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3350th Council meeting

Transport, Telecommunications and Energy

Brussels, 27 November 2014

President **Antonello Giacomelli**
Italian Undersecretary in charge of telecommunications

P R E S S

Main results of the Council

Telecommunications single market

Ministers discussed a proposal to amend the EU telecommunications regulatory framework ("Connected Continent"). The debate included principles for addressing roaming charges and net neutrality, without creating obstacles to innovation and investment.

Internet governance

The Council adopted conclusions on Internet governance. The European Union supports a multi-stakeholder approach, underpinned by human rights and democratic values.

Antonello Giacomelli, the Italian Undersecretary in charge of telecommunications who chaired the meeting, said: "The informal TTE-Telecom ministers' meeting in Milan set us on the path to the important result we achieved today: the European Union will participate in a unified way and as a key player in the process of constructing a new form of Internet governance, by opening a dialogue initially with the United States".

Network and information security

The presidency briefed ministers on progress on a proposal to improve network and information security ('NIS'). The Council is currently negotiating the proposed directive with the European Parliament.

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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ITEMS DEBATED

WEB ACCESSIBILITY

The Council **took stock of progress** on a proposal to **make websites more accessible**. Under the draft directive, EU-standardised accessibility features would become mandatory for certain types of public sector bodies' websites. A report prepared by the presidency sets out the work accomplished thus far in the Council working party.

- [Web accessibility progress report for the 27 November Council](#)
- [Web accessibility: Commission proposal](#)

Better business conditions and easier web use

A harmonised set of accessibility rules will help website developers to offer their products and services across the EU without extra production costs and other difficulties resulting from different national approaches in the sector. This should improve the functioning of the internal market and contribute to growth and competitiveness.

Certain principles and techniques that make web content more usable are to be applied when creating websites. This will benefit all users, especially people with disabilities, older people and those with temporary disabilities such as a broken hand.

Moreover, it is particularly important for the public sector to make its websites more accessible so that they can extend their reach and fulfil their public tasks.

Accessibility standards

In February 2014, the European standardisation bodies adopted a European standard for assessing conformity with web accessibility requirements. This European standard EN 301/549 contains the requirements of the international Web Content Accessibility Guidelines WCAG 2.0 AA that are currently used by stakeholders worldwide. Moreover, 26 member states have developed national web accessibility policies and standards, broadly based on similar requirements.

Work in the Council

During the working party discussions, a number of changes were made to the proposal. For instance, its scope has been widened to cover all public sector websites in their entirety. On the other hand, there is no proposal to include private entities' websites.

In addition to laying down rules on accessibility, the proposal requires member states to take measures to promote and monitor the application of these rules. Mindful of red tape, the presidency text requires member states to monitor compliance with the rules periodically, instead of continuously as suggested by the Commission. Similarly, the annual reporting obligation proposed by the Commission is to be replaced by less frequent reporting.

As regards deadlines, the current compromise text suggests that once the directive has entered into force, member states will have two years in which to adopt national provisions so as to comply with the directive. The web accessibility requirements will be applicable three years from the entry into force of the directive.

Next steps

The Italian presidency intends to continue work on the proposal during the remainder of its term. Its aim is to enable the Council to start talks with the European Parliament, so that a deal could be struck under the next presidency.

- [Digital Agenda for Europe: Web accessibility](#)

TELECOMMUNICATIONS SINGLE MARKET

The Council **discussed the state of play** regarding a proposal to amend the **EU telecommunications regulatory framework** ("Connected continent").

While the original Commission proposal covered a wide range of issues - including a single EU authorisation for telecoms companies, coordination of the use of radio spectrum and harmonised rights of end-users - intensive examination of the proposal in the Council's preparatory bodies has led to a focus on two core elements: roaming and net neutrality.

The **aim** is to **address roaming charges** as soon as possible, so that **citizens** can make cheaper calls while travelling in Europe. At the same time, **operators** need clarity and legal certainty, so that they can make the necessary investments and offer up-to-date services, and price increases on national markets need to be avoided. In addition, measures are to be taken to **safeguard net neutrality**, without introducing obstacles to innovation and investment.

Council debate:

- **Roaming**
- While member states agree on the importance of addressing roaming prices as early as possible, most of them expressed the need to have more time to analyse what would be the best approach to avoid unintended side-effects.
- Many delegations pointed out that any "roam like at home" provision (application of domestic prices to international roaming) seems to first require further regulation of wholesale prices and a definition of "fair use". Reduced wholesale tariffs would help ensure that retail prices would continue to cover wholesale prices. The aim is to prevent a situation in which domestic prices would rise to make up for any losses that operators might incur on roaming services ("waterbed" effect).
- Furthermore, the Body of European Regulators, BEREC, is currently analysing possible approaches to roaming. A large number of delegations said they would prefer to wait for the BEREC report that is to be published in early December.

- *Net neutrality*
- Most member states considered that the presidency text was a good basis for further work but that more discussion was also needed on net neutrality. A large number of delegations said it was important to have open and non-discriminatory access to the Internet, but that it was likewise important to avoid curtailing innovation and investment.
- Several delegations expressed support for banning price discrimination in any rules on net neutrality.

The **presidency concluded** that more technical work was needed with a view to defining a Council position on roaming and net neutrality - issues in which the citizen has a central position. The presidency will continue to work on the proposal until the end of the year, based on the guidance given by ministers. Talks with the European Parliament would only start when the time is ripe.

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

- [Telecommunications single market proposal: "state of play" for the 27 November Council](#)
- [Digital Agenda for Europe - Connected Continent](#)
- [Current roaming regulation](#)

INTERNET GOVERNANCE

The Council adopted **conclusions on Internet governance**.

The conclusions outline Europe's role in shaping the future of Internet governance. They highlight EU support for a multi-stakeholder model for the governance of the Internet; for transition of the stewardship of the Internet Assigned Numbers Authority (IANA) functions regarding Internet domain names; and for strengthening ICANN's accountability and transparency. They also note the need to address the impact of possible conflicts of jurisdiction on data protection and geographical indications and reaffirm the EU's attachment to the same fundamental rights online as offline.

- [Council conclusions on Internet governance](#)

Background

In their joint 18-month programme from June 2014, the Italian, Latvian and Luxembourg presidencies stated that they would facilitate an active EU role in supporting a multi-stakeholder governance for the Internet, with a view to promoting its sustainability, security and development.

The Commission published its communication on Internet policy and governance in February 2014.

The topic was also discussed at the informal meeting of telecommunications ministers in Milan in September.

- [Digital Agenda for Europe: Internet governance](#)
- [Commission communication on Internet policy and governance](#)

EUROPE 2020 - PREPARATION OF THE MID-TERM REVIEW

Ministers **discussed the telecommunications aspects of the mid-term review of the Europe 2020 growth strategy**. Digital issues are of particular relevance to the strategy, as the Digital Agenda for Europe is one of the strategy's seven flagship initiatives.

Member states generally agreed that Europe 2020 had produced results but many of them said that its implementation could be made more effective. The Digital Agenda for Europe was seen positively, as it increases the visibility of digital issues at national level and in Europe. Looking at the next phase of Europe 2020, it was pointed out that the strategy should have an increased focus on measures to restore growth and create jobs.

A completed digital single market was deemed an essential element of Europe 2020. Everybody should benefit from it. Access should be secured to high-speed broadband internet in rural and remote areas too. It is crucial to develop digital skills and digital literacy for everybody; it is also important to train top ICT experts in Europe.

The digital divide ought be reduced, including within member states.

Measures should be taken to make it easier for e-businesses to expand cross-border and for electronic public services to be accessible cross-border. Barriers for small businesses should be reduced. The need for a stable and predictable regulatory environment for investment was underlined.

Suggested priority areas include *i.a.* copyright reform, e-commerce, e-health, e-invoicing, cloud, big data, consumer protection, data protection and network security.

A summary of the debate will be incorporated into an overall presidency report on the EU 2020 mid-term review, to be prepared ahead of the December European Council.

The aim of the mid-term review is to draw lessons from the first four years of the strategy and to determine its focus for the years to come. Several Council configurations are contributing to the preparation of the review. The Commission will submit proposals for the pursuit of the strategy in early 2015, to be followed by a discussion at the spring European Council.

- [Europe 2020 mid-term review debate](#) - presidency document
- [Taking stock of the Europe 2020 strategy](#) - Commission communication
- [Digital Agenda for Europe](#)

ANY OTHER BUSINESS

Network and information security

The presidency briefed ministers on the state of play of a proposal to improve network and information security (NIS). The Council is currently negotiating the terms of the proposed directive with the European Parliament, and the next trilogue meeting is planned for 9 December.

- [Network and information security proposal - presidency information](#)

Incoming presidency's work programme in the field of telecommunications

The incoming Latvian presidency presented its telecommunications work programme for the first half of 2015. The programme points out that, with the new European Parliament and Commission in place, digital issues have become even more prominent than before.

Where needed, the Latvian presidency will finalise work on the draft directive on network and information security. It intends to give due consideration to the telecommunications single market proposal. It also aims to finalise work on the proposal to improve web accessibility, and to make progress on a proposed interoperability programme (ISA2).

A Digital Assembly is to take place in Riga in June 2015 to discuss digital economy challenges in Europe.

- [Latvian presidency work programme](#)

OTHER ITEMS APPROVED

TELECOMMUNICATIONS

Domain names: .eu top level domain and registration principles

The Council decided not to oppose the adoption by the Commission of a regulation amending regulation (EU) 874/2004, which lays down public policy rules concerning the implementation and functions of the .eu top level domain and the principles governing registration (13793/14).

The new text expands the security and abuse checks around .eu domain names. It also updates the list of names per country and the countries that can register them, in order to take account of names containing characters that were not previously available, and names which can be reserved or registered. For example, following its accession to the EU, Croatia will be able to register the domain names that have been reserved for Croatia. Similarly, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as candidate countries are to reserve names, so that they can be registered later.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

JUSTICE AND HOME AFFAIRS

Application of protocol 36 to the Treaties

The Council has adopted the necessary transitional measures concerning the end of the United Kingdom's participation as from 1 December 2014 in certain pre-Lisbon EU rules in the field of police and judicial cooperation in criminal matters (the so-called "ex-third pillar measures").

The UK intends to opt back into 35 of these measures on 1 December. The Council has adopted the following transitional decisions in relation to this opting back:

- A decision maintaining the application of the 35 measures for seven days only as a safety net given the fact that the decisions by the Council and the Commission about the re-opt in by the UK in those 35 measures will be taken and published on 1 December. It also contains the steps the UK will have to follow in conducting its "business case" study on the so-called Prüm decisions, with a view to a decision on possibly re-joining these decisions in early 2016.
- A decision providing that, in the event that the UK does not re-join the Prüm measures, or does not comply with the deadlines for conducting its "business case" study, it will have to reimburse EUR 1.5 million to the EU budget which the UK received for helping to implement the measures.

Both decisions have been published in the [Official Journal of the European Union](#).

Protocol 36 to the Treaties enabled the UK to decide, by 31 May 2014, whether it would continue to be bound by the approximately 130 "ex-third pillar" measures or if it would exercise its right to opt out of them.

The UK notified the Council in July 2013 of its decision to opt-out of these measures. This means that, on 1 December 2014, these acts cease to apply to the UK.

However, Protocol 36 also stipulates that the UK may request to participate again in some of these acts. In this case, the usual conditions and procedures for the UK opt-in apply.

In practice, that means that the Council, acting unanimously, decides on the re-participation of the UK in ex-third pillar measures relating to the Schengen acquis, while the Commission decides on the UK's re-participation in the non-Schengen ex-third pillar acts.

The UK has given notice of its wish to opt back into 35 "ex-third pillar" measures, with effect from 1 December. Six of these concern the Schengen acquis. They include the chapters of the Schengen Convention on police and judicial cooperation in criminal matters and the Schengen Information System (SIS II, which is the police/justice part of the Schengen database). The remaining 29 non-Schengen measures include the European Arrest Warrant, Europol and Eurojust.

The Commission announced in the summer of 2014 that it had reached an understanding with the UK on the 29 non-Schengen-related measures the UK would seek to re-join on 1 December. The list does not include the so-called Prüm decisions on the exchange of DNA, fingerprints and vehicle registration information between member states. However, the UK announced it would undertake a "business case" study on the merits of re-joining the Prüm decisions at a later stage.

On 20 November, the Permanent Representatives Committee (Coreper) noted that a political agreement had been reached on the re-participation of the UK in the six Schengen measures. The Council is due to adopt the related legal act by written procedure closing on 1 December.

Both re-opt-in decisions (Schengen and non-Schengen) are expected to be adopted on 1 December 2014 and published together in the Official Journal on that same day.

Agreement on surrender procedure - Iceland and Norway

The Council adopted a decision on the conclusion of the Agreement of 28 June 2006 between the EU and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the member states of the EU and Iceland and Norway ([5307/10](#)).

The German delegation abstained and entered a statement in the minutes of the Council meeting ([14766/2/14 REV 2](#)).

ECONOMIC AND FINANCIAL AFFAIRS

Insurance - Solvency II

The Council decided not to object to the adoption by the Commission of a regulation supplementing directive 2009/138/EC on insurance and reinsurance (the "Solvency II" directive).

The regulation specifies more detailed requirements for insurance and reinsurance companies, for both individual undertakings and for groups. A delegated act, it can now be published and enter into force, unless the European Parliament objects.

FOOD LAW

Plastic materials in contact with food

The Council decided not to oppose the adoption of a Commission regulation on plastic materials and articles intended to come into contact with food ([15140/14](#)).

The Commission regulation is subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.
