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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, on the amount and modalities of the UK's financial contribution to road transport information systems managed by the Union and amending Decision No 1/2022 of the Specialised Committee on Road Transport

Delegations will find attached document COM(2025) 498 final/2 Downgraded on 4.11.2025.

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2025/0279 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, on the amount and modalities of the UK's financial contribution to road transport information systems managed by the Union and amending Decision No 1/2022 of the Specialised Committee on Road Transport

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

The Commission proposes that the Council establishes the position to be taken on the Union's behalf in the Specialised Committee on Road Transport, established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Trade and Cooperation Agreement'), as regards on the amount and modalities of the UK's financial contribution to road transport information systems managed by the Union and amending Decision No 1/2022 of the Specialised Committee on Road Transport.

2. CONTEXT OF THE PROPOSAL

2.1. The Specialised Committee on Road Transport

The Specialised Committee on Road Transport is a body established under point (o) of Article 8(1), of the Trade and Cooperation Agreement. Pursuant to point (c) of Article 468(5) of the Trade and Cooperation Agreement, as well as Article 14 of Section 1 and Article 7(6) of Section 2 of Part A of its Annex 31, the Specialised Committee on Road Transport is empowered to adopt decisions as regards the financial modalities surrounding exchanges of information within the implementation of the Road Transport Title of the Trade and Cooperation Agreement ('the envisaged decision').

2.2. The envisaged act of the Specialised Committee on Road Transport

The main purpose of the envisaged decision is to establish the amount and modalities of the financial contribution of the United Kingdom to the road transport information systems used in the implementation of the Trade and Cooperation Agreement which are managed by the Union.

The amount and modalities of the UK's financial contribution of the United Kingdom to the road transport posting declaration module of the EU's Internal Market Information (IMI) system were laid out in Decision No 1/2022 of the Specialised Committee on Road Transport¹.

It is now foreseen, under a separate proposal for a Council Decision, to use the European Registers of Road Transport Undertakings (ERRU) for the exchange of certain information provided for in Section 1 of Part of Annex 31 to the TCA. ERRU is managed by the Commission. ERRU was set-up while the United Kingdom was still a Member State of the Union. The United Kingdom therefore contributed to the development costs of ERRU as a Member State of the Union. The United Kingdom should however contribute to the annual operational & maintenance costs of ERRU, using the contribution key set out in Article 714 of the Trade and Cooperation Agreement. The United Kingdom should additionally pay a participation fee corresponding to 4% of its operational and maintenance contribution.

¹ Decision No 1/2022 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part of 21 November 2022 on the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom, the participation of the United Kingdom in the administrative cooperation under Article 6 of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI, OJ L 75, 14.3.2023, p. 26.

In order to simplify administrative procedures and considering the amounts at stake, it is proposed that a single annual payment is invoiced to the United Kingdom corresponding to its annual contribution to road transport IT systems in the implementation of the Trade and Cooperation Agreement which are managed by the Union, currently composed of the road transport posting declaration module of IMI and ERRU. The modalities of the single annual contribution for both IMI and ERRU are the subject matter of this proposal. It is, as a result, therefore also necessary to amend Decision No 1/2022 of the Specialised Committee on Road Transport to transfer the modalities of the financial contribution of the UK as regards the IMI Road Posting module to the decision of the Specialised Committee on Road Transport contained in the Annex to this proposal.

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

The position of the Union should therefore be to support the adoption of a Decision by the Specialised Committee on Road Transport in line with the Draft Decision attached to the proposal.

4. LEGAL BASIS

4.1. Procedural legal basis

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

The decision, which the Specialised Committee on Road Transport is called upon to adopt, constitutes an act having legal effects. The envisaged act does not supplement or amend the institutional framework of the Trade and Cooperation Agreement. Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

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

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

4.3. Conclusion

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

5. PUBLICATION OF THE ENVISAGED ACT

The decision of the Specialised Committee on Road Transport should be published in the Official Journal of the European Union after its adoption.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, on the amount and modalities of the UK's financial contribution to road transport information systems managed by the Union and amending Decision No 1/2022 of the Specialised Committee on Road Transport

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 Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Trade and Cooperation Agreement'), was concluded by the Union by Council Decision (EU) 2021/689 and entered into force on 1 May 2021.
- (2) Annex 31 of the Trade and Cooperation Agreement provides several instances where the Specialised Committee on Road Transport must decide on the modalities of exchange of information between the competent authorities of each Party in relation to the transport of goods by road under the Trade and Cooperation Agreement.

- (3) First, Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement provides for a system of exchange of information on the posting of drivers in road transport, through the Union's Internal Market Information System (IMI). That system is managed by the European Commission, and the technical modalities of this exchange of information are laid down in Decision No 1/2022 of the Specialised Committee on Road Transport.² The contribution of the United Kingdom to the development costs of the road transport posting declaration module of IMI was paid in 2022, in accordance with Article 5(2) of Decision No 1/2022 of the Specialised Committee on Road Transport.
- (4) Second, Article 14 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement provides that Parties are to exchange information inter alia on serious infringements committed by operators in the other Party. The modalities of the exchange of information are subject to a separate Union position laid out in Council Decision (EU) 2025/XXXX.³ The European Registers of Road Transport Undertakings (ERRU), managed by the European Commission, is used for that purpose. The United Kingdom participated to the development costs of ERRU as a Member State of the Union.
- (5) Article 714 of the Trade and Cooperation Agreement provides that the participation of the United Kingdom to Union programmes, activities or parts thereof must also be subject to an annual financial contribution.
- (6) While the technical modalities of exchange of information are specific to each information system and are therefore laid down in distinct decisions of the Specialised Committee on Road Transport, it is appropriate, given the limited amounts concerned and the administrative procedures required to process payments, to establish a single annual financial contribution of the United Kingdom for its participation in road transport information systems managed by the European Commission under the framework of the Trade and Cooperation Agreement.
- (7) Decision No 1/2022 of the Specialised Committee on Road Transport provides for the specific contribution of the United Kingdom to the IMI, it is therefore necessary to amend it.
- (8) To ensure the proper functioning of Title I of Heading Three of the Trade and Cooperation Agreement, the Specialised Committee on Road Transport should therefore establish the annual contribution to be paid by the United Kingdom to road transport information systems managed by the Union.

² Decision No 1/2022 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part of 21 November 2022 on the technical and procedural specifications of the use of the Internal Market Information System (IMI) by the United Kingdom, the participation of the United Kingdom in the administrative cooperation under Article 6 of Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement and the amount and modalities of the financial contribution to be made by the United Kingdom to the general budget of the Union in respect of the cost generated by its use of IMI (OJ L 75, 14.3.2023, p. 26, ELI: <http://data.europa.eu/eli/dec/2023/578/oj>).

³ [Reference when published] Proposal for a Council Decision on the position to be taken on behalf of the EU in the EU-UK Specialised Committee on Road Transport as regards the minimum requirements on national electronic registers in road transport and the modalities of exchange of that information (connection of the United Kingdom to the European Register of Road Transport Undertakings (ERRU))

- (9) It is therefore appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee on Road Transport, as the envisaged act will be binding on the Union.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf in the Specialised Committee on Road Transport, established by Article 8(1), point (o) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('Specialised Committee on Road Transport'), as regards the amount and modalities of the UK's financial contribution to road transport information systems managed by the Union and amending Decision No 1/2022 of the Specialised Committee on Road Transport, is set out in the draft decision of the Specialised Committee on Road Transport attached to this Decision.

2. Minor changes in the attached draft decision of the Specialised Committee on Road Transport may be decided by the Commission without the need for a new Council Decision.

Article 2

This Decision shall enter into force at the time of its adoption.

Done at Brussels,

For the Council
The President