PRESS RELEASE

2835th Council meeting

Transport, Telecommunications and Energy

Brussels, 29-30 November/3 December 2007

President Mr Mário LINO, Minister of Public Works, Transport and Communications,
Mr Mariano GAGO, Minister for Science, Technology and Higher Education,
Mr Manuel PINHO, Portuguese Minister for Economy and Innovation of Portugal
Main results of the Council

The Council adopted conclusions on launching the European Global Navigation Satellite System Programmes that define the general principles of public sector governance and public procurement of the programmes.

The Council also adopted conclusions on:
- strengthening the internal market for mobile television;
- ageing well in the information society;
- the freight transport logistics action plan.

The Council reached a political agreement on:
- a draft Regulation on the liability of passenger shipping in the event of accidents;
- a draft Directive and a draft Regulation on common rules for ship inspection and survey organisations;
- a draft Directive on the safety of the Community's railways;
- a draft Regulation establishing a European Railway Agency;
- a draft Regulation on common rules for the operation of air transport services.

In addition, the Council adopted a decision on a negotiating mandate for an aviation agreement with Jordan and for an agreement with the ICAO on aviation security/inspections.

The Council also endorsed a progress report on the third package for the internal energy market.
PARTICIPANTS

ITEMS DEBATED

TELECOMMUNICATIONS
EU Regulatory Framework for electronic communications networks and services
Internal Market for Mobile TV - Council conclusions
Repeal of the GSM Directive
Selection and authorisation of systems providing mobile satellite services
European e-Inclusion
  a) Ageing well in the Information Society - Council conclusions
  b) European i2010 initiative on e-Inclusion
INTERMODAL QUESTIONS AND NETWORKS
GALILEO – Council conclusions
Freight Transport Logistics Action Plan – Council conclusions
Sustainable Development Strategy
SHIPPING
Liability of passenger shipping in the event of accidents
Ship inspection and survey organisations
AVIATION
Airport charges
Operation of air transport services in the Community
External relations

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.
2 Documents for which references are given in the text are available on the Council's Internet site (http://www.consilium.europa.eu).
3 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.
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PARTICIPANTS

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

**Belgium:**
Mr Renaat LANDUYT Minister for Mobility  
Mr Didier SEEUWS Deputy Permanent Representative

**Bulgaria:**
Mr Petar Vassilev MUTAFCHIEV Minister for Transport  
Ms Galina TOSHEVA Deputy Minister for the Economy and Energy  
Mr Plamen VATCHKOV Chairman of the State Agency for Information Technologies and Communications

**Czech Republic:**
Mr Martin RÍMAN Minister for Industry and Trade  
Mr Tomáš HÚNER Deputy Minister for Industry and Trade, Industry and Energy Section  
Ms Daniela KOVALČÍKOVÁ Deputy Minister for Transport, Legislation Section

**Denmark:**
Ms Carina CHRISTENSEN Minister for Transportation  
Ms Connie HEDEGAARD Minister for Climate and Energy

**Germany:**
Mr Wolfgang TIEFENSEE Federal Minister for Transport, Building and Urban Development  
Mr Bernd PFAFFENBACH State Secretary, Federal Ministry of Economic Affairs and Technology  
Mr Joachim WUERMELING State Secretary, Federal Ministry of Economic Affairs and Technology

**Estonia:**
Mr Juhan PARTS Minister for Economic Affairs and Communications

**Ireland:**
Mr Eamon RYAN Minister for Communications, Energy and Natural Resources

**Greece:**
Mr Konstantinos HADJIDAKIS Minister for Transport and Communications  
Mr Christos FOLIAS Minister for Development  
Mr Ioannis TZOANNOS Secretary General, Ministry of Mercantile Marine

**Spain:**
Mr Joan CLOS I MATHEU Minister for Industry, Tourism and Trade  
Mr Francisco ROS PERÁN State Secretary for Telecommunications and the Information Society  
Mr Fernando PALAO Secretary General for Transport, Ministry of Development

**France:**
Mr Jean-Louis BORLOO Ministre d'Etat, Minister for Ecology and for Sustainable Development and Town and Country Planning  
Mr Dominique BUSSEREAU Minister of State with responsibility for Transport  
Mr Hervé NOVELLI Minister of State with responsibility for Enterprise and Foreign Trade

**Italy:**
Mr Alessandro BIANCHI Minister for Transport  
Mr Mario BUBBICO State Secretary for Economic Development  
Mr Luigi VIMERCATI State Secretary for Communications
Cyprus:
Ms Maria MALAHTOU-PAMBALLI
Minister for Communications and Works

Latvia:
Mr Amārs ŚLESERS
Mr Kaspars GERHARDS
Minister for Transport and Communications
State Secretary, Ministry of Economic Affairs

Lithuania:
Mr Vytaš NAVICKAS
Mr Alminas MAČIULIS
Minister for the Economy
State Secretary at the Ministry of Transport and Communications

Luxembourg:
Mr Jeannot KRECKÉ
Minister for Economic Affairs and Foreign Trade,
Minister for Sport

Hungary:
Mr János KÓKA
Minister for Economic Affairs and Transport

Malta:
Ms Censu GALEA
Minister for Competitiveness and Communications

Netherlands:
Ms Maria van der HOEVEN
Ms Tineke HUIZINGA-HERINGA
Minister for Economic Affairs
State Secretary for Transport, Public Works and Water Management

Austria:
Mr Werner FAYMANN
Mr Martin BARTENSTEIN
Federal Minister for Transport, Innovation and Technology
Federal Minister for Economic Affairs and Labour

Poland:
Mr Waldemar PAWLAK
Mr Eugeniusz WRÓBEL
Vice Prime Minister, Minister of Economy
Under-Secretary of State, Ministry of Infrastructure

Portugal:
Mr Mário LINO
Mr José MARIANO GAGO
Mr Manuel PINHO
Ms Ana Paula VITORINO
Minister for Public Works, Transport and Communications
Minister for Science, Technology and Higher Education
Minister for Economic Affairs and Innovation
State Secretary for Transport

Romania:
Mr Varujan VOSGANIAN
Mr Septimiu BUZASU
Mr Iuliu WINKLER
Minister for the Economy and Finance
State Secretary, Ministry of Transport
Minister of Communications and Information Technology

Slovenia:
Mr Radovan ŽERJAV
Mr Andrej VIZJAK
Ms Mojca KUCLER DOLINAR
Minister for Transport
Minister for the Economy
Minister for Higher Education, Science and Technology

Slovakia:
Mr Milan MOJŠ
State Secretary at the Ministry of Transport, Post and Telecommunications

Finland:
Ms Anu VEHVILÄINEN
Ms Suvi LINDÉN
Mr Mauri PEKKARINEN
Minister for Transport
Minister for Communications
Minister for Trade and Industry

Sweden:
Ms Maud OLOFSSON
Ms Ása TORSTENSSON
Deputy Prime Minister and Minister for Enterprise and Energy
Minister for Communications, Ministry of Enterprise, Energy and Communications
United Kingdom:
Ms Rosie WINTERTON
Mr Stephen TIMMS
Mr Malcolm WICKS

Commission:
Mr Jacques BARROT
Ms Viviane REDING
Mr Andris PIEBALGS
ITEMS DEBATED

TELECOMMUNICATIONS

EU Regulatory Framework for electronic communications networks and services

The Commission presented to the Council its proposals on the review of the regulatory framework for electronic communications networks and services.

The Commission's telecoms reform package¹, adopted on 13 November 2007, aims to enable citizens, wherever they live and wherever they travel in the EU, to benefit from better and cheaper communication services, whether they use mobile phones, fast broadband Internet connections or cable TV.

The Commission proposals include the following main features: new consumer rights, more consumer choice through more competition, more security in using communication networks, promoting investment into new communication infrastructures, better regulation in telecoms and more independent watchdogs.

The Commission also plans to establish a European regulator, in the form of the European Electronic Communications Market Authority (EECMA), to serve as its main advisor in all European regulatory affairs. It is also proposed that the current European Network and Information Security Agency will eventually be merged into the EECMA. In addition, the Commission proposes to increase its powers through the right to veto some of the national regulators decisions for remedies.

¹ It contains the following documents:

- Report on the outcome of the Review of the EU regulatory framework for electronic communications networks and services and Summary of the 2007 Reform Proposals (15371/07);
- proposal for a Directive amending Directives 2002/21/EC (framework Directive), 2002/19/EC (access Directive), and 2002/20/EC (authorisation Directive) (15379/07);
- proposal for a Regulation establishing the European Electronic Communications Market Authority (15408/07),
- a communication on the use of the spectrum released by the digital switchover (15365/07).
Moreover, the Commission proposals present functional separation as a possible remedy for the national regulators, i.e. the power to split telecommunications operators that own important parts of the network infrastructure into two companies, in charge of operational business and network management respectively.

Delegations agreed with the objectives of the Commission's proposals. However several Member States expressed their doubts related in particular to the need for a creation of a new European Agency and to the extension of the Commission's competence in terms of regulatory conditions or frequency administration.

The examination of these proposals will start under the Slovenian Presidency.
Internal Market for Mobile TV - Council conclusions

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

the 18 July 2007 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strengthening the Internal Market for Mobile TV"¹

2. RECALLS

1. the 14/15 December 2006 European Council Presidency Conclusions stating in particular that immediate priorities include the development of spectrum allocation models meeting all objectives, the fast promotion of advanced mobile services and to the extent possible a coordinated approach for the use of spectrum capacity becoming available as a result of digital switch-over²;

2. the 1/5 December 2005 Council Conclusions on "Accelerating the transition from analogue to digital broadcasting"³;

3. the 22 March 2007 Council Resolution on a Strategy for a Secure Information Society in Europe⁴ acknowledging the importance of adequate network and information security levels from the initiation of the development phase of ground-breaking technologies (including Mobile TV) and highlighting that the early adoption of new and promising innovations is highly important for information society development and European competitiveness;


² 16879/1/06 REV 1, para. 30.
³ 14636/1/05 REV 1 (Presse 303)
⁵ 9955/07.

15891/07 (Presse 274)
3. UNDERLINES THAT

1. the emerging EU market of Mobile TV, terrestrial and by satellite, has potential for significant growth, jobs and innovation and could bring significant consumer benefits; start-up efforts for Mobile TV are being launched in many Member States and competition is gradually developing;

2. fostering competition stimulates technological and service innovation and has the potential to create tangible consumer benefits;

3. there is a variety of standards supporting Mobile TV broadcasting services across Europe; however, DVB-H seems to have the potential to become the most-common market-driven standard in the EU for terrestrial Mobile TV;

4. a pan-European approach could provide extra support to the successful, rapid and widespread deployment of Mobile TV broadcasting services, sustaining the EU competitive edge in Mobile TV broadcasting services and promoting a clearer regulatory framework for new business cases;

5. this approach could address the facilitating regulatory environment, the fostering of competition, the availability of spectrum in suitable bands and the standards and interoperability issues, taking into account the principle of technological neutrality as well as general interest objectives such as media pluralism and cultural diversity;

6. Mobile TV and other emerging technologies could create economies of scale through the adoption of a general open standards policy which ensures interoperability. In this context, the timely and market-led development of open and interoperable standards, including, if proven necessary, a common Mobile TV standard family, is crucial to reap the full benefits of Mobile TV broadcasting services, whilst the work of the European standardisation bodies in this field should be further encouraged;

7. the great challenge for European audiovisual content providers is to develop new, attractive formats and content availability for mobile consumption;

8. the successful introduction and take-up of Mobile TV in the EU needs the support and active cooperation of all stakeholders.
4. TAKES NOTE OF THE COMMISSION INITIATIVE TO

1. propose the inclusion of Digital Video Broadcast transmission to handheld terminals (DVB-H), as non-mandatory standard, in the official list of standards of the EU, in accordance with Article 17(1) of the Framework Directive 2002/21/EC, in order to accelerate the deployment of terrestrial Mobile TV broadcasting services throughout the EU.

5. INVITES THE COMMISSION TO

1. acknowledge the importance of innovation, technology neutrality and a market-led approach for the successful, long-term deployment of Mobile TV broadcasting services;

2. monitor the implementation of services and standards by industry in the Member States and, if necessary and appropriate, take steps to ensure the interoperability of services and improve freedom of choice for users;

3. where appropriate and aiming at serving market needs, bring forward proposals for adding Mobile TV standards to the official list of EU standards in accordance with Article 17(1) of the Framework Directive 2002/21/EC;

4. identify best practices with regard to the authorisation regimes across the EU and promote through appropriate guidance their consistent adoption by the Member States;

5. cooperate with Member States in identifying, within the framework created by the 2006 Regional Radio-Communication Conference (RRC-06) conclusions, a strategy on suitable bands which could include the spectrum provision for Mobile TV broadcasting services while taking due account of Member States' right to pursue general interest objectives in conformity with Community law and further examine issues aiming at tackling obstacles with regard to the on-line content provision;

6. without prejudice to existing procedures, monitor the cross-border frequency assignment coordination regarding the spectrum for Mobile TV broadcasting services;

7. encourage continuous dialogue among all relevant stakeholders to promote conditions for Mobile TV uptake.
6. INVITES MEMBER STATES TO

1. set in place a favourable regulatory environment and supporting innovative business models for the provision of Mobile TV broadcasting services;

2. coordinate with each other in order to exchange authorisation regime best practice and examine the opportunities for the consistent application of authorisation procedures;

3. facilitate the deployment of Mobile TV broadcasting, including the development of pilot projects, taking into account the need to ensure maximum interoperability, including, if necessary, the promotion of a common standard family in their territory;

4. make available adequate spectrum for Mobile TV broadcasting, while taking into account spectrum availability and market demand;

5. deploy Mobile TV while taking into account the need to improve cross-border spectrum coordination.

7. INVITES ALL STAKEHOLDERS TO

1. work towards achieving maximum pan-European interoperability between different standards and consumer devices; devoting most efforts to reaching consensus around a common open standard;

2. contribute to the successful Mobile TV uptake in Europe, through sustained dialogue and cooperation, as appropriate."
**Repeal of the GSM Directive**


The repeal of the GSM Directive, proposed by the Commission in July 2007 (12273/07), will allow the use of these bands (890-915 MHz and 935-960 MHz) by systems that are capable of offering electronic communications services beyond the GSM. It will in particular make possible to open the currently restricted frequencies to third generation services which allow, for example, video streaming and fast downloads on a mobile handset. The greater range of radio waves in the lower spectrum band in question and their ability to provide better coverage in buildings would enable operators also to achieve much broader third generation coverage, particularly in rural areas.

The Commission's proposal also indicates that the harmonised technical conditions necessary in this context will be defined by a relevant Commission Decision after its adoption.
Selection and authorisation of systems providing mobile satellite services

The Council took note of a progress report (15531/07) on a proposal for a Decision on the selection and authorisation of systems providing mobile satellite services.

The proposal, submitted by the Commission in August 2007 (12413/07), lays down Community procedures for the common selection at EU level of mobile satellite system operators as well as provisions for the coordinated authorisation by national authorities of selected operators to use the radio spectrum for the operation of such systems in the EU. The proposal complements the Commission decision, adopted through comitology in February 2007, that obliged Member States to reserve by 1 July 2007 the 2GHz radio frequency bands for use by systems providing mobile satellite services.

All delegations welcome the Commission's proposal and its general thrust in principle. However, some issues of political and technical nature were identified, which need further discussion, also in the light of the first-reading opinion of the EP (expected in April 2008). These issues include, in particular, pan-European coverage and comitology.
European e-Inclusion

– a) Ageing well in the Information Society - Council conclusions

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION

1. WELCOMES:

- the Communication from the Commission on "Ageing Well in the Information Society";
- the preparation of the i2010 European initiative on Ambient Assisted Living (AAL) under Article 169 of the EU Treaty.

2. RECALLS

- the conclusions of the Lisbon European Council of March 2000 and the objectives of the Lisbon Strategy;
- the Riga Ministerial Conference on ICT for an Inclusive Society and the Riga Ministerial Declaration of June 2006;
- the Communication from the Commission on "The demographic future of Europe – from challenge to opportunity" of October 2006;

3. RECOGNISES THAT:

- ageing of the population is one of Europe's most pressing challenges, and that this challenge is also becoming a global phenomenon;
the quality of life of ageing citizens can be substantially improved with appropriate developments of ICT to ageing well in the community, at work and at home, for example through increased social networking, easier access to public and commercial services, enhanced work and daily living environments, and extended productive, independent and autonomous lives;

the isolation and loneliness experienced by many elderly citizens can be mitigated by the facilitation of social interaction provided by electronic communications;

the use of ICT–based products and services will allow ageing citizens to live longer independently, and will provide opportunities for enhancing their safety, security and healthcare, thus reducing the dependence on institutional care and providing improved human dignity to the elderly;

the increasing older population, having grown more accustomed to the use of ICTs and becoming more demanding, is likely to create pressure for the development of a new and enlarged market for innovation, creation and exportation of new products and services within the Community as well as globally;

ICT has significant potential to create a triple-win by improving the quality of life of citizens, containing the rising costs of care, and enabling new and growing business opportunities for Europe's companies including SMEs;

market barriers and fragmentation, insufficient market development and awareness, high diversity of rules and regulations, limited adoption of inclusive design, insufficient research and innovation, lack of affordable solutions, digital illiteracy and insufficient understanding of users must be overcome for Europe to fully reap the benefits of ICT for ageing well;

a comprehensive cross-policy approach both at national and at EU levels, including electronic communications and information society, social, employment, public procurement, health and urban policies, is relevant to address the issue effectively.

4. INVITES THE MEMBER STATES TO:

actively contribute to the Action Plan for Ageing Well in the Information Society through appropriate initiatives including the development of national action plans;
• report progress, including on relevant targets of the Riga declaration (notably halving by 2010 internet usage and digital literacy gaps of elderly people and realising web-accessibility of public websites), as part of the envisaged reporting on e-Inclusion, as part of the envisaged i2010 European e-Inclusion Initiative, at the end of 2008;

• clarify rules and regulations affecting ageing well solutions and cooperate with the Commission in analysing market barriers;

• take into account the needs of the older age-group population as well as the potential it creates for new markets and services when establishing their national research policies and programmes, in particular with a view to the e-inclusion of the elderly;

• stimulate cooperation of all stakeholders at the national and European levels, visibility of existing solutions and exchange of good practices, including demonstrations of the available services and actions in Europe;

• mobilise and support local and regional authorities, given their important role in the delivery of social and health solutions for elderly people and encourage cooperation and interoperability to increase economies of scale;

• mobilise financial incentives for research, innovation and market uptake.

5. INVITES THE EUROPEAN COMMISSION TO:

• make proposals in 2009 to overcome legal and technical barriers to ICT for ageing well;

• contribute to mechanisms for the exchange of experiences and good practices;

• support Member States in giving visibility to existing and available services and actions in this field within the Community;

• improve e-accessibility for elderly persons and disabled persons, including through European standards and legislative action as appropriate;

• sustain research, innovation and deployment support in European programmes.
6. INVITES INDUSTRY TO:

- establish in 2008 an innovation platform with users on joint research, innovation, and deployment agendas, linking to relevant European Technology Platforms to enable European leadership, in particular by collaborating and developing joint research activities with European research and academic institutions for the development of inclusive ICT products and services;

- deepen understanding of user requirements, and contribute to a European curriculum on inclusive design by 2008;

- step up efforts, with authorities, on digital literacy training for elderly people;

- enable older employees to remain active with ICT.

7. INVITES OTHER AUTHORITIES AND CIVIL SOCIETY TO:

- closely cooperate with industry and academic and research institutions on joint research, innovation and deployment agendas;

- make available information that will increase the understanding of market barriers and improve market transparency;

- for regional authorities, actively incorporate ICT for ageing well in regional development agendas and participate in relevant Regions for Economic Change networks.

— b) European i2010 initiative on e-Inclusion


The communication (14872/07) proposes an European Initiative on e-Inclusion comprising:

- an e-Inclusion campaign "e-Inclusion, be part of it!" to raise awareness and connecting efforts during 2008, to be concluded by a Ministerial Conference, to demonstrate concrete progress and reinforce commitments;
• a strategic framework for action to implement the Riga Ministerial Declaration1 by:

  a) enabling the conditions for everyone to take part in the information society by bridging the broadband, accessibility and tackling competence gaps;

  b) accelerating effective participation of groups at risk of exclusion and improving quality of life;

  c) integrating e-Inclusion actions to maximise lasting impact.

In addition, the Council took note of the information provided by the Presidency on the ministerial debate on e-Inclusion, which will take place in Lisbon on 2 and 3 December 2007. The debate will be the first possibility for the Ministers to have an in depth discussion on the Commission's initiative.

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1 See: http://ec.europa.eu/information_society/events/ict_riga_2006/doc/declaration_riga.pdf
INTERMODAL QUESTIONS AND NETWORKS

GALILEO – Council conclusions

The Council adopted the following conclusions:

"Having regard to:

(i) the previous resolutions and conclusions of the European Council and the Council with regard to the European Global Navigation Satellite System (GNSS), i.e. the GALILEO and EGNOS programmes, in particular the conclusions of 21-22 June 2007 and 1-2 October 2007,


The Council:

1. REITERATES the importance of the European GNSS programmes EGNOS and Galileo as a key project for the European Union and SUPPORTS, as an overall programme objective for Galileo, the deployment by 2013 of a European satellite navigation system providing five navigation services¹.

2. UNDERLINES the economic and public merits of the programmes, the direct benefits of Galileo in terms of new services and markets, increased performance, and complementarity with GPS.

3. ACKNOWLEDGES that the Commission's estimated cost for the European GNSS programmes for the period 2007 - 2013 amounts to 3.4 B€, including the procurement of the Full Operational Capability of Galileo, operational costs, the costs for EGNOS, the procurement agent, programme management costs and a contingency reserve, and CONSIDERS that this should constitute the ceiling for expenditure during this Financial Perspective.

4. TAKES NOTE of the estimations of the Commission for the costs and risks after 2013, including costs for operations, maintenance and replenishment. These costs may be partly offset by revenues from Galileo services.

5. RECOGNISES that the identified risks of the European GNSS programmes do not require specific budgetary measures at this stage, over and above the foreseen contingency reserve.

6. WELCOMES the Commission's commitment to implement an integrated programme risk management structure for all phases and levels of the programme and to implement structural measures in order to identify, control, mitigate and monitor such risks, including through the relevant contracts and agreements.

7. SUBSCRIBES fully to the need for a stream-lined and effective public sector governance of the European GNSS programmes and the need for a clear division of roles; and AGREES in particular that the following principles should be applied for the deployment phase under public procurement:

**Political decision making and oversight**

a) The Council and the European Parliament remain the Budgetary Authority and ultimate political decision-making bodies for the programmes, in particular for the overall programme objectives and definition of services that will be provided by EGNOS and Galileo, for the procurement principles and for the decisions on the subsequent phases of the programmes;

b) All Member States should maintain the political oversight of the programmes and therefore have full access to information to be provided by the Commission, upon request by the Presidency;

**Management and execution**

c) The responsibilities within the European Community should be clearly defined, in particular those of the European Commission and of the European GNSS Supervisory Authority (GSA);
d) The Commission should be fully responsible for the overall management of the programmes as the European GNSS Programme Manager, while Member States should be closely associated with the essential elements of the management of the programme, in particular the work programme and the programme implementation plan and associated financing, through a European GNSS Programmes Committee to be established in accordance with the European Community comitology procedures;

e) The GSA should retain the responsibility for, in particular, technical certification, security accreditation, market preparation and commercialisation of the system, and assist the Commission for all matters related to the execution of the programmes;

f) The European Space Agency (ESA) should act as procurement agent for Galileo, subject to the future agreement between the European Community, represented by the Commission, and the ESA; this agreement, to be submitted to the European GNSS Programmes Committee, should be clear and transparent and define the requirements and control measures to be put in place as well as tendering procedures, including appeal and dispute settlement procedures;

g) The questions relating to the security of the systems should be considered as follows:

- an appropriate security experts group, including all Member States and working on the basis of consensus, should examine matters related to the security of the systems,

- the definition of the main requirements for the security of the system should be decided in accordance with the regulatory procedure, taking full account of the opinion of the security experts group,

- the security accreditation of the system is the responsibility of the GSA,

- whenever the security of the EU or its Member States may be affected by the operation of the system as foreseen by the Joint Action 2004/552/CFSP, the procedures of the Joint Action should be followed,

- matters falling within Title V and/or Title VI of the Treaty on European Union will not be within the remit of the European GNSS Programmes Committee.
The oversight and integration of security requirements in the overall programme should be ensured by the European GNSS Programmes Committee.

Ownership

h) The European Community should have the ownership of all the tangible and intangible GALILEO and EGNOS assets.

8. ACKNOWLEDGES that the decision to re-profile the European GNSS programmes requires an adjustment to the regulation concerning the GSA and REQUESTS the Commission to submit the appropriate proposal in the near future.

9. REITERATES its will to ensure:

a) a balanced participation of all Member States during the different phases of the project while taking maximum benefit of open competition;

b) the need to reflect progress made so far in order to ensure value for money and to introduce competition in the supply chain to avoid to create a monopoly supply situation;

c) that stakeholders in all Member States, especially small and medium sized enterprises (SME), have opportunities to develop and innovate on the basis of the technological know-how arising from the Galileo procurement.

10. CONFIRMS the application of the following main principles for the procurement:

a) introduction of robust and fair competition in the programme allowing to attain value for money, improve efficiency, decrease dependencies, and foremost to control costs and mitigate risks;

b) open access and fair competition throughout the industrial supply chain, offering a chance to balanced participation of industry at all levels, including in particular SME, across the Member States;

c) recognition of the existence of a limited number of main suppliers in the space sector and need to avoid possible abuse of dominance or long-term dependency on single suppliers;
11. CONFIRMS the application of Community's public procurement rules and the following principles for the procurement of the Full Operational Capability (FOC) of Galileo:

a) split of the procurement of the infrastructure into a set of six main work packages as well as a number of additional work packages, through a comprehensive overall procurement break-down; this does not rule out the prospect of multiple simultaneous procurement strands for individual work packages, including of satellites;

b) all work packages for FOC Galileo should be open to the maximum possible competition, in line with EU procurement principles, and to ensure procurement in space programmes are more widely open to new entrants and SMEs, while ensuring technology excellence and cost effectiveness;

c) competitive tendering of all packages in a single procedure whereby any one independent legal entity, or legal entities part of a group, may bid for the role of prime contractor for a maximum of two of the six main work packages;

d) at least 40% of the aggregated value of the activities to be subcontracted by competitive tendering at various levels to companies other than those belonging to the groups of which entities will be prime contractors of any of the main work packages;

e) dual sourcing wherever appropriate in order to mitigate programme risks and avoid single-source dependencies and to ensure better overall control of programme, cost and schedule;

1 System engineering support, ground mission infrastructure completion, ground control infrastructure completion, satellites, launchers and operations.
f) possibility for European industries to rely on non-European sources for certain components and services in case of demonstrated substantial advantages in terms of quality and costs, taking account of the strategic nature of the European GNSS programmes and of the EU security and export control requirements;

g) implementation of an integrated programme risk management at all levels of the programme as well as structural measures to identify, control, mitigate and monitor risks;

h) implementation of the above elements and principles on the basis of an EC-ESA Delegation Agreement in all industrial contracts.

12. ACKNOWLEDGES that decisions on the follow-up of the Galileo deployment phase, namely with regard to the commercial operating phase of the European GNSS programmes can only be taken after a phase of detailed technical, commercial, financial, and programmatic studies; and INVITES the Commission to undertake these studies and analysis by the end of 2008 and come forward with proposals at the appropriate moment. Community's public procurement rules should be fully applied.

13. REQUESTS to the Commission regular and transparent reporting on the progress of the implementation of the European GNSS programmes. For this purpose, the Council welcomes the Commission's commitment to call upon an independent project management expert team to review the implementation of the programmes and make appropriate recommendations. These recommendations shall also be communicated to and reviewed by the European GNSS Programmes Committee on a annual basis.

14. REQUESTS the Coreper to further work without delay on the inclusion of the herein defined principles into the relevant legislative acts.

15. ADOPTS these Conclusions as part of an integrated political decision on the European GNSS programmes.

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# Procurement Structure

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<tr>
<td>1. System Engineering support</td>
<td>A contract is placed with a mixed industrial team to support all system design choices and decisions. This industrial team supports ESA all along the implementation process, up to and including system specifications, performance analysing, testing, verification and validation of all elements of the infrastructure.</td>
</tr>
<tr>
<td><strong>Supply Work Packages</strong></td>
<td></td>
</tr>
<tr>
<td>2. Ground mission infrastructure completion</td>
<td>The completion of the ground mission elements (provision of the navigation signals and messages) by means of an upgrade of the development infrastructure and deployment of the additional facilities up to a full operational capability status.</td>
</tr>
<tr>
<td>3. Ground Control infrastructure completion</td>
<td>The completion of the ground control elements (control of the individual satellites) by means of an upgrade of the development infrastructure and deployment of the additional facilities up to a full operational capability status.</td>
</tr>
<tr>
<td>4. A total of 26 Satellites:</td>
<td></td>
</tr>
<tr>
<td>a. Satellites A</td>
<td>An initial batch of 10-12 satellites.</td>
</tr>
<tr>
<td>b. Satellites B</td>
<td>A second batch of 6-8 satellites, based on demonstrated performance in the delivery of Batch A</td>
</tr>
<tr>
<td>c. Satellites C</td>
<td>A third batch of 6-8 satellites, based on demonstrated performance in the delivery of Batch B</td>
</tr>
<tr>
<td>5. Launchers</td>
<td>A contract for launch services with reliance on two or, if possible, more technically independent families of launchers.</td>
</tr>
<tr>
<td><strong>Operations Work Package</strong></td>
<td></td>
</tr>
<tr>
<td>6. Operations</td>
<td>Operations activities are contracted to an operator. The operator coordinates the entire Galileo operations in order to ensure a successful navigation mission. The concept of operations for the Galileo system is based on two Galileo Satellite Control Centres (GCS/GMS) in Fucino and Oberpfaffenhofen; and a Safety-of-Life Centre in Madrid operated on a 24/7 basis responsible for Safety-of-Life multimodal services and applications. The Safety-of-Life Centre will include both the necessary modules to guarantee the proper levels of integrity, continuity and availability of the system based on a GMS in cold back-up mode and a GCS with identical physical configuration and equivalent functional attributes to the other GCS. Through the centres, the operator is tasked to achieve the mission performances, to control the operational status and ensure the maintenance of the complete ground infrastructure and associated communication network, and to manage its maintenance.</td>
</tr>
</tbody>
</table>
The Commission takes note that the Safety-of-Life Centre may decide to evolve to a fully qualified, equivalent Galileo Satellite Control Centre, the assets of which will be owned by the Community. The investment of this evolution will be without additional costs to the agreed Community budget for the European GNSS programmes for the period 2007-2013. Whilst not affecting the operational capabilities of Oberpfaffenhofen and Fucino, the Commission in that case will ensure that this Centre will be fully operationally qualified as a Galileo Satellite Control Centre by the end of 2013, subject that it is able to meet all the necessary requirements applicable to all centres and will be included in the Galileo network of the three centres mentioned above.

* If performance in the delivery of the work packages, or the batches therein, is not satisfactory appropriate adjustments may be implemented, where possible, including competitive tendering of remaining work.

<table>
<thead>
<tr>
<th>Additional Work Packages contracted by ESA</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Test receivers</td>
<td>Multiple-source contracts for test receiver manufacturing.</td>
</tr>
<tr>
<td>Service contracts</td>
<td>Contracts with the various service providers and centres for proper functioning of the overall system architecture, such as Time Service Provider, Geodesy Service Provider, Search and Rescue interfaces.</td>
</tr>
<tr>
<td>Infrastructure supply elements</td>
<td>Infrastructure elements that are provided independent of the above service contracts, such as the Galileo Security Monitoring Centre to be operated by the GSA.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Additional Work package contracted by the Commission</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance Measurements</td>
<td>A contract for independent measurement of Key Performance Indicators</td>
</tr>
</tbody>
</table>
Freight Transport Logistics Action Plan – Council conclusions

The Council adopted the following conclusions:

"1. Having regard to

• The renewed Lisbon Strategy for growth and jobs and the reviewed Sustainable development Strategy;

• The Council conclusions on energy efficiency and renewable energies to reduce emission of greenhouse gases of March 2007 and the Council conclusions on European energy strategy for transport of June 2007;

• The Commission Communication on "Freight Transport Logistics in Europe - the key to sustainable mobility" and the related Council Conclusions of December 2006;

• The Commission Communications on the "EU’s Freight Transport Agenda: Boosting the efficiency, integration and sustainability of freight transport in Europe";

2. Considering that

• Logistics is a major contributor to European competitiveness with several world players in this field being European;

• The challenges arising from the continuous growth in freight transport in the EU, in particular the foreseen 50% increase in freight transport by 2020 and its consequences for congestion, accidents, noise, oil dependence, pollution and climate change call for measures at EU level, taking into account measures presented in other relevant international fora;

• Logistics practices used to organise and manage the movement of goods can lead to more efficient and sustainable freight transport;

• Logistics can be a prime driver to facilitate better integration of transport modes in co-modality, including, where appropriate, the achievement of shifts to more environmentally friendly modes;"
The external dimension needs to be considered when developing actions at EU level with regard to logistics and freight transport taking duly into account the efficient integration of, and the existing bottlenecks with, third countries, and in particular neighbouring countries, into the logistic chains.

THE COUNCIL OF THE EUROPEAN UNION

3. WELCOMES the Commission Communication on the "Freight Transport Logistics Action Plan".

4. EMPHASIZES that the development of logistics and freight transport is first and foremost a matter for industry, but authorities have a role to play in creating a positive environment for logistics efficiency, innovation and growth.

5. WELCOMES the Commission's integrated approach to freight transport based on innovation, logistics quality, simplification, co-modality and urban freight mobility in Europe; AGREES that sustainability, efficiency, interoperability and interconnectivity of transport modes should be in focus in this approach together with user requirements.

6. INVITES the Commission, within the framework of the Lisbon Strategy, to implement the "Freight Transport Logistics Action Plan" in cooperation with the Member States, industry and social partners; proposals for action at the Community level should be supported by systematic impact assessments which focus in particular on the effects on international competitiveness, sustainability and administrative burden.

Innovation

7. STRESSES the role of modern technological innovation, such as e-freight and Intelligent Transport Systems (ITS), in improved use of infrastructure and better managing goods and traffic flows, and related procedures; Possible initiatives should be geared towards interoperability as well as common messaging, and identification within an open Information and Communications architecture. The advanced positioning capabilities of the global navigation satellite system GALILEO will enable enhanced logistics services and transport management including tracking and tracing.

8. LOOKS FORWARD to the Commission's ITS Action Plan in 2008, and a proposal on e-maritime and a roadmap for the implementation of e-freight in 2009. REITERATES the importance of efforts in the field of research and development undertaken at European and national level so as to foster new, more efficient and sustainable transport technologies.
Logistics quality

9. ACKNOWLEDGES efforts to improve logistics quality by EU and industry initiatives, such as the elaboration of non-binding quality indicators to boost performance, considering its future incorporation into a code of best practice or a recommendation.

10. WELCOMES the work undertaken, involving all stakeholders and taking due account of all information gathered previously in identifying major obstacles hindering freight transport logistics from developing faster in Europe; EMPHASISES the need to continue working systematically on these bottlenecks, including those related to third countries, with a view to finding solutions to them.

11. WELCOMES efforts towards the promotion of training and life-long learning by the freight transport logistics sector; LOOKS FORWARD to examining Commission proposals on improving the mutual recognition of comparable qualifications, where these could have a clear added value.

Simplification

12. ENDORSES the Commission's focus on simplification of administrative procedures, on a pragmatic basis, for the benefit of sustainable multimodal solutions, such as examining the details and added value of creating a single transport document suitable for use on all modes and a single window for submitting administrative information, taking into account safety and security needs, thereby having regard to the relevant international Conventions.


14. RECOGNISES the benefits of standardisation in information flows, technologies for vehicles and other equipment for promoting intermodality.

Co modal approach

15. CONSIDERS that the efficiency of intermodal hubs, such as intermodal terminals, ports, airports and marshalling yards, is essential for efficient logistics and multimodality; they should be encouraged to make use of advanced informatics and new loading technologies and cargo-handling automation. RECOGNISES that open and non-discriminatory access to the intermodal hubs should be ensured.
16. WELCOMES the work carried out to extend the existing network of Shortsea Promotion Centres to encourage multimodal logistics solutions also in inland transport chains.

17. WELCOMES the emphasis on "green" corridors advocated by the Commission whereby more environmentally friendly modes of the transport, such as rail, inland waterway transport and short sea shipping on motorways of the sea, could play an increasing role carrying concentrated goods flows between major hubs and where innovative measures could be foreseen to render road transport cleaner. CONSIDERS that these "green" corridors should be reinforced in the TEN-T and in the Marco Polo priorities with a view to ensuring consistency of Community financing instruments.

Urban freight mobility

18. LOOKS FORWARD to working on developing urban mobility for freight and passengers in the contexts of the freight transport logistics Action Plan and the Green Paper on Urban Mobility.

19. REQUESTS the Commission to regularly review progress of the Action Plan, report to the Council and adjust the priorities and timetables as appropriate."
**Sustainable Development Strategy**

The Council held a public policy debate on the renewed EU sustainable development strategy, following the adoption by the Commission of the 2007 progress report (14238/07).

In June 2006, the European Council adopted a comprehensive renewed EU Sustainable Development Strategy (SDS) (10917/06) which confirmed the policy guiding principles for sustainable development adopted in 2005 (10255/1/05) as well as the four key objectives to be pursued, namely: environmental protection, social equity and cohesion, economic prosperity and international responsibilities. The renewed SDS includes provisions for implementation, monitoring and follow-up.

The debate focused in particular on questions concerning:

- the progress made in implementing the renewed EU SDS and the obstacles to implementation;
- future priorities in the development of EU policy.

The Presidency summarised the debate as follows:

- In general, Member States expressed their support for the renewed EU SDS and broadly agree with the Commission's findings in the progress report.

- While some successes can be noted, the main challenge lies with an effective and coherent implementation of the strategy at all levels.

- Furthermore, sustainable development in Europe can only be achieved when a global engagement is taken and sustainability is integrated in all external policies of the EU.

- Putting transport on a sustainable path remains a challenge, in particular in the light of the growth that is expected for the coming years.

- The EU must continue to work on policy measures that contribute to climate protection, energy efficiency, road safety, improving air quality and reducing noise emissions, which is important for health, and social inclusion. In particular, greater use should be made of economic instruments that provide the appropriate incentives and disincentives.
• In doing so, each transport mode must make its contribution to reducing the adverse consequences of mobility.

Written contributions by delegations can be found in the addenda to 14583/07.

The progress report was already discussed in the Environment Council of 30 October.

The Presidency will use the outcome of the debates in the Transport and Environment Councils as input for the conclusions of the European Council to be held in Brussels on 13 and 14 December 2007.
SHIPPING

**Liability of passenger shipping in the event of accidents**

The Council reached a political agreement\(^1\) (15587/07) on a proposal for a Regulation on the liability of carriers of passengers by sea in the event of accidents.

The Council will adopt its common position at one of its forthcoming meetings after finalisation of the text and will forward it to the European Parliament for a second reading in the framework of the codecision procedure.

The Commission transmitted its proposal (6827/06) to the Council in February 2006 as part of its third maritime safety package.

The regulation aims at establishing a Community regime relating to uniform liability for the carriage of passengers by sea. To this end it incorporates into Community legislation the Athens Convention relating to the carriage of passengers and their luggage by sea as amended in 2002. The proposal also includes several additional requirements related in particular to compensation for damage or loss of mobility equipment, pre-journey information of passengers and advanced payments.

Compared to the initial Commission proposal, the text agreed by the Council contains some changes that concern the scope, the relation between the regulation and other international conventions on global limitation of liability and the transitory provision of the Regulation.

Ministers agreed on all outstanding issues and the text also includes those of the European Parliament's amendments which are acceptable to the Council.


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\(^1\) The Italian delegation indicated that it would vote against.
Ship inspection and survey organisations

The Council reached a political agreement on a proposal for a Directive on ship inspection and survey organisations by agreeing on a Directive (15876/07) on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations and a Regulation (15877/07) on common rules and standards for ship inspection and survey organisations.

The Commission transmitted its proposal aimed at establishing measures to be followed by organisations, and by the Member States in their relationship with these organisations, concerned with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution (5912/06) to the Council in February 2006 as part of its third package on maritime safety.

The purpose of the proposal is to recast, in a consolidated text, successive amendments to Directive 94/57/EC establishing common rules and standards for organisations that inspect ships and issue ships' certificates and that, subject to the fulfilment of minimum criteria set out in the legislative text, are granted recognition at Community level. In addition, it aims at amending certain provisions of Directive 94/57/EC with a view to their reinforcement, harmonisation or simplification, and adding new provisions in particular to reform the system of penalties against recognised organisations that do not fulfil the established minimum criteria.

The main issue that raised concerns during the discussions in the Council bodies was the form of the legal act proposed by the Commission. The Council agreed to split the proposal into two separate instruments: a Directive and a Regulation. The Directive includes provisions addressed to the Member States concerning their relationship with ship inspection and survey organisations, while the Regulation contains all provisions related to the recognition at Community level, i.e. the granting, withdrawal, obligations, criteria and sanctions.

The text also includes those of the European Parliament's amendments which are acceptable to the Council. The European Parliament adopted its first reading opinion on 25 April 2007 (8724/07, p.5).
AVIATION

Airport charges

The Council reached a general approach\(^1\) on a proposal for a Directive on airport charges (15751/07).

The purpose of the Commission's proposal (5887/07), submitted in January 2007, is to set common principles for the levying of airport charges at Community airports. It aims to re-define the relationship between airport operators and airport users by requiring total transparency, user-consultation and application of the principle of non-discrimination when calculating charges levied on users. In addition, it aims to create a strong, independent national authority to arbitrate on and settle disputes in order to achieve their speedy resolution.

The Council's bodies agreed on several changes to the text of the Commission's proposal in order to enhance its clarity but also to accommodate concerns expressed by Member States. The Ministers solved all outstanding issues, which concern in particular the following points:

- **the scope of the Directive** - the Commission initially proposed to include in the scope all airports with an annual traffic of more than 1 million passengers. In the text agreed by Ministers this threshold is increased to 5 million and the Directive will also apply to the largest airport in each Member State;

- **modulation of charges for environmental and other purposes of public interest** - this possibility is included in the article on non-discrimination, in order to enable Member States to promote environmentally-friendly aircrafts at the expense of polluting aircrafts;

- **cost-relatedness** - addition of a recital referring to the ICAO Council policies on airport charges that include, *inter alia*, the principles of cost-relatedness of charges, non-discrimination and an independent mechanism for economic regulation of airports;

- **extension of the implementation** - the period for the transposition of the Directive into national law is extended from 24 to 36 months.

The European Parliament's first reading opinion is expected to be adopted in December 2007.

\(^1\) The Luxembourg delegation indicated that it would vote against.
**Operation of air transport services in the Community**

The Council reached a political agreement (15774/07) on a proposal for a Regulation on common rules for the operation of air transport services in the Community.

The Council will adopt its common position at one of its forthcoming meetings after finalisation of the text and will forward it to the European Parliament for a second reading in the framework of the codecision procedure.

The Commission proposal was adopted in July 2006 (11829/06). It is aimed at consolidating and rationalising the content of current regulations in force on the licensing of carriers, the freedom to operate air services in the Community and the pricing of such air services.

The proposal also introduces stricter requirements on the financial strength of air carriers and the practice of wet leasing of aircraft (the operation of an air service with an aircraft and crew belonging to a different company). In addition, the rules for public service obligations for air routes are clarified, inconsistencies between the internal aviation market and services to third countries are removed and the rules on traffic distribution among airports serving the same city or conurbation are simplified. Finally, the proposal strengthens price transparency with respect to air fares and rates offered to passengers and cargo customers.

The text agreed contains several amendments to the Commission proposal, which concern in particular the following issues: definitions, in particular adding definition of principal place of business; requirements for leasing by Community carriers, financial requirements for the granting and continuing validity of an operating licence; provision of intra-Community air services; provisions on pricing and the rules on prices transparency.

It is a compromise text that takes into account the European Parliament first-reading amendments, adopted in July 2007, which will facilitate a second reading agreement.
**External relations**

**a) Euro-Mediterranean Aviation Agreement with Jordan**

The Council adopted a Decision authorising the Commission to open negotiations with Jordan for establishing an Euro-Mediterranean Aviation Agreement.

The Commission requested this mandate in 2004. The agreement will aim at creating reciprocal economic growth in the aviation sector. A comprehensive aviation agreement with Jordan is expected to cover a number of issues which aim essentially at market opening between the European Community and Jordan. Other important factors to be addressed are the harmonisation of regulatory conditions based on the European aviation legislation and the creation of joint mechanisms for a cooperation on security, safety, air traffic management and environmental standards.

**b) Agreement on aviation security audits/inspections between the EU and the ICAO**

The Council adopted a Decision authorising the Commission to open negotiations on an agreement regarding aviation security audits/inspections and related matters between the EU and the International Civil Aviation Organization (ICAO).

Following the events of 11 September 2001, the ICAO established a Universal Security Audit Programme (USAP), which seeks to provide for regular, mandatory, systematic and harmonised security audits to be carried out by the ICAO in order to monitor the application by all 188 contracting States of the Annex 17 (Security) to the Chicago Convention.

As both ICAO and the EU have acted in parallel in setting up their respective security programmes, the EU Member States are today confronted with two monitoring systems with the same objective.

The agreement aims to ensure better use of limited resources and to avoid duplication of efforts.

The agreement will seek significant reduction of individual audits to be carried out by ICAO under its USAP within the territory of the EU by recognising that most standards contained in the Annex 17 are also covered by EU legislation (Regulation EC No 2320/2002) and that the Commission has a mandate to conduct inspection in order to monitor the application by EU Member States of this Regulation.
LAND TRANSPORT

Access to the international road haulage market

The Council took note of a progress report (15363/07) on the proposal for a Regulation on common rules for access to the international road haulage market.

In May 2007 the Commission submitted three legislative proposals\(^1\) that seek to modernise, replace and merge provisions governing road transport operators and access to the road transport markets. They aim at reducing distortions of competition and improving transport operators' compliance with the provisions of social legislation on road safety rules.

The purpose of the proposal for a Regulation on access to the international road haulage market is to simplify and harmonise further the current rules by consolidating and merging Regulation (EEC) No 881/92 and (EEC) No 3118/93 on access to the road transport market.

The proposed modifications are the following:

- a simpler and clearer definition of the term cabotage, which will be easier to enforce and will allow for up to three transport operations consecutive to an international journey and within seven days. The holder will be obliged to keep documents in the vehicles such as consignment letters which show the date and place of arrivals/departures;

- a simplified and standardised Community licence, certified copies and driver attestations in a bid to reduce the administrative burden and delays at road side checks;

\(^1\) - Proposal for a Regulation on common rules for access to the international road haulage market (recast) (10092/2/07);
- Proposal for a Regulation establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (10114/1/07);
- Proposal for a Regulation on common rules for access to the market of coach and bus services (10102/2/07).
• enhanced legal provisions that oblige a Member State to act, when requested to do so by another Member State, in cases where a haulier commits an infringement in any EU Member State.

The Council bodies have examined the proposal in several meetings. All delegations expressed their support in principle for the Commission proposal. However, some issues - in particular cabotage, the national electronic register and sanctioning of infringements - will have to be examined further under the Slovenian Presidency, also in the light of the European Parliament first-reading opinion, which is expected to be adopted in February 2008.
Road transport operator

The Council took note of a progress report (15041/07) on the proposal for a Regulation establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator.

The proposal is one of the three Commission's legislative proposals, adopted in May 2007, that seek to modernise, replace and merge provisions governing road transport operators and access to the road transport markets.

The draft Regulation aims to rectify certain shortcomings identified in the Commission's impact assessment and public consultation and replaces the existing Directive 96/26/EC.

The Council bodies started to examine certain parts of this proposal as a result of discussions on the draft Regulation on access to the international haulage market (see above). The issues that will require further work are in particular the following: national electronic registers, applications, good repute and the list of most serious infringements. The work on this file will continue under the Slovenian Presidency.
Safety of the Community's railways

The Council reached a political agreement (14927/07) on a draft Directive on the safety of the Community's railways.

The Council will adopt its common position at one of its forthcoming meetings after finalisation of the text by the lawyer-linguists and will forward it to the European Parliament for a second reading in the framework of the co-decision procedure.

The proposal on amending the Safety Directive (17039/06) is part of a set of proposals, including a draft Directive on interoperability (17038/06) and a draft Regulation on the European Railway Agency (17040/06), aimed at improving cross-acceptance of railway vehicles in the EU and thus improving the functioning of the internal market. The Commission adopted these proposals in December 2006.

Cross-acceptance can be improved by applying the principle of mutual recognition more systematically to national authorisation procedures and by harmonising certain provisions. This will contribute to better conditions for the competitiveness of railways in Europe.

The Council agreed on three main changes to the Commission proposal:

Firstly, the Council will transfer all provisions on authorisation of railway vehicles from the safety Directive to the interoperability Directive. As a result, all provisions on authorisation will be incorporated in a single legislative act.

Secondly, the text agreed by the Council clarifies the different roles and responsibilities of players involved in railway transport (railway undertakings, infrastructure managers, keepers of vehicles and entities in charge of maintenance of vehicles), in particular as regards the maintenance of railway vehicles.

Thirdly, the Council proposes to set up a certification system for maintenance. The certificates issued will be valid in the whole Community and will guarantee that the certified entity meets the maintenance requirements for any vehicle for which it is responsible. Those involved in maintenance will be free to choose whether to participate in this system.

1 The Council and the European Parliament reached a first reading agreement on this file (see 15030/07 + COR1). The Council will adopt the text after legal linguists revision in the beginning of 2008.
European Railway Agency

The Council reached a political agreement (14926/07) on a proposal for a Regulation amending the Regulation establishing a European Railway Agency.

The Council will adopt its common position at one of its forthcoming meetings after finalisation of the text by the lawyer-linguists and will forward it to the European Parliament for a second reading in the framework of the co decision procedure.

The Commission transmitted its proposal to the Council in December 2006 (17040/06). The main objective of the proposal is to adapt the legislative framework for the European Railway Agency to new tasks that result from the modifications to the rail safety Directive (see above) and the interoperability Directive.

An important new task will be the classification of all technical and safety rules applicable in each Member State in a single reference document. By classifying the national rules, the Agency will significantly contribute to improved cross-acceptance of railway vehicles amongst Member States.

Council bodies introduced several changes in the Commission's proposal:

- the Agency may issue technical opinions in the case of a negative decision by a National Safety Agency or on the equivalence of national rules for the technical parameters established in the rail interoperability Directive. The Agency may also be requested to deliver an opinion on urgent modifications of Technical Specifications of Interoperability (TSIs);

- the Agency is tasked with preparing a report setting out, if necessary, recommendations on the implementation of a system of voluntary certification of vehicle maintenance as set out in the rail safety Directive;

- the tasks and responsibilities of the Agency with regard to train drivers, other crew members performing safety related tasks and staff involved in the operation and maintenance of the rail system are specified;

- the provisions on registers have been adapted in the light of the changes introduced in the rail safety directive and the rail interoperability Directive and the regime for accessibility of documents and registers is specified;

- the conditions under which the Commission can request the Agency's assistance with regard to implementation of the Community's legislative framework on interoperability and safety are specified.
ENERGY

Energy technology

The Council held a policy debate in response to the Strategic Energy Technology Plan, adopted by the Commission on 22 November, and the Portuguese Presidency's vision paper on energy technology (15190/1/07).

The debate was held on the basis of a Presidency questionnaire (15057/07), focussing on the need to accelerate technological change, on investment in research and development and on governance and international cooperation.

The Commission's new Strategic Energy Technology Plan (15458/07) is a comprehensive plan to establish a new energy research agenda for Europe. According to the Commission, Europe should lower the costs of clean energy and put EU industry at the forefront of the rapidly growing sustainable technology sector. The plan is to be accompanied by better use of, and increases in, resources both financial and human, to accelerate the development and deployment of sustainable technologies of the future.

The Presidency summarised the debate as follows:

- the Communication was presented at the most opportune moment, if we take into account our commitments in the energy and environment fields; it gives us important guidance for our work in the forthcoming months;

- Member States welcomed the Communication, agreeing with its essential content;

- there are no "silver bullets", so we need to work on the basis of a portfolio of technologies, taking into account each Member State's specificities;

- the creation of a new energy model requires a two-pronged approach: in the short term, promoting the adoption of existing clean technologies or emerging technologies which are at an advanced stage of development, and strongly enhancing a new generation of technologies which will deliver after 2020;

- it is essential to create the right instruments to accelerate technological change in the energy sector and to promote private investment;

- international partnerships might constitute an important element in the development of energy technologies.
Internal market in gas and electricity

The Commission presented to the Council the third package of legislative measures\(^1\) for the internal energy market, adopted on 19 September 2007 in response to the call made at the Spring European Council\(^2\). This energy package aims to complement the existing rules in order to make the internal market work for all consumers, whether large or small, and to help the EU achieve more secure, competitive and sustainable energy.

The Council endorsed the Portuguese Presidency progress report (15193/1/07) on this energy package, highlighting the following points:

Regarding the effective separation of activities, although the alternatives presented by the Commission were generally well received, several delegations requested that a third alternative be considered.

In order to accelerate the legislative process, the Presidency called on these Member States to come up with such an alternative rapidly, so that it could be discussed.

In any event, irrespective of the alternative, it was agreed that the public and private sectors should be treated even-handedly, and that it should be possible to allow additional derogations concerning minority shareholdings and emerging markets.

Regarding the sensitive issue of third country investment, the President's assessment was that Member States were of the view that this was an option to consider, but in the form of discrimination against companies from third countries, only to guarantee a measure of equal treatment.

It was agreed that investment in networks and interconnections was a fundamental aspect of this package, which should encourage investment in energy infrastructure and that there was broad consensus regarding the treatment of planning at three levels: national, regional and European.

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\(^1\) The Commission energy package contains the following proposals:

- proposal for a Directive amending Directive 2003/54/EC concerning common rules for the internal market in electricity (13043/07);
- proposal for a Directive amending Directive 2003/55/EC concerning common rules for the internal market in natural gas (13045/07);
- proposal for a Regulation establishing an Agency for the Cooperation of Energy Regulators (13046/07);
- proposal for a Regulation amending Regulation (EC) No 1228/03 on conditions for access to the network for cross-border exchanges in electricity (13048/07);
- proposal for a Regulation amending Regulation (EC) No 1775/05 on conditions for access to the natural gas transmission networks (13049/07).

There was broad consensus regarding the scope and role of European plans, the role of regulatory authorities to ensure consistency between the three levels, and the relevance and importance of regional initiatives to build the internal market.

Turning to regulatory powers, the Presidency's reading was that this was the area where most progress had been achieved over the last two months, be it regarding the tasks of national regulators, how to accommodate different national administrative arrangements, how to enhance their independence or define their general objectives.

Finally, although a majority of Member States could agree with the principles and tasks that could underlie an independent mechanism for the coordination of regulatory authorities at European level, as called for by the European Council, there is no consensus on the model of regulatory agency proposed by the Commission.

Work in the Council's subordinate bodies has focused in particular on the general principles of Directives on the internal market in gas and electricity and a Regulation establishing a regulatory agency. The Presidency progress report contains principles and provisions that meet with broad support, without prejudice to further work at drafting level; as well as issues, areas and options that, according to a number of Member States, still require discussion and guidelines in order to progress further. The progress report addresses the following topics: unbundling; investment planning, new infrastructure, cross-border regulatory regime; regional cooperation and solidarity; market functioning; regulatory powers and regulatory agency.

**International relations in the field of energy**

The Council took note of information provided by the Presidency and the Commission on the events and developments relating to international relations that have taken place during the Portuguese Presidency or will take place in the near future (15159/07). This information covered, *inter alia*, relations with Brazil, Africa (including the EU-Africa Energy Partnership) and Russia, the Energy Community as well as the development of an International Platform on Energy Efficiency.
OTHER BUSINESS

– The Council took note of the outcome of the following events:

  • World Radiocommunication Conference 2007
    (Geneva, 22 October - 16 November 2006 (15493/07)).

  • Conferences organised during the Portuguese Presidency.
    The 4th Ministerial e-Government Conference (Lisbon, 19-21 September), 2nd Internet
    Governance Forum (Rio de Janeiro, 12-15 November 2007) and on the conference
    entitled Converging regulation-regulation convergence, which took place on 28
    September in Lisbon (15298/07).

  • Conference on "Radio frequency identification-the Internet of things"
    (Lisbon, 15-16 November 2007 (14681/07)).

– Competitiveness Council conclusions on access to scientific publishing

The Council took note of the information provided by the Presidency on the conclusions on access

to scientific publishing (15362/07), adopted by the Competitiveness Council of 23 November 2007.

– 116 numbering range for harmonised numbers for services of social value

The Council took note of the information provided by the Commission on 116 numbering range for

harmonised services of social value (15302/07).

– European ports policy

The Council took note of the Commission's presentation of the communication on a European ports

policy (14175/07), adopted by the Commission in October 2007.

– Rescue at sea

The Council took note of the information provided by the Spanish and Italian delegations on rescue

at sea (14758/07).
– **International Labour Organisation**

The Council took note of the information provided by the Commission on the agreement of management and labour at European level on the incorporation into Community law of certain provisions of the International Labour Organisation's Maritime Labour Convention (14925/07).

– **International Maritime Organisation**

The Council took note of the information provided by the Commission on its intention to take action in 2008 in order to bring forward a possible request for an observer status for the European Community in the International Maritime Organisation.

– **Nabucco pipeline project**

The Council took note of the information provided by the Commission and the Romanian and Austrian delegations on the progress of the Nabucco gas pipeline project.

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**EVENTS IN THE MARGINS OF THE COUNCIL**

The signing of an Agreement on certain aspects of air services with United Arab Emirates took place in the margins of the Council.
OTHER ITEMS APPROVED

EXTERNAL RELATIONS

Kosovo – EU planning team

The Council adopted a joint action amending and extending joint action 2006/304/CFSP on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo (14784/1/07).

The joint action extends the EUPT Kosovo mandate until 31 March 2008 and amends it in order to take into account the new guidelines for command and control structure for EU civilian operations in crisis management approved by the Council last June.

In parallel, the EU is also preparing for a possible international civilian office in Kosovo, including an EU special representative component.

JUSTICE AND HOME AFFAIRS

EU/Ukraine – Visa facilitation and readmission agreements

The Council adopted decisions approving the conclusion of an agreement between the EU and Ukraine on facilitating the issuance of visas to citizens of the EU and Ukraine, as well as an agreement on readmission (15576/07, 13763/07).

The purpose of the visa agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to citizens of the EU and Ukraine. The agreement will not apply to the territory of Denmark, Ireland and the United Kingdom.

The readmission agreement establishes, on the basis of reciprocity, rapid and effective procedures for the identification and return of persons who do not, or who no longer, fulfil the conditions for entry to and stay on the territory of Ukraine or of one of the Member States of the EU, and to facilitate the transit of such persons in a spirit of cooperation.
**DEVELOPMENT COOPERATION**

**Mauritania – Consultations under the ACP-EU agreement**

The Council approved a draft letter to be co-signed by the Commission and sent to the President of Mauritania, with a view to closing the consultations under article 96 of the ACP-EU partnership agreement (15352/07).

The letter points out the positive development of the political situation in Mauritania in accordance with the undertakings given by this country as regards respect for democratic principles, human rights, the rule of law and good governance of public affairs.

It also indicates the wish to reinstate bilateral relations within a deep and structured political dialogue.

Following the coup d'état on 3 August 2005, the Council decided to open consultations with Mauritania under article 96 of the Cotonou agreement. The consultations led to the adoption in May 2006 of certain appropriate measures, but cooperation with Mauritania was never suspended (Official Journal of the EU L 187, 8.7.2006, p. 28).

**World AIDS Day**

The Council approved a draft EU statement on "Keeping the promise to stop HIV/AIDS", with a view to releasing it on World AIDS Day on 1 December.

**TRADE POLICY**

**Anti-dumping – Interim review on compact fluorescent lamps from China**

The Council adopted a regulation terminating a partial interim review of the antidumping measures applicable to imports of integrated electronic compact fluorescent lamps (CFL-i) originating in China (14886/07).
ENVIRONMENT

Convention on Environmental Impact Assessment in a Transboundary Context

The Council adopted a decision approving, on behalf of the European Community, the first and the second amendments to the UN ECE Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) (14352/07).

The Espoo Convention, which entered into force in 1997, aims at setting out the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning and imposes on Parties the general obligation regarding notification and consultation on all major projects that are likely to have a significant adverse environmental impact across borders.

HEALTH

Conference on avian and pandemic influenza

The Council approved a draft EU statement to be adopted at the 5th international ministerial conference on avian and pandemic influenza, which will take place in Vigyan Bhawan, New Delhi (India) from 4 to 6 December 2007.

STATISTICS

EU programme for 2008-2012

The Council adopted a decision establishing a statistical programme for the period 2008 to 2012 aimed at ensuring consistency and comparability of statistical information in the Community (3654/07).

The programme identifies the approaches, the main fields and the objectives of the actions envisaged in respect of the EU's policy priorities.

It will be implemented in accordance with the principles of the European Statistics Code of Practice with a view to producing and disseminating high-quality, harmonised Community statistics and ensuring the proper functioning of the European statistical system.

The financial envelope for its implementation for the five-year period is set at EUR 274,2 million.
**APPOINTMENTS**

EU’s Civil Service Tribunal – Call for applications of judges

The Council approved the publication of a notice of vacancy for the appointment of three judges of the EU’s Civil Service Tribunal for the period from October 2008 to September 2012 (15381/07).

**TRANSPARENCY**

Public access to documents

The Council adopted:

- the reply to confirmatory application 13/c/01/07 (14080/07);

- the reply to the confirmatory application made by Mr Robert ZBIRAL (14/c/01/07), the Czech, Danish, Finnish and Swedish delegations voting against (14484/07);

- the reply to confirmatory application 15/c/02/07, the Danish, Dutch, Finnish and Swedish delegations voting against (15198/07).