



Brussels, 29 November 2017  
(OR. en)

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**Interinstitutional File:**  
**2017/0278 (NLE)**

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14682/2/17  
REV 2

TRANS 504  
COWEB 135  
ELARG 84

**'A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Council

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No. prev. doc.: 14682/1/17 REV 1 TRANS 504 COWEB 135 ELARG 84  
No. Cion doc.: 13777/17 TRANS 441 COWEB 124 ELARG 76 + ADD 1

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Subject: Council decision on the position to be adopted on behalf of the European Union within the Ministerial Council set up under the Treaty establishing the Transport Community as regards the seat of the Permanent Secretariat  
– *Adoption*

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1. On 3 November 2017 the Commission submitted to Council the above proposal in view of the first meeting of the Ministerial Council of the Transport Community between the European Union and Western Balkans which is tentatively planned to take place on 6 December 2017 in Brussels. The signing procedure for the Treaty on the Transport Community ("Treaty") had been finalised on 9 October 2017.
2. So far three South Eastern European partners, Albania, Bosnia and Herzegovina and Kosovo\*, have agreed, like the EU, to apply the Treaty provisionally. Serbia has recently finalised its ratification procedure. Consequently the Treaty applies provisionally among these parties in accordance with its Article 41(3), pending official notification by Serbia.

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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.

3. Under Article 21(d) of the Treaty the Ministerial Council "shall decide on the seat of the Permanent Secretariat by consensus". Agreement has been reached at the political level that Belgrade would be a suitable place to host the Secretariat. A decision to this effect by the Ministerial Council would represent an important milestone for the start of implementing the Treaty.
4. On 7 and 13 November 2017, the Working Party on Land Transport examined the Commission proposal. Delegations welcomed the proposal and the progress made since the Western Balkans Six Summit held in Trieste on 12 July 2017. The Commission services explained that Article 1(2) of the draft decision, allowing for minor changes to be agreed by the Union representatives at the Ministerial Council, does not put into doubt the choice for Belgrade which has been agreed politically. The FR and UK delegations entered parliamentary scrutiny reservations. Coreper endorsed the decision at its meeting on 29 November 2017, with UK abstaining.
5. In light of the above, the Council is invited to adopt, at one of its next meetings, the decision on the position to be adopted on behalf of the European Union within the Ministerial Council set up under the Treaty establishing the Transport Community as regards the seat of the Permanent Secretariat, as set out in document ST 14124/17 which has been reviewed by lawyer-linguists.

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