



Brussels, 9.6.2017  
COM(2017) 324 final

2017/0132 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the signing, on behalf of the European Union, and provisional application of the  
Transport Community Treaty**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

A well-functioning transport system connecting the Union and the neighbouring countries is essential for sustainable economic growth and the wellbeing of all citizens. Transport cooperation with the Western Balkans countries is currently governed by a South East European Transport Observatory, a Memorandum of Understanding (MoU) of 11 June 2004 by the Governments of Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia and the United Nations Mission in Kosovo and the European Commission which main objective was to extend the TEN-T network and related policies to the South East European countries.

The MoU has, however, shown limits and following an assessment made by the Commission in 2008, a more comprehensive cooperation approach – involving other transport policies and transport related areas – has been suggested. In this context, based on the positive experience of the Energy Community, the Commission proposed to take inspiration from this example for the purposes of the transport sector and thus to come to an agreement ensuring that legislation, standards and technical specifications of our main regional partners in question are compatible with those of the Union.

The Council authorised the Commission on 12 June 2008 and on 9 October 2009 to open negotiations on behalf of the European Union with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\*, Montenegro and Serbia, on a Treaty establishing a Transport Community.

The discussions at technical level were successfully completed in July 2010. However, due to the impossibility to agree on the appropriate designation of one of the parties, namely Kosovo, the finalisation of the Transport Community Treaty remained stalled for almost three years. The discussions were resumed in 2013 and an agreement on the final version of the Treaty was reached in 2016. The agreement should then now be signed on behalf of the European Union and by the other parties.

The Treaty sets up a Ministerial Council which shall ensure that the objectives set out in this Treaty are attained. The EU position to be taken at the Ministerial Council when adopting acts having legal effects will be based on the specific EU procedure in particular Article 218(9) TFEU.

The text of the agreement that has been initialled left empty Article 33 relating to the Seat of the Permanent Secretariat since at that moment it was not possible to establish the location. In such circumstances, the text presented for the signature has been slightly modified in order to allow the Ministerial Committee to adopt such decision by the agreement of the Parties.

However, it is not excluded that in the margins of the West-Balkans 6 Summit that will take place in Trieste on 12 July 2017 a political consensus still could be reached on the Seat. The formal decision by the Ministerial Council will then be formalised later on and the EU position established by a 218(9)TFEU decision.

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

- **General context**

Strengthening the regional cooperation within the Western Balkans is a key element for political stability, security, economic prosperity and social development in the region. In this context, the Transport Community will benefit to the accession framework for the Western Balkans by speeding up the alignment of national legislation with the Union *acquis* on transport and other relevant areas. The Transport Community will also be a key instrument which would foster the reform process in the initiated by the Western Balkan Six initiative, as well as the infrastructure (TEN-T) implementation and its financing in the region.

- **Consistency with existing policy provisions in the policy area**

The Transport Community Treaty is fully compliant with the existing transport provisions and will replace the existing cooperation framework, the South East Europe Transport Observatory (SEETO), which is in place since 2004.

- **Consistency with other Union policies and objectives**

The Transport Community Treaty is fully compliant with the policies and objectives set up in the framework of the cooperation with South East European partners or in the framework of the enlargement process. The Treaty will play a key role in supporting these policies by helping the Western Balkans countries to move closer to the Union transport *acquis*.

The Transport Community is also fully aligned with all the relevant transport related policies, such as environment or social policies.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

- **Consultation of interested parties**

The Special Committee designated by the Council was consulted throughout the negotiations of the Treaty.

## **3. LEGALELEMENTS OF THE PROPOSAL**

- **Legal basis**

The legal basis for the proposal is Articles 91 and 100(2) of the Treaty on the Functioning of the European Union, in conjunction with Article 218(5) thereof.

- **Choice of the instrument**

Pursuant to Article 218(5), the signing and provisional application of international agreements is to be decided by a decision of the Council.

## **4. BUDGETARY IMPLICATIONS**

The impact on the Union budget is very limited, as the budget of the Transport Community shall only cover the operational expenses necessary for the functioning of its institutions. Funding is to be provided through the following budget line: IPA 2017/039-402.20/MC/Transport Community.

Proposal for a

## COUNCIL DECISION

### **on the signing, on behalf of the European Union, and provisional application of the Transport Community Treaty**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91 and 100(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 12 June 2008 and 9 October 2009 the Council authorised the Commission to open negotiations on behalf of the Union with the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\*, the Republic of Montenegro and the Republic of Serbia (hereafter: the South East European Parties) on a treaty establishing a Transport Community.
- (2) The negotiations were successfully concluded by the initialling of the Agreement of four South East European Parties. The two remaining South East European Parties are expected to initial the Agreement by 12 July 2017.
- (3) The agreement furthers the development of transport between the Union and the South East European Parties on the basis of the provisions of the Union acquis.
- (4) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (5) In order for the benefits of the Agreement to accrue as early as possible, the Agreement should be applied provisionally,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The signing of the Transport Community Treaty is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement. The text of the Agreement to be signed is attached to this Decision.

#### *Article 2*

The Council Secretariat General shall establish the instrument of full powers to sign the Agreement, subject to its conclusion, for the person(s) indicated by the negotiator of the Agreement.

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

*Article 3*

The Agreement shall be applied provisionally, in accordance with Article 41(3) of the Agreement, as from the day of its signature, pending its entry into force.

*Article 4*

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council  
The President*



Brussels, 9.6.2017  
COM(2017) 324 final

ANNEX 1

**ANNEX**

*to the*

**Proposal for a Council Decision**

**on the signing, on behalf of the European Union, and provisional application of the  
Transport Community Treaty**

**10 February 2017 (rev. 02 June 2017 final)**

**TREATY ESTABLISHING THE TRANSPORT COMMUNITY**

The Parties, being

THE EUROPEAN UNION, hereinafter referred to as "the Union" or "the European Union",

and

THE SOUTH EAST EUROPEAN PARTIES, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\* (hereinafter referred to as Kosovo), Montenegro, Serbia. ,

all the above-mentioned parties hereinafter referred to together as "the Contracting Parties".

BUILDING on the work done in the framework of the Memorandum of Understanding on the development of the South East Europe Core Regional Transport Network signed in Luxembourg on 11 June 2004 and NOTING that this Memorandum of Understanding will not be relevant anymore;

RECOGNISING the integrated character of international transport and desiring to create a Transport Community between the European Union and the South East European Parties based on the progressive integration of the transport market of the Contracting Parties on the basis of the relevant *acquis*;

CONSIDERING that the rules concerning the Transport Community are to apply on a multilateral basis within the Transport Community and therefore specific rules need to be defined in this respect;

NOTING the Interim Accord and the relevant Memorandum on Practical Measures that Greece and the former Yugoslav Republic of Macedonia have signed in 1995;

AGREEING that it is appropriate to base the Transport Community rules on the relevant legislation in force within the European Union, as laid down in Annex I to this Treaty, under the Treaty on European Union and the Treaty on the Functioning of the European Union, and taking into account the modifications to the previous treaties contained therein, including the replacement of "European Community" by "European Union";

BEARING IN MIND that integration of transport markets cannot be achieved in one step, but rather by means of a transition facilitated by specific arrangements of limited duration;

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



EMPHASISING that transport operators should be treated in a non-discriminatory manner regarding their access to transport infrastructures;

BEARING IN MIND the desire of each of the South East European Parties to make its laws on transport and associated matters compatible with those of the European Union, including with regard to future developments of the *acquis* within the Union;

RECOGNISING the importance of technical assistance in this perspective;

BEARING IN MIND the necessity to protect the environment and to combat against climate change, and that the development of the transport sector needs to be sustainable;

BEARING IN MIND the necessity to consider the social dimension of the Transport Community and to establish social dialogue structures in the South East European Parties;

BEARING IN MIND the European Perspective of the South East European Parties as confirmed by several recent European Summits;

NOTING that the former Yugoslav Republic of Macedonia, Montenegro, the Republic of Serbia and the Republic of Albania are candidate countries for membership of the European Union and that Bosnia and Herzegovina has also applied for membership;

NOTING that the internal procedures of the Member States of the European Union may apply when receiving documents issued by Kosovo authorities under this Agreement;

NOTING the determination of candidate countries and potential candidates to move closer to the European Union and to implement the *acquis*, in particular in the field of transport,

HAVE DECIDED TO CREATE A TRANSPORT COMMUNITY:

## OBJECTIVES AND PRINCIPLES

### ARTICLE 1

1. The aim of this Treaty is the creation of a Transport Community in the field of road, rail, inland waterway and maritime transport as well as the development of the transport network between the European Union and the South East European Parties, hereinafter referred to as the Transport Community. The Transport Community shall be based on the progressive integration of transport markets of the South East European Parties into the European Union transport market on the basis of the relevant *acquis*, including in the areas of technical standards, interoperability, safety, security, traffic management social policy, public procurement and environment, for all modes of transport excluding air transport. For this purpose this Treaty sets out the rules applicable between the Contracting Parties under the conditions set out hereafter. These rules include the provisions laid down by the acts specified in Annex I.
2. The provisions of this Treaty shall apply to the extent that they concern road, rail, inland waterway, maritime transport and transport networks, including airport infrastructure, or an associated matter referred to in Annex I.
3. This Treaty consists of Articles, setting out the general functioning of the Transport Community, hereinafter referred to as "the Main Treaty", of Annexes, of which Annex I contains the European Union acts applicable between the Contracting Parties in the framework of the Main Treaty, and of Protocols, of which at least one for each South East European Party establishes the transitional arrangements applicable to it.

## ARTICLE 2

1. For the purposes of this Treaty:
  - (a) the term "Treaty" means the Main Treaty, its Annexes, the acts referred to in Annex I as well as its Protocols;
  - (b) the term "South East European Parties" means the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and the Republic of Serbia;
  - (c) none of the terms, wording or definitions used in this Agreement, including the Annexes and protocols thereto, constitute recognition of Kosovo by the EU as an independent State nor does it constitute recognition by individual Member State of Kosovo in that capacity where they have not taken such a step.
  - (d) the term "Convention" means any international convention or agreement on international transport, opened for signature, other than this Treaty;
  - (e) the term "EU Member State" means a Member State of the European Union;
  - (f) the term "*acquis*" means the corpus of legislation adopted by the European Union in order to fulfil its objectives;
2. The use of the terms "country", "national", "nationals", "territory" or "flag" shall be without prejudice to the status of each Contracting Party under international law.

### ARTICLE 3

1. The applicable provisions of acts referred to or contained either in Annex I, adapted in accordance with Annex II, or in decisions of the Regional Steering Committee shall be binding upon the Contracting Parties.
2. Such provisions shall be, or be made part of their internal legal order of the South East European Parties as follows:
  - (a) an act corresponding to an European Union Regulation shall be made part of the internal legal order of the respective South East European Party within a period of time to be laid down for the South East European Parties by the Regional Steering Committee;
  - (b) an act corresponding to an European Union Directive shall leave to the competent authorities of the respective South East European Party the choice of form and method of implementation;
  - (c) an act corresponding to an European Union Decision shall be made part of the internal legal order of the respective South East European Party within a period of time and in a way to be laid down for the South East European Parties by the Regional Steering Committee.
3. Where applicable provisions of the Acts referred to in paragraph 1 give rise to obligations on the part of EU Member States, those obligations shall apply to EU Member States, following a decision adopted under the rules applicable within the European Union based on an assessment by the Commission with regard to the full implementation by the South East European Parties of the EU acts referred to in Annex I.

## ARTICLE 4

The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty and shall abstain from any measure which could jeopardise the attainment of the objectives of this Treaty.

## SOCIAL ISSUES

### ARTICLE 5

The South East European Parties shall implement the relevant social *acquis* with regard to transport as set out in Annex I. The Transport Community shall reinforce and promote the social dialogue and the social dimension through the reference to the *acquis* in social matters, the workers' fundamental rights and the involvement of the European Economic and Social Committee and the national and European social partners acting in the transport sector, at the appropriate level.

## ENVIRONMENT

### ARTICLE 6

The South East European Parties shall implement the relevant environmental *acquis* with regard to transport, in particular the Strategic Environmental Assessment, Environmental Impact Assessment, nature-related, water-related and air quality-related directives as set out in Annex I.6.

## PUBLIC PROCUREMENT

### ARTICLE 7

The South East European Parties shall implement the relevant public procurement *acquis* with regard to transport as set out in Annex I.7.

## INFRASTRUCTURE

### ARTICLE 8

1. The maps of the indicative Trans-European Transport Network (TEN-T) extension of Comprehensive and Core Networks to the Western Balkans are attached to this Treaty as Annex I.1. The Regional Steering Committee shall report every year to the Ministerial Council on the implementation of the Network described in this Treaty. Technical Committees shall assist the Regional Steering Committee in drawing the report.
2. The Transport Community shall support the development of the indicative TEN-T extension of the Comprehensive and Core Networks to the Western Balkans according to the Commission Delegated Regulation (EU) 2016/758 of 4 February 2016 as set out in Annex I.1. It shall take into account the related bilateral and multilateral agreements concluded by the Contracting Parties, including the development of key links and interconnections needed to eliminate bottlenecks and to promote the interconnection of national networks and with the EU TEN-T networks.

### ARTICLE 9

1. The Transport Community shall develop every two years a 5-year rolling work plan for the development of the indicative TEN-T extension of the Comprehensive and Core Networks to the Western Balkans and the identification of priority projects of regional interest in line with the best Union practice, which shall contribute to balanced sustainable development in terms of economics, spatial integration, environmental and social impact as well as social cohesion.
2. Among other, the 5-year rolling work plan shall;
  - (a) comply with the relevant legislation of the European Union as set out in Annex I, in particular when funding of the European Union is envisaged,
  - (b) demonstrate best value-for-money and broader socio-economic impacts, in accordance with donors' funding rules and best international standards and practices,
  - (c) give a special attention to global climate change and environmental sustainability at the stage of project definition and analysis,
  - (d) include the funding opportunities from donors and International Financial Institutions (IFIs), in particular through the Western Balkans Investment Framework.

3. The Transport Community shall promote the necessary studies and analyses, in particular concerning the economic viability, technical specification, environmental impact, social consequences and financing mechanisms.
4. An information system shall be put in place by the Permanent Secretariat to be used by decision makers in monitoring and reviewing the condition and performance of the indicative TEN-T extension of the Comprehensive and Core Networks to the Western Balkans. .

#### ARTICLE 10

The South East European Parties shall develop efficient traffic management systems, including intermodal systems and intelligent transport systems.

#### RAIL TRANSPORT

#### ARTICLE 11

1. Within the scope and conditions of this Treaty and within the scope and the conditions set by the relevant acts specified in Annex I, railway undertakings licensed in an EU Member State, or by a South East European Party shall have the right of access to the infrastructure in all EU Member States and South East European Parties for the purpose of operating international rail passenger or freight services.
2. Within the scope and conditions of this Treaty and within the scope and the conditions set by of the relevant acts specified in Annex I, there shall be no restrictions on the validity of licenses of railway undertakings, their safety certificates, the certification documents of train drivers and rail vehicle authorisations granted by the EU or a Member State's competent authority or a South East European Party.

## ROAD TRANSPORT

### ARTICLE 12

The South East European Parties shall promote efficient, safe and secure road transport operations. Co-operation between the Contracting Parties shall aim to reach convergence towards operating standards and policies on road transport of the European Union, in particular by implementing the road transport *acquis* as referred to in Annex I.

## INLAND WATERWAY TRANSPORT

### ARTICLE 13

The Contracting Parties shall promote efficient, safe and secure inland waterway transport operations. Co-operation between the Contracting Parties shall aim to reach convergence towards operating standards and policies on inland waterway transport of the European Union, in particular by implementing the acts set out in Annex I by the South East European Parties.

## MARITIME TRANSPORT

### ARTICLE 14

The Contracting Parties shall promote efficient, safe and secure maritime transport operations. Co-operation between the Contracting Parties shall aim to reach convergence towards operating standards and policies on maritime transport of the European Union, in particular by implementing the acts set out in Annex I by the South East European Parties.

## FACILITATION OF ADMINISTRATIVE FORMALITIES

### ARTICLE 15

1. The Contracting Parties shall facilitate administrative procedures (formalities) for crossing from one customs territory to another according to the customs cooperation provisions of the Agreements applicable between the European Union on the one hand and each of the South East European Parties on the other.



2. With the same objectives, the South East European Parties shall facilitate administrative procedures for crossing from one customs territory to another according to the customs cooperation provisions of the Agreements applicable between them.

## NON-DISCRIMINATION

### ARTICLE 16

Within the scope of this Treaty, and without prejudice to any special provisions contained herein, any discrimination on grounds of nationality shall be prohibited.

## COMPETITION

### ARTICLE 17

1. Within the scope of this Treaty the provisions of Annex III shall apply. Where rules on competition and state aid are included in other agreements between two or more Contracting Parties, such as Association Agreements, these rules shall apply between those Parties.
2. Articles 18, 19 and 20 shall not apply with respect to the provisions in Annex III which concern competition. They shall be applicable with regard to State Aid.

## ENFORCEMENT

### ARTICLE 18

1. Without prejudice to paragraph 2 each Contracting Party shall ensure that the rights which derive from this Treaty, and in particular from the acts specified in Annex I, may be invoked before national courts.
2. All questions concerning the legality of legislation adopted by European Union specified in Annex I, shall be of the exclusive competence of the Court of Justice of the European Union, hereinafter referred to as "the Court of Justice".

## INTERPRETATION

### ARTICLE 19

1. Insofar as the provisions of this Treaty and the provisions of the acts specified in Annex I are identical in substance to corresponding rules of the Treaty on European Union and the Treaty on the Functioning of the European Union and to acts adopted pursuant to those Treaties, those provisions shall, in their implementation and application, be interpreted in conformity with the relevant rulings of the Court of Justice and decisions of the European Commission given before the date of signature of this Treaty. The rulings and decisions given after the date of signature of this Treaty shall be communicated to the other Contracting Parties. At the request of one of the Contracting Parties, the implications of such later rulings and decisions shall be determined by the Regional Steering Committee assisted by the Technical Committees in view of ensuring the proper functioning of this Treaty. Existing interpretations shall be communicated to the South East European Parties prior to the date of signature of this Treaty. Decisions taken by the Regional Steering Committee under this procedure shall be in conformity with the case law of the Court of Justice.
2. When a question of interpretation of this Treaty, of the provisions of the acts specified in Annex I or of acts adopted in pursuance thereof identical in substance to corresponding rules of the Treaty on European Union and the Treaty on the Functioning of the European Union or to acts adopted pursuant to those Treaties, arises in a case pending before a court or tribunal of a South East European Party, the court or tribunal shall ask, if it considers this necessary to enable it to give a judgement and in accordance with Annex IV, the Court of Justice to decide on the question. A South East European Party may, by decision and in accordance with Annex IV, stipulate the extent to which, and according to what modalities, its courts and tribunals are to apply this provision. Such a decision shall be notified to the depositary and the Court of Justice. The depositary shall inform the other Contracting Parties. The preliminary ruling of the Court of Justice shall be binding upon the Courts of the South East European Party dealing with the case in which the question arose.

## NEW LEGISLATION

### ARTICLE 20

1. This Treaty shall be without prejudice to the right of each South East European Party, subject to compliance with the principle of non-discrimination and the provisions of this Article to unilaterally adopt new legislation or amend its existing legislation in the field of transport or an associated area mentioned in Annex I. The South East European Parties shall not adopt any such legislation unless it is in accordance with this Treaty.
2. As soon as a South East European Party has adopted new legislation or an amendment to its legislation it shall inform the other Contracting Parties via the Regional Steering Committee not later than one month after its adoption. Upon the request of any Contracting Party, the relevant Technical Committee shall within two months thereafter hold an exchange of views on the implications of such new legislation or amendment for the proper functioning of this Treaty.
3. The Regional Steering Committee shall, in respect of new legally binding European Union acts:
  - (a) either adopt a decision revising Annex I so as to integrate therein, if necessary on a basis of reciprocity, the new act in question; or
  - (b) adopt a decision to the effect that the new act in question is to be regarded as in accordance with this Treaty; or
  - (c) decide on any other measures to safeguard the proper functioning of this Treaty.
4. As regards the new legally binding Union acts which have been adopted between the signing of this Treaty and its entry into force and of which the other Contracting Parties have been informed, the date of referral shall be taken as the date on which the information was received. The date on which the Regional Steering Committee reaches a decision may not be earlier than sixty days after the entry into force of this Treaty.

## THE MINISTERIAL COUNCIL

### ARTICLE 21

The Ministerial Council shall ensure that the objectives set out in this Treaty are attained. It shall:

- (a) provide general policy guidelines;
- (b) review progress on the implementation of the Treaty; including follow-up of the proposals put forward by the Social Forum;
- (c) give opinions for the appointment of the Director of the Permanent Secretariat;
- (d) decide the seat of the Permanent Secretariat by consensus.

### ARTICLE 22

The Ministerial Council shall consist of one representative of each Contracting Party. Participation as an observer shall be open to all EU Member States.

### ARTICLE 23

The Ministerial Council shall meet on an annual basis.

## REGIONAL STEERING COMMITTEE

### ARTICLE 24

1. A Regional Steering Committee is hereby established which shall be responsible for the administration of this Treaty and shall ensure its proper implementation, without prejudice to Article 19. For this purpose it shall make recommendations and take decisions in the cases provided for in this Treaty. The decisions of the Regional Steering Committee shall be put into effect by the Contracting Parties in accordance with their own rules.
2. The Regional Steering Committee shall consist of a representative and an alternate representative of the Contracting Parties. Participation as an observer shall be open to all EU Member States.
3. The Regional Steering Committee shall act by unanimity.

4. For the purpose of the proper enforcement of this Treaty, the Contracting Parties shall exchange information, inter alia, on new legislation or decisions that are relevant for this Treaty, and, at the request of any Contracting Party, shall hold consultations within the Regional Steering Committee, including on social issues.
5. The Regional Steering Committee shall adopt its rules of procedure.
6. A South East European Party shall preside in turn over the Regional Steering Committee in accordance with the arrangements to be laid down in its rules of procedure.
7. The chairman of the Regional Steering Committee shall convene its meetings at least twice a year in order to review the general functioning of this Treaty and, whenever circumstances so require, at the request of a Contracting Party. The Regional Steering Committee shall keep under constant review the development of the case law of the Court of Justice. To this end the European Union shall transmit to the South East European Parties all judgements of the Court of Justice relevant for the functioning of this Treaty. The Regional Steering Committee shall act within three months so as to preserve the homogeneous interpretation of this Treaty.
8. The Regional Steering Committee shall prepare the work of the Ministerial Council.

#### ARTICLE 25

1. A decision of the Regional Steering Committee shall be binding upon the Contracting Parties. Whenever a decision taken by the Regional Steering Committee contains a requirement for action to be taken by a Contracting Party, the said Party shall take the necessary measures and inform the Regional Steering Committee thereof.
2. The decisions of the Regional Steering Committee shall be published in the Official Journal of the European Union and of the South East European Parties. Each decision shall state the date of its implementation by the Contracting Parties and any other information likely to concern economic operators.

## TECHNICAL COMMITTEES

### ARTICLE 26

1. The Regional Steering Committee shall decide to establish Technical Committees, in the form of *ad hoc* working groups. Each Technical Committee may make proposals in its sphere of responsibility to the Regional Steering Committee for decision. The Technical Committees shall consist of representatives of the Contracting Parties. Participation as an observer shall be open to all EU Member States.

On an *ad hoc* basis, relevant civil society organisations, and in particular environmental ones, shall be invited as observers.

2. The Technical Committees shall adopt their rules of procedure.
3. A South East European Party shall chair in turn over the Technical Committees in accordance with the arrangements to be laid down in their rules of procedure.

## SOCIAL FORUM

### ARTICLE 27

1. The Contracting Parties shall take due account of the social dimension and they shall recognise the need to involve the social partners at all appropriate levels by promoting the social dialogue in relation to the monitoring of the implementation of the Treaty and its effects.
2. They shall consider the importance of focusing their attention on the following key areas:
  - a. Workers' fundamental rights according to European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, the Community Charter of the Fundamental Social Rights of Workers and the EU Charter of fundamental Rights;
  - b. Labour laws – in relation to the promotion of improved working conditions and standards of living;
  - c. Health and safety at work – in relation to improvements in the working environment concerning the health and safety of workers in the transport sector;
  - d. Equal opportunities – with a focus on the introduction, where necessary, of the principle that men and women ought to receive equal pay for equal work;
3. For addressing these social matters, the Contracting Parties shall agree to establish a Social

Forum. Each Contracting Party, in accordance with its internal procedures, shall designate its representatives, who may take part in the relevant meetings of the Social Forum. The representation shall cover the Governments, as well as the organizations of workers and employers and as any other relevant bodies, which are considered appropriate in accordance with the discussed topics. The European social dialogue committees related to the transport sector shall be present and participate in the meetings, as well as representatives of the European Economic and Social Committee. The Social Forum shall establish its rules of procedure.

## THE PERMANENT SECRETARIAT

### ARTICLE 28

The Permanent Secretariat shall:

- (a) provide administrative support to the Ministerial Council, the Regional Steering Committee, the Technical Committees and the Social Forum;
- (b) act as a Transport Observatory to monitor the performance of the indicative TEN-T extension of the Comprehensive and Core Networks to the Western Balkans ;
- (c) support the implementation of the WB Six (WB6) Connectivity Agenda aiming to improve links within the Western Balkans as well as between the region and the EU.

### ARTICLE 29

The Permanent Secretariat shall comprise a Director and such staff as the Transport Community may require. The Permanent Secretariat may also comprise one or more Deputy Directors. The working language shall be English.

### ARTICLE 30

The Director of the Permanent Secretariat shall be appointed by the Regional Steering Committee following consultation of the Ministerial Council. The duration of his/her mandate shall not exceed three years. The mandate might be renewed. The Regional Steering Committee shall lay down rules

of the Permanent Secretariat, in particular for the recruitment, working conditions and geographic equilibrium of the Secretariat's staff. The Regional Steering Committee may also appoint one or more Deputy Directors. The Director shall select and appoint the staff following consultation with the Regional Steering Committee.

#### ARTICLE 31

In the performance of their duties the Director and the staff of the Permanent Secretariat shall act impartially and shall not seek nor receive instructions from any Contracting Party. They shall promote the interests of the Transport Community.

#### ARTICLE 32

The Director of the Permanent Secretariat or a nominated alternate shall assist the meetings of the Ministerial Council, the Regional Steering Committee, the Technical Committees and the Social Forum.

#### ARTICLE 33

The seat of the Permanent Secretariat shall be established in accordance with Article 21(d).

#### BUDGET

#### ARTICLE 34

Each Contracting Party shall contribute to the budget of the Transport Community as set out in Annex V. The level of contributions may be reviewed every three years, on request of any Contracting Party, by a decision of the Regional Steering Committee.

#### ARTICLE 35

The Regional Steering Committee shall adopt the budget of the Transport Community every year. The budget shall cover the operational expenses of the Transport Community necessary for the



functioning of its institutions. The expenditure of each institution shall be set out in a different part of the budget. The Regional Steering Committee shall adopt a decision specifying the procedure for the implementation of the budget, for presenting and auditing accounts and for inspection.

#### ARTICLE 36

The Director of the Permanent Secretariat shall implement the budget and shall report annually to the Regional Steering Committee on the execution of the budget. The Regional Steering Committee may decide, if appropriate, to entrust independent auditors with verifying the proper execution of the budget.

#### DISPUTE SETTLEMENT

#### ARTICLE 37

1. Any Contracting Party may bring a matter under dispute which concerns the application or interpretation of this Treaty before the Regional Steering Committee, except where specific procedures are set out in this Treaty.
2. When a dispute has been brought before the Regional Steering Committee under paragraph 1, immediate consultations shall be held between the parties to the dispute. In cases where the European Union is not a party to the dispute, a European Union representative may be invited to the consultations by one of the parties to the dispute. The parties to the dispute may draw up a proposal for a solution which shall immediately be submitted to the Regional Steering Committee. Decisions taken by the Regional Steering Committee under this procedure shall respect the case law of the Court of Justice.
3. If the Regional Steering Committee, after four months from the date when the matter was brought before it, has not succeeded to take a decision resolving the dispute, the parties to the dispute may refer it to the Court of Justice whose decision shall be final and binding. The modalities according to which such referrals may be made to the Court of Justice are set out in Annex IV.

## DISCLOSURE OF INFORMATION

### ARTICLE 38

1. All bodies established by, or under, this Treaty shall ensure the widest possible transparency in their work. To that effect, any citizen of the Contracting Parties, and any natural or legal person residing or having its registered office in a Contracting Party, shall have a right of access to documents held by the bodies established by, or under, this Treaty, subject to the principles and the conditions to be defined in accordance with paragraph 2.
2. General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the Regional Steering Committee through rules based on EU rules on access to documents, referred to in Regulation (EC) n°1049/2001<sup>1</sup>. The rules to be adopted by the Regional Steering Committee shall provide for an administrative procedure whereby refusals to give access to a document can be reconsidered or reviewed.
3. Insofar as documents held by the bodies established by, or under, this Treaty contain environmental information, as defined in Article 2 point 3 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, access to this information shall be ensured in accordance with Article 4 of that Convention.

The Regional Steering Committee shall adopt the rules necessary to ensure the implementation of this paragraph. Those implementing rules shall provide for an administrative procedure whereby refusals to give access to environmental information can be reconsidered or reviewed.

4. The representatives, delegates and experts of the Contracting Parties, as well as officials and other servants acting under this Treaty, shall be required, even after their duties have ceased, not to disclose information covered by the obligation of professional confidentiality, in particular information about undertakings, their business relations or their cost components.

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p.43.

## THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS

### ARTICLE 39

1. The Contracting Parties shall consult with each other in the framework of the Regional Steering Committee at the request of any Contracting Party,
  - (a) on transport questions dealt with in international organisations and regional initiatives; and
  - (b) on various aspects of possible developments in relations between Contracting Parties and third countries in transport, and on the functioning of the significant elements of bilateral or multilateral agreements concluded in this field.
2. The consultations provided for in paragraph 1 shall be held in urgent cases as soon as possible and in any case within three months of the request.

## TRANSITIONAL ARRANGEMENTS

### ARTICLE 40

1. Protocols I to VI establish the transitional arrangements and corresponding periods applying between the European Union, on the one hand, and the South East European Party concerned, on the other hand.
2. The gradual transition of each South East European Party to the full application of the Transport Community shall be subject to assessments. The assessments shall be carried out by the European Commission in cooperation with the South East European Party concerned. The European Commission may launch an assessment upon its own initiative or at the initiative of the South East European Party concerned.
- 3.. If the European Union determines that the conditions are fulfilled, it shall inform the Regional Steering Committee and decide thereafter that the South East European Party concerned qualifies for passing to the next stage of the Transport Community.
4. If the European Union determines that the conditions are not fulfilled, the European Commission shall so report to the Regional Steering Committee. The European Union shall recommend to the South East European Party concerned specific improvements.

## ENTRY INTO FORCE, REVIEW, TERMINATION AND OTHER PROVISIONS

### ARTICLE 41

#### Entry into force

1. This Treaty shall be subject to ratification or approval by the signatories in accordance with their own procedures. Instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union, which shall notify all other signatories and perform all other functions of depositary.
2. This Treaty shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification or approval by the European Union and at least four South East European Parties. For each signatory which ratifies or approves this Treaty after such date, it shall enter into force on the first day of the second month following the deposit by such signatory of its instrument of ratification or approval.
3. Notwithstanding paragraphs 1 and 2, the European Union and at least three South East European Parties may decide to apply provisionally this Treaty among themselves from the date of signature, in accordance with the application of domestic law, by notifying the depositary which shall notify the other Contracting Parties thereof.

### ARTICLE 42

#### Review

This Treaty shall be reviewed at the request of any Contracting Party and at any event five years after its entry into force.

## ARTICLE 43

### Termination

1. Each Contracting Party may denounce this Treaty by notifying the depository, which shall notify this termination to the other Contracting Parties. If this Treaty is denounced by the European Union it shall cease to be in force one year after the date of notification. If this Treaty is denounced by any South East European Party it shall cease to be in force only with respect to such Contracting Party one year after the date of notification.
2. Upon accession to the European Union of a South East European Party, that Contracting Party shall automatically cease to be a South East European Party under this Treaty and shall instead become an EU Member State.

## ARTICLE 44

### Languages

This Treaty is drawn up in a single original in the official languages of the institutions of the European Union and of the South East European Parties, each of these texts being equally authentic.

In WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorised thereto, have signed this Treaty:

Done in,

For the European Union :

For the Republic of Albania :

For Bosnia and Herzegovina :

For the former Yugoslav Republic of Macedonia :

For Kosovo\*:

For Montenegro:

For the Republic of Serbia :

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

## ANNEX I

### RULES APPLICABLE TO THE TRANSPORT SECTOR AND RELATED ISSUES

#### ANNEX I.1

#### RULES APPLICABLE TO TRANSPORT INFRASTRUCTURE FORMING THE SOUTH EAST EUROPE CORE NETWORK

The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.

The following European Union Acts refer to the latest version of such acts as last modified.

| <b>Regulatory area</b>              | <b>Legislation</b>  |
|-------------------------------------|---|
| <b><u>TEN-T<br/>development</u></b> | <p><b>Regulation (EU) No 1315/2013</b> of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU, OJ L 348, 20.12.2013, p. 1.</p> <p><b>Commission Delegated Regulation (EU) 2016/758</b> of 4 February 2016 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards adapting Annex III thereto, OJ L 126, 14.5.2016, p.3.</p> |

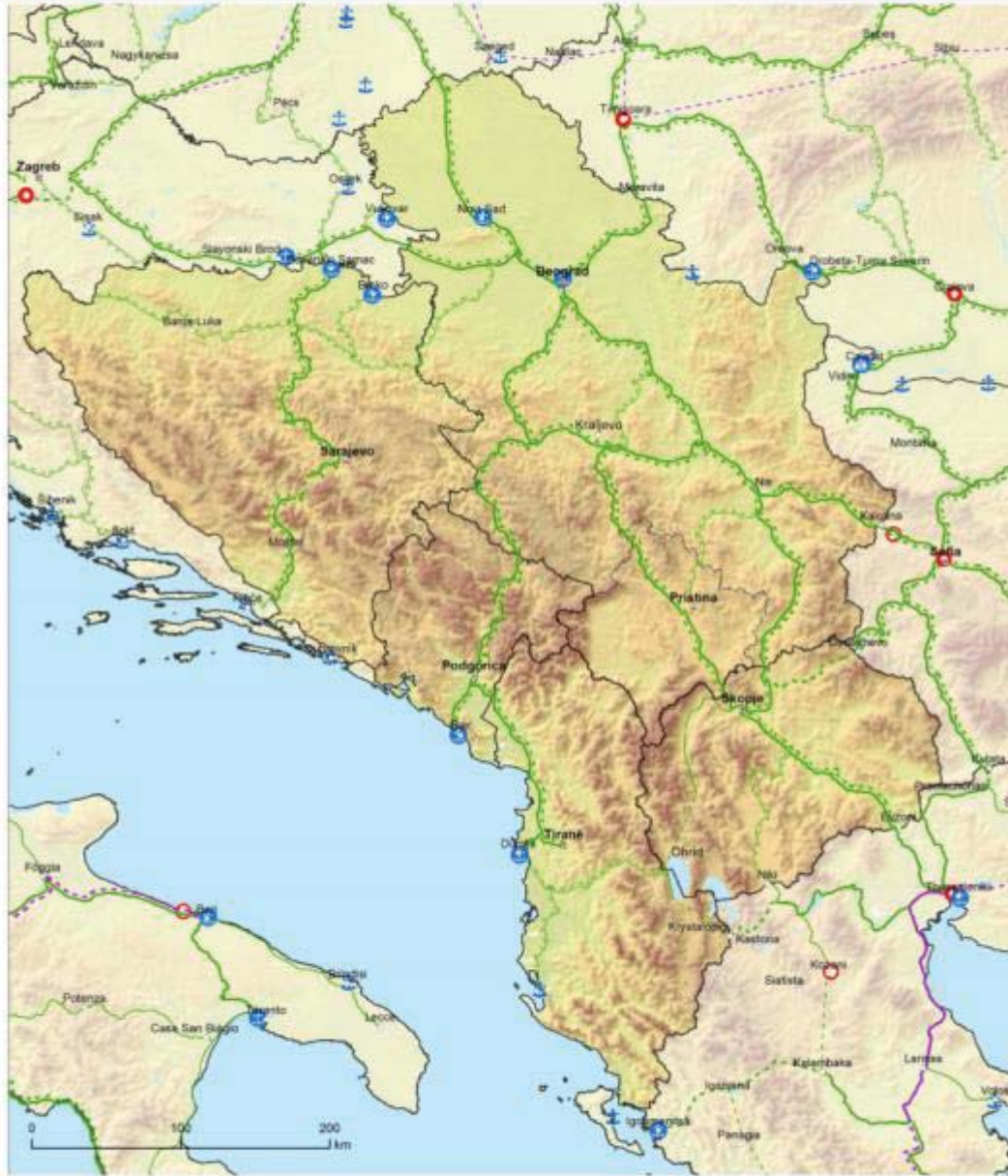
**MAPS OF THE INDICATIVE TEN-T EXTENSION TO THE WESTERN BALKANS**  
**(CORE AND COMPREHENSIVE NETWORKS)**







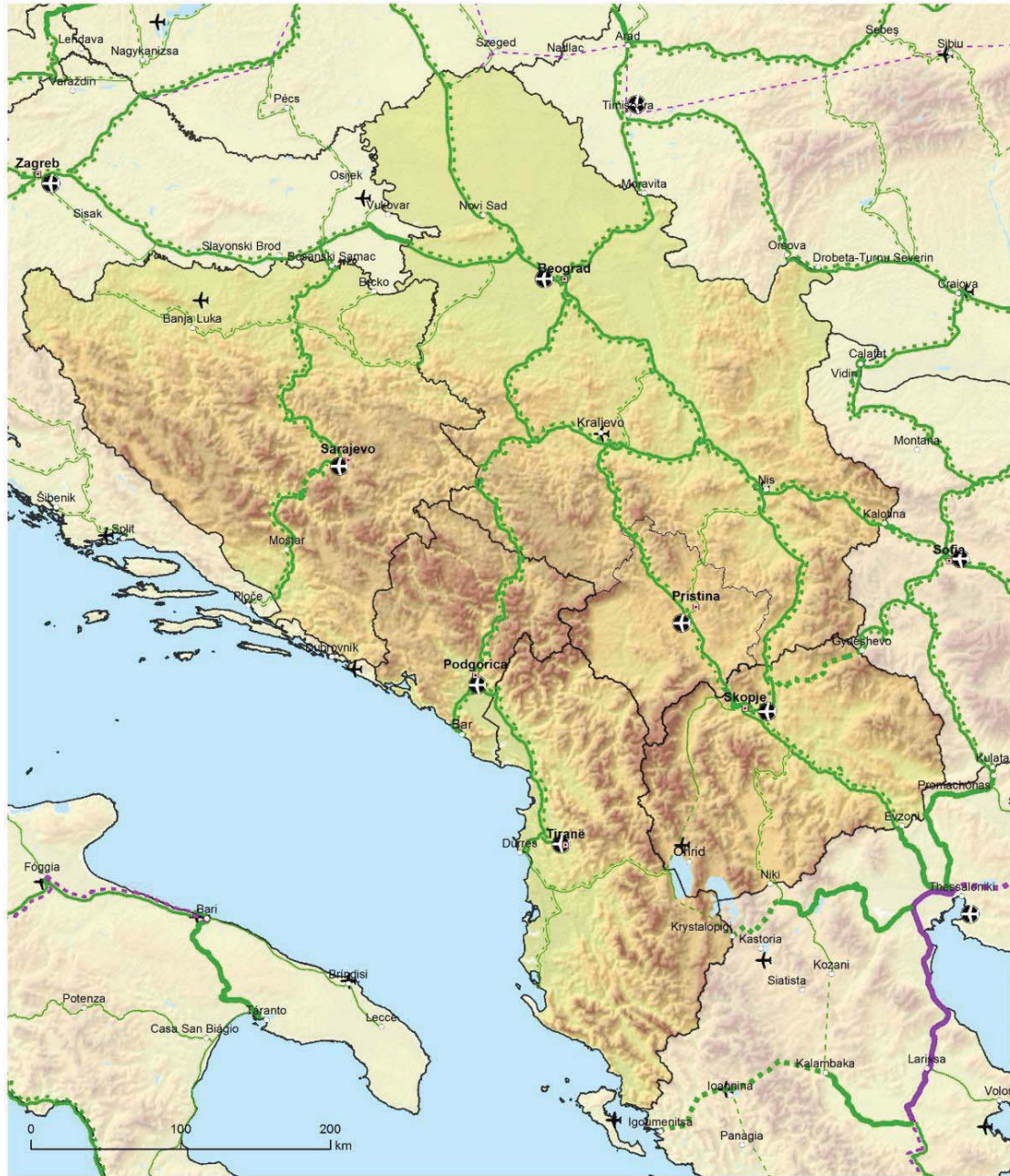
Indicative Extension to Neighbouring Countries  
 Comprehensive Network: Railways, ports and rail-road terminals (RRT)  
 Core Network: Railways (freight), ports and rail-road terminals (RRT)  
**Western Balkans Region**



| Comprehensive                 |                                    | Core                        |                             | Comprehensive                     |                           | Core  |     |
|-------------------------------|------------------------------------|-----------------------------|-----------------------------|-----------------------------------|---------------------------|-------|-----|
|                               |                                    |                             |                             |                                   |                           |       |     |
| Conventional rail / Completed | Conventional rail / To be upgraded | Conventional rail / Planned | High speed rail / Completed | To be upgraded to high speed rail | High speed rail / Planned | Ports | RRT |



Indicative Extension to Neighbouring Countries  
 Comprehensive Network: Railways and airports  
 Core Network: Railways (passengers) and airports  
**Western Balkans Region**



| Comprehensive Core |                                    | Comprehensive Core |                                   | Comprehensive Core |  |
|--------------------|------------------------------------|--------------------|-----------------------------------|--------------------|--|
|                    | Conventional rail / Completed      |                    | High speed rail / Completed       |                    |  |
|                    | Conventional rail / To be upgraded |                    | To be upgraded to high speed rail |                    |  |
|                    | Conventional rail / Planned        |                    | High speed rail / Planned         |                    |  |



| Comprehensive |                  | Core |                       | Comprehensive |  | Core |          |
|---------------|------------------|------|-----------------------|---------------|--|------|----------|
|               |                  |      |                       |               |  |      |          |
|               | Road / Completed |      | Road / To be upgraded |               |  |      | Airports |
|               | Road / Planned   |      |                       |               |  |      |          |

TENtec

## ANNEX I.2

### RULES APPLICABLE TO RAIL TRANSPORT

| <p>The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.</p> <p>The following European Union Acts refer to the latest version of such acts as last modified.</p> |   |
|--|---|
| Regulatory area  | Legislation   |
| <p><b><u>Market access</u></b></p>   | <p><b>Regulation No 11</b> concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79 (3) of the Treaty establishing the European Economic Community, OJ 52, 16.08.1960 p. 1121.</p> <p><b>Directive 2012/34/EU</b> of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (recast), OJ L 343, 14.12.2012, p. 32.</p> <p><b>Commission Implementing Regulation (EU) No 869/2014</b> of 11 August 2014 on new rail passenger services, OJ L 239, 12.8.2014, p. 1.</p> <p><b>Commission Implementing Regulation (EU) 2015/10</b> of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014, OJ L 3, 7.1.2015, p. 34.</p> <p><b>Commission Implementing Regulation (EU) 2015/171</b> of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings, OJ L 29, 5.2.2015, p. 3.</p> <p><b>Commission Implementing Regulation (EU) 2015/909</b> of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service, OJ L 148, 13.6.2015, p. 17.</p> <p><b>Commission Implementing Regulation (EU) 2015/1100</b> of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring, OJ L 181, 9.7.2015, p. 1.</p> <p><b>Commission Implementing Regulation (EU) 2016/545</b> of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity, OJ L 94, 8.4.2016, p. 1.</p> <p><b>Regulation (EU) No 913/2010</b> of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight, OJ L 276, 20.10.2010, p. 22.</p> <p><b>Commission Implementing Regulation (EU) 2016/545</b> of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity, OJ L 94, 8.4.2016, p. 1.</p> |

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| <p><b><u>Train Driver Licensing</u></b></p> | <p><b>Directive 2007/59/EC</b> of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community, OJ L 315, 3.12.2007, p. 51.</p> <p><b>Commission Regulation (EU) No 36/2010</b> of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council, OJ L 13, 19.1.2010, p. 1.</p> <p><b>Commission Decision 2010/17/EC of 29 October 2009</b> on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council, OJ L 8, 13.1.2010, p. 17.</p> <p><b>Commission Decision 2011/765/EU of 22 November 2011</b> on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council, OJ L 314, 29.11.2011, p.36.</p>  |
| <p><b><u>Interoperability</u></b></p>       | <p><b>Directive (EU) 2016/797</b> of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (recast), OJ L 138, 26.5.2016, p. 44.</p> <p><b>Directive 2008/57/EC</b> of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast), OJ L 191, 18.7.2008, p. 1.<br/> [ Directive (EU) 2016/797, article 58: "<i>Article 58 – Repeal - Directive 2008/57/EC, as amended by the Directives listed in Annex V, Part A, is repealed with effect from 16 June 2020, without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Annex V, Part B. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VI. </i>" ]</p> <p><b>Commission Decision 2009/965/EC of 30 November 2009</b> on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community, OJ L 341, 22.12.2009, p. 1.</p> <p><b>Commission Regulation (EU) No 1299/2014</b> of 18 November 2014 on the technical specifications for interoperability relating to the ‘infrastructure’ subsystem of the rail system in the European Union, OJ L 356, 12.12.2014, p. 1.</p> <p><b>Commission Regulation (EU) No 1300/2014</b> of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility, OJ L 356, 12.12.2014, p. 110.</p> |

**Commission Regulation (EU) No 1301/2014** of 18 November 2014 on the technical specifications for interoperability relating to the ‘energy’ subsystem of the rail system in the Union, OJ L 356, 12.12.2014, p. 179.

**Commission Regulation (EU) No 1302/2014** of 18 November 2014 concerning a technical specification for interoperability relating to the ‘rolling stock — locomotives and passenger rolling stock’ subsystem of the rail system in the European Union, OJ L 356, 12.12.2014, p. 228.

**Commission Regulation (EU) No 1303/2014** of 18 November 2014 concerning the technical specification for interoperability relating to ‘safety in railway tunnels’ of the rail system of the European Union, OJ L 356, 12.12.2014, p. 394.

**Commission Regulation (EU) No 1304/2014** of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU, OJ L 356, 12.12.2014, p. 421.

**Commission Regulation (EU) No 1305/2014** of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006, OJ L 356, 12.12.2014, p. 438.

**Commission Implementing Decision 2011/665/EU** of 4 October 2011 on the European register of authorised types of railway vehicles, OJ L 64, 8.10.2011, p. 32.

**Commission Implementing Decision 2014/880/EU of 26 November 2014** on the common specifications of the register of railway infrastructure and repealing Implementing Decision 2011/633/EU, OJ L 356, 12.12.2014, p. 489.

**Commission Decision 2012/757/EU of 14 November 2012** concerning the technical specification for interoperability relating to the ‘operation and traffic management’ subsystem of the rail system in the European Union and amending Decision 2007/756/EC, OJ L 345, 15.12.2012, p. 1.

**Commission decision 2011/229/EU** of 4 April 2011 concerning the technical specifications of interoperability relating to the subsystem ‘rolling stock – noise’ of the trans-European conventional rail system, JO L 99, 13.4.2011, p.1.

**Commission Decision 2011/291/EU of 26 April 2011** concerning a technical specification for interoperability relating to the rolling stock subsystem — ‘Locomotives and passenger rolling stock’ of the trans-European conventional rail system, OJ L 139, 26.5.2011, p.1.

**Commission Regulation (EU) No 454/2011** of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system, OJ L 123, 12.5.2011, p.11.

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|                                       | <p><b>Commission decision 2011/314/EU of 12 May 2011</b> concerning the technical specification for interoperability relating to the ‘operation and traffic management’ subsystem of the trans-European conventional rail system, OJ L 144, 31.5.2011, p. 1</p> <p><b>Commission Regulation (EU) No 201/2011</b> of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle, OJ L 57, 2.3.2011, p. 8.</p> <p><b>Commission Regulation (EU) 2016/919</b> of 27 May 2016 on the technical specification for interoperability relating to the ‘control-command and signalling’ subsystems of the rail system in the European Union, OJ L 158, 15.6.2016, p. 158.</p> <p><b>Commission Regulation (EU) No 321/2013</b> of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem ‘rolling stock — freight wagons’ of the rail system in the European Union and repealing Decision 2006/861/EC, OJ L 104, 12.4.2013, p. 1.</p> <p><b>Commission Decision 2010/713/EU</b> of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council, OJ L 319, 4.12.2010, p. 1.</p>   |
| <b><u>European railway agency</u></b> | <p><b>Regulation (EU) 2016/796</b> of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, OJ L 138, 26.5.2016, p. 1.</p>  |
| <b><u>Railway Safety</u></b>          | <p><b>Directive (EU) 2016/798</b> of the European Parliament and of the Council of 11 May 2016 on railway safety (recast), OJ L 138, 26.5.2016, p. 102.</p> <p><b>Directive 2004/49/EC</b> of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive), OJ L 164, 30.4.2004, p. 44. [but see Directive (EU) 2016/798, Art. 34 : "Article 34 – Repeal - Directive 2004/49/EC, as amended by the Directives listed in Annex IV, Part A, is repealed with effect from 16 June 2020, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex IV, Part B. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V."]</p> <p><b>Commission Regulation (EC) No 653/2007</b> of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European</p> |

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|  | <p>Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC, OJ L 153, 14.6.2007, p. 9.</p> <p><b>Commission Regulation (EU) No 445/2011</b> of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007, OJ L 122, 11.5.2011, p.22.</p> <p><b>Commission Regulation (EU) No 1158/2010</b> of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates, OJ L 326, 10.12.2010, p. 11.</p> <p><b>Commission Regulation (EU) No 1169/2010</b> of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation, OJ L 327, 11.12.2010, p. 13.</p> <p><b>Commission Regulation (EU) No 1078/2012</b> of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance, OJ L 320, 17.11.2012, p. 8.</p> <p><b>Commission Regulation (EU) No 1077/2012</b> of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation, OJ L 320, 17.11.2012, p. 3.</p> <p><b>Commission Decision 2009/460/EC</b> of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, as referred to in Article 6 of Directive 2004/49/EC of the European Parliament and of the Council, OJ L 150, 13.6.2009, p. 11.</p> |
| <p><b><u>Inland transport of dangerous goods</u></b></p> | <p><b>Directive 2008/68/EC</b> of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, OJ L 260, 30.9.2008, p. 13.</p>   |



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| <p><b><u>Transportable pressure equipment</u></b></p>    | <p><b>Directive 2010/35/EU</b> of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC, OJ L 165, 30.6.2010, p. 1.</p>   |
| <p><b><u>Social Field - Working Time / hours</u></b></p> | <p><b>Directive 2003/88/EC</b> of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9.</p> <p><b>Council Directive 2005/47/EC</b> of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector - Agreement concluded by the European Transport Workers' Federation (ETF) and the Community of European Railways (CER) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services, OJ L 195, 27.07.2005 p. 15.</p> |
| <p><b><u>Passenger Rights</u></b></p>                    | <p><b>Regulation (EC) No 1371/2007</b> 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.</p>   |

### ANNEX I.3

#### RULES APPLICABLE TO ROAD TRANSPORT

The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.

The following European Union Acts refer to the latest version of such acts as last modified.

| <b>Regulatory area</b>  | <b>Legislation</b>   |
|---|--|
| <b><u>Road charging Infrastructure - Annual vehicle taxes</u></b> | <b>Directive 1999/62/EC</b> on the charging of heavy goods vehicles for the use of certain infrastructures as amended by Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006, OJ L 187, 20.7.1999, p. 42.  |
| <b><u>Admission to the occupation of road operator</u></b>        | <b>Regulation (EC) No 1071/2009</b> of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, OJ L 300, 14.11.2009, p. 51.  |
| <b><u>Social provisions - Driving time and rest periods</u></b>   | <b>Regulation (EC) No 561/2006</b> of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and repealing Council Regulation (EEC) No 3820/85, OJ L 102, 11.4.2006, p. 1.<br><br><b>Commission Regulation (EU) No 581/2010</b> of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards OJ L 168, 2.7.2010, p. 16.  |
| <b><u>Tachograph</u></b>  | <b>Regulation (EU) No 165/2014</b> of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport, OJ L 60, 28.2.2014, p. 1. [see " <i>Article 46 Transitional measures</i> ": " <i>In so far as the implementing acts referred to in this Regulation have not been adopted so that they may be applied at the time of application of this Regulation, the provisions in Regulation (EEC) No 3821/85, including in Annex IB thereto, shall continue to apply, on a transitional basis, until the date of application of the implementing acts referred to in this Regulation.</i> "]<br><br><b>Commission Implementing Regulation (EU) 2016/68</b> of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards, OJ L 15, 22.1.2016, p. 51.<br><br><b>Commission Implementing Regulation (EU) 2016/799</b> of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, |

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|   | <p>installation, operation and repair of tachographs and their components, OJ L 139, 26.5.2016, p. 1.</p> <p><b>Council Regulation (EEC) No 3821/85</b> on recording equipment in road transport, OJ L 370, 31.12.1985, p. 8.</p> <p>[see "Article 46 Transitional measures" of Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport:</p> <p><i>"In so far as the implementing acts referred to in this Regulation have not been adopted so that they may be applied at the time of application of this Regulation, the provisions in Regulation (EEC) No 3821/85, including in Annex IB thereto, shall continue to apply, on a transitional basis, until the date of application of the implementing acts referred to in this Regulation. "</i>]</p> |
| <b><u>Enforcement of social legislation</u></b> | <b>Directive 2006/22/EC</b> of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, OJ L 102, 11.4.2006, p. 35.  |
| <b><u>Form of attestation of activities</u></b> | <b>Commission Decision 2007/230/EC</b> of 12 April 2007 on a form concerning social legislation relating to road transport activities, OJ L 99, 14.4.2007, p. 14.   |
| <b><u>Working time</u></b>                      | <b>Directive 2002/15/EC</b> of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, OJ L 80, 23.3.2002, p. 35.   |
| <b><u>Transportable Pressure equipment</u></b>  | <b>Directive 2010/35/EU</b> of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC, OJ L 165, 30.6.2010, p. 1.  |
| <b><u>Roadworthiness</u></b>                    | <p><b>Directive 2009/40/EC</b> of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers, OJ L 141, 6.6.2009, p.12.</p> <p><b>Directive 2014/45/EU</b> of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC, OJ L 127, 29.4.2014, p. 51 (cf. Article 24 "Repeal" of Directive 2014/45/EU : <i>"Directive 2009/40/EC is repealed with effect from 20 May 2018."</i>).</p>   |
| <b><u>Roadside</u></b>                          | <b>Directive 2000/30/EC</b> of the Parliament and of the Council of 6 June 2000 on  |

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| <p><b><u>Inspection</u></b></p>               | <p>the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community, OJ L 203, 10.8.2000, p. 1.</p> <p><b>Directive 2014/47/EU</b> of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC, OJ L 127, 29.4.2014, p. 134. (cf. Article 27 “Repeal” of Directive 2014/47/EU: “Directive 2000/30/EC is repealed with effect from 20 May 2018.”).</p> |
| <p><b><u>Speed limitation devices</u></b></p> | <p><b>Council Directive 92/6/EEC</b> of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, OJ L 57, 2.3.1992, p. 27.</p>  |
| <p><b><u>Safety belts</u></b></p>             | <p><b>Council Directive 91/671/EEC</b> of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles, OJ L 373, 31.12.1991, p. 26.</p>  |
| <p><b><u>Mirrors</u></b></p>                  | <p><b>Directive 2007/38/EC</b> of the European Parliament and of the Council of 11 July 2007 on the retrofitting of mirrors to heavy goods vehicles registered in the Community, OJ L 184, 14.7.2007, p. 25.</p>   |
| <p><b><u>Registration documents</u></b></p>   | <p><b>Council Directive 1999/37/EC</b> of 29 April 1999 on the registration documents for vehicles, OJ L 138, 1.6.1999, p. 57.</p> <p><b>Council Directive 2006/103/EC</b> of 20 November 2006 L 363, 20.12.2006, p. 344.</p>  |

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| <b><u>Training of drivers</u></b>                    | <b>Directive 2003/59/EC</b> of the Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC, OJ L 226, 10.9.2003, p. 4. |
| <b><u>Driving licence</u></b>                        | <b>Directive 2006/126/EC</b> of the European Parliament and of the Council of 20 December 2006 (recast), OJ L 403, 30.12.2006, p. 18.<br><br><b>Commission Regulation (EU) No 383/2012</b> of 4 May 2012 laying down technical requirements with regard to driving licences which include a storage medium (microchip), OJ L 120, 5.5.2012, p. 1.                     |
| <b><u>Cross-border exchange of information</u></b>   | <b>Directive (EU) 2015/413</b> of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences, OJ L 68, 13.3.2015, p. 9.  |
| <b><u>Inland transport of dangerous goods</u></b>    | <b>Directive 2008/68/EC</b> of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, OJ L 260, 30.9.2008, p. 13.  |
| <b><u>Checks on transport of dangerous goods</u></b> | <b>Council Directive 95/50/EC</b> of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road, OJ L 249, 17.10.1995, p. 35.  |
| <b><u>Tunnels</u></b>                                | <b>Directive 2004/54/EC</b> of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network, OJ L 201, 7.6.2004, p. 56.  |
| <b><u>Road infrastructure safety management</u></b>  | <b>Directive 2008/96/EC</b> of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management, OJ L 319, 29.11.2008, p. 59.  |
| <b><u>Dimensions and weight of vehicles</u></b>      | <b>Council Directive 96/53/EC</b> of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic, OJ L 235, 17.9.1996, p. 59.   |
| <b><u>Passenger rights</u></b>                       | <b>Regulation (EU) No 181/2011</b> 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, OJ L 55, 28.2.2011, p. 1.  |
| <b><u>Clean vehicles</u></b>                         | <b>Directive 2009/33/EC</b> of the European Parliament and of the Council of 23   |

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| <p><b><u>and/or</u></b><br/><b><u>alternative fuels</u></b><br/><b><u>infrastructure</u></b></p> | <p>April 2009 on the promotion of clean and energy-efficient road transport vehicles OJ L 120, 15.5.2009, p.5.</p> <p><b>Directive 2014/94/EU</b> of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure, OJ L 307, 28.10.2014, p. 1.</p>   |
| <p><b><u>ITS</u></b></p>   | <p><b>Directive 2010/40/EU</b> of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, OJ L 207, 6.8.2010, p. 1.</p> <p><b>Commission Implementing Decision 2011/453/EU</b> of 13 July 2011 adopting guidelines for reporting by the Member States under Directive 2010/40/EU of the European Parliament and of the Council, OJ L 193, 23.7.2011, p. 48.</p> <p><b>Commission Implementing Decision (EU) 2016/209</b> of 12 February 2016 on a standardisation request to the European standardisation organisations as regards Intelligent Transport Systems (ITS) in urban areas in support of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, OJ L 39, 16.2.2016, p. 48.</p> <p><b>Commission Delegated Regulation (EU) No 305/2013</b> of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall, OJ L 91, 3.4.2013, p. 1.</p> <p><b>Commission Delegated Regulation (EU) No 885/2013</b> of 15 May 2013 supplementing ITS Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of information services for safe and secure parking places for trucks and commercial vehicles, OJ L 247, 18.9.2013, p. 1.</p> <p><b>Commission Delegated Regulation (EU) No 886/2013</b> of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users, OJ L 247, 18.9.2013, p. 6</p> <p><b>Commission Delegated Regulation (EU) 2015/962</b> of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services, OJ L 157, 23.6.2015, p. 21.</p> <p><b>Decision No 585/2014/EU</b> of the European Parliament and of the Council of 15 May 2014 on the deployment of the interoperable EU-wide eCall service, OJ L 164, 3.6.2014, p. 6.</p> |

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| <p><b><u>Road toll systems</u></b></p> | <p><b>Directive 2004/52/EC</b> of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community, OJ L 200, 7.6.2004, p. 50.</p> <p><b>Commission Decision 2009/750/EC</b> of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements, OJ L 268, 13.10.2009, p. 11.</p> |
| <p><b><u>Type approval</u></b></p>     | <p><b>Directive 2007/46/EC</b> of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive), OJ L 263, 9.10.2007, p. 1.</p>   |

## ANNEX I.4

### RULES APPLICABLE TO MARITIME TRANSPORT

The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.

The following European Union Acts refer to the latest version of such acts as last modified.

| <b>Regulatory area</b>                 | <b>Legislation</b>   |
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| <b><u>Maritime policy</u></b>          | <b>Regulation (EU) No 1255/2011 of the European Parliament and of the Council of 30 November 2011</b> establishing a Programme to support the further development of an Integrated Maritime Policy, OJ L 132 5.12.2011, p.1.   |
| <b><u>Access to the market</u></b>     | <p><b>Council Regulation (EEC) No 3577/92</b> of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), OJ L 364, 12.12.1992, p. 7.</p> <p><b>Council Regulation (EEC) No 4055/86</b> of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries, OJ L 378, 31.12.1986, p. 1.</p> <p><b>Regulation (EC) No 789/2004</b> of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91, OJ L 138, 30.4.2004, p. 19.</p> <p><b>Council Regulation (EEC) No 4058/86</b> of 22 December 1986 concerning coordinated action to safeguard free access to cargoes in ocean trades, OJ L 378, 31.12.1986, p. 21.</p> |
| <b><u>International Relations</u></b>  | <b>Council Regulation (EEC) No 4057/86</b> of 22 December 1986 on unfair pricing practices in maritime transport, OJ L 378, 31.12.1986, p. 14.   |
| <b><u>International agreements</u></b> | <p><b>Council Decision 2012/22/EU</b> of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, with the exception of Articles 10 and 11 thereof, OJ L 8, 12.1.2012, p.1.</p> <p><b>Council Decision 2012/23/EU</b> of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as regards Articles 10 and 11 thereof, OJ L 8, 12.1.2012, p.13.</p>  |



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| <p><b><u>Ship inspection and survey organisations - Recognised Organisations</u></b></p> | <p><b>Directive 2009/15/EC</b> of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations OJ L 131, 28.5.2009, p. 47.</p> <p><b>Commission Decision 2009/491/EC</b> of 16 June 2009 on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment OJ L 162, 25.6.2009, p. 6.</p> <p><b>Regulation (EC) No 391/2009</b> of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (recast), OJ L 131 of 28.05.2009, p. 11.</p> <p><b>Commission Regulation (EU) No 788/2014</b> of 18 July 2014 laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 of the European Parliament and of the Council , OJ L 214, 19.7.2014, p. 12. Corrigendum, OJ L 234, 7.8.2014, p. 15.</p> |
| <p><b><u>Flag State</u></b></p>  | <p><b>Directive 2009/21/EC</b> of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements, OJ L 131 of 28.05.2009, p.132.</p>   |
| <p><b><u>Port State Control</u></b></p>  | <p><b>Directive 2009/16/EC</b> of the European Parliament and of the Council of 23 April 2009 on port State control, OJ L 131, 28.5.2009, p. 57.</p>   |
| <p><b><u>Vessel traffic monitoring</u></b></p>   | <p><b>Directive 2002/59/EC</b> of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, OJ L 208, 05.08.2002, p. 10.</p>   |
| <p><b><u>International Safety Management Code</u></b></p>                                | <p><b>Regulation (EC) 336/2006</b> of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) no 3051/95 OJ L64 of 4.03.2006, p.1.</p>   |
| <p><b><u>Reporting formalities</u></b></p>   | <p><b>Directive 2010/65/EU</b> of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC, OJ L 35, 6.2.2010, p. 18.</p>   |

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| <b><u>Marine equipment</u></b>          | <b>Directive 2014/90/EU</b> of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC OJ L 257, 28.8.2014, p. 146.   |
| <b><u>Passenger ships</u></b>           | <p><b>Directive 2003/25/EC</b> of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships, OJ L 123, 17.05.2003, p. 22.</p> <p><b>Regulation (EC) No 392/2009</b> of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents, OJ L131, 28.05.2009, p. 24.</p> <p><b>Council Directive 98/41/EC</b> of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community, OJ L 188, 2.7.1998, p. 35.</p> <p><b>Directive 2009/45/EC</b> of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (Recast), OJ L 163, 5.6.2009, p. 1.</p> <p><b>Council Directive 1999/35/EC</b> of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services, OJ L 138, 1.6.1999, p. 1.</p> |
| <b><u>Safety of fishing vessels</u></b> | <b>Council Directive 97/70/EC</b> of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, OJ L 34, 9.2.1998, p. 1.   |
| <b><u>Oil tankers</u></b>               | <b>Regulation (EU) No 530/2012</b> of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (recast), OJ L172, 30.6.2012, p. 3.   |
| <b><u>Bulk carriers</u></b>             | <b>Directive 2001/96/EC</b> of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers OJ L 13, 16.1.2002, p. 9.  |
| <b><u>Accident investigation</u></b>    | <p><b>Directive 2009/18/EC</b> of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council , OJ L131 of 28.05.2009, p.114.</p> <p><b>Commission Implementing Regulation (EU) No 651/2011</b> of 5 July 2011 adopting the rules of procedure of the permanent cooperation framework established by Member States in cooperation with the Commission pursuant to</p>  |

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|                                     | <p>Article 10 of Directive 2009/18/EC of the European Parliament and of the Council, OJ L 177, 6.7.2011, p. 18.</p> <p><b>Commission Regulation (EU) No 1286/2011</b> of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council, OJ L 328, 10.12.2011, p 36.</p>   |
| <b><u>Insurance</u></b>             | <b>Directive 2009/20/EC</b> of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims, OJ L131 of 28.05.2009, p.128.   |
| <b><u>Ship-source pollution</u></b> | <b>Directive 2005/35/EC</b> of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, OJ L 255, 30.9.2005, p. 11.   |
| <b><u>Ship-generated waste</u></b>  | <b>Directive 2000/59/EC</b> of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, OJ L 332, 28.12.2000, p. 81.   |
| <b><u>Organotin compounds</u></b>   | <b>Regulation (EC) No 782/2003</b> of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships, OJ L 115, 9.5.2003, p. 1.  |
| <b><u>Maritime Security</u></b>     | <p><b>Regulation (EC) No 725/2004</b> of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, OJ L 129, 29.4.2004, p. 6.</p> <p><b>Directive 2005/65/EC</b> of the European Parliament and of the Council of 26 October 2005 on enhancing port security OJ L 310, 25.11.2005, p. 28.</p> <p><b>Commission Regulation (EC) No 324/2008</b> of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security, OJ L 98, 10.4.2008, p. 5.</p> |
| <b><u>Training of seafarers</u></b> | <p><b>Directive 2008/106/EC</b> of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast), OJ L 323, 3.12.2008, p. 33.</p> <p><b>Directive 2005/45/EC</b> of 7 September 2005 of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States, OJ L 255 of 30.09.2005, p.160.</p>  |
| <b><u>Social aspects</u></b>        | <b>Directive 2013/54/EU</b> of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance  |

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|  | <p>with and enforcement of the Maritime Labour Convention, 2006, OJ L 329, 10.12.2013, p. 1.</p> <p><b>Council Directive 1999/63/EC</b> of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), OJ L 167, 2.7.1999, p. 33 - It should be noted that this directive has Article 139 as legal basis as it implement agreements concluded between the social partners at European level.</p> <p><b>Directive 1999/95/EC</b> of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports, OJ L 14, 20.1.2000, p. 29.</p> <p><b>Council Directive 2009/13/EC</b> of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC, OJ L 124, 20/05/2009, p. 30.</p> <p><b>Council Directive 92/29/EEC</b> of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, OJ L 113, 30.4.1992, p.19.</p> |
| <b><u>Sea and Inland waterway</u></b>          | <p><b>Regulation (EU) No 1177/2010</b> of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334, 17.12.2010, p. 1.</p>  |
| <b><u>Transportable Pressure Equipment</u></b> | <p><b>Directive 2010/35/EU</b> of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC, OJ L 165, 30.6.2010, p. 1.</p>   |
| <b><u>EMSA</u></b>                             | <p><b>Regulation (EC) No 1406/2002</b> of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, OJ L 208, 5.8.2002, p. 1.</p>  |
| <b><u>COSS</u></b>                             | <p><b>Regulation (EC) No 2099/2002</b> of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships, OJ L 324, 29.11.2002, p. 1.</p>   |

## ANNEX I.5

### RULES APLICABLE TO INLAND WATERWAY TRANSPORT

| <p>The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.</p> <p>The following European Union Acts refer to the latest version of such acts as last modified.</p> |  |
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| <b>Regulatory area</b>   | <b>Legislation</b>   |
| <b><u>Access to the market</u></b>   | <p><b>Council Regulation (EC) No 1356/96</b> on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services, OJ L 175, 13.7.1996, p. 7.</p> <p><b>Council Regulation (EEC) No 3921/91</b> laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State, OJ L 373, 31.12.1991, p. 1.</p> <p><b>Council Regulation (EC) No 718/99</b> of 29 March 1999, on a Community fleet capacity policy to promote inland waterway transport, OJ L 90, 2.4.1999, p. 1.</p> <p><b>Council Directive (EC) No 96/75</b> on the systems of chartering and pricing in national and international inland waterway transport in the Community, OJ L 304, 27.11.1996, p. 12.</p> <p><b>Council Regulation (EEC) No 2919/85</b> laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation, OJ L 280, 22.10.1985, p. 4.</p> |
| <b><u>Access to the profession</u></b>   | <p><b>Council Directive (EEC) No 87/540</b> on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation, OJ L 322, 12.11.1987, p. 20.</p>  |
| <b><u>Boatmasters' certificates</u></b>  | <p><b>Council Directive (EEC) 91/672</b> on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterways, OJ L 377, 31.12.1991, p. 48.</p> <p><b>Council Directive (EC) No 96/50</b> on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, OJ L 235, 17.9.1996, p. 31.</p>  |
| <b><u>Safety / technical requirements</u></b>  | <p><b>Directive 2009/100/EC</b> of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels, OJ L 259, 2.10.2009, p. 8.</p>  |

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|  | <p><b>Directive 2006/87/EC</b> of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels, repealing Council Directive 82/714/EEC, OJ L 389, 30.12.2006, p. 1. See however Article 38 of Directive (EU) 2016/1629: "<i>Article 38 Repeal Directive 2006/87/EC is repealed with effect from 7 October 2018. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex VII.</i>"</p> <p><b>Directive (EU) 2016/1629</b> of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC, OJ L 252, 16.9.2016, p. 118. See however Article 38: "<i>Article 38 Repeal Directive 2006/87/EC is repealed with effect from 7 October 2018. References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex VII.</i>"</p>   |
| <p><b><u>Inland transport of dangerous goods</u></b></p> | <p><b>Directive 2008/68/EC</b> of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, OJ L 260, 30.9.2008, p. 13.</p>  |
| <p><b><u>River Information Services (RIS)</u></b></p>    | <p><b>Directive 2005/44/EC</b> of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community, OJ L 255, 30.9.2005, p. 152.</p> <p><b>Commission Implementing Regulation (EU) No 909/2013</b> of 10 September 2013 on the technical specifications for the electronic chart display and information system for inland navigation (Inland ECDIS) referred to in Directive 2005/44/EC of the European Parliament and of the Council, OJ L 258, 28.9.2013, p. 1.</p> <p><b>Commission Regulation (EU) No 164/2010</b> of 25 January 2010 on the technical specifications for electronic ship reporting in inland navigation referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community, OJ L 57, 6.3.2010, p. 1.</p> <p><b>Commission Regulation (EC) No 416/2007</b> of 22 March 2007 concerning the technical specifications for Notices to Skippers as referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community, OJ L 105, 23.4.2007, p. 88.</p> <p><b>Commission Regulation (EC) No 415/2007</b> of 13 March 2007 concerning the technical specifications for vessel tracking and tracing systems referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community, OJ L 105, 23.4.2007, p. 35.</p> <p><b>Commission Regulation (EC) No 414/2007</b> of 13 March 2007 concerning</p> |

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|                                       | <p>the technical guidelines for the planning, implementation and operational use of river information services (RIS) referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community, OJ L 105, 23.4.2007, p. 1.</p>   |
| <b><u>Environment</u></b>             | <p><b>Directive 2009/30</b> of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specifications of fuel used by inland waterway vessels, OJ L 140, 5.6.2009, p. 88.</p> <p><b>Directive 97/68/EC</b> of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, OJ L 59, 27.2.1998, p. 1.</p> <p><b>Directive 2004/26/EC</b> of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC on the approximation of the laws of the Member states relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (<i>including engines of inland vessels into the scope of application</i>), OJ L 146, 30.4.2004, p. 1.</p> <p><b>Regulation (EU) 2016/1628</b> of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC, OJ L 252, 16.9.2016, p. 53.</p> |
| <b><u>Sea and Inland waterway</u></b> | <p><b>Regulation (EU) No 1177/2010</b> of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334, 17.12.2010, p. 1.</p>  |

## ANNEX I.6

### ENVIRONNEMENT RULES APPLICABLE TO TRANSPORT SECTOR

| <p>The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.</p> <p>The following European Union Acts refer to the latest version of such acts as last modified.</p> |  |
|--|--|
| <b>Regulatory area</b>   | <b>Legislation</b>   |
| <b><u>Assessment of Effects</u></b>  | <p><b>Directive 2011/92/EU</b> of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 026, 28.1.2012, p.1.</p> <p>and <b>ESPOO convention</b>.</p> <p><i>"All projects falling under the scope of the Treaty will be subject to an environmental impact assessment in line with EU standards. In addition, transboundary aspects should be addressed in line with the requirements of the ESPOO convention."</i></p> <p><b>Directive 2001/42/EC</b> of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001, p. 30.</p> <p><b>SEA protocol to the ESPOO convention</b>.</p> <p><i>"All plans and programmes in the field of Transport will where applicable be subject to an environmental assessment similar to that provided for in the SEA directive. In addition, transboundary aspects should be addressed in line with the requirements of the SEA protocol to the ESPOO convention."</i></p> |
| <b><u>Conservation</u></b>   | <p><b>Council Directive 92/43/EEC</b> of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p.7.</p> <p><i>"If a project is likely to affect sites of nature conservation importance, an appropriate nature conservation assessment shall be made, equivalent to that provided for in art.6 of the Habitats directive."</i></p>   |
| <b><u>Fuels</u></b>  | <p><b>Directive 98/70/EC</b> of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC, OJ L 350 28.12.1998, p. 58.</p> <p><b>Directive (EU) 2016/802</b> of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels, OJ L 132, 21.5.2016, p. 58.</p>  |



|                                   |  |
|-----------------------------------|--|
| <p><b><u>Water policy</u></b></p> | <p><b>Directive 2000/60/EC</b> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p.1.</p> <p><i>"All transport projects on navigation falling under the scope of this Treaty should be developed and implemented in line with the provisions of Article 4.7 of the Water Framework Directive".</i></p> <p><i>All transport projects on navigation falling under the scope of this Treaty should where applicable be carried out in line with the Joint Statement on Inland Navigation and Environmental Sustainability in the Danube River Basin as endorsed by the International Commission for the Protection of the Danube river (ICPDR), Danube Commission and Sava Commission.</i></p> |
|-----------------------------------|--|

## ANNEX I.7

### PUBLIC PROCUREMENT RULES APPLICABLE TO TRANSPORT SECTOR

| <p>The "Applicable provisions" of the following European Union acts shall be applicable in accordance with the Treaty and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to VI thereafter. Where necessary, specific adaptations for each individual act are set out hereafter.</p> <p>The following European Union Acts refer to the latest version of such acts as last modified.</p> |  |
|--|--|
| <b>Regulatory area</b>   | <b>Legislation</b>   |
| <b><u>Review procedures</u></b>  | <p><b>Council Directive 89/665/EEC</b> of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, OJ L 395 30.12.1989, p. 33.</p> <p><b>Council Directive 92/13/EEC</b> of 25 February 1992, coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, OJ L 076 23.3.1992, p. 14.</p>   |
| <b><u>Procurement procedures</u></b>   | <p><b>Directive 2014/23/EU</b> of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts, OJ L 094 28.3.2014, p. 1.</p> <p><b>Directive 2014/24/EU</b> of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, OJ L 094 28.3.2014, p. 65.</p> <p><b>Directive 2014/25/EU</b> of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC, OJ L 094 28.3.2014, p. 243.</p> <p><b>Commission Implementing Regulation (EU) 2015/1986</b> of 11 November 2015 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) No 842/2011, OJ L 296, 12.11.2015, p. 1.</p> |
| <b><u>Public services</u></b>  | <p><b>Regulation (EC) No 1370/2007</b> of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, OJ L 315, 3.12.2007, p. 1.</p>   |

## **ANNEX II**

### **Horizontal adaptations and certain procedural rules**

The provisions of the acts specified in Annex I shall be applicable in accordance with the Treaty and points 1 to 3 of this Annex, unless otherwise provided in Annex I. The specific adaptations necessary for individual acts are set out in Annex I.

This Treaty shall be applicable in accordance with the procedural rules set out in points 4 and 6 of this Annex.

#### **1. INTRODUCTORY PARTS OF THE ACTS**

The preambles of the acts specified are not adapted for the purposes of this Treaty. They are relevant to the extent necessary for the proper interpretation and application, within the framework of this Treaty, of the provisions contained in such acts.

#### **2. SPECIFIC TERMINOLOGY OF THE ACTS**

The following terms used by the acts specified in Annex I shall read as follows:

- (a) the term "European Community", "Community", "European Union" and "Union" shall read "Transport Community Area";
- (b) the terms "Community law", "Community legislation", "Community instruments", "Union law", "Union legislation", "Union instruments" and "Treaty" when it refers to the Treaty on European Union or the Treaty on the Functioning of the European Union shall read "Transport Community Treaty";
- (c) the terms "railway infrastructure" shall read "railway infrastructure in the Transport Community Area";
- (d) the terms "road infrastructure" shall read "road infrastructure in the Transport Community Area";

- (e) the term “airport infrastructure” shall read “airport infrastructure in the Transport Community Area
- (f) the terms “inland waterway infrastructure” shall read “inland waterway infrastructure in the Transport Community Area”
- (g) the term "Official Journal of the European Communities" or "Official Journal of the European Union" shall read "Official Journals of the Contracting Parties";

### **3. REFERENCES TO MEMBER STATES**

Without prejudice to point 4 of this Annex, whenever acts specified in Annex I contain references to "Member State(s)", the references shall be understood to include, apart from the EU Member States, also the South East European Parties.

### **4. PROVISIONS ON EUROPEAN UNION COMMITTEES AND CONSULTATION OF THE SOUTH EAST EUROPEAN PARTIES**

Experts of the South East European Parties shall be consulted by the European Commission and given the opportunity to submit their advice each time the acts specified in Annex I provide for the consultation by the European Commission of European Union Committees and for the opportunity to submit their advice or opinion.

Each consultation shall consist of one meeting chaired by the European Commission and shall take place within the Regional Steering Committee at the invitation of the European Commission prior to the consultation of the relevant European Union Committee. The European Commission shall provide each South East European Party at least two weeks in advance of the meeting, unless specific circumstances require a shorter notice, with all necessary information.

The South East European Parties shall be invited to submit their views to the European Commission. The European Commission shall take due account of the advice delivered by the South East European Parties.

The above provisions shall not apply to the application of the competition rules set out in this Treaty which shall be governed by the specific consultation procedures set out in Annex III.

## **5. COOPERATION AND EXCHANGE OF INFORMATION**

To facilitate the exercise of the relevant powers of the competent authorities of the Contracting Parties, such authorities shall upon request mutually exchange all information necessary for the proper functioning of this Treaty.

## **6. REFERENCE TO LANGUAGES**

The Contracting Parties shall be entitled to use, in the procedures established in the ambit of this Treaty and without prejudice to Annex IV, any official language of the institutions of the European Union or of another Contracting Party. The Contracting Parties are aware, however, that the utilisation of English facilitates those procedures. If a language which is not an official language of the institutions of European Union is used in an official document, a translation into an official language of the institutions of the European Union shall be simultaneously submitted, taking into account the provision of the preceding sentence. If a Contracting Party intends to use, in an oral procedure, a language that is not an official language of the institutions of the European Union, that Contracting Party shall ensure simultaneous interpretation into English.

### ANNEX III

#### **Rules on competition and State aid referred to in Article 17 of the Main Treaty**

##### Article 1

###### State monopolies

A South East European Party shall progressively adjust any State monopolies of a commercial character so as to ensure that, by the end of the second period referred to in the Protocol to this Treaty which contains the transitional measures with regard to the South East European Party concerned, no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of the Contracting Parties. The Regional Steering Committee shall be informed of the measures adopted to attain this objective.

##### Article 2

###### Approximation of State aid and competition legislation

1. The Contracting Parties recognise the importance of the approximation of the existing legislation on State aid and competition of the South East European Parties to that of the European Union. The South East European Parties shall endeavour to ensure that their existing and future laws on State aid and competition are gradually made compatible with the *acquis*.
2. This approximation shall start upon the entry into force of this Treaty, and shall gradually extend to all the elements of the European Union State aid and competition provisions referred to in this Annex by the end of the second period referred to in the Protocol to this Treaty which contains the transitional measures with regard to each South East European Party concerned. The South East European Party concerned shall also define, in agreements with the European Commission, the modalities for the monitoring of the implementation of the approximation of legislation and law enforcement actions to be taken.

## Article 3

### Competition rules and other economic provisions

1. The following practices are incompatible with the proper functioning of this Treaty, insofar as they may affect trade between two or more Contracting Parties:
  - (i) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
  - (ii) abuse by one or more undertakings of a dominant position in the territories of the Contracting Parties as a whole or in a substantial part thereof;
  - (iii) any State aid which distorts or threatens to distort competition by favouring certain undertakings or certain products.
2. Any practices contrary to this Article shall be assessed on the basis of criteria arising from the application of the competition rules applicable in the European Union, in particular from Articles 93, 101, 102, 106, 107 and 108 of the Treaty on the Functioning of the European Union and interpretative instruments adopted by the European Union institutions.
3. Each South East European Party shall ensure that an operationally independent public body is entrusted with the powers necessary for the full application of paragraph 1 (i) and (ii), regarding private and public undertakings and undertakings to which special rights have been granted.
4. Each South East European Party shall designate or establish an operationally independent authority which is entrusted with the powers necessary for the full application of paragraph 1 (iii). This authority shall have, *inter alia*, the powers to authorise State aid schemes and individual aid grants in conformity with paragraph 2, as well as the powers to order the recovery of State aid that has been unlawfully granted.

5. Each Contracting Party shall ensure transparency in the area of State aid, *inter alia*, by providing the other Contracting Parties with a regular annual report or equivalent, following the methodology and the presentation of the European Union survey on State aid. Upon request by a Contracting Party, another Contracting Party shall provide information on particular individual cases of public aid.
6. Each South East European Party shall establish a comprehensive inventory of aid schemes instituted before the establishment of the authority referred to in paragraph 4 and shall align such aid schemes with the criteria referred to in paragraph 2.
7.
  - (a) For the purposes of applying the provisions of paragraph 1(iii), the Contracting Parties recognise that during the periods referred to in the Protocol to this Treaty which contains the transitional measures with regard to a South East European Party, any public aid granted by this South East European Party shall be assessed taking into account that the South East European Party concerned is to be regarded as an area identical to those areas of the European Union where the standard of living is abnormally low or where there is serious underemployment as referred to in Article 107(3)(a) of the Treaty on the Functioning of the European Union;
  - (b) By the end of the first period referred to in the Protocol to this Treaty which contains the transitional measures with regard to an South East European Party, this Party shall submit to the European Commission its GDP per capita figures harmonised at NUTS II level. The authority referred to in paragraph 4 and the European Commission shall then jointly evaluate the eligibility of the regions of the South East European Party concerned as well as the maximum aid intensities in relation thereto in order to draw up the regional aid map on the basis of the relevant European Union guidelines.
8. If one of the Contracting Parties considers that a particular practice is incompatible with the terms of paragraph 1, it may take appropriate measures after consultation within the Regional Steering Committee or after thirty working days following referral for such consultation.
9. The Contracting Parties shall exchange information taking into account the limitations imposed by the requirements of professional and business confidentiality.



## ANNEX IV

### **Referrals to the Court of Justice of the European Union**

#### 1. General principles relating to Article 19 of the Treaty

1. The provisions of the Statute of the Court of Justice of the European Union, hereinafter referred to as "the Court of Justice" and of its rules of procedure concerning referrals for preliminary rulings shall apply, as far as appropriate, to requests for preliminary ruling presented by, a court or tribunal of a South East European Party on the basis of Article 19 of the Treaty.
2. In these cases South East European Parties shall have, within the scope of this Treaty, the same rights to submit observations to the Court of Justice as the EU Member States.

#### 2. Extent and modalities of the procedure established in Article 19 of the Treaty

1. When, in accordance with the second paragraph of Article 19, a South East European Party adopts a decision on the extent and modalities of referrals to the Court of Justice, that decision shall specify that either:
  - (a) any court or tribunal of the South East European Party against whose decisions there is no judicial remedy under national law shall request the Court of Justice to give a preliminary ruling on a question raised in a case pending before it and concerning the validity or interpretation of this Treaty or a provision referred to in Article 19 if that court or tribunal considers that a decision on the question is necessary to enable it to give a judgment, or
  - (b) any court or tribunal of that South East European Party may request the Court of Justice to give a preliminary ruling on a question raised before it and concerning the validity or interpretation of this Treaty or a provision referred to in Article 19 if that court or tribunal considers that a decision on the question is necessary to enable it to give a judgment.

2. The modalities of application of Article 19 shall be based on the principles enshrined in the legal provisions governing the functioning of the Court of Justice, including the relevant provisions of the Treaty on European Union and the Treaty on the functioning of the European Union, the Statute and the Rules of Procedure of the Court of Justice, as well as the case law of the latter. In the event that it takes a decision on the modalities of application of this provision, the South East European Party shall also take into consideration the recommendations issued by the Court of Justice to national courts and tribunals in relation to the initiation of preliminary rulings proceedings.

### 3. Disputes submitted to the Court of Justice in accordance with Article 37 (3) of the Treaty

The provisions of the Statute of the Court of Justice of the European Union and its rules of procedure concerning disputes submitted to the Court in accordance with Article 273 of the Treaty on the functioning of the European Union shall apply, as far as appropriate, to disputes submitted to it in accordance with Article 37(3) of the Treaty.

### 4. Referrals to the Court of Justice and languages

The South East European Parties shall be entitled to use, in the procedures before the Court of Justice established in the ambit of the Treaty, any official language of the institutions of the European Union or of South East European Party. If a language which is not an official language of the institutions of the European Union is used in an official document, a translation into French shall be simultaneously submitted. If a South East European Party intends to use, in an oral procedure, a language that is not an official language of the institutions of the European Union, the South East European Party shall ensure simultaneous interpretation into French.

## ANNEX V

### CONTRIBUTION TO THE BUDGET OF THE TRANSPORT COMMUNITY

| Parties                                   | Contribution in percentage |
|---|----------------------------|
| European Union                            | 80.00                      |
| Republic of Albania                       | 3.20                       |
| Bosnia & Herzegovina                      | 3.55                       |
| The former Yugoslav Republic of Macedonia | 2.88                       |
| Kosovo                                    | 2.57                       |
| Montenegro                                | 2.38                       |
| Republic of Serbia                        | 5.42                       |

The proposal to discuss during the next Regional Meeting is a breakdown of the contribution into two parts: 80% for the European Union and 20% for the 6 South East European Partners.

The 20% for the South East Europe Partners will also be broken down according the following scheme: each partner contributes for 2 % to the budget and the remaining 8 % will be distributed among the 6 South East European Partners according to their share in GDP in the total of the South East European Parties GDP.

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## **PROTOCOL I**

### **TRANSITIONAL ARRANGEMENTS BETWEEN THE EUROPEAN UNION, OF ONE PART, AND THE REPUBLIC OF ALBANIA, OF THE OTHER PART**

#### **I. Conditions relating to transition for rail transport**

##### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the Republic of Albania, hereinafter referred to as "Albania", as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Albania as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
3. Albania may ask the European Commission at the end of the first transitional period to assess progress in accordance with Article 40 of the main Treaty with a view to pass directly to market integration according to Article 11 of the main Treaty.

##### Article 2

1. By the end of the first transitional period Albania shall
  - (i) have implemented all railway legislation as provided in Annex I;
  - (ii) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 17 of the Main Treaty or in Annex III, whichever is applicable.
2. By the end of the second transitional period Albania shall apply this Treaty including all railway legislation and the rules on State aid and competition referred to in paragraph 1.

### Article 3

1. Notwithstanding Article 1(1) of the Main Treaty,
  - (i) During the first transitional period railway undertakings licensed in Albania shall be granted access to railway infrastructure in Albania;
  - (ii) During the second transitional period railway undertakings licensed in Albania shall be permitted to exercise the traffic rights provided for in the railway legislation referred to in Annex I on railway infrastructure of any other South East European Party.

## **II. Conditions relating to transition for maritime transport**

### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Albania, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Albania as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

### Article 2

1. By the end of the first transitional period
  - (i) Albania shall have implemented all maritime legislation as provided in Annex I with the exception of Regulation No 3577/92;
  - (ii) Nationals of Albania and shipping companies established in Albania shall enjoy the right to carry passengers or goods by sea between any port of a Member State and any port or off-shore installation of another Member State or of a country that is not a Member of the European Union. The same shall apply to nationals of Albania established outside

Albania and to shipping companies established outside Albania and controlled by nationals of Albania, if their vessels are registered in Albania in accordance with its legislation.

Reciprocally, EU ship-owners shall enjoy the right to carry passengers or goods by sea between any port or off-shore installation of an EU Member State and Albania and any port or off-shore installation of a country that is not a Member of the European Union and Albania. The same shall apply to nationals of EU Member States who are established outside the European Union and to shipping companies established outside the European Union and controlled by nationals of an EU Member State, if their vessels are registered in that EU Member State in accordance with its legislation.

2. By the end of the second transitional period
  - (i) Albania shall apply this Treaty including all legislation set out in Annex I
  - (ii) EU ship-owners operating ships registered in an EU Member State or in Albania and flying the flag of that Member State or Albania will be granted freedom to provide maritime transport services within Albania under conditions laid down in Regulation No 3577/92.

Reciprocally, ship-owners of Albania operating ships registered in an EU Member State or in Albania and flying the flag of that Member State or Albania will be granted freedom to provide maritime transport services within any EU Member State under conditions laid down in Regulation No 3577/92.

### **III. Conditions relating to transition for Inland waterway transport**

#### Article 1

1. The transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2 of this Protocol have been fulfilled by Albania, as verified by an assessment carried out by the European Commission, in accordance with the procedure referred to in Article 40 of the Main Treaty.

#### Article 2

1. By the end of the transitional period
  - (i) Albania shall apply this Treaty including all legislation set out in Annex I
  - (ii) Albania shall enjoy right to carry passengers or goods by inland waterways between any port of a Member State and any port or off-shore installation of another Member State

## **PROTOCOL II**

### **TRANSITIONAL ARRANGEMENTS BETWEEN THE EUROPEAN UNION, OF ONE PART, AND BOSNIA & HERZEGOVINA OF THE OTHER PART**

#### **I. Conditions relating to transition for rail transport**

##### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Bosnia and Herzegovina, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Bosnia and Herzegovina as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
3. Bosnia and Herzegovina may ask the European Commission at the end of the first transitional period to assess progress in accordance with Article 40 of the main Treaty with a view to pass directly to market integration according to Article 11 of the main Treaty.



## Article 2

1. By the end of the first transitional period Bosnia and Herzegovina shall
  - (i) have implemented all railway legislation as provided in Annex I;
  - (ii) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 17 of the Main Treaty or in Annex III, whichever is applicable.
2. By the end of the second transitional period Bosnia and Herzegovina shall apply this Treaty including all railway legislation and the rules on State aid and competition referred to in paragraph 1.

## Article 3

1. Notwithstanding Article 1(1) of the Main Treaty,
  - (i) During the first transitional period railway undertakings licensed in Bosnia and Herzegovina shall be granted access to railway infrastructure in Bosnia and Herzegovina;
  - (ii) During the second transitional period railway undertakings licensed in Bosnia and Herzegovina shall be permitted to exercise the traffic rights provided for in the railway legislation referred to in Annex I on railway infrastructure of any other South East European Party.

## **II. Conditions relating to transition for maritime transport**

### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Bosnia and Herzegovina, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Bosnia and Herzegovina as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

## Article 2

### 1. By the end of the first transitional period

- (i) Bosnia and Herzegovina shall have implemented all maritime legislation as provided in Annex I with the exception of Regulation No 3577/92;
- (ii) Nationals of Bosnia and Herzegovina and shipping companies established in Bosnia and Herzegovina shall enjoy the right to carry passengers or goods by sea between any port of a Member State and any port or off-shore installation of another Member State or of a country that is not a Member of the European Union. The same shall apply to nationals of Bosnia and Herzegovina established outside Bosnia and Herzegovina and to shipping companies established outside Bosnia and Herzegovina and controlled by nationals of Bosnia and Herzegovina, if their vessels are registered in Bosnia and Herzegovina in accordance with its legislation.

Reciprocally, EU ship-owners shall enjoy the right to carry passengers or goods by sea between any port or off-shore installation of a Member State and Bosnia and Herzegovina and any port or off-shore installation of a country that is not a Member of the European Union and Bosnia and Herzegovina. The same shall apply to nationals of EU Member States who are established outside the European Union and to shipping companies established outside the European Union and controlled by nationals of a EU Member State, if their vessels are registered in that EU Member State in accordance with its legislation.

### 2. By the end of the second transitional period

- (i) Bosnia and Herzegovina shall apply this Treaty including all legislation set out in Annex I
- (ii) EU ship-owners operating ships registered in a EU Member State or in Bosnia and Herzegovina and flying the flag of that EU Member State or Bosnia and Herzegovina will be granted freedom to provide maritime transport services within Bosnia and Herzegovina under conditions laid down in Regulation No 3577/92.

Reciprocally, ship-owners of Bosnia and Herzegovina operating ships registered in a EU Member State or in Bosnia and Herzegovina and flying the flag of that EU Member State or Bosnia and Herzegovina will be granted freedom to provide maritime transport

services within any Member State under conditions laid down in Regulation No 3577/92.

### **III. Conditions relating to transition for Inland waterway transport**

#### Article 1

1. The transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2 of this Protocol have been fulfilled by Bosnia and Herzegovina, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

#### Article 2

1. By the end of the transitional period
  - (i) Bosnia and Herzegovina shall apply this Treaty including all legislation set out in Annex I
  - (ii) Bosnia and Herzegovina shall enjoy right to carry passengers or goods by inland waterways between any port of an EU Member State and any port or off-shore installation of another Member State.

## **PROTOCOL III**

### **TRANSITIONAL ARRANGEMENTS BETWEEN THE EUROPEAN UNION, OF ONE PART, AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, OF THE OTHER PART**

#### **I. Conditions relating to transition for rail transport**

##### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia as verified by an assessment carried out by the European Commission. in accordance with the procedure referred to in Article 40 of the Main Treaty.
3. The former Yugoslav Republic of Macedonia may ask the European Commission at the end of the first transitional period to assess progress in accordance with Article 40 of the main Treaty with a view to pass directly to market integration according to Article 11 of the main Treaty.

##### Article 2

1. By the end of the first transitional period the former Yugoslav Republic of Macedonia shall
  - (i) have implemented all railway legislation as provided in Annex I;
  - (ii) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 17 of the Main Treaty or in Annex III, whichever is applicable.
2. By the end of the second transitional period the former Yugoslav Republic of Macedonia shall apply this Treaty including all railway legislation and the rules on State aid and competition referred to in paragraph 1.

### Article 3

1. Notwithstanding Article 1(1) of the Main Treaty,
  - (i) During the first transitional period railway undertakings licensed in the former Yugoslav Republic of Macedonia shall be granted access to railway infrastructure in the former Yugoslav Republic of Macedonia;
  - (ii) During the second transitional period railway undertakings licensed in the former Yugoslav Republic of Macedonia shall be permitted to exercise the traffic rights provided for in the railway legislation referred to in Annex I on railway infrastructure of any other South East European Party.

## **II. Conditions relating to transition for maritime transport**

### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia, as verified by an assessment carried out by the European Commission. in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

### Article 2

1. By the end of the first transitional period
  - (i) The former Yugoslav Republic of Macedonia shall have implemented all maritime legislation as provided in Annex I with the exception of Regulation No 3577/92;
  - (ii) Nationals of the former Yugoslav Republic of Macedonia and shipping companies established in the former Yugoslav Republic of Macedonia shall enjoy the right to carry passengers or goods by sea between any port of a EU Member State and any port or off-shore installation of another EU Member State or of a country that is not a EU Member

of the European Union. The same shall apply to nationals of the former Yugoslav Republic of Macedonia established outside the former Yugoslav Republic of Macedonia and to shipping companies established outside the former Yugoslav Republic of Macedonia and controlled by nationals of the former Yugoslav Republic of Macedonia, if their vessels are registered in the former Yugoslav Republic of Macedonia in accordance with its legislation.

Reciprocally, EU ship-owners shall enjoy the right to carry passengers or goods by sea between any port or off-shore installation of a EU Member State and the former Yugoslav Republic of Macedonia and any port or off-shore installation of a country that is not a Member of the European Union and the former Yugoslav Republic of Macedonia. The same shall apply to nationals of EU Member States who are established outside the European Union and to shipping companies established outside the European Union and controlled by nationals of a EU Member State, if their vessels are registered in that EU Member State in accordance with its legislation.

2. By the end of the second transitional period
  - (i) The former Yugoslav Republic of Macedonia shall apply this Treaty including all legislation set out in Annex I
  - (ii) EU ship-owners operating ships registered in an EU Member State or in the former Yugoslav Republic of Macedonia and flying the flag of that Member State or the former Yugoslav Republic of Macedonia will be granted freedom to provide maritime transport services within The former Yugoslav Republic of Macedonia, under conditions laid down in Regulation No 3577/92.

Reciprocally, ship-owners of the former Yugoslav Republic of Macedonia operating ships registered in an EU Member State or in the former Yugoslav Republic of Macedonia and flying the flag of that EU Member State or the former Yugoslav Republic of Macedonia will be granted freedom to provide maritime transport services within any Member State under conditions laid down in Regulation No 3577/92.

### **III. Conditions relating to transition for Inland waterway transport**

#### Article 1

1. The transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2 of this Protocol have been fulfilled by the former Yugoslav Republic of Macedonia, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

#### Article 2

By the end of the transitional period

- (i) The former Yugoslav Republic of Macedonia shall apply this Treaty including all legislation set out in Annex I
- (ii) The former Yugoslav Republic of Macedonia shall enjoy right to carry passengers or goods by inland waterways between any port of an EU Member State and any port or off-shore installation of another Member State.

## **PROTOCOL IV**

### **TRANSITIONAL ARRANGEMENTS BETWEEN THE EUROPEAN UNION, OF ONE PART, AND KOSOVO, OF THE OTHER PART**

#### **I. Conditions relating to transition for rail transport**

##### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Kosovo, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Kosovo as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
3. Kosovo may ask the European Commission at the end of the first transitional period to assess progress in accordance with Article 40 of the main Treaty with a view to pass directly to market integration according to Article 11 of the main Treaty.

##### Article 2

1. By the end of the first transitional period Kosovo shall
  - (i) have implemented all railway legislation as provided in Annex I;
  - (ii) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 17 of the Main Treaty or in Annex III, whichever is applicable.



2. By the end of the second transitional period Kosovo shall apply this Treaty including all railway legislation and the rules on State aid and competition referred to in paragraph 1.

### Article 3

1. Notwithstanding Article 1(1) of the Main Treaty,
  - (i) During the first transitional period railway undertakings licensed in Kosovo shall be granted access to railway infrastructure in Kosovo;
  - (ii) During the second transitional period railway undertakings licensed in Kosovo shall be permitted to exercise the traffic rights provided for in the railway legislation referred to in Annex I on railway infrastructure of any other South East European Party.

## **II. Conditions relating to road transport**

The European Union and Kosovo agree that, notwithstanding Article 61(1) of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part, Chapter III thereof on transit traffic shall continue to apply once the Treaty establishing the Transport Community enters into force.

### III. Conditions relating to transition for maritime transport

#### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Kosovo, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Kosovo as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

#### Article 2

1. By the end of the first transitional period
  - (i) Kosovo shall have implemented all maritime legislation as provided in Annex I with the exception of Regulation No 3577/92;
  - (ii) Nationals of Kosovo and shipping companies established in Kosovo shall enjoy the right to carry passengers or goods by sea between any port of an EU Member State and any port or off-shore installation of another EU Member State or of a country that is not an EU Member of the European Union. The same shall apply to nationals of Kosovo established outside Kosovo and to shipping companies established outside Kosovo and controlled by nationals of Kosovo, if their vessels are registered in Kosovo in accordance with its legislation.

Reciprocally, EU ship-owners shall enjoy the right to carry passengers or goods by sea between any port or off-shore installation of an EU Member State and Kosovo and any port or off-shore installation of a country that is not an EU Member of the European Union and Kosovo. The same shall apply to nationals of EU Member States who are established outside the European Union and to shipping companies established outside the European Union and controlled by nationals of an EU Member State, if their vessels are registered in that EU Member State in accordance with its legislation.

2. By the end of the second transitional period
  - (i) Kosovo shall apply this Treaty including all legislation set out in Annex I
  - (ii) EU ship-owners operating ships registered in an EU Member State or in Kosovo and flying the flag of that EU Member State or Kosovo will be granted freedom to provide maritime transport services within Kosovo, under conditions laid down in Regulation No 3577/92.

Reciprocally, ship-owners of Kosovo operating ships registered in an EU Member State or in Kosovo and flying the flag of that Member State or Kosovo will be granted freedom to provide maritime transport services within any EU Member State under conditions laid down in Regulation No 3577/92.

#### **IV. Conditions relating to transition for Inland waterway transport**

##### Article 1

1. The transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2 of this Protocol have been fulfilled by Kosovo, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

##### Article 2

By the end of the transitional period

- (i) Kosovo shall apply this Treaty including all legislation set out in Annex I
- (ii) Kosovo shall enjoy right to carry passengers or goods by inland waterways between any port of a Member State and any port or off-shore installation of another EU Member State.

## **PROTOCOL V**

### **TRANSITIONAL ARRANGEMENTS BETWEEN THE EUROPEAN UNION, OF ONE PART, AND MONTENEGRO, OF THE OTHER PART**

#### **I. Conditions relating to transition for rail transport**

##### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Montenegro, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Montenegro as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
3. Montenegro may ask the European Commission at the end of the first transitional period to assess progress in accordance with Article 40 of the main Treaty with a view to pass directly to market integration according to Article 11 of the main Treaty.

##### Article 2

1. By the end of the first transitional period Montenegro shall
  - (i) have implemented all railway legislation as provided in Annex I;
  - (ii) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 17 of the Main Treaty or in Annex III, whichever is applicable.
2. By the end of the second transitional period Montenegro shall apply this Treaty including all railway legislation and the rules on State aid and competition referred to in paragraph 1.

### Article 3

1. Notwithstanding Article 1(1) of the Main Treaty,
  - (i) During the first transitional period railway undertakings licensed in Montenegro shall be granted access to railway infrastructure in Montenegro;
  - (ii) During the second transitional period railway undertakings licensed in Montenegro shall be permitted to exercise the traffic rights provided for in the railway legislation referred to in Annex I on railway infrastructure of any other South East European Party.

## **II. Conditions relating to transition for maritime transport**

### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Montenegro, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Montenegro as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

### Article 2

1. By the end of the first transitional period
  - (i) Montenegro shall have implemented all maritime legislation as provided in Annex I with the exception of Regulation No 3577/92;
  - (ii) Nationals of Montenegro and shipping companies established in Montenegro shall enjoy the right to carry passengers or goods by sea between any port of an EU Member State and any port or off-shore installation of another EU Member State or of a country that is not an EU Member of the European Union. The same shall apply to nationals of Montenegro established outside Montenegro and to shipping companies established

outside Montenegro and controlled by nationals of Montenegro, if their vessels are registered in Montenegro in accordance with its legislation.

Reciprocally, EU ship-owners shall enjoy the right to carry passengers or goods by sea between any port or off-shore installation of an EU Member State and Montenegro and any port or off-shore installation of a country that is not a Member of the European Union and Montenegro. The same shall apply to nationals of EU Member States who are established outside the European Union and to shipping companies established outside the European Union and controlled by nationals of an EU Member State, if their vessels are registered in that EU Member State in accordance with its legislation.

2. By the end of the second transitional period
  - (i) Montenegro shall apply this Treaty including all legislation set out in Annex I
  - (ii) EU ship-owners operating ships registered in an EU Member State or in Montenegro and flying the flag of that EU Member State or Montenegro will be granted freedom to provide maritime transport services within Montenegro under conditions laid down in Regulation No 3577/92.

Reciprocally, ship-owners of Montenegro operating ships registered in an EU Member State or in Montenegro and flying the flag of that EU Member State or Montenegro will be granted freedom to provide maritime transport services within any EU Member State under conditions laid down in Regulation No 3577/92.

### **III. Conditions relating to transition for Inland waterway transport**

#### Article 1

1. The transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2 of this Protocol have been fulfilled by Montenegro, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

#### Article 2

By the end of the transitional period

- (i) Montenegro shall apply this Treaty including all legislation set out in Annex I
- (ii) Montenegro shall enjoy right to carry passengers or goods by inland waterways between any port of a Member State and any port or off-shore installation of another EU Member State.

## **PROTOCOL VI**

### **TRANSITIONAL ARRANGEMENTS BETWEEN THE EUROPEAN UNION, OF ONE PART, AND THE REPUBLIC OF SERBIA, OF THE OTHER PART**

#### **I. Conditions relating to transition for rail transport**

##### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by the Republic of Serbia, hereinafter referred to as "Serbia", as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Serbia as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
3. Serbia may ask the European Commission at the end of the first transitional period to assess progress in accordance with Article 40 of the main Treaty with a view to pass directly to market integration according to Article 11 of the main Treaty.

##### Article 2

1. By the end of the first transitional period Serbia shall
  - (i) have implemented all railway legislation as provided in Annex I;
  - (ii) have made sufficient progress in implementing the rules on State aid and competition included in an agreement referred to in Article 17 of the Main Treaty or in Annex III, whichever is applicable.
2. By the end of the second transitional period Serbia shall apply this Treaty including all railway legislation and the rules on State aid and competition referred to in paragraph 1.



### Article 3

1. Notwithstanding Article 1(1) of the Main Treaty,
  - (i) During the first transitional period railway undertakings licensed in Serbia shall be granted access to railway infrastructure in Serbia;
  - (ii) During the second transitional period railway undertakings licensed in Serbia shall be permitted to exercise the traffic rights provided for in the railway legislation referred to in Annex I on railway infrastructure of any other South East European Party.

## **II. Conditions relating to transition for maritime transport**

### Article 1

1. The first transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2(1) of this Protocol have been fulfilled by Serbia, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.
2. The second transitional period shall extend from the end of the first transitional period until all conditions set out in Article 2(2) of this Protocol have been fulfilled by Serbia as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

### Article 2

1. By the end of the first transitional period
  - (i) Serbia shall have implemented all maritime legislation as provided in Annex I with the exception of Regulation No 3577/92;
  - (ii) Nationals of Serbia and shipping companies established in Serbia shall enjoy the right to carry passengers or goods by sea between any port of an EU Member State and any port or off-shore installation of another EU Member State or of a country that is not a Member of the European Union. The same shall apply to nationals of Serbia established outside Serbia and to shipping companies established outside Serbia and controlled by nationals of Serbia, if their vessels are registered in Serbia in accordance with its legislation.

Reciprocally, EU ship-owners shall enjoy the right to carry passengers or goods by sea between any port or off-shore installation of an EU Member State and Serbia and any port or off-shore installation of a country that is not a Member of the European Union and Serbia. The same shall apply to nationals of EU Member States who are established outside the European Union and to shipping companies established outside the European Union and controlled by nationals of a Member State, if their vessels are registered in that EU Member State in accordance with its legislation.

2. By the end of the second transitional period

- (i) Serbia shall apply this Treaty including all legislation set out in Annex I
- (ii) EU ship-owners operating ships registered in an Member State or in Serbia and flying the flag of that EU Member State or Serbia will be granted freedom to provide maritime transport services within Serbia, under conditions laid down in Regulation No 3577/92.

Reciprocally, ship-owners of Serbia operating ships registered in a Member State or in Serbia and flying the flag of that EU Member State or Serbia will be granted freedom to provide maritime transport services within any Member State under conditions laid down in Regulation No 3577/92.

### **III. Conditions relating to transition for Inland waterway transport**

#### Article 1

- 1. The transitional period shall extend from the entry into force of this Treaty until all conditions set out in Article 2 of this Protocol have been fulfilled by Serbia, as verified by an assessment carried out by the European Commission in accordance with the procedure referred to in Article 40 of the Main Treaty.

#### Article 2

By the end of the transitional period

- (i) Serbia shall apply this Treaty including all legislation set out in Annex I
- (ii) Serbia shall enjoy right to carry passengers or goods by inland waterways between any port of a Member State and any port or off-shore installation of another EU Member State.