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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules ensuring basic road freight and road passenger connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (first reading) - Adoption of the legislative act - Statements

Joint Statement by Austria, Belgium, Denmark, Germany and Italy

Austria, Belgium, Denmark, Germany and Italy support the objective of ensuring basic connectivity in road transport after the withdrawal of the United Kingdom from the European Union without a withdrawal agreement and welcome the proposed temporary measures enabling road haulage and coach and bus service operators licensed in the UK to carry goods and passengers to and from the EU Member States. These measures are necessary to prevent serious disruptions in the context of such operations immediately after the UK's withdrawal, also and especially with regard to public order.

Austria, Belgium, Denmark, Germany and Italy are concerned, however, that the extended scope with regard to a certain number of cabotage operations in road freight 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. Our concerns will not be dispelled by the fact that the Regulation ceases to apply on 31 December 2019.

However, mindful of overarching economic concerns, Austria, Belgium, Denmark, Germany and Italy believe that the rights granted to UK hauliers under the condition of reciprocity are an appropriate way of responding to the unique situation of a Member State leaving the European Union. This Regulation will not rule out further negotiations with the UK or other third countries and will not be considered as a precedent. In order to ensure a formally and substantively legal framework as of 1 January 2020, we affirm our conviction that EU Member States will be able to negotiate bilateral agreements with the UK during the period of application of this Regulation.

Statement by the United Kingdom

The United Kingdom (UK):

- Welcomes the intention of this proposal which will help ensure minimal disruption to citizens and businesses across Europe and beyond in the event of a no deal scenario. It is a pragmatic solution which would help to provide certainty for citizens and business, and the UK is prepared to grant reciprocal access to EU operators as the proposal requires.
- Regrets that Gibraltar has not been included in the scope of this measure and reiterates its intention that, when it comes to the future relationship with the EU, it will negotiate on behalf of the entire UK family, including its Overseas Territories.

- Welcomes Spanish Foreign Minister Borrell’s statement to Spanish Congress in October 2018 that they “don’t want to complicate anyone’s life, don’t want [to] put up or create difficulties, [and] don’t want to close the border...” We are confident that all sides are committed to putting in place the appropriate measures [at all levels/in all fora] to protect citizens on both sides of the border and avoid disruption in a no-deal scenario.
- Reiterates its certainty of its sovereignty over Gibraltar.

Statement by the Commission

The Commission takes note of the statement made by Austria, Belgium, Denmark, Germany and Italy. As regards the part of the statement concerning the negotiation of bilateral agreements with the United Kingdom during the period of application of this Regulation, the Commission recalls that such negotiation would be incompatible with the Union’s exclusive external competence. Such exclusive competence emerges from Article 3(2) TFEU in combination with Articles 1(2) and (3) of Regulations (EC) No 1072/2009 and 1073/2009.

Having regard to European Council Guidelines of 23 March 2018 on the future relation with the United Kingdom, established with a view to the opening of negotiations on the overall understanding of the framework for the future relationship, the Commission intends to take any initiatives necessary to establish appropriate connectivity for the period following the expiry of the Regulation.
