



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 September 2012

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ADD 1 REV 1**

**PV/CONS 32
TRANS 209
TELECOM 124
ENER 312**

ADDENDUM to DRAFT MINUTES

Subject: **3171st meeting of the council of the European Union (TRANSPORT,
TELECOMMUNICATIONS AND ENERGY), held in Luxembourg on
7-8 June 2012**

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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

Proposal for a Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes [First reading] (LA)

= General approach

10086/12 DENLEG 49 AGRI 328 SAN 114 CODEC 1343

The Council reached an agreement on the general approach on the draft Regulation.

AGENDA ITEMS

HORIZONTAL AND INTERMODAL QUESTIONS

4. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (First reading)

- Partial general approach

10564/12 FIN 370 CADREFIN 271 POLGEN 97 REGIO 74 ENER 229

TRANS 183 TELECOM 113 COMPET 354 MI 385 ECO 73 CODEC 1470

The Council reached an agreement on the partial general approach presented by the Presidency, with the abstention of the UK delegation, and agreed to enter in these minutes several statements.

Statement by Germany

"The Federal Government emphasises that the partial general approach to the creation of the Connecting Europe Facility is without prejudice to the negotiations on the next multiannual financial framework.

The text of the partial general approach therefore continues to be the subject of a general reservation ("nothing is agreed until everything is agreed"). This reservation refers to provisions with financial and budgetary implications, including the financing rates which are in excess of 50 %."

Statements by the United Kingdom

(1) "The Danish Presidency has made it clear that progress in negotiating individual sectoral regulations should not prejudice the outcome of the overall Multiannual Financial Framework (MFF) discussion. The UK firmly agrees with this principle. Accordingly, in order to reserve our position on the elements of the proposal that imply

levels of funding pending agreement on the MFF, the UK is not yet in a position to agree to a partial general approach on this proposal since the increased scope of the Connecting Europe Facility makes it difficult to divorce the budget from the text of the regulation. Nothing should happen subsequent to this Transport Council outcome in terms of further work on the project that means we are unable to revisit the text of the regulation.

The top priority for the UK in the overall MFF negotiation is budget size and this will guide our future position. We are otherwise largely satisfied with the content of the text itself, although it must be revisited if the MFF negotiation outcome results in a different level of funding to that originally proposed by the Commission."

- (2) "We would like to reiterate the importance that we attach to Article 172 of the Treaty in relation to this file. We see the Core Corridors for the UK as very much indicative. We will keep these under review as the TEN-T draft regulation continues to be progressed and the final requirements for them and on Member States become clearer."

Statement by Austria

"Austria explicitly supports the amendment made by the Commission and the Presidency to Article 10(2)(b), setting the co-financing rate at a maximum of 40 % for environmentally friendly modes of transport, such as railways and inland waterways, which thereby receive greater support.

However, Austria does not support the rate now generally provided for in Article 10(2)(b)(iv) of 10 % of the eligible costs for cross-border road transport infrastructure projects. In Austria's view, the possibility of support for road transport is irreconcilable with the transport policy objective of effecting a modal shift in transport and support for environmentally sustainable transport, as laid down in the Commission's Transport White Paper or the Europe 2020 Strategy, for instance.

Moreover, unlike rail infrastructure, major road infrastructure can or will be increasingly financed through users' contributions rather than from public budgets. Extension of EU co-financing to include road projects would be a burden on public budgets and further increase the pressure for consolidation of the Member States' national budgets.

In a spirit of overall compromise, Austria nevertheless lends it support to the dossier."

Statement by the Commission

"The Commission fully reserves its position on the entire compromise proposal.

Its reservation relates in particular to the introduction of a ceiling of 0.35% for the administrative expenditure (Article 5(2)), the introduction of the possibility to finance actions on the transport comprehensive network (Article 7(2)aa), the deletion of the reference to studies preparing PPPs (Article 7(2)), the introduction of the possibility to finance road construction even if under limitative conditions (Article 10), the requirement for the Commission to provide an annex detailing the main terms, conditions, procedures for each financial instrument (Article 14), and the introduction of an implementing act for adoption of the Commission award decision of grants (Article 17a)."

5. Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of the European satellite navigation systems (First reading)

- Partial general approach

17844/1/11 TRANS 338 MAR 154 AVIATION 254 CAB 54 CODEC 2250
ESPACE 80 FIN 1021

10189/12 TRANS 170 MAR 71 AVIATION 89 CAB 15 CODEC 1381
ESPACE 23 FIN 351 CSC 31

The Council reached a partial general approach on the text of the above Regulation, as set out in doc. 11105/12, and agreed to include in its minutes a statement on the activities relating to the security accreditation of the European GNSS systems (as below).

The United Kingdom abstained and presented a statement to be entered into these minutes (below). The Commission also presented a statement to be entered into these minutes (below).

Statement by the Council

"The Council considers that in the new governance model of the GNSS programmes activities relating to the security accreditation of the European GNSS systems should be performed in a manner strictly independent from the tasks of the European GNSS Agency. To this aim and by 1 January 2014 at the latest, the necessary arrangements need to be put in place, in particular to ensure a robust functional and structural separation between those activities. Furthermore, the Chairperson of the Security Accreditation Board should be the only responsible authority within the GSA for representing activities relating to security accreditation, in particular by reporting to the European Parliament and the Council on the progress of security accreditation work.

Taking into account the above, the Council invites the Commission to submit a proposal to the European Parliament and the Council, in a timely manner, for the amendment of Regulation No 912/2010, as well as any other necessary proposals."

Statement by the United Kingdom

"The Danish Presidency has made it clear that progress in negotiating individual sectoral regulations should not prejudice the outcome of the overall Multiannual Financial Framework (MFF) discussion. The UK firmly agrees with this principle. Accordingly, in order to reserve our position on the elements of the proposal that imply levels of funding pending agreement on the MFF, the UK is not yet in a position to agree to a partial general approach on this proposal since the apparently fixed costs of the Galileo programme makes it difficult to divorce the budget from the text of the regulation. Nothing should happen subsequent to this Transport Council outcome in terms of further work on the project that means we are unable to revisit the text of the regulation.

The top priority for the UK in the overall MFF negotiation is budget size and this will guide our future position. We are otherwise largely satisfied with the content of the text itself, although it must be revisited if the MFF negotiation outcome results in a different level of funding to that originally proposed by the Commission."

Statement by the Commission

"The Commission believes that by and large the text proposed by the Danish Presidency follows the lines of the Commission's legislative proposal. In some instances, the discussions in the Council preparatory bodies have added precision to the draft regulation.

However, the Commission maintains its general reservation pending the opinion of the European Parliament and progress on the discussions relating to the next multiannual financial framework.

Furthermore, the Commission maintains its reservation on specific aspects of the partial general approach agreed by the Council as follows:

1. delegated acts: the Commission objects to the systematic deletion of delegated acts and to the adoption of implementing acts where measures of general application to supplement or amend certain non-essential elements of the legislative act are concerned, which could legally invalidate the decisions taken on the basis of these implementing acts;
2. pricing policy: the Commission considers that it would be more appropriate to take the time to pursue a detailed analysis of the overall pricing policy of the services offered Galileo and EGNOS in order to maximise potential direct revenues and reduce the Union financial contribution to the programmes;
3. classified information: the Commission is concerned about the move of part of the text of Article 18 ("Application of the rules on classified information") to a recital considering that the compromise text does not provide sufficient protection as regards industrial security. This text ensures the equivalence of the degree of protection of classified information but doesn't cover for the scope of its application, which may endanger the secured circulation of information between industrials;
4. schedule performance indicator: the Commission supports the need to monitor the schedule of the programmes' implementation, but it believes that the indicator proposed is much too complex and could be misleading;
5. committee procedure and reporting requirements: the Commission recognises need to keep Member States appropriately informed of programmes of this size but regrets the unnecessary bureaucratic and control measures introduced, considering that these provisions impose an administrative burden that might lead to increased delays and additional cost;
6. GSA-ESA working arrangements: the Commission is examining the feasibility of such arrangement while respecting the financial regulation."

AVIATION

6. Airport Package

Proposal for a Regulation of the European Parliament and the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC of the European Parliament and of the Council (First reading)

- General approach
 - 18010/11 AVIATION 258 ENV 922 CODEC 2290
 - 10229/12 AVIATION 91 ENV 386 CODEC 1394

The Council reached a general approach on the above proposal for a Regulation as it appears in doc. 10897/12.

SHIPPING

7. Maritime Labour Convention, 2006 (First reading)

(a) **Proposal for a Directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC**

(b) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State control**

- Progress report
 - 8241/12 MAR 38 TRANS 106 SOC 242
 - 8239/12 MAR 37 TRANS 105 SOC 241
 - 9863/12 MAR 62 TRANS 149 SOC 361

The Council took note of the Presidency progress report on the state of play of the examination of the two proposals for Directives implementing in the EU the Maritime Labour Convention.

TELECOMMUNICATIONS

9. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information (First reading)

- Progress report
- Orientation debate
 - 18555/11 TELECOM 212 PI 188 COMPET 619 CODEC 2426 AUDIO 83
CULT 120
 - 9959/12 TELECOM 99 PI 55 COMPET 278 AUDIO 55 CULT 80 CODEC 1308
 - 10403/12 TELECOM 110 PI 61 COMPET 318 AUDIO 60 CULT 86
CODEC 1440

The Council took note of the progress report set out in doc. 10403/12 and held an orientation debate on the basis of the questions set out in doc. 9959/12.

10. Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans European telecommunications networks and repealing Decision No 1336/97/EC (First reading)

- Progress report
- Orientation debate
 - 16006/11 TELECOM 152 CODEC 1801
 - 9963/12 TELECOM 100 AUDIO 56 CODEC 1312
 - 10451/12 TELECOM 111 AUDIO 61 CODEC 1456

The Council took note of the progress report set out in doc. 10451/12 and held an orientation debate on the basis of the questions set out in doc. 9963/12.

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(in accordance with Article 8(2) of the Council's Rules of Procedure)

SHIPPING

8. Blue Belt Pilot Project

- Policy debate
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
 - 9791/12 TRANS 144 MAR 60
 - + COR 1
 - + COR 2
 - + ADD 1
 - 10418/12 TRANS 177 MAR 75

The Council held a policy debate on the Blue Belt pilot project.