



2025/2446

1.12.2025

COUNCIL DECISION (EU) 2025/2446

of 18 July 2025

authorising the opening of negotiations on the revision of the Treaty establishing the Transport Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91 and 100(2), in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The Treaty establishing the Transport Community ⁽¹⁾ ('TCT') was signed on behalf of the Union in accordance with Council Decision (EU) 2017/1937 ⁽²⁾. On 4 March 2019, it was approved on behalf of the Union by means of Council Decision (EU) 2019/392 ⁽³⁾. It entered into force on 1 May 2019.
- (2) The TCT furthers the development of the transport network between the Union, on the one hand, and the Republic of Albania, Bosnia and Herzegovina, the Republic of North Macedonia, Kosovo (*), Montenegro and the Republic of Serbia (hereinafter referred to as the 'South East European Parties'), on the other, in the field of road, rail, inland waterway and maritime transport. The Transport Community established by the TCT is based on the progressive integration of the transport markets of the South East European Parties into the Union transport market on the basis of the relevant provisions of the Union *acquis*.
- (3) Article 42 of the TCT provides that the TCT is to be reviewed at the request of any contracting party and at any event five years after its entry into force.
- (4) In January 2024, a working group was set up to hold exploratory talks on a review of the TCT. The working group was composed of representatives of the Commission, of the Member States, of the South East European Parties, and of the current observing participants. It has concluded its discussions on the review and identified a need to update the TCT.
- (5) Considerable progress has been achieved in the closer engagement between the Transport Community and two of the observing participants, namely Ukraine and the Republic of Moldova.
- (6) The Union should participate in the negotiations on the amendment of the TCT,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to conduct negotiations, on behalf of the Union, on an international agreement on the revision of the Treaty establishing the Transport Community.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

⁽¹⁾ OJ L 278, 27.10.2017, p. 3, ELI: http://data.europa.eu/eli/agree_internation/2017/1937/oj.

⁽²⁾ Council Decision (EU) 2017/1937 of 11 July 2017 on the signing, on behalf of the European Union, and provisional application of the Treaty establishing the Transport Community (OJ L 278, 27.10.2017, p. 1, ELI: <http://data.europa.eu/eli/dec/2017/1937/oj>).

⁽³⁾ 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 (OJ L 71, 13.3.2019, p. 1, ELI: <http://data.europa.eu/eli/dec/2019/392/oj>).

(*) 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.

Article 3

The negotiations shall be conducted in consultation with the Working Party on Transport - Intermodal Questions and Networks, which is hereby designated as the special committee provided for in Article 218(4) of the Treaty on the Functioning of the European Union.

Article 4

This Decision is addressed to the Commission.

Done at Brussels, 18 July 2025.

For the Council

The President

M. BJERRE

DIRECTIVES FOR THE NEGOTIATION OF AN INTERNATIONAL AGREEMENT ON THE REVISION OF THE TRANSPORT COMMUNITY TREATY

SCOPE OF THE ENVISAGED AGREEMENT

The Treaty establishing the Transport Community (TCT) furthers the development of the transport network between the EU and the Republic of Albania, Bosnia and Herzegovina, the Republic of North Macedonia, Kosovo (*), Montenegro and the Republic of Serbia (hereinafter referred to as the South East European Parties) in the field of road, rail, inland waterway and maritime transport, and is based on the progressive integration of transport markets of the South East European Parties into the EU transport market on the basis of the relevant provisions of the EU *acquis*. The general objective of the envisaged amendments is to support and strengthen the legislative alignment of the South East European Parties, but also to improve and clarify certain operational aspects that have been identified in its application.

The amendments should also enable the full membership of Ukraine and the Republic of Moldova in the TCT. Further, to ensure their full integration in the TCT, the Commission should negotiate annexes on transitional arrangements, as referred to in Article 40 of the TCT, to be applicable to both of these countries upon their accession.

1. NEGOTIATING OBJECTIVES

The Commission should, in the course of the negotiations, aim to achieve the objectives set out in detail below.

- (1) The general objective of the amendments should be to support and strengthen the legislative alignment of all contracting parties with the relevant EU *acquis*, in view of their respective European perspectives, and also boost the progressive integration of their transport markets into the EU transport market.
- (2) The amendments should also enable the full membership of the observing participants from Ukraine and the Republic of Moldova in the Transport Community Treaty. Further, to ensure their full integration in the TCT, the Commission should negotiate annexes on transitional arrangements, as referred to in Article 40 of the TCT, to be applicable to both of these countries upon their accession. In addition, the Commission should be able to address potential demands as regards the substance of the TCT from Ukraine and the Republic of Moldova.
- (3) In this regard, the amendments might also comprise a review of the provisions that refer specifically to the Western Balkans, so that these provisions also refer, where relevant, to the countries mentioned above, as well as a review of the budgetary burden-sharing formula set out in Annex V to the Treaty to account for the expanded number of contracting parties and ensure a continued equitable distribution of the contributions.
- (4) The amendments aiming to boost legislative alignment should comprise the following additional aspects:
 - (a) reinforce the binding commitments on *acquis* alignment contained in the TCT by providing for sanctions (such as suspending voting rights) in cases of serious or persistent breaches;
 - (b) recognising and institutionalising the current and future TCT action plans on supporting legislative alignment;
 - (c) strengthening and better focusing the role of the Permanent Secretariat under Article 28 to better support the European perspectives of the South East European Parties; and
 - (d) clarifying and developing the rules on time limits to make the relevant provisions of the legislation set out in Annex I to the TCT binding on the South East European Parties, in particular as regards Article 3(2)(b).
- (5) The amendments should ensure that Annex I to the TCT is updated, notably to add EU *acquis* pre-dating the signature of the TCT and to take account of relevant policy developments. If appropriate, this could involve including new legislation in the field of transport or associated areas mentioned in that Annex.

(*) 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.

- (6) The amendments should update, where necessary, the provisions of Articles 8 and 9 concerning the development of the indicative trans-European transport network (TEN-T) extension to the South East European Parties and the corresponding five-year rolling work plan, to account for policy developments in the TEN-T legislative framework.
- (7) The amendments should ensure a less cumbersome way of consulting experts from the South East European Parties concerning the obligations currently set out in point 4 of Annex II to the TCT.
- (8) The amendments should reflect agreements already reached concerning the official denomination of the Republic of North Macedonia.
- (9) The Commission should also explore the need to adapt the currently existing bilateral protocols where relevant, for example with regard to the specific situation of landlocked parties and current provisions on maritime transport.
- (10) The amendments should revisit the rules on the application of the case-law of the Court of Justice, notably to cover also case-law delivered after the date of signature of the TCT.
- (11) The amendments might also include minor technical issues not subsumed within any of the previous negotiating directives (e.g. existing typos, certain incorrect or outdated references).

2. CONDUCT OF THE NEGOTIATIONS

The Commission will conduct the negotiations in pursuance of these directives and will ensure proper coordination with ongoing and future negotiations in other relevant areas.
