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THE EUROPEAN UNION**



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3017th Council meeting

Transport, Telecommunications and Energy (Telecommunications and Energy items)

Brussels, 31 May 2010

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Main results of the Council

On telecommunications,

the Council took note of the presentation by the Commission of a communication on "A digital agenda for Europe", on which it adopted conclusions.

In the same context, it held an exchange of views on a "European Code of rights of users of electronic communications services".

In the margins of the Council, the Conference of the representatives of the governments of the Member States took the decision to locate the Office of BEREC in Riga, Latvia.

On energy, the Council

- took note of a progress report from the Presidency on the regulation concerning measures to safeguard security of gas supply;*
- held an exchange of views concerning the approach to setting national targets for energy efficiency, in preparation of the European Council of 17 June 2010;*
- adopted conclusions on the forthcoming Energy Strategy for Europe 2011-2020 and took note of a report from the Commission on the implementation of Trans-European energy network in the period 2007-2009;*
- was briefed by the Presidency and the Commission on recent developments regarding international relations in the field of energy.*

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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>).
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ITEMS DEBATED

TELECOMMUNICATIONS

Digital agenda for Europe

– *Council conclusions*

The Council took note of a presentation by commissioner Neelie Kroes of the Commission's communication "A digital agenda for Europe"([9981/10](#)), on which it adopted conclusions that can be found in document ([10130/10](#)).

Ministers welcomed the "digital agenda", endorsing the seven main areas for action identified in it and emphasising the importance of digital technologies for employment and economic growth.

Several delegations highlighted support for the development of a digital single market with fast internet and interoperable applications, as well as the environmental added value of the agenda.

The digital agenda for Europe is the first of the seven flagship initiatives of the Europe 2020 strategy for jobs and growth. Concrete proposals still have to follow as the Commission will report annually on the implementation of the agenda.

The conclusions acknowledge the importance of the "digital agenda" in economic, social and cultural contexts.

They endorse the establishment of an ambitious action agenda for instance to :

- create a fully functioning digital Single Market to the benefit of European businesses, in particular SMEs, and European consumers and
- take coordinated measures on network and information security in order to increase trust and confidence in cyberspace.

– *"European Code of rights of users of electronic communications services"*¹

The Council held an exchange of views on a "European Code of rights of users of electronic communications services".

It reached a broad consensus about a codification of existing EU legislation on online rights.

The aim is to have at EU level a simple, user-friendly tool bringing together all the rights of users of electronic communications services in the areas of ICT (Information and Communications Technology) and consumer protection. By being better informed, citizens can better exercise their rights and benefit from the procedures provided by member states for redress and dispute resolution.

Moreover, the Commission proposal for a "digital agenda" indicates the Commission's intention to issue a code of EU online rights by 2012 that summarises existing digital user rights in the EU in a clear and accessible way.

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ENERGY

Regulation concerning measures to safeguard security of gas supply

In public deliberation, the Presidency informed the Council of progress achieved on this proposal ([9817/10](#)) which was presented by the Commission in July 2009 ([11892/09](#)), in response to the call by the European Council and the European Parliament for an accelerated revision of the existing directive to take into account the new developments in the Union's internal gas market and to prevent new crises in the sector. The Council has been working steadily on the proposal which constitutes one of the main priorities of the Spanish presidency. Negotiations with the EP are already underway and the Presidency expects to reach a first-reading agreement during this six-month period.

The aim of the regulation is to establish measures for safeguarding the security of gas supply by ensuring the proper and continuous functioning of the internal gas market and by providing a clear definition and allocation of responsibilities, as well as an efficient coordination of response at the level of the member states and the Union regarding both preventive action and the response to specific disruptions of supply.

In general, ministers agreed that priority should be given to market based measures - *inter alia*, production and import flexibility, fuel switch, increased use of renewable energy sources - for as long as possible when coping with disruptions, and that one of the requirements for completing the internal market for gas, as well as for complying with the so-called N-1 rule was investing in infrastructures, in particular interconnections, equipment allowing physical bidirectional flows on pipelines, storage capacities, etc.

Regarding the supply standard, some member states favoured a narrower definition of "protected customers", while others considered that this should be understood as a minimum standard, allowing member states to go beyond the minimum requirements set out in the regulation under certain specific conditions.

Ministers also underlined the importance of regional cooperation as a valuable element of the solidarity among member states which is acknowledged and encouraged in the regulation although its modalities will remain voluntary and will have to be implemented in a flexible way.

Several ministers also called for a clearer definition of the roles of member states- notably through their competent authorities- and of the Commission concerning actions to be taken in case of a Union or regional emergency.

Most member states underlined that the Union's dependence on imported energy is a significant additional risk for its security of energy supply and that relations with third countries were of particular relevance in the context of the necessary diversification of sources of supply and routes.

National energy efficiency targets

In preparation for the European Council of 17 June 2010, ministers held an exchange of views concerning the approach to setting national targets for energy efficiency, on the basis of a note from the Presidency ([9767/10](#) + [COR 1](#)) and taking into account the outcome of the bilateral dialogues of the Commission with member states on this issue, as presented by Commissioner Oettinger.

The Commission recalled that it had been invited by the March European Council to monitor the consistency of national targets with the European headline target of 20% increase in energy efficiency, using a common approach. The aim of its current stocktaking exercise is to obtain a clear overall picture of the ongoing and/or already planned national measures designed to attain the 20% indicative target for energy savings by 2020, in order to establish a methodology for defining those targets and how to compare them with the EU target.

Most ministers stressed the fact that national targets will have to be indicative reflecting the individual needs and specific situations of the member states, and that member states should choose the calculation method which they find most appropriate, especially since several of them have already established plans and are implementing measures for reaching the 20% energy efficiency goal.

One of the main issues discussed during the bilateral contacts was the use for calculations at the EU level of "primary energy savings" (derived from "primary energy consumption", which includes the generation and transport of energy), as favoured by the Commission, versus "final energy savings" (derived from "final energy consumption", which is the amount consumed by end users), preferred by several member states.

Concluding, the Commission indicated that it would launch a study on how best to set targets on energy efficiency and that it expects member states to provide information on their energy efficiency targets/programmes in due course. The Presidency will report on this matter to the General Affairs Council which will prepare the June European Council.

Energy strategy for Europe 2011-2020 - *Council conclusions*

Ministers held an exchange of views on the forthcoming Energy Strategy for Europe 2011-2020, as a first contribution to the consultation process that was launched by the Commission- prior to its presentation of the new strategy. The strategy is expected to be endorsed by the European Council in March 2011.

Following an assessment of what has been achieved over recent years in the energy sector, the Commission identified a series of shortcomings/gaps that need to be addressed within the framework of the following five policy areas, in addition to better implementation of agreed policies:

- Modern integrated grids
- Making progress towards a low-carbon energy system
- Achieving leadership in technological innovation
- Strong and coordinated external energy policy
- Protecting EU citizens.

Most ministers agreed on the key role of the energy policy in the framework of the Europe 2020 strategy ¹ and underlined that a balance must be found between sustainable energy goals and economic growth. Several ministers considered that the EU should look beyond 2020 and in this context welcomed the Commission's forthcoming decarbonisation roadmap for 2050.

A significant number of member states also called for the swift implementation of the Industrial Initiatives projects under the SET-Plan (European Strategic Energy Technology Plan) ([6688/10](#)). Several ministers expressed concern that the implementation of these and other projects and initiatives could imply additional administrative burdens for member states.

Several ministers again stressed the importance of the external dimension of the EU's energy policy and called for progress in the development of interconnections.

¹ "Europe 2020: a strategy for smart, sustainable and inclusive growth"([7110/10](#)).

By way of preparation for the future Energy Action Plan, the Council also adopted conclusions ([9744/10](#)) on principles underlying the future EU energy strategy and on certain procedural steps leading up to its endorsement.

Furthermore, Ministers took note of a report from the Commission on the implementation of **Trans-European energy networks** in the period 2007-2009 ([9354/10](#)), considering its relevance to the Commission's future Energy Action Plan. The EU policy on TEN-E projects was launched in 1996 and the current objectives of the TEN-E framework are to:

- support completion of the internal energy market;
- reduce isolation of less-favoured and island regions;
- secure and diversify energy supplies, including through cooperation with third countries;
- contribute to sustainable development and environmental protection.

This analysis and its conclusions prepare the ground for the upcoming proposal for a new EU Energy Security and Infrastructure Instrument (as requested by the March 2009 European Council and as anticipated in the Second Strategic Energy Review ¹) and the Green Paper on energy networks.

See also:

- Council conclusions on Energy Security ([5215/09](#));
- Council conclusions on the Second Strategic Energy Review ([5964/09](#));
- Green Paper: Towards a secure, sustainable and competitive European energy network ([15927/08](#)).

¹ 6692/09

International relations in the field of energy

Ministers were informed by the Presidency and the Commission of recent developments regarding international relations in the field of energy.

EU-US Energy Council

The EU-US Energy Council, established at the EU-US Summit on 3 November 2009, met for the first time on 4 November 2009. Since then, work has focused on the establishment of its three Working Groups and their priorities. All working groups have already held their first meeting and the main items in discussion are the following:

- global energy security and global market: Southern Corridor/Trans-Caspian and global energy markets, among others;
- energy policies: biofuel sustainability, nuclear safety, energy efficiency, carbon capture and storage (CCS) and smart grids/electric vehicles;
- energy technology, R& D: such as, solar power, biofuels, smart grids, energy-efficient buildings.

EU-OPEC

The seventh meeting of the EU-OPEC Energy Dialogue is scheduled for 28 June 2010 in Brussels. Recent energy policies, oil market developments and long-term energy developments will be discussed.

12th International Energy Forum (IEF), Cancún (Mexico)

This meeting took place on 29-31 March 2010, and was hosted by Mexico, with Germany and Kuwait co-hosting. Sixty three countries were represented at ministerial level, and a ministerial declaration was approved. (www.ief.org/)

The main result of the meeting is that a High-Level Steering Group was established and given the task of drafting the IEF Charter. The Forum also identified areas for cooperation with the International Energy Agency (IEA) and OPEC. The IEF Charter is expected to be approved by Ministers convening in Riyadh (Saudi Arabia) before March 2011. The 13th IEF will take place in Kuwait in 2012.

Euromed - Union for the Mediterranean

Preparations are underway for the sixth Euro-Mediterranean Ministerial meeting on energy and renewable energy which could take place after the summer. The main items on the agenda are the Mediterranean Solar Plan, the Euro-Med Energy Strategy and Energy Cooperation, and the sustainable development of the energy sector. A ministerial declaration and a Strategy Paper on the Mediterranean Solar Plan are expected to be approved during the meeting.

Russia/Ukraine

The relations between these two countries have significantly improved. Furthermore, Ukraine continues to take part in the work of the Energy Security Platform of the Eastern Partnership¹, which held its third meeting on 20 May, addressing security of supply and energy efficiency in buildings.

Energy Community²

The Republic of Moldova became a full member as of 1 May 2010 while Ukraine's full accession is linked to the adoption of a law on the gas sector. The next ministerial Council is scheduled for 24 September 2010 in Skopje, under the presidency of the former Yugoslav Republic of Macedonia.

¹ Eastern dimension of the European Neighbourhood Policy (EU-27 + Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine).

² A treaty aimed at establishing a fully integrated electricity and gas market among the countries of South Eastern Europe (Albania, Bosnia- Herzegovina, Bulgaria, Croatia, Greece, FYROM, Romania, Serbia-Montenegro).

OTHER BUSINESS

TELECOMMUNICATIONS

Universal Service - Outcome of the public consultation

The Commission informed the Council on the first results of the consultation ([10244/10](#)) about the future of the universal service. The main potential policy options for further examination that resulted from the consultation are following:

- Phasing out the current sector-specific universal service provisions at EU level;
- Providing clarity and legal certainty within the current EU legislative provisions on universal service, in particular regarding national flexibility on internet / broadband access; and
- Amending the EU legislative provisions on universal service in order to contribute meeting the universal coverage objective of "broadband for all".

Progress Report on the Single European Electronic Communications Market 2009

The Commission presented its annual progress report on the single European electronic communications market ([10245/10](#)), outlining market and regulatory developments in the EU's electronic communications sector in 2009.

Europe's Digital Competitiveness Report

The Commission presented the annual benchmarking report analysing recent developments in the ICT field and identifying areas where further action is needed, as the Commission has proposed in its digital agenda for Europe ([9857/10](#)).

Ministerial meeting EU-Latin America and Caribbean Countries

The Presidency informed delegations about the ministerial meeting on "digital content for a digital society", which took place from 14-16 March 2010, in La Granja de San Ildefonso (Spain). The Forum took stock of the public policies implemented in the last few years and debated the needs and priorities of future digital agendas that may contribute to reducing the digital gap and promoting economic growth, taking into account the characteristics of each region. The main conclusions of the Forum were agreed in a Declaration ([10036/10](#)).

ENERGY

Proposal for a Regulation regarding a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy

Report from the Commission to the Council and the European Parliament on the implementation of the European Energy Programme for Recovery

The European Energy Programme for Recovery (EEPR) forms part of the European Economic Recovery Plan, adopted in November 2008 as a response to the economic and financial crisis in Europe. This report is an obligation under the current regulation (art. 28), which lays down that the Commission is to monitor and present an annual report on its implementation.

The original Regulation 663/2009¹ granted € 3.98 billion for gas and electricity infrastructure projects, offshore wind electricity projects, and carbon capture and storage (CCS) projects. In its report the Commission estimates that around € 114 million will not be committed. The Commission therefore proposes to use these funds for the creation of a dedicated financial instrument to support energy efficiency and renewable energy initiatives, especially in urban settings within the Sustainable Energy Financing Initiative, as announced in the Second Strategic Energy Review. The proposed instrument is limited to the financing of measures that have a rapid, measurable and substantial impact on economic recovery within the EU, increase energy security and reduce greenhouse gas emissions.

¹ (OJ L 200, 31.7.2009)

Signature of a Memorandum of Understanding between the Republic of Turkey and the Hellenic Republic on cooperation in the field of energy

The Council was informed of the above by the Greek delegation.

Baltic Energy Market interconnection plan (BEMIP)

The Commission briefed the Council on progress concerning the plan's implementation. The BEMIP is an action plan on energy interconnections and market improvement in the Baltic Sea Region which was launched in June 2009 and is aimed at connecting Finland, Estonia, Latvia and Lithuania (the so-called "energy islands") to the EU internal market.

Oil spill in Mexico

The tragic accident that occurred on a drilling platform in the Gulf of Mexico highlighted the risks associated with off-shore oil and gas operations. Europe, including Norway, is producing about 200 million tonnes of crude oil a year, most of it coming from the North Sea. The EU must also deal with the possibility of an accident near its shores. Although there are specific bodies and mechanisms in the EU which can quickly respond to a possible accident, it is important to underline that no regulatory regime in itself can give a 100% guarantee of safety.

In this context, Commissioner Oettinger, with the participation of Commissioner Georgieva, held a high-level meeting with the largest operators active in European waters on 11 May. In this meeting the industry was asked to make a commitment that all possible efforts are made to avoid a similar accident near EU shores. A second meeting is scheduled for July.

WORK PROGRAMME OF THE INCOMING PRESIDENCY

The Council heard a concise presentation by the Belgian delegation of the major outlines of a work programme in the field of telecommunications to be undertaken during its term, from July to December 2010.

The incoming Presidency also outlined its main priorities in the field of energy:

- Energy Strategy
- Infrastructure package
- Decarbonisation roadmap
- Consumer protection
- Energy efficiency.

MEETINGS IN THE MARGINS OF THE COUNCIL

In the margins of the Council, the Presidency convened the Conference of the representatives of the governments of the member states which took the decision to locate the seat of the Office of BEREC (Body of European Regulators for Electronic Communications) in Riga, Latvia.

OTHER ITEMS APPROVED

TRANSPORT

Transportable pressure equipment*

The Council adopted a directive (*PE-CONS [14/10](#) + [9574/10](#) ADD 1*) updating and streamlining the provisions of a 1999 directive on transportable pressure equipment, aimed at enhancing transport safety for such equipment and ensuring its free movement in a single transport market.

This revision eliminates conflicting rules and simplifies the regulatory framework, especially as regards conformity assessment procedures, without substantially modifying the scope or measures provided for by the 1999 directive. As a consequence of the revision, several directives relating to pressure equipment are repealed.

The text contains rules on the obligations of the different economic operators, the conformity of the equipment, and inspection and monitoring bodies and their mutual recognition.

GENERAL AFFAIRS

Pre-accession assistance for Iceland

The Council adopted a regulation including Iceland in the list of eligible countries for EU pre-accession assistance ([12/10](#)). EU pre-accession assistance provides for assistance to candidate and potential candidate countries in their progressive alignment with standards and policies of the European Union with a view to membership.

Following Iceland's application for membership of the European Union on 16 July 2009, the Council invited the Commission to submit to the Council its opinion on Iceland's application. The Commission submitted its opinion on 24 February 2010. The Council is studying the issue in order to decide whether to grant candidate status to Iceland and to open accession negotiations.

FOREIGN AFFAIRS**Relations with the Gulf States**

The Council took note of preparations in view of the 20th EU-Gulf Cooperation Council joint ministerial meeting, to take place in Luxembourg on 14 June 2010.

EU-Montenegro Stabilisation and Association Council

The Council took note of the preparations for the first meeting of the EU-Montenegro Stabilisation and Association Council, to take place in Luxembourg on 14 June 2010.

This will be the first meeting of the EU-Montenegro Stabilisation and Association Council after the entry into force of the Stabilisation and Association Agreement on 1 May 2010. The agreement provides the contractual framework within which the EU and Montenegro will intensify their co-operation and take stock of developments in their relationship.

FISHERIES**EU-Seychelles agreement - Renewal of protocol**

The Council adopted a decision authorising the Commission to open negotiations for the renewal of the existing protocol to the Fisheries Partnership Agreements with Seychelles which will expire on 17 January 2011.

TRANSPARENCY**Transparency - public access to documents**

The Council adopted the reply to confirmatory application No 13/c/01/10, the Danish, Finnish and Swedish delegations voting against (*doc.* [8498/10](#)).
