



Brussels, 8 December 2004

**DRAFT**

**BACKGROUND <sup>1</sup>**

***TRANSPORT, TELECOMMUNICATIONS AND ENERGY COUNCIL***

**9–10 December 2004**

*The session of the Council will take place on Thursday and Friday, 9 (10h00) and 10 December 2004 (10h00), in the Justus Lipsius Building, Brussels, under the Presidency of Mr Laurens Jan BRINKHORST, Minister for Economic Affairs, and Ms Karla PEIJS, Minister of Transport, Public Works and Water Management, of the Netherlands.*

*On Thursday morning, the Council will deal with Telecom issues. Firstly it will agree on a modified text of the Community programme "**Safer Internet plus**", then it will be called to adopt a conclusions on fight against **spam** and preparations underway concerning the **World Summit of Information Society**. The Council will discuss on the future of **Information and Communication technologies** with a view to adopt a resolution.*

*Maritime items will be taken on Thursday afternoon. The Council is due to agree on implementation of **international safety rules for ships** in the Community and on Community rules for facilitating **recognition of seafarers certificates**. The Council will attempt to adopt conclusions on damage caused by **oil pollution from ships**.*

*On Friday, the Council is expected to agree on **certification of train drivers** through the Community and adopt conclusions on **road safety**. Then it will deal with issues regarding the deployment and operational phases of the **Global Navigation Satellite System** programmes.*

*In the field of aviation, the Council will be called on to agree on the creation of a **Community air traffic controller licence**, harmonised rules for **cabin crew** and two draft mandates authorising the Commission to open negotiations with **Morocco** and the **Western Balkans countries** for an aviation agreement.*

*A press conference will be held by the Presidency at the end of each session. The press conference on Telecom issues will take place on Thursday 9 around 13h00. An intermediate press conference may take place on Friday at 12.30.*

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<sup>1</sup> This note has been drawn up under the sole responsibility of the Press Service.

Events to be held in the margins of the Council:

Friday, 10 December 2004 :

- 09.00 Signature of a Memorandum of Understanding between the Netherlands and the Czech Republic concerning road safety measures
- 09.15 Signature of a Memorandum of Understanding between Belgium, France, Luxembourg and the Netherlands concerning a rail corridor between Rotterdam and Lyon

**TELECOMMUNICATIONS**

➤ **SAFER INTERNET PLUS (public deliberation)**

The Council is expected to reach a political agreement on a Proposal for a Decision establishing a multiannual Community programme on promoting safer use of the Internet and new on line technologies for the period 2005-2008 (Safer Internet Plus).

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

The current Safer Internet Programme 1999 – 2004 expires on 31 December 2004. This Programme has set up a European network of hotlines, encouraged self-regulation and codes of conduct, supported development of filtering and rating systems and stimulated awareness actions.

At this stage, there is agreement within the Council on the compromise text put forward by the Presidency. The compromise text has been subject of informal negotiations between the European Parliament<sup>2</sup>, the Council and the Commission with a view to a first reading compromise agreement.

As regards the financial provisions, the compromise text provides for an amount of € 45 million. The Commission proposes € 50 million. Another provision sets at € 20,050 million the financial contribution for the period until 31 December 2006. An indicative breakdown of expenditure contains the following:

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

<sup>2</sup> The vote in the Plenary took place on 2 December 2004.

Legal basis: Article 153 (2) of the Treaty (codecision with the European Parliament and qualified majority required within the Council)

### ➤ **FIGHT AGAINST SPAM**

The Council will adopt draft conclusions on the issue of "spam".

The Dutch Presidency considers the issue of "spam" as a priority issue in the Internet security field. In this context, it submitted to delegations a paper for the preparation of Council conclusions. This paper acknowledged the actions undertaken in 2004 and expressed the views of the Presidency on the ways to come to concrete results in the fight against "spam" by stressing the need for short term actions.

The draft conclusions underlines the evolving nature of "spam" and the increasing threats it poses to society. Therefore the Council will be called upon to invite the Commission to:

- evaluate whether differences in the national laws on privacy and electronic communications, including those implementing Directives Nos 2002/58/EC<sup>3</sup> and 95/46/EC<sup>4</sup> might represent an obstacle to effective cross-border enforcement;
- continue the existing initiatives aimed at improving cooperation on enforcement, information exchange and consumer protection at the intra-EU level, including the informal Contact Network of Spam Authorities;
- consider whether forthcoming Community funding Programmes<sup>5</sup> might be used to consolidate progress on technical and other solutions aimed at countering the diffusion of "spam";
- take an active role, in cooperation with the Member States, in further developing international cooperation with third countries.

### ➤ **ICT PROSPECTS BEYOND 2005**

Upon the initiative of the Dutch Presidency, the Council will hold an exchange of views on the future of Information and Communication Technologies (ICT) policy issues and it is expected to adopt a resolution as a contribution to the preparation of the mid-term review of the Lisbon strategy which will be carried out by the Spring European Council of March.

At the beginning of the Netherlands Presidency the strategic debate on the future of ICT-policy issues was started with the PricewaterhouseCoopers report "Ten ICT-breakthroughs for reaching Lisbon goals'. End of September, the results of this report were discussed in Amsterdam at the High-Level conference 'Looking to the future of ICT'. Following the discussion at the European Council 4-5 November on the report on the Lisbon strategy by the High Level Group chaired by Wim Kok, the Presidency took the initiative of preparing a discussion among Ministers in charge of

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<sup>3</sup> OJ L 201, 31.7.2002, p. 37.

<sup>4</sup> OJ L 281, 23.11.1995, p. 31.

Telecom matters in order to re-think and revitalize the Lisbon agenda and especially the European ICT agenda. Moreover the Commission has recently presented a Communication "Challenges for European Information Society beyond 2005".

The debate will take place at a moment where Europe seems enter a new phase in the integration of ICT in economy and society. From the period of roll out and installation of ICT-infrastructure and applications Europe is moving towards a period of deployment where the user is the key point. Therefore, the strategic discussion and the resolution to be adopted by the Council would aim at serving as food for thought for the Commission, who should be transmitting a new proposal for the follow-up of the current eEurope 2005 Action Plan next year.

In particular, the draft resolution recognises the importance of the ICT in both economic and social aspects of modern societies. It also acknowledges the important role of an excellent ICT sector as a contributor to sustainable growth and productivity. In addition, the draft resolution considers a list of issues relevant for comprehensive and holistic ICT policies such as ICT for citizens and ICT skills, ICT for public services, content and development of products and services, developments of networks and trust and security.

### ➤ **WORLD SUMMIT ON INFORMATION SOCIETY (WSIS)**

The Council is called to adopt the draft conclusions on "Translating the Geneva Principles into Action and Preparing for the Tunis Phase". These conclusions address on the one hand the implementation of the commitments undertaken in Geneva, and on the other, examine the EU approach on Internet Governance, further to the Guidelines on Internet Governance adopted on 13 October 2004. In addition, Ministers are invited to complement the positions outlined in the conclusions through an exchange of views.

The first phase of the WSIS at Head of State or Government level, was held in Geneva in December 2003 following a lengthy preparatory process and adopted a Declaration of Principle and a Plan of Action. The second phase of the Summit is scheduled to take place in Tunisia on 16-18 November 2005. Preparations for the second phase of WSIS, the so called Tunis phase, are underway. The first preparatory meeting of the Tunis phase took place at Hammamet, June 2004 and confirmed that discussions would focus essentially on the implementation of the Geneva Plan of Action, and on the two open questions from the first phase, namely Internet Governance and Financing.

After the Hammamet preparatory meeting, the Commission presented a Communication, "Towards a Global Partnership in the Information Society: Translating the Geneva Principles into Actions," containing the Commission's proposals for the second phase of WSIS.

Based on this Communication and in view of the second preparatory meeting scheduled for 17-24 February 2005, in Geneva, and the ongoing discussions on the issue of Internet Governance, the Presidency has proposed draft Council conclusions and the following questions on the key issues of the WSIS process:

1. Taking into account the Geneva commitments and in particular the Plan of Action, what are in your view the main political issues for the EU during the second phase of WSIS?
2. What are in your view the most significant public policy issues regarding the governance of the Internet? What outcome would you like to see from the Working Group of Internet Governance (WGIG) established by the UN Secretary General?

## Other business

Under other business, the Council will be informed by Commissioner Viviane Reding on the Report on the implementation of the EU electronic communications regulatory package in 2004 adopted on 6 December.

## **TRANSPORT**

### **SEA TRANSPORT**

#### ➤ **SHIP SAFETY (public deliberation)**

The Council is expected to reach political agreement on a draft Regulation on the implementation of the International Safety Management Code (ISM Code) within the Community.

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

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

As the text stands now, this proposal will apply to all cargo and passenger ships flying the flag of a Member State, engaged on international and domestic voyages, and to all ships falling under the scope of the SOLAS<sup>6</sup> Convention exclusively engaged on domestic voyages or operating to or from ports of Member States on a regular shipping service, with the exception of passenger ships operating less than 5 miles from the coastline. Any company operating one or more of the above mentioned ships will have to comply with the Regulation.

Member States should ensure that all companies operating ships falling within the scope of this Regulation comply with its provisions. For that purpose, Member States will be obliged to apply the provisions on certification and standards which lay down rules for the certification process, standard of management, standards of competence and the form of document of compliance and safety management certificate.

The Document of Compliance will remain valid for up to five years from the date of its issue and the same validity period is agreed for the Safety Management Certificate. The Regulation also provides for the recognition of those documents by other Member States or when they have been issued by third countries.

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<sup>6</sup> International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention) of the International Maritime Organisation (IMO)

Legal basis: Article 80 (2) of the Treaty (codecision with the European Parliament and qualified majority within the Council)

### ➤ SEAFARERS' CERTIFICATES

Pending the European Parliament opinion at first reading, the Council is expected to agree on a general approach on a proposal for a Directive on the recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC, which lays down rules for minimum level of training for seafarers.

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

Under existing Community legislation<sup>7</sup> the procedure for recognising such certificates is considered more demanding than the one prescribed by the STCW Convention, thus putting seafarers qualified in a Member State at a disadvantage in relation to seafarers holding certificates issued outside the Union. This proposal aims to correct this imbalance.

In addition, measures are proposed to ensure stricter compliance with existing training and certification requirements, in order to combat the rise in fraudulent practices associated with certification processes and thus contribute to enhancing safety at sea.

Legal basis: Article 80 (2) of the Treaty (codecision with the European Parliament and qualified majority within the Council)

### ➤ PORT SERVICES

The Council will hear the presentation by Commission Vice-President Jacques Barrot of a proposal for a Directive on market access to port services.

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

The proposal led to an extensive debate, however, on 20 November 2003, after almost three years of inter-institutional legislative process, at the end of the Conciliation procedure, the European Parliament in Plenary Session rejected the compromise text by 229 votes against, 209 in favour and 16 abstentions.

The new Commission's proposal is based both on its original 2001 proposal and the 2002 amended proposal, as well as numerous amendments brought forward by the European Parliament's two Readings, the Council's Common Position and Conciliation texts. Its objectives are to ensure the

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<sup>7</sup> Directive 2001/25/CE on the minimum level of training of seafarers, and Directives 89/48/EEC and 92/51/EEC on the general systems for the recognition of professional education and training.

freedom to provide port services in sea ports by Community providers of port services under the provisions set out in the proposal. As laid down by Article 1, "Freedom to provide port services may be subject to a port's or port system's constraints relating to available space or capacity, maritime-traffic-related safety, security or the development policy of the port in compliance, with requirements in respect of safety, environmental protection and public service obligations. Services relating to waterway access to and from the port or port system may equally be subject to specific safety constraints.

Providers of port services, and self handlers, shall have non discriminatory access to port infrastructure that is generally accessible, to the extent necessary for them to carry out their activities."

## ➤ OIL POLLUTION

The Council will attempt to adopt conclusions on liability and compensation for damage resulting from oil pollution at sea.

The draft conclusions have been prepared as a follow-up of former conclusions on maritime safety, most particularly those adopted in the aftermath of the Prestige accident both by the Transport, Telecommunications and Energy Council and the European Council. In particular the European Council March 2003 called for " increasing liability of maritime transport operators through the amendment of the relevant provisions of the Convention on Civil Liability".

The draft conclusions stress, in the interest of the victims, the need of ensuring appropriate compensation for damage caused by oil pollution from ships.

## LAND TRANSPORT

### ➤ TRAIN DRIVERS CERTIFICATION

The Council will attempt to agree on a general approach on a draft Directive on the certification of train crews operating locomotives and trains on the Community's rail network (Third Railway Package). This proposal will facilitate the interoperability of train drivers and it should eventually make it easier to certify railway undertakings while maintaining a high level of safety and guaranteeing conditions for free movement of workers in the railway sector.

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

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

A general license pertaining to general skills and knowledge essential to the profession and the certificate - which is complementary to the license - reflects the particular requirements of the service for which the driver is authorised (a particular infrastructure or rolling stock).

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

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

Since the start of negotiations delegations have supported this proposal. At this stage, there is broad agreement on the Presidency compromise text and many technical issues have been settled. Nevertheless, the following issues remain to be solved;

- *Scope*: In the Commission's proposal, the draft Directive would apply to all train drivers, but also to any "other staff" member on board the locomotive or train indirectly involved in the driving. The current text of the draft Directive reflects the "drivers only" approach, whilst at the same time providing for a significant safeguard: the free circulation of freight trains throughout the territory of the European Union is guaranteed. A large majority of delegations favour this approach as they consider that at present it is not known neither which other crew should be included, nor to what extent they should meet the same requirements as train drivers. Therefore it is difficult to decide on the changes which would prove to be necessary in the draft Directive in order to properly regulate this "other crew". As a result, these delegations, before taking any decision in that regard, would like to await the outcome of the report to be drafted by the Railway Agency. This report would identify the profile and the tasks of the other staff on the locomotive or train who are performing safety-critical tasks and whose professional qualifications accordingly contribute to railway safety, and which should be regulated at Community level, by means of a system of licences and/or certificates which may be similar to the system established by this Directive.

As regards the inclusion of "domestic drivers" in the scope of the draft Directive, the compromise text which is largely supported confirmed this principle. In order to meet concerns expressed by some delegations on the considerable costs of applying the system to "domestic drivers", which outweigh the benefits, the Presidency put forward a proposal allowing Member States to request the Agency to carry out a cost / benefit analysis of the application of the provisions contained in this Directive to train drivers operating exclusively on the territory of that Member State. The cost / benefit analysis shall cover a period of 10 years. This cost / benefit analysis shall be submitted to the Commission. If this cost / benefit analysis shows that the costs of the application of the provisions contained in this Directive to such train drivers outweigh the benefits, the Commission shall adopt a decision within 6 months following the submission of the results of this cost / benefit analysis to the effect that the Directive do not have to be applied to domestic train drivers for a period of 10 years on the territory of the Member State concerned.

As the text stands now, the phasing-in of the delivery of "new" licences and/or certificates would take place on the following basis:

1. after 1 year: application to new drivers - involved in cross-border services, cabotage or freight services in another Member State, or working in more than one Member State *-and* to drivers that already worked on those services, but who require a new licence or certificate;
2. after 3 years: application to all drivers who need a new licence or certificate;
3. after 8 years: application to all drivers.

Legal basis: Article 71(1) of the EC Treaty (codecision with the European Parliament and qualified majority within the Council)



## ➤ ROAD SAFETY

The Council will adopt conclusions on road safety.

These draft conclusions have been prepared in the light of discussions held at a Ministerial Conference on 25 and 26 October 2004 in Verona as a follow up of the Verona meeting held in 2003. The Conference was organised by Italy, in close collaboration with the Dutch Presidency and the European Commission.

The draft conclusions call upon the Council to confirm the objective of a reduction of the number of victims by at least 50% by 2010, as laid down in the "European Road Safety Action Programme: Halving the number of road accident victims in the European Union by 2010: A “ shared responsibility” and having regard the conclusions drawn by the Council on 5 – 6 June 2003 and on 5 December 2003, both aimed at improving road safety, and which identify the most effective measures for rapidly achieving the objective of halving the number of victims of road accidents expressed in the abovementioned programme.

The current text includes four areas on which road safety policies should focus: a) enforcement and best practices, b) vehicle safety, c) improving safety on European roads and d) funding road safety.

## ➤ INLAND WATERWAY VESSELS (public deliberation)

The Council will adopt a partial political agreement on a draft Directive laying down technical requirements for inland waterway vessels amending Council Directive 82/714/EEC. This proposal aims at ensuring mutual recognition of the Community navigation certificate by the Central Commission for Navigation on the Rhine (CCNR) through the alignment of the Community technical requirements on the standards governing navigation of the Rhine.

On the basis of the work within the internal bodies of the Council, it has now been possible to reach an agreement on the operative part of the proposal but work on the annexes and their translation have not been fully completed yet. In these circumstances, the Presidency suggested that Council could be invited to conclude that agreement has been reached on the operative part of the Directive, but that a formal decision on the Directive in the form of a political agreement / common position will only be taken once that the draft annexes have become available in all the necessary languages and that the instances of the Council have had the opportunity to examine and finalise these annexes.

The work on the above proposal – which was submitted in December 1997<sup>8</sup> – was long on standstill because of the issue of the admittance of vessels with Community certificates to the navigation on the Rhine. At present, vessels using the Rhine waterways must have a certificate proving conformity with the Rhine vessel inspection regulation, as adopted by the CCNR (Central Commission for Navigation on the Rhine). The Community certificate, as proposed in Council Directive 82/714/EEC, does not allow access to the Rhine; the draft Directive therefore provides for the establishment of equivalence between the Rhine certificate and the Community certificate.

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<sup>8</sup> An amended proposal was presented in July 2000 following the EP's opinion of 16 September 1999 (which was a reconfirmation of the opinion of 20 October 1998).

However, such equivalence was up to now not legally possible under applicable rules of the CCNR. The situation changed following the adoption by the CCNR on 27 November 2002 of a modification of the Mannheim Act which introduced a legal basis for recognition of certificates delivered by other bodies than the CCNR for the navigation on the Rhine.

## **INTERMODAL QUESTIONS**

### **➤ GNSS**

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

The Council will attempt to adopt conclusions on the deployment and operational phases of the European Global Navigation Satellite System programmes.

Following the invitation made by the Council<sup>9</sup> on 7 October 2004, the Commission adopted a communication headed "Moving to the deployment and operation phases of the European satellite radionavigation programme". As requested by the Council, this Communication provides the necessary basis for enabling the Council to take, by the end of the year, the necessary decisions on the start of the deployment and operational phases, including decisions on the maximum EC financial contributions for these phases, and the definition of the services. It is recalled that since 2002, the programme has been in its development phase, which will be followed by the deployment phase (2006-2007) and the operational phase (from 2008).

After discussion of the draft conclusions by the Committee of Permanent Representatives, broad agreement has been found among delegations. Therefore, the Council is requested to agree on the move to the deployment and operational phases and confirming the main characteristics of the system, in particular the services it will offer. The Council will also express its views, *inter alia*, on the financial contribution of the EU, finalisation of the selection procedure and the submission by the Commission of a reasoned analysis of the concession negotiations.

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

Pending the Council decision on the future financial perspectives (2007-2013), the Council will take note of a progress report on the state of play concerning a draft Regulation aiming at establishing a specific legal basis for the financing of the GALILEO programme and the financial management of the European GNSS programmes during the deployment and commercial operating phase.

The Commission proposes €1 billion as the contribution from the Community budget for the implementation of the programme phases. However, all delegations reserved their position on this issue as they underlined the interlinkage of this Regulation with the debate on the future financial perspectives (2007-2013). On the remaining text of the Regulation agreement at technical level has been found among delegations.

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<sup>9</sup> See Council conclusions of 9 March 2004 (6893/04)

## **AVIATION**

### **➤ AIR TRAFFIC CONTROL**

Pending the European Parliament opinion at first reading, the Council will agree on a general approach on a draft Directive on the harmonisation of training of air traffic control personnel and the mobility of such personnel (ATC licensing)

This proposal aims at increasing safety standards and improving the operations of the Community air traffic control system through the issuance of a Community air traffic controller licence. It will apply to student air traffic controllers and air traffic controllers, exercising their functions under the responsibility of air navigation service providers which offer their services primarily to aircraft movements of general air traffic.

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

Following the work by internal bodies of the Council, the current text is broadly supported, only a small number of reservations from delegations remain. It represents a significant restructuring of the Commission's proposal while retaining all of the essential elements proposed by the Commission. In addition it expands and clarifies:

- the scope of the draft Directive (limitation to civil operations);
- the language requirements;
- the functioning of mutual recognition in practice, and
- the impact of the Directive on existing holders of national licences.

Legal basis : Article 80(2) of the EC Treaty (qualified majority voting and codecision with the European Parliament)

### **➤ COMMUNITY HARMONISED RULES FOR CABIN CREW (EU-OPS) ( public deliberation )**

The Council is expected to adopt a partial political agreement on a draft Regulation harmonising technical requirements and administrative procedures for the operation of aircraft engaged in commercial air transportation. At this stage, the agreement will only concern the general framework of the Regulation and the specific cabin crew and flight time limitation provisions. The rest of the proposal amending Council Regulation (EC) No 3922/91 will be examined after review of the text by the Commission in the light of JAR OPS 7.

The proposed Regulation aims notably at transposing the non-binding JAR OPS (Joint Aviation Requirements - Operational Standards) established by the Joint Aviation Authorities in binding Community law. Therefore the proposed Regulation is often referred to as the Regulation on 'EU-OPS'.

Following intensive work under the Dutch Presidency, there is broad agreement on a compromise text subject to the last issues outstanding being resolved. As proposed by the Commission, the compromise text in part 'Q' includes a set of rules covering duty, standby and rest times for cabin crew. It sets at 13 hours the maximum basic daily flight duty period that can be extended twice a week by up to one hour. The minimum rest period is at least as long as the preceding duty period or 12 hours when it starts at home; if the person concerned is away, then the same rule applies but the minimum is 10 hours. Reduced rest arrangements can be granted by the Authority but it should be shown by the operator that the same level of safety is guaranteed. In addition, the European Aviation Safety Agency will conclude a scientific and medical evaluation of the flight time limitation provisions within three years after the entry into force of this proposal. The Agency will assist the Commission in the preparation of proposals for the modification of these provisions.

As regards part 'O', the compromise text deals with questions such as identification of cabin crew by passengers, minimum requirements to be met by each cabin crew member (18 years, medical examination, initial training and other), senior cabin crew members, single cabin crew member operations, initial safety training or conversion and differences training and checking of the training received. Cabin crew members will get an attestation of safety training to demonstrate that they meet the requirements. Also this part of EU-OPS will be evaluated by EASA within three years after the entry into force of this proposal.

On the basis of this Regulation, Member States will be able to grant exemptions from the technical requirements and administrative procedures specified by the text in the case of unforeseen urgent operational circumstances or operational needs of a limited duration. In such cases, the Member State concerned must inform the Commission and the other Member States if exemptions granted are of a repetitive nature, or if they have been granted for a period of time greater than two months. The Commission will examine whether the exemptions comply with the safety objectives of this Regulation or any other rule of Community law. If it finds that the exemptions granted do not comply with the safety objectives of this Regulation or any other rule of Community law the Commission shall decide on safeguard measures and the Member State will be obliged to revoke the exemption.

Legal basis : Article 80(2) of the EC Treaty (qualified majority voting and codecision with the European Parliament)

## ➤ **EXTERNAL RELATIONS**

The Council will be called on to adopt two draft Decisions giving mandate to the Commission to open negotiations with Morocco and the Western Balkans countries.

### **a) Euro-Mediterranean Aviation Agreement**

The Commission is proposing to open negotiations with Morocco, with a view to achieving an Euro-Mediterranean Aviation Agreement. The aim of this Agreement would be the opening up of markets and the creation of a level playing field for all operators.

The agreement to be negotiated with Morocco would cover a number of issues such as competition and state aid rules, air safety provisions, cooperation on air traffic management and air navigation services, security for civil aviation and respect of environmental standards.

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

**b) European Common Aviation Area Agreement (ECAA)**

The second draft Decision proposed by the Commission is aimed at adapting the 1996 mandate for negotiations on a European Common Aviation Area in order to include Albania, Bosnia-Herzegovina, Croatia, the former Yugoslav Republic of Macedonia (FYROM), Serbia and Montenegro and the United Nations Interim Administration Mission in Kosovo (UNMIK).

As explained by the Commission in its Communication “A Community aviation policy towards its neighbours”<sup>10</sup>, the Community is, by and large, the most important trade partner of each of the countries involved and the geographical position of the Western Balkan countries makes it even more appropriate to define a fully-fledged Community policy with regard to aviation towards these countries.

Legal basis: The two drafts Decisions are based on Article 300 (1) of the Treaty (qualified majority voting procedure in the Council).

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<sup>10</sup> COM (2004)74 final, 09.02.2004.