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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 13933/1/22 REV 1

Subject: Joint statement of the European Union, the Contracting Parties of the Transport Community Treaty, Ukraine, the Republic of Moldova and Georgia on the closer association of the latter three with the work of the Transport Community
- Approval of an NBI

1. On 5 October 2022, the Commission services submitted to the Council a note informing about their intention to enter into negotiations, on behalf of the Union, with the six Western Balkans partners as well as with Ukraine, the Republic of Moldova and Georgia about a joint statement aiming to underpin politically the closer association of the latter three with the work of the EU-Western Balkans Transport Community.
2. On 24 October 2022, the Council authorised the Commission to enter into negotiations with that aim, outlining the desirable key elements of the envisaged joint declaration.¹

¹ Doc ST 13486/22.

3. Following negotiations with the six Western Balkans partners and with Ukraine, the Republic of Moldova and Georgia, the Commission services on 27 October 2022 submitted to the Council a draft joint declaration on the above matter,² seeking authorisation to endorse such a statement, on behalf of the Union, together with the six regional partners of the Transport Community and the three countries, possibly in the margins of the Transport Community’s Ministerial Council meeting scheduled for 15 November 2022 in Brussels.
4. The working party on transport – intermodal questions and networks discussed the draft joint statement in its meeting on 28 October 2022. The Commission representative reported on the good progress made during the negotiations, concerning both the six Western Balkans partners and the three countries, and informed about small changes to the draft statement which had been requested only recently.³ He also informed about efforts within the Commission services which will lead to mobilising financial support for the association process from the NDICI - Global Europe funding instrument from 2023. Delegations generally welcomed the development. One delegation recalled that the use of the term ‘observer’ in the joint statement could lead to confusion with the term’s use in the Transport Community Treaty. Two delegations entered scrutiny reservations.
5. The Presidency referred to the limited time left before the envisaged high-level meeting on 15 November 2022, noted the interventions and invited written comments by 3 November 2022, with the aim to prepare the file for the meeting of the Permanent Representatives Committee the week thereafter. Delegations have not sent comments in writing thereafter.
6. In view of the above, the Permanent Representatives Committee is invited to recommend to the Council to approve the text of the joint statement as set out in the annex to this note, for its endorsement by the Commission, on behalf of the Union, in the margins of the Transport Community’s Ministerial Council meeting scheduled for 15 November 2022 in Brussels.

² Doc ST 13933/22.

³ Doc 13933/1/22 REV 1.

DRAFT

Joint Statement from

The European Union,

**The Ministers in charge of transport from the Republic of Albania,
Bosnia and Herzegovina, the Republic of North Macedonia, Kosovo*,
Montenegro, and the Republic of Serbia,**

And

**The Ministers in charge of transport from Ukraine, Georgia and the
Republic of Moldova**

On Cooperation for the Development of the Transport Sectors

* 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.

We, the Sides;

- Recognising that the aim of the Transport Community Treaty is to create 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 Union and the South East European Parties.
- Recalling that the Transport Community is based on the progressive integration of transport markets of the Western Balkans Regional Partners into the EU 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.
- Acknowledging that Ukraine, the Republic of Moldova and Georgia have already started the approximation of their own legislation, *inter alia*, on transport and associated matters to that of the European Union, through their respective Association Agreements.
- Noting that the European Council of 23-24 June 2022 recognised the European perspective of Ukraine, the Republic of Moldova and Georgia.
- Having regard to the desire to promote the development of international transport in Europe, and especially to facilitate the organisation and operation thereof.
- Noting that sustainable transport is a cornerstone of economic and social integration.
- Agreeing that it is a priority to further develop the transport connectivity between the territories of the Contracting Parties of the Transport Community Treaty and between these territories and those of Ukraine, the Republic of Moldova and Georgia, to improve the efficiency and safety of transport, and to achieve the objectives of green and sustainable mobility.
- Recognising the fact that the European Union has made substantial investments in the transport infrastructure of Ukraine, the Republic of Moldova and Georgia to boost connectivity and economic growth through the Eastern Partnership joint policy initiative, including long-term projects aiming to improve transport links on the Trans-European Transport Network (TEN-T).

- Stressing the importance of closer cooperation, which may, in a second step, eventually lead to full membership of Ukraine, the Republic of Moldova and Georgia in the Transport Community Treaty.
- Wishing to reflect on the working modalities of the bodies of the Transport Community Treaty for achieving closer cooperation in the field of transport.
- Considering that we desire to endorse this statement to confirm our willingness to cooperate in the framework of the Transport Community.
- Recognising that our joint statement is not intended to create rights or obligations under international or domestic law.
- Have come to the following understanding:
 1. We intend to facilitate closer cooperation between the Sides, in order to create an effective transport network between the European Union and its neighbours.
 2. To this end, we envisage to establish and maintain a continuous working relationship for the achievement of our common objectives.
 3. This should lead to strengthened cooperation in the field of transport, in particular in the work of the Transport Community.
 4. In this regard, we call for the more systematic involvement of Ukraine, the Republic of Moldova and Georgia as observing participants in the relevant Transport Community bodies, including, but not limited to the Regional Steering Committee, the technical committees, the Social Forum, and the Budget Committee.
 5. We envisage this cooperation to start in practice at the occasion of the next meeting of the Regional Steering Committee.
 6. We invite the Transport Community Permanent Secretariat to reflect on the necessary adaptations of the working modalities of the different TCT bodies, in order to facilitate the more systematic involvement of Ukraine, the Republic of Moldova and Georgia described above.

7. We share the view that the potential mutual benefits arising from the possible accession of Ukraine, the Republic of Moldova and Georgia to the TCT should be duly explored.
8. We agree to meet in the present format regularly, in order to review our cooperation and discuss topics of joint interest, as seen fit for contributing to the objectives of our joint cooperation on transport matters.

Endorsed at Brussels,

15 November 2022

NOTE: Participation in the Ministerial Council and the Regional Steering Committee as ‘observer’ is reserved to EU Member States (Art. 22, 24(2) TCT).
