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Transport, Telecommunications and Energy

Luxembourg, 5 June 2014

President **Michalis Chrisochoidis**
Minister of Infrastructure, Transport and Networks

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Main results of the Council

Lorry sizes

*The Council reached **political agreement** on new rules for the maximum weights and dimensions of lorries, buses and coaches. The amended rules are intended to improve vehicle aerodynamics, fuel efficiency and road safety. See [press release](#).*

Railway interoperability and safety, and the European Railway Agency

*The Council also reached **political agreement** on the draft directives on the interoperability and safety of European railways and the draft regulation on the European Railway Agency. Together, these three legislative acts make up the technical pillar of the fourth railway package. See [press release](#).*

Maritime transport policy

The Council adopted [conclusions](#) on the mid-term review of the EU's maritime transport policy to 2018 and outlook to 2020. The conclusions incorporate the Athens Declaration endorsed by maritime transport ministers at their informal meeting on 7 May.

*In addition, ministers took note of **progress reports** on a proposed update of the EU rules on **air passenger rights** and a draft regulation on **market access and financial transparency of ports**.*

Mr Michalis Chrysochoidis, the Greek Minister for Infrastructure, Transport and Networks, said: "From the very beginning we set a target for our presidency, which has involved tireless efforts to promote efficient and sustainable transport. We have worked hard to achieve this, and sought to increase economies of scale for transport undertakings, especially railways, across the EU, reduce administrative costs, speed up procedures, avoid discrimination and enhance competition as well as reduce energy consumption and environmental degradation. We have placed the needs of citizens and societies at the heart of our work on transport policy. We will continue to focus our efforts on these tasks up the end of our presidency."

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OTHER ITEMS APPROVED

none

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.
- 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.

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Mr Siim KALLAS

Ms Neelie KROES

Vice-President

Vice-President

ITEMS DEBATED

LAND TRANSPORT

Railway interoperability, railway safety and the European Railway Agency

The Council reached **political agreement** on the draft directives on the **interoperability and safety of European railways** and the draft regulation on the **European Railway Agency** ([9768/1/14 REV 1](#), [9766/1/14 REV 1](#) and [9767/14](#)).

Together, these three legislative acts make up the **technical pillar of the fourth railway package**, published by the Commission in January 2013.

The completion of this technical pillar is expected to increase economies of scale for railway undertakings across the EU, reduce administrative costs and speed up procedures. It should also help to avoid any covert discrimination in the issuing of safety certificates and vehicle authorisations.

For details, see press release [10401/14](#).

Lorry sizes

Ministers arrived at **political agreement** on new rules for the **maximum weights and dimensions of heavy-goods vehicles, buses and coaches**. The proposal ([8953/13](#), report to the Council [10204/14](#)) aims to amend the [current directive](#) from 1996 in order to improve those vehicles' aerodynamics, fuel efficiency and road safety.

In particular, the proposal grants derogations on vehicle length so as to allow rear flaps to be attached to the vehicle or the front of the vehicle to be redesigned to create a more aerodynamic shape. The new lorry cab design will improve drivers' field of vision and the safety of both drivers and other road users. The new deflecting shape and crumple zone will greatly reduce the impact of frontal collisions, thus helping to save the lives of numerous pedestrians and cyclists.

For details, see press release [8837/14](#).

AVIATION

Air passenger rights

The Council **took note of progress** achieved regarding a proposed **update of the EU rules on air passenger rights** on the basis of a report prepared by the presidency ([9820/1/14 REV 1](#) + [ADD 1 REV 1](#)).

The draft regulation is mainly aimed at clarifying the rules that apply in the event of delayed or cancelled flights, and at improving other aspects such as handling of complaints and enforcement of passenger rights. At the same time, the proposal intends to take into account the financial implications that passenger rights create for the air transport sector, thus ensuring that European air carriers operate under harmonised conditions in a liberalised market.

Solid progress has been made on the dossier since the policy debate held by the Council in October 2013. In particular, provisions giving rise to the application of air passenger rights in other transport modes have been deleted, and those on tarmac delay have been fine-tuned. The monetary limit on accommodation in the event of major travel disruption has been deleted, and the rules on informing passengers of their rights have been considerably improved.

Much attention has been devoted to the rigorous delimitation of airlines' possibilities to claim exemptions from the requirement to pay compensation. For instance, delegations generally agree that technical defects should not be used by airlines as a pretext for refusing to pay compensation. Efforts have therefore been made to define under what conditions airlines may invoke technical defects to seek exemption from paying compensation.

As regards the need to ensure the effective enforcement of the regulation, important progress has been made towards reaching a compromise on a simple procedure for passengers to submit complaints to airlines and, subsequently, to out-of-court dispute resolution bodies.

However, despite the intense work carried out and the progress achieved, further work is needed on a number of issues. Major **outstanding questions** include thresholds for compensation; compensation for connecting flights; and the status of any list - be it exhaustive or non-exhaustive, binding or non-binding - defining exemptions from the obligation to pay compensation (extraordinary circumstances).

On the air carrier liability regulation, the only major outstanding issue relates to cabin baggage. It still needs to be decided whether clear provisions are needed on the so-called 'one bag rule', which would enable all passengers at Union airports to take items on board under the same conditions, or whether this should be regarded as part of the air carrier's commercial freedom.

The Commission presented its proposal ([7615/13](#)) to transport ministers in June 2013. The adoption of the regulation requires the approval of both the Council and the European Parliament. The Parliament adopted its position at first reading in February 2014.

For current rules on air passenger rights, see the [2004 regulation on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights](#) and the [1997 regulation on air carrier liability in respect of the carriage of passengers and their baggage by air](#).

SHIPPING

Port services

The Council **took note of the state of play** regarding proposed new rules for **market access to port services and financial transparency of ports**, based on a progress report drawn up by the presidency ([9771/14](#)).

The **proposed regulation** ([10154/13](#)) sets out to create a framework for access to the port services market in the EU. It also introduces common rules for the financial transparency of ports and for charges to be levied by port management bodies or providers of port services.

It would apply to specific categories of services and would cover all seaports listed in the [trans-European Transport Network Guidelines](#). Member states would be free to decide to apply it to other ports as well.

The new rules should contribute to fairer competition and reduce legal uncertainties, thereby encouraging efficient port services and investments in ports. This could bring down costs for transport users. It could also help create new short sea links and improve the integration of maritime transport with other transport modes.

In the Council, the shipping working party has carried out an article-by-article examination of part of the text and a more general discussion of the remainder. These discussions have shown that although the majority of member states support the proposal's general objectives, they have a number of concerns with regard to both the substance of the proposal and the form of the legal instrument, with most delegations preferring a directive instead of a regulation.

The substantive concerns expressed by delegations relate, inter alia, to the proposal's scope in terms of both the services and the ports covered. Most member states would like to have simpler and more coherent procedures throughout the proposal. Many delegations have requested more flexibility as regards the procedures for ensuring compliance with the minimum requirements for the provision of port services. They have also indicated the need for more flexibility when it comes to limiting the number of providers. For example, delegations have asked to have safety, security and environmental considerations included in the possible reasons for limiting the number of port service providers.

The Commission sent the proposal to the Council in May 2013, together with a communication entitled "Ports: an engine for growth" ([10160/13](#)). In order to be adopted, the legal act will also have to be approved by the European Parliament. The Parliament's committee responsible, the Committee on Transport and Tourism (TRAN), has not yet voted on this dossier.

– [EU maritime transport: ports](#)

Maritime transport policy

The Council adopted **conclusions on the mid-term review of the EU's maritime transport policy until 2018 and outlook to 2020** ([10041/14](#)). The conclusions incorporate the **Athens Declaration** endorsed by maritime transport ministers at their informal meeting on 7 May.

The conclusions are intended to provide input for the Commission's upcoming mid-term review of the EU's maritime transport policy, and they set out what the Council considers should be the **political priorities** of the Commission's forthcoming work programme from 2015 to 2019 (see Commission communication on EU maritime transport policy until 2018 ([5779/09](#)) and relevant Council conclusions ([7866/09](#))).

The text covers all aspects of maritime transport, organised under six headings, following the structure of the Commission communication:

European Shipping in globalised markets calls for increased efforts towards ensuring free access to markets and emphasises the role of the EU state aid regime for maritime transport.

Human Resources, Seamanship and Maritime Know-how focuses on increasing employment in the sector, implementing the ILO Maritime Labour Convention and enhancing the know-how and attractiveness of maritime careers, including equal opportunities for men and women.

Quality Shipping as a key competitive advantage calls, inter alia, for safety at sea and the environmental and social performance of shipping to be improved, and for efforts to be made to promote security at sea, in particular by combating piracy.

Working together on the international scene reaffirms the determination to work within IMO and other international bodies.

Exploiting the full potential of short-sea shipping and sea transportation services for business and citizens in Europe focuses on promoting short sea shipping, implementing alternative fuels infrastructure in ports, developing ports, enhancing connectivity and implementing the Blue Belt and e-maritime service.

Lastly, *Europe should be the world leader in maritime research and innovation* stresses the need to reinforce targeted research and development and innovation efforts.

– [EU maritime transport](#)

Any other business

– ***Transport ministers' informal meeting – outcome of the lunch debate***

The presidency briefed ministers on the outcome of the lunch debate of the informal meeting of transport ministers which took place in Athens on 8 May 2014 ([10371/14](#)).

The debate summary notes that the increased competition that has resulted from the opening up of the road freight transport market has not been matched by a parallel process of harmonisation regarding the employment and working conditions of road haulage workers. Application of social legislation and enforcement of drivers' social rights across Europe should be ensured, inter alia, by strengthening enforcement mechanisms in the member states, introducing reporting mechanisms for the application of the directive on the posting of workers, enhancing co-operation between member states, and creating a European register of transport companies, which would include a black list of those companies that have been found responsible for illegal or disloyal practices.

– ***Shift2Rail***

The presidency informed ministers that the regulation establishing the Shift2Rail Joint Undertaking is due to be adopted by the Council, without discussion, on 16 June ([10553/14](#)).

– ***Cross-border exchange of traffic offence information***

The Commission informed the Council on its intention to submit "very soon" a new proposal for a directive on the cross-border exchange of information on road safety related traffic offences, following annulment of the previous directive by the European Court of Justice. The Court found that the measures under the directive did not concern 'crime' as defined under the police co-operation rules, but rather road safety, which is a transport issue. However, it decided that the effects of the directive would be maintained until the entry into force of a new directive, provided that this takes place within twelve months. According to the Commission, the new proposal will include the transport legal basis without changing the directive's substance.

– ***Aircraft tracking***

The Commission informed member states on measures envisaged to improve aircraft tracking, following the recent disappearance of Malaysian Airlines flight MH370. The Commission supports the recommendations made by the International Civil Aviation Organisation (ICAO) meeting on Global Tracking in May to ensure that the position of public transport aircraft is known at all times. The Commission plans to take such measures, including by making the necessary amendments to the EU aviation safety regulations in 2014 or 2015, subject to approval by the Council and the Parliament. It also considers that continued common efforts at ICAO would bring the greatest benefits ([10267/14](#)).

– ***Airport charges***

The Commission informed ministers on its report on the application of the airport charges directive. The report, which was published in May 2014, analyses three years of implementation of the directive in about 70 EU airports. The Commission intends to create a new expert group to advise it on the application of the directive in the member states and to promote the exchange of information and best practices but, for now, it has not planned any new legislative initiatives on airport charges ([10356/14](#); Commission report: [10070/14](#)).

– ***EU influence at the International Civil Aviation Organisation***

The Council took note of the information provided by the Spanish delegation on maintaining EU influence at the Council of the International Civil Aviation Organisation (ICAO). Spain is of the view that the EU should endeavour to maintain its influence by ensuring that the EU keeps all its seats at the ICAO Council after the recent creation of the Black Sea-Caspian Rotation Group. The incoming Italian presidency said it would pursue this matter.

– ***Aviation and the social dimension***

The Council took note of the information provided by the Netherlands on the social dimension of the air transport sector. The Netherlands considers that the technical and legal aspects of recent developments in new airline business models, such as the use of non-EU labour, possible loss of employment and unfair competition, should be urgently discussed at EU level ([10438/14](#)).

– ***Incoming presidency's work programme in the field of transport***

The incoming Italian presidency presented its transport priorities for the second half of 2014. Under the theme of "Infrastructures and transports for growth and cohesion", the presidency will, inter alia, strengthen the governance of TEN-T Corridors, launch talks with the European Parliament on the fourth railway package's technical pillar and promote a policy debate on its political pillar. Other priorities include the Single European Sky and the satellite systems Galileo and Egnos ([10470/14](#)).

OTHER ITEMS APPROVED
