



Brussels, 18 February 2019
(OR. en)

Interinstitutional File:
2018/0282(NLE)

6364/19
ADD 1

TRANS 105
COWEB 19

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	ST 13516/18
No. Cion doc.:	ST 10987/18
Subject:	Council Decision on the conclusion, on behalf of the European Union, of the Treaty establishing the Transport Community – <i>Adoption</i> = <i>Statements</i>

Delegations will find attached a statement from the Commission and a joint statement from Germany, France, Italy, and Austria to be entered into the minutes of COREPER and Council meetings.

COMMISSION STATEMENT

1. The Commission underlines that the intention of the Transport Community Treaty (TCT) is to progressively establish a transport community between the European Union and the South East European Parties on the basis of the relevant EU acquis and thus create an effective transport network with EU neighbours.
2. The Commission notes that the TCT does not include provisions on market access concerning road haulage transport, neither in the Treaty text nor in its Annexes, so that Article 1(2) and (3) of Regulation (EC) No 1072/2009 continue to apply at this stage, in respect of the South East European parties. As long as this situation is not modified, bilateral agreements between Member States and South East European Parties, including the permits contained in those Agreements, may be maintained, in accordance with these provisions and subject to compliance with EU law.
3. In the event that the European Union and the South East European Parties would envisage reinforcing their cooperation by setting up EU-wide opportunities for market access in the road haulage sector, the corresponding agreements would be negotiated, signed and concluded in accordance with Article 218 TFEU.
4. Bilateral agreements that Member States may have with South East European Parties on other transport modes covered by this Treaty, may be initially maintained if compliant with Union law, without prejudice to the division of competences between the Union and its Member States.

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**JOINT STATEMENT BY THE FEDERAL REPUBLIC OF GERMANY, FRANCE, ITALY
and AUSTRIA**

Germany, France, Italy and Austria support the objective being pursued with the Western Balkans Transport Treaty of progressively establishing a transport community and a transport network between the European Union and the Southeastern European Parties on the basis of the relevant EU acquis. Germany, France, Italy and Austria stress that the gradual opening of the market for transport sectors concerned on the basis of the most favoured nation principle necessarily implies that there cannot be a more favourable treatment of third countries, including third country nationals as compared to EU nationals.

For Germany, France, Italy and Austria it is important that existing bilateral transport agreements between Member States and the Southeastern European Parties can continue to be applied and, if necessary, be adapted, and in this context they welcome the commitments made by the European Union during the negotiations on the Western Balkans Transport Treaty and recorded in a statement in the minutes.

Bearing in mind the division of competences between the European Union and the EU Member States, Germany, France, Italy and Austria also point out that the Western Balkans Transport Treaty is without prejudice to the division of competences between the European Union and its Member States and that this Western Balkans Transport Treaty does not create a precedent for transport agreements with non-EU Member States.
