



Council of the
European Union

Brussels, 10 May 2022
(OR. en)

8467/22

TRANS 242
RELEX 529

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations with Ukraine
for an Agreement on the carriage of goods by road

COUNCIL DECISION (EU) 2022/...

of ...

**authorising the opening of negotiations with Ukraine
for an Agreement on the carriage of goods 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(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Negotiations should be opened with a view to concluding an Agreement with Ukraine on the carriage of goods by road (the 'Agreement'), in order to mitigate the impact of Russia's unprovoked and unjustified military aggression against Ukraine on transport operations.

- (2) In view of the exceptional and unique circumstances that necessitate the negotiation 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. However, 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 the Agreement to be negotiated thereunder should therefore only be exercised with respect to 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 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.

- (3) The Commission should be designated as negotiator.
- (4) The negotiations should be conducted by the Commission in consultation with the Land Transport Working Party of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations, on behalf of the Union, for an Agreement with Ukraine on the carriage of goods by road (the ‘Agreement’).

Article 2

1. The exercise of Union competence pursuant to this Decision and the future 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.
2. The exercise of Union competence pursuant to this Decision 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 Ukraine 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 negotiating directives.

4. This Decision is 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 negotiating directives.

Article 3

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision. Those negotiating directives may be revised and further developed as appropriate depending on the evolution of the negotiations.

Article 4

The negotiations shall be conducted in consultation with the Land Transport Working Party of the Council, which is hereby designated as the special committee within the meaning of Article 218(4) TFEU.

Article 5

This Decision is addressed to the Commission.

Done at ...,

For the Council

The President
