



**COUNCIL OF  
THE EUROPEAN UNION**



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Brussels, 9-10 December 2004

15472/04 (Presse 345)

**PRESS RELEASE**

2629th Council Meeting  
**Transport, Telecommunications and Energy**  
Brussels, 9-10 December 2004

President

**Mr Laurens Jan BRINKHORST**  
Minister for Economic Affairs

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**P R E S S**

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15472/04 (Presse 345)

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**EN**

## Main Results of the Council

As regards **the telecommunications** items on the agenda, the Council agreed in first reading on a Community programme "**Safer Internet Plus**" and adopted conclusions on the fight against **spam** and on the preparations underway for the **World Summit on the Information Society**. The Council also adopted a Resolution on future of **information and communication technologies** as a contribution to the debate on the mid-term review of the Lisbon strategy by the spring European Council.

The Council agreed on the move to the deployment and operational phases of the **Global Navigation Satellite System (GNSS)** programmes and confirmed the main characteristics of the system.

The Council agreed on a general approach on **certification of train drivers** throughout the Community.

The Council adopted conclusions on **road safety**.

In the field of aviation, the Council reached a general approach on the creation of a **Community air traffic controller licence** and adopted a partial political agreement on harmonising **technical requirements and administrative procedures** for the operation of **aircraft engaged in commercial air transportation (EU-OPS)**. The Council decided to authorise the Commission to open negotiations with **Morocco and the Western Balkans countries** for aviation agreements.

On shipping, the Council agreed on the implementation of **international safety rules for ships** in the Community and on Community rules for facilitating **recognition of seafarers certificates**.

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Deputy Permanent Representative

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Member  
Vice-President

## ITEMS DEBATED

### TELECOMMUNICATIONS

#### – *SAFER INTERNET PLUS*

The Council unanimously reached political agreement at first reading on a Proposal for a Decision establishing a multiannual Community programme on promoting safer use of the Internet and new on line technologies for the period 2005-2008 (Safer Internet Plus) as amended by the European Parliament's opinion, and decided to submit it to the legal-linguist experts for finalisation with a view to adoption as an I/A at a forthcoming meeting.

This Programme is a continuation to the current Safer Internet Programme, which expires at the end of this year and which has set up a European network of hotlines, encouraged self-regulation and codes of conduct, supported development of filtering and rating systems and stimulated awareness actions.

The new proposal draws on the principles of continuity and enhancement in order to respond to new challenges both in quantitative and qualitative terms and focus on end-users, particularly parents, educators and children. The Programme develops four actions: fighting illegal content, tackling unwanted and harmful content, promoting a safer environment and raising awareness. In each case, international cooperation would be an integral part of the action.

As regards the financial provisions, the compromise text provides for an amount of EUR 45 million for the period from 1 January 2005 to 31 December 2008, of which EUR 20,050 million is for the period until 31 December 2006. The indicative breakdown of expenditure is as follows:

1)	Fighting illegal content	25–30%
2)	Tackling unwanted and harmful content	10–17%
3)	Promoting a safer environment	8-12%
4)	Raising awareness	47-51%

#### – *FIGHT AGAINST "SPAM" - Council conclusions*

After an introduction by the chair of the Presidency paper on "spam" of 24 November 2004 (15148/04), the Council adopted conclusions on unsolicited communications for direct marketing purposes or "spam":

"The Council,

RECALLS

- the Communication from the Commission "on unsolicited commercial communications or "spam"<sup>1</sup>;
- the Conclusions from the Council of 8 March 2004 on unsolicited commercial communications for direct marketing purposes or "spam".

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<sup>1</sup> COM (2004) 28.

## WELCOMES

the activities undertaken by the Commission and the Dutch Presidency in the field of "spam".

## NOTES

the Presidency Paper on "spam".

## UNDERLINES

- the evolving nature of "spam" and the increasing threats it poses to society, inter alia as a result of attacks on electronic communications networks and other illegal activities;
- the importance of ongoing multilateral discussions in the fight against "spam", including in the context of the United Nations World Summit on the Information Society and the recently established Working Group on Internet Governance, and in particular the work in the ITU and the OECD Task Force on Spam.

## INVITES THE COMMISSION TO

- evaluate whether differences in the national laws on privacy and electronic communications, including those implementing Directives Nos 2002/58/EC<sup>1</sup> and 95/46/EC<sup>2</sup> might represent an obstacle to effective cross-border enforcement;
- continue the existing initiatives aimed at improving cooperation on enforcement, information exchange and consumer protection at the intra-EU level, including the informal Contact Network of Spam Authorities;
- consider whether forthcoming Community funding Programmes might be used to consolidate progress on technical and other solutions aimed at countering the diffusion of "spam";
- take an active role, in cooperation with the Member States, in further developing international cooperation with third countries.

## INVITES THE MEMBER STATES TO

- coordinate their actions in bilateral and multilateral fora;
- exchange their experience on awareness campaigns and best practices.

## INVITES ALL MARKET PLAYERS TO

- continue to cooperate strongly among themselves and with public authorities in the fight against "spam".
- ***THE FUTURE OF ICT - Council conclusions***

Following an exchange of views on the future of Information and Communication Technologies (ICT) policy issues on the basis of a Presidency note, the Council adopted the following Resolution to be submitted as a contribution to the debate on the mid-term review of the Lisbon strategy by the spring European Council and to be published in the Official Journal:

### "COUNCIL RESOLUTION

on Looking into the future of Information Communication Technologies (ICT)

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<sup>1</sup> OJ L 201, 31.7.2002, p. 37.

<sup>2</sup> OJ L 281, 23.11.1995, p. 31.



## THE COUNCIL OF THE EUROPEAN UNION,

Welcoming the Commission Communication on Challenges for the European Information Society beyond 2005 and

the Commission Communication on Mobile Broadband Services.

### Recalling

1. the Presidency conclusions of the Lisbon European Council of 23-24 March 2000;
2. the Presidency Conclusions of the June 2002 European Council endorsing the objectives of the eEurope 2005 Action Plan;
3. the Council Resolution of 18 February 2003 on the implementation of eEurope Action Plan;
4. the Presidency Conclusions of the 2003 spring European Council inviting EU-15 Member States to put national broadband strategies in place by the end of 2003;
5. the Council Conclusions of 20 November 2003 on the Role of eGovernment for Europe's Future;
6. the Presidency Conclusions of the 2004 spring European Council highlighting the need for new strategies in the area of electronic communications;
7. the Council conclusions of 8 March 2004 on recent developments in the electronic communications sector in Europe confirming the importance of ICT for growth and competitiveness;
8. the Council conclusions of 8 March 2004 on the mid-term review of the eEurope 2005 Action Plan, confirming the validity of the eEurope 2005 targets in the context of enlargement;
9. the Council conclusions of 10 June 2004 on the revision of eEurope 2005 Action Plan and the National Broadband Strategies;
10. the Presidency Conclusions of the European Council of 4-5 November 2004 welcoming the Report by the High Level Group chaired by Mr Kok;
11. the orientations of the High-Level Meeting of 29-30 September 2004 on Looking into the future of the ICT.

### Acknowledging

1. That, to help achieve the Lisbon goals of March 2000, there is clear need at European and national level to review and, where necessary, improve policies in order to increase the take-up and deployment of ICT across society as a whole;
2. That the ICT sector is a major economic sector in its own right, including information technology, electronic communications and audio-visual industries, with considerable potential for future growth and having impact on nearly all other economic activities;
3. that the use of ICT has a direct and substantial impact on the productivity and competitiveness of the European economy;
4. that ICT is a valuable tool to stimulate social and geographical cohesion as well as citizenship in an inclusive Europe, to foster cultural identities, social integration and multilingualism, and to increase transparency and participation in society;

5. that comprehensive and holistic ICT policies can strongly contribute to EU growth, productivity and competitiveness objectives by creating high-quality jobs, improving overall economic performance and by modernising public services and encouraging modernized business processes both in the public and the private sector;
6. that the policies should be developed in a continuing dialogue among public authorities, private sector and other stakeholders in order to be able to address new developments in the field of ICT;
7. that the EU would benefit from an innovative and competitive ICT sector in rapidly expanding and increasingly competitive global markets.

CONSIDERS that for comprehensive and holistic ICT policies the following issues are relevant:

#### An excellent ICT sector and innovative businesses

- to continue investing in a solid R&D area for ICT, both in the public and the private sector, reinforcing European excellence in R&D, through the creation of a favourable scientific, financial and entrepreneurial environment;
- to promote a supportive environment which stimulates the free movement of knowledge and innovation and where research results are translated into value-added applications and products;
- to encourage, especially within SMEs, the effective take up of new e-business processes and the adoption of new business models to exploit the potential of ICT.

#### ICT for Citizens and ICT skills

- To promote access to and the availability of ICT services for all, inter alia through increased understanding of the potential benefits of ICT and by encouraging continuous improvement of user-friendly technologies thus, inter alia, continuing to address the digital divide;
- to encourage measures, such as e-Learning, to further develop e-skills for all, in particular with respect to the ageing population, genders and people of all ethnic and social origins, in order to allow them to fully benefit from the opportunities presented by the Information Society;
- to further integrate ICT in the workplace in ways that raise productivity and quality of work as well as to strengthen the ICT component during training processes;
- to find strategic responses to job migration, including through promoting adaptability of workers and enterprises and flexibility combined with security in the labour market.

#### ICT for public services

- to agree and implement, where appropriate at European level, integrated approaches in the use of e-Government applications, in particular by stimulating cooperation and exchange of best practices;
- to develop a comprehensive approach, taking into account the need for organizational adaptation, to exploit the potential of ICT in order to achieve a better performing and more efficient public sector while tailoring on-line services to the needs of businesses and citizens and reducing administrative burden notably taking into account the need for trans-border European services;
- to develop European-wide services in the field of e-Health giving particular attention to the issues of standardisation and interoperability in order to optimize the provision of patient treatment and care.

### Content and development of products and services

- to promote the development and distribution of rich and creative content, e.g. through encouraging the re-use of public sector information;
- to remove, where appropriate, barriers for the availability of content on different platforms by for instance, encouraging the search for practical solutions in the field of digital rights management;
- to support the emergence of new services in the enlarged Internal Market by enhancing an enabling regulatory environment which takes account of new developments, such as technical innovation;
- to create, in answer to the growing amount of ICT based applications, a favourable environment for industry and the public sector to develop, both in Europe and globally, effective and interoperable solutions, in particular for electronic payments, authentication, identity management as well as security.

### Development of networks

- to ensure a consistent and effective regulatory environment for electronic communications stimulating competition, investment and innovation;
- to support the development and use of open standards and to enhance interoperability of networks and services;
- to support, taking into account the principle of technological neutrality, the wider use and availability of broadband in particular by promoting competing platforms and interoperable networks;
- to continue assessing different spectrum management models with a view to a more flexible and efficient use of spectrum at European and global level, taking into account the development of new and innovative technologies as well as the methodologies which make use of market mechanisms.

### Trust and security

- To develop a coherent approach addressing all relevant trust-related issues, to further enhance the culture of network and information security in order to promote reliable and effective electronic communications and contributing to the development of secure trans-European services;
- to devise measures for combating illegal, harmful and unsolicited content in the Internet, in particular where children are concerned, as well as "spam", in cooperation with all relevant stakeholders including at international level;
- to ensure an appropriate level of network and information security for the uptake and usage of new services and the proper functioning of other infrastructures dependent on ICT taking into account trust and privacy aspects.

INVITES THE MEMBER STATES to actively review and enhance their strategic orientations and implementation efforts in order to contribute to a new Agenda for the Information Society towards 2010.

## INVITES THE COMMISSION

1. to continue monitoring the regulatory framework in the light of current and future technological and market developments, and put forward, where needed, proposals to keep the appropriate regulatory environment that facilitates efficient competition and that is conducive to more investment, more innovation, new services and lower prices;
2. to analyse the competitiveness of the ICT sector and to start the preparatory work, taking into account the impact of ICTs on the European economy, for the follow-up of the eEurope 2005 Action plan as an important part of the new Agenda for the Information Society beyond 2005;
3. to recognise the importance of ICT in the coming proposal for the next research Framework Programme.

INVITES INDUSTRY to continue to feed the market with innovative new ICT applications and services and produce attractive new content, inter alia benefiting from the European cultural diversity and multilingualism.

INVITES ALL STAKEHOLDERS to further integrate ICT in their respective activities in order to reap the full benefits of ICT.

SUBMITS the present Resolution as a contribution to the debate on the mid-term review of the Lisbon strategy by the spring European Council 2005."

### – ***WORLD SUMMIT ON THE INFORMATION SOCIETY (WSIS) - Council conclusions***

On the basis of a set of questions proposed by the Presidency, the Council held an exchange of views on the key issues of the WSIS<sup>1</sup> process, namely, the main political issues for the European Union during the second phase of WSIS and the most significant public policy issues regarding the governance of Internet, including the outcome of the Working Group on Internet Governance.

Following the exchange of views, the Council adopted conclusions on "Translating the Geneva Principles into Actions and Preparing for the Tunis Phase". The conclusions address on the one hand the implementation of the commitments undertaken in Geneva and, on the other, examine the EU approach on Internet Governance.

The Council adopted the following conclusions:

COUNCIL	CONCLUSIONS
WSIS - Translating the Geneva Principles and Preparing for the Tunis Phase	into Actions

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES:
  - the Communication from the Commission "Towards a Global Partnership in the Information Society: Translating the Geneva principles into actions," following on the earlier Communication on the follow up to the World Summit on Information Society (WSIS) after the Geneva phase, from 10-12 December 2003.

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<sup>1</sup> The first phase of the WSIS at Head of State or Government level was held in Geneva in December 2003 and adopted two documents: the Declaration of Principles and the Plan of Action. The second phase of the Summit is scheduled to take place in Tunisia on 16 to 18 November 2005. The second preparatory meeting of the Tunis phase is scheduled for 17 to 25 February.

2. TAKING INTO CONSIDERATION:

- Resolution 73 of the International Telecommunication Union, adopted in Minneapolis in 1998;
- the United Nations Millennium Declaration of September 2000;
- the Resolution 56/183 on the WSIS adopted by the UN General Assembly on 21 December 2001;
- the ACP-EU Joint Position on Information Society for Development of 10 December 2003;
- the Declaration of Principles and the Plan of Action adopted at the Geneva Summit of 12 December 2003.

3. REAFFIRMING:

- the importance of the impact of Information and Communication Technologies (ICTs) on society in general and the citizen in particular;
- the opportunities that ICTs as a tool for knowledge and information sharing offer world wide for sustainable economic growth, social cohesion<sup>1</sup> and political and cultural development in an Information Society for all;
- the right to freedom of opinion and expression including the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
- the commitment to turning the digital divide into digital opportunities for all;
- the EU's continued commitment to multilateralism as a defining principle of its external policy.

4. RECALLS:

- the conclusions of the Lisbon and Feira European Councils of 2000 setting out the objectives relating to Information Society and the eEurope Action Plan;
- the Council resolution of 3 October 2000 on the organisation and management of the Internet<sup>2</sup> and the subsequent Guidelines for Discussions of 23 October 2002 on International management of the Internet and reform of the Internet Corporation for Assigned Names and Numbers (ICANN), as followed-up by the Guidelines for discussions in the WSIS framework, adopted on 13 October 2004;
- the Council Conclusions of 8 March 2004 on the Follow-up of the Geneva Summit of the WSIS;
- the Council Conclusions of 26/27 April 2004 on the World Summit of Information Society.

5. INVITES MEMBER STATES AND THE COMMISSION TO:

- 5.1. be fully committed to the success of the Tunis Phase of WSIS;

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<sup>1</sup> As defined in the Council of Europe Strategy for Social Cohesion.

<sup>2</sup> OJ C 293/3 of 14.10.2000.

- 5.2 ensure, as far as possible, coordinated EU positions by working closely together in all relevant forums, including in the Working Group on Internet Governance (WGIG) and the Task Force on Financial Mechanisms (TFFM), and to strive for the largest possible reflection of these positions in the results of the deliberations throughout the second phase of the WSIS;
- 5.3 continue close consultation and collaboration with all stakeholders and with partners world-wide, notably by drawing on the national and EU experiences in the field of Information Society;
- 5.4 advocate in the WSIS context that the outcome of the Tunis Summit should be a concise political document, to be adopted by Heads of State and Government which:
  - consists of two parts: a concise political preamble reaffirming the commitment to translate into concrete action the Declaration of Principles and an operative part based on the Plan of Action;
  - records progress made between Phases I and II on the two unresolved issues from the first phase, namely Financing and Internet Governance.

As regards the policy issues of the second Phase, Member States and the Commission are invited to:

- 5.5. ensure that the principles of the Declaration and the Plan of Action are fully respected and not re-opened;
- 5.6. concentrate on the implementation of the Geneva undertakings, focusing on a limited number of priorities in order to achieve tangible results and to be able to translate principles into actions, thereby, giving particular attention to the areas of:
  - enabling environment, including collaboration on e-strategies, creating a favourable regulatory environment and encouraging exchange of best practice and benchmarking.
  - priority applications, notably e-Inclusion, e-Government, e-Learning, e-Health, and e-Business,
  - broad use of results of Research and Development, including innovation for development and extension of communication and research infrastructures to global partners.
- 5.7 ensure that the EU representatives in the WGIG adhere to the Guidelines on Internet Governance adopted on 13 October 2004, and seek where necessary in the light of developments, further coordination in the Council Working Group of Telecommunication and Information Society, taking into account, as appropriate, discussions in the High Level Group on Internet Governance chaired by the Commission.
  - WGIG should focus on the continuity and the proper functioning of the Internet, addressing the following issues:
  - organisation and administration of naming and numbering including the operation of the root server system;
  - internationalisation of Internet Governance, taking into account public interest concerns and the participation of developing countries in the governance structures;

- stability, dependability and robustness of the Internet, including the impact of spam.

5.8 where driven by the identified needs and demands of recipient countries assist partners to strengthen their capacity to mainstream ICTs in their national development plans and poverty reduction strategy papers and to effectively coordinate donor funding. In this context the EU could play a role in encouraging the promotion of Public Private Partnerships (PPPs) in collaboration and dialogue with its developing country partners, donors and actors in the ICT sector.

6. INVITES THE COMMISSION TO:

- prepare the WSIS stocktaking exercise, in close collaboration with Member States, ensuring that activities undertaken in the European Union are brought into the WSIS process in a synthesised manner;
- propose initiatives for implementing the Plan of Action, making use of existing policy instruments and mechanisms;
- report to the Council on the progress of the preparatory process of the second phase of WSIS, including the results of the stocktaking exercise and activities undertaken by informal groups.

7. UNDERLINES the importance for the EU to continue its leading role in the post-Tunis period, notably in creating modalities for the follow-up of Tunis and an eventual review of the WSIS process, taking into account the existing procedures for an integrated and coordinated follow-up of UN Conferences."

## **MARITIME TRANSPORT**

### ***INTERNATIONAL SAFETY MANAGEMENT CODE***

The Council unanimously reached political agreement on a draft Regulation on the implementation of the International Safety Management Code (ISM Code) within the Community. After finalisation of the text, the Council will formally adopt its common position at one of its forthcoming meetings.

The purpose of this Regulation is to enhance the safety management, safe operation and pollution prevention of ships falling under its scope by ensuring that companies operating those ships comply with the ISM Code through:

- the establishment, implementation and proper maintenance of the ship-board and shore based safety management systems by companies, and,
- the control thereof by flag and port State administrations.

The draft Regulation as modified by the Council will replace Council Regulation (EC) No 3051/95 and apply to all cargo and passenger ships flying the flag of a Member State, engaged on international and domestic voyages, and to all ships falling under the scope of the SOLAS<sup>1</sup> Convention exclusively engaged on domestic voyages or operating to or from ports of Member States on a regular shipping service, with the exception of passenger ships operating less than 5 miles from the coastline.

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<sup>1</sup> International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention) of the International Maritime Organisation (IMO)

Member States should ensure that all companies operating one or more of the ships falling within the scope of this Regulation comply with its provisions. These refer directly to the requirements of the ISM Code, which are included in the Regulation. As for certification and verification, the relevant provisions of the ISM Code as well as the guidelines for administrations concerning the implementation of the Code are mandatory for Member States under the Regulation.

For specific cases in which a Member State considers it in practice difficult for companies to comply with certain provisions of the ISM Code for certain ships or categories of ship exclusively engaged on domestic voyages in that Member State, a derogation procedure is provided for. This includes the obligation to impose measures ensuring an equivalent achievement of the objectives of the Code.

#### – ***SEAFARERS' CERTIFICATES***

Pending the European Parliament opinion at first reading, the Council unanimously agreed on a general approach on a proposal for a draft Directive on the recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC<sup>1</sup>.

The main aims of the proposed Directive are to facilitate the recognition by all Member States of seafarers' certificates issued within the Union, as well as to ensure full and continuous compliance with the current EU requirements on training, certification and watch keeping which were introduced in line with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention).

Under existing Community legislation<sup>2</sup> the procedure for recognising such certificates is considered more demanding than the one prescribed by the STCW Convention, thus putting seafarers qualified in a Member State at a disadvantage in relation to seafarers holding certificates issued outside the Union. This proposal aims to correct this imbalance.

In addition, measures are proposed to combat the rise in fraudulent practices associated with certification processes and thus contribute to enhancing safety at sea.

#### – ***PORT SERVICES***

Following a presentation by Commission Vice-President Jacques Barrot of a proposal for a Directive on market access to port services, the Council held a brief preliminary exchange of views on this proposal. It submitted the proposal to the Permanent Representatives Committee for technical examination.

It is recalled that on 13 February 2001 the Commission adopted a Communication to the European Parliament and to the Council entitled "Reinforcing Quality Service in Sea Ports: A Key for European Transport" (the so called Ports' Package). The cornerstone of this Communication was a proposal for a Directive of the European Parliament and of the Council on "Market Access to Port Services".

However, on 20 November 2003, after almost three years of inter-institutional legislative process which ended with a Conciliation procedure, the European Parliament in Plenary Session rejected the compromise text by 229 votes against, 209 in favour and 16 abstentions.

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<sup>1</sup> OJ L 136, 18.5.2001, p.17.

<sup>2</sup> Directive 2001/25/CE on the minimum level of training of seafarers, and Directives 89/48/EEC and 92/51/EEC on the general systems for the recognition of professional education and training.



The new Commission proposal is based on both its original 2001 proposal and the 2002 amended proposal, as well as numerous amendments introduced by the European Parliament Opinions at first and second reading, the Council Common Position and the text approved by the Conciliation Committee. Its objectives are to ensure the freedom to provide port services in sea ports by Community providers of port services, and to guarantee greater financial transparency aimed at securing fair competition between ports.

– ***OIL POLLUTION: CIVIL LIABILITY AND COMPENSATION FOR VICTIMS***

Following an exchange of views on civil liability and compensation for victims in the event of oil pollution at sea, the Presidency concluded as follows:

"THE PRESIDENCY

1. REITERATES former conclusions on maritime safety, most particularly those adopted in the aftermath of the Prestige accident both by the TTE Council and the European Council;
2. STRESSES, in the interest of victims, the need to ensure appropriate compensation for damage caused by oil pollution from ships by actively working to ensure that effective financial responsibility is exercised on the part of those involved in transportation of oil by sea, and the need for appropriate revision of the relevant provisions of the 1992 Civil Liability (CLC) and 1992 International Oil Pollution Compensation Fund (IOPCF) Conventions;
3. WELCOMES the ongoing talks on burden sharing and ENCOURAGES industry to pursue these in the interest of all;
4. URGES all Member States to ratify the IOPCF Supplementary Fund Protocol of May 2003, if they have not yet done so;
5. URGES Member States to seek a common EU approach ahead of the forthcoming intersessional IOPCF Working Group meeting in February 2005."

**LAND TRANSPORT**

– ***TRAIN DRIVERS' CERTIFICATION***

Pending the European Parliament opinion at first reading, the Council unanimously agreed on a general approach on a draft Directive on the certification of train drivers operating locomotives and trains on the Community's rail network, which forms part of the Third Railway Package. The Commission maintained a reservation at this stage, by means of which it seeks to ensure that the four legislative proposals comprising the Third Railway Package will be adopted together.

This proposal will facilitate the interoperability of train drivers and thereby should make it easier to certify railway undertakings, whilst maintaining a high level of safety and guaranteeing conditions for free movement of workers in the railway sector.

The draft Directive lays down the conditions and procedures for the certification of train drivers operating locomotives and trains on the railway system in the Community. It specifies the tasks for which the competent authorities of the Member States, the train drivers and other stakeholders in the sector, in particular the railway undertakings, infrastructure managers and training centres, are responsible.

In practice, the certification is achieved on basis of the following documents:

- a general licence pertaining to general skills and knowledge essential to the profession, and

- a certificate - complementary to the licence - which reflects the particular infrastructure or rolling stock on which the driver is authorised to drive.

The licence will be issued by a national authority, the certificate by the railway undertaking or the infrastructure manager which employs the driver.

Moreover, the proposal sets minimum requirements for physical and mental fitness, obligatory periodic checks and the description of the skills a driver must have.

The draft Directive as agreed by the Council will apply to train drivers only and not to other train crew onboard locomotives and trains who participate directly or indirectly in driving and/or in other safety-critical tasks. Domestic drivers who only circulate within the borders of the Member States will also be included within the scope of this Directive; nevertheless, Member States will be allowed to request the Commission to ensure that the European Railway Agency carry out a cost / benefit analysis of the application of the provisions contained in this Directive to train drivers operating exclusively on the territory of that Member State. The cost / benefit analysis will cover a period of 10 years. This cost / benefit analysis will be submitted to the Commission. If it shows that the costs of the application of the provisions contained in this Directive to such train drivers outweigh the benefits, the Commission will adopt a decision within 6 months following the submission of the results of the cost / benefit analysis. This decision may have the effect that the Directive does not have to be applied to domestic train drivers for a period of up to 10 years on the territory of the Member State concerned. If need be, a new exemption period can be provided through a similar procedure.

The following timetable is foreseen for the application following the entry into force (this timetable is approximative: the exact timing depends on the adoption of the parameters for the national registers containing the information on all licences and certificates by the Commission):

1. after 3 years: application to new drivers - involved in cross-border services, cabotage or freight services in another Member State, or working in more than one Member State - *and* to drivers who have already worked on those services, but who require a new licence or certificate;
2. after 5 years: application to all drivers who need a new licence or certificate;
3. after 10 years: application to all drivers. The qualifications and experience of such drivers shall be taken into account by the authorities delivering the licence and certificate.

– ***ROAD SAFETY - Council conclusions***

Following an exchange of views, the Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

RECOGNISING the need to achieve sustainable development of the European Union's transport systems;

AWARE that road accidents cause unacceptable socio-economic damage and cause annually tens of thousands of fatalities and millions of people injured, with a cost to the State, companies and families of around 2.0% of GDP;

DECLARES that the death toll, disability, suffering and economic loss caused by road accidents are unacceptable and are to be given top priority and tackled with specific policies and investments aimed at improving road safety;

CONFIRMS the objective of a reduction of the number of victims by at least 50% by 2010, as laid down in the *"European Road Safety Action Programme: Halving the number of road accident victims in the European Union by 2010: A "shared responsibility"* agreed by the European Commission, the European Parliament and the Council of the European Union;

HAVING REGARD to the conclusions drawn by the Council of the European Union on 5-6 June 2003 and on 5 December 2003, both aimed at improving road safety, and which identify the most effective measures for rapidly achieving the objective of halving the number of victims of road accidents expressed in the abovementioned programme;

UNDERLINES its commitment to enforce such measures and monitor their application and results;

TAKING INTO ACCOUNT the results of surveys regarding the enforcement of related measures by the Member States;

RECOGNISING the overall attempt to broaden the sectors involved and to strengthen the effort to improve road safety in terms of legislation, programmes, people and financing;

CONSIDERING the latest data on victims of road accidents showing that significant progress has been made in some countries, as well as the need for further and considerable efforts to reach the objective of halving the number of victims by the lesser performing countries;

CONFIRMING the effort to develop multi-sector safety policies based on cooperation and partnership between public and private sectors, and on the commitment to develop the tools and structures necessary to facilitate the exchange of experiences and extend the use of the best practices between national and regional governments and local administrations in the Member States of the European Union;

AGREES on the need to focus road safety policies on the following four important areas of road safety:

1. Enforcement and best practices

The enforcement of rules and a widespread use of best practices are two basic factors for being successful in road safety policy on European level as well as on national, regional and local level. The following considerations and actions are of importance.

- 1.1. Traffic rules have to be effective for road safety, credible for the road users and enforceable.
- 1.2. Enforcement of traffic safety is part of an integrated road safety policy. Enforcement therefore should be a common and unrelenting effort, recognising each player's role and responsibility but also the need for cooperation. In this respect, recently started efforts at EU level as part of the work programme of the European Commission are welcomed.
- 1.3. Technological means play an increasing role in support of enforcement. In the future, some of these might replace conventional enforcement in specific cases. It is certainly of interest to follow closely these developments and to exchange experiences with regard to automatic speed control systems, speed warning or speed limiting devices, the alcohol lock and seat belt reminders, to stimulate further developments of such devices and to promote the introduction of such devices.
- 1.4. Enforcement directly linked to public information campaigns is a successful combination and should be further promoted. In this respect, European-wide campaigns followed by comparisons of the results in the participating countries should be supported.

- 1.5. The improvement of cross-border enforcement enhances the credibility and effectiveness of enforcement in general. An implementation of a European system of cooperation for the settlement of penalties for foreign offenders and for the verification of driver licence validity should be considered at Community level within the suitable framework.
- 1.6. With regard to road safety enforcement, priority should be given to roads with high accident risks, and to driver behaviour that causes high accident risks or could have severe consequences, like speeding, driving under the influence of alcohol or drugs, non-use of seat belts. This makes data collection and distribution essential for effective enforcement.
- 1.7. Incentives and programmes to promote a widespread use of surveillance techniques, traffic management systems, automatic information systems, systems dedicated to automatic maintenance systems, should be further developed.
- 1.8. Promote and organise tools for an information exchange between national and regional governments as well as local administrations regarding best practices, including effects of applied penalties and penalty systems for road safety offences.

## 2. Vehicle safety

In the last decades the automobile industry has made a major effort to increase vehicle safety. But much can be done to further improve the safety of road vehicles. Without this, the ambitious goals for road safety will not be attainable. The following considerations are of importance.

- 2.1. Many lives can be saved by new intelligent safety features integrating both active and passive safety systems. The industry is urged to implement them as quickly and widely as economically possible and sustainable for the users.
- 2.2. Knowledge about the cause of accidents and the possible benefits of new technology is insufficient. Member States and the European Commission (for accidentology) and industry (for the assessment of technology) have a shared responsibility to improve the situation.
- 2.3. Exchanging views between industry and governments about the future of vehicle safety is essential to make progress. Specifically, road operators have an important role in the realisation of an intelligent road infrastructure and databases required to optimise the benefits to be derived from intelligent vehicles. Member States, the European Commission and industry should make a joint effort to create opportunities for a more intensified collaboration.
- 2.4. Like environmental friendliness, vehicle safety is not always easy to sell to the customer. The mandatory label on fuel economy, test results of Euro-NCAP or demonstrations are examples of ways governments can increase customer awareness and support the sale of well-performing vehicles. An exchange of views and experiences in this field would be welcomed.
- 2.5. In the commercial transport sector an improved safety performance will reduce costs. This can be a good incentive for the inclusion of vehicle safety standards in the corporate safety strategy ("*safety culture*").
- 2.6. Authorities have a role to play in promoting the installation and use of advanced safety features, by including them in their procurement criteria for their vehicles.

The Council also urges the Community's continued engagement in the wider international development of vehicle safety standards through UNECE regulations, developed by the World Forum for Harmonisation of Vehicle Regulations (WP.29).

### 3. Improving safety on European roads

In order to develop a widespread improvement of the safety of the European road network, the following measures appear to be promising.

- 3.1. Identify roads with the highest number of victims of road accidents and analyse the relevant conditions and risk factors on the basis of common and shared principles, so as to guarantee risk assessment criteria shared throughout the European Union.
- 3.2. Define medium and long-term plans at the appropriate level aimed at gradually increasing safety levels on roads by analysing the causes of accidents and by giving top priority to the roads where the highest number of accident victims or the highest intensity of collisions relative to traffic intensity occurs.
- 3.3. Foster road network maintenance programmes using GIS and other innovative techniques for monitoring road conditions, traffic flows and road accidents' victims, with the aim of increasing the road safety level.
- 3.4. Develop programmes for improving the protection of vulnerable users, especially by reserving lanes of the existing road surface for pedestrians and cyclists only. Speed management is also an essential tool in the protection of vulnerable road users.
- 3.5. Include road safety audit and impact assessment as well as road safety criteria in investment or incentive programmes concerning the construction or maintenance of infrastructure.
- 3.6. Develop national and regional training programmes for public and private technicians to promote a broader training in all road safety relevant skills and to improve the identification of risk factors and establish the most effective measures and actions to remove or limit them.
- 3.7. Set up structures and tools to promote and organise an appropriate information exchange between public administrations in charge of road safety, information on the best ways to identify major risk factors, on the most effective measures to remove them, on the results of such actions and on the ways to evaluate the effectiveness of the actions carried out.
- 3.8. Set up information campaigns aimed at giving citizens adequate, understandable and accurate information on the situations with highest risks and raise the awareness of the various risk factors.
- 3.9. Encourage industry, operators, organisations and local and regional authorities to commit themselves to concrete road safety actions by signing the European Road Safety Charter.

### 4. Funding road safety

Defining a process to access financial resources for road safety investment and to use existing resources in the most efficient way is extremely important for the achievement of the objective of halving the number of road accident victims by 2010. The following measures appear to be promising.

- 4.1. Affirm the importance that road safety is an integral component of the design, construction, improvement, maintenance and upkeep of all roads, and is fully provided for in road funding regimes.

- 4.2. Develop programmes and measures at the appropriate level, aimed at fostering an increase in investments in road safety, as well as more efficient use of existing resources, keeping as top priority the most dangerous roads, and strengthening the technical structures for checking road safety.
- 4.3. Promote extended cooperation projects between cities and regions to demonstrate, validate and disseminate innovative and cost effective road safety solutions.
- 4.4. Encourage collaboration with private companies, evaluating also the possibility of promoting public-private cooperation and the investment of private financial resources for road safety.
- 4.5. Consider the possibility of allocating a percentage of vehicle taxes, motorway fees, insurance premiums, et cetera, to road safety improvements and for example, in keeping with the principle of subsidiarity, to a road safety fund.
- 4.6. Encourage insurance companies to find ways to reward safe driving and stimulate the use of safe vehicles.
- 4.7. Consider the possibility of allocating a part of fines for traffic offences to road safety improvements."

– ***TECHNICAL REQUIREMENTS FOR INLAND WATERWAY VESSELS***

The Council unanimously adopted a partial political agreement on the operative part of a draft Directive laying down technical requirements for inland waterway vessels. The Directive, which amends Council Directive 82/714/EEC, aims to adopt the scope and contents of the technical requirements for inland waterway vessels as developed and revised by the Central Commission for Navigation on the Rhine (CCNR) for the whole of the Community's waterway network. In this context, particular provisions are set forth in respect of passenger vessels, with a view to maintaining high levels of safety. Moreover, the Directive ensures that Community certificates attesting the full compliance of vessels with the technical requirements shall be valid on all Community waterways.

A decision regarding the annexes (around 400 pages) will be taken at a later stage, once the draft texts of these annexes have become available in all the necessary languages and have been examined by internal bodies of the Council.

The work on the draft Directive –the proposal for which was submitted in December 1997 –long remained at a standstill because of the issue of the admittance of vessels with Community certificates to the navigation on the Rhine. At present, vessels using the Rhine waterways must have a certificate proving conformity with the Rhine vessel inspection regulation, as adopted by the CCNR. The Community certificate, as proposed in the draft Directive, therefore provides for equivalence between the Rhine certificate and the Community certificate. However, until now such equivalence was not legally possible under CCNR rules. This situation changed following the adoption by the CCNR of a modification of the Mannheim Act (Additional Protocol 7, in force since 1 December 2004), which introduced a legal basis for navigation on the Rhine with certificates delivered by bodies other than the CCNR. It is intended that Community certificates should benefit from this modification and will be considered as equivalent to Rhine certificates.

## **INTERMODAL QUESTIONS**

### **– GLOBAL NAVIGATION SATELLITE SYSTEM - Council conclusions**

#### ***Communication from the Commission to the European Parliament and the Council: Moving to the deployment and operational phase of the European satellite radionavigation programme***

Following a brief exchange of views, the Council adopted the following conclusions on the development and operational phases of the European Global Navigation Satellite System programmes:

#### ***Proposal for a Regulation of the European Parliament and of the Council on the implementation of the deployment and commercial operating phases of the European satellite radionavigation programme***

The Council took note of a progress report on the state of play concerning a draft Regulation aiming at establishing a specific legal basis for the financing of the GALILEO programme and the financial management of the European GNSS programmes during the deployment and commercial operating phase. The final decision on this text, in particular on the amount of the Community contribution to the programme, can only be taken on the basis of the outcome of the debate on the future financial perspective 2007-2013.

The Council adopted the following conclusions:

"Council on the deployment and operational phases of the European Global Navigation Satellite System programmes conclusions of the

Having regard to:

- (i) the previous resolutions and conclusions of the European Council and the Council with regard to the European Global Navigation Satellite System (GNSS), i.e. the GALILEO and EGNOS programmes, in particular the conclusions of 9 March 2004.
- (ii) the Commission communication "Moving to the deployment and operational phases of the European satellite radionavigation programme", presented to the European Parliament and the Council on 7 October 2004.

#### **THE COUNCIL**

1. NOTES the results so far of the selection procedure for the future concession holder, carried out by the GALILEO Joint Undertaking;
2. NOTES that the following conditions for the move to the deployment and commercial operating phases of the system are met:
  - an initial offer from the private sector amounting to a minimum of two third of the total costs of the deployment phase,
  - the agreement with the United States establishing the basis for the interoperability between the European and the American systems and taking into account the concerns of both parties on national security and radio-frequency compatibility,
  - the definition of the management structures of the system by the adoption of Council Regulation 1321/2004 CE and of Joint action 2004/552/PESC,
  - the decision on integrating the organisational and operational aspects of the EGNOS programme in the GALILEO programme;

3. AGREES the move to the deployment and operational phases of the European GNSS "GALILEO" programme subject to a risk allocation, including the final costs, acceptable to the public sector, and AGREES the continuation of the EGNOS programme in this framework;
4. CONFIRMS the main characteristics of the system, in particular the services it will offer:
  - an open service,
  - a commercial service,
  - a “Safety of Life service”,
  - a “Search and Rescue” service and
  - a governmental service (known as “public regulated service (PRS)”);
5. RECALLS that the use of the governmental service by the Member States will be on an optional basis and that the full operational costs of this service will be met by the users, on a non-commercial basis; INVITES the Commission, with the help of the European GNSS Supervisory Authority, to develop a policy of access to PRS, subject to its adoption by the Council and to be implemented by the Supervisory Authority in order to ensure that there are sufficiently robust controls over access to PRS and UNDERLINES that PRS should be protected against unauthorised access to PRS services, items and technologies;
6. RECALLS that GALILEO is a civil programme under civil control, and consequently that any change to that principle would require examination in the framework of Title V/TEU and, in particular, articles 17 and 23 thereof;
7. TAKES NOTE of the Commission proposal for a Regulation on the implementation of the deployment and commercial operating phases of the European programme of satellite radionavigation; CONFIRMS its commitment for the deployment and commercial operating phases as referred to in paragraph 3, which will include a financial contribution of the European Union for the period from 1 January 2007 to 31 December 2013 to be defined in the light of the new financial perspective 2007-2013; and REITERATES that no Member State shall be obliged to contribute through additional national funds;
8. INVITES the European Commission, in close cooperation with the European Space Agency, the GALILEO Joint Undertaking, the European GNSS Supervisory Authority, and the concession holder, to implement an aggressive strategy aiming at maximising the potential revenues, in particular those to be generated from the intellectual property rights acquired during the different phases of the programme while aiming at a broad use of the system;
9. INVITES the Commission to set up the European GNSS Supervisory Authority, step by step from the beginning of 2005, to undertake the priority tasks related to certification, standardisation, frequency allocation, security (initially in cooperation with the Galileo Security Board in order to ensure continuity until the Authority's System Safety and Security Committee is operational) and the EGNOS operation; and to promote the wide use of satellite navigation within all sectors, possibly where appropriate through regulatory support;



10. ASKS the GALILEO Joint Undertaking to:
  - finalise, by the end of February 2005 and under the control of the GALILEO Supervisory Board, the selection procedure,
  - complete, under the control of the Supervisory Board and in cooperation with the European GNSS Supervisory Authority, the negotiations for the concession contract in order for the concession contract to be signed in the course of 2005;and ASKS the Commission to submit a reasoned analysis of the results of the negotiations, including on risk allocation and final costs, to the Council in good time prior to the signature of the contract by the European GNSS Supervisory Authority;
11. UNDERLINES that the future concession contract should foresee a suitable reimbursement mechanism of the public financial contributions to the deployment and commercial operating phases in case the profits made by the concession holder exceed a certain threshold in the long term;
12. NOTES the state of progress of the development phase and UNDERLINES the need, in the negotiations for industrial contracts, to restrict the amount of overcosts to the consequences directly linked with the delay incurred for the start of the development phase, as well as with the security and new signal requirements;
13. UNDERLINES the need to do the utmost, in the negotiations for the concession contract, to catch up after the delay in the start of the development phase with a view to beginning operation as from 2008;
14. WELCOMES the progress in the cooperation with an increasing number of third countries to promote the European GNSS system, ENCOURAGES the Commission to further develop this cooperation which will ensure the use of the system world-wide and contribute to the financing of the deployment and commercial operating phases, whilst continuing to take due account with the system safety and security and transfer of items and technology, and INVITES the Commission to pursue the technical discussions with third countries in parallel with the process of ratification of the agreements signed with them;
15. URGES the Commission to submit without delay a proposal to facilitate the exchange of classified information between participants, in particular in the context of industrial security.

## **AVIATION**

### **– *TRAFFIC CONTROLLER LICENCE***

Pending the European Parliament opinion at first reading, the Council unanimously agreed on a general approach on a draft Directive on the creation of a Community Air Traffic Controller Licence.

This proposal aims to increase safety standards whilst also improving the mobility of controllers within the Community. The Community licence is based on the harmonised training of student air traffic controllers and air traffic controllers exercising their functions under the responsibility of air navigation service providers which offer their services primarily to general air traffic movements.

The Commission, in its proposal of 12 July 2004, suggested the creation of a Community air traffic controller licence as a measure to complement the establishment of the Single European Sky. Such a licence was seen as an essential contribution both to safety, particularly in the context of the cross-border functional airspace blocks envisaged under the Single Sky, and to the free movement of controllers within the Community.

The text agreed on by the Council retains all of the essential elements proposed by the Commission. In addition it expands and clarifies:

- the scope of the draft Directive (limitation to civil operations);
  - the language requirements;
  - the functioning of mutual recognition in practice; and
  - the impact of the Directive on existing holders of national licences.
- ***COMMUNITY HARMONISED RULES ON CABIN CREW AND ON FLIGHT TIME LIMITATION (EU-OPS)***

The Council adopted, with the abstention of the Swedish delegation, a partial political agreement on a draft Regulation harmonising technical requirements and administrative procedures for the operation of aircraft engaged in commercial air transportation. The Regulation aims in particular to enhance aviation safety and constitutes an important step towards the harmonisation of working conditions for crew members, thus promoting a level playing field in commercial air transportation in the European Community.

The draft Regulation basically transposes the non-binding JAR OPS (Joint Aviation Requirements - Operational Standards for aeroplanes) established by the Joint Aviation Authorities into binding Community law. Therefore, the draft Regulation is often referred to as the Regulation on 'EU-OPS'. The subpart on flight time limitation was inserted following an amendment by the European Parliament.

At this stage, the agreement only concerns the general framework of the Regulation and the provisions on cabin crew and flight time limitation. The rest of the proposal, which amends Council Regulation (EC) No 3922/91, will be examined after review of the text by the Commission.

The text as agreed by the Council includes a set of rules covering, as regards cabin crew, issues such as identification of cabin crew, minimum age and medical requirements, the issuance of an attestation of safety training, and precise provisions on initial safety, conversion and differences training. As regards flight time limitation, the issues dealt with include the maximum daily flight period for crew members, detailed provisions on rest and on standby, and provisions regarding record keeping of flight duty, duty and rest periods.

The Council agreed that Member States will be able to grant exemptions from the technical requirements and administrative procedures of the Regulation in the case of unforeseen urgent operational circumstances or operational needs. The Commission will verify the application of this provision. Moreover, in respect of certain conditions, the Member States will be able to adopt or maintain their national provisions until Community rules based on scientific knowledge and best practices are established.

The Council also agreed that within a period of three years following the entry into force of the Regulation, the European Aviation Safety Agency (EASA) should conclude a scientific and medical evaluation of the provisions on flight time limitation and, as appropriate, of the provisions on cabin crew.

– **EXTERNAL RELATIONS IN AVIATION**

The Council adopted two Decisions giving mandates to the Commission to open negotiations leading to aviation agreements with Morocco and a number of countries in the Western Balkans.

a) Kingdom of Morocco (Euro-Mediterranean Aviation Agreement)

The Council's mandate envisages an Euro-Mediterranean Aviation Agreement aiming essentially at market opening and the creation of a level playing field for all operators.

Negotiating guidelines for the Commission are annexed to the Council's Decision, listing a number of matters which include competition and state aid rules, air safety provisions, cooperation on air traffic management and air navigation services, security for civil aviation and respect for environmental standards.

The negotiations will be conducted by the Commission in consultation with a special committee appointed by the Council. The Commission will regularly inform the Council as to the progress of the negotiations.

b) Western Balkans (European Common Aviation Area Agreement (ECAA))

This Council Decision amends the 1996 mandate for negotiations on a European Common Aviation Area in order to include Albania, Bosnia-Herzegovina, Croatia, the former Yugoslav Republic of Macedonia (FYROM), Serbia and Montenegro and the United Nations Interim Administration Mission in Kosovo (UNMIK). The ECAA envisages a phased approach to market liberalisation, with each phase being conditional upon the progressive adoption by the third country of the relevant Community *acquis*. The overall aim of the agreement is to integrate the air transport markets of these countries with the Community's single market for air transport services.

**OTHER BUSINESS**

– **IMPLEMENTATION OF EU LEGISLATION ON ELECTRONIC COMMUNICATIONS**

The Council was informed by Commissioner Viviane Reding as to the report on the implementation of the EU electronic communications regulatory package in 2004 adopted on 6 December.

– **INSTALLATION OF NETWORK ANTENNAE**

The Presidency drew the attention of the Council to the potential health concerns of the citizens raised by the installation of network antennae. The Council agreed to examine this issue and, if necessary, to return to it in due course.

– **MARITIME SAFETY: IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS**

The Council was informed by Commission Vice-President Jacques BARROT as to the state of ratifications of international instruments adopted in the field of maritime safety.

– **DURABLE TRANSPORT**

a) High Level Conference "Energy in Motion: EU journey towards a clean and climate neutral road transport system"

The Council took note of the information given by the Presidency on the High Level Conference "Energy in Motion: EU journey towards a clean and climate neutral road transport system" on 19 and 20 October 2004. The aim of this Conference was to help reach a better understanding in Europe of the implications of the challenges of achieving clean and climate-neutral road transport, as well as their urgency

, and the role that the transport sector can and must play in this and the prospects for solutions.

b) Presidency conclusions of the Environment Council on 14 October 2004 on sustainable road transport

The Transport, Telecommunications and Energy Council was informed by the Presidency as to the content of the Presidency conclusions on sustainable road transport discussed by the Environment Council on 14 October 2004.

## **OTHER ITEMS APPROVED**

### **TELECOMMUNICATIONS**

#### **First Annual Report on Radio Spectrum policy in the EU - *Council conclusions***

The Council adopted conclusions on the first annual report on radio spectrum policy in the European Union (15530/04).

#### **Progress report from the Commission on R&TTE Directive - *Council conclusions***

The Council adopted conclusions on the progress report from the Commission on R&TTE Directive (15533/04).

#### **Interoperability of digital interactive television services - *Council conclusions***

The Council adopted conclusions on the interoperability of digital interactive television services (15527/04).

### **TRANSPORT**

#### **Driving and resting times for professional drivers\***

The Council adopted a Common Position on a draft Directive laying down minimum conditions on driving and resting times for professional drivers (11336/04).

Under the new provisions Member States will introduce a system of checks in order to ensure that by 2011 at least 3% of days worked by drivers are checked. This goal will be achieved by gradually raising the number of checks from 1% to 2% as from 1 January 2009. Controls will be held both at the roadside and on company premises.

Other provisions contained in the draft Directive refer to:

- a list of elements to be checked;
- an increase in the amount of concerted checks between Member States, with the introduction of an intra-Community liaison body to ensure coordination;
- an improvement in information exchange;
- the introduction of risk-rating systems for enterprises and the obligation to check those with a high risk-rating;
- the establishment of guidelines on best practices, joint training activities and exchange of experience.

Member States will implement the Directive, which will repeal Directive 88/599/EEC, by 1 January 2006.

#### **Driving times and introduction of the digital tachograph \***

The Council adopted a Common Position on a draft Regulation aimed at improving working conditions for professional drivers and requiring use in road transport vehicles of a digital tachograph to measure driving times (11337/04). The Common Position will be forwarded, under the co-decision procedure, to the European Parliament for a second reading.

The draft Regulation seeks to replace legislation currently in force, namely Regulation 3820/85 on social legislation relating to road transport<sup>1</sup>, which has so far governed driving and resting times for professional drivers. Furthermore, it proposes to amend Regulation 3821/85, catering for technical aspects relating to the digital tachograph, by providing that vehicles put into service for the first time after 5 August 2005 will be fitted with a recording device.

Among the elements provided for by the Common Position with added value as compared to the legislation currently in force are the following:

- a minimum uninterrupted daily rest period of 9 hours;
- maximum driving time per week of 56 hours (it is currently possible to drive up to 74 hours in a week);
- one weekly rest period of at least 45 hours during two consecutive weeks;
- the possibility for the competent authorities to immobilise temporarily a vehicle and to withdraw, suspend or restrict an undertaking's or a driver's licence;
- the possibility for a Member State to impose sanctions for infringements detected on its territory, even when the infringement has been committed outside its territory;
- the possibility for other actors in the transport chain to be held responsible for infringements.

This draft legislation is intended to contribute to road safety in line with the EU's objective of halving road accident fatalities by 2010.

## **EUROPEAN SECURITY AND DEFENSE POLICY**

### **EU Police mission in Kinshasa "EUPOL - KINSHASA"**

The Council adopted a Joint Action establishing a Police Mission in the Democratic Republic of Congo (DRC) (15070/04).

The Mission, named EUPOL - KINSHASA, aims at providing follow-up, mentoring and advice on the setting up and the initial running of an Integrated Police Unit (IPU), in order to ensure that the IPU will act in line with the training received at the Police Academy and according to international best practices in this field.

These actions will be focused on the IPU chain of command to enhance the management capability and to monitor, mentor and advise the operational units in the execution of their tasks.

The government of the DRC addressed an official request for EU assistance in setting up the IPU, which should contribute to ensuring the protection of the state institutions and reinforce the internal security apparatus.

EUPOL - KINSHASA will have a staff of around 30 people. The mission will be launched as from 1 January 2005 for a one-year period. The cost for implementation of the Joint Action is set at EUR 4.3 million.

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<sup>1</sup> OJ L 370, 31.12.1985, p. 1.

## **ENVIRONMENT**

### **Sulphur content of marine fuels\***

The Council adopted, by qualified majority, a Common Position on a draft Directive aimed at applying to seagoing ships limits on the sulphur content of certain liquid fuels by extending the scope of Directive 1999/32/EC<sup>1</sup> (12891/04). The Common Position will be sent to the European Parliament for a second reading under the co-decision procedure.

The Italian and Cypriot delegations voted against and the Swedish delegation abstained.

The key aim of the proposed amendments is to extend the scope of Directive 1999/32/EC to all petroleum-derived liquid fuels used on board ships operating in Member States' waters. New rules should lead to a substantial reduction in sulphur dioxide emissions (over 500 000 tonnes per year), delivering the greatest possible benefits in and around ports and coastlines and in acid-sensitive ecosystems.

## **TRANSPARENCY**

### **Public access to documents**

The Council adopted the reply to confirmatory application 27/c/03/04, the Danish, Finnish and Swedish delegations voting against (14503/04 + ADD 1).

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<sup>1</sup> OJ L 121, 11.05.1999, p. 13.