

## ROAD TRANSPORT

*RELATED PROVISION: ARTICLE 31 OF COUNCIL REGULATION 833/2014*

- 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](mailto: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 Belorussian 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 Belorussian 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 Belorussian 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 and Belarus after 16 April 2022 when these carry out goods transit between mainland Russia and the Kaliningrad region?**

*Last update: 14 April 2022*

[Council Regulation 833/2014](#) prohibits the export, import and transfer of several items between the EU and Russia. Specifically, with regard to road transport, Article 31 includes transit through the territory of EU Member States in the scope of the prohibition. Therefore, transit between Kaliningrad and mainland Russia via EU Member States of items falling within the scope of the measures is also prohibited.

It falls on Member States to carry out checks so as to enforce the EU restrictive measures. Those checks shall be justified and proportionate, and should be performed in a way that is compatible with the effectiveness of the special arrangements enabling rail and road transit of persons and goods between Kaliningrad and mainland Russia.

Transit of non-restricted goods between Kaliningrad and mainland Russia is not restricted, including by Russian road-transport companies, as this specific transit has been exempted by Article 31(2)(b) of [Council Regulation 833/2014](#) from the general prohibition for Russian companies to transport goods by road within the territory of the Union, including in transit (Article 31(1)).

Member States are responsible for enforcing this general prohibition within their territory and, therefore, where applicable, of distinguishing between legal transit of non-restricted goods between Kaliningrad and mainland Russia, and transit to-and-from other territories. In this respect, the restrictions to goods in transit between mainland Russia and Kaliningrad are to be applied in the same way as for the transit of restricted goods exported to or imported from Russia or Belarus.

**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.