considerably modified during its examination by the Council preparatory bodies, which also took into account the European Parliament's first-reading opinion of April 2009 ([8899/09](#)). Moreover, changes have been introduced following several informal talks with the European Parliament in recent weeks in order to prepare the ground for an early agreement between Council and Parliament.

The key question where opinions diverged until recently was if, or to what extent, the deployment of ITS applications and services should be mandatory. Many member states think, notably in view of the financial and administrative implications, that any decision to deploy ITS services should be taken at national level. Other member states initially favoured making at least some ITS services mandatory, but were not unanimous as to which services should be chosen. The European Parliament, in its first-reading opinion, advocated mandatory introduction of certain ITS services. The compromise solution which has now been found includes, on the one hand, an assurance to member states that they will have the final say on the deployment of ITS on their territory, and on the other hand, a two-stage procedure for introducing ITS through EU legislation: first, the Commission adopts the necessary specifications for the action concerned; then, within 12 months and, where appropriate, after an impact assessment, the Commission presents a proposal for deployment of this action to the European Parliament and the Council, which will jointly decide upon it.

Some member states, however, still fear that the non-mandatory character of the deployment provisions might not be clear enough and intend to make a statement on this issue when the directive is being adopted.

Intelligent Transport Systems integrate telecommunications, electronics and information technologies with transport engineering in order to plan, design, operate, maintain and manage transport systems.

To foster the deployment of ITS, the proposed directive defines priority areas and priority and other actions within those areas. The Commission will have the task of establishing specifications for the actions planned in the priority areas. The priority areas and corresponding main actions outlined in the draft directive include:

- optimal use of road, traffic and travel data;
priority actions: EU-wide multimodal travel and real-time traffic information services as well as road safety related minimum universal traffic information services
- continuity of traffic and freight management ITS services;
(actions: e.g. ensuring information flow; tracking and tracing of freight)
- ITS road safety and security applications;
priority actions: EU-wide eCall services as well as reservation and information systems services for safe and secure parking places for trucks and commercial vehicles

Similar initiatives integrating information and communication technologies for transport management purposes are pursued in other areas. For example, work is under way on traffic management systems for railways (ERTMS) and aviation (SESAR); in the shipping sector, a maritime information exchange system (SafeSeaNet) and a vessel traffic monitoring and information system (VTMIS) are already in place.

A sustainable future for transport - presidency conclusions

The presidency submitted to ministers draft conclusions on a Commission communication on a sustainable future for transport. The discussion showed that while there was very broad agreement on the text, not all member states were able to support all of its elements. The presidency therefore drew the following conclusions under its own responsibility:

"THE COUNCIL OF THE EUROPEAN UNION,

HAVING regard to the Commission's White Paper of 14 September 2001, entitled "European transport policy for 2010: time to decide"¹ and the Commission communication of 27 June 2006, entitled "Keep Europe moving – Sustainable mobility for our continent, Mid-term review of the European Commission's 2001 Transport White Paper"²;

HAVING regard to the Council conclusions on the Green paper TEN-T: "A policy review towards a better integrated trans-European Transport Network at the service of the common transport policy", adopted on 11 June 2009³;

HAVING regard to the Commission communication of 19 June 2009, entitled "A sustainable future for transport: Towards an integrated, technology-led and user friendly system"⁴;

TAKING into account the outcome of the policy debate at the Transport, Telecommunications and Energy Council meeting on 9 October 2009 and of the consultation of stakeholders, notably through the High Level Stakeholders' Conferences on 9 and 10 March 2009 and 20 November 2009;

CONSIDERING that the developments in the recent past and the challenges ahead (climate change and other environmental challenges, globalisation, ageing, migration, scarcity of fossil fuels, urbanisation) require decisions to be taken on an upgraded European transport policy;

TAKING into account the differences among the Member States as regards their economic development, the state of their infrastructure, the transport services and their different geographical position;

1 11932/01.
2 10954/06.
3 10971/09.
4 11294/09.

RECOGNISING the urgency of turning the current multiple crisis into an opportunity by shifting to an eco-efficient economy, i.e. a safe and sustainable low carbon, resource-efficient economy, based on sustainable production in the transport sector and underpinned by more sustainable lifestyles;

EMPHASISING the crucial role of the transport system both for the achievement of the climate change goals and for ensuring the competitiveness of the European economy and the recovery from the current economic crisis and RECOGNISING that an efficient and sustainable transport system is important for economic, social and environmental reasons and notably for European competitiveness and prosperity, employment, safety and security, in line with the global objectives of the Lisbon strategy and the EU sustainable development strategy;

EMPHASISING that the transport sector needs to be adequately harmonised in order to be fully integrated into a well-functioning, open and properly regulated internal transport market which is indispensable in order to ensure fair competition between undertakings, a high level of transport services, mobility and accessibility for all users of the transport system.

RECOGNISING that the development of a sustainable and coherent infrastructure is an essential element of a European Transport Policy, while respecting the principle of subsidiarity;

NOTING that development and deployment of new technologies will have a significant role to play in establishing a medium and long-term, sustainable and efficient transport system and will give a competitive edge to Europe and to its industry, while contributing to reducing climate change, and improving accessibility as well as traffic safety;

UNDERLINING that, in spite of progress made in recent years, too many are killed and seriously injured in road traffic accidents and that all efforts have to be made to reduce the present numbers;

RECOGNISING the need to further reduce the negative impacts of transport on the environment, as well as congestion and noise,

1. WELCOMES the Commission Communication “A sustainable future for transport: Towards an integrated, technology-led and user friendly system”, and its decision to start the preparatory process to update and renew the European transport policy for the next decade 2010-2020;

2. ACKNOWLEDGES that the current economic and financial situation offers lessons to be learnt and RECOGNISES the need to prepare the transport sector to face future challenges, while facilitating economic recovery and, when growth returns, to take advantage of an efficient, coherent and sustainable transport system to fully support the competitiveness of the European economy;
3. RECOGNISES the need to better exploit all modes of transport and take positive measures to ENCOURAGE where appropriate a shift to the use of those that are more energy efficient and environment friendly, as well as a more efficient use of all modes of transport and seamless inter-modality, i.e. co-modality and its promotion, considering that these are key elements of a sustainable, eco-efficient, well performing, accessible and integrated transport system;
4. ENCOURAGES the Commission to further promote one fully integrated multimodal transport system, particularly through the revision of the TEN-T policy, the Marco Polo programme and the Naiades Action Programme, and if appropriate other Community policies, which have a positive impact on the transport system, while taking into account the need to mitigate the present regional differences within the EU, the needs of the Member States at the periphery of the EU, as well as the major transnational traffic flows;
5. RECOGNIZES the opportunity of smart logistical chains in contributing to a sustainable transport system;
6. REITERATES that the aim of the TEN-T policy should remain the cohesion and sustainable economic integration of the European Union and RECOGNISES that TEN-T can provide the grounds for the introduction of new technologies and best practices;
7. CONSIDERS that the TEN-T policy should pay due attention to the timely completion of priority projects and their effective integration in the comprehensive network, nodes (ports, airports) and inter-modal connections (such as connections between rail, road, inland waterways, ports and airports), multimodal green corridors, missing infrastructure links, cross-border sections, the elimination of bottlenecks, interconnections with neighbouring countries and regions and building on the extension of existing corridors;
8. RECOGNISES that proper funding mechanisms, coming from Community and other sources, should be considered important in order to ensure an effective implementation of transport infrastructure projects;

9. SUPPORTS the general principle of internalisation and implementation of external costs in all modes of transport, taking into account, inter alia, the need to ensure a level playing field between different modes, whilst taking into consideration the specificities of Member States and of each mode of transport as well as the different possible policy measures and their environmental and economic effects;
10. ACKNOWLEDGES the need to break the transport sector's fossil fuel dependence and reduce the emissions of greenhouse gases inter alia through the introduction of innovative and energy efficient technologies for vehicles and traffic management tools and SUPPORTS a comprehensive approach which includes a variety of measures such as alternative drive concepts, alternative fuels, electric mobility and its relevant infrastructure, and a transition to renewable energy sources; including source-oriented measures such as CO2 standards, while taking into account the specificities of each mode of transport;
11. ENCOURAGES measures to facilitate mobility and improve accessibility, to reduce emissions and congestion and to promote the competitiveness of European Union through the further development and widespread deployment of traffic management tools and intelligent transport systems in all modes of transport where these are the most effective solutions;
12. ENCOURAGES the continued development of a fair and balanced regulatory environment aimed at the completion of an internal transport market, properly regulated and without restrictions, that will allow the EU's businesses to prosper and the EU's citizens to move seamlessly and efficiently throughout Europe, exploiting the potential of competitive transport services across all modes;
13. RECOGNISES the need to promote changes in individual behaviour, inter alia, through communication or awareness campaigns, in order to meet environmental challenges and improve safety in all modes of transport and INVITES the Commission to present the Fourth Action Programme on road safety (2011-2020) and, in this context, ACKNOWLEDGES the need to further enhance cooperation and coordination between European Agencies and national competent authorities;
14. CONSIDERS that the safety and security of transport users and workers should remain a priority and FINDS that the rights and needs of transport users should be assessed and taken into account;

15. CONSIDERS that the promotion of quality employment and training in the transport sector needs to be enhanced;
16. ACKNOWLEDGES the need to promote coordinated actions aimed at supporting local, regional and national authorities in developing sustainable urban policies , while respecting the principle of subsidiarity;
17. RECOGNISES the need for enhanced international cooperation in the field of transport policy in general, and in particular with neighbouring countries, in order to advance Europe's interests in the global context;
18. CALLS upon the Commission to ensure proper implementation of the Community acquis and existing projects and to adopt where necessary additional measures and; STRESSES the importance of developing more flexible legislative and non-legislative instruments, respecting the principles of subsidiarity, transparency and better regulation, whilst aiming at reducing administrative burdens;
19. UNDERLINES that the future European transport policy should be prepared in dialogue and in cooperation with all relevant actors and with other relevant policy areas, also benefiting from developments in transport research;
20. LOOKS forward to the Commission's reports on the outcome of the consultation process and INVITES the Commission to take note of Member States' further reflection and to inform the Council about the developments in the preparation process for the forthcoming White Paper which is expected by the end of 2010 / beginning of 2011."

AVIATION

Aviation security charges

The Council took note of a progress report on a proposal for a directive establishing common principles for the levying of security charges at EU airports ([17393/09](#)).

The Council preparatory bodies dealing with this issue were able to resolve many technical difficulties resulting from the different charging and regulatory systems in place in individual member states. The key issue where positions still differ is the **scope** of the proposed legislation. Under the original Commission proposal, the directive would apply to all EU airports. At the current stage of discussions, the presidency proposes that all commercial EU airports with annual traffic of over five million passenger movements should be covered. A broad majority could support this. A number of delegations, however, would prefer to include all commercial airports or to lower the threshold for passenger movements, whereas the member states sticking to the threshold of five million passengers fear that this might entail a major administrative burden.

The Council invited its preparatory bodies to pursue discussion of the issue.

The purpose of the proposed legislation is to ensure that security charges are set and levied in a non-discriminatory and transparent way throughout the Union, but not to fix the level of those charges nor to determine the methods for financing security measures, which will remain the responsibility of each member state. The new framework should allow air carriers to know on what basis charges are calculated and to enter into a dialogue with the bodies setting or applying them.

To this end, the text provides for regular **consultations** between air carriers and the body responsible for charges. Moreover, it contains **transparency** rules designed to ensure that carriers, on the one hand, obtain information on the methodology, components and structure of the charges and, on the other hand, give information on their transport projects and requirements to the responsible body so that these factors can be taken into account.

In addition, member states which introduce more stringent aviation security measures than the common standards and as a consequence propose a modification of security charges would be required to undertake an **impact assessment** showing the effects of the costs of those measures on the level of charges.

Furthermore, the proposed directive would establish the principle of **cost-relatedness**, meaning that security charges levied must not exceed security costs.

Each member state should have an independent **supervisory authority** to ensure correct implementation of the measures taken to comply with the directive; this authority would also have to develop procedures for resolving disagreements between carriers and the responsible bodies.

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. The European Parliament started its examination of the proposal this autumn.

Cooperation agreement with the ICAO

The Council authorised the Commission to open negotiations on a memorandum of cooperation with the International Civil Aviation Organisation (ICAO), providing a general framework for enhanced cooperation.

The development of mutual cooperation between the EU and ICAO would ensure that EU interests are taken into consideration as much as possible within ICAO. On the other hand, it would allow ICAO and its contracting parties to better benefit from developments in the EU in the field of aviation.

The agreement could potentially cover all aspects of EU aviation-related legislation and policies in fields such as aviation safety, aviation security, air traffic management and environmental protection. It might, for example, provide for systematic exchange of information, technical support and cooperation with regard to regulatory developments in all those fields.

The Commission submitted its recommendation for a decision to authorise such negotiations in June 2009.

Second-stage air services negotiations with the United States

The Council was briefed by the Commission on the progress of the second-stage air services negotiations provided for in the EU-US "Open Skies" agreement, which was signed in 2007 and entered into provisional application in March 2008.

While the 2007 agreement established a framework for regulatory cooperation with the US and brought new commercial freedoms for airline operators, it did not fully open access to the US domestic market. It therefore included a roadmap for second-stage negotiations, which were initiated in May 2008. The aim is to reach a second-stage transport agreement in 2010, in accordance with the EU-US summit declaration of last November. The Council reaffirmed the importance it attaches to that aim.

Reviewing the state of play, the Council welcomed the significant progress already made, in particular on enhanced regulatory cooperation with the US as regards aviation security issues, facilitation and the role of the Joint Committee established by the agreement.

Concerning the main outstanding issues, the Council underlined the importance of opening further transatlantic investment opportunities for the airline industry and of establishing well-balanced traffic rights. Moreover, the Council stressed the importance of the negotiations for further deepening cooperation on environmental matters and addressing the social dimension of the agreement.

The next rounds of negotiations are scheduled for January and February 2010.

SHIPPING

Reporting formalities for ships

The Council reached a general approach, pending the European Parliament's position at first reading, on a draft directive on the reporting formalities to be fulfilled by ships arriving in or departing from EU ports in maritime transport (*17693/09*). The proposed legislation is to replace directive 2002/6/EC on the same subject.

The draft directive is designed to simplify and harmonise administrative procedures, in particular by generalising electronic data transmission for complying with reporting formalities. The information received is to be transmitted through the Union's maritime data exchange system SafeSeaNet; however member states may exclude information for customs and border control purposes from such transmission. The use of the paper format for reporting will be phased out.

This focus on electronic data transmission was agreed during discussions in the Council working party, since the broader approach originally proposed by the Commission was found lacking in clarity. However, the draft directive as it stands also contains a more general provision in favour of further harmonisation of reporting formalities on national and EU level.

As the directive does not create new reporting formalities, ships currently exempted from such obligations will remain outside its scope. Moreover, countries without any sea port will not be required to transpose the directive in respect of ports.

The proposal is among a number of measures announced by the Commission in a communication in January 2009 ([5775/09](#)) with a view to creating a European maritime transport area without barriers.

The Commission presented its proposal in January 2009 ([5789/09](#)). The adoption of the draft directive is subject to the ordinary legislative procedure under the Lisbon treaty (that is, co-decision procedure with the European Parliament). The Parliament started its examination of the text this autumn.

TELECOMMUNICATIONS

Post - i2010 strategy - *Council conclusions*

The Council held a policy debate on the future of the i2010 strategy, in order to give guidance to the Commission in drawing up a new digital agenda.

In particular, ministers set out their views regarding the priorities for a post-i2010 strategy which will aim to ensure growth, job creation and a sustainable EU, and ways to get citizens more involved in policy-making through the Internet and other social media. This new agenda is to be proposed by the new Commission in spring 2010 and debated under the Spanish presidency.

The Council adopted conclusions which list items that should be addressed in the new digital agenda for Europe ([17107/09](#)).

The conclusions underline inter alia:

- the importance of fostering the open, decentralised and dynamic nature of the Internet, promoting its further expansion,
- the importance of developing electronic identification arrangements that guarantee data protection and respect citizens' privacy,
- accessibility for everyone is key to achieving an inclusive, empowering, knowledge-based society.

The digital dividend - *Council conclusions*

The Council adopted conclusions on transforming the digital dividend into social benefits and economic growth ([17113/09](#)).

The digital dividend is the result of the switchover from analogue to digital terrestrial television in Europe, which is expected to be finalised by the member states between now and the end of 2012. The purpose of the Council conclusions is to achieve a certain level of technical and political coordination among the member states with a view to the digital dividend in the 800 MHz band.

The conclusions, in particular:

- highlight the fact that radio spectrum is a scarce resource that needs to be used efficiently,
- stress the importance of the digital dividend in helping to provide high-speed broadband services in rural areas,
- invite the member states to contribute to the development of a common EU approach towards spectrum coordination issues with third countries.

Network and Information Security

The Council adopted a resolution on a collaborative European approach on network and information security ([15841/09](#)).

The resolution responds to the Commission's communication on this subject ([8375/09](#))¹, whose objective is to develop an EU policy on the protection of critical information infrastructure.

¹ see press release 10850/09 of 11-12 June 2009

The resolution gives guidance for the future and in particular,

- notes that security incidents risk undermining user confidence in technology, networks and services,
- underlines that a high level of NIS in the EU is needed in order to support the freedoms and rights of citizens, including the right to privacy,
- recognises the need for increased awareness and tools for risk management for all stakeholders.

OTHER BUSINESS

TRANSPORT

Integrated Maritime Policy, including Integration of Maritime Surveillance

The presidency briefed the Council on the activities concerning Integrated Maritime Policy, including Integration of Maritime Surveillance, conducted during the last six months. It highlighted in particular a Presidency report on the integration of maritime surveillance ([15474/1/09](#)) and Council conclusions on the Integrated Maritime Policy ([15175/1/09](#)), adopted in November and submitted to the December European Council

Revised Annex VI to the MARPOL Convention - monitoring of developments and implications

The Council took note of information provided by the Finnish delegation ([17614/09](#)) regarding the consequences of the entry into force of the revised annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL). The revised annex will introduce stricter requirements on the sulphur content of fuel oil used in shipping. The Finnish delegation expressed concerns about the increased costs the new rules are likely to entail for Finnish industry because of its dependence on maritime transport.

The transport sector in Europe

The Council took note of a brief overview given by the Commission of the impact of the economic crisis on the European transport sector, in particular on employment, and of actions underway or to be taken to help the transport sector overcome the current difficulties.

Outcome of the ministerial conference "TEN-T Days 2009"

The Council was briefed by the Italian delegation and the Commission on the outcome of the annual ministerial conference on trans-European transport networks, held in Naples on 21 and 22 October and attended by 46 countries ("TEN-T Days 2009"). The conference examined the implementation of priority projects and reflected on the TEN-T policy framework for the future. It also addressed the external dimension of Europe's transport networks, underlining the importance of further developing links with neighbouring regions in Europe as well as with the continent of Africa.

Next year's TEN-T conference will take place in Zaragoza (Spain) in June.

Road safety: providing sufficient resources and improving vehicle and infrastructure quality

The Council took note of information provided by the Italian delegation on its proposal to establish a Road Safety Fund. Italy made this proposal at the Global Ministerial Conference on road safety held on 19 and 20 November 2009 in Moscow. The fund, to which the EU countries and insurance companies should contribute, would serve to finance initiatives designed to improve road safety.

State of play of the Galileo full operational capability procurement process

The Commission presented the Council updated information on the state of play as regards the procurement process for the full operational capability of the Galileo project. The procurement process is one of the essential elements of regulation 683/2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo).

Agreement on the establishment of a Danish-Swedish Functional Airspace Block

The Council was informed by the presidency that Sweden and Denmark had signed an agreement on the establishment of a Danish-Swedish Functional Airspace Block, creating a single airspace covering the two countries. The regional division of European airspace by establishing functional airspace blocks is a requirement contained in the "Single Sky II" package and has to be achieved throughout the Union by the end of 2013.

Work programme of the incoming Presidency

The Spanish delegation informed the Council about the work programme of the incoming Spanish presidency in the transport sector, which will focus on three key priorities: sustainability, innovation and safety.

TELECOMMUNICATIONS

Internet governance

The presidency briefed delegations on recent activities concerning Internet governance under the Swedish Presidency.

Two main events have marked the discussions this autumn, namely the new "affirmation of commitment" between the US Department of Commerce and the Internet Corporation for Assigned Names and Numbers (ICANN), which came into force on 1 October, and the 4th meeting on the Internet Governance Forum (IGF) in Egypt in November.

Presidency work programme

The Council heard a concise presentation by the Spanish delegation of the major outlines of a work programme in the field of telecommunications to be undertaken during its term of office, from January to June 2010.

IN THE MARGINS OF THE COUNCIL:

*In the margins of the Council, other information relating to **Telecommunications** :*

The following "telecommunications package" acts were published in the Official Journal of 18 December 2009, L 337, Volume 52 :

- Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (page 1),
- Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (page 11),
- Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (page 37).

OTHER ITEMS APPROVED

TRANSPORT

Guidelines for the development of the trans-European transport network

The Council adopted a general approach, pending the European Parliament's opinion, regarding a recast of a decision on guidelines for the development of the trans-European transport network, originally adopted in 1996. The recast ([16009/09 + Addenda 1 to 5](#) *) includes the various amendments made to the decision over time and incorporates new amendments necessary to take account of the enlargement of the EU to 27 member states.

The guidelines constitute a general reference framework for projects of common interest which contribute to the development of the trans-European transport network. The objective is to establish the network gradually by 2020, by integrating land, sea and air transport infrastructure networks throughout the Union.

EXTERNAL RELATIONS

EU-Moldova Cooperation Council

The Council approved draft documents with regard to the eleventh meeting of the EU-Moldova Cooperation Council to be held in Brussels on 21 December 2009. These documents include a provisional agenda for the meeting, a provisional annotated agenda and a draft joint statement.

ENVIRONMENT**Shipments of waste - committee procedure with scrutiny**

The Council decided not to oppose the adoption of a Commission regulation aimed at taking into account changes adopted by the Organisation for Economic Co-operation and Development (OECD) in the wording of the list of waste included in the regulation 1013/2006 on shipments of waste.

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality if the regulatory committee previously supported the measures envisaged.

DEVELOPMENT**Member states' contributions to the European Development Fund 2011**

The Council adopted a decision establishing the ceiling on the financial contributions to be paid by the member states to finance the European Development Fund (EDF) in 2011 ([16421/09](#)).

INTERNAL MARKET**Type-approval of motor vehicles - Non-road mobile machinery - Committee procedure**

The Council decided not to oppose the adoption by the Commission of:

- a regulation replacing annexes V, X, XV and XVI to directive 2007/46/EC establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ("Framework Directive");

- a directive amending, for the purposes of adaptation to technical progress in the field of spray-suppression systems of certain categories of motor vehicles and their trailers, directives 91/226/EEC and 2007/46/EC; and
- a directive amending directive 97/68/EC on emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery.

Under the regulatory procedure with scrutiny, the Council may oppose the Commission's adoption of an act on the grounds that it exceeds the implementing powers provided for in the basic instrument, or it is not compatible with the aim or the content of the basic instrument, or does not respect the principles of subsidiarity or proportionality.

TRADE POLICY

Anti-dumping - Solutions of urea and ammonium nitrate - Chamois leather

The Council adopted two regulations:

- amending regulation 1911/2006 imposing a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate originating, inter alia, in Russia ([16609/09](#)), and
- concluding the 'new exporter' review of regulation 1338/2006 imposing a definitive anti-dumping duty on imports of chamois leather originating in China, levying retroactively and imposing an anti-dumping duty with regard to imports from one exporter in this country and terminating the registration of these imports (16915/09).