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TRANS 291
COWEB 151
ALB 5
BIH 17
ELARG 41

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Subject: Draft Council Decision on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council

Delegations will find attached the partially declassified version of the above-mentioned document.



COUNCIL OF
THE EUROPEAN UNION

Brussels, 24 July 2009

12272/09

RESTREINT UE

TRANS 291
COWEB 151
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ELARG 41

OUTCOME OF PROCEEDINGS

From :	Working Party on Transport, Intermodal questions and Networks
Of :	30 June 2009

No. prev. doc. :	11041/09 TRANS 247 COWEB 117 ALB 3 BIH 15 ELARG 33
Subject :	Draft Council Decision on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council

With a view to the meeting of the working party on Transport, Intermodal questions and Networks on 9 September 2009, delegations will find attached a further revised version of the above draft Council Decision, reflecting the state of play at the meeting on 30 June 2009. The changes are highlighted in **bold** and ~~strikethrough~~ and delegations' positions are reflected in the footnotes.

All delegations have a general scrutiny reservation on the text.

DRAFT

COUNCIL DECISION

on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, in particular article 300, paragraph 1 thereof,

WHEREAS:

- (1) On 12 June 2008, the Council adopted the Decision to authorise the Commission to open negotiations on behalf of the European Community with Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council on a treaty establishing a Transport Community ¹.
- (2) The negotiating directives contained in the Decision provide that the Transport Community Treaty should include rules on the progressive achievement, on the basis of defined steps, of integrated road transport markets between the Western Balkan partners, and between the region and the European Community, with progress between the different steps linked to the progressive adoption and implementation, by each of the different Western Balkan partners, of the relevant elements of the road transport acquis. The negotiating directives also provide that negotiations on the substance of this provision should only take place following adoption by the Council of complementary negotiating directives,

¹ Document 10259/08 RESTREINT UE.

HAS DECIDED AS FOLLOWS:

Article 1

The Commission shall conduct the negotiations on the provisions on road transport also in accordance with the complementary negotiating directives, as set out in the Annex to this Decision.

Done at

For the Council of the European Union,
The President

**COMPLEMENTARY NEGOTIATING DIRECTIVES
IN THE FRAMEWORK OF THE NEGOTIATIONS
FOR A TREATY ESTABLISHING A TRANSPORT COMMUNITY BETWEEN THE
EUROPEAN COMMUNITY AND ALBANIA, BOSNIA & HERZEGOVINA, CROATIA,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, MONTENEGRO AND
SERBIA AS WELL AS KOSOVO, UNDER RESOLUTION 1244(1999) OF THE UNITED
NATIONS SECURITY COUNCIL**

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A. EU Road Transport Acquis as of 28 May 2009

Areas requested in phase I

1. Safety and social rules;

- Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8), as last amended by Commission Regulation (EC) No 1360/2002 of 13 June 2002 (OJ L 207, 5.8.2002, p.1).
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1-14).
- Directive 2006/22/EC 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).
- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organization of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

2. Transport of dangerous goods;

- Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (OJ L 319, 12.12.1994, p. 7), as last amended by Commission Directive 2006/89/EC of 3 November 2006 (OJ L 305, 4.11.2006, p. 4).
- Council Directive 95/50/EC 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), as last amended by Council Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 162, 21.6.2008, p. 11).

3. Environmental and safety technical requirements for road vehicles regarding weights and dimensions, roadworthiness testing and speed limitations devices, including their enforcement by roadside checks;

- Council Directive 92/6/EEC 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), as last amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ L 129, 14.5.1992, p. 154).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as last amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).

- Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46, 17.2.1997, p. 1), as last amended by Commission Directive 2003/27/EC of 13 April 2003 (OJ L 90, 8.4.2003, p. 41).
 - Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p.1).
4. Access to the market in road transport ², including ~~Community~~ licences to access to the occupation based on good repute, financial standing and professional competence for undertakings with stable and effective establishment including their enforcement by checks and their ~~integration in~~ **participation in** a European **network of national interconnected** registers of road transport undertakings;
- Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1), as last amended by Council Directive 98/76/EC of 1 October 1998 (OJ L 277, 14.10.1998, p. 17).
 - Directive 2006/94/EC of the European Parliament and of the Council of 12 December 2006 on the establishment of common rules for certain types of carriage of goods by road (OJ L 374, 27.12.2006, p. 5-9)
 - Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (OJ L 95, 9.4.1992, p. 1).

² IT proposes to replace "*market in road transport*" with "*occupation*".

- Council Regulation (EEC) No 3916/90 of 21 December 1990 on measures to be taken in the event of a crisis in the market in the carriage of goods by road (OJ L 375, 31.12..1990, p. 10).

5. Training of professional drivers;

- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualifications and periodic training of drivers of certain road 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).

6. Driver licensing;

- Regulation (EC) No 484/2002 of the European Parliament and of the Council of 1 March 2002 amending Council Regulations (EEC) No 881/92 and (EEC) No 3118/93 for the purposes of establishing a driver attestation (OJ L 76, 19.3.2002, p. 1).

Areas requested in phase II

7. Annual vehicle taxes and excise for duty for fuel; proportionate road charging without discrimination based on nationality or the origin or destination of the haulier, where such charges are levied and the interoperability of electronic road toll collection systems;

- Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).
- Directive 99/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

- Directive 2004/52/EC 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 166, 30.4.2004, p. 124).

B. Environmental requirements

- Directive 2001/42/EC 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 and (OJ L 197, 21.7.2001, p. 30).

- SEA protocol to the ESPOO convention.

"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."

- Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40), as amended by Directives 97/11/EC (OJ L 73, 14.3.1997, p. 5) and 2003/35/EC (OJ L 156, 25.6.2003) and ESPOO convention.

"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."

- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7), as amended by Directive 97/62/EC (OJ L 305, 8.11.1997, p. 42), 2006/105/EC (OJ L 363, 20.12.2006, p. 368–408) and Regulation (EC) 1882/2003 (OJ L 284, 31.10.2003, p. 1).

"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."

- Directive 2000/60/EC 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), as amended by Decision 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

"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".

"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."

- Directive 98/70/EC 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), as amended by Directives 2000/71/EC (OJ L 287, 14.11.2000, p. 46), 2003/17/EC (OJ L 76, 22.3.2003, p. 10), 2009/30/EC (OJ L 140, 5.6.2009, p. 8) and Regulation (EC) 1882/2003 (OJ L 284, 31.10.2003, p. 1).
Implementation date to be agreed

- Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC (OJ L 121, 11.5.1999, p. 13), as amended by Regulation (EC) 1882/2003 and Directive 2005/33/EC (OJ L 191, 22.7.2005, p. 59).

Implementation date to be agreed
