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**TRANS 433**  
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#### 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)

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No. Cion doc.: ST 11940/19

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Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2019/501 and Regulation (EU) 2019/502 as regards their periods of application  
– Approval of the Commission proposal text

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1. On 5 September 2019, the Commission submitted a proposal amending the periods of application of certain contingency measures which would apply in case that no withdrawal agreement is in place when the United Kingdom withdraws from the EU. The application of those measures, adopted by the European Parliament and the Council on 25 March 2019 in the areas of land transport<sup>1</sup> and aviation<sup>2</sup>, is limited to a short period of time.

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<sup>1</sup> Regulation (EU) No 2019/501, OJ L 85, 27.3.2019, p. 39.

<sup>2</sup> Regulation (EU) No 2019/502, OJ L 85, 27.3.2019, p. 49.

2. The proposal's aim is to adapt the period of application of those measures to the extension, by seven months, of the time limit for the withdrawal process, which was decided on 11 April 2019.<sup>3</sup> In general, the periods of validity of Regulations (EU) No 2019/501 and No 2019/502 would be extended by similar periods. In the absence of such an adaptation, the contingency measures would cover a period of zero to five months only, depending on the measure, which is insufficient to ensure basic road connectivity and basic air connectivity after a withdrawal without agreement.
3. The Ad hoc Working Party on Article 50 examined the proposal on 5 September 2019. The Working Parties on Land Transport and on Aviation examined the proposal on 10 September 2019. The UK and PL delegations entered parliamentary scrutiny reservations. Delegations intervening on the substance welcomed the proposal and considered it important to accelerate the legislative procedure in order to ensure preparedness after 31 October 2019. Most delegations also accepted the choices of the time periods for extending the validity of the various measures.
4. The Presidency concluded that delegations broadly supported the Commission's proposal without substantive amendments. The Presidency also concluded that a recital should be added, justifying a reduction of the eight-week period for national parliaments to express their opinion<sup>4</sup>, with a view to facilitating the adoption of the draft Regulation as a matter of urgency. Recognising that several delegations have scrutiny reservations pending, the Presidency invited delegations to assess the need for further examination by 13 September 2019, 16:00. Upon expiry of this period, no delegation has requested further examination of the proposal.

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<sup>3</sup> European Council Decision (EU) 2019/584 in agreement with the UK, OJ L 101, 11.4.2019, p. 1.

<sup>4</sup> "(11) In view of the above, particularly the urgency imposed by the new time limit of 31 October 2019 extended to the United Kingdom, it was considered appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community."

5. In view of this, the Permanent Representatives Committee is invited to:
- confirm that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal without any amendments - excepting an insertion of text justifying the reduction of the eight-week period for national parliaments to express their opinion -, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal (subject to revision by the legal linguists of both institutions);
  - authorise the Presidency to inform the European Parliament thereof; and
  - authorise the Presidency to request to the European Parliament the use of the urgent procedure.
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