COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

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1414th Council meeting

- TRANSPORT -

Luxembourg, 18 and 19 June 1990

Presidents: Mr Séamus BRENNAN

Minister for Tourism and Transport of Ireland

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

Belgium:

Mr Jean-Luc DEHAENE	Deputy Prime Minister and Minister for Communications and Institutional Reforms

Denmark:

Mr Knud OESTERGAARD	Minister for Transport
Mrs Anne Birgitte LUNDHOLT	Minister for Industry
Mr Joergen HALCK	State Secretary, Ministry of Transport

Germany:

Mr Wilhelm KNITTEL	State Secretary, Federal Ministry of Transport

Greece:

Mr Nicolaos GUELESTATHIS	Minister for Transport and Communications
Mr A. PAVLIDES	Deputy Minister, Ministry for the Merchant Navy

Spain:

Mr José BARRIONEUVO PEÑA	Minister for Transport, Tourism and Communications

France:

Mr Michel DELEBARRE	Minister for Infrastructure, Housing, Transport and the Sea
Mr Jacques MELLICK	Minister attached to the Minister for Transport, with responsibility for the Sea

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Ireland:

Mr Séamus BRENNAN	Minister for Tourism and Transport
Mr John P. WILSON	Minister for the Navy
Mr Denis LYONS	Deputy Minister for Tourism, Department of Tourism and Transport
Mr Michael NOONAN	Deputy Minister, Department of the Navy

Italy:

Mr Carlo BERNINI	Minister for Transport
Mr Carlo VIZZINI	Minister for the Merchant Navy

Luxembourg:

Mr Robert GOEBBELS	Minister for Transport

Netherlands:

Ms Hanja MAIJ-WEGGEN	Minister for Transport and Public Works

Portugal:

Mr Joaquim FERREIRA DO AMARAL	Minister for Public Works, Transport and Communications

United Kingdom:

Mr Cecil PARKINSON	Secretary of State for Transport
Mr Patrick McLOUGHLIN	Under Secretary of State, Ministry of Transport

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Commission:

Sir Leon BRITTAN	Vice-President
Mr Karel VAN MIERT	Member

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I. AIR TRANSPORT

DEVELOPMENT OF CIVIL AVIATION

The Council reached agreement on the three Regulations for the second stage of liberalization in the air transport sector, which follows on the heels of the first series of measures in December 1987.

The Regulations will be formally adopted at the earliest opportunity.

Regulation on fares for scheduled air services

This Regulation will replace Directive 87/601/EEC and is designed to:

- make the system of air fares for intra-Community connections even more flexible, in particular by introducing added flexibility to the zonal system as compared with the 1987 Directive. The Regulation thus establishes three zones of flexibility for scheduled air service fares according to specific conditions. The zones in question are:

  = a normal fare economy class zone, extending from 95% to 105% of the reference fare

  = a discount zone, extending from 94% to 80% of the reference fare

  = a deep-discount zone, extending from 79% to 30% of the reference fare.

  For certain cases, the Regulation introduces an experimental system of double disapproval (1), which is the objective to be achieved by no later than 1 January 1993.

- establish more precise criteria for the evaluation of proposed air fares by the Member States' authorities

(1) Double disapproval = a fare proposed by an airline may be rejected only if the authorities of the two Member States concerned disapprove of it.

- adopt a procedure enabling the Member States to request the opinion of the Commission on the compliance of a proposed fare with the criteria laid down

- establish the Commission's power to suspend the application of fares which are too high or too low

- enable scheduled fares to match [1] fares for non-scheduled flights on the same route, subject to equivalent conditions.

The Regulation will enter into force on 1 November 1990.

Regulation on access for air carriers to scheduled intra-Community air service routes and on the sharing of passenger capacity between air carriers on scheduled air services between Member States

This Regulation replaces Decision 87/602/EEC and is designed to:

- allow greater access to the market, which will encourage the development of the air transport sector in the Community and mean improved user services. The Regulation accordingly lays down more liberal provisions on multiple designation and third, fourth and fifth freedoms [2];

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(1) "matching" = making fares the same.

(2) 3rd freedom: right to put down passengers, cargo and mail from the territory of the State of the aircraft's nationality
4th freedom: right to take on passengers, cargo and mail bound for the territory of the State of the aircraft's nationality
5th freedom: right to take on and put down passengers, cargo and mail from or bound for a third State in the territory of the other contracting State.

- abolish gradually the bilateral restrictions on shares of capacity which are incompatible with internal market principles, a process which must be completed in 1993 in the air transport sector;

- lay down special capacity provisions in the case of markets in which non-scheduled services occupy a predominant position;

- encourage the development of inter-regional air services and thus develop the Community network and help to resolve the problem of saturation at certain major airports; to this end, the Regulation provides for more liberal rules to be established for capacity-sharing in such cases;

- prescribe certain limitations on the exercise of traffic rights for reasons in connection with airport facilities, navigational aids and the insufficient number of slots.

The Regulation will enter into force on 1 November 1990.

Amendment to Regulation No 3976/87 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector

The main purpose of the amendment is to:

- extend until 31 December 1992 block exemptions previously granted for a limited period to enable air carriers to adapt to the more competitive environment introduced by changes in the regulatory system applicable to intra-Community international air transport. Such extension of block exemptions is warranted by the new liberalization measures in the air transport sector adopted by the Community. Both the scale and the details of these block exemptions will be defined by the Commission in close

conjunction with the Member States and in the light of the trend in the conditions of competition recorded since the entry into force of Regulation No 3976/87;

- provide also for block exemptions for consultation on cargo rates.

NEGOTATIONS WITH EFTA - AIR TRANSPORT

The Council adopted a Decision authorizing the Commission to open negotiations between the European Economic Community and Norway and Sweden on scheduled air passenger services. These negotiations will cover such areas as traffic rights, fares and capacity-sharing.

AIR CARGO

Pending the Opinion of the European Parliament, the Council held a policy discussion on a proposal for a Regulation on the operation of air cargo services.

The proposal is aimed mainly at:

- removing the existing barriers to market access for air cargo services. This is intended to increase the opportunities for market access by encouraging the development of the air transport sector in the Community and improving user services;

- establishing a procedure for fixing cargo rates;

- increasing market transparency by requiring all available cargo rates to be published.

The Council instructed the Permanent Representatives Committee to continue discussing this question.

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PREDATORY FARES AND OTHER ANTI-COMPETITIVE PRACTICES

The Council held a policy debate on a proposal amending Regulation No 3975/87 on the procedures applicable in the case of predatory fares and other anti-competitive practices on the part of undertakings in the air transport sector, on which the Opinions of both the European Parliament and the Economic and Social Committee are awaited.

The aim of this proposal is to take account of the need for toughter safeguard clauses in view of the fact that the second stage of liberalization in the air transport sector includes a more liberal fares system and, therefore, a futher relaxation of controls.

This new proposal would enable the Commission to adopt swiftly provisional measures (for a maximum period of six months) to counter predatory practices in the air transport sector without following the normal procedures as laid down in Regulation No 3975/87.

The Council instructed the Permanent Representatives Committee to continue the discussions so that discussion of this issue might resume at Council level.

II. INLAND TRANSPORT

CARRIAGE OF GOODS BY ROAD

MEASURES TO BE TAKEN IN THE EVENT OF A CRISIS

The Council discussed a proposal for a Regulation on the measures which could be taken at Community level in the event of a serious disturbance on the Community market in the international carriage of goods by road, or on part of that market.

These measures would be a further step in the process of liberalizing international road haulage within the Community.

The Council instructed the Permanent Representatives Committee to continue discussions in this area in the light of the Opinions of the European Parliament and the Economic and Social Committee, due shortly.

1991-1992 COMMUNITY QUOTA

On 30 November 1989, the Commission submitted a proposal amending Regulation No 3164/76 aimed in particular at increasing the Community quota by 40% per annum for 1990, 1991 and 1992, the quota is to be allocated among the Member States on a linear basis.

It should be noted that the Council partly followed up this proposal by adopting by a qualified majority, on 25 April 1990, Regulation No 1053/90 fixing, in accordance with the Commission proposal, the quota for 1990 and the quota allocation among the Member States.

Following a further exchange of views on the part outstanding, the Council instructed the Permanent Representatives Committee to pursue its discussions with a view to a final decision on this question as soon as possible.

EEC/THIRD COUNTRIES OF TRANSIT

The Council noted a Commission report on progress made in the negotiations with third countries of transit (Austria, Switzerland and Yugoslavia).

It will be recalled that the Council adopted negotiating directives on 19 December 1988, which were supplemented by the Council's conclusions of 5 June and 4 and 5 December 1989.

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The Commission hoped to conclude the negotiations by the end of the year.

ROAD TRAINS

The Council resumed examination of the proposal for a Council Directive amending Directive 85/3/EEC with a view to fixing certain maximum authorized dimensions for road trains.

As in the case of articulated vehicles, the Commission proposes that the total length (18,35 m) and load length (15,30 m) of road trains be fixed jointly and considers a distance of 0,70 m between the motor vehicle and the trailer as an acceptable minimum for the coupling device. The Commission's intention is thus to guarantee sufficient driver cabin space (2,35 m) and to put a stop to the tendency of vehicle manufacturers to increase the available loading space - i.e. the haulage capacity - by designing shorter cabins (with top-mounted sleepers), at the expense of drivers' working conditions.

The Council was unable at this point to reach a decision on this question, in view of the delegations' differing views on the maximum dimensions proposed.

The Council instructed the Permanent Representatives Committee to examine the question in detail so that it might take a decision at the earliest opportunity.

HIRED VEHICLES

The Council agreed on the substance of a proposal for a Directive amending Directive 84/647/EEC on the use of vehicles hired without drivers for the carriage of goods by road.

It should be noted that the general principle that each Member State will, under certain conditions, allow the use of vehicles hired without drivers within its territory is established in Article 2 of Directive 84/647/EEC of 19 December 1984 on the use of vehicles hired without drivers for the carriage of goods by road. However, the Directive also provides for a Member State to have the option of restricting the scope of the Directive in the case of its own undertakings:

- Article 3(2) enables Member States to exclude own-account carriage in the case of their own nationals;

- Article 4(2) enables Member States to maintain in force, in the case of their own nationals, regulations laying down a minimum hire period.

The effect of the new Directive will be to abolish the exception provided for in Article 4(2) of Directive 84/647/EEC, together with the exception arising from Article 3(2) in the case of vehicles with a fully laden weight of not more than 6 tonnes, thereby helping to develop vehicle hire in the Community.

TRANSPORT INFRASTRUCTURE

The Council resumed its discussions on the Commission proposal for a Regulation for an action programme in the field of transport infrastructure with a view to the completion of an integrated transport market in 1992.

On the basis of a number of compromise points suggested by the Presidency and certain delegations, the Council reached broad agreement in principle on the granting of financial support for transport infrastructure projects under a three-year action programme (financial years 1990, 1991 and 1992).

The Council instructed the Permanent Representatives Committee, in the light of this discussion, to prepare the draft Regulation for an action programme with a view to its adoption at the next Council meeting on transport questions.

TAX HARMONIZATION

Following a detailed discussion of tax harmonization in the road carriage sector, the Council instructed the Permanent Representatives Committee to continue its discussions on this matter in the light of the guidelines laid down during that discussion.

ROAD SAFETY

The Council discussed road safety on the basis of a draft Resolution from the Presidency.

It instructed the Permanent Representatives Committee to continue its examination of the draft.

III. MARITIME TRANSPORT

MARITIME CABOTAGE

On the basis of a policy note from the Presidency, the Council conducted a wide-ranging general discussion on the proposal for a Regulation applying the principle of freedom to provide services to maritime transport. The Opinion of the European Parliament is awaited.

The proposal for a Regulation sets out to

- abolish restrictions on freedom to provide maritime transport services within Member States in respect of Community shipowners who are established in a Member State other than that of the person for whom the

services are intended and who use vessels registered in the Community ship register and not exceeding 6 000 grt

- enable a Member State to require, as conditions for the right to provide the service, both the presence aboard the vessel engaging in cabotage of crews comprising a certain number of Member State nationals and public service obligations, where this is necessary in order to maintain sufficient maritime transport services between the mainland and its islands and between its islands. For the purposes of the Regulation, the conditions imposed by Member States to guarantee the continuity, regularity and efficiency of the services, and the provision of goods of fundamental importance for the economic well-being of such territories, are considered as public service obligations.

The Council discussed the following questions in particular:

- island services

- harmonization of the conditions of competition

- beneficiaries of the liberalization of cabotage

- safeguards in the event of market disturbance

- the composition of crews

- concomitant and transitional measures.

The Council instructed the Permanent Representatives Committee to continue discussions in this area in the light of today's discussions.

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RULES OF COMPETITION APPLICABLE TO CONSORTIA

The Council noted the presentation by the Commission of its communication of 18 June 1990 comprising a report on the possibility of a block exemption in the case of maritime consortium agreements and a proposal for a Regulation concerning block exemption in the case of co-operation agreements for the joint operation of maritime or combined land/sea transport services.

The delegations hoped that examination of the Commission proposal would commence as soon as possible and that swift agreement might be reached.

TRANSFER OF SHIPS FROM ONE REGISTER TO ANOTHER WITHIN THE COMMUNITY

The Council noted the Commission's presentation of its recent proposal on the transfer of ships from one register to another within the Community.

IMPLEMENTATION OF THE 1986 REGULATIONS

The Commission gave an oral report on the implementation of Council Regulations Nos 4055/86, 4056/86, 4057/86 and 4058/86 on, respectively, freedom to provide services, rules of competition, unfair tariff practices and free access to traffic in the field of international maritime transport, designed in each case to ensure free and fair competition in international maritime transport.

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ACCIDENTS CAUSING MARINE POLLUTION

The Council adopted the following Resolution:

COUNCIL RESOLUTION
on the prevention of accidents
causing marine pollution

THE COUNCIL,

REGRETTING the great damage to the marine ecosystem of the Community caused by the discharge of more than 100 000 tons of mineral oil as a result of the accidents which occurred in the last fortnight of 1989 involving the tankers "ARAGON", flying the Spanish flag, and "KHARK-V", flying the Iranian flag, in the Atlantic waters near the archipelagos of two Community countries, as well as the accident involving the tanker "SEAWIND DOS", of a similar nature;

WHEREAS this damage could give rise to calamitous consequences for fauna and flora and other natural resources of the area;

WHEREAS the said maritime accidents have aroused considerable public concern, threatening to undermine the legitimate use of the coasts for recreational purposes, with the resulting negative repercussions on the touristic resources of the Member States;

RECALLING the enormous material and environmental damage caused in other regions of the Community by other accidents of this nature, some sadly notorious like those involving the tankers "TORREY CANYON" and "AMOCO CADIZ";

CONCERNED about the alarming frequency of this kind of maritime accident;

CONSIDERING that the world fleet of VLCC ships has aged and there is no prospect of its being renewed in the short term as well as the deterioration and lack of appropriate maintenance of a large number of VLCC tankers, and the additional factor of risky navigation in maritime zones in bad, and sometimes extreme, meteorological conditions, and on highly congested traffic routes;

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CONSCIOUS of the fact that the most appropriate method of combating maritime disasters is to insist on prevention as far as possibilities will allow, bearing in mind that the most effective way of combating marine pollution is its prevention;

CONSCIOUS that the Community must be duly prepared to cope with this type of incident in Community waters and taking into account that the extent of the damage caused by pollution is directly related to the speed of response and the degree of co-ordination between the national and international services available;

RECOGNIZING that the IMO represents the focal point for preventing and combating marine pollution at international level;

RECALLING that the International Maritime Organization (IMO) has drawn up specific rules and provisions for preventing and combating marine pollution and that various countries, including all the Member States of the Community, agreed in Paris to carry out inspections on ships docking in their ports;

HAVING REGARD TO the Resolution of the European Parliament of 17 March 1989 on safety at sea, and the Commission Recommendation on improving the effectiveness of Port State Control in the Community, which the Commission submitted to the Council on 2 August 1989,

HEREBY ADOPTS THE FOLLOWING RESOLUTION:

1. The Member States will endeavour to provide themselves with an adequate and efficient maritime administration which is capable of ensuring strict compliance with the technical rules on safety at sea and the prevention of marine pollution by ships flying their flags, in accordance with the provisions of the relevant international conventions, in particular the SOLAS and MARPOL Conventions.

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2. The maritime administration of the Member States will intensify its inspections on foreign ships docking in Community ports in order to make sure, as far as possible, that they do not present an unacceptable risk to the safety of human life at sea or to the integrity of the marine ecosystem. In particular, they will in any case attain the objectives of a minimum number of inspections provided for in the Paris memorandum on Port State Control.

3. Member States will ensure that their maritime inspectors carry out, in the course of the activities provided for in the two previous paragraphs, checks, particularly through the Safe Manning Document, on the qualification of the people making up the crew of ships, especially of tankers, paying particular attention to the observance of Rule 13 of Chapter V of the SOLAS Convention and the provisions of the STCW Convention of 1978.

4. The Member States will, as far as possible, always give reciprocal support in identifying the origin of, monitoring and combating pollution by crude oil and other substances prejudicial to the Community's marine environment. In particular, the Member States will take the steps which might be considered necessary in order to guarantee that, in the event of any maritime accident which threatens the ecosystem of Community waters, a rapid, efficient and co-ordinated respose is given by all Member States' administrations, bringing to bear the most appropriate and accessible means in accordance with the circumstances.

5. The Commission is requested to start promoting and improving the instrument of Community action organized in the form of the "Task Force", providing it with the necessary resources and the precise functions required for co-ordination and rapidity of response.

6. At the same time, the Commission is earnestly requested to continue as a matter of urgency with its research task with regard to the project for the establishment of a system of safety at sea, based on control posts and shore-based navigation aid systems, in accordance with the general framework of COST projects 301 and 311, with the aim of providing proper protection for waters which are essential routes for the Community's maritime traffic.

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PASSENGER FERRY SAFETY

The Council and the Representatives of the Member States meeting with the Council adopted the following Resolution:

RESOLUTION

on improving passenger ferry safety

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL,

AWARE OF

- the large number of passengers who travel by passenger ferries in European waters;

- the essentially international nature of such operations;

- the need for crews to be able to function in a satisfactory manner in the event of an emergency;

- the dangers which can arise from management and communications failures;

- the potentially large-scale intervention which could be required in the event of an accident involving a passenger ferry;

- the fact that the transport of passengers in European waters is carried out by vessels registered both inside and outside the Community, thus requiring any necessary improvement of passenger ferry safety, including the question of crewing, to take place in a broad international context;

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WISHING TO improve the safety of passenger ferries;

CALLS UPON the Member States and the Commission, in their capacity as members or observers of

(a) the International Maritime Organisation of the United Nations,

(b) the Memorandum of Understanding on Port State Control,

to press for the urgent identification, elaboration, adoption and implementation of measures which will improve the safety of passenger ferries on an international basis, in the framework of the aforementioned fora.

Bruxelles, le 15 juin 1990

Note BIO(90) 182 aux bureaux nationaux
cc. aux membrs du Service du Porte-Parole

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Préparation Conseil Transports des 18/19 juin 1990 à Luxembourg
(E. Reuter)

Ordre du jour chargé pour un Conseil qui doit durer deux jours. L'aérien, le routier, le ferroviaire, le maritime... bref, tous les grands dossiers de la politique communautaire seront évoqués.

Transport aérien

Nous nous attendons à ce que le Conseil adopte le deuxième paquet de mesures de libéralisation du marché des transports aériens dans la Communauté sur lequel un accord politique s'était dégagé lors de la réunion de décembre 1989. Il s'agit de traduire cet accord en règlements communautaires qui constitueront le régime juridique des transports aériens du 1er juillet 1990 aux 1er janvier 1993. Après ce sera le grand marché sans frontières avec un régime complet de liberté d'accès au marché et de fixation des tarifs.

Le Conseil examinera donc dans le détail des règlements concernant les tarifs aériens, l'accès au marché et la répartition des capacités ainsi que l'application des règles de concurrence, y compris des mesures contre des pratiques déloyales d'accaparement de marché et de bradage de prix.

Certains Etats membres exigent également qu'un accord concernant l'ouverture des négociations entre la Communauté et les pays de l'AELE concernant les services aériens réguliers des passagers interviennent en même temps que l'adoption de ce règlement. La prise en considération du trafic charter dans le contexte de la libéralisation des capacités est aussi une question non résolue à ce stade.

En ce qui concerne les prix, un certain nombre de questions doit encore être clarifié : champ d'application limité au trafic communautaire, possibilité d'un matching avec les prix charter, liberté de fixer un prix lorsqu'on est transporteur de 5ème liberté, organisation d'un système de zone de prix à valoir jusque fin 1992.

En ce qui concerne l'accès au marché, les exemption d'aéroport, les obligations de service public ainsi que l'attribution de créneaux horaires doivent être discutées.

Le Conseil aura également un échange de vues sur la proposition de la Commission relative au frêt aérien. En effet, les réglementations communautaires existentes ne s'appliquent qu'au frêt aérien assuré en liaison avec le service des passagers. La proposition de la Commission datée du 14 mars 1990 vise à suprimer les restrictions existantes, en particulier en ce qui concerne l'accès au marché et les prix. Les points encore en discussion concernent le champ d'application. Plusieurs délégations souhaitent limiter le règlement au service régulier de frêt et une majorité de délégations s'oppose au cabotage dans ce domaine.

Transport routier

Le Conseil devrait adopter un règlement concernant l'organisation du marché des transports de marchandises par route. Ceci concerne les mesures à prendre en cas de crise, c'est-à-dire l'éffondrement des cours et constitue un quid pro quo demandé par les Etats membres pour pouvoir accepter le cabotage.

En ce qui concerne les poids et dimensions des véhicules de transport, le Conseil devrait adopter la dimension maximale du train routier, fixée à 18,35m. Certains Etats membres souhaitent 18,70m, d'autres invoquant notamment les risques pour l'environnement et d'autres nuisances souhaitent réduire à 18m. Il est cependant probable qu'une majorité se dégage pour 18,35m.

Le Conseil fera le point sur l'état des négociations avec les pays tiers de transit et évoquera le problème de l'harmonisation fiscale dans le secteur routier, notamment dans le contexte de l'imminence de l'introduction unilatérale par la RFA d'une taxe d'utilisation du réseau routier.

Enfin, il est probable aussi que le Conseil fera le point sur la mise en oeuvre d'un programme communautaire concernant la sécurité routière en évoquant notamment certaines questions soulevées lors de récents accidents avec des véhicules de transport de passagers.

Transport maritime

En principe le Conseil doit examiner une proposition de règlement relatif au cabotage maritime ainsi que deux projets de résolution concernant la prévention d'accidents de pollution maritime et la sécurité des passagers à bord de ferries.

En ce qui concerne le cabotage, la présidence entend limiter la discussion aux questions délicates encore en suspens, telles les liaisons entre territoires métropolitains et îles ou territoires isolés. Le Parlement européen n'a pas encore donné son avis et il n'est pas question de prendre une décision.

Divers

Le Conseil reviendra sur l'examen de la proposition de la Commission concernant un programme d'action en vue de réaliser une infrastructure de transport intégrée à la dimension du grand marché. Dans le contexte des infrastructures, on évoquera sans doute les dossiers concernant la capacité du système de contrôle du trafic aérien ainsi que les travaux sur la définition d'un réseau européen de TGV.

Amitiés,

B. DETHOMAS

Note BIO(90) 182 (suite 1) aux bureaux nationaux
cc. aux membres du Service du Porte-Parole

Conseil Transports du 18.6.90 à Luxembourg (E. Reuter)

Le Conseil a adopté ce matin un règlement sur les tarifs des services aériens réguliers dans la Communauté entre Etats membres, qui doit rentrer en vigueur le 1er novembre 1990. Le règlement confirme que le principe de la double désapprobation - c'est-à-dire la possibilité pour un transporteur de pouvoir appliquer son tarif selon son propre jugement commercial, sauf si les autorités concernées au départ et à l'arrivée de la liaison sont d'accord pour le refuser - ne s'appliquera qu'à partir du 1er janvier 1993. Le règlement adopté aujourd'hui développe le système de zones. C'est à partir du tarif de référence - le tarif en classe économique - que trois zones de flexibilité sont possibles :

- zone normale entre 95% et 105%,
- tarifs réduits, 94% à 80%, et
- tarifs très réduits, 79 à 30%.

Les tarifs doivent être approuvés par les deux Etats membres concernés, sauf pour les tarifs dépassant 105%, où le principe de double désapprobation jouera. Une procédure d'arbitrage est prévue lorsque les Etats membres concernés par une route ne sont pas d'accord sur les critères de flexibilité et les tarifs en résultant. Les conditions pour les tarifs réduits sont voyage AR ou circulaire et réservantion contraignante des vols.

Pour le tarif très réduit les conditions sont les mêmes plus un séjour couvrant le dimanche ou au moins six jours. D'autres possibilités concernant les jeunes et le 3e age, ainsi que les périodes hors pointe sont aussi prévues.

"Ce n'est pas aussi radical ni aussi rapide que ce que nous avons proposé, mais c'est un pas décisif vers le grand marché des services aériens", a jugé M. Van Miert en ajoutant: "Les bénéfices immédiats pour les consommateurs se trouveront plutôt dans la possibilité d'offrir de nouveaux prix sur de nouveaux produits dans le contexte du développement des réseaux aériens européens."

Amitiés,

C. STATHOPOULOS

Note BIO(90) 182 (suite 2) aux bureaux nationaux
cc. aux membres du Service du Porte-Parole

Conseil Transports des 18/19 juin 1990 à Luxembourg (E. Reuter)

La discussion sur le règlement concernant l'accès au marché et la répartition des capacités a été longue et complexe. C'est notamment la notion de service public ainsi que les dispositions relatives à l'attribution des slots qui ont posé problème. Le Conseil est revenu sur ces questions en fin de soirée. Des formules de compromis ont permis l'adoption du règlement. Il faut rappeler que l'application du droit communautaire aux relations entre transporteurs nationaux et leurs gouvernements est reportée au 1er juillet 1992 et l'introduction au cabotage au 1er janvier 1993. Le texte adopté aujourd'hui élimine un certain nombre de restrictions (notamment exemptions d'aéroports) contenus dans le premier paquet. Des restrictions pourront toujours être imposées pour préserver certaines liaisons jugées comme relevant du service public et pour garantir la réciprocité dans l'octroi de créneaux horaires, en attendant l'adoption d'un code de conduite sur l'attribution des "slots".

Le Conseil a adopté les directives pour la négociation avec les pays de l'EFTA dans le domaine de l'aviation civile. Il est convenu que ces négociations commenceront de suite avec la Norvège et la Suède et couvriront l'application du droit communautaire tel qu'il existe au moment de la signature.

Enfin, le Conseil a adopté les règlements concernant l'application des règles de concurrence à ce secteur, notamment en ce qui concerne les pratiques du bradage. Le Conseil a également procédé à un échange de vues sur le frêt aérien, où l'avis du Parlement européen n'est pas encore disponible. Ainsi le Conseil a pu consacrer l'adoption du second paquet de mesures de libéralisation des transports aériens, moins d'un an après les propositions de la Commission. Les mesures adoptées aujourd'hui entreront en vigueur le 1er novembre 1990. "Il s'agit d'un pas significatif vers le grand marché des services aériens, améliorant l'offre pour le voyageur et jetant les bases pour un nouvel essor de l'aviation civile dans la Communauté", a déclaré M. Van Miert en sortant de la réunion.

Le Conseil a abordé ensuite les dossiers transports routiers. Si la discussion sur le mécanisme de crise a été positive, l'accès au marché est resté bloqué, notamment en raison de réserves italiennes et grecques. Le ministre grec a fait le lien avec les difficultés du transit à travers la Yougoslavie, les deux points sont donc renvoyés au Coreper.

M. Van Miert a ensuite fait rapport sur les négociations avec les pays de transit. Il a mis en relief les convergences des positions sur le recours au transport combiné et sur les problèmes d'environnement. Sur le plan des solutions, M. Van Miert a proposé la globalisation communautaire des contingents. Cependant, il fallait tenir compte de la spécificité de chacune des situation, distinguant entre les difficultés avec la Yougoslavie (situation politique très instable), avec l'Autriche (qui montre de la bonne volonté pour résoudre les difficultés de façon pragmatique), avec la Suisse (qui refuse toute concession ou amélioration pour le transport par route...). Le ministre grec a fait une déclaration relative aux difficultés avec la Yougoslavie.

Un tour de table sur la longueur maximale des trains routiers n'a pas permis de trouver un accord. Point renvoyé au Coreper. La directive sur l'utilisation de véhicules loués sans chauffeur pour le transport par route a été adoptée avec une série d'amendements permettant notamment le transport transfrontalier pour compte propre avec des véhicules loués de moins de six tonnes.

Le Conseil a eu une bonne discussion sur le programme d'action dans le domaine des infrastructures et a marqué son accord sur le principe d'un fonds de financement pour une durée de trois ans.

L'harmonisation fiscale dans le secteur des transports routiers avait fait l'objet d'un échange de vues au cours du déjeuner, montrant l'isolation complète de la République Fédérale dans son intention de prendre des mesures unilatérales frappant les routiers des autres Etats membres. Les conclusions du Conseil reflètent le souci du Conseil de créer un groupe à haut niveau d'experts fiscaux et de transport avec mandat de faire rapport avant le 30 octobre, la condamnation par 11 délégations de la position allemande et le souhait de ces délégations de voir la Commission saisir la Cour ainsi qu'une déclaration allemande sur son projet de taxe d'utilisation de l'infrastructure qu'elle appelle une solution provisoire, destinée à promouvoir une solution communautaire.

En raison de l'heure tardive le point sécurité routière a été renvoyé au Coreper après quelques déclarations des délégations présentant des listes de priorités (p.ex. UK ceintures de sécurité sur les autobus..). La France a souligné l'importance d'adopter des directives contraignantes sur les problèmes fondamentaux (limitation de vitesse, alcoolémie, etc.).

Les points divers (déclarations sur le contrôle aérien et rapport sur les travaux TGV par M. Van Miert, déclaration allemande sur la coopération inter-allemande et l'AETR, déclaration néerlandaise sur la franchise carburant des camions et mémorandum NL sur les transports dans le grand marché transmis au Conseil européen) ont épuisé cette partie de l'ordre du jour.

La réunion a été levée à 2.00 heures du matin.

Amitiés,

B. DETHOMAS