

15121/02 (Presse 380)

2472nd Council meeting

**- TRANSPORT, TELECOMMUNICATIONS AND ENERGY-**

Brussels, 5-6 December 2002

Presidents: **Mr Helge SANDER**  
Minister for Science, Technology and  
Development

**Mr Flemming HANSEN**  
Minister for Transport

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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 above mentioned Council Internet site or may be obtained from the Press Office.

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## **ITEMS APPROVED WITHOUT DEBATE**

### *TRANSPORT*

- Qualification and training of drivers .....

### *ENLARGEMENT*

- Accession Conferences.....

## **PARTICIPANTS**

The Governments of the Member States and the European Commission were represented as follows:

### **Belgium :**

Ms Isabelle DURANT  
Mr Rik DAEMS

Deputy Prime Minister and Minister for Mobility and Transport  
Minister for Telecommunications and Public Undertakings

### **Denmark :**

Mr Helge SANDER  
Mr Flemming HANSEN  
Mr Bendt BENDTSEN  
Mr Thomas EGEBO  
Mr Michael DITHMER

Minister for Science, Technologies and Development  
Minister for Transport  
Minister for Economic Affairs, Trade and Industry  
State Secretary for Transport  
State Secretary, Ministry of Economic Affairs, Trade and Industry

### **Germany :**

Mr Manfred STOLPE  
Mr Ralf NAGEL

Federal Minister for Transport, Building and Housing  
State Secretary, Federal Ministry of Transport, Building and Housing

Mr Alfred TACKE

State Secretary, Federal Ministry of Economic Affairs and Labour

### **Greece :**

Mr Christos VERELIS  
Mr Georgios ANOMERITIS  
Mr Manolis STRATAKIS

Minister for Transport and Communications  
Minister for Merchant Shipping  
State Secretary for Transport and Communication

### **Spain :**

Mr Francisco ALVAREZ-CASCOS FERNANDEZ  
Mr Carlos LÓPEZ BLANCO

Minister for Internal Development  
State Secretary for Telecommunications and the Information Society

Mr Adolfo MENENDEZ MENENDEZ

Under-Secretary of State for Internal Development

### **France :**

Mr Gilles de ROBIEN

Minister for Infrastructure, Transport, Housing, Tourism and the Sea

Ms Nicole FONTAINE

Minister attached to the Minister for Economic Affairs, Finance and Industry, with responsibility for Industry

Mr Dominique BUSSEREAU

State Secretary to the Minister of for Infrastructure, Transport, Housing, Tourism and Sea, with responsibility for Transport and the Sea

### **Ireland :**

Mr Jim McDAID

Minister of State at the Department of Transport (with special responsibility for Road Traffic including Road Haulage)

### **Italy :**

Mr Maurizio GASPARRI  
Mr Lucio STANCA  
Mr Pietro LUNARDI

Minister for Communications  
Minister for Innovation and Technologies  
Minister for Infrastructure and Transport

### **Luxembourg :**

Mr François BILTGEN  
Mr Henri GRETHEN

Minister for Labour, Employment and Communications  
Minister for Transport

### **Netherlands :**

Mr Roelf de BOER  
Ms Melanie SCHULTZ van HAEGEN-MAAS GEESTERANUS

Minister for Transport, Communications and Public Works  
State Secretary for Transport, Communications and Public Works

### **Austria :**

Mr Mathias REICHHOLD

Federal Minister for Transport, Innovation and Technology

**Portugal :**

Mr Luis VALENTE de OLIVEIRA

Minister for Public Works, Transport and Housing

**Finland :**

Mr Kimmo SASI

Minister for Transport and Communications

**Sweden :**

Ms Ulrica MESSING

Minister at the Ministry of Industry, Employment and Communications

**United Kingdom :**

Mr Stephen TIMMS

Minister of State for eCommerce and Competitiveness

Mr John SPELLAR

Minister of State for Transport

Mr David JAMIESON

Parliamentary Under-Secretary of State, Department for Transport

\* \* \*

**Commission :**

Ms Loyola DE PALACIO

Vice-President

Mr Erkki LIIKANEN

Member

## **ITEMS DEBATED**

### **TELECOMMUNICATIONS ITEMS**

#### **SITUATION IN THE TELECOMMUNICATIONS SECTOR - Council Conclusions**

The Council discussed the situation in the telecommunications sector and drew the following conclusions:

- "- The Council recognised that the sector merits particular attention in view of its increasing economic importance as well as of its relevance for the achievement of the Lisbon objectives; the Council recognised the added value of a joint approach at European level.
- The Council emphasised the importance of a successful introduction of third generation mobile communication (3G) in the EU as well as advancing other technology platforms, acknowledging at the same time that the sector continues to provide major growth opportunities, even if it is currently facing financial constraints.
- The Council, in particular:
  - underlined the importance of the timely, effective and coherent implementation of the new regulatory framework for electronic communications, in order to create a stable and competitive environment and to underpin confidence in the market;
  - underlined the importance of developing content, services and applications for the information society as well as the importance of widespread availability and use of broadband networks and using a multi-platform approach as set out in *eEurope 2005*; and called for the further development of broadband plans and strategies at national and European level;
  - agreed that state aid is not the way forward;
  - welcomed the continued importance given to Information Society Technologies as one of the priorities of the EU Sixth Framework Programme for Research and Development;
  - welcomed joint efforts in the fields of *eGovernment*, *eHealth*, *eLearning* and *eBusiness*, and the launch of European awards in these areas; stressed the need to rapidly see concrete results in these areas and welcomed the intention of future Council Presidencies and of the Commission to hold ministerial conferences on *eGovernment* (3 July 2003) and *eHealth* (22-23 May 2003);
  - welcomed the setting up of the Communications Committee, the Spectrum Policy Group, the European Regulators Group and the future *eEurope* Steering Group as effective fora for dialogue and action and for securing a coherent European approach in promoting oversight, transparency, competition, investment and innovation, and application security (all for the benefit of the development of an Information Society for all users);

- expressed the need to provide transparency in 3G rollout obligations and the need to launch discussions on flexible approaches to spectrum usage and network infrastructure sharing, as well as the possibilities for spectrum re-allocation or the like, in order to achieve a more efficient market and to ensure appropriate co-ordination across Europe;
  - called on the Commission, Member States and industry to examine emerging issues related to m-commerce and to address possible regulatory obstacles in this respect, for example in areas such as mobile payment systems;
  - stressed the need to inform and reassure the general public and invited the Commission to make available science-based information on electromagnetic-related issues, based on WHO studies and studies supported by European Research and Development programmes, as well as relevant local and regional studies, and welcomed the Commission's invitation to Member States to support standardisation work on base stations;
- The Council emphasised the importance of placing the issue of the information society, and in particular of the telecommunications sector, high on the agenda of the Spring European Council and invited the Commission to report on the subjects mentioned above in due time beforehand and if necessary put forward appropriate proposals."

**eEUROPE ACTION PLAN**

The Council approved a Resolution on the implementation of the *eEurope* action plan, following on from the Commission's communication "*eEurope 2005: An information society for all*".

The action plan is aimed at contributing to the objective set by the European Council at Lisbon in March 2000 of making the EU the most competitive and dynamic knowledge-based economy by 2010, in particular with regard to the development the on-line economy and providing citizens with the access and skills needed to live and work in the information society.

The Council's Resolution is as follows:

"THE COUNCIL

HAVING REGARD TO

- the Conclusions of the Seville European Council on 21-22 June 2002;
- the *eEurope 2005* Action Plan presented by the Commission;
- the Conclusions of the Barcelona European Council on 15-16 March 2002;
- the *eEurope 2002* Action Plan and the "*eEurope Benchmarking Report eEurope 2002*" set out in the Commission Communication of 5 February 2002;
- the Commission Communication of 21 November 2002 on "*eEurope 2005: benchmarking indicators*".

RECALLING

- the role of the *eEurope 2002* and *2005* Action Plans in the context of the Lisbon 2010 objective of making the European Union the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion;
- the importance of the e-economy for growth, productivity and employment;
- the importance of providing citizens with the access and skills needed to live and work in the new information society.

RECOGNISING

- the general objectives as endorsed by the Seville European Council;
- that all institutions are called upon to ensure that the Action Plan will be fully implemented by the end of 2005;
- the need to make further progress to keep the development of the e-economy as a priority on the European policy agenda;
- that the private sector has a vital role in contributing to the implementation of the *eEurope* Action Plan.



**UNDERLINES**

- the vital importance of an inclusive approach (e-inclusion) by all stakeholders to the information society and the need for this to be reflected throughout the implementation of the eEurope 2005 Action Plan.

**STRESSES**

- the key role of appropriate, attractive and high-quality digital content in the successful development of the interactive broadband services on which the full implementation of eEurope 2005 depends and the importance of using access platforms such as 3G communications and digital television;
- the importance of ensuring the appropriate security of networks of and the information that is transmitted through them for individuals, business, administrations and other organisations.

**INVITES MEMBER STATES**

- to do their utmost, with the help of the benchmarking indicators contained in the Annex, to achieve the objectives of the Action Plan, to promote network security and broadband and to promote eGovernment, eBusiness, eHealth and eLearning, taking into account specific national, institutional and administrative structures;
- to work with all stakeholders to effectively implement the Action Plan;
- by mid 2003 to contribute to an overview of national measures and actions taken to achieve the eEurope objectives;
- to nominate a high-level representative for the steering group.

**WELCOMES THE INTENTION OF THE COMMISSION**

- to establish a steering group which would
  - provide a general overview of ongoing e-initiatives across sectors by exchanging information on progress made and on problems encountered;
  - offer a forum for strategic discussions and for exchange of experiences;
  - monitor progress regarding implementation of the eEurope 2005 Action Plan with a view to formulating input and advice to relevant stakeholders on how implementation can be improved;
  - contribute to the mid-term review;
  - establish its own working methods;
  - permit early participation of candidate countries;
- to ensure that allocated Community funds contribute to achieving the objectives of the eEurope Action Plan;
- to present a midterm review of the eEurope 2005 Action Plan in advance of the Spring European Council 2004;
- to identify, analyse and disseminate good practice in close cooperation with the Member States.

## AGREES TO

- the comprehensive benchmarking to be carried out by the Commission according to the guidelines contained in the annex and in cooperation with EUROSTAT and the National Statistic Institutes; the collection of the data will be conducted on a non-permanent basis through surveys and will not give rise to permanent statistical obligations, thus not leading to additional burdens for the private or the public sectors.
- the consistent involvement of stakeholders in the Candidate Countries in the benchmarking and exchange of good practice, and to consider adjustments to the Action Plan in due course to take account of their accession to the Union;
- the systematic exchange of good practice based on the analysis undertaken in co-operation with the Commission."

**MULTI ANNUAL PROGRAMME FOR eEUROPE**

The Council agreed on a general approach, pending the European Parliament's opinion, on the proposal for a Council Decision establishing a programme for the monitoring of the eEurope action plan over the 2003-05 period. It requested the Permanent Representatives Committee to examine the Parliament's opinion, when available, with a view to enabling the Council to adopt the Decision at a future session.

The general approach provides for a budget of 20 million euros for the programme and a management committee for its implementation.

The proposed programme, entitled "Modinis", would provide financial support to the Member States' actions with regard to monitoring performances, facilitating the dissemination of good practices, analysing economic and societal consequences and improving network and information security. It follows on from the Promise programme, which expires at the end of this year.

The eEurope action plan is aimed at contributing to the objective set by the European Council at Lisbon in March 2000 of making the EU the most competitive and dynamic knowledge-based economy by 2010, in particular with regard to the development of the on-line economy and providing citizens with the access and skills needed to live and work in the information society.

## NETWORK AND INFORMATION SECURITY

### – *Proposal for a European network and information security unit*

The Council heard a report from the Commission on a proposal for a Regulation that it intends to present in the near future, in the context of the eEurope 2005 action plan, aimed at establishing a European network and information security unit.

### – *European approach towards a culture of security*

The Council approved the following Resolution aimed on a European approach towards a culture of network and information security.

"THE COUNCIL OF THE EUROPEAN UNION,

Recalling

1. the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee, and the Committee of the Regions – Network and Information Security: Proposal for a European Policy Approach<sup>2</sup>;
2. the Council Resolution of 30 May 2001 on the “e-Europe Action Plan: Information and Network Security”<sup>3</sup>;
3. the Council Resolution of 28 January 2002 on a common approach and specific actions in the area of network and information security<sup>4</sup>;
4. the e-Europe 2005 action plan endorsed by the Sevilla European Council in June 2002<sup>5</sup>;
5. the Opinion of the European Parliament on the European Commission Communication on Network and Information Security: Proposal for a European Policy Approach<sup>6</sup>;

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<sup>2</sup> COM(2001) 298 fin. of 6 June 2001.

<sup>3</sup> OJ C

<sup>4</sup> OJ C 43, 16.2.2002, p.2.

<sup>5</sup>

<sup>6</sup> A5-0311/2002 of 17 September 2002.

Accordingly stresses that

1. with the development of information society services, network and information security is an increasingly vital issue for the daily life of citizens, businesses and public administrations contributing to the proper functioning of the Internal Market;
2. Member States and the European institutions must further develop a comprehensive European strategy for network and information security and strive towards “a culture of security” taking into account the importance of international co-operation;
3. the OECD Guidelines for the security of Information Systems and Networks<sup>7</sup> are considered a valuable model for developing policies which achieve a culture of security while respecting democratic values and the importance of personal data protection;
4. care must be taken to respect privacy rights. Citizens and enterprises must have confidence that information is handled accurately, confidentially and reliably;
5. in developing a culture of security a significant task will be to clarify by the responsibility for the security of networks and information systems for all stakeholders;
6. Europe needs to ensure the development and deployment of an appropriate skillbase in the field of network and information security;
7. there is a need for increased transparency, information exchange and co-operation between Member States, European institutions and the private sector;
8. a coherent security policy development at European level requires cross-pillar transparency and co-operation;
9. the ongoing work to fulfil the commitments made in the Council Resolution of 28 January 2002 on a common approach and specific actions in the area of network and information society has to be continued.

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<sup>7</sup> Recommendation of the OECD Council on “The OECD Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security” of 25 July 2002.

Therefore invites Member States to

1. promote security as an essential component in public and private governance, in particular by encouraging assignment of responsibilities;
2. provide for appropriate education and vocational training, as well as awareness-raising, particularly among young people, to security issues;
3. take adequate measures to prevent and respond to security incidents, in particular through :
  - a) the continuous improvement of the identification and assessment of security problems and the application of appropriate controls;
  - b) the establishment of effective ways of communicating the need for action to all stakeholders by reinforcing the dialogue at European and national levels and, where appropriate, international levels in particular with those supplying information society technology and services;
  - c) addressing appropriate information exchange corresponding to the needs of society to remain informed on good practices related to security;
4. encourage co-operation and partnerships between academia and enterprises to provide secure technologies and services and to encourage development of recognised standards.

Welcomes the intention of the Commission to

1. apply the open method of co-ordination in relation to Member States' ongoing actions and to assess their impact on security;
2. set up a temporary interdisciplinary working group in close co-operation with and composed of Member States representatives to conduct preparatory actions with a view to the establishment of a Cyber- Security Task Force as referred to in the Council Resolution of 28 January 2002;
3. further develop, in co-operation with Member States, a dialogue with industry to improve security in the development of hardware and software products and ensure the availability of services and data;
4. establish contacts with relevant international partners and international organisations with a view to co-operation and exchange of information in this area and to report to the Council on a regular basis ;
5. establish the Cyber-Security Task Force referred to above.

Calls upon

1. industry to integrate the management of security risks into the mainstream of management thinking and business engineering;
2. all users to take a holistic view of the risks associated with information systems and look at the threats arising from physical events, human failings as well as technological vulnerabilities and deliberate attacks;
3. industry and all users to enter into dialogue with governments in developing a culture of security."

## **COMMERCIAL EXPLOITATION OF PUBLIC SECTOR DOCUMENTS**

The Council held a policy debate on the draft Directive of the European Parliament on the re-use and commercial exploitation of public sector documents.

The debate focused in particular on the principle whereby there is no obligation to make documents available for re-use, as well as on charging principles for the re-use of documents and issues related to intellectual property rights.

The President concluded that:

- considerable progress has been made and a general approach on many of the technical aspects has been identified, including on the definitions, the time, transparency and format requirements for dealing with requests for re-use, and provisions on the use of licences and on non-discrimination;
- the impact of the draft Directive on documents over which public sector bodies hold intellectual property rights will require further analysis so as to ensure that the provisions, in particular on charging, find the right balance. This analysis is still ongoing in some Member States;
- the Council awaits with interest the opinion of the Parliament on the central issues related to this balance so that it may agree on a common position as early as possible in 2003.

The proposal is aimed at optimising the economic potential of public sector data, given the possibilities provided by information technology, in particular wireless Internet and third generation mobile communications, to combine data taken from different sources to create added-value products and services.

It provides a minimum set of common rules aimed at dispelling legal uncertainty and overcoming regulatory barriers to the development of cross-border information products in the EU, whilst allowing for national rules governing access to public information and on data protection in the Member States.



**ICT AND eBUSINESS SKILLS IN EUROPE - Council Conclusions**

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION

**RECALLING**

1. the Conclusions of the Lisbon European Council on 24 March 2000, which in particular noted that the shift to a digital, knowledge-based economy will be a powerful engine for growth, competitiveness and jobs;
2. the Commission's Action Plan for skills and mobility welcomed by the Barcelona European Council on 15 and 16 March 2002, in which it is stressed that the development of Information and Communication Technologies (ICT) and e-business skills profiles is needed to help ease shortages in ICT occupations and sectors;
3. the eEurope 2002 Action Plan endorsed by the Feira European Council on 19 and 20 June 2000;
4. the eEurope 2005 Action Plan as endorsed by the Seville European Council on 21 and 22 June 2002 which stressed the need to foster public-private partnerships and the co-operation of stakeholders with a view to developing European-wide e-skills definitions;
5. the work programme on the follow-up of the objectives of education and training systems in Europe adopted by the Council of 14 February 2002;
6. the Council resolution of 3 June 2002 on skills and mobility;
7. the Council conclusions of 6 and 7 June 2002 on the impact of the e-economy on the competitiveness of European enterprises.

**TAKING INTO ACCOUNT**

1. the importance of the diffusion of Information and Communication Technologies (ICT) for growth, productivity and employment;
2. the risks posed by a digital divide;
3. the existence of gaps and mismatches between potential and reaped benefits of ICT and e-business skills in Europe; and the current demographic trends in Europe suggesting that increasing labour bottlenecks might be faced;
4. the declaration of the European eSkills Summit in Copenhagen on 17-18 October 2002, which calls for an increase, at all levels, of efforts to match the content and delivery of education and training with the needs of employers of ICT professionals.

**RECOGNISING**

1. that the demand for ICT and e-business skills is largely coming from user industries;
2. that e-Skills encompass personal skills, most importantly including professional skills, users skills and digital literacy;
3. the need for further investment in training in industry and particularly in SMEs.

**UNDERLINES**

1. the need to sustain the efforts to close the e-Skills gaps and to address mismatches despite the economic downturn and structural changes affecting the ICT sector;
2. the need to supply in a timely manner professionals with the technical and other skills relevant to the market and needed to ensure employees mobility;
3. the need for inclusiveness of the entire available potential labour pool to narrow and close the e-Skills gaps and to address mismatches, particularly addressing the severe under-representation of women in the ICT workforce;
4. the need to foster dialogue and the exchange of good practice between stakeholders.

**WELCOMES THE INTENTION OF THE EUROPEAN COMMISSION**

to establish a European eSkills Forum in 2003 whose main objective would be to institutionalise an open dialogue between all relevant stakeholders and to catalyse actions to address the priorities that emerge from this process in view of helping to narrow e-skills gaps and to address mismatches.

**CALLS UPON THE EUROPEAN COMMISSION**

1. by the end of 2004 closely to monitor and analyse the ICT basic skills as well as the e-skills gaps and mismatches;
2. to report back to the Council and the European Parliament by the end of 2004 on the progress made in narrowing the e-Skills gaps and addressing mismatches;
3. to explore the most effective means to assist the cross border -mobility of ICT and e-business professionals, for example by increased transparency and by recognition of certification guidelines and schemes;
4. to raise awareness on the need for e-skills, the way to get access to training opportunities and high-quality learning resources;
5. if necessary suggest further actions to be taken in the report to the Council.

**INVITES MEMBER STATES**

1. to closely monitor the ICT basic skills as well as the e-skills gaps and mismatches at national level;
2. to promote co-operation between industry, universities and schools in order to achieve adaptation and flexibility of curricula to match future market requirements;
3. to promote lifelong learning in co-operation with Industry in order to prepare for new jobs and a continuous upskilling of the workforce;
4. to promote the attractiveness of studying scientific subjects as a basis for ICT and e-business jobs;
5. to intensify efforts for training and improving skills for all age groups, genders, and people of all ethnic and social origins in the European Union.
6. to develop, where appropriate, new initiatives and measures to help industry and SMEs, to access the talent and skills pools which are critical for their competitiveness, taking into account different levels of professional skills.

**ENCOURAGES THE INDUSTRY AND SOCIAL PARTNERS**

1. to define and communicate the ICT and e-business job profiles needed in the various business sectors and company sizes;
2. to promote a common classification of ICT and e-business skills as a basis to forecast supply and demand of ICT and e-business skills;
3. to facilitate lifelong learning of the labour force;
4. to take social responsibility in order to improve the inclusion of the entire available labour pool."

**IMPLEMENTATION OF TELECOMMUNICATIONS REGULATIONS**

The Council took note of the presentation by the Commission of its eighth report on the implementation of the Community telecommunications regulatory package, and held a brief exchange of views.

The regulatory package is aimed at ensuring fair competition and consumer protection in the Community's liberalised telecommunications markets. The Commission's document analyses the state of the regulatory environment during the period since the adoption of the last report in November 2001, examining the main market developments, with detailed annexes on the progress made in each Member State.

**INTERNATIONAL MANAGEMENT OF THE INTERNET - REFORM OF ICANN**

The Council heard a report from the Commission on international management of the Internet, and in particular on the reform of ICANN (Internet Corporation for Assigned Names and Numbers), the non-profit-making organisation which has co-ordinated the Internet domain name system since 1998.

The Commission's report focused on an ICANN meeting held in Shanghai from 27 to 31 October, the results of which it considers to be very positive for the European Union. The Commission has agreed to provide, on an interim basis from 1 December, the secretariat for Government Advisory Committee, the body through which national governments participate in ICANN, advising it on matters that concern them, through non-binding recommendations.

The Member States and the Commission participated in the Shanghai meeting in accordance with guidelines agreed on by the Permanent Representatives Committee on 23 October, and on the basis of the mandate issued by the Council at its session on 25 and 26 March.

**ACCESS TO NEW SERVICES**

- *Digital television*
- *Third-generation mobile communications*

The Council took note of the presentation by the Commission of staff working papers regarding:

- Barriers to open platforms in digital television and third-generation (3G) mobile communications.
- The development of electronic commerce (*eCommerce*) and on-line administration (*eGovernment*), and the role of electronic identification authentication.

This presentation follows on from the request from the European Council at Seville (June 2002) for the Commission to report back to it on these issues at its meeting in Copenhagen on 12 and 13 December. The reports will be finalised after a public consultation.

## **TRANSPORT ITEMS**

### **AVIATION**

#### **SINGLE EUROPEAN SKY PACKAGE**

##### *Public Deliberation*

The Council reached a political agreement on the package of four draft Regulations of the European Parliament and the Council aimed at creating a "Single European Sky" by the end of 2004, introducing common rules on the use of airspace throughout the Community in order to reduce air traffic delays and airspace congestion. Common positions on the four draft Regulations will be adopted without further discussion at a forthcoming Council meeting and sent to the European Parliament for a second reading under the co-decision procedure.

The political agreement resolves the last number of issues that remained outstanding, most of which concern military aspects of the Single European Sky. In this regard, it includes safeguard clauses for provisions that may have implications for defence and security issues, given that the legal basis for the Single European Sky is the EC Treaty. In addition, the Member States agreed on a statement for the Council minutes aimed at clarifying the interface between civil and military airspace users as well as other issues affecting the military.

The draft Regulations are aimed in particular at improving and reinforcing safety, and at restructuring airspace as a function of traffic flow rather than according to national boundaries. The Council's political agreement responds to the request from the European Council at Barcelona in March 2002 for work on this dossier to be pursued actively before the end of 2002, so that decisions can be taken to bring about a Single European Sky in 2004.

The Single European Sky package contains four draft Regulations: a framework Regulation and three implementing Regulations covering air navigation service provision, organisation and use of airspace, and interoperability within the European air transport management network.

The draft framework Regulation provides for the establishment of national supervisory authorities, adequately separated from service providers, and outlines the relationship with Eurocontrol, the European air–navigation safety organisation of which the Community will soon be a member. It provides also for the creation of a Single Sky Committee, to which the Member States may send military representatives when appropriate, and contains a safeguard clause by which Member States may suspend Community rules in the event of a conflict with imperative national military requirements.

The draft Regulation on airspace use is aimed at creating a more integrated operating airspace with common procedures for the design, planning and management of airspace, ensuring the safety of the entire air traffic management network. Its most important feature is the reconfiguration of upper airspace as functional airspace blocks that can extend over more than one Member State, regardless of existing boundaries.

The draft Regulation on service provision is aimed at establishing common requirements for the safe and efficient provision of air navigation services in a seamless and interoperable manner throughout the Community. It sets out a harmonised certification system and provides rules for the designation of service providers. It also provides for a charging scheme in order to ensure greater transparency with regard to the determination, imposition and enforcement of charges on airspace users.

Finally, the draft Regulation on interoperability has a double objective. It aims to achieve interoperability between the different systems, constituents and associated procedures of the European air traffic management network, and to promote the introduction of new agreed and validated concepts of operations and technology in air traffic management.



## **DENIED BOARDING COMPENSATION**

### ***Public Deliberation***

The Council reached a political agreement on the draft Regulation of the European Parliament and the Council aimed at establishing common rules on compensation and assistance to air passengers in the event of being denied boarding and of cancellation or long delay of flights. This agreement was reached by a qualified majority, the United Kingdom delegation voting against and the Portuguese delegation abstaining. A common position will be adopted without further discussion at a forthcoming Council meeting, after finalisation of the text, and sent to the to the European Parliament for second reading under the co-decision procedure.

The political agreement is based on a compromise suggested by the Presidency in particular as regards the amounts of compensation to be paid to passengers. It provides for the following compensation levels:

- 250 euros for all flights of 1 500 kilometres or less;
- 400 euros for all intra-Community flights of more than 1 500 kilometres and for all other flights between 1 500 and 3 500 kilometres;
- 600 euros for all flights of more than 3 500 kilometres.

In contrast with the Commission's original proposal, the text agreed on by the Council places primary responsibility on the "operating air carrier" that operates or intends to operate a flight, and not on the actual air carrier, the marketing air carrier or the tour operator. Moreover, the structure of the provisions on cancellation has been modified in order to encourage air carriers to re-route passengers in the event of a flight being cancelled.

The text is aimed at updating Regulation 295/91 with a view to strengthening the protection offered to passengers. The main principles agreed on are as follows:

- Increasing the minimum amount of compensation for denied boarding, in particular as a deterrent to overbooking.

- Requiring airlines, if necessary, to call for volunteers to surrender their reservations in exchange for agreed benefits.
- Extending the rights of passengers denied boarding to passengers whose flights are cancelled.
- Requiring airlines to offer assistance to passengers in the event of delays, and to allow the possibility of reimbursement in such an event if the flight no longer serves any purpose in relation to the passenger's original travel plan.
- Extending the scope of the Regulation to include non-scheduled flights (for both seat-only and package tour passengers).
- Requiring airlines to pay particular attention to persons with reduced mobility and any accompanying persons.
- More stringent obligations on airlines to inform passengers of their rights.

**"OPEN SKIES" AGREEMENTS - CONSEQUENCES OF COURT JUDGEMENTS**

The Council took note of the presentation by the Commission of its communication on the consequences of the Court of Justice judgements of 5 November regarding aviation agreements concluded between certain Member States and the United States, and held an exchange of views.

The President concluded that the Member States are prepared to co-operate in a constructive spirit with the Commission with the aim of resolving the situation following these Court's rulings. The Council requested the Permanent Representatives Committee to continue work on the Commission's communication and on the question of establishing a negotiating mandate with a view to concluding an air service agreement between the Community and the United States.

In its ruling, the Court found that the bilateral agreements concluded by eight Member States constitute an infringement of Community law, arguing in favour of the establishment of a Community external policy for air transport. In its communication, the Commission urges the Council to agree rapidly on a mandate for negotiations to replace bilateral arrangements by a single Community agreement with the United States.

## LAND TRANSPORT

### ALPINE TRANSIT

- *General questions*
- *Ecopoint system in Austria*

The Council examined the general problems raised by Alpine transit, on the basis of various compromise elements proposed by the Presidency with the aim of establishing a transitional system intended to minimise environmental damage resulting from the transit of heavy goods traffic through Austria. In the absence of an agreement, the Presidency decided to submit the dossier to the next General Affairs Council meeting on 10 December, with a view to reaching, if possible, a conclusion.

Longstanding problems with regard to Alpine transit result from the difficulty in reconciling priorities relating to environmental concerns, security in tunnels, the need for free circulation of goods and the development and upgrading of road and rail transport networks. The "ecopoint" system currently in force, laid down by a protocol to the Act on Austria, Finland and Sweden's accession to the EU, was introduced as a temporary measure to regulate heavy goods traffic through Austria and is due to expire on 31 December 2003.

## **RAIL TRANSPORT**

The Council held a policy debate on the second package of proposals aimed at revitalising and liberalising Europe's railways, focusing on two issues, namely safety targets and interoperability in the trans-European rail system, for which a series of options were suggested by the Presidency. The Council requested the Permanent Representatives Committee to continue examination of the proposals, taking account of the guidance provided on these issues during the debate, so as to enable rapid progress to be made on this dossier.

On the issue of common safety targets and common safety methods, the President noted that a majority of delegations expressed a preference for the option whereby the Member States can maintain or adopt higher standards and impose them in a non-discriminatory manner on all railway companies, including those from other Member States wanting to access their network.

Regarding interoperability, he stated that there was no majority preference at this stage and that note had been taken of the positions expressed by delegations.

The proposed provisions on safety and interoperability aim at removing significant barriers to cross-border market access in the rail sector, by ensuring transparent safety standards through Common Safety Methods (CSMs) and Common Safety Targets (CSTs), and by adapting rail infrastructure and rolling stock to Technical Specifications for Interoperability (TSIs).

The second railway package contains proposals for

- three Directives of the European Parliament and the Council, covering rail safety, interoperability and market access for rail freight services;
- a Regulation of the Parliament and the Council aimed at establishing a European Railway Agency;
- a Council Decision authorising the Commission to negotiate the Community's accession to the Convention on international rail transport (COTIF).

## **MARITIME TRANSPORT**

### **MARINE ENVIRONMENT - ACCIDENT OF THE "PRESTIGE" - Council conclusions**

The Council held an in-depth debate on maritime security, the prevention of pollution and the response to be made following the accident of the oil tanker *Prestige* and subsequent oil spill in the Atlantic off the north-west coast of Spain<sup>8</sup>. It also took note of the presentation by the Commission of its communication on this subject.

Following the debate, the Council adopted the following conclusions.

"The Council sincerely regrets the serious accident of the oil tanker PRESTIGE off the north west coast of Spain. While grateful that no human lives were lost, the Council is deeply concerned about the subsequent damage to the marine environment and the threat to the livelihood of thousands of persons. The Council welcomes the communication from the Commission to the European Parliament and the Council on improving safety at sea in response to the PRESTIGE accident and invites the Commission to assist in the investigation of this accident in order to establish the foundation for an adequate response and affirms the commitment of all Member States to cooperate in order to ensure, in general, safety of ships and the prevention of pollution from ships.

Recalling the invitation of the European Council in Nice December 2000 to consider implementing in advance the ERIKA I measures, in instances where the implementation does not require an international framework, the Council reiterates its commitment to pursue and improve maritime safety policy in order to reduce the risk of accidents, avoid loss of human lives and prevent marine pollution.

Acknowledging the determined efforts in the European Community and the International Maritime Organization (IMO) since the ERIKA accident, emphasising the full responsibility of the flag State, including the effective supervision of classification societies working on their behalf, and considering the effective application of enhanced port State control measures, including the banning of ships, to be of the utmost importance in eliminating sub-standard ships,

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<sup>8</sup> The Environment Council will also discuss this matter at its meeting on 9 and 10 December.

## The COUNCIL:

1. INVITES the Commission, as a matter of urgency, to present a proposal concerning an accelerated phasing out of single hull tankers and incorporating the Condition Assessment Scheme in the general survey regime for tankers regardless of design from the age of 15 years; the proposal must be approved no later than by 1 July 2003;
2. AGREES that the heavy grades of oil <sup>9</sup> shall only be transported in double-hulled tankers. To this end, Member States shall, through administrative agreements, undertake not to accept single-hulled tankers carrying the heaviest grades of oil into their ports, terminals or anchorage areas. The Council NOTES, in addition, the Commission's intention to take the necessary steps, in cooperation with Member States, to ensure that EU candidate countries, as well as other neighbouring countries, including Russia, participate in such an agreement;
3. URGES Member States to enter into agreements with their respective industries to ensure quality shipping and eliminate older single hulled vessels transporting the heavy grades of oil. The Council INVITES the Commission to develop a model agreement to this end;
4. INVITES Member States and the Commission to make every effort to ensure that a similar rule can be established as soon as possible at a worldwide level, through an amendment of the MARPOL Convention;
5. RECALLS the obligation to carry out the inspections foreseen in the "ERIKA package" and REGRETS that many Member States have not met the 25% target of Port State Control inspections up to now and therefore INSISTS on an effective implementation of Directive 95/21/EC on port State control and CALLS UPON Member States to accelerate the transposition of the amended directive, with a view to apply the enhanced control measures as soon as possible, and preferably before 1 January 2003; to this end, Member States agree to accelerate, where necessary, recruitment of qualified port State control officers and to ensure in all ports and anchorages that a sufficient number of inspections are carried out, as well as to ensure, in the framework of the Paris Memorandum, that inspections target, in particular, ships carrying noxious or dangerous cargo;
6. INVITES the Commission, as soon as possible, to present a proposal with a view to strengthening port State control procedures by reducing the intervals between the inspection of vessels of greater risk from 12 to six months, and by expanding the reporting requirements of pilots to also include vessels in transit off the coast of Europe;
7. NOTES with satisfaction the first meeting of the Administrative Board of the European Maritime Safety Agency (EMSA), which took place on 4 December 2002, and EXPECTS the rapid adoption of a working programme which will enable the Agency to be operational as soon as possible and to establish the principles that can serve as a basis for actions to be taken at Community level and in a wider international context. The Agency shall promote uniformity and quality of port State control inspections in all ports of the Member States. The Commission shall establish and monitor the procedures for the authorisation and of the control of classification societies;

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<sup>9</sup> This includes heavy fuel, tar, bitumen and heavy crude oils.

8. URGES the Member States to establish as early as possible and no later than by 1 July 2003 plans to the identification of places of refuge for ships in distress, as prescribed in Article 20 of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system and, in parallel, to contribute to the finalisation of the international guidelines on this issue in the IMO and to examine, in cooperation with the Commission, the financial compensation aspects of places of refuge;
9. AGREES to reinforce the mechanisms for the control of maritime traffic along the coasts of the Member States of the EU through the establishment by the Member States, where appropriate and in accordance with international law, of a preventive distance for ships on which demonstrated irregularities have been established;
10. URGES the Member States that have common interests in sensitive sea areas to identify and formulate coordinated proposals for the areas to be protected as Particularly Sensitive Sea Areas by IMO. URGES the IMO to develop the use of the instrument of designating Sensitive Sea Areas (SSA) and Particularly Sensitive Sea Areas (PSSA);
11. INVITES Member States to adopt measures, in compliance with international law of the sea, which would permit coastal States to control and possibly to limit, in a non-discriminatory way, the traffic of vessels carrying dangerous and polluting goods<sup>10</sup>, within 200 miles of their coastline, and INVITES the Commission to examine measures to limit the presence of single-hull tankers of more than 15 years of age carrying heavy grades of oil within the exclusive economic zone of the Member States, or, where appropriate and in accordance with international law, within 200 miles of their coastline;
12. REAFFIRMS the support of Member States to establish a supplementary compensation fund, developed in the IMO, to the benefit of the victims of oil pollution, which should be able to cover any future oil-spills up to EUR 1 000 million in the waters of the Member States of the EU foreseeing a rapid mechanism for payments and being operational by the end of 2003, and the intention of those Member States, which are parties to the existing global compensation regimes, to ratify the new supplementary fund. AGREES, in the event that the supplementary compensation fund is not established, to examine immediately a regulation on the establishment of a fund for the compensation of oil pollution damage in European waters, with the aim of establishing this fund before the end of 2003;
13. URGES Member States to have in place all the necessary operational capabilities, such as specialised towage and oil recovery vessels, in order to respond directly to threats to the environment as a consequence of accidents with oil tankers and to encourage cooperation between Member States to this effect; PROPOSES the examination of a common mechanism by which the oil companies and shipping companies used by them, ship-owners, charterers and insurance companies provide the means, not only to prevent, but also to efficiently combat possible ecological disasters such as those caused by ERIKA and PRESTIGE;

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<sup>10</sup> As defined in Article 3, g and h, of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p. 10).



- 13a. WELCOMES the intention of the Commission to present a proposal to ensure that any person who has caused or contributed to a pollution incident through grossly negligent behaviour should be subject to appropriate sanctions;
14. ENCOURAGES Member States, as soon as possible, to ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 and the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996;
15. SUPPORTS efforts to improve working conditions and the training of seafarers within the relevant fora;
16. CALLS upon Member States and the Commission to pursue urgently the development in the framework of IMO of requirements for the protection of large fuel oil tanks in all categories of ships against collision and stranding, and to monitor progress closely;
17. STRESSES the necessity to re-examine international rules concerning the law of the seas and maritime transport that lead to irresponsibilities and negligence tolerated by certain open registers;
18. EXPRESSES its support for the on-going work in the IMO to develop a flag State code and a compulsory model audit scheme aimed at ensuring that flag States carry out their duties under the international conventions;
19. SUPPORTS the Commission in its efforts to investigate the potential for technical cooperation programmes to assist neighbouring countries – in particular the applicant countries, Russia and within the EURO-MED framework – in their efforts to increase maritime safety and pollution prevention, including the effective application of adequate port State control procedures."

## **CONTROL OF HARMFUL ANTI-FOULING PAINTS ON SHIPS**

### ***Public deliberation***

The Council reached a political agreement on the proposal for a Regulation on the banning of the use of environmentally-harmful organotin compounds in anti-fouling paints on ships, accepting the one amendment voted by the European Parliament in first reading. The Regulation will be adopted at a forthcoming Council meeting, after finalisation of the text.

The proposal is aimed at implementing the International Convention on the control of harmful anti-fouling systems on ships (AFS Convention), which was adopted by the International Maritime Organisation (IMO) in October 2001. It foresees a ban on application of organotin compounds by 1 January 2003 for ships flying the flag of a Member State or operating under its authority, with a complete ban applicable to all ships, regardless of their flag, as from 1 January 2008. However, given that for procedural reasons the Regulation cannot enter force before 1 January 2003, the text agreed on by the Council provides for the first prohibition to apply three months after entry into force and no later than 1 July 2003.

The Convention will not enter into force before one year after it has been ratified by at least 25 countries representing 25% of the world's merchant shipping. In this context, the draft Regulation is seen as a means of accelerating ratification of the Convention.

The draft Regulation supplements Commission Directive 2002/62/EC which prohibits the marketing and use of organotin compounds in anti-fouling paints for ships.

## **HORIZONTAL ISSUES**

### **FREIGHT TRANSPORT - ENVIRONMENTAL PERFORMANCE - MARCO POLO PROGRAMME**

#### ***Public deliberation***

The Council reached a political agreement on the draft Regulation of the European Parliament and the Council establishing the "Marco Polo programme", a financial instrument aimed at encouraging the shift in freight transport from the roads to other modes of transport less harmful for the environment, such as short-sea shipping, rail and inland waterways. A common position will be adopted at a forthcoming Council meeting, after finalisation of the text, and sent to the European Parliament for a second reading under the co-decision procedure.

The political agreement provides for a budget of 75 million euros for the Marco Polo programme, for a four-year period (1 January 2003 to 31 December 2006).

The Programme is intended to provide Community financial assistance for actions aimed at reducing road congestion and improving the environmental performance of the transport system. The objective is to transfer the expected growth in road freight between now and 2010 (12 billion tonne-kilometres per year) to other modes of transport, thus maintaining the distribution of traffic between the various modes of transport at 1998 levels.

On the basis of experience drawn from the PACT initiative (Pilot Actions for Combined Transport), which covered the 1997–2001 period, Marco Polo would propose three types of action:

- modal shift actions, which aim to shift part of road traffic to other modes of transport by means of start-up aid for new non-road freight services;
- catalyst actions, in favour of innovative projects aimed at offsetting structural shortcomings in the markets;
- common learning actions, which aim to strengthen co-operation and know-how between operators on the freight logistics market in order to improve the environmental performance of the sector.

## **GALILEO - Council Conclusions**

The Council adopted the following conclusions:

"Having regard to :

- (i) previous Conclusions and Resolutions of the European Council and of relevant Council formations regarding the GALILEO programme ;
- (ii) the launching of the development phase of the programme as decided by the Council on 26 March 2002 followed by the ESA Council decision on [... 2002] ;
- (iii) the Commission communication on the state of progress of the Galileo programme<sup>11</sup> presented to the European Parliament and the Council on 27 September 2002 ;

### THE COUNCIL

1. NOTES with satisfaction that the development phase of the GALILEO programme has been launched with the setting up of the GALILEO Joint Undertaking (JU) and the first meeting of the Supervisory Board on 25 November 2002;
2. REITERATES that GALILEO is a civil programme under civil control ;
3. RECALLS the need for the Joint Undertaking, in the nearest future, to
  - (a) be fully operational, with the Administrative Board having taken all relevant administrative and financial decisions,
  - (b) agree with the European Space Agency (ESA) on the modalities of their relationship,
  - (c) draw up the statement of work for the invitation to tender concerning the future GALILEO system operator, covering the tasks described in article 4 of the JU Statutes;
4. AGREES that the following services are included in the statement of work for the invitations to tender :
  - (a) an "open service" (OS), free of user charge, providing position and timing performances competitive with other GNSS systems,
  - (b) a "commercial service" (CS) allowing the development of professional applications with increased navigation performances and added value data,

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<sup>11</sup> OJ C 248, 15.10.2002, p. 2.

- (c) a "Safety of Life service" (SoL) targeted at safety critical users, with high level performances and including a service guarantee by the operator committing on the quality of the Signal In Space (SIS),
  - (d) a "public regulated service" (PRS) reserved to government-authorised users for applications requiring continuity of services,
  - (e) support to the Search and Rescue services of the COSPAS-SARSAT or other relevant systems ;
5. REAFFIRMS the importance of an appropriate integration of EGNOS into GALILEO ;
  6. RECALLS that safety-critical navigation services used in Europe have to be subject to civil public sector regulation ;
  7. REITERATES its willingness to take a final decision on the GALILEO services not later than the end of 2003;
  8. REAFFIRMS its willingness to achieve a suitable agreement with the United States in the framework of the negotiations on interoperability between the GALILEO and GPS systems ;
  9. AGREES that Member States and the Commission will make all necessary efforts so as to ensure an optimal allocation of frequencies for GALILEO at the World Radio-communication Conference (WRC) in June and July 2003. This implies that, for the purpose of GALILEO :
    - (a) EU policies on frequencies are fully co-ordinated and take the definition of GALILEO services and their frequency plan into account,
    - (b) close relations are maintained with, and the widest possible support is ensured from, the main non-EU players, be they multilateral organisations like CEPT, ITU, EUROCONTROL, ICAO, IMO or third countries and world regions ;
  10. UNDERLINES the importance of security issues for the development of the GALILEO system, throughout all its phases, and AGREES in consequence that a single and fully operational security authority is to be set up by the Council ;
  11. WELCOMES the Commission's intention to present by the end of 2002 a proposal for setting up the operational GALILEO Security Authority. Until such Authority is fully operational, the existing Security Board shall continue its activities under the co-chairmanship of the Commission and the Presidency. The relevant political and security aspects will be addressed by the competent bodies established by the Treaty on the European Union;

## 12. INVITES the Commission to

- (a) finalise the negotiations held with the United States of America on the basis of the negotiating directives agreed on in October 1999 and in close consultation with the Special Committee, with a view to achieving interoperability at user level and compatibility at system level, of both GPS and GALILEO,
- (b) continue the negotiations with the Russian Federation on the basis of the negotiating directives agreed on in October 1999 and in close consultation with the Special Committee, with the view to ensuring adequate interoperability and collaboration between GALILEO and GLONASS and co-operation on the planning of future developments of GNSS for civil use,
- (c) present, taking due account of security considerations, a proposal for negotiating directives with the People's Republic of China,
- (d) continue and expand, after due consideration of opinions of Member States, contacts with other third countries with the view to demonstrating GALILEO's potential and prepare for possible future negotiations for further co-operation."

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT - Council Conclusions**

The Council adopted the following conclusions on the second review of its strategy on the integration of environment and sustainable development into transport policy.

"Having regard to

- the Treaty establishing the European Union;
- the conclusions of the European Council of June 15/16 June 2001 in Göteborg concerning the strategy for sustainable development, and in particular its paragraph 29 on “ensuring sustainable transport”;
- the Council Resolution of 5 April 2001 on the integration of environment and sustainable development into transport policy;
- the conclusions of the Council (Environment) of 17 October 2002 on the Union's sustainable development strategy;
- the Plan of Implementation adopted at the Johannesburg World Summit on sustainable development, and in particular paragraph 20 on sustainable transport;

The COUNCIL,

1. REAFFIRMS the significant first step in the integration process, which was taken with the strategy on the integration of environment and sustainable development into the transport policy, which was adopted by the Council on 6 October 1999 on request from the European Council in Cardiff and Vienna, as well as the Council Resolution of 5 April 2001, which confirmed and further developed the strategy.
2. BEARS in mind the different geographical, demographic, environmental and socio-economic characteristics of the Member States, and the consequent need for differentiated measures corresponding to the sustainable mobility and transport needs of the individual Member States.
3. AGREES that a modern transport system is vital for the economic development in the Community, that it must be sustainable from an environmental, an economic and a social viewpoint, and that it must also enhance the global competitiveness of the European Union.
4. RECALLS that the Göteborg European Council stated that action is needed to bring about a significant decoupling of the growth of emissions from transport and GDP growth.

5. AGREES that integration of environmental aspects and progress towards a sustainable transport system can provide new business opportunities, bring social progress, stimulate economic growth and create new jobs. In this context, the Council is looking forward to the presentation of the action plan for promoting environmental technologies announced in the report from the Commission on environmental technology for sustainable development.
6. UNDERLINES the importance of continuing the efforts to reduce emissions from the transport sector with a view to meeting the obligations defined in the recent ratification of the Kyoto protocol by the European Community and its Member States; and welcomes in this perspective the adoption of the 6<sup>th</sup> Environmental Action Programme.
7. NOTES the recommendations in the Commission communication on impact assessment based on the conclusions from the Lisbon Summit. In particular, the Council notes the decision of the Commission to launch impact assessment as a tool to improve the quality and coherence of the policy development process. The Council stresses the importance of analysing new policy proposals for their environmental impact and the ability of the Community to reduce harmful environmental impacts from the transport sector, and furthermore to adopt all necessary measures to deal effectively with the prevention of accidents in maritime transport, in particular of environmentally dangerous substances.

The Council expects to see, as of 2003, the Commission start attaching impact assessments to all substantial regulatory proposals; in this context states its intention, in principle, not to consider such proposals without proportionate impact assessments, covering *inter alia* economic, social and environmental aspects of sustainable development in line with the Conclusions of the Göteborg European Council, unless in case of extreme urgency or in other exceptional circumstances.

8. NOTES the overall conclusion from the TERM 2001 report that despite the reductions in emissions and the improvement of urban air quality through cleaner technologies and fuels, “transport is becoming less and not more environmentally sustainable, and integration efforts have to be doubled.”
9. AGREES that although progress has been made to reduce the environmental impact of transport in Member States and at Community level, significant progress still has to be made to reach the objectives set out in the 1999 Council strategy. The Council considers that there are three areas where there is a particular need for further action.
  - a. Emissions of greenhouse gases, notably CO<sub>2</sub>, in particular from road transport, shipping, and aviation, taking due account of developments in relevant global specialised organisations like IMO and ICAO.
  - b. Emissions of harmful substances from all transport modes, with special attention to the emissions of ultra-fine particulate matter and emissions from unregulated pollutants.
  - c. Noise originating from road, rail and air transport.



10. REITERATES its invitation to applicant countries to follow the integration principle as it is being developed in the Community when formulating national and local strategies during the pre-accession period.
11. RECOGNISES the important work undertaken by the Commission's Joint Expert Group on Transport and Environment and calls on the Commission to continue to use this group and its work.
12. INVITES the Commission and Member States to further develop the list of measures set out in the 1999 Strategy and the 2001 Resolution on the integration of environment and sustainable development into transport policy.
- 12a. WELCOMES that the Commission is actively pursuing its work on
  - the development of a Community framework for fair and efficient pricing of infrastructure covering all modes of transport in a transparent manner
  - the examination of possible use of indicative long-term and intermediate environmental targets for the transport sector on EU-level
  - measures to promote modal shift to more environmentally friendly modes of transport and to promote the environmental performance of all modes of transport
  - the preparation of a proposal aiming at safeguarding a continuous operation and development of TERM.
13. NOTES that it was agreed in 1999 to implement the operational part of the Strategy by the end of 2004; AGREES to continue to review the strategy regularly on the basis of reports from the Commission."

## **ITEMS APPROVED WITHOUT DEBATE**

### **TRANSPORT**

#### **Qualification and training of drivers**

##### **Public deliberation**

The Council adopted its common position on the draft Directive of the European Parliament and the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Regulation 3820/85 and Directive 91/439/EEC and repealing Directive 76/914/EEC (*doc. 8938/02*). The common position will be sent to the Parliament for a second reading under the co-decision procedure.

### **ENLARGEMENT**

#### **Accession Conferences**

The Council adopted common positions with a view to the next Accession Conferences with Cyprus, Malta, Hungary, Poland, Slovakia, Latvia, Estonia, Lithuania, the Czech Republic and Slovenia.

The common positions concerns the following chapters:

- Competition Policy
- Agriculture
- Agriculture (Veterinary and Phytosanitary Legislation)
- Taxation
- Environment
- Customs Union
- Financial and Budgetary Provisions
- Other Item 1: European Development fund
- Other Item 3: European Central Bank
- Other Item 4: Amendments to the Statute of the European Investment Bank
- Other Item 6: Implementation and Management of Pre-accession funds in the new Member States
- Other Item 7: Creation of a Transition Facility for Institution Building for the Benefit of the New Member States After Accession