

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/2435

of 26 July 2022

on the conclusion, on behalf of the European Union, of the Agreement between the European Union and Ukraine on the carriage of freight by road

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) In accordance with Council Decision (EU) 2022/1158 ⁽²⁾ the Agreement between the European Union and Ukraine on the carriage of freight by road (the 'Agreement') was signed on 29 June 2022, subject to its conclusion at a later date.
- (2) In view of the important disruptions in the transport sector in Ukraine caused by the war of aggression undertaken by Russia, it is necessary to find alternative routes by road for Ukraine to export its stocks of grain, fuel, foodstuffs and other relevant goods.
- (3) Given that Member States' European Conference of Ministers of Transport permits and the bilateral agreements between Member States and Ukraine do not allow for the necessary flexibility for Ukrainian road haulage operators to increase and plan ahead their operations through and with the Union, it is crucial to liberalise the transport of freight by road for bilateral operations and transit.
- (4) In view of the exceptional and unique circumstances that necessitate the signature, provisional application and conclusion of the Agreement, and in accordance with the Treaties, it is appropriate for the Union to exercise temporarily the relevant shared competence conferred upon it by the Treaties. Any effect of this Decision on the division of competences between the Union and the Member States should be strictly limited in time. The competence exercised by the Union on the basis of this Decision and of the Agreement should therefore be exercised only during the period of application of the Agreement. Accordingly, the shared competence thus exercised will cease to be exercised by the Union as soon as the Agreement ceases to apply. Without prejudice to other Union measures, and subject to compliance with those Union measures, that competence will, in accordance with Article 2(2) of the Treaty on the Functioning of the European Union (TFEU), again be exercised by the Member States thereafter. Furthermore, it is recalled that, as set out in Protocol No 25 on the exercise of shared competence annexed to the Treaty on European Union and to the TFEU, the scope of the exercise of the competence of the

⁽¹⁾ Consent of 10 November 2022 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2022/1158 of 27 June 2022 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Ukraine on the carriage of freight by road (OJ L 179, 6.7.2022, p. 1).

Union in this Decision covers only those elements governed by this Decision and the Agreement and does not cover the whole area. The exercise of Union competence by this Decision is without prejudice to the respective competences of the Union and of the Member States in relation to any ongoing or future negotiations for, or signature or conclusion of, international agreements with any other third country in that area.

- (5) Russia's war of aggression against Ukraine has compromised the possibility for many Ukrainian drivers to follow the administrative procedures related to driver documents, such as international driving permit applications or the issuance of new driver documents in the event they are lost or stolen. It is thus important to address these exceptional circumstances by providing for specific measures that exempt drivers from the requirement to present an international driving permit, that recognise decisions taken by Ukraine to extend the administrative validity of driver documents, and that facilitate the exchange of information between the competent authorities of the Parties to the Agreement with the aim of combatting fraud and the forgery of driver documents.
- (6) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and Ukraine on the carriage of freight by road is hereby approved on behalf of the European Union ⁽³⁾.

Article 2

1. The exercise of Union competence pursuant to this Decision and the Agreement shall be limited to the period of application of the Agreement. Without prejudice to other Union measures, and subject to compliance with those Union measures, after the end of that period of application the Union shall immediately cease to exercise that competence and the Member States shall again exercise their competence in accordance with Article 2(2) TFEU.
2. The exercise of Union competence pursuant to this Decision and the Agreement shall be without prejudice to the competence of the Member States concerning any ongoing or future negotiations for, or signature or conclusion of, international agreements related to the carriage of goods by road with any other third country, and with Ukraine with respect to the period after the Agreement has ceased to apply.
3. The exercise of the competence by the Union referred to in paragraph 1 covers only the elements governed by this Decision and the Agreement.
4. This Decision and the Agreement are without prejudice to the respective competences of the Union and the Member States in the area of carriage of goods by road with regard to elements other than those governed by this Decision and the Agreement.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 13 of the Agreement.

Article 4

The European Commission, assisted by the representatives of the Member States as observers, shall represent the Union within the Joint Committee set up pursuant to Article 7 of the Agreement.

⁽³⁾ The text of the Agreement is published in OJ L 179, 6.7.2022, p. 4.

Article 5

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

Done at Brussels, 26 July 2022.

For the Council
The President
M. KUPKA
