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Proposal for a

COUNCIL DECISION

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 the Republic of Moldova on the Carriage of Freight by Road, as regards the continuation of the Agreement

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on behalf of the European Union in the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the Carriage of Freight by Road, which was signed in Lyon on 29 June 2022¹ and entered into force on 21 August 2023² (the ‘Agreement’), as regards the continuation of the Agreement in accordance with its Article 6(2).

By Decision No 2/2022 of the Joint Committee³, the Agreement was extended until 30 June 2024. By Decision No 1/2024 of the Joint Committee⁴, it was extended until 31 December 2025.

2. CONTEXT OF THE PROPOSAL

2.1. Summary of the Agreement

The Agreement aims to temporarily facilitate road freight transport between and through the Republic of Moldova (‘Moldova’) and the EU, by granting additional rights of transit and carriage of goods between Moldova and the EU following Russia’s illegal full-scale invasion of Ukraine and the significant disruptions it brings for the road transport sector in Moldova, a country that has lost access to important trade routes via Ukraine’s Black Sea ports, and the northern transport links to Central Asia. The Agreement currently applies until 31 December 2025.

A Joint Committee was set up to supervise and monitor the application and implementation of the Agreement. It decides, in particular, on the continuation of the Agreement. In this regard, the Joint Committee must decide at the latest three months before the expiry of the Agreement, that is to say at the latest on 30 September 2025, on the need for its continuation. According to Article 6(5) of the Agreement, the Joint Committee must adopt its decisions by consensus.

2.2. Monitoring of the Agreement

Article 6(1) of the Agreement requires the Joint Committee to monitor the Agreement through, in particular, a periodic review of its functioning in light of its objectives. In this context, the Commission has acquired data on the implementation of the Agreement that also cover the period after the last extension, including the third quarter of 2024. The findings from these data are set out below.

2.2.1. The Agreement has successfully supported the Moldovan economy by substantially increasing the exports by road from Moldova to the EU

Exports by road from Moldova to the EU increased in volume from 273 270 tonnes in Q3-2021 to 347 535 tonnes in Q3-2022. The tendency between 2022 and 2023 was even more

¹ OJ L 181, 7.7.2022, p. 4.

² OJ L 226, 14.9.2023, p. 1.

³ Decision No 2/2022 of the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road of 15 December 2022 regarding the continuation of the Agreement (OJ L 79, 17.3.2023, p. 185).

⁴ Decision No 1/2024 of the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road of 26 March 2024 as regards the continuation of the Agreement (OJ L, 2024/1266, 30.4.2024).

positive, with an increase to 468 893 tonnes in Q3-2023. There has been a slight decrease to 430 361 tonnes in Q3-2024; however, this still represents a 57% increase compared to the period before the Agreement.

In value terms, exports by road from Moldova to the EU increased from EUR 356 million in Q3-2021 to EUR 491 million in Q3-2022, stabilised at EUR 494 million in Q3-2023, and increased further to EUR 503 million in Q3-2024, which represents a 41% increase compared to the period before the Agreement.

2.2.2. The Agreement has also been very beneficial to the EU

Exports by road from the EU to Moldova (all goods) increased in volume from 409 411 tonnes in Q3-2021 to 426 172 tonnes in Q3-2022 and 437 438 tonnes in Q3-2023. **Between Q3-2023 and Q3-2024, there was a further strong increase to 557 236 tonnes, which represents a 36% increase compared to the period before the Agreement.** Exports by road from the EU to Moldova increased in value from EUR 701 million in Q3-2021 to EUR 908 million in Q3-2022 and stabilised in Q3-2023 at a level of EUR 917 million. **In Q3-2024, the value of exports by road was 1 047 million, which is a further significant increase compared to 2023, and a 49% increase compared to the period before the Agreement.**

The positive effect of the Agreement for the EU can also be seen from the fact that the road trade balance of the EU with Moldova increased from EUR 345 million in Q3-2021 to EUR 544 million in Q3-2024 in favour of the EU, **which is a 57% increase compared to the period before the Agreement.**

Some Member States experienced a clear and significant positive trend in their exports to Moldova. Poland's exports to Moldova increased from about USD 66 million in Q1-2022 (before the Agreement) to about USD 94 million in Q3-2024, which is an increase of about 42%. Exports from Germany increased from EUR 140 million to EUR 168 million over the same period, a 20% increase. Romania saw an increase from EUR 274 million to EUR 395 million over the same period, a 44% increase.

As regards the road transport sector, the increase in exports due to the Agreement has resulted in an increase in Moldovan trucks on EU roads, but the number in absolute terms remains very limited. In 2024, the number of Moldovan trucks that were active in transporting goods to the EU was only around 19 000, which corresponds to only 0.00055% of the 34 million trucks registered in the EU. There is therefore no risk of a distortion of the EU haulage market by Moldovan operators. Also, the number of trucks used by EU hauliers in trade with Moldova is now also much higher than before the Agreement, reflecting the increase in EU exports to Moldova.

The Agreement, together with a similar bilateral road transport agreement between the EU and Ukraine, continues to play a role in the **Solidarity Lanes**, with Moldova being an important country for the Danube corridor, and a transit country for both Ukrainian fuel imports and trade in a wide range of other products, such as chemicals, wood, fuel, cement and other manufactured goods.

Finally, the Agreement continues to contribute to a significant reduction of the burden on the transport industry and the state authorities in both Moldova and the Member States in relation to the administrative formalities linked to issuing permits.

2.3. The Joint Committee

Article 6 of the Agreement set up a Joint Committee to supervise and monitor the application and implementation of the Agreement, and periodically review its functioning in light of its objectives. According to that provision, the Joint Committee is composed by representatives of the parties. Pursuant to Article 6(5) of the Agreement, the decisions of the Joint Committee are taken by consensus and are binding on the parties, which shall take all necessary measures to implement them.

According to Article 6(2), the Joint Committee must be convened at the latest three months before the expiry of the Agreement to assess and decide the need for the continuation of the Agreement, and the duration of such continuation.

2.4. The envisaged act of the Joint Committee

At its fourth meeting, the Joint Committee is to adopt a decision regarding the continuation of the Agreement until 30 June 2027, in accordance with Article 6(2) of the Agreement.

The reasons for this are fourfold. First, the monitoring of the Agreement has shown that it has provided benefits to the trade of both the EU and Moldova. The increase in road transport services has also been beneficial to road transport operators of both parties to the Agreement. These benefits have been maintained in the period after the last extension of the Agreement, when EU hauliers have increased their exports more strongly than before. These positive developments clearly support the prolongation of the Agreement that, although designed in the first place to help the Moldovan economy against the background of Russia's war of aggression against Ukraine, has also provided benefits to the EU.

Second, it seems that the Agreement, together with a comparable road transport agreement signed with Ukraine, has also eased the export of Ukrainian goods, contributing to the well-functioning of Solidarity Lanes and keeping afloat two economies that the EU wants to support in the short to long term. These aspects should be encouraged and confirmed by the proposed continuation.

Third, the Agreement should also be understood as facilitating the reconstruction of Ukraine in due course, beyond Russia's war of aggression against this country.

As follows from the above, the continuation of the Agreement until 30 June 2027 is necessary because the conditions justifying the conclusion of the original agreement continue to prevail, and will probably do so for quite some time. The continuing military operations on Moldova's eastern flank, and the associated destruction of transport infrastructure in the related areas, which had been transit areas for Moldova's exports in the past, will remain a limiting factor for the economic development of Moldova in the foreseeable future.

The envisaged act will become binding on the parties in accordance with Article 6(5) of the Agreement, which provides that "The Joint Committee shall adopt its decisions by consensus. The decisions shall be binding on the Parties, which shall take all necessary measures to implement them".

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

The position to be adopted on behalf of the EU should therefore be to support the adoption of the draft decision of the Joint Committee attached to this proposal.

4. LEGAL BASIS

The Joint Committee is a body set up by an agreement, namely the Agreement between the European Union and the Republic of Moldova on the Carriage of Freight by Road.

The decision, which the Joint Committee is called upon to adopt, constitutes an act having legal effects. The envisaged decision on the extension of the duration of the Agreement will be binding under international law, in accordance with Article 6(5) of the Agreement.

The envisaged act does not supplement or amend the institutional framework of the Agreement. Therefore, the procedural legal basis for the proposed Council decision is Article 218(9) TFEU.

5. SUBSTANTIVE LEGAL BASIS

The main objective and content of the envisaged act relate to road transport.

Therefore, the substantive legal basis of the proposed decision is Article 91 TFEU.

Conclusion

The legal basis of the proposed decision should be Article 91 TFEU in conjunction with Article 218(9) TFEU.

6. PUBLICATION OF THE ENVISAGED ACT

As the act of the Joint Committee will extend the duration of the Agreement, to which the European Union is a party, it is appropriate to publish the decision of the Joint Committee in the *Official Journal of the European Union* after its adoption.

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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 the Republic of Moldova on the Carriage of Freight by Road⁵ (the ‘Agreement’) was signed by the Union on 29 June 2022, provisionally applied as from the same date, and entered into force on 21 August 2023⁶.
- (2) Article 6(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) By means of Decision No 2/2022 of the Joint Committee⁷, the duration of the Agreement was extended until 30 June 2024. By means of Decision No 1/2024 of the Joint Committee⁸, the Agreement was further extended until 31 December 2025.
- (4) The Joint Committee is to be convened at the latest three months before the expiry of the Agreement in order to assess and decide the need for a further continuation of the Agreement.
- (5) In order for both the European Union and the Republic of Moldova to continue benefiting from the Agreement, it should be extended until 30 June 2027.
- (6) Therefore, the Joint Committee, during its next meeting, is to adopt a decision on the need for a further continuation of the Agreement, including the duration of such continuation.

⁵ OJ L 181, 7.7.2022, p. 4.

⁶ OJ L 226, 14.9.2023, p. 1.

⁷ Decision No 2/2022 of the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road of 15 December 2022 regarding the continuation of the Agreement (OJ L 79, 17.3.2023, p. 185).

⁸ Decision No 1/2024 of the Joint Committee established by the Agreement between the European Union and the Republic of Moldova on the carriage of freight by road of 26 March 2024 as regards the continuation of the Agreement (OJ L, 2024/1266, 30.4.2024).

- (7) The envisaged act of the Joint Committee will have legal effects. It is therefore appropriate to establish the position to be taken on the Union's behalf in the Joint Committee on the continuation of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Joint Committee established by Article 6 of the Agreement between the European Union and the Republic of Moldova on the Carriage of Freight by Road, as regards the continuation of the Agreement, including the duration thereof, shall be based on the draft decision of the Joint Committee as attached to this Decision.

Minor changes to the draft decision 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

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

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President