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COUNCIL DECISION (EU) 2024/1293

of 29 April 2024

authorising the opening of negotiations on amendments to the Agreement between the European Union and Ukraine on the carriage of freight 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(1), in conjunction with Article 218(3) and (4) thereof,

Having regard to the Agreement between the European Union and Ukraine on the carriage of freight by road [1],

Having regard to the recommendation from the European Commission,

Whereas:

(1) Negotiations should be opened with a view to concluding an agreement amending the Agreement between the European Union and Ukraine on the carriage of freight by road (the 'Agreement'), including its duration.

(2) In view of the exceptional and unique circumstances that necessitated the negotiation of the Agreement and in accordance with the Treaties, the Council deemed it appropriate for the Union to exercise temporarily the relevant shared competence conferred upon it by the Treaties. Such consideration applies also to the amendment of the Agreement. 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, including the amendments to be negotiated under this Decision, should therefore only be exercised during 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 (TEU) 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 nominated as the Union negotiator.

(4) The negotiations should be conducted by the Commission in consultation with the Working Party on Land Transport of the Council and in accordance with the respective roles of the institutions set out in Article 13(2) of the TEU and in Article 218 of the TFEU, as interpreted by the Court of Justice of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to open negotiations on amendments to the Agreement between the European Union and Ukraine on the carriage of freight by road (the 'Agreement'), including regarding the duration of the Agreement.

2. 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.

[1] OJ L 179, 6.7.2022, p. 4.

Article 2

1. The exercise of Union competence pursuant to this Decision and the Agreement, including the amendments to be made thereto, 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. Without prejudice to Article 2 of Council Decision (EU) 2022/1158 ([2]) and Article 2 of Council Decision (EU) 2022/2435 ([3]), the exercise of Union competence referred to in paragraph 1 covers only the elements governed by this Decision and the negotiating directives, and 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 Commission is hereby nominated as the Union negotiator.

Article 4

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

Article 5

This Decision is addressed to the Commission.

Done at Luxembourg, 29 April 2024.

For the Council

The President

D. CLARINVAL

([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).

([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).