



**COUNCIL OF  
THE EUROPEAN UNION**



17068/1/10 REV 1 (en)

PRESSE 326  
PR CO 42

## **PRESS RELEASE**

3052nd Council meeting

### **Transport, Telecommunications and Energy**

Brussels, 2-3 December 2010

President	<b>Étienne SCHOUPPE</b> State Secretary for Mobility <b>Mr Paul MAGNETTE</b> Minister for Climate and Energy <b>Mr Vincent VAN QUICKENBORNE</b> Minister for Enterprise and Simplification of Belgium
-----------	---

# **P R E S S**

---

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 8914 / 6319 Fax: +32 (0)2 281 8026  
[press.office@consilium.europa.eu](mailto:press.office@consilium.europa.eu) <http://www.consilium.europa.eu/Newsroom>

17068/1/10 REV 1 (en)

## Main results of the Council

### Transport session

*The Council reached a conclusion on a political agreement on a draft directive facilitating **cross-border exchange of information** on a number of **traffic offences** that considerably jeopardise road safety. The aim is to enable a member state in which an offence has been committed with a vehicle registered in another member state to identify the holder of the vehicle so that sanctions can be enforced.*

*The Council adopted two sets of conclusions, one on **road safety** policy for the years 2011-2020, highlighting the objectives to be set and the key actions to be taken, and another on the full **integration of waterborne transport** into the EU transport and logistics chains, giving support in particular to the "Blue Belt" concept.*

*The Council discussed ongoing work on a directive establishing a **single European railway area**, which is a recast of the regulatory framework adopted in 2001 (the so-called "first railway package"), as well as on detailed rules for access to the **Public Regulated Service** (PRS) provided by the global navigation satellite system under the **Galileo** programme and designed to ensure continuity of service for sensitive applications used by governmental and other authorised bodies.*

*Ministers also welcomed a report by a high level group on strengthening **air cargo security**. The presidency asked the Commission and member states to implement the action plan attached to the report.*

**Energy session**

*In preparation for the first European Council on Energy of February 2011, ministers held a policy debate on a **new energy strategy for Europe 2011-2020**.*

*The Council adopted conclusions on **energy policy for consumers**. The conclusions follow the debate on consumer-related aspects of European energy policy at the informal energy ministers meeting of September 2010.*

*It also adopted conclusions on **safety of offshore oil and gas activities**. Building on the Commission communication on this issue, following the Deepwater Horizon drilling rig disaster in the Gulf of Mexico in April, the Council sets out a way forward for possible further action in relation to offshore exploration and production of hydrocarbons, notably to ensure highest possible safety and protection of the environment as well as provisions for liability.*

**Telecommunications session**

*The Council discussed progress on **radio spectrum policy** programme as well as on two draft regulations regarding the **European Network and Information Security Agency**.*

*The Council adopted conclusions on cross-fertilization between Europe 2020 flagship initiatives **Digital Agenda for Europe** and **Innovation Union**. The objective of the conclusions is to underline that an integrated European innovation strategy requires the setting up of a fully functioning digital single market for the benefit of European businesses, in particular SMEs and innovative start-ups, and European consumers.*

*In addition, the Council adopted conclusions on the **European Broadband Strategy**.*

## **CONTENTS<sup>1</sup>**

<b>PARTICIPANTS.....</b>	<b>6</b>
--------------------------	----------

### **ITEMS DEBATED**

LAND TRANSPORT .....	9
Cross-border exchange of information on traffic offences .....	9
Road safety policy for the years 2011 - 2020 .....	10
Establishment of a single European railway area .....	11
SHIPPING.....	12
Full integration of waterborne transport into the EU transport and logistics chains .....	12
INTERMODAL QUESTIONS .....	14
Rules for access to the Public Regulated Service offered by the Galileo navigation satellite system .....	14
AVIATION .....	16
Strengthening air cargo security .....	16
ENERGY .....	17
Energy policy for consumers .....	17
Safety of offshore oil and gas activities .....	17
New energy strategy for Europe 2011-2020 .....	18
International relations .....	21
TELECOMMUNICATIONS .....	22
First radio spectrum policy programme .....	22
European Network and Information Security Agency.....	23

<sup>1</sup>

- 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.

Cross-fertilization between Europe 2020 flagship initiatives Digital Agenda for Europe and Innovation Union .....	24
European broadband strategy .....	24
OTHER BUSINESS .....	25
European Maritime Safety Agency .....	25
Implementation of international maritime conventions by member states .....	25
Turkish restrictive measures on Cyprus, EU shipping and free trade.....	25
Aviation summit.....	26
Negotiations on a comprehensive air transport agreement with Brazil .....	26
Single European Sky: performance targets .....	26
Preserving the mobility of passengers and goods in the event of a sudden transport crisis .....	26
"Railways unify Europe" Symposium .....	27
Ministerial conference on global environment and energy in transport (MEET 2).....	27
European Energy Programme for Recovery .....	27
Green Energy Development Initiative .....	27
South East European Energy Conference: Energy without frontiers - from national to regional approach.....	28
Sustainability criteria for biomass.....	28
Report on the state of development of roaming services within the EU.....	28
Internet Governance Forum .....	28
EVENTS IN THE MARGINS OF THE COUNCIL .....	28

## **OTHER ITEMS APPROVED**

### *INTERNAL MARKET*

— Fertilisers .....	29
— Motor vehicles - Type-approval requirements .....	29

## **PARTICIPANTS**

### **Belgium:**

Mr Etienne SCHOUPPE

Mr Paul MAGNETTE

Mr Vincent VAN QUICKENBORNE

Ms Brigitte GROUWELS

State Secretary for Mobility, attached to the Prime Minister

Minister for Climate and Energy

Minister for Enterprise and Simplification

Minister for Transport, Brussels region

### **Bulgaria:**

Mr Aleksadar TSVETKOV

Minister for Transport, Information Technology and Communications

Deputy Minister for Transport and Communication

Minister for Economy, Energy and Tourism

### **Czech Republic:**

Mr Martin KOCOUREK

Mr Jakub HODINÁŘ

Ms Jana REINISOVA

Minister for Industry and Trade

Deputy Minister for Transport

Deputy Permanent Representative

### **Denmark:**

Mr Jacob HEINSEN

Ms Charlotte SAHL-MADSEN

Mr Peder LUNDQUIST

Minister for Transport

Minister for Science, Technology and Innovation

Deputy Permanent Secretary, Ministry of Climate and Energy

Deputy Permanent Representative

### **Germany:**

Mr Peter RAMSAUER

Federal Minister for Transport, Building and Urban Development

Mr Klaus-Dieter SCHEURLE

State Secretary, Federal Ministry of Transport, Building and Housing

Mr Jochen HOMANN

State Secretary, Ministry of Economic Affairs and Technology

Mr Guido PERUZZO

Deputy Permanent Representative

### **Estonia:**

Mr Juhan PARTS

Mr Gert ANTUSU

Minister for Economic Affairs and Communications

Deputy Permanent Representative

### **Ireland:**

Mr Eamon RYAN

Minister for Communications, Energy and Natural Resources

Ms Geraldine BYRNE NASON

Deputy Permanent Representative

### **Greece:**

Ms Tina BIRBILI

Mr Ioannis DIAMANTIDIS

Mr Spyros VOUGIAS

Minister for the Environment and Climate Change

Minister for Maritime Affairs, Islands, Fisheries

Deputy Minister for Infrastructure, Transport and Networks

### **Spain:**

Mr Bernardo LORENZO ALMENDROS

Mr Pedro MARIN

Mr José Pascual MARCO

State Secretary for Communications

State Secretary

Deputy Permanent Representative

### **France:**

Mr Eric BESSON

Minister in charge of Industry, Energy and Digital Economy

State Secretary

Mr Thierry MARIANI

### **Italy:**

Mr Altero MATTEOLI

Mr Stefano SAGLIA

Minister for Transport and Infrastructure

Deputy Minister for Economic Development

### **Cyprus:**

Ms Erato KOZAKOU-MARCOULLIS

Mr Antonis PASCHALIDES

Minister for Transport, Communication and Energy

Minister for Commerce, Industry and Tourism

**Latvia:**

Mr Artis KAMPARS  
 Ms Dana REIZNIECE  
 Ms Lelde LICE-LICITE

Minister for Economic Affairs  
 Parliamentary Secretary  
 Deputy Permanent Representative

**Lithuania:**

Mr Eligijus MASIULIS  
 Mr Arvydas SEKMOKAS  
 Mr Arūnas VINČIŪNAS

Minister for Transport and Communication  
 Minister for Energy  
 Deputy Permanent Representative

**Luxembourg:**

Mr Claude WISELER  
 Ms Michèle EISENBARTH

Minister for Sustainable Development and Infrastructure  
 Deputy Permanent Representative

**Hungary:**

Mr Tamás FELLEGI  
 Mr Pál VÖLNER  
 Mr Zsolt NYITRAI

National Development Minister  
 Minister of State for Infrastructure  
 Minister of State for Information and Communications

**Malta:**

Mr Austin GATT

Minister for Infrastructure, Transport and Communications  
 Minister for Resources and Rural Affairs  
 Deputy Permanent Representative

Mr George PULLICINO  
 Mr Patrick MIFSUD

**Netherlands:**

Mr Joop AT SMA  
 Mr Maxime J.M. VERHAGEN

State Secretary  
 Deputy Prime Minister and Minister for Economic Affairs,  
 Agriculture and Innovation  
 Deputy Permanent Representative

Mr Derk OLDENBURG

**Austria:**

Ms Doris BURES

Federal Minister for Transport, Innovation and Technology  
 Deputy Permanent Representative

Mr Harald GÜNTHER

**Poland:**

Mr Cezary GRABARCZYK  
 Mr Maciej JANKOWSKI  
 Ms Magdalena GAJ  
 Mr Marcin KOROLEC  
 Mr Piotr KOŁODZIEJCZYK

Minister for Infrastructure  
 Under-Secretary of State, Ministry of Infrastructure  
 Under-Secretary of State  
 Deputy Minister, Ministry of Economic Affairs  
 Under-Secretary of State for the Interior and Administration

**Portugal:**

Mr António MENDONÇA

Minister for Public Works, Transport and Communications  
 State Secretary for Energy and Innovation  
 Deputy Permanent Representative

Mr Carlos ZORRINHO  
 Ms Ana Paula ZACARIAS

**Romania:**

Ms Anca BOAGIU  
 Mr Valerian VREME  
 Mr Cristian BADESCH

Minister for Transport and Infrastructure  
 Minister for Communication  
 Deputy Permanent Representative

**Slovenia:**

Mr Patrik VLAČIČ  
 Mr József GYÖRKÖS

Minister for Transport  
 State Secretary, Ministry of Higher Education, Science and Technology  
 Deputy Permanent Representative

Mr Uroš VAJGL

**Slovakia:**

Mr Ján HUDACKÝ  
Mr Martin CHREN  
Mr Peter JAVORČIK

State Secretary  
State Secretary  
Deputy Permanent Representative

**Finland:**

Ms Anu VEHVILÄINEN  
Ms Riina NEVAMÄKI

Minister for Transport  
State Secretary, Ministry of Employment and the  
Economy  
Deputy Permanent Representative

Ms Marja RISLAKKI

**Sweden:**

Ms Catharina ELMSÄTER-SVÄRD  
Ms Anna-Karin HATT  
Mr Daniel JOHANSSON

Minister for Infrastructure  
Minister  
State Secretary

**United Kingdom:**

Ms Theresa VILLIERS  
Mr Andy LEBRECHT

Minister of State for Transport  
Deputy Permanent Representative

**Commission:**

Mr Siim KALLAS  
Ms Neelie KROES  
Mr Günther OETTINGER



## **ITEMS DEBATED**

### **LAND TRANSPORT**

#### **Cross-border exchange of information on traffic offences**

The Council reached a conclusion on a political agreement<sup>1</sup> on a draft directive facilitating cross-border exchange of information on a number of traffic offences that considerably jeopardise road safety ([17409/10](#) + [ADD1](#)). The aim is to enable a member state in which an offence has been committed with a vehicle registered in another member state to identify the holder of the vehicle and investigate who is personally liable for the offence, so that sanctions can be enforced. The measure is intended to improve road safety and to ensure equal treatment of drivers irrespective of their country of residence.

Some delegations, while accepting the compromise text proposed by the presidency, expressed their hope that a more ambitious text could be achieved in future negotiations with the European Parliament on the proposal.

The traffic offences covered by the draft directive are: speeding, non-use of a seat belt, failing to stop at a red light, driving under the influence of alcohol or drugs, failing to wear a safety helmet, use of a forbidden lane (such as emergency or public transport lanes), and illegally using a mobile phone while driving. The list may be extended in the future through a revision of the directive. In any case, it is the law of the individual member states that determines to what extent and how the offences mentioned will be prosecuted; a number of member states announced they would underscore this point in a statement.

Member states will allow each other access to vehicle registration data for identification of the holder or owner of the vehicle with which the offence has been committed. The European Vehicle and Driving Licence Information System (Eucaris) will, in principle, provide the technical basis for the data exchange. Once the holder is identified, the member state in which the traffic offence took place will send him or her a letter setting out the details of the offence committed and the fine imposed in accordance with its law. The letter should be drafted in the language of the vehicle registration document to ensure the addressee understands it and will be able to comply or else to reply to it if he or she does not acknowledge the offence.

A summary of the relevant traffic rules in force in the different member states will be published on the Commission's website in all official EU languages in order to inform drivers.

---

<sup>1</sup> This formula is used because of the special situation of Ireland and the United Kingdom in this case (see the explanation further below in the text), which means that the conditions for a "political agreement" proper were not in place at this Council meeting.

The proposal was presented by the Commission in April 2008 ([7984/08](#)) and endorsed by the European Parliament in December 2008, subject to a number of amendments. However it was blocked within the Council, essentially because of serious doubts as to whether the transport policy provisions of the EU treaty, on which the Commission based its proposal, are an appropriate legal basis for the planned directive, considering that there are no common EU rules on traffic offences. In July 2010, the Belgian presidency reopened the discussion on the proposal by introducing a new legal basis, namely the provisions on police cooperation of the recently adopted Lisbon treaty, and clearly focusing on information exchange, while leaving enforcement to the individual member states.

The new legal basis means that Ireland and the United Kingdom, which do not automatically take part in police cooperation under the Lisbon treaty, have to decide if they want to participate in this measure. Both countries signalled interest and can agree in principle with the draft directive, but have not yet taken a final decision.

Once the Council has confirmed its agreement on the proposal by adopting its first-reading position, the position will be sent to the European Parliament for a second reading.

### **Road safety policy for the years 2011 - 2020**

The Council adopted conclusions endorsing the road safety objectives for the coming decade set out in a Commission communication ([12603/10](#)) which paves the way for a new road safety action programme replacing the 2001-2010 programme.

In its conclusions, the Council reaffirms the goal of halving the number of road accident victims throughout the Union. Moreover, special attention is to be given to the safety of vulnerable road users, such as pedestrians, cyclists or motorcyclists. Influencing users' behaviour through education and training to enhance road safety should be a priority.

The Council stresses the importance of controls and sanctions for breaches of traffic rules and, in this connection, calls for an exchange of information on traffic offences committed in other member states. Further measures to increase road safety include safety checks during the whole vehicle life cycle, adapting roads and vehicles so as to limit the consequences of human errors, and the development of high-tech solutions for transport systems. Emergency response to accidents and post-crash assistance need also to be improved.

For the full text of the conclusions, see document [16951/10](#).

### **Establishment of a single European railway area**

The Council discussed ongoing work on a proposal for a directive establishing a single European railway area ([13789/10](#)), intended to simplify, clarify and modernise the regulatory framework for Europe's railway sector so as to improve conditions for investments, increase competition and strengthen market supervision in that sector.

Ministers were invited to give guidance for further examination of the proposal by the Council's preparatory bodies, which have begun work on the provisions on the financing of and charging for railway infrastructure (see progress report in doc. [16308/10](#)). The ministerial debate, based on questions submitted by the presidency, showed that:

- the publication of national rail infrastructure development strategies is generally seen as an appropriate instrument to stimulate sustainable investments in the sector. Some delegations, however, emphasized that member states' competence for financing rail infrastructure had to be respected. Moreover, due regard should be paid to the principle of annual budgetary decisions when establishing multi-annual plans;
- differentiation of track access charges based on noise performances could provide an incentive for retrofitting noisy wagons and thereby diminishing noise emissions. Several member states, however, underlined the need to ensure equal treatment of rail and road transport and advocated a voluntary application of noise-differentiated charges. It was also mentioned that this measure should primarily focus on heavily populated areas;
- temporary reduction of track access charges for trains equipped with the European train control system (ETCS) could encourage railway undertakings to install this system. Several delegations, though, stressed that they want to keep the right to levy new charges or increase the existing ones in order to compensate for loss of revenue caused by such a reduction.

The proposal presented by the Commission in September is a recast of the so-called "first railway package" consisting of three directives on the development of European railways, licensing of railway undertakings and management of railway infrastructure (directives Nos. 12, 13 and 14 of 2001<sup>1</sup>).

---

<sup>1</sup> OJ L 75 of 15 March 2001, p. 1, p. 26 and p. 29.

The recast proposal, if accepted, will enhance competition between railway undertakings through increased transparency as regards rail market access conditions and better access for operators to rail-related services such as station and freight and maintenance facilities. To ensure non-discriminatory access to rail services and their proper functioning, the independence of national regulatory bodies and their powers, for instance to impose sanctions or audits, will be strengthened, as will cooperation between regulators on cross-border issues. Financing of rail infrastructure will be improved by longer-term planning offering more certainty to investors and by adapting charging rules so as to give incentives to modernise infrastructure.

These measures are intended to boost the competitiveness of the European railway sector, for freight as well as for passenger services, in order to increase its share in the transport market and contribute to a shift to means of transport more respectful of the environment.

## **SHIPPING**

### **Full integration of waterborne transport into the EU transport and logistics chains**

Transport ministers adopted conclusions calling for full integration of waterborne transport into the EU transport and logistics chains and highlighting in particular the following issues (full text of the conclusions in document [16266/10](#)):

Saturation of road transport as well as environmental concerns make it necessary to make better use of the different available modes of transport. Notably short sea shipping, that is, shipping between ports on Europe's coastline or linking those ports to neighbouring countries, and inland waterway transport are not yet optimally used.

In order to foster waterborne transport, the Council endorses the "Blue Belt" concept aimed at creating a European maritime transport space without barriers, where ships will be able to operate freely with a minimum of administrative formalities, irrespective of their flag. The combination of technology, maritime transport monitoring capacities and best practices will allow the establishment of such an area. The "Blue Belt" will be complemented by "Blue Lanes", in other words administrative, technological or physical facilitations granted by ports and customs authorities to ensure swift port transit of goods originating from the EU. The Council supports the Commission's plan to launch a pilot project, in cooperation with the member states' authorities and the European Maritime Safety Agency (EMSA), to refine the "Blue Belt" concept.

In this context, the "Motorways of the Sea" concept, the aim of which is to establish competitive maritime freight routes between European ports as an alternative to land transport, should be better aligned with the emerging European multi-modal transport system so as to fully exploit the potential for synergies.

Better integration of short sea shipping into transport chains requires the strengthening of links with rail and inland waterways and the further development of ports as key modal interfaces. To this end, the EU should support the development of inland waterway transport. With respect to port development, the Commission is invited to present guidelines on the application of EU environmental legislation and on State aid.

Promoting short sea shipping and inland waterway transport is also a means of encouraging the move to more environmentally friendly transport patterns. The planned development by the Commission of a new multi-dimensional action approach including elements such as alternative fuels, green technology, adequate infrastructure, funding instruments and research and innovation, could help improve the sector's environmental performance while maintaining its competitiveness. As regards emissions from international shipping, global rules need to be agreed within the International Maritime Organisation (IMO) to avoid competitive distortions and carbon leakage.

Furthermore, the Commission is invited to look at ways to avoid weakening of the competitive position of short sea shipping as a result of the higher costs that the use of low-sulphur bunker fuel in accordance with the emission limits agreed by IMO is likely to entail.

Finally, the Council looks forward to the development of a social agenda for waterborne transport, in particular ways of integrating careers related to the maritime and inland waterway sectors, in order to boost employment and quality jobs in these sectors and increase labour mobility.

## **INTERMODAL QUESTIONS**

### **Rules for access to the Public Regulated Service offered by the Galileo navigation satellite system**

Transport ministers took stock of progress achieved on detailed rules for access to the Public Regulated Service (PRS) provided by the European global navigation satellite system under the Galileo programme ([16265/10](#)). PRS is a secure, encrypted service for sensitive applications that need to continue to be operational even in crisis situations when other services may be cut off. Access to it will be restricted to authorised users, principally governmental bodies such as police, border control or civil protection authorities.

The proposal put forward by the Commission in October ([14701/10](#)), and which needs approval by both the Council and the European Parliament, contains the following key elements:

- the Council, the Commission and the member states will have unlimited access to PRS worldwide, if they choose to use the service within their respective competences;
- it is up to each member state to authorise users and the uses that may be made of the PRS;
- member states wishing to use PRS have to designate a PRS authority responsible for managing and monitoring end-users as well as the manufacture of PRS receivers according to common minimum standards;
- the production of PRS receivers will require an accreditation process;
- non-EU countries or international organisations can only become PRS users if agreements on security procedures and access rules have been concluded with the EU;
- PRS receivers may only be exported to authorised non-EU countries.

All member states support the general objective of giving a legal framework and establishing clear rules for access to PRS. However, the work already done in the Council's preparatory bodies shows that some issues still need to be further discussed, in particular the protection of classified information, the establishment of common minimum standards to be complied with by the PRS authorities, and the delegation of decisions to the Commission as regards these two issues. Moreover, some member states expressed the wish to further clarify the costs entailed by the PRS and who will bear them.

The Council invited its preparatory bodies to pursue its examination of the proposal.

The public regulated service is one of five services to be provided by the Galileo satellite system. It is scheduled to be launched in 2014, together with the Open Service and the Search-and-Rescue Service, while the Safety-of-Life Service and the Commercial Service will be operational somewhat later.

## **AVIATION**

### **Strengthening air cargo security**

The Council welcomed a report on strengthening air cargo security submitted by a high-level group which was set up by the Justice and Home Affairs Council at its meeting on 8/9 November in response to the recent discoveries of parcel bombs in air cargo.

The presidency asked the Commission and member states to speedily implement the action plan attached to the report. It invited the Commission to report back to the Council within six months on progress made.

The aim is to close security gaps and to develop a coordinated approach at EU and international level for additional security measures. The plan proposed provides for actions designed to strengthen and harmonise EU rules, improve coordination and information exchange within the EU and enhance global standards. At EU level, this includes measures such as upgrading detection methods and cargo security controls, establishing common criteria for assessing risks posed by cargo from non-EU countries, reviewing procedures for the designation of "trusted" consignors and carriers, and improving security training for operators and inspectors. At international level, global regulatory standards should be promoted, especially through the International Civil Aviation Organisation (ICAO), and further initiatives should be taken to help certain countries outside the EU to enhance their security capacities.

The report was also presented to the Justice and Home Affairs Council taking place on the same day as the Transport Council.



## **ENERGY**

### **Energy policy for consumers**

The Council adopted conclusions on energy policy for consumers. The text of the conclusions is set out in [16300/10](#).

The conclusions follow the debate on consumer-related aspects of European energy policy at the informal energy ministers meeting, held on 6-7 September 2010 in Brussels.

### **Safety of offshore oil and gas activities**

The Council adopted conclusions on safety of offshore oil and gas activities. The text of the conclusions is set out in [16943/10](#).

These conclusions welcome the presentation by the Commission of its communication "Facing the challenge of the safety of offshore oil and gas activities" ([14768/10](#), [14768/10 ADD1](#)), of October 2010, following the Deepwater Horizon drilling rig disaster in the Gulf of Mexico in April. Building on this communication, the Council sets out a way forward for possible further action in relation to offshore exploration and production of hydrocarbons, notably to ensure highest possible safety and protection of the environment as well as provisions for liability.

### **New energy strategy for Europe 2011-2020**

In a public session, ministers held a policy debate on a new energy strategy for Europe 2011-2020 in preparation for the first European Council on Energy, scheduled on 4 February 2011.

The debate took place on the basis of a questionnaire suggested by the Presidency ([16303/10](#)) and it followed a Commission presentation of its two communications "Energy 2020: A strategy for competitive and secure energy" adopted on 10 November and "Energy infrastructure priorities for 2020 and beyond", adopted on 17 November.

The Presidency summarized the debate as follows:

"1. The approach outlined by the Commission for the 2020 strategy met with broad support. It therefore seems appropriate to:

- update the 2007-2009 Action Plan now;
- do so in a long-term perspective, possibly on the basis of intermediate objectives; the Roadmap 2050 is crucial in this connection;
- take account in doing so of the Union's targets (3x20 %), the Union's technical, scientific and human resources and national preferences in terms of energy mix.

2. Of the five priorities identified by the Commission, energy efficiency is clearly endorsed by all delegations as the top priority:

- by placing emphasis on the transport and building sectors and by underlining the role of the public sector
- by making full use – or even extending the scope – of instruments such as "ecodesign" and "energy labelling".

In view of the latest projections available for 2020, according to which the Union's primary energy consumption is likely to fall by only 9 % compared with the trend, further reflection is still needed regarding the nature of the targets, the methodology for determining them and their monitoring. Joint actions could be undertaken to support the innovation and political changes required (financial support, exchange of best practice, "smart cities", etc.).

3. As regards the internal market, the importance of rapid and full implementation of existing legislation was emphasised, as well as the role of the regulators (ACER) and of regional initiatives. Such implementation is potentially profitable for all the priorities covered by the Strategy.

The increasing role of renewables must be stressed. Opinions differ, however, concerning possible harmonisation of support mechanisms.

4. Appropriate interconnection, and the related infrastructures, is a prerequisite for proper functioning of the market, for the integration of growing quantities of renewable energy, and for the practical implementation of solidarity. Certain missing links of European interest should be developed within a given period. The importance of regional cooperation was underlined.

It was also noted that swift progress was necessary to reduce the time scale and improve the coordination of permit procedures. A European approach in this matter will however have to respect subsidiarity and the national consultations which need to be conducted.

The market remains the main source of financing and only in clearly defined cases, on the basis of objective criteria, can financing be mobilised outside the market – perhaps via instruments such as the structural funds and the cohesion fund. An examination of the allocation of infrastructure costs, in particular cross-border costs, is desirable in order to reflect all the resulting benefits. The consequences for the price paid by consumers (both private and industrial) will have to be taken into account.

The approach proposed in the communication on infrastructures, which combines the identification of priority corridors with a methodology for project selection, is supported in principle, subject to a detailed analysis of the legislative instrument implementing that methodology.

5. With regard to consumers, we have dealt with this aspect at length in the conclusions just adopted, which identify the measures to be carried out, in the context of this energy transition phase, to ensure that more account is taken of consumers in the internal market, inter alia through non-legislative measures.

The need to respect consumers' concerns, and their active cooperation, particularly when introducing new technologies (e.g. smart meters), were stressed.

While reiterating their freedom of energy choice, delegations were concerned to preserve a high level of safety in energy generation activities, whether involving fossil fuels – we have dealt with this aspect by adopting conclusions on offshore activities – or nuclear energy.

6. The SET Plan and its industrial initiatives are widely supported; they should continue to provide a framework for the organisation and enhancement of cooperation in the field of innovation and technology, notably for renewable energy and energy efficiency, in which we have the potential to become leaders.

The four major projects identified in the communication (intelligent networks, electricity storage, large-scale production of sustainable biofuels, and energy efficiency in cities, urban and rural areas) appear relevant in this regard.

Future financial perspectives should provide adequate support for the Union's activities in the field of innovation and technology.

7. All our efforts will be fruitless unless the coherence and effectiveness of the Union's external energy policy are improved, for example:

- through shared assessments of our partners,
- by developing partnerships not confined to the supply of gas or oil but also covering subjects of common interest, such as energy efficiency and renewables, technological development and nuclear safety and non-proliferation,
- by embarking on a discussion on improving solidarity and cooperation between Member States in all aspects of our relations with our main suppliers."

The Council is due to adopt detailed conclusions on both communications at its meeting on 28 February 2011.

The Energy 2020 communication ([16096/10](#), [16096/10 ADD 1](#)) focuses on five priorities:

- achieving an energy-efficient Europe,
- building a pan-European integrated energy market,
- protecting consumers and achieving the highest level of safety and security,
- extending Europe's leadership in energy technology,
- strengthening the external dimension of the EU energy policy.

On the basis of these priorities, the Commission will come forward with concrete legislative initiatives and proposals within the next 18 months.

The communication on Infrastructure ([16302/10](#), [16302/10 ADD 1](#), [2](#) and [3](#)) expands on actions under the second priority (building a pan-European integrated energy market) of the Energy 2020 communication and combines the identification of priority corridors for electricity, gas and oil in a medium- to long-term perspective with a new method for strategic planning. It also addresses permit granting procedures and the creation of a stable framework for financing.

### **International relations**

Ministers were informed by the Presidency and the Commission of recent developments regarding international relations in the field of energy ([16192/10](#)).

The information presented covered, *inter alia*, the United States, the Energy Community, the Eastern Partnership and Russia.

## **TELECOMMUNICATIONS**

### **First radio spectrum policy programme**

In a public session, the Council discussed, on the basis of questions prepared by the Presidency ([16567/10](#)) a proposal for a decision establishing the first radio spectrum policy programme (RSPP).

The Presidency presented a progress report ([16832/10](#)) to ministers, with the aim of informing them on the work done so far and of identifying political issues in this proposal on which future work under the Hungarian Presidency should focus.

Ministers generally welcomed the Commission proposal acknowledging that radio spectrum could make an important contribution to the digital society, fast wireless services, economic recovery, growth, high-quality jobs and long-term EU competitiveness. Provisions on wireless broadband were identified as the main and most urgent elements of the proposal, although deadlines for making spectrum available were considered by some delegations as being too ambitious. Some reservations were expressed regarding proposed actions in the area of spectrum management such as imposing coverage obligations or other rights-of-use conditions, which should be subject to national specific circumstances.

The proposed inventory of spectrum use received broad support. At the same time, ministers warned about the duplication of efforts, costs, the confidentiality of information and called on the Commission to build on existing initiatives in this area.

In particular ministers from member states with borders with non-EU countries called for EU support to coordinate spectrum usage.

The Commission presented its proposal ([13872/10](#)) in September 2010, as a part of the "broadband package"<sup>1</sup> aimed at helping the EU fulfil its commitments in the digital agenda for Europe ([9981/1/10](#)) to give every European access to basic broadband by 2013 and fast and ultrafast broadband by 2020. The RSPP proposal aims to establish a five-year policy programme to promote efficient radio spectrum management and, in particular, to ensure that sufficient spectrum is made available by 2013 for wireless broadband, which will contribute to bringing fast connections to people in remote areas and to making innovative services available in the EU. The proposal not only covers electronic communications services (ECS) but seeks also to apply to other EU policies depending on radio spectrum, since efficient and competitive use of spectrum will help establish a single market for ECS and other policy areas such as transport and environment.

The progress report and the exchange of views should help shape the Council's position for the upcoming discussions with the European Parliament. The European Parliament's ITRE committee will start the examination of this proposal on 9 December 2010.

### **European Network and Information Security Agency**

In a public session, the Council examined progress made on two draft regulations regarding the European Network and Information Security Agency (ENISA).

The Presidency has prepared a progress report ([16835/10](#)) which takes stock of the progress made so far on two Commission proposals tabled in September and October 2010.

The first proposal ([14322/10](#)) amends the existing ENISA regulation 460/2004 by extending its current mandate, due to expire in March 2012, by a further 18 months. This extension would help to avoid a legal vacuum if the new mandate is not adopted before the expiry of the current one.

The second Commission proposal ([14358/10](#)) aims to strengthen and modernise ENISA and to establish a new mandate for a period of five years. The Commission proposes in particular to extend ENISA's tasks, to enable it to act as an interface between cyber-security experts and public authorities involved in the fight against cybercrime, to streamline ENISA's management structures and to gradually increase its financial and human resources.

Both proposals were examined by the Council bodies and all delegations welcomed them. The progress report identified the following main issues to be discussed further in order to prepare a Council's common position for the negotiations with the European Parliament: ENISA's tasks, the duration of the mandate, the role and structure of ENISA bodies and funding.

---

<sup>1</sup> The broadband package contains measures designed to facilitate the roll-out and take-up of fast and ultra-fast fixed and wireless broadband in the EU. In addition to RSPP proposal, it comprises a Commission Recommendation on Regulated Access to Next Generation Access networks and a Broadband Communication that sets out a coherent framework for meeting the Digital Agenda's broadband targets and, in particular, outlines how best to encourage public and private investment in fast and ultra-fast broadband networks.

**Cross-fertilization between Europe 2020 flagship initiatives Digital Agenda for Europe and Innovation Union**

The Council adopted conclusions on cross-fertilization between Europe 2020 flagship initiatives Digital Agenda for Europe and Innovation Union. The text of the conclusions is set out in [16834/10](#).

The objective of the conclusions is to underline that an integrated European innovation strategy requires the setting up of a fully functioning digital single market for the benefit of European businesses, in particular SMEs and innovative start-ups, and European consumers.

**European broadband strategy**

The Council adopted conclusions on the Commission's communication "European broadband: investing in digitally driven growth". The text of the conclusions is set out in [16836/10](#).



## **OTHER BUSINESS**

### **European Maritime Safety Agency**

The Commission presented a proposal amending the 2002 regulation that set up the European Maritime Safety Agency (EMSA) ([15717/10](#)). The purpose of the amendment is to clarify EMSA's role and to extend its tasks, in particular so as to include response to pollution from offshore oil operations, and not only from ships as under the current regulation. (See also information note [17131/10](#).)

### **Implementation of international maritime conventions by member states**

The Commission briefed the Council on the state of play regarding the ratification of international maritime conventions by member states ([15978/1/10](#) +[ADD2](#)+ [15978/10 ADD 1](#)) and invited member states to speed up ratification procedures. The higher the ratification rate amongst EU countries, the better the EU is able to defend its positions within the International Maritime Organisation (IMO), as only states that have become contracting parties to a convention are allowed to vote on issues concerning that convention. Currently, about two thirds of EU coastal states have ratified around 90 % of the conventions.

### **Turkish restrictive measures on Cyprus, EU shipping and free trade**

The Council took note of information provided by the Cypriot delegation on the restrictions imposed by Turkey on ships registered or managed in the Republic of Cyprus or under Cypriot ownership and ships sailing from Cypriot ports directly to Turkish ports ([16273/10](#)). The restrictions are not only detrimental to Cyprus as a state of ship registry, a major ship management centre and a transshipment hub, but also to EU ship owners and managers connected with Cyprus and the sea trade between the EU and Turkey. Cyprus pointed out that the Turkish measures violate the laws governing the Association and the Customs Union between Turkey and the EU and are an obstacle for further progress in the EU membership negotiations with Turkey. Cyprus calls for stepping up actions to remove these restrictions.

## **Aviation summit**

The Council was briefed by the presidency on the aviation summit held on 26 and 27 October in Bruges, which brought together 400 representatives of the European aviation community. The summit adopted a declaration ([16272/10](#)) focusing on competitiveness, the Single European Sky, safety and security standards, and the need to reduce the impact of aviation on the environment. A technical working party will be established to follow up the results of the summit.

## **Negotiations on a comprehensive air transport agreement with Brazil**

The Commission briefed ministers on the results of the first three rounds of negotiations on a comprehensive air transport agreement with Brazil, aimed at a gradual opening of market access and enhanced regulatory cooperation. Significant progress has already been made in the negotiations, which were held on the basis of the mandate given by the transport Council at its previous meeting in October (see press release [14826/10](#), p. 9). A fourth round is scheduled for 7-9 December in Rio de Janeiro.

## **Single European Sky: performance targets**

The Commission drew ministers' attention to the fact that EU-wide performance targets for air navigation services and network functions under the Single European Sky (SES) initiative need to be agreed before the end of this year and will be submitted to the member states for adoption at the forthcoming meeting of the SES committee ([17246/10](#)).

## **Preserving the mobility of passengers and goods in the event of a sudden transport crisis**

The Council was informed by the Commission on preparatory work for the development of concrete options intended to ensure that passengers and goods can be re-routed in an effective and timely manner in the event of a sudden transport crisis. Drawing the lessons learnt from the volcano ash cloud crisis that paralysed European air traffic this spring, the Commission has identified key obstacles which need to be overcome, including a low level of preparedness, inefficient or lacking coordination between businesses and also between member states' authorities, as well as inefficient information management ([16879/10](#)).

At its extraordinary meeting in May in the aftermath of the eruption of the Icelandic volcano, the transport Council had underscored the need to develop an interlinked European transport system allowing to switch to other transport modes in an emergency.

### **"Railways unify Europe" Symposium**

The presidency briefed ministers on a symposium entitled "Railways unify Europe" held in Liege on 15 November 2010 and attended by representatives from the European railway sector. The symposium focused on economic and technical interoperability in the railway sector. It emphasised in particular the need to adopt a consumer-orientated approach, facilitate the arrival of new service providers, increase transparency and strengthen the European legal framework. Furthermore, it expressed support for all initiatives designed to increase rail capacity.

### **Ministerial conference on global environment and energy in transport (MEET 2)**

The Italian delegation briefed the Council on the results of the second ministerial conference on global environment and energy in transport (MEET) held in Rome on 8 and 9 November ([16628/10](#)), where ministers from all over the world and representatives of relevant international organisations discussed measures to reduce greenhouse gas and air pollutant emissions from transport while ensuring development through innovation and cooperation. They agreed on a variety of measures to be taken, including enhanced cooperation to share expertise and fostering the development of technological solutions for the transport sector.

### **European Energy Programme for Recovery**

The Commission presented its progress report on the European Energy Programme for Recovery ([16252/10](#)).

### **Green Energy Development Initiative**

The Council took note of the information presented by the Greek delegation on the Black Sea Economic Cooperation Energy Ministerial Council, held in Nafplio on 12 October 2010 ([16304/10](#)).

**South East European Energy Conference: Energy without frontiers - from national to regional approach**

The Council was briefed by Bulgarian delegation on the above-mentioned conference, which took place in Sofia on 30 November 2010 ([16216/10](#)).

**Sustainability criteria for biomass**

The Council took note of the information presented by the Portuguese delegation on the above ([17369/10](#)).

**Report on the state of development of roaming services within the EU**

The Council took note of the Commission report on the state of development of roaming services within the EU ([11711/10](#)).

**Internet Governance Forum**

The Council was briefed by the Commission and the Presidency on the fifth meeting of the Internet Governance Forum held in Vilnius on 14-17 September 2010 ([16848/10](#)).

**EVENT IN THE MARGINS OF THE COUNCIL**

The signing ceremony of an Memorandum of Understanding for the creation of the North Seas Countries' Offshore Grid Initiative took place on 3 December in the margins of the Council. The Memorandum was signed by ten countries: Denmark, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, Sweden, United Kingdom and Belgium.

**OTHER ITEMS APPROVED****INTERNAL MARKET****Fertilisers**

The Council decided not to oppose the adoption by the Commission of a regulation aimed at amending regulation 2003/2003 in order to include new types of fertilisers in its list and to adapt it to technical progress.

The draft regulation is subject to the 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.

**Motor vehicles - Type-approval requirements**

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

- concerning type-approval requirements for the manufacturer's statutory plate and for the vehicle identification number and implementing regulation 661/2009 on type-approval requirements for the general safety of motor vehicles, their trailers, systems and components;
- amending annexes IV and VI to directive 2007/46/EC establishing a framework for the approval of motor vehicles, their trailers, systems and components ("Framework directive"); and
- implementing regulation 661/2009 as regards type-approval requirements for certain categories of motor vehicles and their trailers relating to spray suppression systems.

The draft regulations are subject to the regulatory procedure with scrutiny, which means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.