

Road transport

FREQUENTLY ASKED QUESTIONS – AS OF 14 APRIL 2022

Following the amendment adopted on 8 April 2022, Article 31 of Council Regulation 833/2014 provides that:

1. *It shall be prohibited for any road transport undertaking established in Russia to transport goods by road within the territory of the Union, including in transit.*
2. *The prohibition in paragraph 1 shall not apply to road transport undertakings transporting:*
 - (a) *mail as a universal service;*
 - (b) *goods in transit through the Union between the Kaliningrad Oblast and Russia, provided that the transport of such goods is not otherwise prohibited under this Regulation.*
3. *The prohibition in paragraph 1 shall not apply until 16 April 2022 to the transport of goods that started before 9 April 2022, provided that the vehicle of the road transport undertaking:*
 - (a) *was already in the territory of the Union on 9 April 2022, or*
 - (b) *needs to transit through the Union in order to return to Russia.*
4. *By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the transport of goods by a road transport undertaking established in Russia if the competent authorities have determined that such transport is necessary for:*
 - (a) *the purchase, import or transport into the Union of natural gas and oil, including refined petroleum products, as well as titanium, aluminium, copper, nickel, palladium and iron ore;*
 - (b) *the purchase, import or transport of pharmaceutical, medical, agricultural and food products, including wheat and fertilisers whose import, purchase and transport is allowed under this Regulation;*

- (c) *humanitarian purposes;*
 - (d) *the functioning of diplomatic and consular representations of the Union and of the Member States in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in accordance with international law; or*
 - (e) *the transfer or export to Russia of cultural goods which are on loan in the context of formal cultural cooperation with Russia.*
5. *The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 4 within two weeks of the authorisation.*

A similar provision was introduced by Article 1zc in [Regulation \(EC\) No 765/2006](#) concerning Belarus.

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.)?

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. 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 exemption/ authorization be granted to a single shipment, to a transport company or, more generally, to specific transport operations?

NCAs 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 it and the NCA is sure that a 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), NCAs can also issue a broader authorisation under the conditions they deem appropriate.

3. How should Member States' authorities treat road transport companies established in Russia and Belarus after 16 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.

4. 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?

[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.

5. 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?

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.

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

The EU restrictive measure only target road transport undertakings established in Russia or Belarus. Therefore, EU road transport operators are not concerned.

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

No, this exemption does not cover third-country embassies.