



**COUNCIL OF  
THE EUROPEAN UNION**



7253/13

(OR. en)

PRESSE 97  
PR CO 15

**PRESS RELEASE**

3229th Council meeting

**Transport, Telecommunications and Energy**

Brussels, 11 March 2013

President            **Leo VARADKAR**  
Minister for Transport, Tourism and Sport

**P R E S S**

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Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 / 6319 Fax: +32 (0)2 281 8026  
[press.office@consilium.europa.eu](mailto:press.office@consilium.europa.eu) <http://www.consilium.europa.eu/Newsroom>

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## **Main results of the Council**

*The Council held a debate on a proposal for a recast of the 2008 directive on the **interoperability of the EU rail system**, thereby starting its work on the "fourth railway package" recently published by the Commission. The recast, which is part of the technical pillar of the package, aims to accelerate the integration of the whole European rail network by removing existing administrative and technical barriers.*

*The Council also heard a presentation by the Commission of its recent "**Clean power for transport**" initiative and held an exchange of views. The goal of the initiative is to break the oil dependence of transport and reduce greenhouse gas emissions from transport by accelerating the market uptake of alternative fuels and vehicles adapted to their use. The initiative consists of a communication setting out a strategy for the promotion of alternative fuels in all transport modes and a proposal for a directive aimed at building up a minimum **infrastructure for alternative fuels** throughout the EU.*

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**OTHER ITEMS APPROVED**

*none*

<sup>1</sup>

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

## **PARTICIPANTS**

### **Belgium:**

Mr Olivier BELLE

Deputy Permanent Representative

### **Bulgaria:**

Mr Krostian KRASTEV

Deputy Minister for Transport, Information Technology and Communications

### **Czech Republic:**

Mr Jakub DÜRR

Deputy Permanent Representative

### **Denmark:**

Mr Jonas BERING LIISBERG

Deputy Permanent Representative

### **Germany:**

Mr Peter RAMSAUER

Minister for Transport, Building and Urban Affairs

### **Estonia:**

Mr Clyde KULL

Deputy Permanent Representative

### **Ireland:**

Mr Leo VARADKER

Minister for Transport, Tourism and Sport

### **Greece:**

Mr Andreas PAPASTAVROU

Deputy Permanent Representative

### **Spain:**

Ms Ana Maria PASTOR JULIÁN

Minister for Transport

### **France:**

Mr Alexis DUTERTRE

Deputy Permanent Representative

### **Italy:**

Mr Mario CIACCIA

Deputy Minister for Infrastructure and Transport

### **Cyprus:**

Mr George ZODIATES

Deputy Permanent Representative

### **Latvia:**

Mr Viktors VALAINIS

Parliamentary Secretary

### **Lithuania:**

Mr Rimantas SINKEVIČIUS

Minister for Transport and Communications

### **Luxembourg:**

Mr Claude WISELER

Minister for Sustainable Development and Infrastructures

### **Hungary:**

Mr Olivér VÁRHELYI

Deputy Permanent Representative

### **Malta:**

Mr Patrick R. MIFSUD

Deputy Permanent Representative

### **Netherlands:**

Mr Derk OLDENBURG

Deputy Permanent Representative

### **Austria:**

Mr Harald GÜNTHER

Deputy Permanent Representative

### **Poland:**

Mr Maciej JANKOWSKI

Deputy State Secretary

### **Portugal:**

Mr Sérgio MONTEIRO

Secretary of State for Public Works, Transport and Communications

### **Romania:**

Mr Relu FENECHIU

Minister for Transport

**Slovenia:**

Mr Igor ŠALAMUN

State Secretary

**Slovakia:**

Mr Frantisek PALKO

State Secretary

**Finland:**

Ms Merja KYLLÖNEN

Minister for Transport

**Sweden:**

Mr Jan OLSSON

Deputy Permanent Representative

**United Kingdom:**

Mr Patrick MCLOUGHLIN

Secretary of State for Transport

.....

**Commission:**

Mr Siim KALLAS

Vice President

.....

The government of the acceding state was represented as follows:

**Croatia:**

Mr Siniša HAJDAŠ DONČIĆ

Minister for Maritime Affairs, Transport and  
Infrastructure

.....

## **ITEMS DEBATED**

### ***LAND TRANSPORT***

#### **New interoperability rules under the fourth railway package**

The Council held a debate on a proposal for a recast of the 2008 directive on the interoperability of the EU rail system (proposal: [6013/13](#), report to the Council: [6627/13](#)), thereby starting its work on the "fourth railway package" recently published by the Commission. The proposal is part of the technical pillar of the package, together with proposed amendments to the 2004 directive on railway safety and the 2004 regulation establishing a European Railway Agency. This technical pillar essentially provides that the authorisation and certification procedures required to ensure the technical interoperability and safety of railways across the EU should be entrusted to a central body, the European Railway Agency (ERA), in order to reduce costs and facilitate the entrance of new operators.

The 2008 interoperability directive lays down the administrative, technical and operational conditions to be met to achieve interoperability within the EU rail system. The proposed recast aims to remove the remaining administrative and technical barriers to a single railway market, in particular by increasing the efficiency of the vehicle authorisation process through an enhanced role for the European Railway Agency, and by clarifying and updating technical standards and conformity assessment rules. This should make it possible to cut administrative costs, speed up administrative procedures and increase economies of scale for railway undertakings operating across the EU.

During the debate, ministers broadly acknowledged the need to increase the efficiency of the authorisation process. However, misgivings were expressed about the transfer of competences from national authorities to the European Rail Agency as proposed by the Commission. More specifically, several member states pointed out that responsibility for the authorisation of vehicles used only on the national territory or on local or regional networks should remain with national authorities, so that the specific situations in the different countries can be properly taken into account. Some delegations argued that the harmonisation of railway infrastructure was not yet advanced enough to justify a centralised authorisation procedure and suggested that the role of the ERA should be enhanced gradually. Several delegations were of the opinion that the ERA should be given a stronger supervisory role, but not responsibility for authorisations. The issue of liability in the event of accidents was also raised.

Discussion of the proposal will continue in the Council's preparatory bodies in the light of the comments made by the ministers.

Work on the fourth railway package under the Irish presidency will concentrate on the technical pillar and in particular the interoperability directive. Besides the three proposals under this pillar, the new package also includes three other legislative proposals for amendments to existing EU legislation, aimed at further opening up domestic rail passenger markets and introducing new governance rules for infrastructure management and transport operations. The overarching goal of the package is to complete the market opening process in the rail sector and to provide legislative stability and visibility for business development, so as to improve the competitiveness of the railways in the EU compared to other modes of transport.

For further information on the new railway package, see also the Commission communication ([5855/13](#)) and the Commission's [web page](#) on the package.

## ***HORIZONTAL AND INTERMODAL QUESTIONS***

### **Clean power for transport**

The Council heard a presentation by the Commission of its recent "Clean power for transport" initiative and held an exchange of views. The goal of the initiative is to break the oil dependence of transport and reduce greenhouse gas emissions from transport by accelerating the market uptake of alternative fuels and vehicles adapted to their use. The initiative, which was published at the end of January, consists of a communication on a European alternative fuels strategy ([5736/13](#)) and a related proposal for a directive on the deployment of alternative fuels infrastructure ([5899/13](#)) (see also the report to the Council in [6654/13](#)).

The communication sets out a comprehensive strategy for the promotion of alternative fuels and the road to its implementation in all transport modes in the EU. The goal is to establish a long-term policy framework designed to guide technological development and investments in the deployment of these fuels and boost consumer confidence in the fuels.

As a major step in this strategy, the proposal for a directive aims at building up a minimum infrastructure for alternative fuels throughout the EU, which is considered crucial for the acceptance of alternative fuels by consumers and for the further development and deployment of the technology by the industry. To this end, the proposed directive lays down minimum numbers of recharging points for electric vehicles and refuelling points for natural gas and hydrogen by member state and sets out requirements for common technical standards, including a common standard plug for electric vehicles. Under the Commission proposal, these recharging and refuelling points should be in place by the end of 2020, with longer deadlines in some specific cases, and the technical standards should be established by the end of 2015. It will be the task of the member states to determine, through national policy frameworks, how the common rules are to be implemented.

In the debate at the Council meeting, ministers generally welcomed the initiative and acknowledged the need for harmonisation and standardisation. Many delegations, however, voiced concerns about the proposed target numbers of recharging or refuelling points, the financing of the proposed measures and the deadlines for implementation. It was stressed that member states needed flexibility for implementation. There were also questions about standards and technology, which is still evolving. Moreover, a number of member states also highlighted the maritime dimension of the initiative.

The Council's preparatory bodies will pursue the examination of the proposal in the light of the remarks made by the ministers.

The Commission presented its proposal at the end of January this year. The adoption of the text requires approval by both the Council and the European Parliament.

## *AVIATION*

### **Occurrence reporting in civil aviation**

The Council took note of the state of play as regards a revision of the 2003 directive on the reporting of occurrences which could endanger aviation safety (Commission proposal: [18118/12](#)). Building on the 2003 directive, which imposed the obligation to report such occurrences, the revision aims to improve the reporting system and to ensure efficient use of the data collected with a view to preventing future accidents, thereby moving further towards a proactive, risk-based safety management system. The overall objective is to contribute to reducing the number of aircraft accidents in a context of growing air traffic.

To this end, the proposed directive, which will replace the 2003 directive, updates the list of incidents to be reported and the list of persons obliged to report, while also requiring the establishment of voluntary reporting systems to facilitate the collection of details not covered by the mandatory system but perceived to be important by the reporting person. The new text also contains provisions intended to improve the quality and completeness of reported data, to clarify the flow of information and to extend the exchange of information. In addition, the Commission proposes to strengthen the protection of persons reporting incidents in order to encourage people to report without fear of punishment or prosecution, as long as they did not act in gross negligence. Moreover, new requirements would be introduced to ensure that occurrence reports are properly analysed with a view to identifying safety risks and that follow-up actions are taken to remedy any safety deficiency identified.



Discussion of this proposal in the Council working party started recently (see progress report in [6666/13](#)). It showed that all member states broadly welcomed the proposal, although concerns were expressed about issues such as:

- the list of types of occurrences that are required to be reported;
- the potential cost and burden that the new reporting requirements would entail for administrations and industry, in particular small and medium enterprises;
- the degree of protection that should be given to employees who report occurrences and the necessary administrative arrangements between judicial and safety authorities in order to strike the right balance between the interests of justice and aviation safety;
- the deadlines for the implementation of the regulation.

The presidency's aim is to reach a Council position ("general approach", pending the position of the European Parliament) on the proposal at the June Transport Council meeting.

The proposal was presented by the Commission at the end of last December. It needs the approval of both the Council and the European Parliament in order to be adopted.

## **OTHER BUSINESS**

### **Emissions trading in the aviation sector**

The Commission updated the Council on the state of play of the negotiations on global action to tackle emissions from aviation ([7066/13](#)).

The ongoing negotiations in the framework of the International Civil Aviation Organisation (ICAO) concern in particular the development of a global market-based approach to this issue and are to prepare a resolution to be submitted to the ICAO assembly in September 2013.

In an effort to contribute to finding a global solution at that assembly in the autumn, the Council and the European Parliament are currently discussing a legislative proposal aimed at temporarily suspending the enforcement of the EU's emissions trading scheme (ETS) for international flights to and from Europe. The Commission underscored the importance of adopting the proposal by the end of April, in order to avoid administrative and legal complications.

## **EU-Brazil comprehensive air transport agreement**

The Commission informed the Council about the state of play on the comprehensive air transport agreement between the EU and Brazil, initialled by both sides in 2011, but not signed by Brazil to date (7069/13). Brazil now requests that the negotiations be re-opened on some issues of the agreement. The Commission considers renegotiation to be unavoidable and intends to ask the Council to extend the initial negotiating mandate so as to allow coverage of all Brazilian requests.

## **Access to the road haulage market**

The Polish delegation, on behalf of the Visegrad countries (Czech Republic, Hungary, Poland and Slovak Republic) and with the support of a number of other member states, presented its concerns about the Commission's intention to propose a revision of the rules on access to the road haulage market in order to further lift the restrictions to road cabotage in the EU (7020/13). Poland argued that before the Commission submits a legislative proposal for such a revision, the Council should first have the opportunity to properly discuss this issue on the basis of a report that the Commission is due to draw up on the state of the EU road transport market.

Austria, Belgium, Denmark, France and Italy also issued a joint statement (7342/13) expressing their view that any legislative proposal for liberalising road cabotage would be premature at this stage and that efforts should focus on implementing and supplementing the existing rules, in particular to tackle issues such as labour standards and non-compliance with requirements and to achieve convergence of control practices.

Some other countries, however, pointed out that they would agree with a move to further liberalisation in this field, in line with the goal of a single transport market.

The Commission assured member states that it would thoroughly assess the situation before presenting any proposal.

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