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'I' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee

No. prev. doc.: ST 13682/22

Subject: Coordination of the EU position in preparation for the 16th Regional Steering Committee of the Transport Community
(Brussels, 14 November 2022)
- Approval

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1. On 12 October 2022, the Commission services provided an information note to the working party on « Transport – Intermodal Questions and Networks »¹ referring to the next meeting of the regional steering committee of the EU-Western Balkans Transport Community, which will be organised on 14 November 2022 in Brussels. That information note contained background and draft Union positions in respect of the agenda items planned. The previous meeting of the regional steering committee was held in Tirana on 8 June 2022.²
2. The Commission presented the note to the working party on 13 October 2022. The Commission representative highlighted that three important reports would be submitted to the regional steering committee, namely on the implementation of the Union acquis, on TEN-T compliance and on the work programme for 2023 of the Transport Community's permanent secretariat. As regards expected decisions of the regional steering committee having legal effects, he referred to the formal proposals for EU positions partly already submitted to the Council (concerning the budget for 2023), partly ready for adoption by the Commission

¹ Doc. ST 13487/22.

² Doc. ST 9447/22.

(amendments to the administrative and staff rules, the financial rules, the rules of procedure and the establishment of a conciliation procedure supplementing the staff rules).

3. Delegations made technical comments and entered scrutiny reservation. The Presidency invited delegations to provide further comments in writing within a week's time.
4. Following comments by one delegation, the working party discussed a revised draft for the coordination of the Union's position on 28 October 2022.³ One delegation remarked, concerning the draft Union position on item 4, that the TEN-T revision process was ongoing, which should be better reflected in the position. The Presidency concluded that this comment would be reflected in the draft position paper, which after updating would be sent for approval to the Permanent Representative Committee.
5. In view of this, the Permanent Representatives Committee is invited to approve the draft Union position for the forthcoming meeting of the regional steering committee of the Transport Community as set out in the annex to this note. Changes to the text resulting from the second discussion in the working party are **highlighted** (pages 8 to 14).

³ Doc. 13682/22.

Coordination in preparation for the Regional Steering Committee (RSC) of the Transport Community on 14 November 2022⁴

This note follows the agreed agenda (see annex to the annex) in view of coordinating EU positions for the upcoming Regional Steering Committee of the Transport Community.

The Regional Steering Committee will cover the following areas of EU relevance:

- Transport Community Permanent Secretariat's Annual Work Plan for the year 2023;
- Proposal for the Transport Community's Budget for the year 2023;
- Progress report on the implementation of the Transport Community's Action Plans for Road, Rail, Transport Facilitation, Road Safety, Waterborne Transport and Multimodality with status on the Acquis transposition as laid down in Annex I of the Transport Community Treaty;
- 2022 Report on the Development of the indicative TEN-T extensions of the Comprehensive and Core Network to the Western Balkans, and update on the process of the TEN-T revision;
- Revision of Annex I of the TCT;
- Conclusions of the Social Forum;
- Information on the Ministerial Council of the Transport Community to be held on 15 November 2022 in Brussels;
- Changes to existing administrative rules (financial rules, rules of procedure of the Regional Steering Committee and staff regulations) and introduction of new administrative rules (an education allowance, rules on secondment and locally contracted experts, rules on teleworking, rules of procedure of the conciliation committee and dispute settlement rules).

⁴ 09:30 – 14:30, Brussels, Belgium, venue tbc. As in previous Regional Steering Committee meetings, the possibility of remote participation will be provided (online connection).

PART I – GENERAL

Article 24 of the Treaty establishing the Transport Community ('TCT')⁵ establishes the Regional Steering Committee. It is responsible for the administration of the TCT and for ensuring its proper implementation. For this purpose, it makes recommendations and takes decisions in the cases provided for in the TCT. Notably, the Regional Steering Committee:

- prepares the work of the Ministerial Council,
- decides on the establishment of technical committees,
- as regards newly adopted EU acts, takes appropriate action, notably through the revision of Annex I to the TCT,
- appoints the Director of the Secretariat after consulting the Ministerial Council,
- may appoint one or more Deputy Directors of the Secretariat,
- lays down rules of the Secretariat,
- may review, by way of a decision, the level of budget contributions, on request of any Contracting Party,
- adopts the annual budget of the Transport Community,
- adopts a decision specifying the procedure for the implementation of the budget, for presenting and auditing accounts and for inspection,
- takes decisions on disputes brought by the Contracting Parties,
- adopts general principles in the area of access to documents, in respect of documents held by bodies established by, or under, the TCT,
- adopts annual reports to the attention of the Ministerial Council on the implementation of the Comprehensive Network;
- in respect of certain Union acts, establishes time limits and ways for the transposition by the South East European Parties.

The Regional Steering Committee is composed of a representative, and an alternate representative, of each of the Contracting Parties. Participation as observers is open to all EU Member States.

The Regional Steering Committee acts by unanimity.

⁵ OJ L 278, 27.10.2017, p. 3.

PART II – DETAILS

RSC Agenda part 1 (policy)

Agenda item 1

Endorsement of the Transport Community Permanent Secretariat's Annual Work Programme for the year 2023

The Annual Work Programme presents milestones and activities planned for the year of 2023 by the Transport Community Permanent Secretariat. Noteworthy milestones per transport mode include a Rail Excellence Summit in Pristina (Q1 2023), preparation of the strategic framework on deployment of e-charging along main road corridors in the Western Balkans (Q1 2023), and a European Maritime day 2023 in the Western Balkans region (Q2 2023). The Annual Work Programme also highlights that in 2023 the Transport Community Permanent Secretariat will put additional focus on border-related issues by organising a Summit on Cross-Border Connectivity (likely back-to-back with the first Ministerial Council meeting for 2023).

The tentative planning for the meetings of the main bodies established under the Transport Community Treaty includes two Ministerial Council meetings (April and November 2023) and four Regional Steering Committee meetings (March, June, October and December 2023).

In 2023, the Transport Community Secretariat plans a stronger focus on the provision of technical assistance to the Regional Partners (as also reflected in the proposed TCT budget for 2023). In particular, the Annual Work Programme for next year provides further details on plans for technical assistance concerning level crossings, transport accessibility, road safety key performance indicators and multimodal terminals.

With the completion of the Transport Observatory phase II early next year, improved data availability should underpin an even more solid analytical base for the different reports produced by the Transport Community Permanent Secretariat in 2023.

Union position

- To acknowledge the efforts of the Transport Community Permanent Secretariat to deliver on the implementation of the Transport Community Treaty in 2022.
- To invite the Transport Community Permanent Secretariat to continue said efforts in 2023.

- To invite the Transport Community Permanent Secretariat to reflect in the Annual Work Programme 2023 the ongoing efforts to ensure the closer involvement of Ukraine, the Republic of Moldova and Georgia in the work of the Transport Community.
- To endorse the Annual Work Programme of the Transport Community Permanent Secretariat for 2023.

Agenda item 2

Adoption of the proposal for the Transport Community's Budget for the year 2023

The proposed TCT budget for 2023⁶ represents a 2% increase compared to 2022. This is justified by ongoing inflationary developments in the Region and the EU. This amount will cover the running costs of the Permanent Secretariat and the organisation of the meetings of the different bodies of the Transport Community. The 2023 budget also reflects an increased focus on capacity building activities and technical assistance for the Regional Partners.

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Union position

- The decision on the Union position is subject to a separate procedure (see document ST 13689/22).

Agenda item 3

Endorsement of the Progress report on the implementation of the Transport Community's Action Plans for Road, Rail, Transport Facilitation, Road Safety, Waterborne Transport and Multimodality with status on the Acquis transposition as laid down in Annex I of the Transport Community Treaty

⁶ COM(2022) 484 final

The Report describes the progress made by the Regional Partners in implementing the Transport Community Permanent Secretariat's Five Action Plans, and (for the first time) presents the state of play on the transposition of Annex I of the Transport Community Treaty by these countries. It also looks at necessary additional efforts and future measures in this regard.

With some notable exceptions, the progress reported is overall slow to moderate. On the other hand, a noteworthy conclusion in the report is that measures supported through concrete technical assistance to the Regional Partners have progressed the most. This underlines the need for further technical support, including in relation to the transposition and implementation of the EU acquis listed in Annex I of the TCT.

Data collection issues, which have been observed in the elaboration of previous reports prepared by the Transport Community Permanent Secretariat, seem to also affect the progress report on acquis implementation. In this regard, the completion of the Transport Observatory phase II in early 2023 is expected to improve the situation.

Union position

- To acknowledge the efforts of the Regional Partners to implement the EU acquis, as listed in Annex I of the TCT, and the support of the Transport Community Permanent Secretariat in the process;
- To invite the Regional Partners to continue and intensify such efforts in 2023;
- To underline the need for further technical assistance to the Regional Partners;
- To acknowledge data collection issues and invite the Regional Partners to support the efforts of the Transport Community Permanent Secretariat in this regard;
- To endorse the Progress Report on the implementation of the five Action Plans and on the status of Annex I TCT acquis transposition.

Agenda item 4

Endorsement of the Regional Steering Committee's 2022 Report to the Ministerial Council on the Development of the indicative TEN-T extensions of the Comprehensive and Core Networks to the Western Balkans, and update on the process of TEN-T revision (Article 8 of TCT)

Article 8 of the TCT mandates the Regional Steering Committee to report every year to the Ministerial Council on the implementation of the indicative TEN-T extension of comprehensive and core networks to the Western Balkans. The first TEN-T Annual Report released in July 2021 laid the basis for the TEN-T Network performance monitoring in the region, defining key indicators, baseline values and the methodology to be used in this regard.

The 2022 TEN-T Annual Report builds on the findings of the 2021 edition following the same methodology. It includes an up-to-date analysis of the TEN-T standards compliance based on the latest information and data from the region, the list of TEN-T projects currently ongoing, and their anticipated impact on the network development by 2027. The 2022 Report notes there has been some noticeable progress on key TEN-T indicators as compared to 2021, but progress remains uneven between transport modes and key indicators.

Existing macro-regional strategies, such as the EU Strategy for the Adriatic and Ionian Region or the EU Strategy for the Danube Region, might hold relevance for the work of the Transport Community and its Permanent Secretariat, and potential synergies should therefore be studied in further detail in the future.

Union position

- To invite the Transport Community Permanent Secretariat to reflect on possible synergies with existing macro-regional strategies, such as the EU Strategy for the Adriatic and Ionian Region or the EU Strategy for the Danube Region.
- To underline **among the future perspectives** that the Western Balkans corridor, which has been proposed as part of the ongoing TEN-T revision, **may, once established, be expected to become** highly beneficial for the future implementation of the extended TEN-T network in the region. Therefore, to invite the Transport Community Permanent Secretariat, in close cooperation with the Commission, to assess the role of the proposed Western Balkans Corridor and its needs for enhanced cooperation on transport and coordination of projects between Member States and the Western Balkans Partners.
- To endorse the 2022 TEN-T Annual Report.

Agenda item 5

Adoption of the decision regarding the revision of Annex I of the TCT (Article 20 of TCT)

The Regional Steering Committee is expected to adopt the revised Annex I of the TCT, as presented in Commission Decision C(2022)6626 final. The procedure applicable to the update of Annex I of the TCT is reflected in Article 2(2) of Council Decision (EU) 2019/392, which mandates the Commission to adopt the Union position, after having consulted the Council on the anticipated position sufficiently in advance and by means of a written preparatory document. The written consultation, and subsequent exchanges with Council, took place in June and July 2022.⁷

Agenda item 6

Presentation by the Transport Community Permanent Secretariat on Conclusions of the Social Forum

This is an information point, in which the Transport Community Permanent Secretariat will present the Conclusions from the Third Social Forum, which took place on 11 May 2022 in Sarajevo.

Union position

- To acknowledge the information presented by the Transport Community Permanent Secretariat.

Agenda item 7

Information on the Ministerial Council of the Transport Community to be held on 15 November 2022 in Brussels

The draft agenda for the TCT Ministerial Council meeting to be held on 15 November 2022 in Brussels is attached to the present note.⁸ The Union position for the agenda points of the Ministerial Council (Progress Report on Acquis Implementation, 2022 TEN-T Annual Report) is established as part of the relevant agenda points for the 14 November Regional Steering Committee Meeting in Brussels.

⁷ See ST 11197/22.

⁸ See **CM 4941/1/22 REV 1**.

RSC Agenda part 2 (administration)

Agenda item 8

Adoption of a Decision on changes to the Financial Rules

Following two years of activity, the Transport Community Permanent Secretariat has noted there are some constraints affecting its operations that would improve with the revision of some of its financial rules. In particular, the Secretariat would like to introduce the following changes:

- Carry overs of committed expenditure from current to future fiscal year – A significant part of the Annual Budget is allocated for studies and services that extend beyond a fiscal year. The new provision addresses this possibility and would avoid the need for individual decisions from the Regional Steering Committee members to allow the carryovers. A similar practice is followed by the Energy Community Secretariat.
- Repayment of unused budgetary contributions – In case the budget execution does not reach 100%, the current TCT Financial Rules have no provisions on what to do with unspent budgetary contributions. A revision in this regard would help in managing surpluses into the following financial year.
- Budget re-allocation – The TCT is unable to perform the usual mid-year budget because of the current legal framework that requires formalisation of the EU position before a proposal is presented for adoption to the Regional Steering Committee, a procedure that usually takes a sufficiently long period to prevent such budget changes to have any significant impact on the budget execution. The proposal is to empower the Director to make transfers between budget lines up to a ceiling of 15%.
- Procurement Rules – Article 49 of the current Financial Rules states that Directive 2014/24/EU shall apply. However, the Directive is applicable above the threshold of EUR 139 000, whereas many of the contracts that the Secretariat needs to conclude for purchasing goods and services are below said threshold. Therefore, an Annex to the Financial Rules is proposed, including principles and simplified procurement rules for contracts valued under the directive threshold.

Union position

- The decision on the Union position is subject to a separate procedure (see ST 13697/22+ADD1).

Agenda item 9

Adoption of a Decision on Rules of procedure of the Conciliation Committee and of amendments to the Staff Regulations

Articles 14 and 15 of the Staff Regulations of the Transport Community (adopted pursuant to Decision 03/2019 of the Regional Steering Committee of 5 June 2019) set out the introduction of a conciliation committee and envisage the establishment of its rules of procedure and of dispute settlement rules (arbitration), to govern disputes between the Permanent Secretariat and its staff members. The rules on conciliation and dispute settlement (as presented in agenda items 9 and 11 in this note) will establish the detailed modalities to put this into practice. Certain amendments to the Staff Regulations of the Transport Community are also required in this regard.

It should be noted that the Commission Proposal (**see ST 13693/22 + ADD 1 dated 21 October 2022**) for a Council Decision on the rules of procedure of the Conciliation Committee (agenda item 9) also covers the abovementioned amendments to the Staff Regulations, the adoption of the dispute settlement rules (agenda item 11) and the changes to the Rules of Procedure of the Regional Steering Committee (see agenda item 10 below).

Union position

- The decision on the Union position is subject to a separate procedure (see ST 13693/22+ADD 1)

Agenda item 10

Adoption of a Decision on changes to the Rules of procedure of the Regional Steering Committee

At present, the Transport Community Permanent Secretariat is required to send to the Regional Partners all documents six weeks in advance of an RSC meeting. This period should be shortened to

four weeks, to take into account challenges identified while delivering on the present six-week period.

The proposed changes should not have any significant repercussions for the timely establishment of the Union position on the RSC meeting agenda points.

It should be noted that the Commission Proposal (see ST 13693/22 + ADD 1 dated 21 October 2022) for Council Decision on the rules of procedure of the Conciliation Committee (see agenda item 9 above) also covers the Rules on Arbitration (agenda item 11 below) and the changes to the Rules of Procedure of the RSC (present agenda item).

Union position

- The decision on the Union position is subject to a separate procedure (see ST 13693/22+ADD 1)

Agenda item 11

Adoption of a Decision on Dispute Settlement Rules

Articles 14 and 15 of the Staff Regulations of the Transport Community (adopted pursuant to Decision 03/2019 of the Regional Steering Committee of 5 June 2019) set out the introduction of a conciliation committee and envisage the establishment of its rules of procedure and of dispute settlement rules (arbitration), to govern disputes between the Permanent Secretariat and its staff members. The rules on conciliation and dispute settlement (as presented in agenda items 9 and 11 in this note) will establish the detailed modalities to put this into practice. Certain amendments to the Staff Regulations of the Transport Community are also required in this regard.

It should be noted that the Commission Proposal (see ST 13693/22 + ADD 1 dated 21 October 2022) for Council Decision on the rules of procedure of the Conciliation Committee (agenda item 9 above) also covers the Rules on Arbitration (present agenda item) and the changes to the Rules of Procedure of the RSC (agenda item 10 above).

Union position

- The decision on the Union position is subject to a separate procedure (see ST 13693/22+ADD 1)

Agenda item 12

Adoption of a Decision on the Amendment to the Staff Regulations (including the introduction of an education allowance)

This agenda point concerns the Commission proposal (**see ST 13698/22 + ADD 1 dated 21 October 2022**) for a Council Decision as regards certain changes to administrative and staff rules, including the introduction of an education allowance and rules on secondment and locally contracted experts (see also agenda item 13 below).

The proposed revisions to Decision No 2019/3 of the Regional Steering Committee (establishing the Transport Community Staff Regulations) concern, in particular: increasing the flexibility of the composition of Transport Community Permanent Secretariat selection panels; reflecting the possibility for teleworking in the Transport Community Permanent Secretariat (subject to detailed rules issued by the Director); and introducing within the Transport Community Staff Regulations the education allowance.

The introduction of an education allowance is deemed necessary for the implementation of the TCT and for the proper functioning of the Transport Community Permanent Secretariat. It should help make the Secretariat a more attractive place of work, especially for citizens of the EU, which seem to be currently underrepresented in the Secretariat staff.

It should be noted that the Commission Proposal for a Council Decision on the rules of procedure for the conciliation committee and on dispute settlement rules also introduces changes to articles 14 and 15 of the TCT Staff Regulations, to align them with the said rules (as described in agenda items 9 and 11 above).

Union position

- The decision on the Union position is subject to a separate procedure (see ST 13698/22 + ADD 1)

Agenda item 13

Adoption of a Decision on Rules on an education allowance and of rules on Secondment and Locally Contracted Experts

This agenda point concerns the Commission proposal (**see ST 13698/22+ADD 1 dated 21 October 2022**) for a Council Decision as regards certain changes to administrative and staff rules, the introduction of an education allowance (see also agenda item 12 above) and rules on secondment and locally contracted experts.

The adoption of new rules on secondment and locally contracted experts is deemed necessary for the implementation of the TCT and the proper functioning of the Transport Community Permanent Secretariat. The possibility to second national experts from the Regional Partners' administrations to the Secretariat will allow the exchange of knowledge and experience and support the building of administrative capacity of the Regional Partners. The possibility for relying on locally contracted experts, as need be, will support the Regional Partners in the implementation of the TCT.

Union position

- The decision on the Union position is subject to a separate procedure (see ST 13698/22 + ADD 1)

DRAFT AGENDA

Meeting of the Regional Steering Committee of the Transport Community

14 November 2022 | 09:30 to 14:30 | Brussels, Belgium

	9:30 – 11:30 POLICY
1	Endorsement of the Transport Community Permanent Secretariat's Annual Work Plan for the year 2023
2	Adoption of the proposal for the Transport Community's Budget for the year 2023
3	Endorsement of the Progress report on the implementation of the Transport Community's Action Plans for Road, Rail, Transport Facilitation, Road Safety, Waterborne Transport and Multimodality with status on the Acquis transposition as laid down in Annex I of the Transport Community Treaty
4	Endorsement of the Regional Steering Committee's 2022 Report to the Ministerial Council on the Development of the indicative TEN-T extensions of the Comprehensive and Core Networks to the Western Balkans, and update on the process of TEN-T revision (Article 8 of TCT)
5	Adoption of the decision regarding the revision of Annex I of the TCT (Article 20 of TCT)
6	Presentation by the Transport Community Permanent Secretariat on Conclusions of the Social Forum
7	Information on the Ministerial Council of the Transport Community to be held on 15 November 2022 in Brussels
	<i>1h30 min Lunch break</i>
	13:30 – 14:30 ADMINISTRATION

8	Adoption of a Decision on changes to the Financial Rules
9	Adoption of a Decision on Rules of procedure of the Conciliation Committee and of amendments to the Staff Regulation
10	Adoption of a Decision on changes to the Rules of procedure of the Regional Steering Committee
11	Adoption of a Decision on Dispute Settlement Rules
12	Adoption of a Decision on the Amendment to the Staff Regulations
13	Adoption of a Decision on Rules on the education allowance and of rules on Secondment and Locally Contracted Experts

DRAFT AGENDA

Meeting of the Ministerial Council of the Transport Community

15 November 2022 | Brussels, Belgium

1	<p>Opening remarks</p> <ul style="list-style-type: none"> - European Commissioner for Transport H.E. Adina-Ioana Vălean - On behalf of the Presidency of Ministerial Council, Deputy Prime Minister H.E. Ervin Ibrahimović - <i>TBC</i> European Commissioner for Neighbourhood and Enlargement H.E. Olivér Várhelyi
2	<p>Endorsement of the Progress report on the implementation of Transport Community's Action Plans for Road, Rail, Transport Facilitation, Road Safety, Waterborne Transport and Multimodality with status on the Acquis transposition as in Annex I of Transport Community Treaty</p> <p>Presentation by TCT Permanent Secretariat (5 min)</p> <ul style="list-style-type: none"> a) Tour de table – each regional partner and EC (5 min) b) Endorsement of the Report
3	<p>Regional Steering Committee's Report to the Ministerial Council on the Development of indicative TEN-T extensions of the Comprehensive and Core Network in Western Balkans 2022 (Article 8 of TCT) and an update on the process of TEN-T revision</p> <ul style="list-style-type: none"> a) Presentation by the TCT Permanent Secretariat (5 min) b) Tour de table – each regional partner and EC (5 min)
4	<p>Report and Conclusions from the Transport Community Permanent Secretariat Social Forum by TCT Secretariat</p> <ul style="list-style-type: none"> a) Presentation (3 min)
5	<p>Closing remarks</p> <ul style="list-style-type: none"> - European Commissioner for Transport H.E. Adina-Ioana Vălean - On behalf of the Presidency of Ministerial Council, Deputy Prime Minister H.E. Ervin Ibrahimović - <i>TBC</i> European Commissioner for Neighbourhood and Enlargement H.E. Olivér Várhelyi