

Brussels, 12 November 2025
(OR. en)

12665/1/25
REV 1

Interinstitutional File:
2025/0257 (NLE)

UK 154
TRANS 367

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	12 November 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. prev. doc.:	12665/25
No. Cion doc.:	COM(2025) 466 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in 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, on a common list of serious infringements which may lead to the loss of good repute

Delegations will find attached document COM(2025) 466 final/2 DOWNGRADED ON 12.11.2025.

Encl.: COM(2025) 466 final/2 DOWNGRADED ON 12.11.2025



EUROPEAN
COMMISSION

Brussels, 9.9.2025
COM(2025) 466 final/2
DOWNGRADED ON 12.11.2025

2025/0257 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in 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, on a common list of serious infringements which may lead to the loss of good repute

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

The Commission proposes that the Council establishes the position to be taken on the Union's behalf in 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 ('the Trade and Cooperation Agreement'), as regards the establishment of a common list of infringements which may lead to the loss of good repute.

2. CONTEXT OF THE PROPOSAL

2.1. The Specialised Committee on Road Transport of the Trade and Cooperation Agreement

The Specialised Committee on Road Transport is a body established under point (o) of Article 8(1), of the Trade and Cooperation Agreement. Pursuant to Article 6(3) of Section 1 of Part A of Annex 31 of that Agreement, the Specialised Committee on Road Transport is empowered to adopt a decision regarding a list of categories, types and degrees of seriousness of serious infringements which, in addition to those set out in Appendix 31-A-1-1, may lead to the loss of good repute ('the envisaged decision').

2.2. The envisaged decision of the Specialised Committee on Road Transport

The main purpose of the envisaged decision is to establish a common list of serious infringements which may lead a road haulage undertaking to lose its good repute. An initial list of most serious infringements was drawn up in Appendix 31-A-1-1.

In the Union, a list of serious infringements with the same objective is set out in Annex I to Commission Implementing Regulation (EU) 2016/403¹.

The envisaged decision slightly adapts the list of infringements contained in Commission Implementing Regulation (EU) 2016/403, for the purpose of reflecting the correct legal bases of the same infringements contained in the Trade and Cooperation Agreement, as well as adapting certain infringements for the purpose of reflecting the different types of operations which are allowed under Union law and under the Trade and Cooperation Agreement.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The position of the Union should therefore be to support the adoption of a Decision by the Specialised Committee on Road Transport in line with the Draft Decision attached to the proposal.

4. LEGAL BASIS

4.1. Procedural legal basis

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *'the positions to be adopted on the Union's behalf in a body set up by an*

¹ Commission Regulation (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council, OJ L 74, 19.3.2016, p. 8, ELI: <http://data.europa.eu/eli/reg/2016/403/oj>

agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.'

The decision, which the Specialised Committee on Road Transport is called upon to adopt, constitutes an act having legal effects. The envisaged act does not supplement or amend the institutional framework of the Trade and Cooperation Agreement. Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

The main objective and content of the envisaged act relate to transport policy.

Therefore, the substantive legal basis of the proposed decision is Article 91 TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 91 TFEU, in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

The decision of the Specialised Committee on Road Transport should be published in the Official Journal of the European Union after its adoption.

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on the position to be taken on behalf of the European Union in 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, on a common list of serious infringements which may lead to the loss of good repute

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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 ('the Trade and Cooperation Agreement'), was concluded by the Union by Council Decision (EU) 2021/689 and entered into force on 1 May 2021.
- (2) Pursuant to Article 6(3) of Section 1 of Part A of Annex 31 of that Agreement, the Specialised Committee on Road Transport, established under point (o) of Article 8(1) of that Agreement, is empowered to adopt a decision regarding a list of categories, types and degrees of seriousness of serious infringements which, in addition to those set out in Appendix 31-A-1-1, may lead to the loss of good repute.
- (3) Article 6 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement lays down detailed conditions relating to the requirement of good repute for a road haulage operator. In particular, its paragraphs 2 and 3 lay down the conditions in which infringements listed in point (b) of the third subparagraph of its first paragraph incurred by an operator may lead to an administrative procedure by the competent authorities in the Party of establishment, and may lead to the loss of good repute. Appendix 31-A-1-1 further lays down a list of seven most serious infringements which must trigger an administrative procedure by the competent authority in the Party of establishment.
- (4) A common list of infringements of the Trade and Cooperation Agreement or of Union or national laws relating to the matters listed in point (b) of the third subparagraph of Article 6(1) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement can enhance the implementation of the Trade and Cooperation Agreement in the road haulage sector. A list of categories, types and degrees of seriousness of serious infringements which may, in addition to those set out in Appendix 31-A-1-1 of Annex 31 to the Trade and Cooperation Agreement, lead to the loss of good repute, should therefore be adopted by Decision of the Specialised Committee on Road Transport, pursuant to Article 6(3) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement.

- (5) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee on Road Transport, as the envisaged act will be binding on the Union.
- (6) National legal frameworks may need to be adapted to cater for the introduction of the additional serious infringements contained in the draft decision of the Specialised Committee attached to this Decision. Furthermore, in order to allow both Parties to agree and set up the modalities of exchange of information relating to serious infringements committed in the other Party of that of establishment in accordance with Article 14(5) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement, it is appropriate to establish a date of application of the envisaged act. Hence, the Decision of the Specialised Committee on Road Transport should apply from 1 December 2025.

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf in the Specialised Committee on Road Transport, as regards the list of categories, types, and degrees of seriousness of serious infringements, which, in addition to those set out in Appendix 31-A-1-1 of the Trade and Cooperation Agreement, may lead to the loss of good repute of a road haulage operator, is set out in the draft decision of the Specialised Committee on Road Transport attached to this Decision.
2. Minor changes in the attached draft decision of the Specialised Committee on Road Transport may be decided by the Commission without the need for a new Council Decision.

Article 2

This Decision shall enter into force at the time of its adoption.

Done at Brussels,

For the Council
The President