Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road

COUNCIL DECISION (EU) 2022/…

of …

on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Republic of Moldova 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(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 2 June 2022, the Council authorised the opening of negotiations with the Republic of Moldova on an Agreement between the European Union and the Republic of Moldova on the carriage of freight by road (hereinafter, the 'Agreement').

(2) The negotiations were successfully concluded on 15 June 2022.

(3) In view of the important disruptions in the transport sector in the Republic of Moldova caused by the war of aggression undertaken by Russia against Ukraine, it is necessary for operators from the Republic of Moldova to find alternative transit routes by road through the European Union and to find new markets to export their goods.

(4) Given that permits granted in the framework of the European Conference of Ministers of Transport multilateral quota system within the International Transport Forum and existing bilateral agreements with the Republic of Moldova do not allow for the necessary flexibility for road haulage operators from the Republic of Moldova to increase and plan ahead their operations through and with the European Union, it is crucial to liberalise the transport of freight by road for bilateral operations as well as for transit.

(5) In view of the exceptional and unique circumstances that necessitate the signature and provisional application 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 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.

(6) Therefore, the Agreement, which is limited in time, with a possibility for renewal, subject to a decision by the Joint Committee established by the Agreement which should follow the adoption of a Council Decision defining the position of the Union in that regard, should be urgently signed on behalf of the European Union, subject to its conclusion at a later date.

(7) In order to start deploying the beneficial effects of the Agreement on the carriage of freight as soon as possible, the Agreement should be applied provisionally in accordance with Article 12 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road, is hereby authorised, subject to the conclusion of the said Agreement.[1]

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.

[1] The text of the Agreement is published in … [OJ: please insert publication details for Document ST 10152/22].

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 the Republic of Moldova 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 is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 4

The Agreement shall be applied on a provisional basis, in accordance with Article 12 thereof, as from the date of its signature, pending the completion of the procedures necessary for its entry into force.

Article 5

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

Done at …,

For the Council
The President