Council Decision (EU) 2019/392 of 4 March 2019 on the conclusion, on behalf of the European Union, of the Treaty establishing the Transport Community

COUNCIL DECISION (EU) 2019/392

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2), in conjunction with point (a) of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament[(1)],

Whereas:

(1) The Commission negotiated, on behalf of the Union, a Treaty establishing the Transport Community ('the Transport Community Treaty') between the European Union and the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo[(2)], Montenegro and the Republic of Serbia.

(2) The Transport Community Treaty was signed on behalf of the Union on 9 October 2017, subject to its conclusion at a later date, in accordance with Council Decision (EU) 2017/1937[(3)], and it has been applied on a provisional basis in accordance with Article 41(3) of the Transport Community Treaty.

(3) The Transport Community Treaty 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) Meetings of the Ministerial Council or the Regional Steering Committee established, respectively, under Articles 21 and 24 of the Transport Community Treaty, should be properly prepared within the Council, based on proposals and other documents from the Commission, in accordance with the relevant provisions of the Treaty on the Functioning of the European Union (TFEU). The Commission should be empowered to approve, on behalf of the Union, amendments to the lists of Union acts set out in Annex I to the Transport Community Treaty, in accordance with point (a) of Article 20(3) thereof and after appropriate consultation.

(5) The Transport Community Treaty should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Treaty establishing the Transport Community is hereby approved on behalf of the European Union[(4)(5)].

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/392. (See end of Document for details)*

Article 2

1 Without prejudice to paragraph 2, the Commission shall, as soon as possible before meetings of the Ministerial Council or the Regional Steering Committee, submit to the Council or its preparatory bodies, in the appropriate format, for adoption or consultation as the case may be, in accordance with the TFEU and the Treaty on European Union, and in particular in compliance with the principle of sincere cooperation, draft Union positions and statements on the matters that will be discussed at the respective meeting.

2 The position to be taken by the Union as regards decisions of the Regional Steering Committee, in accordance with point (a) of Article 20(3) of the Transport Community Treaty, regarding merely the updating of Union acts set out in Annex I to the Transport Community Treaty shall be adopted by the Commission. Before adopting any such decision, the Commission shall consult the Council on the anticipated position sufficiently in advance and by means of a written preparatory document.

Any adjustments to Union acts to be incorporated into Annex I to the Transport Community Treaty shall be limited to technical adjustments necessary for the purposes of such incorporation.

Article 3

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

Done at Brussels, 4 March 2019.

For the Council

The President

A. ANTON