



Council of the European Union

PRESS
EN

BACKGROUND¹
Brussels, 30 November 2016

Transport, Telecommunications and Energy Council
(Transport issues)
Brussels, 1 December 2016

The Council will be chaired by the Slovak Minister for Transport, Construction and Regional Development **Arpád Érsek**.

The European Commission will be represented by Commissioner **Violeta Bulc**.

The **meeting** will **start** at 10:00.

The Council aims to adopt a general approach on a proposal on revised **safety rules for civil aviation** and a revised mandate for the **European Aviation Safety Agency** ('EASA basic regulation'). The main objective of the draft regulation is to allow the EU aviation sector to continue to grow in the future while maintaining the current high level of safety. It includes the first-ever EU-wide rules on **civil drones**.

The Council is also set to agree on a general approach on two proposals which are part of a review of passenger ship safety and aim to improve the safety of passenger ships and simplify the rules relating to them. These proposals take the form of a revised 'general' directive on **safety rules for passenger ships** and a simplified inspection regime for **ro-ro ferries and high-speed passenger craft**.

In addition, ministers will take stock of the progress made on the third proposal resulting from the review: revised rules on the **registration of ship passengers**.

Under items to be taken without discussion ('A items'), the Council will adopt a mandate that will enable the Commission to launch talks on a comprehensive **air transport agreement** with **Armenia**.

Over lunch, ministers will discuss the new possibilities for **financing transport infrastructure** offered by the European Fund for Strategic Investments (EFSI). The topic will be introduced by the Vice-President of the European Investment Bank, Pim Van Ballekom.

Press conference: +/- 18:00

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Video streaming of press conferences and public events: <http://video.consilium.europa.eu>

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¹ This note has been drawn up under the responsibility of the Press Office.

Civil aviation safety – EASA

The Council aims to agree on a general approach on a proposal on revised common **safety rules for civil aviation** and a revised mandate for the **European Aviation Safety Agency ('EASA basic regulation')**. The proposal introduces a more performance- and risk-based approach to safety regulation. It contains the first EU-wide rules for the safe integration of **drones** into European airspace, where they will fly alongside normal aeroplanes.

The main objective of the draft regulation is to allow the EU aviation sector to continue to grow in the future while maintaining the current high level of safety. A revision is necessary given that technology has moved on considerably since the regulation was last revised in 2008. In addition, air traffic is expected to increase by 50% in the next 20 years, and EU operators are facing fierce competition from carriers from other parts of the world.

Another objective is to create an effective regulatory framework that will stimulate emerging technologies and new business models. In particular, the category of remotely piloted drones has been expanding rapidly in recent years. It is estimated that about 10% of civil aviation will be unmanned in just ten years' time. The sector offers vast potential for promoting growth and creating new jobs.

EU aviation safety rules

The EU has a single market in aviation. This means that all EU airlines may operate air services on any route within the EU. The safety of EU aviation is based on a comprehensive set of common safety rules, which cover all key areas of aviation including airworthiness, aircrew, aerodromes, air operations and provision of air navigation services.

The EASA basic regulation establishes the principles for these rules and a division of tasks between the EU and national authorities. Detailed safety rules have been adopted in the form of Commission implementing regulations. All these rules are directly applicable in all EU countries. They are overseen by the European Commission, the EASA and the national aviation authorities.

Rules on drones

Drones fall under the definition of aircraft under the United Nations Chicago Convention on civil aviation. The EU is currently competent for regulating unmanned aircraft above 150 kg with some exceptions such as use by the police or customs authorities. Lighter drones are regulated at national level, if they are regulated at all.

Drones include many different types of aircraft which carry out a wide variety of tasks such as inspecting pipelines, filming sports events or delivering parcels. They can weigh just a few grams, or ten tons. Their maximum speed can range from hovering to a speed of over 1000 km/h. The risks of drone operations range from very low to risks equivalent to manned aviation.

The draft regulation provides the **basic principles and legal basis for more detailed rules on drones**. These rules are to be proportionate to the risk of the particular operation, while safeguarding safety, security and privacy. Drones must also respect rules for noise and CO2 emissions, just like any aircraft. The conditions to determine whether certification is required include, inter alia, the type, scale and complexity of the operation and the extent to which other air traffic or people on the ground could be endangered.

More detailed rules will be developed by the EASA and laid down in a Commission implementing act. This makes it easier to update them as technology develops. The EASA has already published a 'prototype' regulation for drones (see the [EASA website](#)). The draft Council text specifies that the implementing measures should build on member states' best practices and take into account the local characteristics of member states such as population density.

The compromise proposal also gives member states a right to limit drone operations for reasons such as security, privacy, data protection or the environment (just as they can limit any other types of air operations).

More proportionate approach to safety regulation

The proposal introduces a more flexible approach to safety regulation, recognising the differences between the various sectors of civil aviation and the risks involved.

Simple or home-built aircraft or those which operate mainly locally will be regulated by member states. The same goes for aerodromes which are not used for commercial air transport or have very limited runway facilities.

Strict certification would continue to be required for commercial aviation, while aircraft presenting lower risks such as private jets, helicopters or light-weight sport aircraft, would only need a simpler and cheaper approval procedure in the form of a declaration of conformity.

Some other elements of the proposal

Aviation security

The new rules will step up cooperation between EU countries, the Commission and the EASA on security matters related to civil aviation, such as cyber security and flight over conflict zones. To reflect member states' competence on national security, the draft Council text specifies that the EASA's assistance will be sought in matters where there are interdependencies between safety and security.

EASA budget

The Commission suggested adding en-route charges (money collected from airlines for air traffic control services) as a new source of funding for EASA's air traffic management tasks which have been given to the Agency since 2012. Due to member states' concerns for cost-neutrality and practical and legal difficulties in putting this into practice, the presidency compromise proposal does not include this provision. There should therefore be no changes to the current system in which 70% of the EASA's funding comes from the industry (e.g. from certification of new aircraft) and the rest comes from the EU budget.

Pooling member states' resources to oversee an airline:

The draft Council text gives member states that wish to do so the possibility to decide to be jointly responsible for the certification and oversight of an airline under certain conditions. The maximum number of participating member states would be limited to five.

Emergency oversight:

The Commission suggested a new mechanism which would allow the EASA to take over certain oversight tasks from a member state temporarily in the event of serious deficiencies identified at member state level. The compromise proposal does not include this provision, reflecting member states' concerns on its legal and political implications and their view that any such safety deficiencies can and should be solved through other means.

How will this proposal become law?

The general approach will be the Council's position for talks with the European Parliament. The Parliament approved its mandate on 10 November. The adoption of the legal act requires agreement of both institutions.

Air transport in the EU

Air transport makes a key contribution to the European economy, with more than 100 scheduled airlines, a network of over 400 airports, and 60 air navigation service providers. The aviation sector directly employs between 1.4 to 2 million people, and directly or indirectly supports 4.7 to 5.5 million jobs. Aviation directly contributes more than €110 billion to European GDP.

The draft regulation on civil aviation safety is part of the Commission's aviation strategy to improve the global competitiveness of the sector, adopted in December 2015.

[Civil aviation safety regulation - draft general approach](#)

[Civil aviation safety regulation - draft general approach - annex](#)

[Report to Council on civil aviation safety regulation draft general approach](#)

Passenger ship safety

The Council will discuss all three proposals presented by the Commission in June 2016 to **update and revise common rules on safety of passenger ships**.

Two of the proposals - the 'general' directive on passenger ship safety, which contains the most extensive rules on passenger ship safety in the EU, and the directive on inspections of ro-ro ferries and high-speed passenger craft - are up for a **general approach**. The third proposal, revised rules on the registration of passengers, will be the subject of a **progress report**.

The paramount objective of the new provisions is to **make travelling by sea safer**. The revision also aims to make the rules simpler and cut administrative costs.

Safety rules for passenger ships

The Council will adopt a **general approach** on an amended directive on **safety rules and standards for passenger ships and high-speed passenger craft**.

The directive only concerns vessels sailing **between ports of the same EU country**. It divides passenger vessels into four classes according to the sea areas they may operate in. EU countries publish the list of sea areas and classes of vessels concerned in a publicly available database.

The directive sets out detailed technical requirements on safety measures which vessels must respect such as construction, stability and fire protection. Where possible, it is based on internationally agreed standards. Ships that are currently not regulated at EU level are subject to rules set by member states themselves.

The directive applies to ships made of **steel or equivalent material**. The **draft Council general approach** clarifies the definition of 'equivalent material' by including insulation as an additional criterium. Given the financial and technical implications of the new definition, the Council text gives member states with more than 60 passenger ships made from aluminium alloy flying their flag the possibility to exempt such ships from the directive for a period of fourteen years. It extends the deadline by which existing ships built in an equivalent material must comply with the requirements to seven years.

Like the Commission proposal, the draft Council general approach includes a number of new definitions (traditional ship, sailing ship, etc.). Similarly, it excludes sailing ships and offshore service ships and craft as well as small ships under 24 metres from the scope of the directive.

It extends the deadline for transposition to three years. Member states which have no maritime ports and no ships flying their flag that fall within the scope of this directive would have the possibility to be exempted from the obligation to transpose the directive.

[Revised safety rules and standards for passenger ships - draft general approach](#)

Inspections of ro-ro passenger ferries and high-speed passenger craft

The Council will adopt a **general approach** on a **streamlined but robust inspection regime for ro-ro ferries and high speed passenger craft**. The new rules eliminate overlaps between the various regimes in use. They reduce the administrative burden for ship owners and aim to maximise the time during which the ship can be commercially exploited. At the same time, they rationalise the inspection efforts of member states' authorities, while continuing to ensure a high common level of safety.

The current directive on surveys for ro-ro ferries and high-speed craft provides for different types of inspections to address the particular safety risks of these vessels. These risks relate, for instance, to stability and fire vulnerabilities and cargo shifts caused by undivided vehicle decks. In addition, these vessels typically have very intense activity, which makes them more susceptible to wear and tear.

Around 80% of domestic fleet accidents involve vessels with a roll-on and roll-off capacity, although these vessels only represent 49% of the fleet.

The current survey directive requires two inspections a year. These inspections are meant to be carried out with a certain interval between them, but the fitness check showed that this was not always the case. Therefore, the new text maintains the content and frequency of the inspections but makes it clear that the two annual inspections required should take place at regular, approximately six-monthly intervals.

When it comes to the various inspections regimes, most member states already combine mandatory inspections required under the survey directive with either flag state surveys or port state control inspections. (Port state control means the inspection of foreign ships in national ports as a back-up to a flag state survey.) The different regimes, however, have different scopes, which creates a regulatory gap and makes enforcement of rules problematic.

In order to create a **clear framework for the inspections and close the regulatory gap**, the new directive moves vessels subject to port state control inspections to the port state control directive and replaces the current survey directive with a new text which clearly defines the scope of the rules.

The **draft Council general approach** replaces the term 'ro-ro ferry' with '**ro-ro passenger ship**' in line with the terminology used at international level. It also proposes to extend the transposition deadline to three years and stipulates that member states with no maritime ports would not be obliged to transpose the directive.

[Inspections of ro-ro passenger ships and high-speed passenger craft - draft general approach](#)

Registration of passengers

The Council will **take note of progress** made on a proposal to **update the requirements for registering passengers and crew on board passenger ships**.

The registration rules aim to ensure that the **safety of passengers** is not compromised by overcrowding and that **search and rescue** can be dealt with effectively.

For shorter voyages, persons on board must be counted. For longer journeys, they must be registered.

Under current rules, this information is kept by the shipping company's registrar and the national authority must contact the shipping company in the event of an emergency.

The Commission proposes to introduce the requirement to register the data in a digital manner, using harmonised procedures. The standard procedure would be to transmit the data to the maritime National Single Windows established under the directive on reporting formalities for ships (2010/65/EU). For short voyages, data could, as an alternative, be made available to the designated authority through the ship's Automatic Identification System (AIS).

Currently, the data recorded does not always include information on nationality. To make assisting victims and their relatives easier in the event of an accident, the Commission suggests including nationality in the data to be recorded. The reporting of nationality would be based on self-declaration by the passenger. It would not be used for other purposes than identification of the person, unless that is required by other legislation, for example, for border control purposes.

The presidency has prepared a progress report on the basis of the first round of discussions on the proposal in the Council working party.

[Registration of passengers - progress report](#)

How will these proposals become law?

The general approaches are the Council's position for talks with the European Parliament. The Parliament has not adopted its position on any of these proposals yet. Both institutions must agree on the texts before they can enter into force.

Revision of passenger ship safety rules - background

Following up on a comprehensive review of safety rules

EU legislation on passenger ship safety has been put in place over a period of 15 years, often in response to accidents. This has resulted in a set of directives shaped by the circumstances in which they were drafted, with each directive covering different types of ships and voyages.

More importantly, recent technological developments has made some of the existing provisions outdated.

Before presenting its proposals, the Commission carried out a comprehensive review of passenger ship safety. This 'regulatory fitness check' (REFIT) focused on areas such as design and stability of ships, technological developments in the sector, crew training, safe operation, including emergency evacuation procedures, and registration of passengers.

The review showed that that there was no need to overhaul the rules in place completely but that it was necessary to simplify and update them (see Commission report [REFIT Adjusting Course: EU Passenger Ship Safety Legislation Fitness Check](#) from October 2015).

As a result, the Commission adopted its passenger ship safety package on 6 June 2016. Other possible safety improvements suggested by the fitness check include increasing the level of survivability of passenger ships in damaged condition and the need to develop a set of new, goal-based standards for small passenger ships built from innovative materials such as fibre-reinforced plastic. Passenger ship damage survivability and new goal-based ship construction standards are currently being discussed at the International Maritime Organisation (IMO).

Work at the International Maritime Organisation

In parallel to its own safety legislation, the EU has been actively pursuing work on passenger ship safety in the framework of the International Maritime Organisation. However, as IMO instruments - such as the International Convention for the Safety of Life At Sea (SOLAS) - cover ships on international voyages only, domestic voyages need to be addressed through national and/or EU legislation.

Passenger ship transport in the EU

23 out of 28 member states are coastal countries, and four are island states. More than 400 million passengers pass through EU ports every year, with 120 million passengers transported between ports of the same member state.

Around 30% of vessels engaged in domestic traffic in the EU are governed by EU safety standards, but these ships account for more than 60% of the passenger capacity. One third of passengers travel on ships certified according to national standards.

EU passenger ship legislation performs well. Out of the 408 accidents of domestic passenger ships during the last four years before the fitness check, only one resulted in a passenger fatality. These statistics do not include cases in which the ships were engaged in international voyages.

Any other business

Results of the 39th ICAO Assembly (Montreal, Canada 27 September - 7 October 2016) and the latest developments in the International Maritime Organisation (IMO)

- [Information from the Commission](#)

Draft common aviation area agreement between the Republic of Turkey, of the one part, and the European Union and its Member States of the other part

- *Information from the Cyprus delegation*

Security in the transport sector

- *Information from the Commission on the state of play*

Road safety

- *Information from the Commission*

The upcoming road initiatives: Addressing the challenges for the road haulage sector

- *Information from the Commission, requested by the French and German delegations*

Evolution of the EU-type approval legislation: Progress report by the European Commission on the implications of the 'emissions irregularities'

- *Information from the Commission, requested by the German delegation*

Women in transport

- *Information from the Commission*

GALILEO

- *Information from the Commission on the state of play*

European Strategy for Low Emission Mobility

- *Oral presentation by the Commission*

Cooperation in the field of connected and automated driving: follow-up to the Declaration of Amsterdam

- *Information from the Netherlands delegation*

Work programme of the incoming presidency

- *Information from the Maltese delegation*
