

PRESS RELEASE

10551/93 (Presse 210)

1709th Council meeting

- TRANSPORT -

Brussels, 29 and 30 November 1993

President: Mr Guy COEME,

**Deputy Prime Minister
Minister for Transport
of the Kingdom of Belgium**

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

Belgium:

Mr Guy COEME

Deputy Prime Minister, Minister for Transport,
Public Undertakings and Public Building

Denmark:

Mr Helge MORTENSEN

Mr Jan TRØJBERG

Mr Ole ZACCHI

Minister for Transport

Minister for Industry

Deputy State Secretary for Transport

Germany:

Mr Wilhelm KNITTEL

State Secretary, Federal Minister of Transport

Greece:

Mr Ioannis HARALAMPOUS

Mr Georges KATSIFARAS

Minister for Transport and Communications

Minister for Merchant Shipping

Spain:

Mr Manuel PANADERO

Secretary-General at the Ministry of Transport

France:

Mr Bernard BOSSON

Minister for Transport

Ireland:

Mr Brian COWEN

Ms Joan BURTON

Minister for Transport

Minister of State at the Department of Social
Welfare

Italy:

Mr Raffaele COSTA

Minister for Transport

Luxembourg:

Mr Robert GOEBBELS

Minister for Transport

Netherlands:

Ms Hanja MAIJ-WEGGEN

Minister for Transport and Public Works

Portugal:

Mr Jorge ANTAS

Mr Carlos LOUREIRO

Mr João BEBIANO

State Secretary for Transport

State Secretary for the Interior

State Secretary to the Minister for Maritime Affairs

United Kingdom:

The Earl of Caithness

Minister of State, Department of Transport

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For the Commission:

Mr Karel VAN MIERT

Mr Abel MATUTES

Member

Member

MARITIME TRANSPORT

LEVEL OF TRAINING FOR MARITIME OCCUPATIONS

Following up its Resolution of 8 June 1993 on safe seas, the Council held a policy debate on the proposal for a Directive on the minimum level of training for maritime occupations, the main aim of which is to reduce the human errors that cause a large proportion of accidents at sea.

Specifically, the proposal provides that all seafarers serving on board vessels flying the flag of a Member State of the Union must hold a certificate issued or recognized by a competent authority of a Member State and attesting that they have undergone appropriate training in accordance with the International Convention of the IMO (International Maritime Organization) on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW Convention).

The discussion established the policy principles - especially as regards recognition of certificates issued by third countries - on which the Council would have to base the adoption of its common position.

The Council instructed the Permanent Representatives Committee to continue the discussions, particularly in the light of the Opinion of the Parliament.

SHIP INSPECTION AND SURVEY

The Council held a policy debate on the proposal for a Directive on common rules and standards for ship inspection and survey organizations.

In the context of the common policy on maritime safety, this initiative seeks to improve the construction and maintenance of sea-going vessels flying the flag of a Member State or entering a Community port.

Under the proposal, the inspection, survey and certification organizations responsible for certifying that Community vessels comply with the standards laid down in the relevant international conventions will have to be approved by a Member State and meet criteria of competence, reliability and experience very similar to those of the IMO. Third-country vessels not classified by an approved classification society would have to undergo a port inspection as a matter of priority.

The Council focused mainly on the criteria for recognizing ship inspection and survey organizations and established the policy principles that would underlie its common position.

The Permanent Representatives Committee was instructed to continue the discussions, particularly in the light of the Opinion of the Parliament.

RELATIONS WITH WEST AND CENTRAL AFRICA IN MARITIME TRANSPORT

The Council considered the relations between the Community and the States of West and Central Africa with regard to maritime transport and discussed the measures to be taken to break the deadlock in consultations between the two sides.

The Council noted that the ultimate goal of Community policy towards this region was to ensure the harmonious development of efficient and reliable shipping services on economically satisfactory terms by facilitating the active participation of all parties in accordance with the principle of unrestricted access to the trade on a commercial basis.

It was agreed that the Commission would conduct a fact-finding mission in the countries concerned and report back to the Council.

APPLICATION OF THE COMPETITION RULES TO MARITIME TRANSPORT

After discussing the application of the competition rules to maritime transport on the basis of a statement by the Commissioner Mr VAN MIERT, the Council noted that by 30 June 1994 the Commission intended to submit a detailed report on the legal position of multimodal transport and the legal problems relating to liner conferences with regard to price setting and capacity sharing.

The Council was concerned that the position of Community shipowners should not be fundamentally different from that of their international competitors.

COMMUNITY REGISTER (EUROS)

The Council noted a statement by the Commissioner Mr MATUTES on a new approach being taken by the Commission regarding the proposal for a Regulation establishing a Community ship register (EUROS) and providing for the flying of the Community flag by sea-going vessels.

The new approach involves greater flexibility than the original proposal in the provisions on crews and financial assistance, allowance for maritime safety requirements and the development of a common external policy on the subject to improve European shipowners' opportunities for access to the markets.

The Council will consider the issue at its next meeting, under the Greek Presidency, in the light of the discussions of the Permanent Representatives Committee and of the high-level working party which the Commission intends to set up in the near future.

LAND TRANSPORTROAD SAFETY- ACTION PROGRAMME - COUNCIL CONCLUSIONS

"The Council, after holding a general debate on the Commission communication for an action programme on road safety:

1. notes this action programme, which was submitted following a request by the Council and the representatives of the Governments of the Member States, meeting within the Council, in their Resolution of 21 June 1991 ⁽¹⁾;
2. welcomes the fact that this programme, which was established notably on the basis of the report by the high-level working party of representatives of the Governments of the Member States, set up by the Commission at the Council's request, takes a global and integrated approach to the problem of road safety while taking into account the added value of the actions implemented at Community level, with due regard for the principle of subsidiarity;
3. welcomes the concrete short and medium-term actions contained in this programme, as called for in the abovementioned Council Resolution, designed to remedy the veritable scourge constituted by road accidents, the human cost of which exceeds 50 000 dead and 1 500 000 injured a year in the Community as a whole and the socio-economic cost of which is astronomical (some ECU 70 billion per year);
4. notes the importance attached by the European Parliament to road safety, as stated in particular in its Resolution on that subject adopted on 12 March 1993 ⁽²⁾

⁽¹⁾ 91/C 178/01 - OJ C 178, 9.7.1991, p.1.

⁽²⁾ Resolution A3-0014/93 - OJ C 115, 26.4.1993, p. 260.

and notes that the programme proposed by the Commission takes account of this Parliament Resolution in the enlarged framework of Article 75 of the Union Treaty;

5. recalls that in its conclusions on the White Paper on the future development of the common transport policy, the Council recognized that "progress must be made, avoiding duplications, at the national and Community levels, and also in a wider international context, as regards transport safety including the safety of passengers and the transport of dangerous goods";
6. stresses that it is important to pay more attention to road safety in Community policies other than transport policy, in particular when defining and implementing technical standards to improve active and passive vehicle safety;
7. considers that this programme meets the concerns set out above, especially as it includes an aspect involving the exchange at Community level of information and experience from the Member States in the fields of statistics, law and the media in particular;
8. considers that the projected creation of a Community data bank on statistics for road accidents resulting in injury or death (CARE project) ⁽³⁾ is a useful tool for implementing the said aspect of the action programme;
9. considers that attention should be focused first on the causes of the most serious accidents, on the categories of users most frequently involved in road accidents as well as on the most vulnerable categories of users, and that actions should be aimed as a matter

⁽³⁾ OJ C 225, 20.8.1993, p. 6.

of priority at the target groups thus pinpointed;

10. considers in this context that the most appropriate level and means of action (legislative or non-legislative measures) must be defined on a case-by-case basis in the light of analysis of the relevant data, and stresses in this framework the important role to be played by the Commission and the Member States in analyzing the results of the measures already taken in the Member States;
11. considers that such an approach could also be useful in the framework of the action taken by the Member States to reduce the number of accidents linked in particular to drink, drugs or inappropriate speeds;
12. considers, regarding the latter aspect, that calmer driving should be encouraged, with action being taken simultaneously with respect to drivers, vehicles and infrastructure;
13. considers that, regarding driver behaviour, further stages could be undertaken to improve the safety of certain categories of users, with new drivers and drivers of two-wheel vehicles deserving particular attention in this context; considers nonetheless that non-legislative action, such as awareness and education campaigns, could also have a place here;
14. considers that in the field of vehicles, and without underestimating the progress already made both in completing the internal market and in terms of safety, additional measures in the technical field could be contemplated where these measures will make possible improvements in active and passive safety, at the level of design, construction and equipment;
15. considers that safety is an essential criterion in designing, maintaining or improving road

infrastructures according to the intended use for the different types of network; that, in order to do this, it is necessary to study and take appropriate measures in the sector of road infrastructure, including the road-sign and safety-equipment aspects; that, moreover, in the light of the increase in international traffic, it is vital that a high level of safety be achieved for the trans-European road network;

16. stresses, in line with the aforementioned conclusions on the White Paper, the need for good co-operation with international authorities working in the field of road safety, in particular the United Nations Economic Commission for Europe, the ECMT and the OECD, while avoiding duplication of effort; by way of example, recalls that a Commission proposal is awaited which integrates into Community legislation the content of an agreement drawn up under the aegis of the United Nations (ADR Agreement) ⁽⁴⁾;
17. considers it essential that the high-level working party mentioned in point 2 continue its work on a permanent basis, in co-operation with the Commission, in order to study possible actions and their follow-up;
18. recalls, as already requested in its abovementioned Resolution of 21 June 1991, that the cost-benefit ratio of the measures contemplated should be estimated;
19. considers moreover that any measure contemplated should be examined from the point of view of its feasibility and likely acceptability in order to increase its effectiveness; reaffirms the importance of effective monitoring to ensure that measures already taken or to be taken are complied with;
20. considers that particular attention should be paid to research, so as to draw from it all

⁽⁴⁾ European Agreement concerning the International Carriage of Dangerous Goods by Road, signed in Geneva on 30 September 1957 within the framework of the UN-ECE.

the lessons of benefit to road safety;

21. invites the Commission to take action on these Council conclusions by forwarding to it the relevant proposals, and agrees to return regularly to the question of road safety on the basis, in particular, of a report to be submitted by the Commission before 31 December 1996".

- COMMUNITY DATABASE ON ROAD ACCIDENTS (CARE)

With the German and United Kingdom delegations abstaining (see explanation of votes in the Annex), the Council approved the Decision on the creation of a Community database assembling statistics on road accidents in the Community resulting in death or injury (CARE).

This should make it possible to extend the range of cases that can be studied and to record the data in disaggregated form (accident by accident), which would make for greater transferability of findings.

In practice, once a year the Member States will send the Statistical Office of the European Communities (SOEC) their existing computer files, organized in accordance with a common data system to permit centralized interrogation.

The Decision concerns a three-year pilot project at the end of which the Commission will have to submit an evaluation report to the Council on the results obtained and on whether these activities should be continued.

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On a proposal from the Presidency, the Council agreed in principle to the organization of a European Year of the Young Driver.

TRANSPORT TO AND FROM GREECE

The Council noted the Commission's report on the situation regarding transport to and from Greece, drawn up in response to the Greek delegation's request for action to relieve the problems faced by Greek hauliers because of the crisis in the former Yugoslavia.

The Commission intends to pursue various courses of action, including negotiations with the Hungarian authorities to obtain additional transit licences and the adoption of financial support measures, via the PHARE programme among other things, to make frontier crossings easier on the routes to and from Greece.

In the long term, the Commission intends to take this problem into consideration when planning infrastructures in co-operation with the countries concerned, with particular reference to the promotion of combined transport between Greece and Italy.

RELATIONS WITH SWITZERLAND IN THE FIELD OF TRANSPORT

After a discussion on the recommendation for a Council Decision on the opening of negotiations with Switzerland on road and air transport, the Council agreed in principle to the opening of such negotiations and instructed the Permanent Representatives Committee to continue examination of this dossier with the aim of enabling the Council to issue the negotiating brief not later than its next meeting in April.

RELATIONS WITH THE ASSOCIATED COUNTRIES OF CENTRAL AND EASTERN EUROPE

On the occasion of the Council meeting a ministerial meeting was held between the Community Transport Ministers and their counterparts from Central and Eastern Europe (Bulgaria, Hungary, Poland, Romania, Slovakia and the Czech Republic).

The discussion mainly dealt with the development of transport infrastructure and the approximation of the laws of the countries concerned with Community law on transport, especially road transport.

AIR TRANSPORT

INVESTIGATION OF CIVIL AVIATION ACCIDENTS AND INCIDENTS

The Council held a policy debate on the proposal for a Directive establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

The aim of the proposal is to acquire a better understanding of the factors that lead to the accidents and incidents in question, so that preventive measures can be envisaged in the context of a common policy on air safety.

The Council established the policy principles which should form the basis of the common position it will have to adopt in the light of the Opinion of the European Parliament.

CIVIL AVIATION

The Council noted the account given by Mr Herman DE CROO, Chairman of the Committee of Wise Men, of the situation regarding civil aviation, and also French and United Kingdom memorandums on the same subject.

With the final report due in January, it was agreed that the Ministers would consider this dossier at the informal meeting to be held in Greece on 7 February and at the Transport Council meeting in April 1994.

After an exchange of views, the President drew the following conclusions on the situation in civil aviation:

- "1. Concerned by the economic recession afflicting civil air transport and by the high costs of air transport undertakings, confronted as they are by overcapacity and low yields, which are affecting the air transport industry to such a degree that it is incurring unbearable losses, considers that an environment must be created which will enable air transport undertakings to reduce their costs and improve their yields.
2. Having listened with great attention to the statement by the Chairman of the Committee of Wise Men analyzing the specific weaknesses of the air transport industry in the face of the economic recession and the liberalization of the market, urges the Committee of Wise Men to complete its work by the beginning of next year, and awaits with great interest its proposals for measures to remedy the current economic difficulties in this sector.
3. Having concluded that short, medium and long term measures must be taken to enable the industry to take action to restore profitability.
4. Notes that handling monopolies still exist at several airports in the Community; recognizes that the overall efficiency of handling services must be improved; calls on the Commission to pursue its work with vigour and to submit a document as soon as possible, with a view to introducing greater competition into this aspect of air transport, observing the principles of non-discrimination and transparency.

5. Recalling the conclusions of the Ministers of the ECAC Member States for the harmonization and integration of European airspace, confirms the Council conclusions stressing the need for close co-operation between Eurocontrol and the European Commission with a view to the co-ordination, development and implementation of the future European Air Traffic Management System (EATMS) and emphasizes that the early installation of FANS technology should be treated as a matter of priority; considers that the high level of air transport safety should be preserved by strengthening support for the activity of the JAA and reviving the regulatory role of the ICAO, as desired by the United States, with regard to harmonization of the technical and social environments of undertakings.
6. Taking note of the levels of airport and air navigation charges, which have increased substantially over the last five years, considers that these charges should be significantly moderated. In addition, it would ask the Member States to consider measures regarding the tax and VAT elements in the cost bases of air transport undertakings, which may increase transparency and help air transport undertakings restore their profitability.
7. Aware of airport infrastructure problems, calls on the Commission to expedite its work and to submit a proposal for a Council Decision on the Community Airport Network.
8. Recognizes the difficulties of European air carriers in keeping their yields at economically viable levels in view of high costs, overcapacity and the recession, and calls on the Commission, when applying the competition rules, to make allowances for the present difficult situation in the air transport industry.
9. Noting that, in view of the Community regulations in force, the economic situation may call into question the location of the Community industry, asks the Commission to

analyze this problem with a view to strengthening the Community nature of the operation.

10. Noting that there is overcapacity on certain routes and that the safeguard clause referred to in Article 10 of Council Regulation (EEC) No 2408/92 of 23 July 1992 has never been applied, invites the Member States to consider the arrangements in Article 10 with a view to forestalling a worsening of overcapacity.
11. Considers that the European air transport industry needs to be restructured to improve its efficiency and competitiveness, and recognizes that State aid is possible only within the limits of the Treaty. With a view to restructuring operations, the issue of specific financial aid could be raised.
12. Aware of the problems which might arise in the use of computerized reservation systems (CRS), asks the Commission to make a detailed analysis of possible abuses in this area and to examine provisions capable of preventing such abuses."

FUTURE DEVELOPMENT OF THE COMMON TRANSPORT POLICY

The Council noted the Commission's presentation of a report on the future development of the common transport policy, which was drawn up in response to the conclusions on this subject adopted by the Council last June.

After a discussion, during which the future Greek Presidency announced its intention of ensuring follow-up, the Council agreed to return to the matter at a future meeting.

INLAND WATERWAY TRANSPORT

The Council noted the Commission's presentation of a report on the effect of the structural improvement measures in inland waterway transport, as introduced by Regulation No 1101/89, together with a proposal for extending the temporary measures adopted by the Council to curb investment in renewed overcapacity in the sector. The Permanent Representatives Committee was instructed to continue examination of the dossier, pending the Parliament's first-reading Opinion, with a view to a Council meeting in the near future.

After a discussion centring mainly on the question of the exchange system, the Council noted the Commission's intention of submitting a report and a proposal on the organization of this sector in the first half of 1994.

SUMMER TIME

The Council held a discussion on the proposal for a seventh Directive on summer time arrangements.

There was a favourable response to the idea of the starting and finishing dates for summer time being harmonized throughout the Member States as from 1996.

The current arrangements (summer time starting on the last Sunday in March for all Member States and finishing in September for all except Ireland and the United Kingdom) would be extended until 1995.

With a view to the Council's adoption of its common position, the Permanent Representatives Committee was instructed to continue examination of this dossier in the light of the Opinion of the Parliament.

**COMMUNITY DATABASE ON
ROAD ACCIDENTS (CARE)**

- Explanation of votes -

United Kingdom delegation

"The United Kingdom is abstaining on this Decision since it does not believe that the proposed Community Data Base would provide added value to existing national systems, and duplicates work being done in other international fora, such as OECD."

German delegation

"Investigations based on accident statistics have hitherto been carried out on very dissimilar bases in different European countries. In the interests of comparability, the statistical bases of such investigations must be harmonized (standard definition of road deaths, road injuries, type of accident, causes etc.) before an EC database is set up."

MISCELLANEOUS DECISIONS

(adopted without discussion)

Reduction of economic relations with Libya

The Council adopted two Regulations implementing United Nations Security Council Resolution of 11 November 1993 on the extension of the embargo measures concerning Libya, the principle of which was the subject of a common position adopted by the Council on 22 November 1993.

The first Regulation seeks to prevent the supply of certain goods and services to Libya, while the second prohibits the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 883 (1993) and related resolutions concerning Libya.

Relations with the former USSR

The Council authorized the Commission to take part in the negotiation of the technical adjustment needed to allow the provisional application of the Agreement establishing an International Science and Technology Centre (ISTC). This action had to be taken because of the delay in Russia's ratification procedures.

Relations with Bulgaria - Textiles

The Council authorized the Commission to open negotiations with Bulgaria to amend the bilateral agreement on trade in textile products, which expires on 31 December 1993.

Imports of certain wines from Hungary and Romania

The Council adopted a Regulation opening and providing for the administration of Community tariff quotas for certain wines originating in Hungary and Romania for the period 1 December to 31 December 1993.

The quota for Hungary is 5 833 hl of wine of fresh grapes, 208 hl of sparkling wine and 9 583 hl of quality wine at a duty of 80% of the basic duty.

For Romania the quota is 9 167 hl of wine of fresh grapes at a duty of 80% of the basic duty.

Fisheries

The Council adopted a Regulation concerning the conclusion of an Agreement on fisheries between the Community and Dominica.

The Agreement is applicable for an initial period of three years. It guarantees, on a reciprocal basis, fishing possibilities for the Community's fishermen in the waters over which the Commonwealth of Dominica exercises sovereignty or jurisdiction, and for fishermen from Dominica in the Community fishery zone off the coast of the French Departments of Guadeloupe and Martinique.

Appointments

The Council replaced Mr Svend Skovbro LARSEN, a member of the Economic and Social Committee who had resigned.

PREPARATION TRANSPORT COUNCIL OF 29-30 NOVEMBER 1993

Le Conseil entamera ses travaux lundi a 15H00 avec les DOSSIERS 'MARITIMES' notamment avec des debats d'orientation sur deux propositions de directives visant a ameliorer la securite: l'une concernant le niveau minimal de formations des professions maritimes, et l'autre etablissant des regles et normes communes concernant les organismes habilites a effectuer l'inspection et la visite des navires. L'utilite de cette derniere directive est reconnue par tous les Etats membres et l'on peut s'attendre a un accord politique au sein du Conseil.

- Projet de resolution du Conseil dans le domaine des transports maritimes:

La Presidence a prepare un projet de resolution du Conseil dans le domaine des transports maritimes. Ce projet de resolution a ete elabore a la suite de declarations de plusieurs delegations concernant l'application des regles de concurrence au secteur maritime lors du Conseil du mois de juin. Il avait alors ete decide que le Conseil aurait ulterieurement des entretiens sur l'application du reglement sur les consortia et sur le transport multimodal, sur la base d'un rapport de la Commission.

Le projet de resolution du Conseil invite la Commission a considerer une reglementation etendant le benefice du reglement 4056/86 d'exemption par categorie aux transports maritimes, dans le cas des consortia, aux prestations combinees de transport pour la partie terrestre du transport. La resolution invite egalement la Commission a envisager une reglementation d'exemption relative aux consortia.

Le Commissaire Van Miert fera une declaration de politique generale au Conseil sur l'application de la politique de concurrence dans le secteur des transports maritimes en rappelant les competences propres de la Commission dans l'application et l'interpretation des reglements d'exemptions par categorie. Il repondra a la demande du Conseil en se referant en particulier au fait que la Commission a d'ores et deja utilise son pouvoir d'initiative dans le domaine des consortia maritimes en proposant un avant-projet de reglement d'exemption de groupe (IP 984) qui fera l'objet de consultations avec les Etats membres et les secteurs economiques concernes.

- Transports aeriens (mardi 30 novembre):

La proposition de Directive etablissant les principes regissant les enquetes sur les accidents et les incidents dans l'aviation civile fera l'objet egalement d'un debat d'orientation. Un large accord existe quant a l'interet d'une telle proposition qui vise a ameliorer la securite aerienne en facilitant les enquetes sur les incidents dans l'aviation civile afin de mieux connaitre les causes. Pour cela il faut appliquer dans toute la Communaute un certain nombre de principes de base qui

s'inspirent largement des travaux realises en la matiere par l'OACI et qui respectent les normes internationales.

Ensuite le President du Comite des Sages pour l'aviation civile, M. Herman de Croo fera un rapport oral interimaire sur les resultats des travaux de ce groupe.

Aussi bien la Delegation FR que la Delegation UK presenteront chacune un MEMORANDUM sur leur vision de la situation du secteur et leurs idees sur la politique a mener pour aider a depasser la crise.

Apres le tour de table sur ce point les ministres auront un dejeuner avec leurs homologues des PECO.

- Transports terrestres:

Fort probablement en plus du debat general sur la communication de la Commission pour un programme d'action en matiere de securite routiere, la Presidence pourrait proposer des actions concretes 'surprise' pour sensibiliser certaines couches de la population aux themes de la securite, notamment les jeunes. Il est egalement possible que la question des ceintures de securite soit soulevee. La base de donnees CARE sur les accidents de la circulation routiere fera l'objet de discussion. A signaler que ce projet est avant tout une initiative d'ordre statistique et non pas une mesure de securite routiere.

Cette experience pilote qui aura une duree de 3 ans selon la proposition de la Commission, sera menee en collaboration avec EUROSTAT.

- Heure d'ete:

Il y a un accord general pour adopter la proposition de la Commission de 7e. directive du Conseil concernant les dispositions relatives a l'heure d'ete, qui prevoit l'alignement des dates d'automne avec le UK et l'IRL.

- Relations avec les Pays Tiers - Accords de transport avec la Suisse:

Suivant les orientations du Conseil Affaires Generales il n'y aura plus un lien juridique entre les differents secteurs de negociation avec la Suisse, mais il reste cependant un lien politique. Le Conseil appellera a la poursuite des travaux dans le cadre du Groupe Transports (qui a deja fait une premiere lecture des directives de negociation dans le domaine du transport routier mais pas encore de l'aerien, faute de temps). Ce dossier pourra revenir a l'ordre du jour lors du Conseil Informel de fevrier, sous Presidence Grecque.

- Divers:

Les ministres aborderont entre autres le dossier concernant un registre communautaire prevoyant la navigation sous pavillon communautaire (EUROS) et selui de la navigation fluviale (le ministre B pourrait faire une declaration sur le tour de role).

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Ref: BIO/93/292/1

DATE DOCUMENT : 93/11/30

TRANSPORT COUNCIL OF 29/30 NOVEMBER 1993

- Projet de resolution du Conseil sur l'application des regles de concurrence aux transports maritimes

1. Exposant l'attitude de la Commission au sujet de l'application des regles de concurrence dans le secteur des transports maritimes, le Commissaire Van Miert a souligne le fait qu'il s'agissait d'un dossier complique. Il a rappele que depuis l'arret de la Cour en 1974 la concurrence s'appliquait dans le transport maritime :

'Ainsi dans le cadre du reglement 4056/86, la Commission a ainsi instruit plusieurs plaintes :

- . contre des accords horizontaux
- . contre des pratiques visant a maintenir des relations privilegiees avec certains Etats africains au detriment d'autres transporteurs communautaires
- . contre des accords horizontaux fixant les taux de fret terrestre'.

2. M. Van Miert a ensuite tenu a replacer le secteur maritime dans son contexte economique. Le transport maritime joue un role essentiel puisqu'il assume 90 % des echanges exterieurs de l'Union et 30 % des echanges intracommunautaires. C'est la raison pour laquelle en 1989 la Commission a propose au Conseil des 'mesures positives' au Conseil en faveur du transport maritime communautaire afin d'ameliorer la sante de ce secteur.

Mais il faut veiller egalement aux interets des autres operateurs economiques utilisateurs des transports maritimes. C'est dans cet esprit qu'il faut parvenir a une solution equilibree menageant les interets des differents acteurs economiques. C'est important a indiquer le Commissaire pour notre economie, pour nos exportations. Il a rappele dans ce cadre l'importance du transport intermodal.

L'organisation d'un systeme de transport global et mondial plus efficace impose des contraintes sur le shipping :

- . une regularite quasi parfaite des services
- . une coordination etroite avec les transports de pre et de post-acheminement
- . une utilisation du materiel de plus en plus specialise
- . une gestion sophistiquee des parcs de containers
- . et ceci au cout minimum.

3. Evoquant les problemes de concurrence, M. Van Miert a explique que

a) Pour les cas individuels, la Commission tolere que les accords puissent agir simultanement sur l'offre de capacites et sur les tarifs a la condition que de tels accords entraînent aussi des effets structurels importants sur les capacites de transport pour supprimer les causes (surcapacite) de la situation qui a amene a la conclusion des accords.

'On ne peut donner un cheque en blanc. Il doit y avoir un lien entre les causes qui justifient les accords (exces de capacites) et les solutions qui sont choisies'.

b) Pour les exemptions de groupe, la Commission n'est pas non plus indifferente aux contraintes qui pesent sur le shipping.

'Ainsi, nous avons deja admis la necessite d'une exemption de groupe pour les consortia qui est d'ailleurs dans sa phase ultime d'elaboration'.

- M. Van Miert a indique le calendrier previsionnel de ce reglement d'exemption.

. novembre 1993 : adoption de l'avant-projet de reglement par la Commission

. decembre 1993/janvier 1994 : avis du comite (et le cas echeant, adoption du projet par la Commission)

. avril 1994/mai 1994 : adoption definitive par la Commission (le cas echeant apres modification suite aux 2 avis et aux reactions enregistrees).

'Quand nous voulons discuter d'exemptions de groupe, nous sommes prêts a assurer la securite juridique des armateurs, mais celle-ci ne doit pas aller a l'encontre des interets des usagers. Un equilibre est necessaire, il s'agit d'un exercice delicat. Sans cet equilibre, on favoriserait la creation d'un super cartel a 200 % qui irait a l'encontre de la concurrence. Nous ne pouvons tolerer une telle situation, nous acceptons les conferences, les consortia et maintenant on nous demande l'absolution pour la creation des super cartels'.

M. Van Miert s'est declare pret a considerer la fixation des tarifs maritimes et terrestres sur une base raisonnable en invitant a considerer d'abord de telles solutions dans des cas precis individuels avant d'envisager en fonction de l'experience la possibilite de passer au cadre de l'exemption de groupe. Il ne s'agirait de toute maniere pas d'un cheque en blanc pour la creation d'un super cartel car meme dans le cas d'exemption de groupe, il faut s'assurer du maintien de la concurrence.

4. M. Van Miert a expose les reserves de la Commission a l'egard de la proposition de resolution du Conseil

a) sur la forme, car une telle resolution cherche a modifier les regles du jeu institutionnel en attribuant au Conseil les competences de la Commission.

b) sur le fond, car la resolution tend a imposer une interpretation du reglement 4056/86 et a influencer l'application des articles 85 et 86 du Traite dans un domaine particulier.

5. En consequence, le Commissaire Van Miert a propose au Conseil que la Commission elabore rapidement un rapport sur la situation de l'application des regles de concurrence dans le secteur des transports maritimes. Ce rapport pourra etre soumis avant la milieu de l'annee prochaine pour discussion au Conseil et, sur la base de cas pratiques precis, la Commission etudiera s'il y a lieu d'aller dans la voie d'une exemption de groupe specifique. Ce rapport couvrira les problemes que le Conseil souhaite aborder.

Plusieurs delegations se sont alors exprimees et ont indique qu'elles etaient satisfaites des engagements de la Commission, ne souhaitant pas dans cette perspective l'adoption du projet de resolution de la Preisence.

La Presidence, prenant note qu'il n'y avait pas unanime pour le projet de resolution, a decide, sur la base de la declaration d'intention du Commissaire, de ne pas faire adopter ce projet de resolution. Elle a conclu qu'un rapport serait soumis par la Commission au plus tard a la mi 1994 qui traiterait de la situation juridique du transport multimodal, des conferences, des consortia, des prix, des capacites, dans le souci de conditions de concurrence equitables entre les transporteurs de la Communaute et de ceux des pays tiers.

* * *

Ref: BIO/93/292/2

DATE DOCUMENT : 93/11/30

TRANSPORT COUNCIL OF 29/30 NOVEMBER 1993

EUROS

Afin de relancer ce dossier qui prévoit l'instauration d'un registre communautaire pour bateaux navigant sous pavillon communautaire, le Commissaire Matutes a proposé une approche flexibilisée et en trois piliers:

- création d'un registre Euros;
- développement des mesures de sécurité maritime;
- développement d'une approche communautaire cohérente pour les relations extérieures des transports maritimes.

Le Conseil a bien accueilli cette approche et a décidé de créer un groupe à haut niveau qui fera rapport - sur base de la nouvelle approche - au premier Conseil Transports sous Présidence grecque.

PROFESSIONS MARITIMES

Accord politique provisoire en attente de l'avis du Parlement Européen. En vertu de la proposition de la Commission, tous les marins devront avoir des certificats d'aptitude délivrés par les États membres et sur base des prescriptions de l'OMI. Le but recherché est celui d'avoir des bateaux navigant sur les eaux communautaires avec des équipages ayant une qualité professionnelle minimale. La surveillance incombera à l'État du port. Les quelques points encore en ouvert seront analysés par le Coreper après l'avis du Parlement Européen.

SOCIÉTÉS DE CLASSIFICATION

Pour ce dossier, les ministres sont également arrivés à une décision politique, mais de nature provisoire en attente de l'avis du Parlement Européen. Le principe est celui de RECONNAÎTRE les grandes sociétés de classification qui sont renommées par leur prestige et par les minima en termes de nombre de tonnes, de navires inspectés et en nombre d'inspecteurs dont elles disposent, et d'INSTAURER une période probatoire pour les autres sociétés plus petites. Pour celles-ci il y aura, à la demande de l'État membre concerné, un Comité qui livrera des licences transitoires et vérifiera l'usage des navires pendant une période de 3 ans. Après cette période on décidera si elles répondent aux critères qualitatifs pour pouvoir avoir l'agrément de façon permanente.

Le Commissaire Matutes a souligné l'importance de ces deux directives qui représentent à ses yeux un 'pas très important pour consolider la politique communautaire de sécurité maritime', tel qu'il l'a souligné lors d'un point de presse.

RELATIONS AVEC L'AFRIQUE OCCIDENTALE

Le Conseil a decide de relancer le processus de dialogue avec cette region d'Afrique (arrete depuis 1989) et a definit les lignes pour une mission exploratoire qui se déplacera et fixera les points a debattre a l'avenir en vue d'ameliorer les relations existantes dans le commerce maritime avec ces pays.

Les problemes qui se posent sont: celui du manque de concurrence au niveau de la vente des droits de frais; et celui de la repartition 'a priori' des frais de transport de la part des pays de cette region, (ce qui intervient egalement dans la concurrence entre armateurs communautaires). Cette mission exploratoire sera composee par des experts de la Commission.

* * *

Bio 292/3

Date: December 1, 1993

TRANSPORT COUNCIL OF 29/30 NOVEMBER 1993

SECURITE ROUTIERE - PROGRAMME D'ACTION:

Le 28 septembre dernier, le Conseil avait procede a un debat d'orientation sur la communication de la Commission presentant un programme d'action en matiere de securite routiere.

Le Conseil est donc revenu sur cette question et, apres un debat d'ensemble, A ADOPTE un projet de conclusions operationnelles en la matiere sur base des propositions presentees par la Commission.

Ce programme comportait, en effet, une approche globale et integree de la problematique de la securite routiere, tout en respectant le principe de subsidiarite.

Il contenait en plus une serie de mesures concretes d'action a court et a moyen terme. Ces mesures visent a ameliorer la securite routiere en agissant particulierement sur:

- le comportement du conducteur par des actions legislatives et de sensibilisation ou d'education;
- les vehicules devront permettre d'atteindre une amelioration sensible de leur niveau de securite active et passive;
- les infrastructures, enfin, qui devront quant a elles etre concues, maintenues ou amenees en fonction de l'affectation des differents types de reseaux.

Le Conseil a invite la Commission a lui transmettre des propositions pertinentes faisant suite a ses conclusions. Il l'a invitee egalement a lui soumettre un rapport avant le 31 decembre 1996.

CREATION D'UNE BANQUE DE DONNEES COMMUNAUTAIRES SUR LES ACCIDENTS DE LA CIRCULATION ROUTIERE (CARE):

Le Conseil a adopte la proposition de decision relative a la creation d'une banque de donnees communautaire sur les accidents de circulation routiere (voir IP 1064).

Cette proposition prevoit que les Etats membres transmettent, une fois par an, leurs propres donnees en la matiere a l'Office Statistique communautaire.

La banque de donnees ainsi constituee et geree au niveau de la Communaute permet:

- d'identifier reellement et de quantifier les problemes sur base d'une definition commune des accidents corporels de la circulation routiere;
- de determiner des lors une politique commune d'actions en la matiere;
- et de se rendre compte de la pertinence des projets menes.

Les Etats membres procederont maintenant a la mise au point du systeme informatique. Les premiers resultats seront en principe disponibles fin 1994.

ANNEE EUROPEENNE DU JEUNE CONDUCTEUR:

Le Conseil, sur proposition de la Presidence, a marque son accord sur le principe de l'organisation d'une ANNEE EUROPEENNE DU JEUNE CONDUCTEUR en 1995.

Des dispositions seront prises au sein du Conseil en vue d'assurer la mise en oeuvre pratique d'une telle Annee.

PROPOSITION DE REGLEMENT DU CONSEIL RELATIF A L'ASSAINISSEMENT STRUCTUREL DANS LA NAVIGATION INTERIEURE:

La presente proposition fait suite a l'annonce faite par la Commission le 28 septembre, lors du dernier Conseil 'Transports', en raison de la situation difficile rencontree dans le secteur de la navigation fluviale.

Le Conseil a pris connaissance de la proposition presentee par la Commission et a des lors charge le Comite des Representants permanents de poursuivre ses travaux sur ce dossier en vue de permettre au Conseil d'arreter une position commune lorsque l'avis du PE, en premiere lecture, sera connu.

La proposition de reglement presentee par la Commission vise a prolonger les mesures temporaires prises par le Conseil en 1989 afin de combattre la surcapacite structurelle dans le secteur de la navigation interieure. En d'autres termes, elle vise a prolonger de cinq ans, jusqu'au 28 avril 99, le regime du 'vieux pour neuf', qui prévoit que toute mise en service d'un bateau supplementaire doit etre compensee:

- soit par le dechirage d'un tonnage equivalent a celui du nouveau bateau;
- soit par le paiement d'une contribution speciale en rapport avec le tonnage du nouveau bateau.

ACCIDENTS ET INCIDENTS DANS L'AVIATION CIVILE:

Le Conseil a procede a un large debat d'orientation sur un projet de directive etablissant les principes fondamentaux regissant les enquetes sur les accidents et sur les incidents dans l'aviation civile.

Dans l'attente de l'avis du PE, en premiere lecture, le Conseil a pu

degager les principes qui constitueront la base d'une position commune qui sera arretee des que l'avis du PE (prevu pour le mois de mars 94) sera disponible.

Cette proposition reactualise la legislation communautaire datant de 1980 en vue d'ameliorer la securite aerienne.

L'objectif de la proposition est aussi d'obtenir une meilleure connaissance des mecanismes qui conduisent aux accidents et aux incidents en question, permettant d'envisager des mesures de prevention dans le cadre d'une politique commune de la securite aerienne.

SITUATION DANS L'AVIATION CIVILE:

Le Conseil a entendu la communication du President du Comite des Sages sur les difficultes traversees par le secteur.

Le rapport final de ce comite qui sera remis a la Commission a la mi-janvier 94 sera une premiere fois soumis a l'analyse du Conseil lors de la reunion informelle des ministres des transports organisee en fevrier prochain.

En l'absence d'un accord global des Etats membres sur la question (la FR et le UK ont presente leur memorandum), la Presidence a presente des conclusions partagees par un certain nombre de delegations.

Le Commissaire Matutes a souligne le fait que la Commission etait attachee a trouver les solutions qui aideraient les compagnies a s'attaquer a la racine des problemes actuels: c'est-a-dire la reduction des couts. Il a considere en outre que pour l'heure il fallait attendre le rapport definitif du Comite des Sages pour ensuite prendre des mesures concretes.

HEURE D'ETE:

Le Conseil a marque son accord sur la proposition de la Commission qui vise a fixer des dates de debut et de fin de l'heure d'ete dans l'ensemble de l'Union pour les annees 1995, 1996 et 1997.

La Commission propose, d'une part, une reconduction du systeme actuel pour la seule annee 1995 (hormis pour l'Irlande et le Royaume-Uni - qui ont choisi jusqu'ici le 4eme dimanche d'octobre - les 10 autres Etats membres de l'Union terminent la periode de l'heure d'ete le dernier dimanche de septembre) et, d'autre part, une harmonisation complete des dates de fin de la periode de l'heure d'ete a partir d'octobre 96.

Une position commune sera arretee lors que l'avis du PE sera disponible.

NEGOCIATIONS AVEC LA CONFEDERATION SUISSE DANS LES DOMAINES DES TRANSPORTS ROUTIERS ET AERIENS:

Le Conseil a procede a un debat d'orientation sur la recommandation de decision. Toutes les delegations se sont exprimees en faveur d'une acceleration des travaux de facon a donner mandat a la Commission pour

l'ouverture de negociations avec la Suisse dans les domaines des transports routiers et aeriens, au plus vite.

Le Conseil a charge le Comite des Representants permanents de poursuivre activement les travaux en vue de permettre au Conseil de definir ces mandats au plus tard lors de sa prochaine session (avril 94).

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Ref: PRES/93/210

1709TH COUNCIL MEETING - TRANSPORT
- BRUSSELS, 29 AND 30 NOVEMBER 1993 -
PRESIDENT: MR GUY COEME,
DEPUTY PRIME MINISTER, MINISTER FOR TRANSPORT OF THE KINGDOM OF BELGIUM

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

Belgium:

Mr Guy COEME Deputy Prime Minister, Minister for Transport, Public Undertakings and Public Building

Denmark:

Mr Helge MORTESEN Minister for Transport
Mr Jan TROJBERG Minister for Industry
Mr Ole ZACCHI Deputy State Secretary for Transport

Germany:

Mr Wilhelm KNITTEL State Secretary, Federal Minister of Transport

Greece:

Mr Ioannis HARALAMPOUS Minister for Transport and Communications
Mr Georges KATSIFARAS Minister for Merchant Shipping

Spain:

Mr Manuel PANADERO Secretary-General at the Ministry of Transport

France:

Mr Bernard BOSSON Minister for Transport

Ireland:

Mr Brian COWEN Minister for Transport
Ms Joan BURTON Minister of State at the Department of Social Welfare

Italy:

Mr Raffaele COSTA Minister for Transport

Luxembourg:

Mr Robert GOEBBELS Minister for Transport

Netherlands:

Ms Hanja MAIJ-WEGGEN Minister for Transport and Public Works

Portugal:

Mr Jorge ANTAS State Secretary for Transport
Mr Carlos LOUREIRO State Secretary for the Interior
Mr Joao BEBIANO State Secretary to the Minister for Maritime

Affairs

United Kingdom:
The Earl of Caithness Minister of State, Department of Transport

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For the Commission:
Mr Karel VAN MIERT Member
Mr Abel MATUTES Member

MARITIME TRANSPORT

LEVEL OF TRAINING FOR MARITIME OCCUPATIONS

Following up its Resolution of 8 June 1993 on safe seas, the Council held a policy debate on the proposal for a Directive on the minimum level of training for maritime occupations, the main aim of which is to reduce the human errors that cause a large proportion of accidents at sea.

Specifically, the proposal provides that all seafarers serving on board vessels flying the flag of a Member State of the Union must hold a certificate issued or recognized by a competent authority of a Member State and attesting that they have undergone appropriate training in accordance with the International Convention of the IMO (International Maritime Organization) on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW Convention).

The discussion established the policy principles - especially as regards recognition of certificates issued by third countries - on which the Council would have to base the adoption of its common position.

The Council instructed the Permanent Representatives Committee to continue the discussions, particularly in the light of the Opinion of the Parliament.

SHIP INSPECTION AND SURVEY

The Council held a policy debate on the proposal for a Directive on common rules and standards for ship inspection and survey organizations.

In the context of the common policy on maritime safety, this initiative seeks to improve the construction and maintenance of sea-going vessels flying the flag of a Member State or entering a Community port.

Under the proposal, the inspection, survey and certification organizations responsible for certifying that Community vessels comply with the standards laid down in the relevant international conventions will have to be approved by a Member State and meet criteria of competence, reliability and experience very similar to those of the IMO. Third-country vessels not classified by an approved classification society would have to undergo a port inspection as a matter of priority.

The Council focused mainly on the criteria for recognizing ship

inspection and survey organizations and established the policy principles that would underlie its common position.

The Permanent Representatives Committee was instructed to continue the discussions, particularly in the light of the Opinion of the Parliament.

RELATIONS WITH WEST AND CENTRAL AFRICA IN MARITIME TRANSPORT

The Council considered the relations between the Community and the States of West and Central Africa with regard to maritime transport and discussed the measures to be taken to break the deadlock in consultations between the two sides.

The Council noted that the ultimate goal of Community policy towards this region was to ensure the harmonious development of efficient and reliable shipping services on economically satisfactory terms by facilitating the active participation of all parties in accordance with the principle of unrestricted access to the trade on a commercial basis.

It was agreed that the Commission would conduct a fact-finding mission in the countries concerned and report back to the Council.

APPLICATION OF THE COMPETITION RULES TO MARITIME TRANSPORT

After discussing the application of the competition rules to maritime transport on the basis of a statement by the Commissioner Mr VAN MIERT, the Council noted that by 30 June 1994 the Commission intended to submit a detailed report on the legal position of multimodal transport and the legal problems relating to liner conferences with regard to price setting and capacity sharing.

The Council was concerned that the position of Community shipowners should not be fundamentally different from that of their international competitors.

COMMUNITY REGISTER (EUROS)

The Council noted a statement by the Commissioner Mr MATUTES on a new approach being taken by the Commission regarding the proposal for a Regulation establishing a Community ship register (EUROS) and providing for the flying of the Community flag by sea-going vessels.

The new approach involves greater flexibility than the original proposal in the provisions on crews and financial assistance, allowance for maritime safety requirements and the development of a common external policy on the subject to improve European shipowners' opportunities for access to the markets.

The Council will consider the issue at its next meeting, under the Greek Presidency, in the light of the discussions of the Permanent Representatives Committee and of the high-level working party which the Commission intends to set up in the near future.

LAND TRANSPORT

ROAD SAFETY

- ACTION PROGRAMME - COUNCIL CONCLUSIONS

'The Council, after holding a general debate on the Commission communication for an action programme on road safety:

1. notes this action programme, which was submitted following a request by the Council and the representatives of the Governments of the Member States, meeting within the Council, in their Resolution of 21 June 1991 (1)91/C;

(1)91/C 178/01 - OJ C 178, 9.7.1991, p.1.

2. welcomes the fact that this programme, which was established notably on the basis of the report by the high-level working party of representatives of the Governments of the Member States, set up by the Commission at the Council's request, takes a global and integrated approach to the problem of road safety while taking into account the added value of the actions implemented at Community level, with due regard for the principle of subsidiarity;
3. welcomes the concrete short and medium-term actions contained in this programme, as called for in the abovementioned Council Resolution, designed to remedy the veritable scourge constituted by road accidents, the human cost of which exceeds 50 000 dead and 1 500 000 injured a year in the Community as a whole and the socio-economic cost of which is astronomical (some ECU 70 billion per year);
4. notes the importance attached by the European Parliament to road safety, as stated in particular in its Resolution on that subject adopted on 12 March 1993 (2)

and notes that the programme proposed by the Commission takes account of this Parliament Resolution in the enlarged framework of Article 75 of the Union Treaty;

5. recalls that in its conclusions on the White Paper on the future development of the common transport policy, the Council recognized that 'progress must be made, avoiding duplications, at the national and Community levels, and also in a wider international context, as regards transport safety including the safety of passengers and the transport of dangerous goods';
6. stresses that it is important to pay more attention to road safety in Community policies other than transport policy, in particular when defining and implementing technical standards to improve active and passive vehicle safety;
7. considers that this programme meets the concerns set out above, especially as it includes an aspect involving the exchange at Community level of information and experience from the Member States

in the fields of statistics, law and the media in particular;

8. considers that the projected creation of a Community data bank on statistics for road accidents resulting in injury or death (CARE project) (3) is a useful tool for implementing the said aspect of the action programme;

9. considers that attention should be focused first on the causes of the most serious accidents, on the categories of users most frequently involved in road accidents as well as on the most vulnerable categories of users, and that actions should be aimed as a matter of priority at the target groups thus pinpointed;

(2) Resolution A3-0014/93 - OJ C 115, 26.4.1993, p. 260.

(3) OJ C 225, 20.8.1993, p. 6.

10. consider in this context that the most appropriate level and means of action (legislative or non-legislative measures) must be defined on a case-by-case basis in the light of analysis of the relevant data, and stresses in this framework the important role to be played by the Commission and the Member States in analyzing the results of the measures already taken in the Member States;

11. considers that such an approach could also be useful in the framework of the action taken by the Member States to reduce the number of accidents linked in particular to drink, drugs or inappropriate speeds;

12. considers, regarding the latter aspect, that calmer driving should be encouraged, with action being taken simultaneously with respect to drivers, vehicles and infrastructure;

13. considers that, regarding driver behaviour, further stages could be undertaken to improve the safety of certain categories of users, with new drivers and drivers of two-wheel vehicles deserving particular attention in this context; considers nonetheless that non-legislative action, such as awareness and education campaigns, could also have a place here;

14. considers that in the field of vehicles, and without underestimating the progress already made both in completing the internal market and in terms of safety, additional measures in the technical field could be contemplated where these measures will make possible improvements in active and passive safety, at the level of design, construction and equipment;

15. considers that safety is an essential criterion in designing, maintaining or improving road infrastructures according to the intended use for the different types of network; that, in order to do this, it is necessary to study and take appropriate measures in the sector of road infrastructure, including the road-sign and safety-equipment aspects; that, moreover, in the light of the increase in international traffic, it is vital that a high level of

safety be achieved for the trans-European road network;

16. stresses, in line with the aforementioned conclusions on the White Paper, the need for good co-operation with international authorities working in the field of road safety, in particular the United Nations Economic Commission for Europe, the ECMT and the OECD, while avoiding duplication of effort; by way of example, recalls that a Commission proposal is awaited which integrates into Community legislation the content of an agreement drawn up under the aegis of the United Nations (ADR Agreement) (4);
- (4) European Agreement concerning the International Carriage of Dangerous Goods by Road, signed in Geneva on 30 September 1957 within the framework of the UN-ECE.
17. considers it essential that the high-level working party mentioned in point 2 continue its work on a permanent basis, in co-operation with the Commission, in order to study possible actions and their follow-up;
18. recalls, as already requested in its abovementioned Resolution of 21 June 1991, that the cost-benefit ratio of the measures contemplated should be estimated;
19. considers moreover that any measure contemplated should be examined from the point of view of its feasibility and likely acceptability in order to increase its effectiveness; reaffirms the importance of effective monitoring to ensure that measures already taken or to be taken are complied with;
20. considers that particular attention should be paid to research, so as to draw from it all the lessons of benefit to road safety;
21. invites the Commission to take action on these Council conclusions by forwarding to it the relevant proposals, and agrees to return regularly to the question of road safety on the basis, in particular, of a report to be submitted by the Commission before 31 December 1996'.

- COMMUNITY DATABASE ON ROAD ACCIDENTS (CARE)

With the German and United Kingdom delegations abstaining (see explanation of votes in the Annex), the Council approved the Decision on the creation of a Community database assembling statistics on road accidents in the Community resulting in death or injury (CARE).

This should make it possible to extend the range of cases that can be studied and to record the data in disaggregated form (accident by accident), which would make for greater transferability of findings.

In practice, once a year the Member States will send the Statistical Office of the European Communities (SOEC) their existing computer files, organized in accordance with a common data system to permit

centralized interrogation.

The Decision concerns a three-year pilot project at the end of which the Commission will have to submit an evaluation report to the Council on the results obtained and on whether these activities should be continued.

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On a proposal from the Presidency, the Council agreed in principle to the organization of a European Year of the Young Driver.

TRANSPORT TO AND FROM GREECE

The Council noted the Commission's report on the situation regarding transport to and from Greece, drawn up in response to the Greek delegation's request for action to relieve the problems faced by Greek hauliers because of the crisis in the former Yugoslavia.

The Commission intends to pursue various courses of action, including negotiations with the Hungarian authorities to obtain additional transit licences and the adoption of financial support measures, via the PHARE programme among other things, to make frontier crossings easier on the routes to and from Greece.

In the long term, the Commission intends to take this problem into consideration when planning infrastructures in co-operation with the countries concerned, with particular reference to the promotion of combined transport between Greece and Italy.

RELATIONS WITH SWITZERLAND IN THE FIELD OF TRANSPORT

After a discussion on the recommendation for a Council Decision on the opening of negotiations with Switzerland on road and air transport, the Council agreed in principle to the opening of such negotiations and instructed the Permanent Representatives Committee to continue examination of this dossier with the aim of enabling the Council to issue the negotiating brief not later than its next meeting in April.

RELATIONS WITH THE ASSOCIATED COUNTRIES OF CENTRAL AND EASTERN EUROPE

On the occasion of the Council meeting a ministerial meeting was held between the Community Transport Ministers and their counterparts from Central and Eastern Europe (Bulgaria, Hungary, Poland, Romania, Slovakia and the Czech Republic).

The discussion mainly dealt with the development of transport infrastructure and the approximation of the laws of the countries concerned with Community law on transport, especially road transport.

AIR TRANSPORT

INVESTIGATION OF CIVIL AVIATION ACCIDENTS AND INCIDENTS

The Council held a policy debate on the proposal for a Directive establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

The aim of the proposal is to acquire a better understanding of the factors that lead to the accidents and incidents in question, so that preventive measures can be envisaged in the context of a common policy on air safety.

The Council established the policy principles which should form the basis of the common position it will have to adopt in the light of the Opinion of the European Parliament.

CIVIL AVIATION

The Council noted the account given by Mr Herman DE CROO, Chairman of the Committee of Wise Men, of the situation regarding civil aviation, and also French and United Kingdom memorandums on the same subject.

With the final report due in January, it was agreed that the Ministers would consider this dossier at the informal meeting to be held in Greece on 7 February and at the Transport Council meeting in April 1994.

After an exchange of views, the President drew the following conclusions on the situation in civil aviation:

1. Concerned by the economic recession afflicting civil air transport and by the high costs of air transport undertakings, confronted as they are by overcapacity and low yields, which are affecting the air transport industry to such a degree that it is incurring unbearable losses, considers that an environment must be created which will enable air transport undertakings to reduce their costs and improve their yields.

2. Having listened with great attention to the statement by the Chairman of the Committee of Wise Men analyzing the specific weaknesses of the air transport industry in the face of the economic recession and the liberalization of the market, urges the Committee of Wise Men to complete its work by the beginning of next year, and awaits with great interest its proposals for measures to remedy the current economic difficulties in this sector.

3. Having concluded that short, medium and long term measures must be taken to enable the industry to take action to restore profitability.

4. Notes that handling monopolies still exist at several airports in the Community; recognizes that the overall efficiency of handling services must be improved; calls on the Commission to pursue its work with vigour and to submit a document as soon as possible, with a view to introducing greater competition into this aspect of air transport, observing the principles of non-discrimination and transparency.

5. Recalling the conclusions of the Ministers of the ECAC Member States for the harmonization and integration of European airspace, confirms

the Council conclusions stressing the need for close co-operation between Eurocontrol and the European Commission with a view to the co-ordination, development and implementation of the future European Air Traffic Management System (EATMS) and emphasizes that the early installation of FANS technology should be treated as a matter of priority; considers that the high level of air transport safety should be preserved by strengthening support for the activity of the JAA and reviving the regulatory role of the ICAO, as desired by the United States, with regard to harmonization of the technical and social environments of undertakings.

6. Taking note of the levels of airport and air navigation charges, which have increased substantially over the last five years, considers that these charges should be significantly moderated. In addition, it would ask the Member States to consider measures regarding the tax and VAT elements in the cost bases of air transport undertakings, which may increase transparency and help air transport undertakings restore their profitability.

7. Aware of airport infrastructure problems, calls on the Commission to expedite its work and to submit a proposal for a Council Decision on the Community Airport Network.

8. Recognizes the difficulties of European air carriers in keeping their yields at economically viable levels in view of high costs, overcapacity and the recession, and calls on the Commission, when applying the competition rules, to make allowances for the present difficult situation in the air transport industry.

9. Noting that, in view of the Community regulations in force, the economic situation may call into question the location of the Community industry, asks the Commission to analyze this problem with a view to strengthening the Community nature of the operation.

10. Noting that there is overcapacity on certain routes and that the safeguard clause referred to in Article 10 of Council Regulation (EEC) No 2408/92 of 23 July 1992 has never been applied, invites the Member States to consider the arrangements in Article 10 with a view to forestalling a worsening of overcapacity.

11. Considers that the European air transport industry needs to be restructured to improve its efficiency and competitiveness, and recognizes that State aid is possible only within the limits of the Treaty. With a view to restructuring operations, the issue of specific financial aid could be raised.

12. Aware of the problems which might arise in the use of computerized reservation systems (CRS), asks the Commission to make a detailed analysis of possible abuses in this area and to examine provisions capable of preventing such abuses.'

FUTURE DEVELOPMENT OF THE COMMON TRANSPORT POLICY

The Council noted the Commission's presentation of a report on the future

development of the common transport policy, which was drawn up in response to the conclusions on this subject adopted by the Council last June.

After a discussion, during which the future Greek Presidency announced its intention of ensuring follow-up, the Council agreed to return to the matter at a future meeting.

INLAND WATERWAY TRANSPORT

The Council noted the Commission's presentation of a report on the effect of the structural improvement measures in inland waterway transport, as introduced by Regulation No 1101/89, together with a proposal for extending the temporary measures adopted by the Council to curb investment in renewed overcapacity in the sector. The Permanent Representatives Committee was instructed to continue examination of the dossier, pending the Parliament's first-reading Opinion, with a view to a Council meeting in the near future.

After a discussion centring mainly on the question of the exchange system, the Council noted the Commission's intention of submitting a report and a proposal on the organization of this sector in the first half of 1994.

SUMMER TIME

The Council held a discussion on the proposal for a seventh Directive on summer time arrangements.

There was a favourable response to the idea of the starting and finishing dates for summer time being harmonized throughout the Member States as from 1996.

The current arrangements (summer time starting on the last Sunday in March for all Member States and finishing in September for all except Ireland and the United Kingdom) would be extended until 1995.

With a view to the Council's adoption of its common position, the Permanent Representatives Committee was instructed to continue examination of this dossier in the light of the Opinion of the Parliament.

- - -

ANNEX

COMMUNITY DATABASE ON ROAD ACCIDENTS (CARE)

- Explanation of votes -

United Kingdom delegation

'The United Kingdom is abstaining on this Decision since it does not believe that the proposed Community Data Base would provide added value to existing national systems, and duplicates work being done in other

international fora, such as OECD.'

German delegation

'Investigations based on accident statistics have hitherto been carried out on very dissimilar bases in different European countries. In the interests of comparability, the statistical bases of such investigations must be harmonized (standard definition of road deaths, road injuries, type of accident, causes etc.) before an EC database is set up.'

MISCELLANEOUS DECISIONS

(adopted without discussion)

Reduction of economic relations with Libya

The Council adopted two Regulations implementing United Nations Security Council Resolution of 11 November 1993 on the extension of the embargo measures concerning Libya, the principle of which was the subject of a common position adopted by the Council on 22 November 1993.

The first Regulation seeks to prevent the supply of certain goods and services to Libya, while the second prohibits the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 883 (1993) and related resolutions concerning Libya.

Relations with the former USSR

The Council authorized the Commission to take part in the negotiation of the technical adjustment needed to allow the provisional application of the Agreement establishing an International Science and Technology Centre (ISTC). This action had to be taken because of the delay in Russia's ratification procedures.

Relations with Bulgaria - Textiles

The Council authorized the Commission to open negotiations with Bulgaria to amend the bilateral agreement on trade in textile products, which expires on 31 December 1993.

Imports of certain wines from Hungary and Romania

The Council adopted a Regulation opening and providing for the administration of Community tariff quotas for certain wines originating in Hungary and Romania for the period 1 December to 31 December 1993.

The quota for Hungary is 5 833 hl of wine of fresh grapes, 208 hl of sparkling wine and 9 583 hl of quality wine at a duty of 80% of the basic duty.

For Romania the quota is 9 167 hl of wine of fresh grapes at a duty of 80% of the basic duty.

Fisheries

The Council adopted a Regulation concerning the conclusion of an Agreement on fisheries between the Community and Dominica.

The Agreement is applicable for an initial period of three years. It guarantees, on a reciprocal basis, fishing possibilities for the Community's fishermen in the waters over which the Commonwealth of Dominica exercises sovereignty or jurisdiction, and for fishermen from Dominica in the Community fishery zone off the coast of the French Departments of Guadeloupe and Martinique.

Appointments

The Council replaced Mr Svend Skovbro LARSEN, a member of the Economic and Social Committee who had resigned.

* * *

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