Council of the European Union

Brussels, 23 January 2026
(OR. en)

5675/26

Interinstitutional File:
2026/0007 (NLE)

TRANS 33
SOC 34

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	22 January 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 15 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport of the United Nations Economic Commission for Europe as regards a proposal to allow the accession of Mongolia to the AETR

Delegations will find attached document COM(2026) 15 final.

Encl.: COM(2026) 15 final

EUROPEAN
COMMISSION

Brussels, 22.1.2026
COM(2026) 15 final

2026/0007 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport of the United Nations Economic Commission for Europe as regards a proposal to allow the accession of Mongolia to the AETR

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) of the United Nations Economic Commission for Europe (UNECE) and in the UNECE Working Party on Road Transport (SC.1), in connection with the envisaged adoption of amendments to the AETR allowing the accession of Mongolia to the AETR.

2. CONTEXT OF THE PROPOSAL

2.1. The European Agreement concerning the work of crews engaged in international road transport

The AETR aims to harmonise the legislative framework of its Contracting Parties as regards driving and rest times for professional drivers and the corresponding technical requirements for the construction and installation of the recording equipment used in vehicles (the tachograph). The AETR entered into force on 5 January 1976, having subsequently been amended several times.

All Member States are parties to the AETR[1].

2.2. The Group of Experts on the AETR and the Working Party on Road Transport

The Group of Experts on the AETR is a technical group set up by the Inland Transport Committee of the UNECE whose objective is to develop proposals to amend the AETR. According to the Decision establishing the Group of Experts on AETR, the European Union can participate in the Expert Group[2]. The Commission therefore represents the Union in this Expert Group.

The Working Party on Road Transport (SC.1) is a group set up by the Inland Transport Committee to promote the development and facilitation of international transport by road. This includes harmonising and simplifying the rules and requirements related to road transport. Only contracting parties to the AETR participate in the Working Party on Road Transport as Members. The European Union is invited as an Observer to the Working Party and is thus represented by the Commission or the Delegation of the European Union to the United Nations and other international organisations in Geneva.

---

1 Austria (ratified on 11/6/1975), Belgium (ratified on 30/12/1977), Bulgaria (ratified on 12/5/1995), Croatia (ratified on 3/8/1992), Cyprus (ratified on 5/9/2003), Czechia (ratified on 22/6/1993), Denmark (ratified on 30/12/1977), Estonia (ratified on 3/5/1993), Finland (ratified on 16/2/1999), France (ratified on 9/1/1978), Germany (ratified on 9/7/1975), Greece (ratified on 11/1/1974), Hungary (ratified on 22/10/1999), Ireland (ratified on 28/8/1979), Italy (ratified on 28/12/1978), Latvia (ratified on 14/1/1994), Lithuania (ratified on 3/6/1998), Luxembourg (ratified on 30/12/1977), Malta (ratified on 24/9/2004), Netherlands (ratified on 30/12/1977), Poland (ratified on 14/7/1992), Portugal (ratified on 20/9/1973), Romania (ratified on 8/12/1994), Slovakia (ratified on 28/5/1993), Slovenia (ratified on 6/8/1993), Spain (ratified on 3/1/1993) and Sweden (ratified on 24/8/1973).

2 Decision on matters relating to Inland Transport Committee: Establishment of a Group of Experts on European Agreement Concerning Work of Crews of Vehicles Engaged in International Road Transport (AETR), ECE/EX/2011/L.16, paragraph 3: “In accordance with the Guidelines, participation in the Expert Group would be open to all ECE member States, all AETR Contracting Parties and the European Union (…)”

Proposals to amend the AETR are generally first tabled, examined, and endorsed in the Expert Group and then, submitted to the UNECE Working Party on Road Transport (SC.1) for endorsement. If consensus on certain amendments to the AETR is reached in both groups, a Contracting Party of the AETR formally tables the amendment to the United Nations Secretary-General, in accordance with Article 21 of the AETR. Once the submission to amend the AETR has been notified to them by the United Nations Secretary-General, Contracting Parties have six months to object to the amendment. The amendment is deemed to be adopted if no Contracting Party objects to the amendment within that deadline.

The bodies set up in UNECE (the Expert Group on AETR and the Working Party on Road Transport) provide a forum where amendments of the AETR are tabled, examined and endorsed, so as to prepare the formal submission of an amendment according to the AETR, and to avoid objections once an amendment is formally tabled to the United Nations Secretary-General. It is therefore appropriate to establish Union positions as regards decisions to be taken in the Expert Group and the UNECE Working Party on Road Transport.

2.3. The envisaged act to be considered by the Group of Experts on the AETR and the Working Party on Road Transport

In February 2026, during its 40th planned session, or at subsequent sessions, the Group of Experts on AETR would, based on the Union proposal attached to this proposal, consider and develop proposals for amending Article 14(1) of the AETR to allow Mongolia to accede to this Agreement.

A similar proposal was initially submitted to the UNECE working groups by Germany in September 2023.

Article 14(1) of the AETR[3] determines that this Agreement is open for accession by States members of the Economic Commission for Europe (ECE) and States admitted to ECE in a consultative capacity under paragraph 8 or 11 of ECE's terms of reference. It also determines that accessions under paragraph 11 of ECE's terms of reference are limited to Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia.

As a result, apart from non-European States that are already members of ECE, Article 14(1) of the AETR currently allows only a closed list of non-European States to accede to the AETR. It is therefore necessary for any non-European State that is not a member of ECE and is not in the list included in Article 14(1) of the AETR that wishes to accede to this Agreement to find a Contracting Party willing to submit a proposal to amend Article 14(1) of the AETR, so as to include the concerned State in that list.

Given that the subject matter of the AETR falls under the exclusive competence of the Union, Mongolia has reached out to the Commission to inquire about the possibility for the Union to submit a proposal for the amendment of Article 14(1) of the AETR, in order to expressly include Mongolia in the list of non-European States that may accede to that Agreement.

The purpose of the envisaged act is therefore to allow Mongolia to accede the AETR. The Group of Experts will be tasked with examining the proposal in view of endorsing the proposed amendment and recommending it for endorsement by the Working Party on Road Transport. The Working Party on Road Transport could also provide guidance and instructions to the Group of Experts in case this is necessary. Once the Working Party on

[3] In the version adopted by the Working Party on Road Transport (SC.1) at its 114th session (ECE/TRANS/SC.1/412, paragraph 16), held in Geneva from 16 to 18 October 2019, which entered into force on 23 April 2022.

Road Transport has informally endorsed the proposal, a Contracting Party would then need to table the amendment to the United Nations Secretary-General.

The envisaged act, if adopted, would become binding on the parties in accordance with Article 21(6) of the Agreement, which provides: 'Any amendment deemed to be accepted shall enter into force three months after the date on which it was deemed to be accepted.' Mongolia would then be able to accede to the AETR in accordance with the procedure that would be laid out in Article 14 of that Agreement.

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

Mongolia first informed the Commission in January 2024 that it wishes to further develop its commercial road trade routes, and hence that it is seeking accession to the AETR. This includes developing its road transport sector and international transport by road beyond its immediate neighbours (China and the Russian Federation).

In that respect, Mongolia has informed the Commission that it currently has bilateral agreements on international road transport with several EU and non-AETR countries. These are compiled in Table 1 below.

Table 1: Status of Mongolia's bilateral agreements in international road transport

(source: Government of Mongolia, February 2025)

	EU Member States	Non-EU AETR Contracting Parties
Existing bilateral Agreements or exchange permits in international road transport of Mongolia	Latvia, Hungary, Lithuania, Slovenia, Poland, Germany, Slovakia, Czechia.	Kazakhstan, Ukraine, Russian Federation, Belarus, Kyrgyzstan, Uzbekistan, Turkmenistan, Türkiye, Moldova, Georgia.

Furthermore, Mongolia is a Contracting Party to several international conventions related to road transport and road safety[4], as well as to the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention).

Thus, while the main exchanges of goods by road from and to Mongolia logically take place with its neighbours[5], it still appears that it is in the interest of the Union and of its Member States that Mongolia accedes to the AETR. Such an accession can pave the way to several benefits, including the harmonisation of driving times and rest periods and the use of the tachograph for international road transport between the EU and Mongolia, given the trend of bilateral agreements in force and possible future bilateral agreements between Mongolia and Member States. The implementation of the AETR in Mongolia can also pave the way for the training of professional drivers in Mongolia; over the period 2022-2023, no temporary driver cards were issued by Member States to drivers with normal residence in Mongolia[6]. The

[4] These include the Vienna Convention on Road Traffic (date of accession: 19/12/1997), the Vienna Convention on Road Signs and Signals (date of accession: 19/12/1997) and the Convention on the Contract for the International Carriage of Goods by Road (CMR, date of accession: 18/09/2003).

[5] In 2022, trade with China and the Russian Federation respectively accounted for 64% and 13% of Mongolia's total foreign trade (source: Government of Mongolia).

[6] Report from the Commission to the European Parliament and to the Council on the issuance by Member States of temporary driver cards in accordance with Article 26(4) of Regulation (EU) No 165/2014, COM(2024)309 final.

National Road Transport Association of Mongolia (NARTAM) is also a member of the International Road Transport Union (IRU)[7] since 2000.

The position of the Union should therefore be to support the possibility for Mongolia to accede to the AETR.

In its judgment of 31 March 1971 in Case 22/70 *AETR*[8], the Court of Justice of the European Union recognised that the area of the work of crews of vehicles engaged in road transport is an exclusive external competence of the Union. This competence has been exercised since then in numerous legislative acts adopted by the Union co-legislators, including Regulations (EC) No 561/2006[9] and (EU) No 165/2014[10]. Since the subject matter of the AETR falls within the scope of these regulations, the power to negotiate and conclude the AETR and its modifications lies exclusively with the Union, pursuant to Article 3(2) of Treaty on the Functioning of the European Union.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

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 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*.'

Article 218(9) TFEU applies regardless of whether the Union is a member of the body or a party to the agreement[11].

Where an area of law falls within a competence of the European Union, the fact that the European Union did not take part in the international agreement in question does not prevent it from exercising that competence by establishing, through its institutions, a position to be adopted on its behalf in the body set up by that agreement, in particular through the Member States which are party to that agreement acting jointly in its interest[12].

The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do

---

7 Website of the IRU: NARTAM | IRU | World Road Transport Organisation.

8 Judgment of the Court of 31 March 1971, *Commission v. Council*, Case C-22/70, ECLI:EU:C:1971:32, paragraphs 30-31.

9 Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/561/oj).

10 Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/165/oj).

11 Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraph 64.

12 Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraph 52.

not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*'[13].

4.1.2. Application to the present case

The Group of Experts on the AETR and the Working Party on Road Transport (SC.1) are bodies set up by the Inland Transport Committee of the UNECE.

The proposed amendment constitutes an act having legal effects. The envisaged amendment, if then adopted, would be binding under international law in accordance with Article 21(6) of the AETR.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

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.

4.2.2. Application to the present case

The main objective and content of the envisaged act relates 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.

[13] Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

2026/0007 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport of the United Nations Economic Commission for Europe as regards a proposal to allow the accession of Mongolia to the AETR

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 European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR)[14] entered into force on 5 January 1976. The Union has exclusive competence on the subject-matter covered by the AETR[15].

(2) Pursuant to its Article 14(1), apart from non-European States that are already members of ECE, the AETR is open to accession only to a closed list of non-European States[16]. Where a non-European State that is not a member of ECE and is not in the list of Article 14(1) of the AETR wishes to accede to this Agreement, it needs to find a Contracting Party willing to submit a proposal to amend Article 14(1) of the AETR, in order to include such State in that list.

(3) Mongolia wishes to accede to the AETR. Mongolia currently has bilateral agreements with several Member States of the Union, as well as with several other non-EU AETR Contracting Parties. The accession of Mongolia could pave the way to several benefits, including more harmonised rules in international road transport to and from Mongolia. The accession of Mongolia is therefore in the interest of the Union, and it is therefore appropriate that the Union submits a proposal to amend the AETR with this objective.

(4) Pursuant to Article 21 of the AETR, proposals for amendments to the AETR may be submitted by any Contracting Party to the Secretary-General of the United Nations (UN). Before submission to the Secretary-General of the UN, the proposals are generally first tabled, examined and endorsed in the Working Party on Road Transport (SC.1) of the UN Economic Commission for Europe (UNECE). A Group of Experts on the AETR has been established by UNECE in the framework of the AETR. That Group is a body empowered to develop and submit proposals to amend the AETR to SC.1. The Union, on the basis of this decision, will propose that the Group of Experts

---

14 OJ L 95, 8.4.1978, p. 1, ELI: http://data.europa.eu/eli/agree_internation/1977/2829/oj.

15 Judgment of the Court of Justice of 31 March 1971, *Commission v. Council*, Case C-22/70, ECLI:EU:C:1971:32, paragraphs 30-31.

16 Currently limited to Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia.

on the AETR, during its planned 40th session in February 2026, and at subsequent sessions, and SC.1, during its planned 121st session in October 2026, and at subsequent sessions, discuss an amendment to the AETR allowing Mongolia to accede the AETR.

(5) It is appropriate to establish the position to be taken on the Union's behalf in the Group of Experts on the AETR and in the Working Party on Road Transport, as the amendment proposal which they will be called to develop and endorse would be binding under international law in accordance with Article 21(6) of the AETR.

(6) Member States should not object to a notification by the United Nations Secretary-General under Article 21(1) of the AETR of the proposed amendment, contained in the Annex to this Decision. If a notification by the United Nations Secretary-General is not limited to the proposed amendment contained in the Annex to this Decision, Member States should not object to the proposed amendment which is contained in the Annex to this Decision.

(7) The Union's position in the Group of Experts on the AETR is to be expressed by the Commission, and the Union's position in the Working Party on Road Transport is to be expressed by the Member States acting jointly in the interest of the Union.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in subsequent sessions of the UNECE Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and of the Working Party on Road Transport (SC.1) in relation to a proposal to amend Article 14(1) of the AETR to allow Mongolia to accede to this Agreement is set out in the Annex to this Decision.

Formal and minor changes to the position referred to in the first paragraph may be agreed without a further decision of the Council.

Article 2

The position referred to in Article 1 shall be expressed by the Commission in the Group of Experts on the AETR, and by the Member States, acting jointly in the interest of the Union, in the UNECE Working Party on Road Transport.

Article 3

Where the proposed amendment laid out in the Annex to this Decision has been endorsed by the UNECE Working Party on Road Transport, the Member States, acting jointly in the interest of the Union, shall submit it to the United Nations Secretary-General, in accordance with Article 21(1) of the AETR.

Member States shall not object to a notification by the United Nations Secretary-General under Article 21(1) of the AETR of the proposed amendment which is contained in the Annex to this Decision.

Article 4

This Decision is addressed to the Commission and to the Member States.

Done at Brussels,

For the Council
The President