

ROAD TRANSPORT

RELATED PROVISION: ARTICLE 31 OF COUNCIL REGULATION 833/2014

FREQUENTLY ASKED QUESTIONS – AS OF 30 JUNE 2023

- 1. What criteria should be applied by the competent authorities of a Member State to determine that the transport of goods by a road transport undertaking established in Russia or Belarus is necessary and, therefore, shall be authorized? Who should bear the burden of justification the necessity (Russian or Belarussian carrier, consignor, consignee, etc.)?**

Last update: 8 June 2022

Article 31 of [Council Regulation 833/2014](#) does not specify the procedures and conditions for its practical application, but allows Member States' national competent authorities (NCAs) to decide what is most appropriate in a given case. For instance, it will be for the NCA to determine the necessity of a transport of permitted goods based on the justifications received for that transport, the nature of the goods, their use etc. Being a derogation from the general rule, the possibility to grant authorisations should be appreciated restrictively.

However, the demonstration of the necessity of a road transport should be possible even where the transport of goods by a road transport undertaking established in Russia or Belarus is not the only way in which the transport can occur. All necessary information can and should be requested from the applicant for an authorisation.

It is for the transporter to be authorised to carry out the transport in the EU territory, because the prohibition is placed on road transport undertakings. However, NCAs are free to accept authorisation requests made on behalf of the transporter by other persons and entities involved in the relevant transaction, such as the importer or the consignor, if national law allows that.

- 2. Should an authorization be granted to a single shipment, to a transport company or, more generally, to specific transport operations?**

Last update: 8 June 2022

National competent authorities need to ensure that each authorised transport fulfils the derogation conditions laid down in Article 31 of [Council Regulation 833/2014](#). This means that each transport should be authorised individually. However, if national law allows, and if the national competent authority is sure that a given series of transports will be identical, or are part of the same transaction concerning the same authorised goods (for instance, several shipments of the same items), they can also issue a broader authorisation under the conditions they deem appropriate.

Authorisations granted under Article 31, paragraph 4(a) of Council Regulation 833/2014 concerning transport into the Union of natural gas and oil including refined petroleum products, as well as titanium, aluminium, copper, nickel, palladium and iron ore refer explicitly to the purchase, import or transport into the Union. Accordingly, this cannot cover any exports to Russia or Belarus.

Authorisations granted under Article 31, paragraph 4(b) of Council Regulation 833/2014 concerning transport of pharmaceutical, medical, agricultural and food products allows for the import, purchase and transport into the Union or to a third country including Russia or Belarus.

3. Which Member State needs to grant the authorisation?

Last update: 24 June 2022

Under Article 31 of Council Regulation 833/2014, the national competent authorities of the Member State through which the goods are transported should grant the authorisation. This authorisation does not, in and of itself, bind any other Member State.

However, by virtue of the principle of sincere cooperation, Member States should collaborate to avoid disproportionate administrative burdens in dealing with transports crossing several national territories. Nothing prevents Member States from recognising each other's authorisation decisions, or proactively reaching out to the NCAs of the transit Member States when granting such an authorisation. For instance, when goods are loaded in a Member State, it will likely be for that Member State to grant the first authorisation for the transport by the Russian or Belarussian road carrier. The Member State having granted the authorisation should notify all other Member States where the authorised transport needs to transit.

The notification between Member States can take place through any mean agreed by the concerned Member States.

The Member States should report any authorisation granted within two weeks of the authorisation by saving them in the FSOR. Given that users' notification is not automatically ensured by FSOR, member states can still notify the authorisation granted by sending it to the functional email address road_transport_sanctions@ec.europa.eu. To streamline reporting, member states are invited to share the same content via both FSOR and the above-mentioned functional mail address.

4. How should Member States' authorities treat road transport companies established in Russia and Belarus after 16 April 2022?

Last update: 14 April 2022

With regard to Russian or Belarussian transporters which are still in the EU territory after the grace period provided for in Article 31 of [Council Regulation 833/2014](#), please note first that this provision forbids those carriers to transport goods by road within the Union. An unloaded Russian or Belarussian truck is not forbidden from circulating in the Union, but would fall under the scope of the prohibition if it loads cargo at any time. Please also note that Article 12 of the Regulation provides that it is prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent prohibitions in the Regulation.

Accordingly, after 16 April, Russian or Belarussian vehicles with cargo should not be allowed to circulate within the territory of the Union. The wind-down period of 7 days was included to give such vehicles a reasonable amount of time to leave the territory of the Union. Infringements should be addressed at the location they are detected. The prohibition does not require Member States to detain Russian or Belarussian vehicles which are unloaded. Regarding cargo, NCAs should take the measures they consider necessary in light of the situation and as permissible under their national law, with respect to the principle of proportionality.

5. How should Member States' authorities treat road transport companies established in Russia after 16 April 2022 when these carry out goods transit between mainland Russia and the Kaliningrad region?

Last update: 13 July 2022

Under Article 31 of the Regulation, road transport undertakings established in Russia are prohibited to transport goods by road within the territory of the Union, including in transit. However, this ban does not apply to the transport of goods in transit through the Union between the Kaliningrad Oblast and Russia, provided that the transport of such goods is not otherwise prohibited under the Regulation. Transit of sanctioned goods by road is therefore not allowed.

It falls on Member States to take the appropriate steps to prevent all possible forms of circumvention through the enclave of Kaliningrad.

Member States should continue monitoring the two-way trade flows between mainland Russia and this region, in particular by checking whether transit volumes increases significantly over time. They should carry out targeted, proportionate and effective controls and other measures deemed necessary.

6. Are Russian and Belarussian road transport operators prohibited from transporting people and their personal belongings (e.g. tourists, journalists, diplomats) or does the prohibition only cover freight transport?

Last update: 14 April 2022

Only the transport of goods by road is targeted by Article 31 of [Council Regulation 833/2014](#). However, attention must be paid to avoid that Russian and Belarussian road transporters circumvent the prohibition by transporting passengers as a cover for freight.

7. What is the impact for EU road transport operators operating within Russia and Belarus?

Last update: 8 June 2022

This measure only targets road transport undertakings established in Russia or Belarus. Therefore, EU road transport operators are not concerned.

8. Does the diplomatic exemption in Article 31(4)(d) cover third-country embassies?

Last update: 8 June 2022

Yes, this exemption does cover third-country embassies since 4 June 2022 (see Council Regulation (EU) 2022/879).

9. What is the scope of the exception for mail set out in Article 31(2)(a)?”

Last update: 8 June 2022

The exception in Article 31 2(a) allows postal items that are part of the universal service and originating in Russia to continue to be transported from Russia to a Member State in the EU (to the international office of exchange of the destination Member State) or for mail to cross the EU when transported to or from a third country. This concerns Russian domestic and international standard letters and parcels, as well as periodicals.

This exception does not apply to postal items containing goods which are otherwise prohibited to transport. Also, it only applies to postal items collected by the Russian Post, which is the designated postal universal service provider in the Russian Federation. In case the Russian Post uses other road transport undertakings to transport postal items to/through the EU, the exemption would only apply to the postal items transported by these undertakings and not to other goods they may carry.

10. Why did the 11th package introduce an extension of the road transport prohibition in a new paragraph 1a?

Last update: 30 June 2023

The extension of the road transport prohibition in Article 31 aims at countering circumvention of sanctions by companies using trailers and semi-trailers registered in Russia but hauled by trucks that are themselves not necessarily registered in Russia. Indeed, the transport of sanctioned goods by road transport companies not registered in Russia have been observed in the EU and was so far not concerned by the prohibition in paragraph 1. The new paragraph 1a intends to fill in that gap, tackling the cases where the goods are transported by companies using trailers and semi-trailers registered in Russia.

11. In paragraph 1a, what does “other countries” refer to?

Last update: 30 June 2023

Paragraph 1a prohibits the transport of goods within the Union by road transport companies, carried out by means of trailers or semi-trailers registered in Russia, including if those are hauled by trucks registered in “other countries”. This latest refers to any country that is not Russia, whether it is a Member State or a third country.