



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 May 2012

**8027/12
ADD 1**

PV/CONS	17
TRANS	94
TELECOM	61
ENER	111

ADDENDUM to DRAFT MINUTES

Subject: **3156th** meeting of the council of the European Union (**TRANSPORT, TELECOMMUNICATIONS AND ENERGY**), held in Brussels on 22 March 2012

PUBLIC DELIBERATION ITEMS¹

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"A" ITEMS (doc. 7784/12 PTS A 25)

- Item 1. Regulation of the European Parliament and of the Council on entrusting the Office for Harmonisation in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights 3
- Item 2. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability 3

AGENDA ITEMS (doc. 7553/12 OJ/CONS 17 TRANS 79 TELECOM 52 ENER 91)

- Item 4. Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (First reading) 5
- Item 5. Airport Package
Proposal for a Regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (First reading) 9

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

- 1. Regulation of the European Parliament and of the Council on entrusting the Office for Harmonisation in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights**

PE-CONS 80/11 PI 196 CODEC 2506 OC 107

+ REV 1 (sv)

The Council approved the amendments set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the German delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 118 of the TFEU).

Statement by the Council and the Commission

"This Regulation cannot be interpreted as including or conferring any powers or obligations which fall under Title V of the Treaty on the Functioning of the European Union."

- 2. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability**

PE-CONS 1/12 PECHE 21 CADREFIN 27 CODEC 145 OC 16

The Council approved the amendments set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Bulgarian delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) of the TFEU).

Joint declaration of the Commission and the Council on budgetary impact

"The Council and the Commission consider that the subject Regulation shall also be considered in the context of the budgetary restraints facing all Member States, which should be reflected appropriately in the EU budget for 2012 and 2013.

Any increased amounts for the payments consequent on the entry into force of this regulation should be accommodated through the procedure for the Commission to present updated figures concerning payment appropriations under heading 2 by September 2012 and, if necessary to utilise the Global Transfer exercise for 2012, subject to other possible needs under other financial framework headings, and if then still necessary to present a draft amending budget for this sole purpose."

Council declaration on co-financing and 2014-2020 perspective

"The Council confirms that the co-financing principle is a fundamental principle of the Common Fisheries Policy, as it ensures ownership of, responsibility for and selection of the projects with the highest value added. Any relaxation of this principle should therefore be exceptional. The current amendment is justified by the unprecedented crisis affecting international financial markets and the economic downturn and should be without prejudice to the outcome of the negotiations on the CFP legislative package for the next financing period."

Statement of the Republic of Bulgaria

1. The Republic of Bulgaria has consistently supported the opinion that resolving issues related to the financial and economic crisis requires a coordinated approach at the EU level. The crisis has put national budgets under pressure and has led to challenges for the investment process everywhere in the European Union.
2. The Republic of Bulgaria maintains serious reserve with regard to the proposal for temporary increase in the co-financing rates from the EU funds for the EU Member States which are under financial assistance programmes.
3. The proposed approach discriminates against the Member States which have put extremely important efforts in the years of the crisis to maintain financial and fiscal discipline and have avoided being in a situation of liquidity difficulties. The proposal should have also created incentive mechanisms for the efforts of the Member States which have been disciplined. It should have also encompassed the Member States which stick to financial and fiscal discipline but which because of the economic crisis also undergo temporary difficulties in safeguarding co-financing.
4. The refusal to undertake such an approach may lead to "wrong" incentives to the ones which have not maintained financial and fiscal discipline. The amendment could potentially have a discouraging effect on the Member States in adhering to the Stability and Growth Pact and sticking to sound and sustainable fiscal policy.
5. This position has been expressed by the Bulgarian Prime Minister at the European Council, as well as in the General Affairs Council and ECOFIN. It also has the support of the Bulgarian Parliament."

INTERMODAL ISSUES

4. **Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (First reading)**
- General approach
15629/3/11 TRANS 276 ECOFIN 688 ENV 778 RECH 336 CODEC 1699
+ REV 3
7537/12 TRANS 77 ECOFIN 243 ENV 201 RECH 85 CODEC 633
+ ADD 1-33

The Council resolved the remaining outstanding issues and reached a general approach on the text of the above Regulation, as set out in doc. 8047/12 + addenda.

The Council also agreed to enter into these minutes the statements set out hereafter.

Statement by Lithuania and Romania

On the indicative extension of Trans-European Transport Network to Neighbouring Countries

"With a regard towards the Council's general approach on the Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, Lithuania and Romania reserve the right to suggest at a later stage of co-decision process to include in the Annex of Indicative Extension of TEN-T network to Neighbouring Countries the networks of the third countries within the framework of Eastern Partnership and Northern Dimension."

Statement by Slovenia

"When adopting the general approach on the Regulation on Union Guidelines for the development of the TEN-T Network, Slovenia recalls the importance of the list of Core Network Corridors and relevant provisions included in the proposal of the Regulation establishing the Connecting Europe Facility.

Due to the importance of the corridors in terms of planning and financing of the implementation of the TEN-T network, Slovenia considers the Regulation establishing the Connecting Europe Facility and the Regulation on Union Guidelines for the development of the TEN-T Network as an indivisible package and regrets that the proposals are not adopted in parallel.

Whilst supporting the general approach, Slovenia therefore reserves its right to reconsider its position on the proposal of the Regulation on Union Guidelines pending the outcome of the discussion on the Core Network Corridors in the context of the Connecting Europe Facility."

Statement by Italy

"Although we express our general support for the compromise text on the general approach of the Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network, Italy notes that several amendments are necessary in the Annexes, in order to support economic growth in the island regions of the European Union.

1) Inclusion of "last mile" links

We believe that due attention should be paid to "last mile" links and to missing sections of railway links to airports and ports.

2) Inclusion of the ports of Cagliari and Augusta in the core network

As well as fulfilling the cargo volume requirement set by the European methodology, these two ports play a fundamental role in the economies of Italy's two largest islands.

The **port of Cagliari** reaches the cargo volume thresholds (24 344 020 tonnes /year for bulk cargo; 13 414 060 tonnes /year for non-bulk cargo) required for inclusion in the core network. First of all, we must explain that the Cagliari port authority has jurisdiction for state-owned maritime spaces and port infrastructure located along the stretch of coastline running from Nuovo Molo di Levante (the New East Quay) to Porto Foxi (in accordance with the Italian Decree of 6 April 1994, published in the Italian Official Journal No 116 of 20.05.1994). The table below shows the cargo volumes for 2006, 2007 and 2008 (ISTAT data, in 000s tonnes) which demonstrate that the thresholds identified by the Commission method have been reached, i.e. 24 344 020 tonnes /year for bulk cargo; 13 414 060 tonnes /year for non-bulk cargo.

ISTAT	2006	2007	2008	AVG	bulk %	non-bulk %	TONNES BULK	TONNES NON-BULK	INTERPOLATION
Porto Foxi	27 111	26 744	26 407	26 754	100 %	0 %	26 754	0	1.10
Cagliari	9 482	9 397	9 040	9 306	15 %	85 %	1 396	7 910	0.65
Tot	36 593	36 141	35 447	36 060	78 %	22 %	28 150	7 910	1.75

The port of Cagliari is located on one of the Mediterranean's largest islands and plays an important role in connecting outlying regions to the European continent. Thanks to the large amount of available space, huge operating potential and fortunate geographical location (only 11 [nautical] miles from the ideal route between Gibraltar and Suez), the port of Cagliari meets the demand for large-scale commercial traffic, representing one of the main transshipment hubs in the western Mediterranean, handling conventional freight, bulk cargo, ro-ro freight and containerised freight, alongside passenger services, fishing activity, tourism, pleasure boats and cruise ships. The Cagliari port authority covers approximately 30 km of coastline, divided into three zones: the **historic port**¹, the canal port **container terminal**² and the **oil terminal**³. In terms of logistics, the area is well-integrated with inland locations: the historic port is only 100 metres from the city centre, is adjacent to the road network, a few metres from the railway network and only seven kilometres from the airport.

The **port of Augusta** reaches the cargo volume thresholds set for inclusion in the core network. The table below shows the cargo volumes for 2006, 2007 and 2008 (ISTAT data, in 000s tonnes) which demonstrate that the thresholds identified by the Commission method have been reached, i.e. 24 344 020 tonnes /year for bulk cargo; 13 414 060 tonnes /year for non-bulk cargo.

ISTAT	2006	2007	2008	AVG	bulk %	non-bulk %	TONNES BULK	TONNES NON-BULK	INTERPOLATION
Augusta	30 979	30 238	26 849	29 355	100 %	0 %	29 355	0	1.21

More recent traffic volumes have reached approximately 33 million tonnes of cargo handled annually, of which approximately 31.5 million tonnes are liquid bulk cargo. The port is Italy's main oil terminal and second largest port for liquid bulk cargo. In 2011 the port also started moving containerised and ro-ro freight. The port of Augusta has a container platform under development, an ideal landing place for ro-ro ferry routes to northern Italy and North Africa, quays for transit and bunkering, and terminals equipped for the breaking of bulk cargo arriving from distant locations.

Augusta, located on the largest island in the Mediterranean, has a role in providing connections to outlying regions of the European continent. The port has great development potential, both for individual types of cargo within the same port and as part of a potential integrated port system across Sicily (petroleum products, agricultural products from the productive south-east of the island).

¹ The historic port is located along 5 800 metres of quay and serves commercial traffic, ro-ro, passenger ferries, pleasure boats, fishing boats and cruise ships; there is currently strong growth in this last category, thanks to cooperation with local forces.

² This terminal currently occupies more than 1 600 metres of quay and offers five berths for transshipment and ro-ro traffic, and with the boating / sailing area it will potentially offer more than 7 500 metres of quay in the future.

³ The petrochemical / oil berths have docking spaces for seventeen ships.

National Operational Programme funds (EUR 85 000) will be used to consolidate the quays and expand the commercial port (third phase), work which includes the create of a quay to the north of the transshipment area, amongst other things. Finance for the development work will also come from additional private and state funds. The port consists of the **Rada di Augusta**¹, the **industrial port**², the **ro-ro port**³ and the **commercial port**⁴.

In conclusion, while reaffirming the value of the method, we would also point out that it should be applied correctly, taking account both of compliance with the relevant thresholds and of the criterion of accessibility of all regions of the European Union, particularly the islands. The ports of Cagliari and Augusta ensure that cargo and passengers can move to and from the two largest islands in the Mediterranean, and failure to include them in the core network is unfairly prejudicial, not only to Italy but to the Mediterranean basin as a whole. Adding these two ports to the core network would mean assisting the integration of seven million European citizens into the Union."

¹ The Rada di Augusta, with its industrial, commercial and ro-ro ports as well as two dockyards, has established itself as one of the most competitive, most centrally-located and safest landing places in the Mediterranean port system, not to mention a strategic point for access to other major European and Asian ports, representing a business opportunity for global shipping companies.

² The industrial port is one of the largest in Italy and in the Mediterranean. It serves the oil and petrochemical industries, energy producers and cement manufacturers. Each year it handles approximately 30 million tonnes of liquid bulk cargo and approximately 500 000 tonnes of cement, and has a total capacity of one million tonnes.

³ The ro-ro port is located within the commercial zone and offers a dedicated terminal which can house up to 220 articulated lorries at once. It is specialised and operates efficiently, being equipped to provide the best possible intermodal transport. It has a pier with two berths, adjacent forecourts and a passenger ferry terminal with automatically-controlled access.

⁴ The recently created commercial port is located in the north-west of the bay, well away from the city centre, and is linked to the eastern Sicilian motorway network 1 km away. It is used for loading/unloading solid bulk cargo (chemical products, fertilisers, iron, sulphur pellets, cement, marble, timber, mechanical and specialised parts (e.g. wind turbines), clinker, basalt) and storing containers. The supervisory and law-enforcement authorities also have a presence in the port (financial police, customs, Carabinieri, police, fire brigade), and the Augusta port authority is based there. Infrastructure works were recently started to extend the quay (700 m), dredge the sea floor (16 m), expand the forecourts (600 000 square metres) and warehouses, construct a 1 MW wind farm, obtain environmental certification, establish automated control of access to ro-ro ships, computerise the port's activities and provide a real-time link between the activities of all those operating at the port. The port currently features the following: forecourt areas of more than 300 000 square metres; more than 1 100 m of quay; depth of 14/16 m; road links to the freight terminals of Melilli and Catania; strategic position for emerging markets; a distance of 5 km from the city centre; excellent climatic conditions all year round; berths for ships of all sizes.

Statement by the Commission

"The Commission fully reserves its position on the entire compromise proposal. Its reservation pertains in particular to the introduction of a reserve in Article 1(4), on the changes in the cooperation with third countries (Article 8), on the removal of a deadline and of the main requirements for the comprehensive network (Chapter II), on the deletion of articles on climate change, environment and accessibility (Articles 41 to 43), on the changes to the deadline for the core network (Article 44(3)), on the introduction of an exception clause (Article 45(3)) and on the removal of the corridor platforms, the implementing powers and the Committee (Articles 52, 53 and 55)."

AVIATION

5. Airport Package

Proposal for a Regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (First reading)

- General approach
 - 18008/11 AVIATION 256 CODEC 2288
 - 7704/12 AVIATION 46 CODEC 675
 - + COR 1
 - + COR 2 (fr)

The Council reached a general approach on the text of the above Regulation, as set out in doc. 8050/12.

Austria and Poland abstained and presented statements to be entered into these minutes, as set out hereafter. Germany also abstained.

Statement by Austria

"Austria would like to make the following points with regard to the proposal for a Regulation on groundhandling:

Austria welcomes competition in principle. As in the case of any liberalisation, but in particular for a highly specialised and sensitive service such as groundhandling, binding rules are required.

Safety and efficiency in air transportation can only be guaranteed through high quality groundhandling.

Strict and uniform approval criteria for service providers are just as essential as binding obligations regarding employee protection and staff qualifications, for example. Competition should not be allowed to lead to social dumping.

Austria considers that this proposal is not yet sufficiently balanced as regards the abovementioned points, which is why it must abstain from the vote.

Austria assumes that as part of the current negotiations between the Council and the European Parliament the aforementioned aspects will be incorporated in this dossier in a sustainable way."

Statement by Poland

"From the beginning of discussions on this file Poland was of the opinion that we should seize the opportunity of the revision of 15-year old rules to create competitive and open market for groundhandling services with limited scope for intervention of Member States.

This principle formed the basis of our position throughout the discussions.

Poland is above all strongly convinced that public authorities should refrain from intervening in the market, also to avoid unnecessary increase of administrative burden and additional costs of functioning of national administrations - which is especially true during the time of financial crisis in Europe. Reducing the administrative burdens also comes in line with European Commission's Better Regulation initiative.

While recognizing that the proposed regulation brings added value in further opening the market and in aiming to ensure better quality of groundhandling services, Poland cannot support the text that increases administrative burden and abstains with regard to general approach."

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