



УСПП

« 09 » 11 2023р.

№ 08-5-483

**Her Excellency Mrs. Ursula von der Leyen
The President of the European Commission**

Your Excellency, Mrs. President,

Ukrainian League of Industrialists and Entrepreneurs (ULIE) expresses the assurances of its highest consideration to you and has the honour to address you with a number of sensitive issues for Ukraine regarding the situation on the Ukrainian-Polish border.

Recent events show further complications and possible complete stoppage of the movement of vehicles across the border with Poland - the largest gate for the transportation of passengers and goods between Ukraine and the member states of the European Union.

As previously announced, on November 6, 2023, at 13:20 Kyiv time, Polish carriers began blocking three checkpoints on the Ukrainian-Polish border, namely: "Yagodin-Dorogusk", "Krakivets-Korchova", "Rava-Ruska- Hrebenne "

Among the demands of the protest organizers:

- to re-enter the permit system for Ukrainian carriers - the need to obtain Polish permits;
- to strengthen the rules of transportation for foreign carriers under ECMT permits;
- impossibility of registering a company in Poland, if the company's finances are located outside the EU;
- create a separate queue in "eCherga" (electronic queue for trucks leaving Ukraine) for vehicles with EU license plates;
- create separate queues for exit Ukraine at all border crossing points (BCPs) for empty tracks;
- get the possibility of access of Polish carriers to the "Shlyah" system.

In our opinion, most of the demands of the Polish transporters-protesters are impossible to implement and its demands are in contradiction to the Agreement between Ukraine and the Republic of Poland on good- neighbourliness, friendly relations and cooperation signed on May 18, 1992 in Warsaw, and other international and bilateral agreements.

We do not question the right of Polish regulatory bodies and international carriers to defend their position within the limits of the legislation in force in Poland. But, in

accordance with international norms, any actions or protests should not interfere with the freedom of transit as a basic principle of the GATT and the World Trade Organization, of which our countries are members.

In the conditions of Russia's large-scale military aggression, in connection with the blockade of sea ports, the impossibility of using air and, to the fullest extent, railway transport, fulfilling the international transportation of goods necessary for the economic recovery and defense of Ukraine, humanitarian aid, fuel, export of products of the agro-industrial complex, other goods, fell mainly on the shoulders of international road carriers. Blocking the BCPs with Poland will lead to catastrophic and irreparable consequences.

Moreover, it is surprising that among the demands of the strikers there are no complaints against Polish Customs and Border guards, who systematically do not implement the Memorandum between Ukraine and Poland "On the introduction of an advance notification system regarding the occurrence of emergency situations on the Ukrainian-Polish border in order to ensure the rhythm of border operations", which was signed by the heads of the relevant state bodies of both countries. This memorandum, in particular, established the number of freight vehicles that should cross the border at each BCP alternately.

In the period of August-September-October of this year, the benchmarks were fulfilled by the Polish side by 70%-50% of the agreed level, corresponding to the BCPs. In particular, in October 2023, on average, the Polish side let 225 freight vehicles pass through Dorogusk to Poland in one shift. According to the current Memorandum, it is provided for 300 goods vehicles per shift, and if agreed in the experimental mode - 340 goods vehicles.

We emphasize that Border guards and Customs officers of Poland systematically slow down the passage of goods vehicles across the Ukrainian-Polish border. At the same time, the carriers preparing the protests claim that according to the information of the Polish Border guards, Ukrainian carriers made 850,000 transports from Ukraine to Poland in 10 months of this year, and the forecast is for 1,200,000 such trips by the end of 2023. But in reality, this indicator is half as much.

At the moment, road carriers should wait from 10 to 15 days in queues at the borders to leave Ukraine, and in connection with the blocking of the Ukrainian-Polish border, it is predicted to increase to 20 days, which is unacceptable and catastrophic.

The "Shlyah" system was created by the Ministry of Infrastructure of Ukraine with the aim of improving the provision of public services for licensing international road transport and assisting Ukrainian carriers in booking and obtaining permits, reserving drivers of draft age for fulfilling international road transportations, and providing information on the effectiveness of using ECMT permits.

Access to the "Shlyah" system by Polish carriers is due to the desire to have access to the section for Ukrainian drivers to travel abroad, namely, to Poland, on vehicles owned by Polish transport operators.

According to the Polish side, in 2022, more than 183,000 Ukrainian drivers worked in the Republic of Poland. Ukraine, like all European countries, suffers from a shortage of drivers. In the normal course of business in peacetime, the shortage of drivers amounted to 13-15% of the need. And in the conditions of Martial Law, this indicator is much higher. In today's conditions, Ukraine cannot afford such a luxury - the outflow of qualified drivers from Ukraine to European countries.

Even in the pre-war period, the quota of Polish permits for Ukrainian carriers was constantly reduced every year, and accordingly, a return to the permit procedure during the period of military operations could lead to a complete blocking of the work of Ukrainian international carriers and the international road transport industry as a whole.

As you know, on August 19, 2023, the Law of the Republic of Poland "On the posting drivers in road transport" (hereinafter the Law) entered into force, which discriminates against drivers and carriers from third countries (non-EU countries) who carry out bilateral transportation and transportation from/to third countries.

Associations of international road carriers of Ukraine, Moldova and Turkey sent a joint letter to the Union of Road Transport Associations of the Black Sea Region (BSEC-URTA) and the International Road Transport Union (IRU), in which they informed about the discriminatory provisions of the Law and asked to intervene in the situation and help repeal the provisions of the Law, which extend its effect to drivers and carriers from third countries.

We are grateful to Your Excellency, Mrs. von der Leyen, for your understanding and support in solving the crisis issues that constantly arise for international road carriers when crossing the border of Ukraine with EU countries, especially after the large-scale military invasion of russia.

In order to systematically resolve the crisis and remove unfortunate misunderstandings with Poland - one of the most loyal allies of Ukraine in the fight against the aggressor, we kindly ask you to intervene and contribute to resolving the situation at the international level.

Thank you for understanding and help provided.

Yours sincerely,



Anatolii Kinakh
ULIE President, Co-Chair of the National Tripartite Social and Economic Council,
Prime Minister of Ukraine (2001-2002)