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European Union

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2022/0068(COD)**

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Three-column table comparing the Commission Proposal, Council General Approach and European Parliament's mandate for the upcoming trilogues on the Regulation on autonomous measures (2022/0068 (COD)).

Delegations will find attached the 3-column table comparing the Commission Proposal, Council General Approach and European Parliament's mandate for the upcoming trilogues on the Regulation on autonomous measures.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL laying down rules for the exercise of the
Union's rights in the implementation and enforcement of 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 and of the Trade and Cooperation
Agreement between the European Union and the European Atomic
Energy Community, of the one part, and the United Kingdom of
Great Britain and Northern ...**

2022/0068(COD)

3-column document with Council General Approach and EP position

20-10-2022

	Commission Proposal	EP Mandate	Council Mandate
Formula			
1	2022/0068 (COD)	2022/0068 (COD)	2022/0068 (COD)
Proposal Title			
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules for the exercise of the Union's rights in the implementation and enforcement of 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 and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules for the exercise of the Union's rights in the implementation and enforcement of 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 and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules for the exercise of the Union's rights in the implementation and enforcement of 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 and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part
Formula			
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1			
4	Having regard to the Treaty on the Functioning of the European Union, and in particular	Having regard to the Treaty on the Functioning of the European Union, and in particular	Having regard to the Treaty on the Functioning of the European Union, and in particular

	Commission Proposal	EP Mandate	Council Mandate
	Articles 43, 91, 100, 173, 182, 188, 189 and 207 thereof,	Articles 43, 91, 100, 173, 182, 188, 189 and 207 thereof,	Articles 43, 91, 100, 173, 182, 188, 189 and 207 43(2), 91(1), 100(2), 173(3), 182(5), 188, 189(2) and 207(2) thereof,
Citation 2			
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3			
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4			
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>
Citation 5			
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>
Citation 6			
9			

	Commission Proposal	EP Mandate	Council Mandate
	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
Formula			
10	Whereas:	Whereas:	Whereas:
Recital 1			
11	<p>(1) On 30 January 2020, the Council concluded the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community¹ (the ‘Withdrawal Agreement’). That Agreement entered into force on 1 February 2020.</p> <p>¹. OJ L 29, 31.1.2020, p. 7.</p>	<p>(1) On 30 January 2020, the Council concluded the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community¹ (the ‘Withdrawal Agreement’). That Agreement entered into force on 1 February 2020.</p> <p>¹. OJ L 29, 31.1.2020, p. 7.</p>	<p>(1) On 30 January 2020, the Council concluded the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community¹ (the ‘Withdrawal Agreement’). That Agreement entered into force on 1 February 2020.</p> <p>¹. OJ L 29, 31.1.2020, p. 7.</p>
Recital 2			
12	<p>(2) On 29 April 2021, the Council concluded, on behalf of the Union, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ (the ‘Trade and Cooperation Agreement’). The Trade and Cooperation Agreement was applied provisionally as of 1 January 2021 and entered into force on 1 May</p>	<p>(2) On 29 April 2021, the Council concluded, on behalf of the Union, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ (the ‘Trade and Cooperation Agreement’). The Trade and Cooperation Agreement was applied provisionally as of 1 January 2021 and entered into force on 1 May</p>	<p>(2) On 29 April 2021, the Council concluded, on behalf of the Union, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ (the ‘Trade and Cooperation Agreement’). The Trade and Cooperation Agreement was applied provisionally as of 1 January 2021 and entered</p>

	Commission Proposal	EP Mandate	Council Mandate
	2021. 1. OJ L 149, 30.4.2021, p. 10.	2021. 1. OJ L 149, 30.4.2021, p. 10.	into force on 1 May 2021. 1. [1] OJ L 149, 30.4.2021, p. 10.
Recital 3			
13	(3) Both the Withdrawal Agreement and the Trade and Cooperation Agreement provide that a Party may adopt certain measures in the specific cases and subject to the conditions and procedures laid down therein. These measures may entail the suspension of certain obligations under the Agreement concerned.	(3) Both the Withdrawal Agreement and the Trade and Cooperation Agreement provide that a Party may adopt certain measures in the specific cases and subject to the conditions and procedures laid down therein. These measures may entail the suspension of certain obligations under the Agreement concerned.	(3) Both the Withdrawal Agreement and the Trade and Cooperation Agreement provide that a Party may adopt certain measures in the specific cases and subject to the conditions and procedures laid down therein. These measures may entail the suspension of certain obligations under the Agreement concerned.
Recital 4			
14	(4) The Union and the United Kingdom may conclude other bilateral agreements between them that constitute supplementing agreements to the Trade and Cooperation Agreement and such supplementing agreements are an integral part of the overall bilateral relations as governed by this Agreement and form part of the overall framework.	(4) The Union and the United Kingdom may conclude other bilateral agreements between them that constitute supplementing agreements to the Trade and Cooperation Agreement and such supplementing agreements are an integral part of the overall bilateral relations as governed by this Agreement and form part of the overall framework. <u><i>In accordance with Article 774 of the Trade and Cooperation Agreement that agreement neither applies to Gibraltar nor has any effects in that territory, while the future EU-Gibraltar relations will be detailed in a separate agreement. In accordance with the statement of the European Council of 25 November 2018 that agreement will require the prior agreement of</i></u>	(4) The Union and the United Kingdom may conclude other bilateral agreements between them that constitute supplementing agreements to the Trade and Cooperation Agreement and such supplementing agreements are an integral part of the overall bilateral relations as governed by this Agreement and form part of the overall framework. It is recalled that in accordance with Article 774(3) of the Trade and Cooperation Agreement that agreement neither applies to Gibraltar nor has any effects in that territory.

	Commission Proposal	EP Mandate	Council Mandate
		<u>the Kingdom of Spain;</u>	
Recital 5			
15	(5) Should the need arise to exercise its rights in implementing and enforcing the Withdrawal Agreement and the Trade and Cooperation Agreement, the Union should be in a position to make appropriate use of the instruments available to it swiftly and in a proportionate, effective and flexible manner, while fully involving Member States. The Union should also be able to take appropriate measures if effective recourse to binding dispute settlement under those Agreements is not possible because the United Kingdom does not cooperate in making such recourse possible. It is therefore necessary to lay down rules and procedures governing the adoption of those measures.	(5) Should the need arise to exercise its rights in implementing and enforcing the Withdrawal Agreement, <u>including the Protocol on Ireland and Northern Ireland</u> and the Trade and Cooperation Agreement, the Union should be in a position to make appropriate use of the instruments available to it swiftly and in a proportionate, effective and flexible manner, while fully involving Member States <u>and keeping the European Parliament immediately and fully informed</u> . The Union should also be able to take appropriate measures if effective recourse to binding dispute settlement under those Agreements is not possible because the United Kingdom does not cooperate in making such recourse possible. It is therefore necessary to lay down rules and procedures governing the adoption of those measures.	(5) Should the need arise to exercise its rights in implementing and enforcing the Withdrawal Agreement and the Trade and Cooperation Agreement, the Union should be in a position to make appropriate use of the instruments available to it swiftly and in a proportionate, effective and flexible manner, while fully involving Member States. The Union should also be able to take appropriate measures if effective recourse to binding dispute settlement under those Agreements is not possible because the United Kingdom does not cooperate in making such recourse possible. It is therefore necessary to lay down rules and procedures governing the adoption of those measures.
Recital 5a			
15a		<u>(5a) To give effect to political control competences of the European Parliament laid down in Article 14(1) of the Treaty on the European Union and Article 218(10) of the Treaty on the Functioning of the European Union, the European Parliament should be fully informed in a timely manner on a par</u>	

	Commission Proposal	EP Mandate	Council Mandate
		<u>with the Council of all difficulties that may arise, in particular possible breaches of the Agreements and other situations that might result in measures being taken pursuant to this Regulation, as well as of the Commission's intention to adopt any enforcement measures under the Agreements and of the follow up to any measures taken in order to enable a meaningful exchange of views to take place including when urgent action is required. The European Parliament should have the possibility to express its opinion to the Commission, which the Commission should consider before it adopts any enforcement measures.</u>	
Recital 5b			
15b		<u>(5b) Without prejudice to the powers of the Commission laid down in this Regulation, the European Parliament and the Council should be able to exercise their right of scrutiny under Article 11 of Regulation (EU) No 182/2011.</u>	
Recital 5a			
15c			(5a) It is recalled that the procedure for adopting autonomous measures in accordance with Regulation (EU) No 182/2011 pursuant to this Regulation is without prejudice to the continued and permanent exercise by the Council of its

	Commission Proposal	EP Mandate	Council Mandate
			<p>polymaking, coordination and decision-making functions conferred by the Treaties as far as the implementation of the Agreements between the European Union and the United Kingdom is concerned.</p>
Recital 5b			
15d			<p>(5b) To give effect to the powers in Article 16(1) of the Treaty on European Union and Article 218(9) of the Treaty on the Functioning of the European Union, the internal decisions making in relation to the implementation of the Withdrawal Agreement and of the Trade and Cooperation Agreement is reflected in Council Decisions (EU) 2020/135 and 2021/689. In order for the Council to be in a position to exercise fully its polymaking, coordination and decision-making functions in this regard, the Council should be continuously informed on a permanent and regular basis of the implementation of these Agreements, including all difficulties that may arise, in particular possible breaches of these Agreements and other situations that may give rise to measures taken pursuant to this Regulation. In this regard, the Council should be timely and duly informed of possible responses at the disposal of the Union to ensure a full and proper implementation of these Agreements, as well as of the follow-up to any measures taken.</p>

	Commission Proposal	EP Mandate	Council Mandate
Recital 6			
16	(6) The rules and procedures laid down in this Regulation should take precedence over any provisions of Union law adopted on the basis of the Treaty on the Functioning of the European Union that govern the same subject matter.	(6) The rules and procedures laid down in this Regulation should take precedence over any provisions of Union law adopted on the basis of the Treaty on the Functioning of the European Union that govern the same subject matter.	(6) The rules and procedures laid down in this Regulation should take precedence over any provisions of Union law adopted on the basis of the Treaty on the Functioning of the European Union that govern the same subject matter.
Recital 7			
17	(7) In order to ensure that this Regulation remains fit for purpose, the Commission should undertake, within five years of its entry into force, a review of its scope and implementation and report its findings to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.	(7) In order to ensure that this Regulation remains fit for purpose, the Commission should undertake, within five <u>three</u> years of its entry into force, a review of its scope and implementation and report its findings to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, <u>accompanied where appropriate by relevant legislative proposals</u> .	(7) In order to ensure that this Regulation remains fit for purpose, the Commission should undertake, within five years of its entry into force, a review of its scope and implementation and report its findings to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.
Recital 8			
18	(8) In order to ensure uniform conditions for the implementation of this Regulation, and in particular in order to ensure the swift, effective and flexible exercise of the corresponding Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, implementing powers should be conferred on the Commission to adopt the	(8) In order to ensure uniform conditions for the implementation of this Regulation, and in particular in order to ensure the swift, effective and flexible exercise of the corresponding Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, implementing powers should be conferred on the Commission to adopt the	(8) In order to ensure uniform conditions for the implementation of this Regulation, and in particular in order to ensure the swift, effective and flexible exercise of the corresponding Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, with the exception of access to waters for fisheries , implementing powers

	Commission Proposal	EP Mandate	Council Mandate
	<p>measures referred to above and to and to adopt, as appropriate, measures restricting trade or other activities. Those powers should also extend to the amendment, suspension or repeal of the adopted measures. They should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. Given that the envisaged measures entail the adoption of acts of general scope, and that most of the envisaged measures relate to the areas referred to in Article 2(2), point (b), of that Regulation, the examination procedure should be used for the adoption of those measures. The Commission should adopt immediately applicable implementing acts where, in duly justified cases, imperative grounds of urgency so require for the appropriate protection of the Union's interests.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>measures referred to above and to and to adopt, as appropriate, measures restricting trade or other activities. Those powers should also extend to the amendment, suspension or repeal of the adopted measures. They should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. Given that the envisaged measures entail the adoption of acts of general scope, and that most of the envisaged measures relate to the areas referred to in Article 2(2), point (b), of that Regulation, the examination procedure should be used for the adoption of those measures. The Commission should adopt immediately applicable implementing acts where, in duly justified cases, imperative grounds of urgency so require for the appropriate protection of the Union's interests.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>should be conferred on the Commission to adopt the measures referred to above and to and to adopt, as appropriate, – measures restricting trade or other activities. Those powers should also extend to the amendment, suspension or repeal of the adopted measures. They should be exercised in light of the Union's general interest in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. Given that the envisaged measures entail the adoption of acts of general scope, and that most of the envisaged measures relate to the areas referred to in Article 2(2), point (b), of that Regulation, the examination procedure should be used for the adoption of those measures. The Commission should adopt immediately applicable implementing acts where, in duly justified cases, imperative grounds of urgency so require for the appropriate protection of the Union's interests.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>
Recital 8a			
18a			<p>(8a) When the Council decides pursuant to Article 43(3) TFEU to suspend, in whole or in part, access to Union waters by vessels of the United Kingdom for fisheries, it should</p>

	Commission Proposal	EP Mandate	Council Mandate
			apply the same criteria to help determine the Union's general interest.
Recital 9			
19	<p>(9) Since the objective of this Regulation, namely to lay down rules and procedures governing the exercise of Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, and to empower the Commission to adopt the necessary measures including, as appropriate, restrictions in trade, investment or other activities within the scope of the latter Agreement cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. Moreover, since only the Union is Party to the TCA and the WA, action at the level of international law in respect of these agreements can only be taken by the Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>	<p>(9) Since <u>only the Union is party to the TCA and the WA, action at the level of international law in respect of these agreements can only be taken by the Union where they concern Union exclusive competences, and thus</u> the objective of this Regulation, namely to lay down rules and procedures governing the exercise of Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, and to empower the Commission to adopt the necessary measures including, as appropriate, restrictions in trade, investment or other activities within the scope of the latter Agreement cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be <u>better more effectively</u> achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. Moreover, since only the Union is Party to the TCA and the WA, action at the level of international law in respect of these agreements can only be taken by the Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>	<p>(9) Since the objective of this Regulation, namely to lay down rules and procedures governing the exercise of Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, and to empower the Commission to adopt the necessary measures including, as appropriate, restrictions in trade, investment or other activities within the scope of the latter Agreement cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. Moreover, since only the Union is Party to the TCA and the WA, action at the level of international law in respect of these agreements can only be taken by the Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>

	Commission Proposal	EP Mandate	Council Mandate
Formula			
20	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
Article 1			
21	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope
Article 1(1)			
22	1. This Regulation lays down rules and procedures to ensure an effective and timely exercise of the Union's rights in enforcing and implementing 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 ('the Withdrawal Agreement'), the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Trade and Cooperation Agreement') and supplementing agreements to the Trade and Cooperation Agreement.	1. This Regulation lays down rules and procedures to ensure an effective and timely exercise of the Union's rights in enforcing and implementing 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 ('the Withdrawal Agreement'), the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Trade and Cooperation Agreement') and supplementing agreements to the Trade and Cooperation Agreement.	1. This Regulation lays down rules and procedures to ensure an effective and timely exercise of the Union's rights in enforcing and implementing 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 ('the Withdrawal Agreement'), the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ('the Trade and Cooperation Agreement') and supplementing agreements to the Trade and Cooperation Agreement.
Article 1(2), introductory part			
23	2. This Regulation applies to the following measures adopted by the Union (hereinafter:	2. This Regulation applies to the following measures adopted by the Union (hereinafter:	2. This Regulation applies to the following measures adopted by the Union (hereinafter:

	Commission Proposal	EP Mandate	Council Mandate
	“measures”):	“measures”):	“measures”):
Article 1(2), point (a)			
24	(a) the suspension of the relevant preferential treatment of the product or products concerned as set out in Article 34 of the Trade and Cooperation Agreement;	(a) the <u>temporary</u> suspension of the relevant preferential treatment of the product or products concerned as set out in Article 34 of the Trade and Cooperation Agreement;	(a) the temporary suspension of the relevant preferential treatment of the product or products concerned as set out in Article 34 of the Trade and Cooperation Agreement;
Article 1(2), point (b)			
25	(b) remedial measures and the suspension of obligations as set out in Article 374 of the Trade and Cooperation Agreement;	(b) remedial measures and the suspension of obligations as set out in Article 374 of the Trade and Cooperation Agreement;	(b) remedial measures and the suspension of obligations as set out in Article 374 of the Trade and Cooperation Agreement;
Article 1(2), point (c)			
26	(c) rebalancing measures and countermeasures as set out in Article 411 of the Trade and Cooperation Agreement;	(c) rebalancing measures and countermeasures as set out in Article 411 of the Trade and Cooperation Agreement;	(c) rebalancing measures and countermeasures as set out in Article 411 of the Trade and Cooperation Agreement;
Article 1(2), point (d)			
27	(d) the refusal, revocation, suspension, limitation of and the imposition of conditions on the operating authorisations of air carriers of the United Kingdom, as well as the refusal, revocation, suspension, limitation of and the imposition of conditions on the operation of those air carriers, as set out in Articles 434(4)	(d) the refusal, revocation, suspension, limitation of and the imposition of conditions on the operating authorisations of air carriers of the United Kingdom, as well as the refusal, revocation, suspension, limitation of and the imposition of conditions on the operation of those air carriers, as set out in Articles 434(4)	(d) the refusal, revocation, suspension, limitation of and the imposition of conditions on the operating authorisations or technical permissions of air carriers of the United Kingdom, as well as the refusal, revocation, suspension, limitation of and the imposition of conditions on the operation of those air carriers,

	Commission Proposal	EP Mandate	Council Mandate
	and 435(12) of the Trade and Cooperation Agreement;	and 435(12) of the Trade and Cooperation Agreement;	as set out in Articles 434(4) and 435(12) of the Trade and Cooperation Agreement;
Article 1(2), point (e)			
28	(e) the suspension of acceptance obligations as set out in Article 457 of the Trade and Cooperation Agreement;	(e) the suspension of acceptance obligations as set out in Article 457 of the Trade and Cooperation Agreement;	(e) the suspension of acceptance obligations as set out in Article 457 of the Trade and Cooperation Agreement;
Article 1(2), point (f)			
29	(f) remedial measures as set out in Article 469 of the Trade and Cooperation Agreement;	(f) remedial measures as set out in Article 469 of the Trade and Cooperation Agreement;	(f) remedial measures as set out in Article 469 of the Trade and Cooperation Agreement;
Article 1(2), point (g)			
30	(g) compensatory measures and the suspension of obligations as set out in Article 501 of the Trade and Cooperation Agreement;	(g) compensatory measures and the suspension of obligations as set out in Article 501 of the Trade and Cooperation Agreement;	(g) compensatory measures, in particular and the suspension of obligations as set out in Article 501 of the Trade and Cooperation Agreement;
Article 1(2), point (h)			
31	(h) remedial measures and the suspension of obligations as set out in Article 506 of the Trade and Cooperation Agreement;	(h) remedial measures and the suspension of obligations as set out in Article 506 of the Trade and Cooperation Agreement;	(h) remedial measures and the suspension of obligations as set out in Article 506 of the Trade and Cooperation Agreement;
Article 1(2), point (i)			
32			

	Commission Proposal	EP Mandate	Council Mandate
	(i) the suspension or termination of the application of Protocol I, in relation to one or more Union programmes or activities adopted on the basis of the Treaty on the Functioning of the European Union, or parts thereof, as set out in Articles 718 and 719 of the Trade and Cooperation Agreement;	(i) the suspension or termination of the application of Protocol I, in relation to one or more Union programmes or activities adopted on the basis of the Treaty on the Functioning of the European Union, or parts thereof, as set out in Articles 718 and 719 of the Trade and Cooperation Agreement;	(i) the suspension or termination of the application of Protocol I, in relation to one or more Union programmes or activities adopted on the basis of the Treaty on the Functioning of the European Union, or parts thereof, as set out in Articles 718 and 719 of the Trade and Cooperation Agreement;
Article 1(2), point (j)			
33	(j) an offer or acceptance of temporary compensation or the suspension of obligations in the context of compliance following an arbitration or panel of experts procedure under Article 749 of the Trade and Cooperation Agreement;	(j) an offer or acceptance of temporary compensation or the suspension of obligations in the context of compliance following an arbitration or panel of experts procedure under Article 749 of the Trade and Cooperation Agreement;	(j) an offer or acceptance of temporary compensation or the suspension of obligations in the context of compliance following an arbitration or panel of experts procedure under Article 749 of the Trade and Cooperation Agreement;
Article 1(2), point (k)			
34	(k) safeguard measures and rebalancing measures as set out in Article 773 of the Trade and Cooperation Agreement;	(k) safeguard measures and rebalancing measures as set out in Article 773 of the Trade and Cooperation Agreement;	(k) safeguard measures and rebalancing measures as set out in Article 773 of the Trade and Cooperation Agreement;
Article 1(2), point (l)			
35	(l) measures restricting trade, investment or other activities within the scope of the Trade and Cooperation Agreement, if adjudication is not possible because the United Kingdom is not taking the steps that are necessary for a dispute settlement procedure under that Agreement or	(l) measures restricting trade, investment or other activities within the scope of the Trade and Cooperation Agreement, if adjudication is not possible because the United Kingdom is not taking the steps that are necessary for a dispute settlement procedure under that Agreement or	(l) measures restricting trade, investment or other activities within the scope of the Trade and Cooperation Agreement, if adjudication is not possible because the United Kingdom is not taking the steps that are necessary for a dispute settlement procedure under that Agreement or

	Commission Proposal	EP Mandate	Council Mandate
	the Withdrawal Agreement to function, including unduly delaying the proceedings amounting to non-cooperation in the process;	the Withdrawal Agreement to function, including unduly delaying the proceedings amounting to non-cooperation in the process;	the Withdrawal Agreement to function, including unduly delaying the proceedings amounting to non-cooperation in the process;
Article 1(2), point (m)			
36	(m) the suspension of obligations under Article 178 of the Withdrawal Agreement in the context of compliance with an arbitration panel ruling;	(m) the suspension of obligations under Article 178 of the Withdrawal Agreement in the context of compliance with an arbitration panel ruling;	(m) the suspension of obligations under Article 178 of the Withdrawal Agreement in the context of compliance with an arbitration panel ruling;
Article 1(2), point (n)			
37	(n) remedial measures as set out in Article 13 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement;	(n) remedial measures as set out in Article 13 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement;	(n) remedial measures as set out in Article 13 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement;
Article 1(2), point (o)			
38	(o) safeguard measures and rebalancing measures as set out in Article 16 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement.	(o) safeguard measures and rebalancing measures as set out in Article 16 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement.	(o) safeguard measures and rebalancing measures as set out in Article 16 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement.
Article 2			
39	Article 2 Exercise of the Union's rights	Article 2 Exercise of the Union's rights	Article 2 Exercise of the Union's rights
Article 2(1), first subparagraph, introductory part			

	Commission Proposal	EP Mandate	Council Mandate
40	1. The Commission shall be empowered, by means of implementing acts,	1. The Commission shall be empowered, by means of implementing acts,	1. The Commission shall be empowered, by means of implementing acts,
Article 2(1), first subparagraph, point (a)			
41	(a) to adopt the measures referred to in Article 1(2) of this Regulation; and	(a) to adopt the measures referred to in Article 1(2) of this Regulation; and	(a) to adopt the measures referred to in Article 1(2) of this Regulation, with the exception of measures relating to the access to waters for fisheries under Articles 501 and 506 of the Trade and Cooperation Agreement ; and
Article 2(1), first subparagraph, point (b)			
42	(b) where the measure consists of the suspension of an obligation under any of the agreements referred to in Article 1(1), to impose restrictions on trade, investment or other activities within the scope of the agreement concerned which would otherwise be precluded by the suspended obligation.	(b) where the measure consists of the suspension of an obligation under any of the agreements referred to in Article 1(1), to impose restrictions on trade, investment or other activities within the scope of the agreement concerned which would otherwise be precluded by the suspended obligation.	(b) where the measure consists of the suspension of an obligation under any of the agreements referred to in Article 1(1), to impose restrictions on trade, investment or other activities within the scope of the agreement concerned which would otherwise be precluded by the suspended obligation.
Article 2(1), second subparagraph			
43	Where appropriate, those implementing acts shall specify the duration of the adopted measures.	Where appropriate, those implementing acts shall specify the duration of the adopted measures.	Where appropriate, Those implementing acts shall be proportionate to the objectives pursued and, where appropriate, specify the duration of the adopted measures.
Article 2(2), introductory part			

	Commission Proposal	EP Mandate	Council Mandate
44	2. The measures to be adopted pursuant to paragraph 1 shall be determined on the basis of the following criteria, in light of available information and of the Union's general interest:	2. The measures to be adopted pursuant to paragraph 1 shall be determined on the basis of <u>their proportionality to the objectives pursued, their effectiveness in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1) and shall take into account the following criteria, in and any specific criteria that may be established in the agreements referred to in Article 1(1) in connection with the measures referred to in Article 1(2),</u> in light of available <u>the</u> information <u>available</u> and of the Union's general interest:	2. The measures to be adopted pursuant to paragraph 1, shall be determined on the basis of the following criteria, in light of available information and of the Union's general interest: When adopting the implementing acts pursuant to paragraph 1, the Commission shall take into account the effectiveness of the following criteria, in light of available information and of the Union's general interest: measures in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1) and any specific criteria established in those agreements in connection with the measures referred to in Article 1(2).
Article 2(2), point (a)			
45	(a) effectiveness of the measures in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1);	<i>deleted</i>	<i>deleted</i>
Article 2(2), point (b)			
46	(b) potential of the measures to provide relief to economic operators within the Union affected by the measures of the United Kingdom;	(b) potential of the measures to provide relief to economic operators <u>and all stakeholders</u> within the Union affected by the measures of the United Kingdom;	<i>deleted</i>
Article 2(2), point (c)			
47	(c) availability of alternative sources of supply for the goods or services concerned, in order to	(c) availability of alternative sources of supply for the goods or services concerned, in order to	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate
	avoid or minimise any negative impact on downstream industries, contracting authorities or entities, or final consumers within the Union;	avoid or minimise any negative impact on downstream industries, contracting authorities or entities, or final consumers within the Union;	
<i>Article 2(2), point (d)</i>			
48	(d) avoidance of disproportionate administrative complexity and costs in the application of the measures;	(d) avoidance of disproportionate administrative complexity and costs in the application of the measures;	<i>deleted</i>
<i>Article 2(2), point (e)</i>			
49	(e) any specific criteria that may be established in the agreements referred to in Article 1(1) in connection with the measures referred to in Article 1(2).	<i>deleted</i>	<i>deleted</i>
<i>Article 2(3)</i>			
50	3. The Commission shall be empowered to amend, suspend or repeal the measures referred to in Article 1(2) by means of implementing acts. Where appropriate, those implementing acts shall specify the duration of the suspension.	3. The Commission shall be empowered to amend, suspend or repeal the measures referred to in Article 1(2) by means of implementing acts. Where appropriate, those implementing acts shall specify the duration of the suspension.	3. The Commission shall be empowered to amend, suspend or repeal the measures referred to in Article 1(2) by means of implementing acts. Where appropriate, those implementing acts shall specify the duration of the suspension.
<i>Article 2(3a)</i>			
50a		<u><i>3a. The Commission shall fully inform the European Parliament and the Council simultaneously and in a timely manner of all</i></u>	

	Commission Proposal	EP Mandate	Council Mandate
		<i><u>difficulties that may arise, in particular possible breaches of the Agreements and other situations that may give rise to measures taken pursuant to this Regulation, as well as of its intention to adopt measures referred to in paragraph 1 and of the follow up to any measures taken in order to enable a meaningful exchange of views to take place. The European Parliament may give its opinion to the Commission, which the Commission shall consider before it adopts any enforcement measures. If the Commission does not follow the position of the European Parliament, it shall explain in writing the reasons for not doing so.</u></i>	
Article 2(4)			
51	4. Where there is a particular concern of one or more Member States, that or those Member States may request the Commission to adopt measures referred to in Article 1(2). If the Commission does not respond positively to such a request, it shall inform the Council in a timely manner of its reasons.	4. Where there is a particular concern of one or more <u>any</u> Member States, that or those Member States <u>State, or the European Parliament</u> may request the Commission to adopt measures referred to in Article 1(2) <u>or the European Parliament may request the Commission to review its concern and assess the need to adopt such measures.</u> If the Commission does not respond positively to such a request, it shall inform the <u>European Parliament and the</u> Council in a timely manner of its reasons.	4. Where there is a particular concern of one or more Member States, that or those Member States may request the Commission to adopt measures referred to in Article 1(2). If the Commission does not respond positively to such a request, it shall inform the Council in a timely manner of its reasons.
Article 2(5)			
52			

	Commission Proposal	EP Mandate	Council Mandate
	5. If, due to persisting significant divergences, rebalancing measures referred to in Article 1(2), point (c), of this Regulation last for more than a year, one or more Member States may request the Commission to activate the review clause provided for in Article 411 of the Trade and Cooperation Agreement. The Commission shall examine this request in a timely manner and shall consider seizing as appropriate the Partnership Council of that matter, in accordance with the provisions set out in the Trade and Cooperation Agreement. If the Commission does not respond positively to such a request, it shall inform the Council in a timely manner of its reasons.	5. If, due to persisting significant divergences, rebalancing measures referred to in Article 1(2), point (c), of this Regulation last for more than a year, one or more Member States may request the Commission to activate the review clause provided for in Article 411 of the Trade and Cooperation Agreement, <u>or the European Parliament may express its concern and request the Commission to review its concern and assess the need to activate the review clause</u> . The Commission shall examine this request in a timely manner and shall consider seizing as appropriate the Partnership Council of that matter, in accordance with the provisions set out in the Trade and Cooperation Agreement. If the Commission does not respond positively to such a request, it shall inform <u>the European Parliament and</u> the Council in a timely manner of its reasons.	5. If, due to persisting significant divergences, rebalancing measures referred to in Article 1(2), point (c), of this Regulation last for more than a year, one or more Member States may request the Commission to activate the review clause provided for in Article 411 of the Trade and Cooperation Agreement. The Commission shall examine this request in a timely manner and shall consider seizing as appropriate the Partnership Council of that matter, in accordance with the provisions set out in the Trade and Cooperation Agreement. If the Commission does not respond positively to such a request, it shall inform the Council in a timely manner of its reasons.
Article 2(6)			
53	6. The implementing acts referred to in paragraphs 1 and 3 of this Article shall be adopted in accordance with the examination procedure referred to in Article 3(2).	6. The implementing acts referred to in paragraphs 1 and 3 of this Article shall be adopted in accordance with the examination procedure referred to in Article 3(2).	6. The implementing acts referred to in paragraphs 1 and 3 of this Article shall be adopted in accordance with the examination procedure referred to in Article 3(2).
Article 2(7)			
54	7. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in	7. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in	7. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in

	Commission Proposal	EP Mandate	Council Mandate
	accordance with the procedure referred to in Article 3(3).	accordance with the procedure referred to in Article 3(3).	accordance with the procedure referred to in Article 3(3).
Article 3			
55	Article 3 Committee procedure	Article 3 Committee procedure	Article 3 Committee procedure
Article 3(1)			
56	1. The Commission shall be assisted by the UK Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the UK Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. <u><i>In accordance with the provisions of Regulation (EU) No 182/2011 the European Parliament and the Council will be regularly and promptly informed on committee proceedings.</i></u>	1. The Commission shall be assisted by the UK Committee. That committee shall be a committee within the meaning of Article 3 of Regulation (EU) No 182/2011.
Article 3(2)			
57	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
Article 3(3)			
58	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

	Commission Proposal	EP Mandate	Council Mandate
Article 3(3a)			
58a		<u><i>3a. The European Parliament and the Council may at any time exercise their right of scrutiny in accordance with Article 11 of Regulation (EU) No 182/2011.</i></u>	
Article 4			
59	Article 4 Relation to other provisions of Union law	Article 4 Relation to other provisions of Union law	Article 4 Relation to other provisions of Union law
Article 4, first paragraph			
60	This Regulation shall apply notwithstanding any provisions of Union law adopted on the basis of the Treaty on the Functioning of the European Union that govern the same subject matter.	This Regulation shall apply notwithstanding any provisions of Union law adopted on the basis of the Treaty on the Functioning of the European Union that govern the same subject matter.	This Regulation shall apply notwithstanding any provisions of Union law adopted on the basis of the Treaty on the Functioning of the European Union that govern the same subject matter.
Article 4, first paragraph a			
60a		<u><i>When the Commission submits its annual reports to the European Parliament and to the Council on the implementation and application of the Trade and Cooperation Agreement and the Withdrawal agreement, it shall also include an overview of the complaints received regarding the Trade and</i></u>	

	Commission Proposal	EP Mandate	Council Mandate
		<u>Cooperation Agreement as well as their follow up, and of measures adopted under Article 2.</u>	
Article 4, first paragraph b			
60b		<u>The European Parliament may, within two months of submission of the Commission's report, invite the Commission to a meeting of its committee responsible to present and explain any issues related to the implementation of this Regulation.</u>	
Article 5			
61	Article 5 Review	Article 5 Review	Article 5 Review
Article 5, first paragraph			
62	By [Publications Office: Please insert the date five years after the entry into force of this Regulation], the Commission shall present a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of this Regulation.	By [Publications Office: Please insert the date five <u>three</u> years after the entry into force of this Regulation], the Commission shall present a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of this Regulation, <u>accompanied where appropriate by relevant legislative proposals.</u>	By [Publications Office: Please insert the date five <u>three</u> years after the entry into force of this Regulation], the Commission shall present a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of this Regulation.
Article 6			

	Commission Proposal	EP Mandate	Council Mandate
63	Article 6 Entry into force	Article 6 Entry into force	Article 6 Entry into force
Article 6, first paragraph			
64	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> Official Journal of the European Union.
Article 6, second paragraph			
65	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
Formula			
66	Done at Brussels,	Done at Brussels,	Done at Brussels,
Formula			
67	For the European Parliament	For the European Parliament	<i>For the European Parliament</i> For the European Parliament
Formula			
68	The President	The President	<i>The President</i> The President

	Commission Proposal	EP Mandate	Council Mandate
Formula			
69	For the Council	For the Council	<i>For the Council</i> For the Council
Formula			
70	The President	The President	<i>The President</i> The President