



2024/3217

27.12.2024

COUNCIL DECISION (EU) 2024/3217

of 5 December 2024

on the position to be taken on behalf of the Union in the ad hoc working group and in 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

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 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.
- (3) A specific ad hoc working group was established by Article 7A(1) of the Agreement in order to facilitate the practical implementation of the Agreement.
- (4) Pursuant to Article 7A(6) of the Agreement, the ad hoc working group is to adopt its terms of reference.
- (5) In order to ensure the organisation and functioning of the ad hoc working group, and thereby facilitate the practical implementation of the Agreement, the terms of reference of the ad hoc working group are to be approved by the Joint Committee established by Article 7(1) of the Agreement, in accordance with Article 7A(6) of the Agreement.
- (6) Therefore, the ad hoc working group is to adopt its terms of reference, and the Joint Committee is to adopt a decision approving those terms of reference.
- (7) It is therefore appropriate to establish the position to be taken on the Union's behalf in the ad hoc working group and in the Joint Committee on, respectively, the adoption and the approval of the terms of reference of the ad hoc working group, as those acts will have legal effects for the Union under international law,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Joint Committee established by Article 7(1) of the Agreement between the European Union and Ukraine on the carriage of freight by road (the 'Agreement'), as regards the approval of the terms of reference of the ad hoc working group established by Article 7A(1) of the Agreement, shall be based on the draft Decision of the Joint Committee attached to this Decision (the 'draft Decision').

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

⁽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, 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 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 L, 2024/1876, 2.7.2024, ELI: <http://data.europa.eu/eli/dec/2024/1876/oj>).

The position to be taken on the Union's behalf in the ad hoc working group established by Article 7A(1) of the Agreement, as regards the adoption of its terms of reference, shall be based on the draft terms of reference annexed to the draft Decision.

Minor changes to the draft Decision and to the draft terms of reference referred to in the second subparagraph of this Article may be agreed by the representatives of the Union in the Joint Committee and in the ad hoc working group, without a further decision of the Council.

Article 2

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 5 December 2024.

For the Council

The President

NAGY B.

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,

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.
- (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

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

⁽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>).

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.
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.

⁽¹⁾ OJ EU L 179, 6.7.2022, p. 4, ELI: http://data.europa.eu/eli/agree_international/2022/1158/oj.

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.

⁽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>).