



**COUNCIL OF
THE EUROPEAN UNION**



7933/05 (Presse 84)

(OR. fr)

PRESS RELEASE

2654th Council Meeting

Transport, Telecommunications and Energy

Luxembourg, 21 April 2005

President

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P R E S S

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7933/05 (Presse 84)

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Main Results of the Council

*The Council adopted a political agreement on the revision of the **Eurovignette** Directive on the charging of heavy goods vehicles for the use of road infrastructures.*

*The Council arrived at a general approach on the **Marco Polo II** programme pending a decision on the financial perspective (2007-2013) and on the proposal for a Regulation on improving the **information of air transport passengers**.*

*With regard to **Galileo**, the Council adopted a decision authorising the Commission to open negotiations for a cooperation agreement with Morocco and agreed on a partial general approach on the implementation of the deployment and commercial operating phases of the European programme of satellite navigation pending a decision on the financial perspective (2007-2013).*

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- 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.
 - The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
 - 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 abovementioned Council 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

Czech Republic:

Ms Daniela KOVALČÍKOVÁ

Deputy Minister for Transport (Legislation, Policy and EU Affairs Department)

Denmark:

Mr Flemming HANSEN

Minister for Transport and Energy

Germany:

Mr Manfred STOLPE

Federal Minister for Transport, Building and Housing

Estonia:

Mr Tiit NABER

Deputy Permanent Representative

Greece:

Mr Mihail-Georgios LIAPIS

Minister for Transport and Communications

Spain:

Mr Fernando PALAO

General Secretary

France:

Mr Gilles de ROBIEN

Minister for Infrastructure, Transport, Regional Planning, Tourism and the Sea

Ireland:

Mr Peter GUNNING

Deputy Permanent Representative

Italy:

Mr Paolo UGGÉ

State Secretary for Infrastructure and Transport

Cyprus :

Mr Harris THRASSOU

Minister for Communications and Works

Latvia:

Mr Vigo LEGZDIŅŠ

State Secretary, Ministry of Transport and Communications

Lithuania:

Mr Zigmantas BALČYTIS

Minister for Transport and Communications

Luxembourg:

Mr Lucien LUX

Mr Paul SCHMIT

Minister for the Environment, Minister for Transport Government Commissioner

Hungary:

Mr Zsolt Csaba HORVÁTH

Deputy State Secretary

Malta:

Mr Jesmond MUGLIETT

Minister for Urban Development and Roads

Netherlands:

Mr Karla Maria PEIJS

Ms Melanie SCHULTZ van HAEGEN-MAAS

Minister for Transport, Public Works and Water Management

State Secretary for Transport, Public works and Water management

Austria:

Mr Hubert GORBACH

Vice-Chancellor and Federal Minister for Transport, Innovation and Technology

Poland:

Mr Krzysztof OPAWSKI

Minister for Infrastructure

Portugal:

Mr Mário LINO

Minister for Public Works, Transport and
Communications

Slovenia :

Mr Janez BOŽIČ

Minister for Transport

Slovakia:

Mr Pavol PROKOPOVIČ

Minister for Transport, Post and Telecommunications

Finland:

Mr Perttu PURO

State Secretary, Ministry of Transport and
Communications

Sweden:

Mr Jonas BJELFVENSTAM

State Secretary, Ministry of Industry, Employment and
Communications

United Kingdom:

Mr Tony McNULTY

Minister of State for Transport

.....

Commission:

Mr Jacques BARROT

Vice-President

ITEMS DEBATED

LAND TRANSPORT

– *Eurovignette**

The Council adopted by a qualified majority – with the Belgian, Estonian, Maltese and Portuguese delegations stating that they would vote against and the Finnish and Greek delegations that they would abstain – a political agreement on the revision of Directive 1999/62/EC (Eurovignette) on the charging of heavy goods vehicles for the use of road transport infrastructures. After finalisation of the recitals and verification of the text by the Legal/Linguistic experts, the Council will formally adopt its common position at a forthcoming meeting and will forward it to the European Parliament under the codecision procedure.

This legislative proposal, which amends Directive 1999/62/EC (Eurovignette), is intended to ensure fair treatment for operators on the road networks covered and to promote charging systems whereby the costs involved in the use of infrastructures are reflected in the transport prices paid by users.

The text of the Directive on which the Council agreed meets the requirements of a modern transport policy by making identifiable and significant improvements to the present framework:

- combating congestion and environmental damage: the toll variation rules enable, for instance, Member States to double toll rates in order to encourage less polluting lorries or to set a zero toll at certain hours of the day to reduce congestion;
- financing of alternative infrastructures: the provisions on toll mark-ups provide the option of a 15% increase (and 25% for cross-border projects such as the Brenner tunnel), restricted to infrastructure located in mountain regions. Revenue generated by this increase must be invested in priority projects of European interest which form part of European transport networks);
- transparent and objective tolls, controlled by the Commission: new detail on the types of cost that may be recovered, in particular through a new definition of "construction costs". In addition, an annex to the Directive sets out the core calculation principles which provide a common reference for all new tolling systems. The text also brings clarity regarding the extent of discounts for regular users. Finally, a new "control" system is established to ensure the core principles are applied and the Commission is empowered to clarify these principles through the committee procedure;
- compatibility with public-private partnerships: the text allows for the possibility of tolls including a profit margin. Moreover, the "control" system ensuring application of the core calculation principles specifically caters for the particular case of concession contracts.

– *International rail passengers' rights and obligations*

The Council held a policy debate on the basis of a questionnaire presented by the Presidency on the proposal for a Regulation on International Rail Passengers' Rights and Obligations (Third Railway Package). The Council instructed the Permanent Representatives Committee to continue proceedings on the proposal in the light of the guidelines drawn up at the close of the debate.

The arrangements which the Commission wishes to introduce are prompted partly by the provisions of the COTIF (the Convention concerning International Carriage by Rail) and its CIV Appendix (Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail), and partly by Community rules adopted for air passengers. At the same time the Commission is proposing new measures.

The proposal for a Regulation of the European Parliament and of the Council on international rail passengers' rights and obligations aims to establish the rights and obligations of such passengers in order to improve the effectiveness and attractiveness of international rail passenger transport. The proposal includes provisions on:

- the establishment of an integrated international information and reservation system;
- greater liability for railway undertakings if passengers are killed or injured than in the COTIF/CIV system;
- a more generous compensation system for delays, missed connections or cancellation of services than under the COTIF/CIV;
- assistance for persons with reduced mobility.

– *Improvement of rail freight services*

The Council took note of a progress report from the Presidency on the proposal for a Regulation on compensation in cases of non-compliance with contractual quality requirements for rail freight services (Third Railway Package).

Under the proposal, railway undertakings and rail freight customers are obliged to define quality requirements for rail freight services and the subsequent compensation in case of non-compliance with the quality requirements stipulated in the transport contract. It would apply to all national and international rail freight services in the Community.

The proposed regulatory framework – which takes the basic principles of the COTIF/CIM provisions (Uniform Rules concerning the Contract of International Carriage of Goods by Rail, in the framework of the Vilnius Protocol to COTIF of 1999) as a starting point – thus provides a common basis. It provides market actors with contractual freedom whilst defining fall-back rules for responsibilities of both carriers and customers, as well as compensation levels.

INTERMODAL QUESTIONS

– *Marco Polo II*

Pending the first reading in the European Parliament, the Council¹ unanimously adopted a partial general approach on the proposal for a Regulation establishing the second "Marco Polo" programme (2007-2013) for the granting of Community financial assistance to improve the environmental performance of the freight transport system. It is a partial general approach because the Council will not adopt a decision on the budgetary envelope for the programme until a decision has been taken on the financial perspective for the period 2007-2013.

The newly proposed "Marco Polo II" programme – which covers the period 2007-2013 – amounts to an expanded version of the current programme.² The overall budgetary envelope as proposed by the Commission is EUR 740 million for the whole period, i.e. roughly EUR 106 million per year. As compared to the current programme its geographical coverage is broader and it proposes two new types of action: Motorways of the Sea and Traffic Avoidance actions.

The five types of actions eligible for financing under the "Marco Polo II" programme are: (a) catalyst actions, (b) "motorways of the sea" actions, (c) modal shift actions, (d) traffic avoidance actions and e) common learning actions.

The Council agreed to alter the general level of contract value and traffic shift thresholds as shown in the following table:

¹ The Council issued the following statement for inclusion in the minutes:
"The Council has reached a partial general approach on Articles 1-10 and 12-16, which it may re-open in the light of the European Parliament's opinion or the emergence of a new fact, which could include the impact of the financial framework to be decided in the light of the overall agreement on the Financial Perspective, more particularly concerning the quantitative policy objective in Article 1."

² The first Marco Polo programme covers the period 2003-2006 and has a budget of EUR 75 million (see Regulation No 1382/2003 published in OJ L 196, 2 August 2003).

Type of action	p.m. Regulation No 1382/2003 Marco Polo I	Commission proposal	Council general approach
Catalyst	EUR 1,5 million	EUR 3 million	EUR 2 million
Motorways of the sea	does not exist	EUR 4 million 2 billion tonnes/km	EUR 2,5 million 1,25 billion tonnes/km
Modal shift	EUR 0,5 million 250 000 tonnes/km	EUR 1 million 500 000 tonnes/km	EUR 0,5 million 250 000 tonnes/km
Traffic avoidance	does not exist	EUR 1 million 500 000 tonnes/km	EUR 1 million 500 000 tonnes/km
Common learning	EUR 250 000	EUR 250 000	EUR 250 000

AVIATION– *Foreign relations in the aviation sector***(a) EU-US negotiations on an air transport agreement**

The Council heard a presentation by Vice-President Jacques Barrot on his contacts with the US authorities.

The Council welcomed the Commission's intention to continue negotiations with the United States as soon as possible with a view to reaching an overall agreement in the field of air transport.

The draft Agreement of June 2004 should form the starting-point for the continuation of negotiations. Progress should be made on the key points mentioned by the Commission, namely regulatory cooperation, especially with regard to safety, competition and State aid, traffic rights and the link between the different stages of this Agreement. As regards market access, the Council notes that the core issue of the ownership and control of airlines is being considered by the US administration.

(b) Communication from the Commission on the development of the Community's external aviation policy

The Council heard a presentation by Jacques Barrot, Vice-President with responsibility for transport, of the Communication from the Commission "Developing the agenda for the Community's external aviation policy". This Communication is in response to a request by several Member States to establish a more stable overall framework for the development of this external policy.

(c) Communication from the Commission on relations between the European Union and China

The Council heard a presentation by Jacques Barrot, Vice-President with responsibility for transport, of the Communication from the Commission on the establishment of relations between the European Union and China in the field of civil aviation.

(d) Communication from the Commission on relations between the European Union and Russia

The Council heard a presentation by Jacques Barrot, Vice-President with responsibility for transport, of the Communication from the Commission on the establishment of relations between the European Union and Russia in the field of civil aviation.

– *Informing of air transport passengers on the identity of the operating carrier*

Pending the first reading in the European Parliament, the Council unanimously adopted a partial general approach on the proposal for a Regulation on the information of air transport passengers on the identity of the operating carrier and on communication of safety information by Member States.

In the aftermath of the tragic air crash at Sharm-el-Sheikh on 3 January 2004, the Commission presented this proposal for a Regulation on 16 February 2005. The proposal aims at providing better information to air passengers on air carriers which for safety reasons have been refused permission to operate in one or more Member States, as well as on the identity of the air carriers operating the flights on which these passengers travel.

On the basis of the text of the Regulation as amended by the Council, passengers would be better informed than at present, in particular owing to:

- the publication by the Commission of a "black list" of all air carriers in respect of which Member States have, for safety reasons, refused permission to operate passenger services to their airports or to fly in their airspace. This list will reproduce, verbatim, the various national lists, mentioning the Member States in which the respective bans are in force.
- the obligation imposed on the contracting air carrier to ensure that the passenger is informed of the identity of the operating air carrier(s) when making a reservation. If the identity is not known at the time of reservation, the contracting air carrier must inform passengers of the air carriers which will probably operate the flight(s) concerned under its authority. In the latter case, the contracting air carrier must also inform passengers of the identity of the operating air carrier(s) as soon as such identity is established. The contracting air carrier must also ensure that the passenger is informed of any change in the operating air carrier and in any case the passenger must be informed, at the latest, at check-in. These rules will apply when:
 - (a) the departure of the flight is from an airport in the territory of a Member State to which the Treaty applies, or
 - (b) the departure of the flight is from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, if the contracting air carrier of the flight is a Community carrier; or
 - (c) the departure of the flight is from an airport located in a third country, if the flight is part of a contract of carriage that has been concluded in the Community and the carriage started in the Community.

– *Rights of persons with reduced mobility when travelling by air*

The Council heard a presentation by Jacques Barrot, Vice-President with responsibility for transport, of the proposal for a Regulation concerning the rights of persons with reduced mobility when travelling by air.

The proposal aims to lay down stable and precise Community regulations for the accommodation of persons with reduced mobility and the financing of additional flights. Firstly, the draft Regulation prohibits air carriers refusing to allow persons to make a reservation, or embark, on grounds of their handicap or their age. Secondly, it grants persons with reduced mobility the right to free assistance in airports and on board aircraft.

Under the provisions of this proposal, it is the managing bodies of airports which will be required to take responsibility for assistance in airports and organise it, receiving financing from airlines in return. Assistance on board, however, will remain the airlines' responsibility.

The draft Regulation also provides that the rights of persons with reduced mobility will be better protected if they inform airlines and airport management bodies in advance of their specific needs. Lastly, it requires Member States to provide for penalties and establish bodies authorised to handle complaints.

MISCELLANEOUS

– *Safety in rail transport*

The Council took note of the Belgian delegation's request concerning safety in rail transport and the comments on this subject by Vice-President Jacques Barrot.

– *Passenger safety on night buses*

The Council took note of the Danish delegation's request concerning passenger safety on night buses and the comment on this subject by the Commission and the German delegation.

– *Maritime transport*

Vice-President Barrot drew the Council's attention to the mutual benefit which, in the view of the Commission, could be gained from the European Community's accession to the International Maritime Organisation (IMO) and from participating in the decision on the implementation of the future Maritime Labour Standards Convention in the context of the International Labour Organisation (ILO).

The Council took note of the request and instructed the Permanent Representatives Committee to discuss it.

OTHER ITEMS APPROVED

TRANSPORT

Galileo – Morocco

The Council adopted a Decision authorising the Commission to open negotiations with Morocco for establishing a cooperation agreement between the European Community and Morocco on the development of a civil global navigation satellite system.

Galileo – deployment and commercial operating phases

Following the agreement it had already reached in December 2004, the Council formalised a partial general approach concerning the proposal for a Regulation on the implementation of the deployment and commercial operating phases of the European satellite radio navigation programme, before taking a final decision at the close of the discussions on the future financial perspective 2007-2013.

The proposal for a Regulation aims at ensuring the continuation of the programmes relating to the European satellite radio navigation programme (GNSS), by establishing the arrangements for the financing of the deployment and commercial operating phases of the Galileo programme, including a contribution by the Community.

INTERNATIONAL LAW

Maritime Labour Standards Convention

The Council adopted a Decision concerning the negotiation of the provisions of the draft Maritime Labour Standards Convention in the context of the International Labour Organisation (ILO).

EUROPEAN ECONOMIC AREA

Cooperation in specific fields

The Council approved a series of draft decisions by the European Economic Area (EEA) Joint Committee amending the EEA Agreement concerning cooperation in specific fields outside the four freedoms, in particular:

- a decision extending for the year 2005 cooperation in the implementation and development of the internal market (6907/05);
- a decision extending for the year 2006 cooperation in the audiovisual field by extending the duration of the "Media Training" and "Media Plus – Development, Distribution, Promotion" programmes (7205/05);
- a decision extending cooperation in the fields of research and technological development to include the preparatory action for the enhancement of European security research 2005 (6799/05);
- a decision extending cooperation in the field of the environment, in particular in the context of the Sixth Community Environment Action Programme (7337/05) and
- a decision extending cooperation in the field of enterprise, entrepreneurship and small and medium-sized enterprises (7530/05).

The EEA Joint Committee must integrate all Community legislation relevant to the EEA Agreement in order to ensure the necessary legal certainty and homogeneity of the internal market.
