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CM 5450/20

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UK
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WRITTEN PROCEDURE

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Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules ensuring basic road freight and road passenger connectivity following the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community [2020/0362 (COD)] Outcome of the written procedure initiated by CM 5428/20: – Adoption of the legislative act, and – Derogation from the 8-week period provided for in Article 4 of Protocol 1 to the TFEU on the role of national parliaments in the EU

Delegations are informed that the written procedure, opened by CM 5428/20 of 18 December 2020 was completed on 22 December 2020 and that all delegations voted in favour of

- 1) the adoption of the Regulation of the European Parliament and of the Council on common rules ensuring basic road freight and road passenger connectivity following the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as set out in PE-CONS 65/20;

- 2) the derogation, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article.

The required qualified majority has been reached. Therefore, the above Regulation is adopted.

The Council agreed to derogate, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article.

The statement by Austria, Denmark, Greece, Italy and Spain is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

Statement by Austria, Denmark, Greece, Italy and Spain

Austria, Denmark, Greece, Italy and Spain support the objective of ensuring basic connectivity in road transport in the event of the United Kingdom and the European Union failing to conclude a new partnership agreement before the end of the transition period on 31st December 2020. We welcome the proposed temporary measures enabling road haulage, coach, and bus service operators licensed in the UK to carry goods and passengers to and from the EU Member States. As in 2019, these measures are necessary to prevent serious disruptions in the context of such operations immediately after the end of the transition period.

However, the situation as of 1 January 2021 is not comparable with the situation in early spring of 2019. All parties concerned and involved in the process of the UK's withdrawal from the EU have had ample opportunity to prepare for the inevitable changes resulting from the UK's decision to withdraw from the EU. Therefore, Austria, Denmark, Greece, Italy and Spain are concerned, that the scope of the initial proposal has been extended to include a certain number of cabotage operations in road freight. We are of the opinion that this extension of the scope is not in line with the guidelines on contingency measures agreed by the **European Council** on EU 27 general conduct, as these operations are not strictly necessary to ensure basic connectivity between the UK and the EU 27.

However, mindful of overarching economic concerns, Austria, Denmark, Greece, Italy and Spain understand that the rights granted to UK hauliers under the condition of reciprocity are a way of responding to the unique situation of a Member State leaving the European Union. Austria, Denmark, Greece, Italy and Spain stress that the phasing-out-condition of the rights granted in this Regulation builds an essential part of this Regulation. It is a measure taken to minimize the negative effects of the end of the transition period. However, we would like to point out that the right to perform cabotage operations within the EU is an exclusive right to its Member States and does not seem necessary in this situation.

Austria, Denmark, Greece, Italy and Spain believe that the rights granted to UK hauliers for a limited timespan under the condition of reciprocity are due to the unique situation of a Member State leaving the Union. This Regulation will not preempt further negotiations with the UK or other third countries and will not be considered as a precedent.
