

7282/02 (Presse 78)

(OR. fr)

2420th Council meeting

- TRANSPORT AND TELECOMMUNICATIONS -

Brussels, 25/26 March 2002

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For further information call 02-285.60.83, 02-285.67.00 or 02-285.68.08

PARTICIPANTS

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Ms Isabelle DURANT

Deputy Prime Minister and Minister for Mobility and Transport

Denmark :

Mr Flemming HANSEN

Minister for Transport

Mr Helge SANDER

Minister for Science, Technology and Innovation

Germany :

Mr Kurt BODEWIG

Federal Minister for Transport, Building and Housing

Greece :

Mr Georgios ANOMERITIS

Minister for Merchant Shipping

Mr Spyros VOUGIAS

State Secretary for Transport and Communications

Spain :

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Mr Baudilio TOME MUGURUZA

State Secretary for Telecommunications and the Information Society

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France :

Mr Jean-Claude GAYSSOT

Minister for Infrastructure, Transport and Housing

Ireland :

Ms Mary O'ROURKE

Minister for Public Enterprise

Italy :

Mr Maurizio GASPARRI

Minister for Communications

Mr Pietro LUNARDI

Minister for Infrastructure and Transport

Luxembourg :

Mr Henri GRETHEN

Minister for Transport

Mr François BILTGEN

Minister with responsibility for Communications

Netherlands :

Ms Tineke NETELENBOS

Minister for Communications and Public Works

Ms Monique DE VRIES

State Secretary for Transport, Communications and Public Works

Austria :

Mr Mathias REICHHOLD

Federal Minister for Transport, Innovation and Technology

Portugal :

Mr José JUNQUEIRO

State Secretary for Maritime and Port Administration

Mr Rui CUNHA

Deputy State Secretary for Transport

Finland :

Mr Kare HALONEN

Deputy Permanent Representative

Sweden :

Ms Gun ERIKSSON

State Secretary for Industry, Employment and Communications

United Kingdom :
Mr John SPELLAR

Minister of State, Department of Transport, Local Government
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* * *

Commission :
Ms Loyola DE PALACIO
Mr Erkki LIIKANEN

Vice-President
Member

TELECOMMUNICATIONS

ELECTRONIC INTERCHANGE OF DATA BETWEEN ADMINISTRATIONS (IDA II)

The Council agreed on a general approach, pending the Opinion of the European Parliament, on the updating of the second phase of the programme, under way since 1999, to promote the establishment and use of trans-European networks for the electronic interchange of data between administrations (IDA). The Council instructed the Presidency to forward this approach informally to the Parliament with a view to reaching an agreement between the co-legislators at the first reading if possible.

The Council's approach concerns two proposals designed to amend:

- Decision No 1719/1999/EC on a series of guidelines, including the identification of projects of common interest, for IDA networks;
- Decision No 1720/1999/EC adopting a series of actions and measures in order to ensure interoperability of and access to IDA networks.

The aim of the programme is to facilitate the interchange of data in order, *inter alia*, to support the implementation of Community policies.

The amendments concern:

- introducing a financial reference for the period 2002-2004, namely EUR 39,8 million for the "guidelines" Decision and EUR 34,2 million for the "interoperability" Decision;
- taking account of new initiatives such as the *e*Europe Action Plan;
- extending the programme to certain non-Community countries;
- adapting the committee procedure to the new rules on the subject (introduced by Decision No 1999/468/EC).

TRANS-EUROPEAN TELECOMMUNICATIONS NETWORKS

The Council agreed on a general approach, pending the Opinion of the European Parliament, on the revision of the guidelines for trans-European telecommunications networks which have been in force since 1997. It instructed the Presidency to forward this approach informally to the Parliament with a view to reaching an agreement between the co-legislators at the first reading if possible.

The amendments, which mainly concern Annex I to Decision No 1336/97/EC, take account of a special report from the Court of Auditors on the implementation of the Decision, plus an external evaluation, technological progress since 1997 and the expertise gained through management of the programme. These amendments concern *inter alia* the trans-European dimension of the projects concerned, the strategic priorities of the eEurope Action Plan, reduction of the number of areas covered by the projects, the deployment of public services and the interconnection and interoperability of the networks.

**ACCESSIBILITY OF PUBLIC WEB SITES – ACCESS FOR PEOPLE WITH
DISABILITIES: Council Resolution**

The Council adopted the following Resolution on the eEurope Action Plan: Accessibility of public web sites and their content:

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the eEurope 2002 Action Plan adopted by the Santa Maria da Feira European Council in June 2000 to enable all citizens to participate in the opportunities provided by the Information Society,

Whereas:

- (1) The Commission, in its communication of 25 September 2001, focused on one of the specific objectives of the eEurope Action Plan 2002: improving access to the web for the 37 million people with disabilities in Europe and for the growing number of older persons, who may be unable to access the information and services offered by the new media.
- (2) The Web Accessibility Initiative by the World Wide Web Consortium has developed a series of guidelines including the Web Content Accessibility Guidelines ¹ (hereinafter referred to as "the Guidelines") which have become a *de facto* standard used world-wide for the creation of accessible web sites.
- (3) The abovementioned Commission communication draws, inter alia, the following conclusions:
 - National administrations should seek constantly to improve the accessibility of their web pages and explore new and better ways to deliver web content and services as new technologies and new versions of the Guidelines are developed.
 - The eEurope web site will present the progress towards adoption and implementation of the Guidelines by the European institutions and the Member States.
 - Measures for awareness-raising, dissemination, education and especially training in web accessibility should be promoted in both the European institutions and the Member States.

¹ <http://www.w3.org/TR/WCAG10/>

- Within the framework of the eEurope Action Plan, Member States should encourage not only national public web sites but also local and regional public web sites to comply with the Guidelines.
 - There should be a major initiative devoted to achieving overall accessibility of both public and private web sites during the year 2003, the European Year of Disabled People.
- (4) The Transport/Telecommunications Council of 15 October 2001 took note of the Commission communication.
 - (5) The Employment and Social Policy Council of 8 October 2001 adopted a Resolution on "e-inclusion – exploiting the opportunities of the Information Society for social inclusion".
 - (6) The conclusions drawn up by the Presidency regarding the results of the informal conference on new technologies and disability, which was held in Madrid on 6 and 7 February 2002, stressed *inter alia* the need for measures to encourage web accessibility in the Union.

Bearing in mind:

- (1) the European objective to integrate everyone, particularly people with disabilities and older people into the information society, as expressed in the eEurope 2002 Action Plan;
- (2) that lack of accessibility to the new communication media is a major obstacle to be removed if progress is to be made towards participation by everyone in the Information Society;
- (3) that there are examples of good practice in some Member States as regards training and support for those responsible for web pages and awareness-raising for information officers and managers, as well as for content creators, regarding the Guidelines and their objectives;
- (4) that, though progress has been made by the Member States regarding the specific eEurope Action of adopting the Guidelines, work should continue on the implementation of those Guidelines in order to achieve the underlying eEurope objective of ensuring that all public web sites are accessible;

- (5) that accessibility to the web is an integral part of public information policy in some countries within and outside the Union and, in such cases, legislation or other policy instruments can provide valuable incentives for web sites to be accessible;
- (6) that technological progress is making it easier to implement the Guidelines and to validate the compliance of web sites with the Guidelines.

Therefore:

- (1) STRESSES the need to increase efforts to speed up accessibility to the web and the content it offers;
- (2) ENCOURAGES the Member States to implement specific and adequately-resourced measures to achieve the underlying objective of the eEurope 2002 Action Plan for accessibility of public web sites at all levels of government;
- (3) INVITES the High Level Group on the Employment and Social Dimension of the Information Society (ESDIS) to monitor progress in the adoption and implementation of the Guidelines and to develop common methodologies and comparable data so as to facilitate the evaluation of progress;
- (4) ENCOURAGES the Member States and the Commission to take account of the need for digital content to be accessible, for example by, when funding development of websites, requiring those websites to implement the Guidelines;
- (5) CALLS on the Member States and the Commission to participate in the European Year of People with Disabilities in 2003 and to improve web accessibility, awareness and training, and on the Commission to submit in the first half of 2004 a report giving an overview of progress made;
- (6) URGES the Member States and the Commission to further develop a permanent dialogue with representative organisations of people with disabilities and organisations representing older persons, so that their reactions to these matters may be taken into account."

eEUROPE 2002 ACTION PLAN

The Council took note of information provided by the Presidency and by the Commission on the follow-up to and implementation of the conclusions of the Barcelona European Council on 15 and 16 March 2002 on the Information Society, and held an exchange of views on the content and priorities of the new eEurope 2005 action plan.

The conclusions of the Barcelona European Council called on:

- the Member States to ensure full implementation of the new telecommunications regulatory package by May 2003, and the European Parliament and the Council to adopt the new Directive on data protection rapidly;
- the Commission to draw up a new eEurope 2005 Action Plan, which would build on the current action plan and would cover the 2002-2005 period, focusing on the widespread availability and use of broadband networks, the development of Internet protocol Ipv6, the security of networks and information, eGovernment, eLearning, eHealth and eBusiness;
- the Member States to ensure that a ratio of fifteen pupils per Internet-connected PC is achieved by the end of 2003;
- the Commission and the Member States to foster the use of open platforms (digital television, third-generation mobile communications (3G) and other platforms) to provide freedom of choice to citizens for access to applications and services of the Information Society, and to sustain their efforts towards the introduction of 3G mobile communications;
- the Commission to present at the Seville European Council an analysis of barriers to the accessibility of new services and applications, the full roll-out of 3G mobile communications and the development of eCommerce and eGovernment.

The Council discussions focused on the following four areas: broadband access infrastructure; a multi-platform approach to maximising accessibility; availability of on-line public services and digital content; network security and Internet protocol Ipv6.

In conclusion, the President asked the Commission to consider the ideas put forward by the delegations, with a view to incorporating them into the draft eEurope 2005 Action Plan to be presented to the Telecommunications Council on 17 and 18 June and then submitted to the Seville European Council on 21 and 22 June.

INTERNATIONAL GOVERNANCE OF THE INTERNET AND REFORM OF ICANN

The Council took note of the information provided by the Commission on recent developments concerning Internet governance and proposals for reform of ICANN, the Internet Corporation for Assigned Names and Numbers, and held a preliminary exchange of views on the broad approach to be taken on this question. The Council called on the Permanent Representatives Committee to follow this issue and to coordinate as necessary the position of Member States.

ICANN is the body which has coordinated the Internet domain name system since 1998. Until then, Internet management had been informally dealt with by different agents which the United States Government had contracted to carry out certain technical functions. ICANN is a non-profitmaking organisation whose agreements with the US Department of Commerce lay down a series of objectives to be fulfilled so that ICANN may progressively take over technical coordination of the Internet domain name system. National governments participate in ICANN through the Government Advisory Committee (GAC), which advises ICANN on matters of interest to governments through non-binding recommendations.

The Memorandum of Understanding between ICANN and the US Department of Commerce, which forms the basis of the current arrangements, is due to expire on 30 September 2002.

On 24 February, ICANN's Chief Executive Officer published a proposal for major changes in the structure of the Board and of supporting organisations, and for direct participation of governments in the appointment of Board members and in the increased funding of ICANN.

It is expected that decisions will be taken during the next ICANN meetings in Bucharest in June and in Shanghai in October. The issue is likely also to be discussed outside of the ICANN structure; it features on the agenda of the EU-US Information Society Dialogue on 11 April.

OTHER BUSINESS

– *Illegal and harmful content on global networks*

The Council took note of the Commission's presentation of its proposal to extend for a further two years the 1999-2002 action plan on safer use of the Internet and on combating illegal and harmful content on global networks (amendment of Decision No 276/99/EC), and of its communication on the matter.

TRANSPORT

PROGRESS REPORT ON A SERIES OF PROPOSALS

- *Market access for port services*
- *Improving the environmental performance of freight transport*
- *Guidelines for the development of the trans-European transport network*
- *Compensation to air passengers in the event of denied boarding and of cancellation or long delay of flights*
- *Allocation of slots at airports*
- *Public transport services*
- *Social legislation relating to road transport*

The Council was informed of the progress made on a series of legislative proposals and took note of delegations' comments on the subject. It instructed the Permanent Representatives Committee to carry forward the work on those dossiers so that it could take decisions at its meeting on 17 and 18 June 2002.

Market access for port services

This proposal for a Directive aims to establish a Community framework for the free provision of port services, while taking account of the specific characteristics of the port sector. An initial examination of the dossier identified a number of problems, including the scope (size of ports, their private or public status), the status of vertically integrated ports and the concept of self-handling and related employment issues.

Improving the environmental performance of freight transport

(Marco Polo programme)

This proposal for a Regulation aims to establish a Community financing instrument to encourage the transfer of road freight to short-sea shipping, inland waterway or rail or a combination of modes of transport. It follows the PACT programme (pilot actions for combined transport) which ended in December 2001. Work is progressing on this very recent proposal, which has been broadly welcomed by delegations.

Guidelines for the development of the trans-European transport network

This amendment of Decision 1692/96/EC constitutes the first step in a process of revision intended to update the current guidelines. Covering a transitional period up to 2004, it takes the guidelines set out in the Commission's White Paper "European Transport Policy for 2010: time to decide". The next stage will be to define new plans for the 2020-2025 horizon, to take account of the Union's changing political priorities, following enlargement, among other things.

Compensation to air passengers in the event of denied boarding and of cancellation or long delay of flights

This proposal for a Regulation is intended to increase the amount of compensation paid in the event of denied boarding, and in particular to reduce the number of cases creating entitlement to compensation. The main issues requiring detailed examination relate to the level of compensation, the effect of the proposal on competition with third-country air carriers, the risks of overlapping with package-tour legislation or carriers' voluntary commitments, and the question of whether charter flights should be included.

Allocation of slots at airports

This proposal for a Regulation is intended to make technical adjustments to Regulation No 95/93/EC, pending a future comprehensive overhaul of the system for allocating slots. The relevant Council bodies have conducted a preliminary examination of the text, during which a number of questions for further discussion were identified.

Public service obligations

This proposal for a Regulation aims to establish a Community framework for the award of contracts for public transport services, in order to improve the situation in the field. It is intended to increase the efficiency, attractiveness and quality of public transport by introducing controlled competition and other measures. The Commission submitted an amended proposal last February further to the European Parliament's Opinion at first reading, taking account also of the comments and opinions on the original proposal made by the delegations in Council bodies.

Social legislation relating to road transport

This proposal is intended to clarify, simplify and update Regulation No 3820/85 and in particular the rules on the driving times and rest periods that road transport drivers must observe. It also aims to offer a solid technical basis for the efficient and uniform use of the new digital tachograph.

MARITIME TRANSPORT– *Committee on Safe Seas (COSS)*

The Council reached political agreement on the two proposals, for a Regulation and a Directive, to simplify the committee procedures relating to maritime safety and the prevention of pollution from ships, and to accelerate the integration into Community legislation of the amendments to the international rules on the subject. A common position will be adopted without discussion at a forthcoming Council meeting, after finalisation of the text, and forwarded to the European Parliament for a second reading under the codecision procedure.

The proposals amend several Regulations and Directives in order to:

- simplify the procedures by replacing the diverse committees assisting the Commission by a single committee, the Committee on Safe Seas and the Prevention of Pollution by Ships (COSS, the Committee on Safe Seas), which will take over all the tasks previously carried out by existing committees;
- provide for the automatic incorporation of amendments to international rules into Community legislation, subject to a safeguard mechanism. That safeguard mechanism would be activated on the initiative of the Commission or at the request of a Member State, if the amendment is deemed to be incompatible with Community law or if it might lower the level of maritime safety standards in the Community.

HORIZONTAL QUESTIONS– ***GALILEO***

The Council adopted conclusions concerning the implementation of the satellite navigation programme GALILEO. In particular the conclusions include a political agreement on the release of EUR 450 million from the Community budget to finance the development phase of the project. In the same context, the Council achieved political agreement on the draft Regulation on the establishment of the GALILEO Joint Undertaking, based in Brussels, which will be responsible for managing the development phase of GALILEO. After technical finalisation of the text of the Regulation, it will be adopted formally without discussion at a future Council meeting.

The EUR 450 million approved by the Council – to be released in accordance with the budgetary procedures for trans-European networks (TEN) – are in addition to the EUR 100 million already committed by the Community budget and the EUR 550 million approved by the European Space Agency for financing the development phase of GALILEO. In addition, the Council agreed to allow private enterprise capital to participate, subject to certain strict conditions, and solely at the end of the tendering procedure launched by the Joint Undertaking.

The purpose of GALILEO – to which the Council has frequently given a political impetus, most recently at Barcelona – is to set up a European satellite navigation system by providing uniform services, including for northern latitudes, by means of satellites in medium orbit. The programme is organised in four distinct phases: the design phase, completed at the end of 2000; the development phase, which will continue until 2005; the deployment phase until 2007; and the operational phase beginning in 2008.

The Council's conclusions are reproduced below:

"Having regard to

1. previous Conclusions and Resolutions of the European Council and of relevant Council formations regarding the GALILEO programme;
2. the fact that the financing of the development phase is already provisionally provided for in the financial programme regarding Trans European Networks ("TEN"), for an amount of EUR 550 million, of which the Council has already authorised the use of EUR 100 million in 2001;
3. the proposal for a Council Regulation on the establishment of the GALILEO Joint Undertaking, presented by the Commission on 20 June 2001;
4. the Commission annual progress report on the GALILEO programme, presented by the Commission on 5 December 2001;
5. the coverage of the public sector funding for the deployment and operational phases of the programme only by the Community budget, without exceeding the applicable budget lines and without placing a burden on national budgets,

The Council agrees:

1. to launch the development phase of the GALILEO project and, therefore, on the proposal for a Council Regulation on the establishment of the GALILEO Joint Undertaking, requesting the Commission to set up the Joint Undertaking without delay in cooperation with the European Space Agency, in accordance with that Regulation;
2. that GALILEO is a civil programme under civil control;
3. to the release, subject to the appropriation procedures provided for under TEN, of EUR 450 millions for the financing of the development phase and the allocation of these resources to the GALILEO Joint Undertaking;
4. that Member States will not be requested to make direct financial contributions of their own national resources to the GALILEO programme ; any further public sector funding of GALILEO, in any of its phases, should be met by redeployment under the appropriate ceilings of the Financial Perspectives in force at that time;

5. that at the end of 2003, the Commission informs the Council on the results of the tendering procedure launched by the Joint Undertaking. Thus, the necessary decisions will be taken by the Council on the deployment and operational phases, including on the maximum available Community funds for these phases, in order to guarantee the continued sound financial management of the GALILEO programme;
6. to follow the low-cost scenario proposed in recent studies to keep the public sector funding at the lowest level throughout successive phases of the programme, and, for the deployment phase, to work to secure a cost-share of at most 1/3 for the Community budget and at least 2/3 for the private sector;
7. to request the Joint Undertaking to take as a first guideline the mission requirements of GALILEO, as laid down in the Council Resolution on GALILEO of 5 April 2001 or later set up in line therewith;
8. that GALILEO should be interoperable with existing satellite navigation systems; it should in particular be interoperable with GPS and its successor systems through an EU-US agreement that should be negotiated as soon as possible;
9. to request Member States and the Commission to verify that all participants to the GALILEO programme who have to deal with classified information, both natural and legal persons, will be subject to rules similar to those contained in Council Decision of 19 March 2001 adopting the Council's security regulations (2001/264/EC);
10. to set up in 2002 a Security Board composed of representatives of the Member States;
11. that the Joint Undertaking, in close collaboration with all interested parties including the EOIG¹, prepares a detailed proposal regarding the optimal integration of EGNOS into the GALILEO programme (covering the technical, operational, financial and institutional aspects), and presents an action plan for decision by the Council as soon as possible, and in any event not later than the end of 2003."

¹ EGNOS Operators and Infrastructure Group.

– *Euro-Mediterranean cooperation in the field of transport – Council conclusions*

The Council adopted the conclusions reproduced below on Euro-Mediterranean cooperation in the field of transport. These conclusions constitute the Transport Council's contribution to the relaunch of the Barcelona process, which will be discussed in Valencia on 22 and 23 April by the Foreign Affairs Ministers of the EU Member States and those of the Mediterranean partner States.

"The Council,

considering the conclusions of the Fourth Euro-Mediterranean Conference of Foreign Ministers (Marseilles, 16 November 2000), and in particular the Ministers' interest in the effective implementation of the existing regional programmes in the six priority areas for economic and commercial cooperation (including transport),

considering Council Regulation No 2698/2000 of 27 November 2000 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership and, in particular, the objectives and procedures for support measures for regional, sub-regional and cross-border cooperation,

considering the Communication from the Commission to the Council and the European Parliament entitled "Enhancing Euro-Mediterranean cooperation on transport and energy" of March 2001, in which the European Commission proposes four areas of regional cooperation in the field of transport, namely (i) support for the reform of the transport sector in the Mediterranean Partners; (ii) definition and promotion of a multimodal trans-Mediterranean transport network; (iii) sea and air transport; (iv) the global navigation satellite system,

considering the Regional Strategy Paper (2002–2006) and the Regional Indicative Programme (2002–2004) adopted by the European Commission in December 2001, the principal objectives of which relate in the transport sector to maritime safety, maritime and port organisation and satellite navigation,

considering the Communication from the Commission to the Council and to the European Parliament, adopted in February 2002, to prepare the meeting of Euro-Mediterranean Foreign Ministers in Valencia on 22 and 23 April 2002, in which the Commission reaffirms the importance of the development of transport infrastructures and interconnections and also lays stress on two specific measures to be promoted in the existing regulatory and financial framework under the MEDA programme concerning, on the one hand, maritime safety and, on the other, air navigation,

considering the discussions which took place at the first and second Euro-Mediterranean Transport Forum (held in March 1999 and November 2000 respectively) and the conclusions of its four working groups dealing with maritime transport, satellite navigation, network and infrastructure and research,

WELCOMES:

- the significant progress achieved in Euro-Mediterranean cooperation in the transport sector since the 2nd Euro-Mediterranean Transport Forum in November 2000,
- the adoption, in the framework of the MEDA 2001 Annual Financing Plan, of the first Euromed Transport Project with an allocation of EUR 20 million as a contribution to the reform of the regulatory framework for the transport sector and to the definition and promotion of a regional infrastructure network,
- the work currently undertaken in the framework of the Programmes MEDSTAT – one of its sub-programmes being specifically aimed at the harmonisation and collection of statistical data on transport in the Mediterranean Partners – and PPMI (Private Participation in Mediterranean Infrastructure) – focusing on the need for reform of the transport sector in the Mediterranean Partners – which MEDA finances,
- the inclusion for the first time, in the Vth Community Research Framework Programme in 2001, of a call for proposals of Euro-Mediterranean interest as an integral part of the specific programme "Consolidation of the international role of Community research",

- the efforts made in the framework of the Group of Transport Ministers for the Western Mediterranean (GTMO) to advance the Euro-Mediterranean Partnership in the transport sector in the Western Mediterranean region,
- the efforts undertaken in the framework of the Ionian/Adriatic initiative to advance the Euro-Mediterranean Partnership in the transport sector in the Central and Eastern Mediterranean region,

INVITES THE EUROPEAN COMMISSION TO:

- consolidate the Euro-Mediterranean Transport Forum as an effective framework for debating and adopting regional cooperation priorities in the area of transport and for evaluating the results,
- present to the Mediterranean Partners and the Member States of the European Union concrete results regarding Euro-Mediterranean cooperation as soon as possible,
- to this end take all possible steps for a rapid start to the Euromed Transport project which aims to support, in parallel and in a complementary manner, the reform of the transport sector in the Mediterranean Partners and the promotion of a Euro-Mediterranean infrastructure network designed to encourage multimodal transport and especially short sea shipping with a North-South dimension (connection with the Trans-European Transport Networks) but also a South-South dimension,
- encourage reflection, in the framework of the Euromed Transport Forum and its working groups, on other future MEDA regional projects in the transport sector, particularly maritime security/safety and satellite navigation (EGNOS and Galileo); in the field of maritime safety the cooperation will in particular aim at extending the coverage of the Community vessel traffic monitoring and information system to the Mediterranean area, as well as at a coordinated application, in the Mediterranean Sea, of the right to deny entry to ports of certain categories of oil tankers in accordance with the relevant international provisions,
- encourage and collaborate with existing or possible future structures for sub-regional cooperation in the transport sector in order to make Euro-Mediterranean cooperation more dynamic,
- ensure that the VIth Community Framework Programme takes into account the priorities of Euro-Mediterranean cooperation in the transport sector as regards technological research and development and enables participation in it by the Mediterranean Partners."

– *White Paper on European transport policy for 2010*

After lunch, the Ministers held a policy debate on the White Paper "European Transport policy for 2010: time to decide" based on various points raised by the Presidency.

The White Paper lists the main challenges facing the Community in the transport field, namely congestion of practically all modes of transport, a sharp increase in the volume of transport in coming years and the need to integrate transport into the framework of sustainable development, having regard in particular to the commitments taken on under the Kyoto Protocol. The Commission has announced around sixty legislative proposals in the White Paper covering a range of topics, as well as voluntary actions to be coordinated at Community level.

AVIATION

– *Noise in airports*

The Council adopted the Directive on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports, as amended by the European Parliament at first reading (3614/02).

The Belgian delegation abstained and submitted its explanation of abstention to the Council.

The Member States agreed to endeavour to transpose the Directive into their national laws at the earliest opportunity, if possible before the 18 months from entry into force laid down in the Directive.

It should be recalled that, following the agreement reached at the Assembly of the International Civil Aviation Authority (ICAO) in Montreal last September, the Commission submitted a proposal for a Directive to introduce principles and rules on how to address the noise issue, in conjunction with operating restrictions for the noisiest aircraft, around Community airports. This Directive replaces Council Regulation (EC) No 925/1999 (the "Hushkit" Regulation), with a view to ending the dispute between the United States and the Community.

– *Single European Sky*

The Council had a policy debate on several key issues for the achievement of a Single European Sky. It instructed the Permanent Representatives Committee to continue examining the Commission's proposals in the light of the debate with a view to enabling the Council to make significant progress on the dossier at its meeting in June.

The Ministers spoke in particular on taking account of the military dimension, organising the provision of services, creating functional airspace blocks in the light of users' operational needs, and the role to be assigned to Eurocontrol in developing the regulatory framework. Sufficient guidelines emerged from the debate to enable proceedings to continue, although it was recognised that the questions raised by the proposals were technically complex and politically sensitive.

It should be recalled that on a number of occasions, most recently at Barcelona, the European Council has considered this dossier and expressed its wish to see the Single European Sky achieved by 2004. The four proposals for Regulations are the result of discussions within a High-level Working Party chaired by Vice-President DE PALACIO, and address a need long expressed by the Council for an initiative to tackle the problems of air-traffic congestion and aircraft delays.

– *Question of insurance following the terrorist attacks of 11 September 2001*

The Council took note of recent developments concerning the question of air-carrier insurance, as well as the guidelines which the Commission proposes to follow in the context of its responsibilities for monitoring State aid.

In view of the decision by the Government of the United States to extend its risk-cover guarantee for a further sixty days, the Commission announced its intention of continuing to authorise the aid notified to it by Member States on the existing terms and for the same period as that envisaged by the United States. The Commission also set out its favourable position on the establishment of a mutual insurance system.

The Council confirmed the commitment of its Transport Ministers to cooperating to ensure a return to normality in the insurance market.

LAND TRANSPORT

– *Alpine transit*

The Council held a frank and open discussion on the various problems related to crossing the Alps, which affect a number of Member States. It instructed the Permanent Representatives Committee to continue work on the two Commission proposals on ecopoints. On the basis of that scrutiny, the Council hoped to be in a position to take a decision at its June meeting.

– *Rail transport statistics*

The Council examined the remaining outstanding questions concerning the draft Regulation on rail transport statistics, regarding the conditions under which Eurostat can disseminate statistical data reported by the Member States. It instructed the Permanent Representatives Committee to press on with the work with a view to reaching a political agreement at one of its forthcoming meetings.

The proposal is designed to lay down common rules and detailed specifications for rail transport statistics, replacing Directive 80/1177/EEC, which covers the carriage of goods by rail, as part of regional statistics. Reliable, comprehensive and harmonised Community statistics on rail transport are needed to monitor and analyse developments in the rail industry and prepare for future action such as that planned in the second "rail package". These statistics may also make a significant contribution to rail safety.

– *Second "rail package"*

The Council held a policy debate on the second package of legislative proposals designed to establish an integrated European railway area. At the close of its debate, it instructed the Permanent Representatives Committee to continue working on the issue, in the light of Ministers' comments.

The proposals on safety and interoperability were, on the whole, favourably received by delegations. Likewise, most delegations took a favourable view of the proposal establishing a European Railway Agency and the Recommendation for Community accession to the Convention concerning International Carriage by Rail (COTIF). However, differences of opinion emerged regarding the proposal on the development of the Community's railways, which includes the issue of access to national rail freight markets.

There are three proposals for Directives on the table: on safety on the Community's railways, on the interoperability of the trans-European rail system and on the development of the Community's railways; there is also a proposal for a Regulation establishing a European Railway Agency.

Together with the Recommendation for a Council Decision authorising the Commission to negotiate Community accession to COTIF and the Commission communication "Towards an integrated European railway area", these proposals constitute the second rail package.

The Stockholm and Göteborg European Councils made further reform of the railways, the subject of this second package of measures, a priority objective. The conclusions of the Lisbon European Council in June 2000 also advocated speeding up the liberalisation of economic sectors such as transport.

OTHER BUSINESS– *Land transport: rail freight through the Channel tunnel*

The Council was briefed by the Commission on the problems affecting rail freight through the Channel tunnel, as a result of measures to deal with the problem caused by the influx of illegal immigrants. It also noted information from the French and United Kingdom delegations on the measures taken to ensure security when normal traffic resumed.

– *External aviation relations*

The Council was briefed by Vice-President DE PALACIO, who took stock of recent developments on

- contacts with Russia on the withdrawal of noisy aircraft, Chapter 2;
- the new proposal to combat unfair competitive practices by third-country airlines in receipt of State aid;
- the prospect of a Court judgment on the bilateral "open skies" agreements which some Member States had concluded with the United States.

On this last point, the Council also took note of a statement by the Irish delegation to the effect that this was a highly sensitive political issue as far as Ireland was concerned.

– *Driving licences – medical selection criteria*

The Council took note of concerns raised by the Belgian delegation regarding Directive 91/439/EEC, in that it did not provide for the preservation of rights acquired under systems which imposed less stringent medical requirements for the issue or renewal of a driving licence. Member States were therefore increasingly encountering difficulties with the renewal of driving licences for some categories of professional drivers who no longer met the standards required, particularly as regards eyesight.

– *Road safety: rear-view mirrors*

The Council took note of a statement by the Netherlands delegation, which was supported by a number of delegations, on the amendment to Directive 71/127/EEC (the "type-approval" Directive on the rear-view mirrors of motor vehicles) recently proposed by the Commission with the aim of improving road safety. The amendment was designed to increase the field of vision to the side and rear of lorries and vans and thus to reduce their "blind spot". The Netherlands delegation was concerned that the new Directive should also be compulsory for existing vehicles, and called on the Commission to submit a proposal to that end.

ITEMS APPROVED WITHOUT DEBATE

The documents whose references are given 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 may be obtained by following the procedure indicated above or from the Press Office.

TELECOMMUNICATIONS

".eu" Top Level Domain

The Council adopted the Regulation, as amended by the European Parliament at second reading, on the implementation of the ".eu" Top Level Domain. The Regulation is set out in 3613/02.

TRANSPORT

Slots at Community airports

The Council adopted its Common Position with a view to amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports (6661/02). The Common Position will be sent to the European Parliament for a second reading under the codecision procedure.

The proposal follows on from the events of 11 September 2001 and aims to allow air carriers to maintain, for the summer season 2002 and the winter season 2002-2003, the slots allocated to them on the date of 11 September 2001.

ENVIRONMENT

Emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

The Council adopted its Common Position with a view to amending Directive 97/68/EC on measures to reduce the levels of emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery. (5198/02)

The objective of the proposal is to extend the scope of the current Directive to cover small spark-ignition engines also. It thus aims to contribute to achieving ambient-air quality targets especially concerning formation of ozone.

EXTERNAL RELATIONS**Relations with Jordan**

The Council adopted a Decision on the conclusion of the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and Jordan, of the other part. (6100/02)

Relations with associated CCEE – Fiscalis programme

The Council agreed to the EU-Czech Republic Association Council adopting a Decision on the terms and conditions for participation of the Czech Republic in the Community's Fiscalis programme of action which aims to ameliorate the indirect taxation system of the internal market.

Relations with ACP States – Consultation with Liberia

The Council adopted a Decision on the closing of consultations with Liberia under Articles 96 and 97 of the Cotonou Agreement, and approved the text of a letter to be sent to the Minister for Foreign Affairs of Liberia informing him of the Decision. (6885/02)

ECOFIN**Differentiated rates of excise duty**

The Council, in accordance with Article 8(4) of Directive 92/81/EEC, adopted Decisions authorising

- the Netherlands to apply a differentiated rate of excise duty, from 1 October 2002 to 31 December 2004, to low-sulphur (50 ppm) petrol, subject to a maximum reduction of EUR 0,0136 per litre of fuel; (5820/02)
- Denmark to apply a differentiated rate of excise duty, from 1 February 2002 to 31 January 2008, to heavy fuel oil and heating oil used by certain firms, subject to a maximum reduction of EUR 0,0095 per kg on heavy fuel oil and EUR 0,008 per litre on heating oil; (5821/02)
- Italy to apply a differentiated rate of excise duty on mixtures used as motor fuels containing 5% or 25% of biodiesel until 30 June 2004. The reduction in excise duty may not be greater than the amount of excise duty payable on the volume of biofuels present in the products eligible for the reduction; (5822/1/02)

- France to apply a differentiated rate of excise duty to biofuels (blends used as fuel: "petrol/ethyl alcohol derivatives whose alcohol component is of agricultural origin" and "diesel/vegetable oil esters"). The French authorities must issue the necessary permits to the biofuel production units concerned by 31 December 2003 at the latest. The authorisations will be valid for a maximum of six years from the date of issue. (5823/1/02)

JUSTICE AND HOME AFFAIRS

Hague Conference

The Council adopted a negotiating mandate for a worldwide Convention on jurisdiction and foreign judgements in civil and commercial matters, in the framework of the Hague Conference.

Terrorist activity in the EU: situation and trends

The Council approved, sent to the European Parliament and made public a document on the situation and trends of terrorism in Europe covering the period September 2000 to September 2001. (5759/02)

TRADE AND CUSTOMS QUESTIONS

Outermost regions

The Council adopted a Regulation extending for one year, until 31 December 2002, the scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French departments of Guiana and Réunion as a result of those regions' remoteness. This extension will make it possible to ensure the continuity of the legal framework of the scheme to compensate for additional costs. As part of the debate on the future of the common fisheries policy, a detailed evaluation report will be submitted by the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of the measures provided for under this scheme, together, if appropriate, with a new proposal. (13303/01)

Canary Islands

The Council adopted a Regulation temporarily suspending Common Customs Tariff duties on imports of certain industrial products into the Canary Islands. This measure aims to improve the competitiveness of the industrial sector in that region by enabling investors and economic operators to reach a level of industrial and commercial activity that makes it worthwhile for cargo transport companies to offer better services at reasonable prices. The Regulation also provides for Community tariff quotas on imports of certain fishery products into the Canary Islands to compensate for the additional costs entailed by their exceptional geographical situation. (6756/02)

FISHERIES

EC/Gabonese Republic fisheries protocol

The Council adopted a Regulation on the Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Gabonese Republic. (5214/02)

The Regulation sets out the fishing opportunities for Member States off the coast of Gabon for the four years from 3 December 2001 to 2 December 2005; the Member States directly concerned are France, Spain, Portugal and Greece. The overall financial contribution is set at EUR 1 262 500 per year, most of it intended to finance scientific and technical programmes to promote better understanding of the fisheries and living resources of the Gabonese Exclusive Economic Zone (EEZ) and a programme for the protection and surveillance of fishing zones.

AGRICULTURE

Tobacco *

The Council adopted by a qualified majority, with the Danish and Swedish delegations voting against and the United Kingdom delegation abstaining, a Council Regulation fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 2002, 2003 and 2004 harvests concerning the tobacco sector. At its meeting on 18 March 2002 the Agriculture Council reached political agreement on the basis of a Presidency compromise endorsed by the Commission. (7099/02 and 7368/02)