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## 'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	ST 15004/22
Subject:	Coordination of the EU position in preparation for the 18th Regional Steering Committee of the Transport Community (Belgrade, 15 December 2022) - Approval

1. On 21 November 2022, the Commission services provided an information note to the working party on « Transport – Intermodal Questions and Networks »<sup>1</sup> referring to the next meeting of the regional steering committee of the EU-Western Balkans Transport Community, which will be organised on 15 December 2022 in Belgrade. 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 Brussels on 14 November 2022<sup>2</sup>
2. The Commission presented the note to the working party on 28 November 2022. Most of the policy items of the agenda contained information from the Transport Community's Permanent Secretariat. It was expected that the discussion on staggering the implementation of phase III of the Transport Observatory, due to high costs and complexity, would require most attention, as the Transport Observatory's work should feed into the next multiannual work programme. The Commission representative also informed about the intentions to organise a Connectivity Summit back to back with the 2023 Ministerial Council.

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<sup>1</sup> Doc. ST 15004/22.

<sup>2</sup> Doc. ST 13949/22.

3. One delegation observed the incomplete designation of one of the regional partners in the draft document on passenger rights, which needed correction before finalisation. This delegation also expressed concerns about the preparation of the Connectivity Summit, which would need involvement of various authorities in charge of “green lanes”. The Presidency concluded that the comment on the Connectivity Summit should be reflected in the Union position.<sup>3</sup>
4. 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.

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<sup>3</sup> A revised Union position on agenda item 7 was circulated with document WK 16761/22.

**Coordination in preparation for the Regional Steering Committee of the Transport Community on 15 December 2022<sup>4</sup>**

This annex is based on the Commission's services' information note ST 15004/22 of 21 November 2022 in view of providing information or 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:**

- Presentation of the Annual Report on the implementation of Dangerous goods Guidelines 2022;
- Progress report on the Strategy for sustainable and smart mobility in the Western Balkans 2022;
- Presentation of the report on passengers' rights: making transport accessible and inclusive in the Western Balkans;
- Information regarding European Court of Justice Rulings with relevance to the Contracting Parties of the Transport Community Treaty – update by the European Commission;
- Presentation of the Transport Observatory- state of play and follow up actions;
- Presentation of reports on level crossings safety improvement project: mapping the most critical level crossings in the Western Balkans;
- Presentation of the Concept proposal for the 2023 Year of Connectivity;
- Changes to administrative rules or the introduction of new administrative rules (changes to the TCT financial rules; introduction of an education allowance, secondment rules and rules on teleworking; introduction of detailed conciliation and arbitration rules; modification of TCT Staff Rules, connected to the previous changes; modification of RSC rules of procedure;).

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<sup>4</sup> 09:30 – 12:00, Belgrade, Serbia, [TCT Headquarters (“Beogradjanka” building, Masarikova 5, 8th floor, 11000 Belgrade). 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')<sup>5</sup> 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.

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<sup>5</sup> OJ L 278, 27.10.2017, p. 3

## **PART II – DETAILS**

### **RSC Agenda part 1 (policy)**

#### **Agenda item 1**

##### **Presentation of the Annual Report on the implementation of Dangerous goods Guidelines 2022**

This is an information point from the Transport Community Permanent Secretariat. The report to be presented contains information concerning the EU Acquis on transport of dangerous goods (TDG) and tachographs as comprised in ANNEX I of the Transport Community Treaty. It also presents an overview of progress achieved per Regional Partner in this regard. The report covers Guideline measures foreseen to be transposed and implemented in the short-term period (until 2023).

During 2022, the Technical Committee on Transport of Dangerous Goods (TDG), drafted and adopted the TDG Guidelines. Three workshops were organised to provide technical assistance for tachograph and transport of dangerous goods in cooperation with relevant institutions from Poland and Romania. Workshops were held in Belgrade (December 2021), Skopje (July 2022), and Bucharest (September 2022). The general aim was to increase the capacities of inspectorates. In addition, a number of events were organised and supported by TAIEX.

#### **Union position**

- To acknowledge the information presented by the Transport Community Permanent Secretariat.
- To invite the Regional Partners to continue efforts to implement TDG-related acquis.
- To thank the Transport Community Permanent Secretariat and the technical committee on transport of dangerous goods for their efforts to advance the implementation of annex I TCT in the area of TDG.

#### **Agenda item 2**

##### **Progress report on the Strategy for sustainable and smart mobility in the Western Balkans 2022**

This is an information point from the Transport Community Permanent Secretariat.

The Strategy for Sustainable and Smart Mobility in the Western Balkans, which was prepared by the Permanent Secretariat, mirrors the EU Strategy and strives to put the region on the path to achieving green mobility. It outlines how the Western Balkans transport system can achieve its green and digital transformation and become more resilient to future crises.

The Strategy encompasses a roadmap and set of actions that each Regional Partner is invited to implement, where focus has been placed on immediate short and mid-term actions to jump start greening. Measures presented in the Permanent Secretariat's Progress Report on the Strategy are related only to actions which should have started in the previous year or should start within this year. It is envisaged that the monitoring table will be yearly updated in accordance with the deadlines in the Sustainable and Smart Mobility Strategy for Western Balkans.

In the reporting period from April 2021, progress highly varies when observing specific measures and specific Regional Parties. In a general sense, it can be said that the region has started moving in the direction of green and digital transition, in line with ongoing encouragement and support from the European Commission.

### **Union position**

- To acknowledge the information presented by the Transport Community Permanent Secretariat.
- To thank the Transport Community Permanent Secretariat for its efforts to promote safe, sustainable and resilient mobility in the Western Balkans.
- To invite the Regional Partners to intensify efforts to implement the Strategy, in line with latest developments at EU level, as reflected in Annex I TCT.

### **Agenda item 3**

#### **Presentation of the report on passengers' rights: making transport accessible and inclusive in the Western Balkans**

This is an information point from the Transport Community Permanent Secretariat.

The objective of the report is to identify obstacles and barriers to accessibility in the region at the central rail and bus stations. The focus is related to transposition/implementation of key Regulations on rail<sup>6</sup> and bus and coach<sup>7</sup> passenger rights, as listed in Annex I of the TCT.

The report incorporates inputs from a range of sources - Regional Partners, dedicated visits organised by the Permanent Secretariat (July – October 2022) to the central bus and rail stations, and interviews with representatives of NGOs from the region.

Progress on transposition and implementation of Annex I TCT acquis related to passenger rights can be considered as limited. In general, the measures listed in the report emphasize that a great amount of work is still needed from various actors to provide an accessible and inclusive transport service in the Western Balkans

### **Union position**

- To acknowledge the information presented by the Transport Community Permanent Secretariat.
- To invite Regional Partners to intensify efforts on transposing and implementing the passenger rights acquis listed in Annex I TCT.

### **Agenda item 4**

#### **Information regarding European Court of Justice Rulings with relevance to the Contracting Parties of the Transport Community Treaty – update by the European Commission**

This is an information point by the European Commission. In line with article 19 of the Transport Community Treaty,<sup>8</sup> which foresees that the relevant rulings of the European Court of Justice should be communicated to the other Contracting Parties, and following the latest presentation provided by the Commission at the RSC meeting of December 2021, the European Commission will present the latest relevant ECJ rulings since December 2021.

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<sup>6</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, OJ L 315, 3.12.2007, p. 14–41

<sup>7</sup> Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 Text with EEA relevance, OJ L 55, 28.2.2011, p. 1–12

<sup>8</sup> OJ L 278, 27.10.2017, p. 3

## **Agenda item 5**

### **Presentation of the Transport Observatory- state of play and follow up actions**

This is an information point from the Transport Community Permanent Secretariat on the ongoing development of the Transport Observatory.

Phase II of Transport Observatory development started in September 2021 and is scheduled for completion in January 2023. Once completed, it should ensure three of the four core functions of the Transport Observatory (TEN-T network performance, projects and EU acquis monitoring).

The Transport Community Permanent Secretariat has proposed to reconsider the approach for phase III of the Transport Observatory (completion of the regional transport model), in view of high costs (up to EUR 1.2 million) and identified challenges for completion.

The input of the Transport Observatory feeds into the preparation of deliverables mandated by the TCT, such as the five-year rolling work plan on the indicative extension of the TEN-T network to the Western Balkans.

### **Union position**

- To acknowledge the information presented by the Transport Community Permanent Secretariat.
- To invite the Permanent Secretariat to further reflect about the implications of the proposed changes on deliverables mandated by the TCT, such as the five-year rolling work plan on the indicative extension of the TEN-T network to the Western Balkans.
- To invite the Permanent Secretariat to come back to the Regional Steering Committee on the basis of such reflections.

## **Agenda item 6**

### **Presentation of reports on level crossings safety improvement project: mapping the most critical level crossings in the Western Balkans**

This is an information point from the Transport Community Permanent Secretariat. The aim of the report is to present the current safety situation at level crossings (LCs) in the Western Balkans and provide recommendations for improving protection at a certain number of LCs in the region.



In the previous eight years, 750 accidents that occurred at LCs in the entire region resulted in 116 people losing their lives and 347 being severely injured. The main reasons for the accidents at LCs are drivers' non-adherence to traffic rules as a direct consequence of insufficient acknowledgment of the matter, unsatisfactory protection provided by signalling and other types of devices and old and archaic legislation with regard to LCs.

The report includes priorities for LCs upgrade, prepared for each regional partner, as well as recommendations and further plans to improve safety of level crossings in the Western Balkans.

#### **Union position**

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

#### **Agenda item 7**

#### **Presentation of the Concept proposal for the 2023 Year of Connectivity**

This is an information point from the Transport Community Permanent Secretariat on its plans, together with the Central European Free Trade Agreement Secretariat, to organise a Connectivity Summit in 2023.

The aim of the Summit is to bring the attention of the wider community of professionals and political stakeholders on the issues related to sustainable and efficient transport and logistics, as prerequisites for attracting investments and enhanced trade within the region of Western Balkans, as well as between the region and EU.

The concept note prepared by the Permanent Secretariat outlines two key deliverables from the Summit (Resolution on the EU revised Regulation for the development of the trans-European transport network and Declaration on the Green Lanes), without sufficiently specifying the envisaged roles for the different involved actors.

#### **Union position**

- To acknowledge the information presented by the Transport Community Secretariat.
- To invite the Permanent Secretariat to further specify its plans regarding the foreseen deliverables for the Connectivity Summit, taking into account the roles and competencies of different border authorities involved.
- To request the Permanent Secretariat to also fully include Ukraine, the Republic of Moldova and Georgia in its concept and plans for the Connectivity Summit.

## **A.O.B.**

Following the endorsement of the joint statement on the closer involvement of Ukraine, the Republic of Moldova and Georgia in the work of the Transport Community, the Permanent Secretariat has also been invited to introduce a dedicated information point in the agenda to this effect, which should be added in due course before the 15/12 RSC meeting.

## **RSC Agenda part 2 (administration)**

### **Agenda item 8**

#### **Adoption of Decision on changes to the Financial Rules**

This item was presented as part of the Commission information note for the Regional Steering Committee meeting of 14 November 2022. It was subsequently discussed during the Council Intermodal Working Party meetings of 28 October and 8 November 2022.

#### **Union position**

- The decision on the Union position is subject to a separate (art. 218(9) TFEU) procedure<sup>9</sup>

### **Agenda item 9**

#### **Adoption of Decisions on Rules of procedure of Conciliation Committee and Dispute Settlement Rules (Arbitration) and of amendments to the Staff Regulations**

This item was presented as part of the Commission information note for the Regional Steering Committee meeting of 14 November 2022. It was subsequently discussed during the Council Intermodal Working Party meetings of 28 October and 8 November 2022.

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.

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<sup>9</sup> Note : for items 8 to 13, see documents ST 14720/22, 14721/22 and 14722/22.

## **Union position**

- The decision on the Union position is subject to a separate (art. 218(9) TFEU) procedure

### **Agenda item 10**

#### **Adoption of Decision on amendment of the rules of procedure of the Regional Steering Committee of the Transport Community**

This item was presented as part of the Commission information note for the Regional Steering Committee meeting of 14 November 2022. It was subsequently discussed during the Council Intermodal Working Party meetings of 28 October and 8 November 2022.

## **Union position**

- The decision on the Union position is subject to a separate (art. 218(9) TFEU) procedure

### **Agenda item 11**

#### **Adoption of Decision on amendment to the TCT Staff Rules**

This item was presented as part of the Commission information note for the Regional Steering Committee meeting of 14 November 2022. It was subsequently discussed during the Council Intermodal Working Party meetings of 28 October and 8 November 2022.

## **Union position**

- The decision on the Union position is subject to a separate (art. 218(9) TFEU) procedure

### **Agenda item 12**

#### **Adoption of Decision on the Rules on secondment and locally contracted experts**

This item was presented as part of the Commission information note for the Regional Steering Committee meeting of 14 November 2022. It was subsequently discussed during the Council Intermodal Working Party meetings of 28 October and 8 November 2022.

## **Union position**

- The decision on the Union position is subject to a separate (art. 218(9) TFEU) procedure.

### **Agenda item 13**

#### **Adoption of Decision on rules on education allowance for the Transport Community Permanent Secretariat**

This item was presented as part of the Commission information note for the Regional Steering Committee meeting of 14 November 2022. It was subsequently discussed during the Council Intermodal Working Party meetings of 28 October and 8 November 2022.

#### **Union position**

- The decision on the Union position is subject to a separate (art. 218(9) TFEU) procedure.

**DRAFT AGENDA**

18th Meeting of the Regional Steering Committee of the Transport Community  
15 December 2022 | 09:30 – 12.00 | Belgrade, TCT Headquarters and online

Part 1	<b>POLICY</b>
1.	Presentation of the Annual Report on the implementation of Dangerous goods Guidelines 2022
2.	Progress report on the Strategy for sustainable and smart mobility in the Western Balkans 2022
3.	Presentation of the report on passengers' rights: making transport accessible and inclusive in the Western Balkans
4.	Information regarding European Court of Justice Rulings with relevance to the Contracting Parties of the Transport Community Treaty – update by the European Commission
5.	Presentation of the Transport Observatory- state of play and follow up actions
6.	Presentation of reports on level crossings safety improvement project: mapping the most critical level crossings in the Western Balkans
7.	Presentation of the Concept proposal for the 2023 Year of Connectivity
Part 2	<b>ADMINISTRATION</b>
8.	Adoption of Decision on the revised procedure for the implementation of the budget and the presenting and auditing of accounts, applicable to the Transport Community ( <i>changes to the Financial Rules</i> )
9.	Adoption of Decisions on Rules of procedure of Conciliation Committee and Dispute Settlement Rules ( <i>Arbitration</i> ) and of amendments to the Staff Regulations
10.	Adoption of Decision on amendment of the rules of procedure of the Regional Steering Committee of the Transport Community
11.	Adoption of Decision on amending Decision N° 2019/3 of the Regional Steering Committee of the Transport Community of 5 June 2019 ( <i>amendment to the Staff Rules</i> )
12.	Adoption of Decision on the Rules on secondment and locally contracted experts
13.	Adoption of Decision on rules on education allowance for the Transport Community Permanent Secretariat