Council of the European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Draft DECISION OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT BETWEEN THE EUROPEAN UNION AND UKRAINE ON THE CARRIAGE OF FREIGHT BY ROAD, as regards the terms of reference of the ad hoc working group established by that Agreement

DRAFT

DECISION No …/2024
OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT
BETWEEN THE EUROPEAN UNION AND UKRAINE
ON THE CARRIAGE OF FREIGHT BY ROAD

of …

as regards the terms of reference
of the ad hoc working group established by the Agreement

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and Ukraine on the carriage of freight by road[1], and in particular Article 7(5) and Article 7A(6) thereof,

[1] OJ EU L 179, 6.7.2022, p. 4, ELI: http://data.europa.eu/eli/agree_internation/2022/1158/oj.

Whereas:

(1) The Agreement between the European Union and Ukraine on the carriage of freight by road (the 'Agreement') was signed by the Union on 29 June 2022 pursuant to Council Decision (EU) 2022/1158[2] and entered into provisional application on that date. It was concluded by the Union by Council Decision (EU) 2022/2435[3] and entered into force on 5 December 2022.

(2) The Agreement was amended by the Agreement between the European Union and Ukraine amending the Agreement between the European Union and Ukraine on the carriage of freight by road of 29 June 2022[4], which was signed by the Union on 20 June 2024 pursuant to Council Decision (EU) 2024/1876[5] and entered into provisional application on that date.

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[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 EU L 179, 6.7.2022, p. 1, ELI: http://data.europa.eu/eli/dec/2022/1158/oj).

[3] Council Decision (EU) 2022/2435 of 5 December 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 (OJ EU L 319, 13.12.2022, p. 5, ELI: http://data.europa.eu/eli/dec/2022/2435/oj).

[4] OJ L, 2024/1878, 2.7.2024, ELI: http://data.europa.eu/eli/agree_internation/2024/1878/oj.

[5] Council Decision (EU) 2024/1876 of 20 June 2024 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Ukraine amending the Agreement between the European Union and Ukraine on the carriage of freight by road of 29 June 2022 (OJ EU L, 2024/1876, 2.7.2024, ELI: http://data.europa.eu/eli/dec/2024/1876/oj.)

(3) Pursuant to Article 7A(6) of the Agreement, the ad hoc working group established by Article 7A(1) of the Agreement is to adopt its terms of reference, which are to be approved by the Joint Committee in accordance with Article 7(5) of the Agreement.

(4) Therefore, the terms of reference of the ad hoc working group set out in the Annex to this Decision should be approved,

HAS ADOPTED THIS DECISION:

Article 1

Terms of reference of the ad hoc working group

The terms of reference of the ad hoc working group set out in the Annex to this Decision are hereby approved.

Article 2

Entry into force

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

Done at …, …

For the Joint Committee

The Co-chairs

ANNEX

DRAFT

TERMS OF REFERENCE OF THE AD HOC WORKING GROUP ESTABLISHED BY THE AGREEMENT BETWEEN THE EUROPEAN UNION AND UKRAINE ON THE CARRIAGE OF FREIGHT BY ROAD

Article 1

The ad hoc working group may discuss the practical implementation of the Agreement between the European Union and Ukraine on the carriage of freight by road[1] (the 'Agreement') within its area of responsibility.

Article 2

1. The ad hoc working group shall be chaired in turn by a representative of the European Union and a representative of Ukraine.

2. The representative of the European Union shall be an official of the Directorate-General for Mobility and Transport of the European Commission. The representative of Ukraine shall be an official of the Ministry in charge of road transport in Ukraine.

[1] OJ EU L 179, 6.7.2022, p. 4, ELI: http://data.europa.eu/eli/agree_internation/2022/1158/oj.

3. The European Union and Ukraine shall notify each other of the name, position and contact details of the representative acting as chair of the ad hoc working group for the European Union or Ukraine, respectively. That representative shall be deemed to continue acting as chair for the European Union or Ukraine, respectively, until the date on which either the European Union or Ukraine notifies the other Party to the Agreement ('Party') of a new chair.

4. The ad hoc working group may invite experts to its meetings and may hear them regarding specific points on the agenda.

Article 3

1. The ad hoc working group shall work under the authority of the Joint Committee established by Article 7(1) of the Agreement.

2. The representatives of the Parties shall adopt the reports of the ad hoc working group to the Joint Committee by mutual agreement.

3. The representatives of the Parties shall adopt recommendations to the Joint Committee by mutual agreement.

4. Where necessary and duly justified, reports and recommendations of the ad hoc working group may be adopted by written procedure. To that end, the representatives of the Parties shall exchange views on the draft report or recommendation, which may then be confirmed by exchange of correspondence.

5. The ad hoc working group shall report, and transmit its minutes, reports and recommendations, to the chair of the Joint Committee within 30 calendar days of the end of each meeting and in any case in accordance with Article 7A(5) of the Agreement.

Article 4

The representatives of the Parties shall jointly act as secretaries of the ad hoc working group.

Article 5

1. The ad hoc working group shall meet whenever circumstances require, on the basis of a written request from either Party. Each meeting shall be held at a place and on a date mutually decided by the Parties.

2. Where one Party requests a meeting, the secretary of the other Party shall reply within 15 working days of receipt of that request. In cases of particular urgency, meetings of the ad hoc working group may be convened at shorter notice, subject to mutual consent of the Parties.

3. Meetings of the ad hoc working group shall be jointly convened by its secretaries.

Article 6

1. Either Party may request the chair to add an item to the agenda for a meeting. Such requests shall be submitted to the secretaries of the Parties at least 15 working days, and any supporting documentation at least 10 working days, before the meeting.

2. The secretaries shall communicate the draft agenda to the Parties not later than 5 working days before the meeting. In exceptional circumstances, the Parties may decide by mutual agreement to add items to the agenda at short notice.

3. The agenda shall be adopted by the representatives of the Parties by mutual agreement at the beginning of each meeting. Items other than those appearing on the draft agenda may be included in the agenda, and any points on the draft agenda may be deleted, deferred or amended, if the representatives of the Parties so agree.

Article 7

1. The secretaries shall jointly produce draft minutes of each meeting based on the results of each meeting.

2. The draft minutes shall be approved and signed by the representatives of both Parties.

3. Unless the Parties decide otherwise, meetings shall not be public.

Article 8

1. If the European Union or Ukraine submits to the ad hoc working group information that is confidential or protected from disclosure under its relevant laws and regulations, the other Party shall treat that information as confidential.

2. If the European Union submits to the ad hoc working group information that is confidential or protected from disclosure under its relevant information security legislation, including Commission Decision (EU, Euratom) 2015/443[2], Ukraine shall ensure for that information a comparable level of confidentiality and protection. If Ukraine submits to the ad hoc working group information that is confidential or protected from disclosure under its relevant laws and regulations, the European Commission shall treat that information as confidential.

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[2] Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ EU L 72, 17.3.2015, p. 41, ELI: http://data.europa.eu/eli/dec/2015/443/oj).