Project Fiche No. 9 Support to the Transport Community Treaty

1. Basic information

1.1 CRIS Number: 2011/023-177

1.2 Title: Support to the Transport Community Treaty

1.3 ELARG Statistical code: 02.14 – Transport Policy

1.4 Location: Western Balkans: Albania, Bosnia and

Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and

Serbia, as well as Kosovo¹

Implementing arrangements:

1.5 Contracting Authority (EC): European Union represented by the European

Commission on behalf of the Beneficiaries

1.6 Implementing Agency: European Commission

1.7 Beneficiary: Western Balkans: Albania, Bosnia and

Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and

Serbia, as well as Kosovo

Financing:

1.8 Overall cost (VAT excluded)2:EUR 4 650 0001.9 EU contribution:EUR 3 600 0001.10 Final date for contracting:30 November 20121.11 Final date for execution of contracts:30 November 20141.12 Final date for disbursements:30 November 2015

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¹ Under UNSCR 1244/99

² The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To support the Permanent Secretariat of the Transport Community in the objective of fully integrating South East Europe into the European Transport market and to provide assistance on the implementation of the Core Regional Transport Network, in continuation of previous EU assistance to the South East Europe Transport Observatory (SEETO).

2.2 Project purpose:

To support the start-up of the Transport Community Treaty by making available the necessary funds to pay the European Union's Contribution to the budget of the Transport Community Permanent Secretariat.

2.3 Link with AP/NPAA / EP/SAA

The main role of promoting transport infrastructure in the enlargement process is to favour increased mobility, economic growth and long-term stability by creating better links among countries in the region and with the neighbouring European countries. In this respect, adequate development of the transport sector, harmonisation of transport regulatory and administrative provisions as well as creation of multimodal transport networks are some of the major priorities identified in the AP (Accession Partnerships) and the EP (European Partnerships).

There is an increasing need for all countries to ensure adequate conditions for market opening in all transport modes and integration into the Trans-European Transport Network, particularly to adopt implementing legislation, complete alignment with the EU acquis and enhance administrative capacity in the area of road, rail, air, maritime and inland waterway transport.

For all countries, the Accession and European Partnerships set important targets for the implementation of the Memorandum of Understanding (MoU) on the Development of the South East Europe Core Regional Transport Network and strengthen cooperation with the South East Europe Transport Observatory (SEETO). Moreover, regional integration initiatives such as the establishment of the Transport Community Secretariat aimed at improving transport links and facilitating their integration and development are essential for the achievement of above-mentioned objectives and are therefore being prioritised in the enlargement process and the related SAA (Stabilisation and Association Agreements).

The Transport Community Treaty will foster this adaptation process and enable the development of the Core Regional Transport Network by allowing countries to join the EU Transport market prior to EU membership.

2.4 Link with MIPD

Support to the transport sector in the region will continue to be pursued under the MIPD 2011-2013 with the ultimate goal to promote the modernisation of the economies of the beneficiaries and increase the access to finance for investments in infrastructure projects. Priority will be given to support and coordinate with regional initiatives such as the Transport Community Treaty as a key driver for economic recovery and growth in the region. In line with those

objectives, support granted under the Multi-Beneficiary Programme to the development of the South East Europe Transport Observatory (SEETO) in the implementation of the related Memorandum of Understanding (MoU) is crucial to the successful establishment of the Core Regional Transport Network.

2.5 Link with National Development Plan

All beneficiaries are making progress in reforming the transport sector by pursuing their National transport strategies and by introducing new legislation compliant to the transport acquis. The implementation of the Transport Community Treaty will support beneficiary countries in their efforts to improve transport infrastructure and services compliant with the EU requirements in order to be part of a comprehensive European Transport market. With a view to ensure an effective development and management of the Core Network, the Transport Community Treaty would then act as a legally binding instrument to harmonise transport reforms and strengthen transport investments in the region, leading to greater consistency in transport policies.

3. Description of project

3.1 Background and justification:

The aim of the Transport Community Treaty is the creation of a Transport Community in the field of road, rail, inland waterways and maritime transport as well as the development of the transport network between the European Union and the South East European parties (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo).

Official negotiations of the Treaty were launched in June 2008. During the last regional meeting held in Brussels on 19th May 2010 an agreement has been reached as regards the substance of transport issues. Negotiations of the Treaty are expected to be concluded by 2011, leading to official signature, ratification and entry into force in the following months.

The Transport Community Treaty with the South East European region is expressly designed to fully integrate the region into the European Transport market and to complement the Enlargement policy of the European Union. The agreement is based on the progressive implementation the EU *acquis* in the transport field as regards infrastructure development, market opening, technical interoperability, safety, environment and social legislation.

The draft Treaty is in many respects based on the text of the agreement on the European Common Aviation Area (ECAA) between the EU and the South East European Parties. This agreement, in force since 2006, envisages the extension of the internal market in air transport. The Transport Community Treaty aims at similar goals for road, rail, inland waterways and maritime transport. Since aviation is already covered by ECAA, it will therefore not fall within the competences of the Transport Community Treaty. In addition, the Transport Community Treaty will also cover infrastructure in all transport modes and will take into account the relevant *acquis* linked to transport in the field of environment, public procurement and social rules.

This draft text consists of a common main part, the "Main Agreement", which includes a number of Articles setting out the general functioning of the Transport Community, of annexes, of which Annex I contains the list of the European Union legislation applicable between the Contracting Parties in the framework of the Main Agreement, and of Protocols, one for each Non-EU contracting Party, establishing the transitional arrangements applicable to that Party.

The protocols will focus on a roadmap for full application and enforcement of the European Union *acquis* in the relevant and/or related fields of the transport sector. The protocols will cover all aspects of the *acquis* according to a stepwise approach:

- Internal market rules
- Technical standards
- Interoperability
- Safety
- Security
- Environment
- Social law
- Procurement rules

Alignment of *acquis* in the field of transport is generally already well on track thanks to the Stabilisation and Association Process but the crucial question remains its effective enforcement. This is particularly relevant for the functioning of the safety and/or regulatory bodies. Overall, the administrative capacity in the field of transport needs to be strengthened and notably to ensure that the inspections of the various topics (road checks, port state control, etc.) can take place efficiently.

The Treaty provides the opportunity to tackle the existing shortfalls through the establishment of a single framework for cooperation whereby beneficiaries would highly benefit from the regional approach to the reform process. On the other hand, huge investments in infrastructure, in particular for rail and ports, still need to be secured. The Treaty is instrumental to address the transport challenges in the region and strengthen infrastructure investments and may therefore also help in this front with a better framework for coordination among donors and stakeholders.

The economic crisis and the consequent slowdown of transport operations had a negative impact in the region. Rail and maritime transport are the most affected sectors, particularly Corridor X as regards rail, but also ports.

Reform of the rail sector in the Western Balkans is ongoing, with two major exceptions in Albania (where progress is less quick as foreseen) and Serbia, where the political will to go further is hampered by the fear of competition. Nevertheless, most of the partners need to implement the effective separation of railway undertakings and put independent safety and regulatory bodies at work.

Maritime safety is satisfactory in Croatia where the detention rate of ships decreased to zero. Efforts need to be pursued in Albania and Montenegro. The Treaty might be working as a strong incentive for reform in the maritime sector in all countries.

Road transport is definitively the most advanced sector. It is largely liberalised at regional level, with the exception of Kosovo. Bilateral agreements aiming at opening up the sector exist in most cases with the exception of Serbia³. Interest of the region for further business opportunity is high and this is therefore a sector were the Treaty may bring the most immediate and visible advantages to the region.

The implementation of Transport Community will require the creation of dedicated institutions, in which the Contracting Parties will be represented. A Regional Steering Committee will be responsible for the administration of the Treaty and will ensure its implementation. A Permanent Secretariat will be established to support the work of the Regional Steering Committee, through administrative follow-up and secretariat tasks. The body will also ensure the monitoring of the Core Network.

A staff number estimation of 10 to 12 people has been proposed by the Commission for the setting-up of the Permanent Secretariat.

3.2 Results and measurable indicators:

Results and measurable indicators in relation to the activity

Result 1. Administrative structure of the Secretariat efficiently put in place

Indicators for Result 1:

- Budget of the Permanent Secretariat approved and executed
- Level of national participation in the Executive Bodies meetings
- Increased consensus on the adoption of the Secretariat Work Plan
- Level of information flow among parties and positive consultation process among Ministries of Transport at regional level in place

Result 2: Adoption of the multi-annual plan and assessment of evolution on transport market

Indicators for Result 2:

- Level of progress in the implementation of the Core Regional Transport Network
- Number and quality of priority projects successfully identified and implemented by sector
- Positive progress in the adoption of internal measures for acquis implementation by sector
- Positive assessment of evolution on transport market
- Smooth adoption of the 5-years rolling work plan

Result 3: Administrative support to the system of journey-based permits in place

Indicators for Result 3:

• Number of journey-based permits approved

Positive level of integration of international road transport operations between the Contracting Parties

3.3 Activities:

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³ However, initial talks already took place to start in the near future such a discussion with Albania

According to Article 28 of the draft Transport Community Treaty, the Permanent Secretariat will provide substantial inputs to the Transport Community Treaty by performing three main activities:

Activity 1. Provide administrative support for the different executive bodies of the Treaty (Ministerial Council, Regional Steering Committee, Technical Committees and Social Forum) Activity 2. Monitor the performance of the Core Network (preparing the multi-annual plan, monitoring the road traffic volume of lorries to assess the evolution of the road transport market)

Activity 3. Support administratively the system of journey-based permits for road transport

The Permanent Secretariat of the Treaty will be financed through fixed contribution of its members according to the breakdown of costs as set forth in Annex VI of the draft Treaty establishing a Transport Community. The level of contribution may be reviewed every three years, on request of any Party, by a decision of the Regional Steering Committee.

Based on the agreement reached by the Regional Meeting held in Brussels on the 19 May 2010 the Contracting parties will contribute to the budget as follows:

- The European Union, due to its population and its important GDP, will finance a fixed contribution of 80% of the budget of the Permanent Secretariat;
- The remaining 20% of the budget shall be borne by the 7 South East European Parties, each of them participating with a fixed contribution of 2% (for a total of 14%) and the remaining 6 % are shared among the South East European Parties according to their GDP, as detailed below.

Indicative breakdown of the contribution per Party (%)

Parties	Fixed Contribution (%)	Contribution calculated according the share of GDP ⁴ (%)	TOTAL (%)
European Union	80.00	Not Applicable	80.00
Albania	2.00	0.54	2.54
Bosnia and Herzegovina	2.00	0.8	2.80
Croatia	2.00	1.95	3.95
The former Yugoslav Republic of Macedonia	2.00	0.46	2.46
Montenegro	2.00	0.18	2.18
Serbia	2.00	1.83	3.83
Kosovo	2.00	0.24	2.24
TOTAL	94.00	6.00	100.00

Each South East Europe Party will finance its contribution through its national budget. According to article 34 of the Treaty, the level of contribution can be reviewed every three years.

As Article 44 states "Upon accession to the European Union of a South East European Party, that Party shall automatically cease to be a South East Europe Party under this Treaty and

⁴ Only for the 7 South East European Parties. In this example, the data from the GDP are those published by Eurostat for the year 2007, calculated in purchase power parity (PPP).

shall instead become an EU Member State", therefore the share of that South East European Party is taken over by the European Union which will increase its share accordingly.

3.5 Conditionality and sequencing:

The implementation of the Action shall be subject to the signature, ratification and entry into force of the Treaty as well as the successful establishment of the operational and administrative structure of the Transport Secretariat.

3.6 Linked activities

Regional cooperation in the transport sector and donors' support have been reinforced over the last years through a number of initiatives in order to address more efficiently the transport challenges in the region.

In the past, the EU has strongly supported countries of the region in the preparation and implementation of the Memorandum of Understanding (MoU) on the Development of the South East Europe Core Regional Transport Network. The agreement was signed in 2004 and integrated with the corresponding addendum in relation to the Railway Transport Area in a view to strengthen trade liberalisation and facilitate the free movement of good and persons in the region.

As a result of the enlargement process and the Commission's strategy in the transport sector, the South East Europe Transport Observatory (SEETO) was established in 2004 to improve and modernise the core transport network of South East Europe and promote social and economic development. Marking a clear starting point of institutionalised regional cooperation in the transport field, the SEETO Secretariat was first entirely financed under the CARDS Regional Programme and after 2006 partly co-financed by the Participants.

In addition, under the 2006 Regional CARDS Programme the EU also financed the Implementation of soft measures of the South East Europe Core Regional Transport Network for the road and road safety sectors with the specific objective to contribute to the reform of the transport sector across the region and support the implementation of the SEETO Multi-Annual Plan 2007-2011. Under the same programme, the EU is also supporting the implementation of the ECAA to assist the beneficiaries in integrating them fully into the European Common Aviation Area and adopt the Single European Sky requirements by 2010 through the implementation of the ECAA *acquis*.

The creation of the Transport Community stems directly from the SEETO process and takes stock of the results achieved over the past years of European Union assistance and the need to develop regional strategy in the sector. In parallel, there has been an increasing need to streamline coordination between stakeholders at regional level.

IFIs and other bilateral and multilateral donors are extensively supporting the Transport sector in the Western Balkans while cooperation between the Commission and the IFIs increased through the creation of a number of mechanisms to better coordinate investments such as the International Financing Institutions Advisory Group in 2006 (IFI AG), the Infrastructure

Project Facility (IPF) in 2008 and recently the Western Balkans Investment Framework (WBIF).

3.7 Lessons learned

The endorsement of the Transport Community process with the signature and ratification of the Transport Community Treaty could highly benefit from the comparative experience gained with the creation of the Energy Community. Based on a similar principle of European Union subscription to an international body combined with co-financing by the beneficiaries, the Energy Community has proved to be a major driving force towards the extension of the EU energy market to South East Europe. Experience over the last two years of European Union Contribution showed that the Energy Community represents an added value to regional cooperation, leading to reinforced relations between the parties, higher level of coordination among actors and stakeholders, thus bringing about a more stable market framework for sector reform.

4. Indicative Budget (amounts in €)

				SOURCES OF FUNDING									
			TOTAL EXP.RE	EU CONTRIBUT	ION	NATIONAL CONTRIBUTION PRIVATE (PRIVATE CONTRI	VATE CONTRIBUTION		
		INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)	
Contract 1	Х		4 650 000	3 600 000	77.42	1 050 000	22.58	1 050 000					
TOTA	TOTAL IB		4 650 000	3 600 000	77.42	1 050 000	22.58	1 050 000					
TOTAL INV													
TOTAL P	ROJEC	т	4 650 000	3 600 000	77.42	1 050 000	22.58	1 050 000					

Amounts net of VAT

- (1)
- In the Activity row use "X" to identify whether IB or INV; Expressed in % of the **Total** Expenditure (column (a) (2)

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of	Signature of contract	Project
	Tendering		Completion
Subscription to the Transport	N/A	Q4 2011	Q1 2014
Community Treaty			

6. Cross cutting issues

N/A

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and disbursed per Quarter over the full duration of Programme
- 3- Description of institutional framework
- 4 Reference to laws, regulations and strategic documents
- 5 Details per EU funded contract

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche Support to the	Programme name and number IPA 2011	CRIS No.: 022-964
Transport Community Treaty		
		Disbursement period expires: 30 November 2015
	Total budget : EUR 4 650 000	IPA budget: EUR 3 600 000

Overall objective	Objectively verifiable indicators	Sources of Verification	
To support the Permanent		Transport laws and deriving secondary legislation adopted in the	
Secretariat of the Transport		beneficiary countries	
Community in the objective of			
fully integrating South East Europe		National Transport Strategies in the beneficiary countries	
into the European Transport	the Core Regional Transport Network		
market and to provide assistance		Enlargement Progress Reports	
on the implementation of the Core	Number and quality of projects		
	successfully identified and implemented	Progress Reports and Monitoring reports published by DG MOVE	
mean of continuation of the	by sector		
previous EC assistance to the		Progress Reports and Annual Report published by the Permanent	
	Level of progress in the adoption of	Secretariat	
Observatory (SEETO)	internal measures for acquis		
	implementation by sector		
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
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To support the start-up of the	Treaty signed, ratified and entered into	Final version of the Treaty establishing the Transport Community Treaty	Ministries of Transport in the
Transport Community Treaty by	force without delays		beneficiary countries are
making available the necessary	•	Approved budget of the Permanent Secretariat	committed to a successful
funds to pay the European Union	Location of the Transport Community		conclusion of negotiations on
Contribution to the budget of the	Treaty established and operational and	Progress Reports published by the Secretariat	the Treaty
Transport Community Permanent	administrative structure efficiently put in		
Secretariat	place	Permanent Secretariat Annual Work Plan	Treaty establishing the
			Transport Community is signed
	Budget of the Permanent Secretariat	Monitoring reports published by the Secretariat	by all parties, ratified and put in
	approved and executed		force in national legislations
	Requirements and obligations deriving		Governments in the beneficiary
	from the Treaty timely translated into		countries are commitment to
	national legislation and implemented		fully implement <i>acquis</i> and
	national registation and implemented		rany implement acquis and

			requirements of the Transport Community Treaty
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
Activity 1 – Administrative support to the Executive Bodies Activity 2: Adoption of the multi-annual plan and	Satisfactory level of national participation in the Executive Bodies meetings Increased consensus on the adoption of the Secretariat Work Plan Satisfactory level of information flow among parties and positive consultation process among Ministries of Transport at regional level in place Level of progress in the implementation of the Core Regional Transport Network Number and quality of priority projects	Annual Work Plan of the Transport Secretariat Transport National Plans in the beneficiary countries Official announcements, newsletters and events organised Minutes of meetings of the executive bodies Progress and Monitoring reports published by DG MOVE Multi-Annual Plan 2010-2014	Staff of the Permanent Secretariat nominated and fully operational Agreement on the composition of the executive bodies successfully reached Ministerial Council, Regional Steering Committee, Technical Committee and Social Forum established and fully operational Governments in the beneficiary countries are commitment to the objectives of the Treaty fully implement acquis and
assessment of evolution on transport market	successfully identified and implemented by sector Positive progress in the adoption of internal measures for acquis implementation by sector Positive assessment of evolution on transport market Smooth adoption of the 5-years rolling work plan Number of journey-based permits approved Positive level of integration of	Enlargement Progress Reports Progress Reports, Annual report and Official publications by the Permanent Secretariat Inventory of Priority Projects by sector	provisions of the Transport Community Treaty Staff of the Permanent Secretariat nominated and fully operational

Activity 3: Administrative Support to the system of journey-based permits	international road transport operations between the Contracting Parties	Annual Work Plan of the Transport Secretariat	System of journey-based permits in place and implemented Road transport acquis fully transposed and effectively implemented Access to lorries granted without restrictions and discrimination Liberalisation of international transport for operators established in South East Europe is in place
Activities	Means	Costs	Assumptions
Activity 1. Provide administrative support for the different executive bodies of the Treaty Activity 2. Monitor the performance of the Core Network Activity 3: Support administratively the system of journey-based permits for road transport	Grant contribution	EUR 3 600 000	Beneficiary countries support the decision-making process of the Transport Community Treaty and comply with its provisions There are no undue delay in the setting-up and start-up phases of the Permanent Secretariat Coordination with other donor activities is maintained high for the whole project duration

Pre-conditions:

- The Treaty establishing the Transport Community is signed without undue delays
- Good coordination between DG Elarg and DG Move is put in place for a smooth running of the project
- Good coordination among beneficiary countries on the implementation of the Core Regional Transport Network is in place and maintained for the whole duration of the project
- All stakeholders are adequately involved in the activities of the Secretariat and positively contribute to the monitoring the Core Regional Transport Network

ANNEX II: amounts (in €) Contracted and disbursed by quarter for the project

Contracted	Q1 2011	Q2 2011	Q3 2011	Q4 2011	Q1 2012	Q2 2012	Q3 2012	Q4 2012	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014
Subscription to the Transport Community Treaty				3 600 000												
Cumulated				3 600 000												
Disbursed																
Subscription to the Transport Community Treaty					1 200 000				1 200 000				1 200 000			
Cumulated					1 200 000				2 400 000				3 600 000			

At this stage it is not possible to provide a precise schedule for contracting and disbursement as this will be depending upon the final date of signature and entry into force of the Transport Community Treaty.

ANNEX III: Description of Institutional framework

In June 2004 a Memorandum of Understanding (MoU) on the development of the Core Regional Transport Network was signed by the European Commission, Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Serbia, Montenegro and the United Nations Interim Administration Mission in Kosovo.

The aim of the MoU is to promote regional cooperation in the field of transport and to jointly develop the Core Regional Transport Network defined by previous Commission actions (TIRS 2001/2, financed by France and steered by EC, EIB and ECMT and REBIS 2003/4, financed by the EC). The Core Network includes Pan European Corridors V, VII, VIII and X and also constitutes a large part of the South East Axis formulated by the High Level Group on the extension of the major axis to the neighbouring countries and regions.

Based on the MoU, the following institutional framework is in place to foster the reform process of the South East Europe Core Regional Transport Network:

- The Steering Committee (SC), composed of seniors officials of the Ministries of Transport of each of the 7 participants and co-chaired by the European Commission, has been set up to implement the MoU. The SC has an overall monitoring and supervisory role, being the main structure responsible for guiding SEETO's activities and coordinating transport infrastructure and project planning;
- ➤ The South East Europe Transport Observatory (SEETO) became fully operational in June 2005 in Belgrade, hosted in the Ministry of Infrastructure of Serbia. The Secretariat provides technical support to the SC at operational level and ensures proper links other stakeholders involved in the MoU as well as IFIs and other international donors. The role of the Secretariat also includes an Observatory that can collect and analyse information on the performance of the Core Network;
- ➤ The Annual Ministerial Meeting is the highest political forum to assess the progress achieved in implementing the MoU on the development of the South East Europe Core Regional Transport Network.

The current institutional structure is complemented by National Coordinators appointed by each Participant and working groups reporting to the SC and including sector experts and occasionally other stakeholders.

ANNEX IV: Reference to laws, regulations and strategic documents

- Reference list of relevant laws and regulations
 - ➤ Council of the European Union, "Draft Council decision on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Union and Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo
 - > Draft Treaty establishing the Transport Community, 16 July 2010
- Reference to AP /NPAA / EP / SAA
 - ➤ South East Europe Transport Observatory, South East Europe Core Regional Transport Network Development Plan. Five year Multi Annual Plan 2010 to 2014, December 2009, Volume 1 and Annexes
 - **European Partnerships (EP)** for candidate countries
 - ➤ Accession Partnerships (AP) for potential candidates
- Reference to MIPD
 - ➤ Multi-Annual Indicative Planning Document (MIPD) 2009-2011
 - > Sector Plan for Infrastructure, IPA Multi-Beneficiary programming 2011-2013

ANNEX V: Details per EU funded contract

The contribution to the Transport Community budget will constitute a subscription to a body of which the EU is a member in the meaning of 108(2)(d) of the Financial Regulation and will be implemented on a centralised basis by sub-delegation to DG Move.