



**COUNCIL OF
THE EUROPEAN UNION**

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8193/09

LIMITE

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TRANS	132
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DRAFT MINUTES¹

of: **2935th** meeting of the Council of the European Union (**TRANSPORT, TELECOMMUNICATIONS and ENERGY**), held in Brussels on 30 and 31 March 2009

¹ Information which may be released to the public concerning the final adoption of Council acts is contained in Addendum 1 to these minutes.

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1. Adoption of the agenda

7936/09 OJ CONS 18 TRANS 119 TELECOM 55 ENER 94

The Council adopted the abovementioned agenda with the addition of the following sub-item under "Any Other Business":

- (o) Maritime piracy
 - Request from the Greek delegation

2. Approval of the list of "A" items

8070/09 PTS A 15

+ ADD 1

The Council approved the list of "A" items as set out in 8070/09 and its addendum.

Information relating to items 13, 14, 16, 17, 18 and 19 is set out in Addendum 1 to these minutes.

The documents in item 1 should read as follows:

Item 1: 6190/09 AVIATION 15 COAFR 47 ACP 39 RELEX 113

+ COR 1 (fi)

+ COR 2 (lt)

7165/09 AVIATION 35 COAFR 83 ACP 59 RELEX 199

+ COR 1 (mt)

+ ADD 1

+ ADD 1 COR 1 (mt)

TRANSPORT

LAND TRANSPORT

3. **Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures ("Eurovignette")**

- Progress report/Policy debate
(Public deliberation, pursuant to Article 8(1)(c) CRP)
11857/1/08 TRANS 249 FISC 95 ENV 456 CODEC 973 REV 1
+ REV 1 COR 1
7546/09 TRANS 107 FISC 33 ENV 194 CODEC 355

The Council took note of the progress report as set out in 7546/09 and held an exchange of views on the basis of the three questions contained therein.

4. **Proposal for a Directive of the European Parliament and of the Council amending Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities**

- General approach
(Public deliberation, pursuant to Article 8(1)(c) CRP)
14461/08 TRANS 335 SOC 617 CODEC 1352
+ REV 1 (nl)
7577/09 TRANS 111 SOC 189 CODEC 360

The Council reached an agreement on a general approach on the text of the draft Directive as reflected in the Annex to the outcome of proceedings (8251/09) pending the adoption of the opinion of the European Parliament.

The Council agreed to enter into these minutes the statement made by Greece as set out in the Annex.

INTERMODAL QUESTIONS AND NETWORKS

5. **Communication from the Commission – Action Plan for the Deployment of Intelligent Transport Systems in Europe**

- Adoption of Council conclusions
17563/08 TRANS 492 TELECOM 237 IND 235
8005/09 TRANS 121 TELECOM 58 IND 29
+ COR 1

The Council adopted the conclusions set out in 8005/09.

AVIATION

6. **SESAR: ATM Master Plan**

- (a) **Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project**
7119/09 AVIATION 32
 - (b) **Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan**
- Adoption
7742/09 AVIATION 48

The Council adopted:

- a Decision endorsing the European Air Traffic Management Master Plan of the SESAR project, as set out in 7119/09;
- a Resolution on the endorsement of the European Air Traffic Management Master Plan, as set out in the Annex to 7742/09.

The Council took note of the Polish statement as set out in the Annex to these minutes

7. **External Relations**
Proposal for a Council Decision on the signature and provisional application of the EU-Canada Air Transport Agreement

- Political position
6621/09 AVIATION 23 CDN 1 RELEX 154
+ REV 2 (da)
7929/09 AVIATION 50 CDN 5 RELEX 266
+ COR 1

The Council, pending the preparation of the final text of the Council Decision, took a positive political position on the draft air transport agreement with Canada.

The Council agreed to enter into these minutes the statements made by the Council, Finland, Greece, Portugal and Romania as set out in the Annex.

In addition, it was agreed that the following Declarations of the European Community and its Member States shall be annexed to the Air Transport Agreement. They shall be preceded by the phrase "The parties take note of the following declarations:"

Declaration by the European Community and its Member States on the EU-Canada Air Transport Agreement to be made at the signature

"With regard to Article 26 (2), the European Community and its Member States confirm that the phrase "the bilateral agreements in force listed in Annex 3 shall be suspended except to the extent provided for in Annex 2" has the same effect as stating that the relevant provisions in the Agreement shall prevail over the relevant provisions of the bilateral agreements in force listed in Annex 3."

Declaration by the European Community and its Member States on the EU-Canada Air Transport Agreement to be made at the signature

"The European Community and its Member States clarify that the Air Transport Agreement between the European Community and its Member States on the one part, and Canada, on the other part, in particular in its Article 8, does not provide for the exemption from Value Added Tax (VAT), with the exception of turnover tax on imports, and does not preclude Member States from taxing aviation fuel for domestic or intra-Community flights in line with Council Directive 2003/96/EC."

SHIPPING

8. **Proposal for a Regulation of the European Parliament and the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws**

- Progress report/Policy debate
(Public deliberation, pursuant to Article 8(1)(c) CRP)
11990/08 MAR 109 TRANS 466 CODEC 995
7141/09 MAR 41 TRANS 92 CODEC 290

The Council held a policy debate based on the progress report and the questions appearing in 7141/09.

9. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Strategic goals and recommendations for the EU's maritime transport policy until 2018**

- Adoption of Council conclusions
5779/09 MAR 7
7866/09 MAR 53
+ COR 1

The Council adopted the conclusions set out in 7866/09 + COR 1.

10. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Communication and action plan with a view to establishing a European maritime transport space without barriers**

- Adoption of Council conclusions
5775/09 MAR 5
8079/09 MAR 58

The Council adopted the conclusions set out in 8079/09.

TELECOMMUNICATIONS

11. Accessible Information Society

- Adoption of Council conclusions
16830/08 TELECOM 222 SOC 768 COMPET 555 RECH 419
7612/09 TELECOM 46 SOC 191 COMPET 149 RECH 77

The Council adopted conclusions as presented in 7612/09.

12. The impact of the economic downturn on ICT and how ICT can boost the EU's economy

- Exchange of views
7749/1/09 TELECOM 48 COMPET 152 MI 110 RECH 80 REV 1

The Council held an exchange of views on ICT in the times of crisis on the basis of questions as set out in 7749/1/09.

13. Any Other Business

- (a) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation 1692/2006 establishing the second "Marco Polo" programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system ("Marco Polo II")**
 - Information from the Presidency

The Council took note of the information provided by the Presidency on the state of play of the discussions with the European Parliament on the above subject.

(b) Galileo

- Information from the Commission
8085/09 TRANS 129 MAR 60 AVIATION 56 RECH 88 CAB 12 FIN 102

The Council took note of the information presented by the Commission on the above issue.

(c) Monitoring of the TEN-T, Wider Europe and national operational programmes for transport

- Information from the Commission
8057/09 TRANS 127 MAR 56 ECOFIN 247

The Council took note of the information presented by the Commission on the above issue.

(d) Single Sky package

- Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 06/23/EEC

- Information from the Presidency
8066/09 AVIATION 54 CODEC 439

The Council took note of the information provided by the Presidency on the results of the negotiations with the European Parliament on the Single European Sky package.

(e) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports

- Information from the Commission
7500/09 AVIATION 41 CODEC 349

The Council took note of the information provided by the Commission on a proposal to amend Regulation 95/93 on common rules for the allocation of slots at Community airports.

(f) CERG Aviation Safety Program in 2009

- Information from the Romanian delegation
7613/09 AVIATION 43
+ COR 1

The Council took note of the information provided by the Romanian delegation on the CERG Safety Program in 2009.

(g) Informal Council of Transport Ministers (Litoměřice, 29 April 2009)

- Information from the Presidency

The Council took note of the information given by the Presidency on the organisation of the above meeting.

(h) Proposal for a Decision of the European Parliament and of the Council on interoperability solutions for European public administrations (ISA)

- Information from the Presidency
13644/08 TELECOM 142 COMPET 366 CODEC 1247

The Council took note of the information given by the Presidency as to the state of play.

- (i) **112 Day**
 - Information from the Presidency
- (j) **Communication from the Commission on "mobilising information and communication technologies to facilitate the transition to an energy-efficient, low-carbon economy"**
 - Presentation by the Commission
7566/09 TELECOM 45 ENER 85 RECH 76 COMPET 147 ENV 200
TRANS 110
- (k) **Review of the EU regulatory framework for electronic communications networks and services**
 - Information from the Presidency on the ongoing negotiations
- (l) **Fourth World Telecommunication Policy Forum (WTPF) – Lisbon, 21-24 April 2009**
 - Information from the Portuguese delegation
8048/09 TELECOM 59
- (m) **Ministerial Conference on the Critical Information Infrastructure Protection (CIIP) (Tallinn, 27-28 April)**
 - Information from the Estonian delegation
- (n) **Commission Communication on Critical Information Infrastructure Protection**
 - Presentation by the Commission

The Council took note of the information presented under the above Any Other Business items, (i)–(n).

- (o) **Maritime piracy**
 - Request from the Greek delegation

The Council took note of concerns expressed by the Greek delegation, supported by other delegations, concerning acts of maritime piracy in particular in the Horn of Africa and the Gulf of Aden.

STATEMENTS FOR THE COUNCIL MINUTES**Re item 4:**

Proposal for a Directive of the European Parliament and of the Council amending Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities

STATEMENT BY GREECE

"Greece appreciates the efforts of the European Commission and of the Presidency on the organisation of the working time of persons performing mobile road transport activities.

However, Greece expresses concern regarding the proposed modification to the definition of "night work" (article 1, point 2e), with which Greece is unable to agree. Such a modification neither provides sufficient social protection for workers nor contributes to increasing road safety. It is, therefore, necessary that the European Commission closely monitors the possible consequences of the application of the new definition, and proposes, if appropriate, corrective measures."

Re item 6:

SESAR: ATM Master Plan

- (a) Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project
- (b) Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan

STATEMENT BY THE REPUBLIC OF POLAND

"The Republic of Poland supports the SESAR research and development program, although we recognise some potential problems and risks that result from the execution of the first implementation package for the period 2008-2013, with regard to the implementation of technical solutions as well as in the area of the air traffic management. The execution of the tasks set out in the SESAR Master Plan does not fully reflect the situation of peripheral countries of the European Union, both in terms of their technical capabilities, as well as in relation to the size and specificity of air traffic.

In the opinion of the Republic of Poland, the SESAR Master Plan does not contain the complete cost and benefit analysis of execution of the first implementation package and its financing, whether by air navigation service providers, by the airports or by the military side.

Recognising that the SESAR Master Plan is treated as the initial version of the European Air Traffic Management Master Plan, which will be updated and modified, the Republic of Poland expresses its hope that the above issues will be reviewed and resolved in the near future.

The Republic of Poland would be prepared to support the endorsement of the European Air Traffic Management Master Plan only after its update in terms of its financing mechanisms. For this reason the Republic of Poland is abstaining from voting on the decision endorsing the European Air Traffic Management Master Plan."

Re item 7:

External Relations

Proposal for a Council Decision on the signature and provisional application of the EU-Canada Air Transport Agreement

STATEMENT BY THE COUNCIL

"The Air Transport Agreement between the European Community and its Member States, on the one part, and Canada, on the other part, has been negotiated under a mandate received by the Commission from the Council in October 2007.

DELETED

STATEMENT BY FINLAND

"Finland declares that it can provisionally apply this Agreement pursuant to Article 23 only from the date on which it has notified the European Community as the Depository of this Agreement the completion of its internal procedures necessary for the entry into force of this Agreement."

STATEMENT BY GREECE

"The Hellenic Republic declares that it can provisionally apply this Agreement pursuant to Article 23 only from the date on which it has notified the European Community as the Depository of this Agreement the completion of its internal procedures necessary for the entry into force of this Agreement."

STATEMENT BY PORTUGAL

"For the purposes of Article 2 (provisional application), Portugal states that it will apply the Agreement provisionally once the depositary has been notified of the completion of the internal procedures required for entry into force."

STATEMENT BY ROMANIA

"Romania fully appreciates the efforts of the European Commission for conclusion of a comprehensive Air Transport Agreement with Canada. It considers that such an agreement has to offer fair and equal opportunities for all EU Member States to be involved in the EU-Canada air transport market and to participate to the development of this market.

However, Romania wishes to express its concern that through the explicit insertion in the Section 2 of Annex 3 of those traffic rights contained in the bilateral agreements or arrangements concluded between some Member States and Canada and which have not been ratified (or are not entered into force), these traffic rights, negotiated only between two parties and being at present mandatory only for those parties, could be considered as mandatory for all parties to the EU-Canada Air Transport Agreement and thus, the discriminatory treatment applied by Canada in relation with different EU Member States, should receive a legal status, being accepted by all EU Member States.

Romania declares that it can provisionally apply this agreement pursuant to Article 23 only from the date on which it has notified the General Secretariat of the Council as the Depository of this Agreement the completion of its internal procedures necessary for the entry into force of this Agreement."

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