



**COUNCIL OF
THE EUROPEAN UNION**



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Transport, Telecommunications and Energy

Brussels, 11-12 March 2010

President **Mr José Blanco López**
Minister of Public Works of Spain

P R E S S

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7332/10 (Presse 55)

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Main results of the Council

On transport,

*the Council reached general approaches regarding a draft directive on **transportable pressure equipment** and a draft regulation on **investigation and prevention of accidents and incidents in civil aviation**.*

*It reviewed the progress of the **second-stage air services negotiations with the United States**.*

*Moreover, the Council adopted, without discussion, its positions at first reading on proposals for regulations on **rights of ship passengers and of bus and coach passengers**.*

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¹ Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks. Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>). 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.

PARTICIPANTS

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

Belgium:

Mr Etienne SCHOUPPE

State Secretary for Mobility, attached to the Prime Minister

Mr Paul MAGNETTE

Minister of Climate and Energy

Bulgaria:

Mr Alexander TZVETKOV

Minister for Transport, Information Technology and Communications

Mr Traicho TRAIKOV

Minister of Economy, Energy and Tourism

Czech Republic:

Mr Gustáv SLAMEČKA

Minister for Transport

Denmark:

Mr Hans Christian SCHMIDT

Minister for Transport

Ms Lykke FRIIS

Minister for Climate and Energy and Minister for Gender Equality

Germany:

Mr Peter RAMSAUER

Federal Minister for Transport, Building and Urban Development

Mr Jochen HOMANN

State Secretary, Ministry for Economics and Technology

Estonia:

Mr Juhan PARTS

Minister of Economic Affairs and Communications

Ireland:

Mr Eamon RYAN

Minister for Communications, Energy and Natural Resources

Greece:

Mr Dimitris REPPAS

Minister of Infrastructure, Transport and Networks

Mr Yannis MANIATIS

Deputy Minister for Energy

Spain:

Mr José BLANCO

Minister for Transport

Mr Pedro Luis MARÍN URIBE

Secretary of State for Energy

Mr Concepción GUTIERREZ

State Secretary for Transport, Ministry of Public Works

France:

Mr Philippe LEGLISE-COSTA

Deputy Permanent Representative

Italy:

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Minister of Economical Development

Cyprus:

Mr Christofidis CONSTANTINOS

Attaché, Permanent Representation

Latvia:

Mr Arturs BERGHOLCS

Parliamentary Secretary, Ministry of Transport and Communications

Lithuania:

Mr Arvydas SEKMOKAS

Minister for Energy

Mr Rimvydas VASTAKAS

Vice-Minister of Transport and Communications

Luxembourg:

Mr Claude WISELER

Minister for Sustainable Development and Infrastructure

Hungary:

Mr Lajos CSEPI

State Secretary, Ministry of Transport, Telecommunications and Energy

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Mr Camiel EURLINGS

Minister for Transport, Public Works and Water Management

Austria:

Ms Doris BURES

Federal Minister for Transport, Innovation and Technology
Minister for Economy, Family and Youth

Mr Reinhold MITTERLEHNER

Poland:

Mr Marcin KOROLEC

Mr Radosław STĘPIEŃ

Deputy Minister, Ministry of Economy
Deputy Minister, Ministry of Infrastructure

Portugal:

Mr José Carlos ZORRINHO

State Secretary for Energy and Innovation

Romania:

Mr Adriean VIDEANU

Mr Constantin DASCALU

Minister of Economy, Trade and Business Environment
State Secretary, Ministry of Transport and Infrastructure

Slovenia:

Mr Patrick VLAČIČ

Minister for Transport

Slovakia:

Mr Milan MOJŠ

State Secretary, Ministry of Transport, Posts and Telecommunications
State Secretary, Ministry of Economy

Mr Luboš HALÁK

Finland:

Ms Riina NEVAMÄKI

State Secretary of Ministry of Economic Affairs

Sweden:

Ms Maud OLOFSSON

Deputy Prime Minister and Minister for Energy and Enterprise
Minister for Infrastructure

Ms Åsa TORSTENSSON

United Kingdom:

Mr Andy LEBRECHT

Deputy Permanent Representative

Commission:

Mr Siim KALLAS

Vice-President

Mr Günther OETTINGER

Member

ITEMS DEBATED

TRANSPORTABLE PRESSURE EQUIPMENT

The Council reached a general approach, pending the European Parliament's position at first reading, with regard to a draft directive on transportable pressure equipment ([6856/10](#)).

However, the issue of the procedural provisions on delegation of powers to the Commission for implementing acts is still open and will be further discussed during the negotiations with the European Parliament on the text.

The draft legislation is a revision of directive 1999/36 on the same subject adopted in order to enhance transport safety for such equipment and to ensure their free movement in a single transport market. The text contains rules on the obligations of the different economic operators, on the conformity of the equipment, as well as on the inspection and monitoring bodies and their mutual recognition.

The purpose of the revision is to update and streamline the provisions of the 1999 directive in the light of recent EU and international legislative developments, in particular directive 2008/68 on the inland transport of dangerous goods as well as regulation 765/2008 and decision 768/2008 which set the framework for the marketing of products in the single European market. This will eliminate conflicting rules and simplify the regulatory framework, especially as regards conformity assessment procedures, without substantially modifying the scope or measures provided for by the existing directive.

As a consequence of this revision, several directives relating to pressure equipment will be repealed.

The Commission submitted its proposal in September 2009 ([13566/09](#)). The Council intends to reach an early agreement with the European Parliament so that the two institutions can adopt the text at first reading.

AVIATION SECURITY CHARGES

The Council took note of a progress report on a proposal for a directive establishing common principles for the levying of security charges at EU airports (6439/10).

The common framework proposed is designed to guarantee non-discrimination and transparency, to provide sufficient possibility for consultation with respect to the level of the security charges and to ensure that these charges are directly related to the cost of providing aviation security. Furthermore, an independent supervisory authority should be established in each Member State to ensure correct application of the directive.

The state of play on this proposal has not much changed since the last progress report presented to the Council at its December meeting (see press release [17456/09](#)). Under these circumstances, the Council agreed to await the European Parliament's position at first reading, likely to be adopted in April 2010, and invited its preparatory bodies to resume examination once the European Parliament has voted on the proposal.

The key issue where positions differ is still the scope of the proposed legislation. Under the original Commission proposal, the directive would apply to all EU airports. Several member states, however, favour limiting the scope to airports whose annual passenger traffic exceeds a certain threshold. Whilst a threshold of five million passenger movements would be acceptable for a majority of delegations, a number of member states would prefer to include all commercial airports or to lower the threshold. As a compromise, the Spanish presidency suggested a threshold of two million passenger movements, but that proposal was opposed by a majority of member states, which fear that lowering the threshold might entail a major administrative burden.

The provisions on impact assessment and cost-relatedness as well as a possible exemption from the obligation to have an independent supervisory authority are also issues still under discussion.

The Commission submitted its proposal in May 2009 ([9864/09](#)) in response to a commitment it made to the European Parliament in 2007 during the negotiations leading to the adoption of framework regulation 300/2008 on aviation security.

INVESTIGATION AND PREVENTION OF ACCIDENTS AND INCIDENTS IN CIVIL AVIATION

The Council reached a general approach, pending the European Parliament's position at first reading, concerning a draft regulation on investigation and prevention of accidents and incidents in civil aviation ([7085/10](#)).

The overall objective of the draft regulation is to ensure that safety investigations are carried out expeditiously and to the highest standards in order to prevent future accidents, without apportioning blame or liability. To this end, the existing informal cooperation among national safety investigation authorities will be transformed into a European network of civil aviation safety investigation authorities. The cooperation thus strengthened will be complemented by a set of compulsory rules for safety investigations.

Discussing the draft regulation, the delegations that still had reservations on some issues were able to lift them. However, some member states pointed out that certain issues, such as the relationship between safety investigations and judicial investigations, would need to be further discussed in the course of the negotiations with the European Parliament on the text. Moreover, the Commission considers that the obligation to investigate should also cover serious incidents involving smaller aircraft and intends to bring up this issue in the forthcoming discussions with the Parliament.

As regards the time limit for making available the list of persons on board an aircraft when an accident occurs, the Council agreed that such a list should be produced as soon as possible, but at the latest within two hours after the accident so that relatives of persons on board can be informed without delay.

The **network** to be established will be composed of the heads of the civil aviation safety investigation authorities or their representatives and be chaired by one of its members for a mandate of three years. Its purpose is to contribute to better implementation of EU civil aviation investigation legislation and to enhanced availability of investigation capacity throughout the Union. Cooperation through the network includes exchange of information, promotion of best practices, sharing of resources and provision of assistance. The network will also facilitate cooperation with the Commission and the European Air Safety Agency (EASA). It will have an advisory and coordination role and will not have the status of a new EU body. Responsibility for safety investigations will rest with the national authorities.

As regards the **conduct of safety investigations**, the draft regulation includes in particular the following common requirements:

- every accident has to be investigated by an independent body, that is, the safety investigation authority of the member state in which the accident occurred; such investigation has also to be undertaken in the case of a serious incident involving aircraft with a maximum take-off mass of over 2250 kg;
- the state of registry, the state of the operator, the state of design and the state of manufacture of the aircraft concerned will be invited to dispatch accredited representatives to participate in the safety investigation
- the European Air Safety Agency (EASA) should, when appropriate, be invited to appoint a representative to participate as an advisor in investigations under the control and at the discretion of the national authority in charge;
- coordination has to be ensured between safety investigations and possible judicial investigations instituted in parallel.

The text sets out the rights and obligations of safety investigators and provides for protection of sensitive information and procedures for follow-up of safety recommendations issued as a result of the investigations. It also contains provisions on assistance to victims and their families.

The proposed regulation is designed to upgrade and modernise the existing EU legal framework in this field. It will replace directive 94/56 which laid the foundations of the European investigation and prevention system in civil aviation.

The Commission submitted its proposal ([15469/09](#)) in October 2009.

SECOND-STAGE AIR SERVICES NEGOTIATIONS WITH THE UNITED STATES

The Council was briefed by the Commission on the state of play of the negotiations on a second-stage air services agreement with the United States, which is to further develop the EU-US "Open Skies" agreement signed in 2007 and provisionally applied since March 2008.

The seventh and latest round of negotiations took place in Madrid on 15-17 February 2010. The Council welcomed the significant progress achieved in that round in areas such as environmental protection, labour standards, competition rules and reciprocal recognition of regulatory decisions. In previous rounds common ground had already been found in particular on aviation security issues and on the management of the agreement.

The Council reiterated that it is important to reach a new transport agreement in 2010. It noted, however, that some obstacles still need to be overcome. Ministers underlined in particular the importance of opening further transatlantic investment opportunities for the airline industry. The Council urged the Commission to continue negotiations.

A further round of negotiations is to be held on 23-25 March in Brussels, with the intention to reach agreement on the outstanding issues.

The 2007 "Open Skies" agreement established a framework for regulatory cooperation with the US and brought new commercial freedoms for airline operators. However, it did not fully open access to the US domestic market. It therefore included a roadmap for new negotiations, which were initiated in May 2008.

ANY OTHER BUSINESS

TRANSPORT

Single European Sky conference

The Council took note of information provided by the presidency on the results of the Single European Sky conference held in Madrid on 25-26 February 2010 ([6708/10 ADD 1](#)). The conference, jointly organised by the Spanish presidency and the Commission, brought together policy makers and representatives of the aviation sector to discuss the roadmap towards implementing the second legislative package under the Single European Sky initiative.

In their final conclusions ([6708/10](#)), the participants in the conference underlined the importance of the goals of the initiative, that is, cutting the cost and reducing the environmental impact of flying, increasing capacity and further improving safety. They stressed that in order to reach these goals it is urgent, in particular, to achieve enhanced performance of air traffic management, improved governance, deployment of SESAR, the technological pillar of European air traffic management, as well as adequate social dialogue and training of staff.

Informal Transport Council

The Spanish presidency briefed ministers on the outcome of the informal transport Council meeting held in La Coruña on 12 February 2010 ([7118/10](#)). The meeting focussed on two main topics: urban mobility, on which the presidency intends to submit draft conclusions to the Transport Council at its next meeting in June; and civil aviation security, in particular the issue of body scanners, which could be one of the possible options in the framework of a common EU strategy in this field. The Commission will present a report on the use of new technologies in security control in April.

International Transport Forum

The German delegation informed the Council about the forthcoming International Transport Forum (ITF) to be held in Leipzig on 26-28 May 2010 ([6648/10](#)). Transport ministers from 52 ITF member states will discuss with representatives from science and industry the topic "transport and innovation - unleashing the potential".

The Cypriot delegation informed that Cyprus, which is not yet member of ITF, requested to be granted the status of observer to the annual ITF meetings.

The ITF is a global platform for transport, logistics and mobility issues in the framework of the Organisation for Economic Co-operation and Development (OECD). The German city of Leipzig has been established as the permanent venue for its annual meeting.

Train accident in Buizingen (Belgium)

The Council took note of information provided by the Commission and Belgium on the train accident which took place in Buizingen (Belgium) on 15 February 2010. Belgium pointed out that investigations are still ongoing to establish the causes of the accident. In this context, the Commission highlighted the importance of timely deployment of the European Rail Traffic Management System (ERTMS).

Trans-European transport network ministerial conference

The Council took note of information from the presidency and the Commission regarding the annual ministerial conference on the trans-European transport network (TEN-T) ([7288/10](#)). This year's conference, organised jointly by the Spanish presidency and the Commission in Zaragoza on 8-9 June, will focus on the methods to be employed for drawing up the future TEN-T planning and implementation framework. Moreover, the funding strategy and the external dimension of Europe's transport networks will be discussed.

EU measures planned to promote electric mobility

The presidency briefed ministers on the results of the debate on electric vehicles held at the informal meeting of the Competitiveness Council in San Sebastián on 9 February 2010 ([7119/10](#)). It also informed them on the outcome of discussions related to this topic at the regular Competitiveness Council meeting on 1 and 2 March in Brussels.

Several member states have already started actions to promote e-vehicles. In San Sebastián, ministers agreed on concerted action in particular as regards standardisation, support for research, incentive measures, upgrade of electricity production capacity and coordination. At the Council meeting on 1 and 2 March, ministers invited the Commission to present an action plan for clean and energy-efficient vehicles, including fully electric cars and plug-in hybrids.

OTHER ITEMS APPROVED

TRANSPORT

First-reading positions on rights of ship and bus and coach passengers*

The Council adopted its positions at first reading on two proposals for regulations aimed at improving the rights of ship passengers ([14849/09](#) + [6979/10 ADD 1 REV 1](#)) and of bus and coach passengers ([5218/10](#) + [6978/10 ADD 1](#)). It also adopted the corresponding statements of the Council's reasons ([14849/09 ADD 1 REV 1](#) and [5218/10 ADD 1](#)). The positions will now be transmitted to the European Parliament for a second reading.

Both proposals lay down rules, adapted to their specific field of application, on non-discrimination and assistance to disabled persons or persons with reduced mobility. With regard to all categories of passengers, the texts contain in particular provisions on passengers' rights in the case of delays or cancellation, information to be provided to passengers and handling of complaints. In addition, the proposal on bus and coach passengers' rights provides for compensation for death or injury as well as for loss of or damage to luggage in the event of accidents.

The two proposals form part of a general EU policy to ensure equal treatment of passengers, irrespective of the mode of transport chosen, while reinforcing passenger rights, with particular attention paid to non-discrimination against persons with disabilities or reduced mobility. Similar legislation has already been adopted for passengers travelling by air or by rail.

Political agreement had been reached on the ship passengers' rights regulation on 9 October 2009, and on the bus and coach regulation on 17 December 2009.

Tests for motor vehicles - Road-safety - Comitology procedure

The Council decided not to oppose the adoption by the Commission of a directive adapting to technical progress directive 2009/40/EC, in order to improve motor vehicle roadworthiness testing in the EU ([5841/10](#) and [6286/10 ADD 1](#)).

EU position on the Interbus agreement

The Council adopted the European Union's position as regards the management of and the applicable rules under the Interbus agreement on the international occasional carriage of passengers by coach and bus (6087/10).

The position includes three elements:

- the rules of procedure of the joint committee responsible for the management of the agreement and representing all its contracting parties;
- adaptation of the lists of applicable rules in order to take account of new EU legislation adopted since the entry into force of the agreement; those rules concern the conditions applying to road passenger transport operators, the technical standards applying to buses and coaches (e.g. roadworthiness tests, recording equipment, emissions) and social provisions;
- a recommendation that the non-EU contracting parties should use a technical report for coaches and buses in order to facilitate monitoring of the application of the technical standards set in the agreement.

Those elements will be submitted to the joint committee for adoption.

The Interbus agreement entered into force on 1 January 2003. Its contracting parties are the EU, Albania, Bosnia and Herzegovina, Croatia, FYROM, the Republic of Moldova, Montenegro and Turkey. Its main objective is the liberalisation of passenger transport. The joint committee in charge of the implementation of the agreement meets at least once in every five years' period.

Cooperation agreement on satellite navigation between the EU and Norway

The Council adopted a decision on the signing of a cooperation agreement on satellite navigation between the EU and Norway and its provisional application. This agreement aims to settle the principles of cooperation and the rights and obligations of Norway in relevant areas that are not covered by existing Galileo acquis.

RESEARCH

EU/ Faroe Islands agreement on scientific and technological cooperation

The Council adopted a decision authorising the signature and provisional application of an agreement on scientific and technological cooperation with the Faroe Islands, associating this country to the EU's Seventh Framework Programme for Research 2007-2013 ([5475/10](#)).

EXTERNAL RELATIONS

Status of the "EUTM Somalia" mission - negotiations with Uganda

The Council authorised the High Representative, assisted by the General Secretariat of the Council, to open negotiations pursuant to Article 37 TEU and Article 218 TFUE in order to conclude an agreement between the EU and the Republic of Uganda on the Status of the European Union-led Forces in Uganda.

Arms control activities in the Western Balkans

The Council adopted a decision in support of arms control activities of the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) in the Western Balkans. This decision is focused on the destruction of small arms and light weapons (SALW), the improvement of stockpile management and collection and registration of weapons.
