

COUNCIL DECISION (EU) 2023/576**of 9 March 2023****on the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement between the European Union and Ukraine on the carriage of freight by road as regards the adoption of the rules of procedure of the Joint Committee and the continuation of the Agreement**

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 Agreement between the European Union and Ukraine on the carriage of freight by road ⁽¹⁾ ('the Agreement') was signed by the Union in accordance with Council Decision (EU) 2022/1158 ⁽²⁾ and has been provisionally applied since 29 June 2022.
- (2) Article 7(1) of the Agreement establishes a Joint Committee to supervise and monitor the application and implementation of the Agreement and periodically review its functioning in light of its objectives.
- (3) Article 7(6) of the Agreement provides that the Joint Committee is to adopt its rules of procedure. In order to ensure the proper implementation of the Agreement, the Joint Committee's rules of procedure should be adopted.
- (4) As set out in Article 6(1) of the Agreement, the Agreement is to apply until 30 June 2023. The Joint Committee is, however, to be convened at the latest three months before the expiry of the Agreement in order to assess and decide on the need for the continuation of the Agreement.
- (5) In order for both the Union and Ukraine to continue benefitting from the positive effects of the Agreement on facilitating road freight transport between and through Ukraine and the Union and on ensuring well-functioning solidarity lanes in the context of Russia's war of aggression against Ukraine, it should be prolonged until 30 June 2024.
- (6) The Joint Committee is to adopt decisions establishing its rules of procedure and on the need for the continuation of the Agreement, including the duration thereof.
- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Joint Committee on the adoption of the rules of procedure and the continuation of the Agreement, as its decisions will be binding on the Union.
- (8) The position of the Union within the Joint Committee should therefore be based on the attached draft Decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Joint Committee established by Article 7 of the Agreement between the European Union and Ukraine on the carriage of freight by road ('the Agreement') as regards the adoption of its rules of procedure and the continuation of the Agreement, including the duration thereof, shall be based on the draft Decisions of the Joint Committee attached to this Decision.

⁽¹⁾ OJ L 179, 6.7.2022, p. 4.

⁽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 L 179, 6.7.2022, p. 1).

Minor changes to the draft Decisions of the Joint Committee may be agreed to by the representatives of the Union within the Joint Committee without a further decision of the Council.

Article 2

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

Done at Brussels, 9 March 2023.

For the Council
The President
G. STRÖMMER

DRAFT**DECISION No 1/2023 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 adoption of its Rules of Procedure**

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(6) thereof,

Whereas pursuant to Article 7(6) of the Agreement between the European Union and Ukraine on the carriage of freight by road ('the Agreement'), the Joint Committee is to adopt its rules of procedure. The Rules of Procedure as set out in the Annex to this Decision should therefore be adopted,

HAS ADOPTED THIS DECISION:

*Article 1***Rules of Procedure**

The Rules of Procedure of the Joint Committee, as set out in the Annex to this Decision, are hereby adopted.

*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*

⁽¹⁾ OJ EU L 179, 6.7.2022, p. 4.

ANNEX**RULES OF PROCEDURE OF THE JOINT COMMITTEE***Article 1***Heads of delegation**

1. The Joint Committee shall be composed of representatives of the Parties. Each Party shall appoint the Head and, where necessary, Deputy Head of its delegation. The Head of Delegation may be replaced by the Deputy Head or by a designee for a particular meeting.
2. The Joint Committee shall be chaired in turn by a representative of the European Union and a representative of Ukraine. The Head of the relevant delegation, or in that person's absence, the Deputy Head or the designee appointed to replace them shall act as chair.

*Article 2***Meetings**

1. The Joint Committee shall meet as and when necessary. Either Party may request the convening of a meeting. The Joint Committee shall also be convened at the latest three months before the expiry of the Agreement, in order to assess and decide on the need for the continuation of the Agreement in accordance with Article 6(2) thereof.
2. The Joint Committee shall hold meetings in person or via other means (e.g. conference calls or video conferences).
3. Meetings shall take place, as much as possible, alternately in a European Union Member State and in Ukraine, unless agreed otherwise by the Parties.
4. The working language shall be English.
5. Once the date and the place of the meetings have been agreed between the Parties, meetings shall be convened by the European Commission for the European Union and by the Ministry in charge of road transport for Ukraine.
6. Except as otherwise agreed by the Parties, the meetings of the Joint Committee shall not be public. If necessary, a press release may be drafted by mutual agreement at the end of the meeting.

*Article 3***Delegations**

1. Prior to each meeting, the Heads of Delegation shall inform each other of the intended composition of their delegations for the meeting.
2. Road transport industry stakeholder representatives may be invited to attend meetings or parts of the meetings as observers, if the Joint Committee so agrees by consensus.
3. The Joint Committee may invite, if so agreed by consensus, other interested parties or experts to attend its meetings or parts thereof in order to provide information on particular subjects.
4. Observers shall not take part in the decision-making process of the Joint Committee.

*Article 4***Secretariat**

An official of the European Commission services and an official of the Ministry in charge of road transport of Ukraine shall act jointly as secretaries of the Joint Committee.

*Article 5***Agenda of the meetings**

1. The Heads of Delegation shall establish the provisional agenda of each meeting by mutual agreement. The provisional agenda shall be sent by the secretaries to the members of the delegations at the latest fifteen days before the date of the meeting.
2. The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the Joint Committee so agrees.
3. The Heads of Delegation may shorten the time limit specified in paragraph 1 in order to take account of the requirements or urgency of a particular matter.

*Article 6***Minutes**

1. Draft minutes of each Joint Committee meeting shall be drawn up after each meeting. They shall indicate the items discussed and decisions adopted.
2. Within one month following the meeting, the draft minutes shall be submitted by the hosting Head of Delegation to the other Head of Delegation, via the Joint Committee secretaries, for approval by written procedure.
3. When approved, the minutes shall be signed in duplicate by the Heads of Delegation and one original copy shall be filed by each of the Parties. The Heads of Delegation may decide that signing and exchanging electronic copies satisfies this requirement.
4. The minutes of the Joint Committee meetings shall be public unless otherwise requested by one of the Parties.
5. The Heads of Delegation may shorten the time limit specified in paragraph 2 and agree on a date as regards the approval specified in paragraph 3 in order to take account of the requirements or urgency of a particular matter.

*Article 7***Written procedure**

Where necessary and duly motivated, decisions of the Joint Committee may be adopted by written procedure. To that end, the Heads of Delegation shall exchange on the draft measures on which the decision of the Joint Committee is requested, which may then be confirmed by exchange of correspondence. Any Party may, however, request that the Joint Committee be convened to discuss the matter.

*Article 8***Deliberations**

1. The Joint Committee shall take decisions on the basis of consensus of the Parties.
2. The decisions of the Joint Committee shall be entitled 'Decision' and followed by a serial number, the date of their adoption and a description of their subject.
3. The decisions of the Joint Committee shall be signed by the Heads of Delegation and attached to the minutes.

4. The decisions adopted by the Joint Committee shall be implemented by the Parties in accordance with their own internal procedures.
5. The decisions adopted by the Joint Committee may be published by the Parties in their respective official publications. One original copy of the decisions shall be filed by each of the Parties.

Article 9

Working groups

1. The Joint Committee may set up working groups to assist the Joint Committee in carrying out its duties. Terms of reference for a working group shall be approved by the Joint Committee in accordance with Article 7(5) of the Agreement and be included in an annex to the decision setting up the working group.
2. The working groups shall be composed of representatives of the Parties.
3. The working groups shall work under the authority of the Joint Committee, to which they shall report after each of their meetings. They shall not take decisions, but may make recommendations to the Joint Committee.
4. The Joint Committee may at any time decide to abolish existing working groups, modify their terms of reference or establish new working groups to assist it in carrying out its duties.

Article 10

Expenses

1. The Parties shall each defray the expenses related to their participation in the meetings of the Joint Committee and of working groups, both in respect of staff, travelling and subsistence expenditure and of postal and telecommunications costs.
2. Any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meeting.

Article 11

Amendment of the Rules of Procedure

The Joint Committee may, at any time, amend these Rules of Procedure by means of a decision taken in accordance with Article 7(5) of the Agreement.
