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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI

COUNCIL DECISION (EU) 2022/...

of ...

**on the position to be taken on behalf of the European Union within
the Specialised Committee on Road Transport established by
the Trade and Cooperation Agreement between the European Union
and the European Atomic Energy Community, of the one part,
and the United Kingdom of Great Britain and Northern Ireland, of the other part,
as regards the technical and procedural specifications of the use
of the Internal Market Information System (IMI) by the United Kingdom and
the amount and modalities of the financial contribution to be made by
the United Kingdom to the general budget of the Union in respect of
the cost generated by its use of IMI**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 91(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) As set out in Article 6(1), point (a), of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ ('the Trade and Cooperation Agreement'), an operator established in the other Party is to submit a posting declaration to the competent authorities of the Party or, in the case of the Union, of the Member State to which the driver is posted, using from 2 February 2022 a multilingual standard form of the public interface connected to the Internal Market Information system (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council². A competent authority can be any body established at either national, regional or local level and registered in IMI with specific responsibilities relating to the application of certain legal provisions.
- (2) As set out in Article 6(1), point (c), second subparagraph, of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, IMI also allows requests to be made for the assistance of the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment, if the operator fails to submit the requested documentation within eight weeks from the date of the request.

¹ OJ L 149, 30.4.2021, p. 10.

² Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

- (3) It is possible for third countries to use IMI if the conditions laid down in Article 23 of Regulation (EU) No 1024/2012 are met, and provided that the third country which is given access to IMI participates in the operating costs of IMI.
- (4) As set out in Article 7(5) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, the Specialised Committee on Road Transport is to set the technical and procedural specifications of the use of IMI by the United Kingdom. Those specifications are necessary in order to allow the connection of operators and competent authorities to IMI, and thereby allow the operators to submit their posting declarations and competent authorities to take part in the administrative cooperation described in recitals 1 and 2. The Union has implemented those specifications by means of Commission Implementing Regulation (EU) 2021/2179¹.
- (5) As set out in Article 7(6) of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement, each Party is to participate in the operating costs of IMI. The Specialised Committee on Road Transport is to determine the costs to be borne by each Party. It is therefore necessary to determine the amount and the modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI. The financial contribution will consist of two parts: annual maintenance costs (annual contribution) and development costs (one-off payment).

¹ Commission Implementing Regulation (EU) 2021/2179 of 9 December 2021 on the functionalities of the public interface connected to the Internal Market Information System for posting drivers in the road transport sector (OJ L 443, 10.12.2021, p. 68).

- (6) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee on Road Transport with regard to the technical and procedural specifications of the use of IMI by the United Kingdom and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI.
- (7) In order to allow for the prompt application of the measures provided for in this Decision, this Decision should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Specialised Committee on Road Transport, established by Article 8(1), point (o) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('Specialised Committee on Road Transport'), as regards the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI is set out in the draft Decision of the Specialised Committee on Road Transport attached to this Decision.

Article 2

The Decision of the Specialised Committee on Road Transport shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at,

For the Council

The President
