



**Transport, Telecommunications and Energy Council
(Transport issues)
Brussels, 2 December 2019**

Chair: **Sanna Marin**, Minister for Transport and Communications of Finland

The **meeting** will **start** at 9.30.

The Council will be invited to agree its position (general approach) on a draft regulation revising **rail passengers' rights**.

The Council will also aim to agree on a general approach on a proposal to streamline permit-granting measures in order to facilitate the completion of the **trans-European transport network (TEN-T)**.

Ministers will hold a policy debate on '**digital transport services for people: the next steps for sustainable European solutions**'.

The Council will aim for a general approach on a proposal to revise EU **road-charging** rules (Eurovignette) to address issues relating to road-infrastructure financing, congestion and environmental impact.

Ministers will hold a second policy debate, on the **future of the Single European Sky**.

'Any other business' will include, among other topics, presidency information on the proposal on seasonal time changes.

To conclude the meeting, the incoming Croatian presidency will present its work programme.

Over lunch, ministers will discuss the promotion of alternative fuels.

Press conference: at the end of the meeting, +/-19.30.

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[Transport, Telecommunications and Energy Council \(Transport\) meeting page](#)

[Press conferences and public events by video streaming](#)

[Video coverage in broadcast quality \(MPEG4\) and photo gallery](#)

¹ This note has been drawn up under the responsibility of the Press Office.

Rail passenger rights

The Council will be asked to agree on its position (general approach) on a draft regulation **updating rail passengers' rights**.

The [proposal](#) revises the [current regulation](#) from 2007, which applies to both domestic and international journeys and services.

The revision aims to introduce the concept of force majeure in the provision of rail services, cut down exemptions to the rules and improve the rights of persons with disabilities and reduced mobility. It would also encourage the availability of 'through tickets', which cover successive railway services possibly operated by several companies.

The current rules as interpreted by the EU Court of Justice do not allow railway companies to be exempted from compensating passengers for delays caused by force majeure. This distinguishes rail from other transport modes and is perceived by rail companies as being discriminatory. To remedy this, the proposal introduces a force majeure clause that would apply in exceptional situations caused by severe weather conditions and natural disasters.

The proposal seeks to extend the scope of the current rules, for example regarding the possibilities for member states to exempt certain domestic services from the application of the regulation.

In addition, the proposal strengthens provisions on assistance and information for people with disabilities or with reduced mobility.

It also aims to improve enforcement of the rules in general by setting out more detailed complaint-handling procedures and deadlines.

The **presidency compromise proposal** ([14047/19](#) + [COR 1](#)) has introduced a number of changes to the Commission proposal. For example, provisions on assistance for people with disabilities and reduced mobility have been regrouped in one article to take effective account of unstaffed stations and trains without accompanying personnel, which are becoming increasingly common in member states. The presidency text has clarified which cases can constitute force majeure. It also improves legal certainty by setting out transition periods for cases where exemptions were made under the regulation in force and which may involve public service contracts with railway undertakings.

Procedure: The Commission presented the proposal in September 2017. For the regulation to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament adopted its first-reading position on 15 November 2018.

[European Commission modernises European rail passenger rights \(Commission information\)](#)

Trans-European transport network - streamlining measures

The Council will aim for a general approach on a proposal to **facilitate the completion of the trans-European transport network (TEN-T)** by simplifying and shortening the procedures for granting permits and other regulatory procedures. The proposal also aims to clarify the procedures which project promoters need to follow as regards permit granting and public procurement.

There are currently no harmonised EU provisions related to permit granting and regulatory procedures in the area of the TEN-T, and it is often difficult for promoters to anticipate when the final permit will be granted. However, corresponding provisions are applicable in the area of the trans-European network for energy (TEN-E).

The Commission proposal ([9075/18](#) + [ADD 1](#)) included an obligation for member states to set up a single competent authority (one-stop shop) which would be in charge of the overall process and act as the single entry point for project promoters and other investors. The Commission proposed setting a maximum time limit of three years for the entire permit-granting process.

The **presidency compromise proposal** ([14401/19](#)) has clarified and simplified the text and introduced a certain amount of flexibility for member states. The legal nature of the proposal has been changed from a regulation to a directive.

The draft directive would cover pre-identified sections of the TEN-T core network, instead of core network corridors.

The designated authority is primarily defined as the main point of contact for information for the project promoter.

The overall deadline for the completion of the permit-granting procedure would be four years.

Procedure: The Commission presented the proposal in May 2018 under the [third 'Europe on the move' package](#), which is designed to make European mobility safer, cleaner, more efficient and more accessible.

For the proposal to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament adopted its first-reading position on 13 February 2019.

[About TEN-T](#)

Digital transport services for people

The Council will hold a policy debate on the topic of **digital transport services for people: the next steps for sustainable European solutions**.

Decarbonising transport is a demanding challenge. At the same time, digitalisation, automation and the sharing economy offer opportunities for EU policy measures to develop passenger transport services that are not only safer and more inclusive but also cleaner and more efficient, so that they can help us reach our emissions targets.

The [new strategic agenda for 2019-2024](#) agreed by the European Council in June 2019 sets the priorities for the EU for the next five years. It stresses the need for a more integrated approach connecting all relevant policies and dimensions. Its main priorities include developing a strong and vibrant economic base and building a climate-neutral, green, fair and social Europe. Digitalised transport services can play a major role in this.

The [political guidelines of the president-elect Ursula von der Leyen](#) for the next Commission also put a strong focus on digitalisation. Digitalisation of the transport sector is essential in this context.

The Commission communication '[A Clean Planet for all. A European strategic long-term vision for a prosperous, modern, competitive and climate-neutral economy](#)', published in November 2018, emphasises that improving the efficiency of the transport system is crucial in working towards clean transport. Digitalised transport services can be a key element in this work.

In addition, digitalisation can help deliver mobility as a multimodal continuum of services, including across borders, under the concept of 'mobility as a service' (MaaS). However, as indicated in [recent studies](#) carried out for the Commission on EU-wide integrated ticketing and payment systems and on passenger rights in the multimodal context, the current legislative framework at EU level does not yet fully enable the formation of seamless, multimodal travel chains.

For the Council, the presidency has prepared a **policy debate document** ([14063/19](#)) with the following questions to structure the ministers' discussion:

- *What additional measures should the EU take to support the development of sustainable, digital transport services throughout Europe? What are the most urgent measures that we should address at EU level over the next five years?*
- *What are the main obstacles to digitalisation and to the availability and usability of data, and how can we overcome them?*

The ministers' debate will provide input for further work in this area.

Road charging ('Eurovignette')

The Council will aim to agree on a general approach on a proposal to **revise EU road charging rules** (Eurovignette directive) to address issues relating to road infrastructure financing, congestion and environmental impact by reinforcing the 'polluter pays' and 'user pays' principles.

Road charging is a national choice in the EU, and member states are free to introduce it on their territory or not.

The current Eurovignette directive lays down certain common rules to be followed by those member states that wish to levy such charges. These rules concern distance-based tolls and time-based user charges (vignettes) for heavy goods vehicles (above 3.5 tonnes) for the use of certain infrastructure. The idea is that the cost of constructing, operating and developing infrastructure can be levied through tolls and vignettes for road users.

In its proposal ([9672/17](#) + [ADD 1](#)) the Commission suggested phasing out time-based charging systems. It also proposed widening the scope of the directive to include buses and coaches, light commercial vehicles, and passenger cars.

The **presidency compromise proposal** ([14383/19](#)) suggests maintaining time-based charging as a cost-effective alternative to distance-based charging. The compromise takes into account the fact that member states differ in their geography and population density and in terms of the charging systems they already have in place.

The rules would continue to cover heavy goods vehicles, while also allowing member states to establish harmonised charging systems for private cars, as well as buses, coaches and minibuses.

As a main new feature, the presidency proposes introducing a mandatory EU-wide tool for varying infrastructure charges and user charges for heavy-duty vehicles on the basis of CO₂ emissions. This tool would be based on the recent [regulation setting CO₂ emission performance standards for new heavy-duty vehicles](#), and it would replace the variation according to the Euro emission class currently in use. The new system would contribute to the internalisation of external costs, promote the entry into the market of less emitting vehicles and help combat climate change.

Procedure: The Commission presented the proposal in May 2017 as part of the first mobility package ([Europe on the move](#)). For it to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament adopted its first-reading position on 25 October 2018.

[EU road charging](#) (background information)

Future of the Single European Sky

The Council will hold a policy debate to give guidance on the **future of the Single European Sky (SES)**. The topic will be introduced by the Director-General of Eurocontrol Eamonn Brennan.

The Commission launched the [Single European Sky \(SES\) initiative](#) in 1999 to reform the architecture of air traffic control in the EU in order to meet future capacity and safety needs. The aim of the initiative was to improve the overall performance of air traffic management and air navigation services. The key performance areas in the European air traffic management system were then, and are today, safety, capacity, cost-efficiency and the environment.

The last legislative initiative concluded within the SES framework was the SES II in 2009, which aimed for closer cross-border cooperation between member states in the form of mandatory functional airspace blocks.

After that, the Commission presented an [SES2+](#) package in 2013 in order to speed up implementation of the Single European Sky. However, there has been no movement on the SES2+ proposal since December 2014, when the Transport Council agreed on a [partial general approach](#), with the disputed question of application to Gibraltar airport remaining unsolved.

In the Transport Council in June 2019, the Commission, together with Director-General Brennan, updated ministers on the issue of airspace capacity and crisis management measures ([9129/19](#)).

In April 2019, a Wise Persons Group, set up by the Commission, published a [report on the future of the Single European Sky, with recommendations focused on four priorities](#): a more network-centric approach; digitalisation; evolving tasks, requirements and training of air traffic controllers; and simplifying the regulatory framework.

On 12 September 2019, the [Digital European Sky Conference](#) held in Brussels issued [a joint stakeholders declaration](#).

Since the creation of the SES framework, air traffic has continued to grow, which has led to even greater capacity issues and longer delays in air travel, and this trend is set to continue. Moreover, whereas aviation should reduce its CO₂ emissions in line with EU commitments in the International Civil Aviation Organisation (ICAO) and under the Paris Agreement, the inefficiencies of the European air traffic management (ATM) system result in unnecessary emissions. Constant delays force airlines into longer flight routes and holding patterns, leading to additional fuel consumption and consequently higher CO₂ emissions. Against this background, the presidency has prepared a **policy debate document** ([13782/19](#)) with the following questions to structure the ministers' discussion:

- *Would you agree that urgent action is needed to reform and re-invigorate the Single European Sky?*
- *Would you broadly agree on the vision for the future Single European Sky as put forward by the Wise Persons Group, including the four priorities mentioned above? In your view, what are the key measures needed to accelerate the necessary improvements?*
- *Would you agree that, given how much time has elapsed since the SES2+ proposal was made, the Commission should be invited to provide detailed information on where there may be a need for updates to the draft legislative text, so as to allow the Council's preparatory bodies to make adjustments, where appropriate, and to make progress on the file?*

The Council discussion will guide further work in this area.

Other business

- Current legislative proposals: directive on discontinuing seasonal changes of time
 - *Information from the presidency*
[Seasonal clock changes in the EU \(background information\)](#)
 - Third Global Ministerial Conference on Road Safety (Stockholm, 19-20 February 2020)
 - *Information from the Swedish delegation* ([14039/19](#))
 - Work programme of the incoming presidency
 - *Information from the Croatian delegation*
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