Brussels, 10 June 2009

BACKGROUND¹
COUNCIL TRANSPORT, TELECOMMUNICATIONS AND ENERGY
Thursday 11 and Friday 12 June 2009
Luxembourg

The meeting will begin with a session on transport on Thursday, 11 June at 9.30, chaired by Mr Gustáv Slamečka, Minister of Transport of the Czech Republic.

The Council is expected to give to the Commission a mandate in order to open negotiations with Georgia on a comprehensive air transport agreement.

The Council will hold, in public deliberation, a policy debate on a draft regulation on the rights of passengers in bus and coach transport.

The Council will attempt to reach, in public deliberation, a political agreement on a draft regulation concerning a European rail network for competitive freight.

The Council is expected to adopt conclusions on the Commission green paper "TEN-T - policy review".

* * *

Following the session on transport the session on telecommunications will take place in the afternoon approximately at 16.00, chaired by Mr Vladimír Tošovský, the Czech Minister of Industry and Trade.

The Council will hold an exchange of views on the European network and information security policy.

* * *

The session on energy will begin at 10.00 on Friday 12 June, chaired by Mr Vladimír Tošovský, the Czech Minister of Industry and Trade.

¹ This note has been issued under the responsibility of the Press Office.
The Council is due to reach a political agreement on an oil stocks directive.

In public deliberation, it will also take note of a progress report concerning three draft directives aimed at improving energy efficiency: energy labelling proposal, buildings performance proposal and tyres labelling proposal.

In addition, the Presidency and the Commission will inform ministers of recent developments in international relations in the field of energy.

Over lunch on 11 June, transport ministers will have a policy debate on the trans-European transport network and on 12 June energy ministers will discuss the location of the Agency for the Cooperation of Energy Regulators.

* * *

Press conferences and public events can be followed by video streaming: http://video.consilium.europa.eu/
AVIATION

Air transport agreement with Georgia

The Council is expected to adopt a decision authorising the Commission to open negotiations with Georgia on a comprehensive air transport agreement.

The Commission requested this mandate in January 2009. The agreement aims at mutually opening the respective markets and at integrating Georgia into European aviation structures. The agreement will be a further step in creating a wider Common Aviation Area between the EU and its neighbours by 2010.

Georgia is an important partner in the European Neighbourhood Policy. In November 2006, a joint EU-Georgia Action Plan was adopted to support the process of harmonization with EU rules and Georgia's further integration into the European political and economic structures.

Legal basis: Article 80(2) and 300(1) of the EC Treaty, unanimity.

LAND TRANSPORT

Rights of passengers in bus and coach transport

During a public deliberation, the Council will take note of the Presidency progress report (10301/09) on a draft regulation on the rights of passengers in bus and coach transport. In addition, it will hold a policy debate focussing on the scope of this proposal.

The proposed regulation forms part of the general policy of the EU to ensure equal treatment of passengers, irrespective of the mode of transport they travel with. Similar legislation has already been adopted in the field of air and rail transport, and it is also proposed for sea and inland waterways services.

The draft regulation lays down rules on liability in the event of death or injury of passengers and loss of or damage to their luggage, automatic solutions when travel is interrupted, treatment of complaints and means of redress, passenger information and other initiatives. Concerning disabled persons and persons with reduced mobility it contains provisions on information and assistance.


Legal basis: Article 71(1) of the Treaty; qualified majority voting under the co-decision procedure between the Parliament and the Council.
European rail network for competitive freight

The Council is due to reach, in a public deliberation, a political agreement on a draft regulation laying down rules for the establishment and organisation of international rail corridors for competitive freight (10678/09).

This proposal is aimed at creating a European rail network for competitive freight consisting of international corridors providing operators with an efficient, high-quality freight transport infrastructure. As a result, rail operators should be able to offer an efficient, high-quality service and be more competitive on the goods transport market. To that end, the proposal sets out the rules for the creation and the modification of freight corridors, their organisation and governance, and measures for implementing freight corridors, investment planning, and capacity and traffic management.

Ministers will be invited to assess a Presidency compromise proposal, which focuses in particular on the following issues:

- establishment of freight corridors - consisting, in particular, of the setting-up of initial freight corridors according to the list of principal routes of these corridors and the obligatory establishment of further corridors for member states not mentioned in the list;
- impact on passenger transport - addressing concerns related to a potential negative impact of capacity reservation for freight trains on normal passenger transport;
- authorised applicants - the possibility for applicants other than railway undertakings to request infrastructure to be maintained for the sections of train routes located in the member states that accept such a request under their national law.


Legal basis: Article 71(1) of the Treaty; qualified majority voting under the co-decision procedure between the Parliament and the Council.

HORIZONTAL AND INTERMODAL TRANSPORT

European satellite radio-navigation programmes

The Council will take note of the Presidency progress report (10312/09) on the draft regulation amending regulation (EC) 1321/2004 establishing structures for the management of the European satellite radio-navigation programmes.
The proposal is aimed at bringing the provisions of regulation 1321/2004 (OJ L 246, 20/07/2004, p. 1) into line with those of regulation 683/2008 (OJ L 194, 24/07/2008, p. 1) on further implementation of these programmes, given the substantive changes introduced by the latter regulation in the financial, governance and procurement procedures of the Galileo programmes.

Regulation (EC) 1321/2004, amended by regulation (EC) 1942/2006, established a Community agency called the European Global Navigation Satellite System Supervisory Authority. The agency's original role and tasks were defined in order to meet the requirements of the system provided for at that time for the concession for the management and financing of the Galileo programme’s deployment and operational phases. This system was discontinued in 2007, and responsibility for the management and financing of the deployment phase of the programme will no longer lie with the private sector.

Regulation (EC) No 683/2008 defines the new framework for the public governance and financing of the Galileo and EGNOS programmes. It sets out the principle of the strict division of responsibilities between the European Community, represented by the Commission, the Authority and the European Space Agency, granting the Commission responsibility for the management of the programmes and setting out precisely the tasks given at that time to the agency.

During the examination of the proposal by the working party, all delegations supported the objective of the proposal and recognised the need to address the inconsistencies between two regulations as soon as possible. However, this draft regulation raised some concerns that are related mainly to security matters. The work on this file will continue under the Swedish Presidency, focussing in particular on the following issues: tasks of the agency, voting rights of the Commission in the administrative board and the involvement of the European Parliament.

The Commission presented its proposal in March 2009 (6257/09).

*Legal basis: Article 156 of the Treaty; qualified majority voting.*

**Intelligent transport systems**

In a *public deliberation*, the Council will take note of the Presidency *progress report* on a draft directive establishing the framework for the deployment of intelligent transport systems (ITS)\(^2\) in the field of road transport (10012/09).

---

\(^2\) "Intelligent transport systems" mean applying information and communication technologies to transport. These applications are being developed for different transport modes and for interaction between them.
The objective of this proposal is to create the conditions and to put in place the mechanisms to foster the uptake of ITS services and applications for road transport and their interfaces with other modes of transport in order to support a more efficient and environmentally friendly, safer and more secure freight and passenger mobility in the EU. To that end the proposal provides for the comitology procedure (regulatory procedure with scrutiny) to be applied to common and legally binding specifications defining detailed provisions and procedures for the deployment of ITS across the EU.

The Council working party examined this proposal and the accompanying action plan at several meetings. At the TTE Council in March, the Council adopted conclusions on the action plan \(8005/09 + 8005/09\text{CORT}\). The informal transport ministers meeting in Litoměřice in April 2009 was also devoted to ITS and contributed to a clarification of the positions of member states \(8177/09\).

The Commission presented its proposal in December 2008 \(17564/08\). The European Parliament adopted its first-reading opinion in April 2009 \(8899/09\).

Legal basis: *Article 71 of the Treaty; qualified majority voting under the co-decision procedure between the Parliament and the Council.*

**European transport network**

The Council is due to adopt conclusions on the Commission green paper TEN-T policy review.

The conclusions were drafted on the basis of the Commission’s green paper: "Towards a better integrated Transeuropean Transport Network at the service of the common Transport policy", presented in February 2009 \(6135/09\). The green paper is a first step in the TEN-T review process that summarises current reflections and invites contributions from stakeholders, before the Commission presents possible legislative proposals.

TEN-T policy was established in 1996 with the objective of interconnecting national transport infrastructure networks to facilitate internal market and social and economic cohesion, including the linking of islands and peripheral regions and connection the EU’s network with third countries. This policy needs to be reviewed, in particular following to the EU’s 2004 and 2007 enlargements. TEN-T policy also needs to be realigned to contribute more effectively to climate change and environmental objectives and to support Europe's growing international role through better infrastructure connections with its neighbours and the wider world. In addition, the TEN-T policy needs to be adapted to strengthen its supporting role for economic and social development within the framework of the Lisbon strategy.

In its draft conclusions, the Council welcomes the green paper on the future of the TEN-T policy and calls upon the Commission to communicate the results of the public consultation as soon as possible to undertake further necessary technical work to develop the methodology for TEN-T planning. The Council also invites the Commission to submit a proposal for revised TEN-T guidelines before the end of 2010, which should be accompanied by an estimate of the investment needs arising from the proposal.
**TELECOMMUNICATIONS**

**European network and information security policy**

The Council will have an exchange of views on network and information security policy. Ministers are to focus their discussions on the future of the European Network and Information Security Agency (ENISA) and the general direction of European efforts in this field as well as on the issue of critical information infrastructure protection, which is the subject of a recent Commission communication (8375/09). In order to provide the discussion with a better structure, the Presidency drafted three guiding questions that can be found in document 10125/09.

The European Network and Information Security Agency (ENISA) was created in 2004 to ensure a high level of security in its area of expertise and to assist the Commission and the member states in addressing related problems. Its tasks include collecting information with a view to risk analysis, developing common methodologies and enhancing cooperation. Last year, its mandate was extended unchanged, until March 2012. Its role is now being re-examined with a view to defining the best way to tackle the main challenges of appropriate network and information protection.

Enhanced protection is particularly required for some information and communication technology systems, services and infrastructures which play a vital role for the society, especially for businesses and public administration, and are therefore considered "critical information infrastructures". Their disruption, due to man-made attacks, natural disasters or technical failures, can cause huge economic damage. Recent events such as the cyber-attacks against Estonia in 2007 and the fractures in transcontinental cables in 2008 show the vulnerability of modern information networks and underline the importance of protective measures aimed at ensuring continuation of critical services.

A ministerial conference on critical information infrastructure protection was held on 27 and 28 April 2009 in Tallinn, organised by Estonia under the aegis of the Czech EU presidency.

**ENERGY**

**Oil stocks**

The Council is due to reach a political agreement on a draft directive requiring member states to maintain minimum stocks of oil or petroleum products (10526/09).

The proposed directive, which is to replace all existing Community legislation in this field (Council Directives 2006/67/EC and 73/238/EEC and Council Decision 68/416/EEC), is aimed at improving the functioning of the current EU oil stocks mechanisms, so as to ensure availability of oil in the event of a crisis.
To that end it seeks, for example, to improve the regulatory framework and to encourage the setting up of a central stockholding entity by member states. It also proposes the voluntary creation of specific stocks, i.e. product reserves established specifically for the purposes of this directive.

In addition, the proposal is intended to align intra-EU rules with International Energy Agency-led action on the release of emergency oil stocks.

The text to be approved by ministers constitutes a balanced compromise proposal that received the support of all delegations. The work in the Council preparatory bodies focused, in particular, on periodicity of reporting on oil stocks, on provisions related to emergency procedures, central stockholding entities and right of economic operators to delegate stockholding.

The Commission presented its proposal in November 2008 (15910/1/08).

Legal basis: Article 100 of the EC Treaty, qualified majority voting.

**Energy efficiency package**

In a public deliberation, the Council will be invited to take note of a progress report (8989/09) summarising the work done so far on energy efficiency package, which contains the following three proposals: an energy labelling directive (15906/1/08), a tyres labelling directive (15920/08) and a buildings performance directive (15929/1/08).

This report also reflects implementing measures submitted by the Commission, under the regulatory procedure with scrutiny, to the Council and the European Parliament this semester, in the context of the current framework directives on eco-design requirements and energy labelling.

These three proposals aim to contribute to the achievement of the objective to save 20% of the EU's energy consumption for 2020, as called for by the 2007 spring European Council conclusions. All delegations broadly support these proposals, even if there are differing views on some specific points, in particular as far as the energy performance of buildings directive is concerned.

The work on these files will continue under the Swedish Presidency, energy efficiency being one of its priorities.

**Energy labelling directive**

This proposal recasts directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances and repeals directive 79/530/EEC. Its objective is to extend its scope, currently restricted to household appliances, to allow for the labelling of all energy-related products including the household, commercial and industrial sectors and some non-energy using products such as windows which have a significant potential to save energy once in use or installed.
Tyres labelling directive

The proposal creates a labelling scheme for tyre parameters including fuel efficiency, wet grip and external rolling noise, addressing tyres fitted on passenger cars, light commercial vehicles and heavy duty vehicles. It provides harmonised and easy-to-understand information to consumers, companies and retailers by grading tyre performance characteristics. It will guarantee that the information is made available to end-users via different media (e.g. electronic, catalogues, stickers).

Energy performance of buildings

The proposal clarifies, strengthens and extends the scope of the current directive 2002/91/EC in particular by:

- extending the scope of the provision requiring member states to set up minimum energy performance requirements when a major renovation is to be carried out;
- reinforcing the provisions on energy performance certificates, inspections of heating and air-conditioning systems, energy performance requirements, information, and independent experts;
- stimulating member states to develop frameworks for higher market uptake of low or zero energy and carbon buildings;
- encouraging the public sector to become more actively involved and to take a lead.

The Commission presented these three proposals in November 2008. The European Parliament adopted its first reading opinion on tyres labelling proposal (8876/1/09) as well as on energy performance of buildings proposal (8877/1/09) in April and on energy labelling proposal in May 2009 (9322/09).

International energy relations

The Council will be briefed by the Presidency and the Commission on events and developments in international relations that took place during the Czech Presidency, or are due to take place soon (9852/09).

The briefing will include, amongst other things, the fourth EU-Russia Partnership Council, relations with Ukraine, Southern Corridor countries summit, Energy Community and the EU-OPEC energy dialogue.
Other business

(a) Proposal for a Directive of the European Parliament and the Commission on charges for measures concerning civil aviation security
   - Presentation by the Commission (9864/09)

(b) State of play of liberalisation process in the railway sector.
   - Information from the Commission

(c) Informal Meeting of Ministers of Transport (Litoměřice, 29 April 2009)
   - Information from the Presidency (10768/09)

(d) First ASEM Transport Ministers meeting (Vilnius, 19-20 October 2009)
   - Information from the Lithuanian delegation (10781/09)

(e) Current state of play of the transport issues following the EU-Russia Summit (Khabarovsk, 21-22 May 2009)
   - Information from the Commission

(f) Draft Decree on container traffic by the Federal Custom services of Russia
   - Information from the Finnish delegation (10777/09)

(g) Second European Maritime Day (Rome, 18-20 May 2009)
   - Information from the Italian delegation (10618/09, 10619/09)

(h) Internet of Things - An action plan for Europe
   - Information from the Commission (10524/09)

(i) Ministerial Conference - Safer Internet for Children (Prague, 20 April 2009)
   - Information from the Presidency (10522/09)

(j) Internet Governance: The next steps
   - Information from the Commission (10721/09)

(k) Baltic interconnection Plan
   - Information from the Commission (10703/09)

(l) G8 Energy Ministerial Meeting (Rome, 24-25 May 2009)
   - Information from the Italian delegation (10705/09)