I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2019/1795 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 24 October 2019

amending Regulations (EU) 2019/501 and (EU) 2019/502 as regards their periods of application

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91(1) and 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

After consulting the Committee of Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) On 29 March 2017, the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union (TEU). The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or, failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.

(2) In order to prepare for the possibility that the United Kingdom could withdraw from the Union without an agreement on 30 March 2019, Regulation (EU) 2019/501 of the European Parliament and of the Council ([3]) aiming to ensure basic road freight and road passenger connectivity between the Union and the United Kingdom, and Regulation (EU) 2019/502 of the European Parliament and of the Council ([4]) aiming to ensure basic air connectivity between the Union and the United Kingdom, were adopted on 25 March 2019.

(3) After agreeing a first extension on 22 March 2019, the European Council adopted Decision (EU) 2019/584 ([5]) on 11 April 2019, in which it agreed, following a further request by the United Kingdom, to extend the period provided for in Article 50(3) TEU until 31 October 2019. Unless a withdrawal agreement concluded with the United Kingdom has entered into force by the date following that on which the Treaties cease to apply to the United Kingdom, or the European Council, in agreement with the United Kingdom, unanimously decides to extend the period provided for in Article 50(3) TEU for a third time, the period provided for in Article 50(3) TEU will end on 31 October 2019.

([1]) Opinion of 25 September 2019 (not yet published in the Official Journal).

([2]) Position of the European Parliament of 22 October 2019 (not yet published in the Official Journal) and decision of the Council of 24 October 2019.

([3]) Regulation (EU) 2019/501 of the European Parliament and of the Council of 25 March 2019 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 (OJ L 85I, 27.3.2019, p. 39).

([4]) Regulation (EU) 2019/502 of the European Parliament and of the Council of 25 March 2019 on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (OJ L 85I, 27.3.2019, p. 49).

([5]) European Council Decision (EU) 2019/584 taken in agreement with the United Kingdom of 11 April 2019 extending the period under Article 50(3) TEU (OJ L 101, 11.4.2019, p. 1).

(4) Regulation (EU) 2019/501 ceases to apply on 31 December 2019 and Regulation (EU) 2019/502 ceases to apply on 30 March 2020. In order to address the impact resulting from the extension of the period provided for in Article 50 (3) TEU by seven months, the period of application of those Regulations should be extended, taking into account the core principles underlying contingency measures and their originally intended periods of application.

(5) Given the extension by seven months of the period provided for in Article 50(3) TEU, the period of application of Regulation (EU) 2019/501 should be extended by seven months until 31 July 2020 in order to maintain a period of application of nine months from withdrawal of the United Kingdom from the Union, as initially intended, and to ensure that, in respect of its period of application, that Regulation's objective of temporarily maintaining road connectivity on the withdrawal of the United Kingdom from the Union is attained.

(6) It is necessary to ensure that passengers can be picked up and set down in the border region of Ireland in the course of international regular and special regular passenger transport services between Ireland and Northern Ireland for the same period of six months as initially intended. Therefore, the reference to the end date referred to in point (3)(d) of Article 2 of Regulation (EU) 2019/501 should be replaced by a reference to a period of six months from the date of application of that Regulation.

(7) In order to ensure continuity in the picking up and setting down of passengers in the border region of Ireland in the course of international regular and special regular passenger transport services between Ireland and Northern Ireland, the validity of authorisations for United Kingdom coach and bus service operators referred to in Article 4(3) of Regulation (EU) 2019/501 should also be adjusted to the new date on which that Regulation ceases to apply.

(8) The period for the Commission to exercise the delegated powers referred to in Article 11(1) of Regulation (EU) 2019/501 should be adjusted to the new date on which that Regulation ceases to apply.

(9) Given the extension by seven months of the period provided for in Article 50(3) TEU and in the absence of any adaptations, Regulation (EU) 2019/502 would be applicable for less than half of the initially intended period if it ceased to apply on 30 March 2020. That would significantly limit the period during which United Kingdom carriers would be able to operate flights into the Union. Consequently, in order to reflect the initially envisaged period of application, the period of application of Regulation (EU) 2019/502 should be extended by seven months. In order to coincide with the last day of the IATA summer season of 2020, Regulation (EU) 2019/502 should cease to apply at the latest on 24 October 2020.

(10) In view of the urgency entailed by the withdrawal of the United Kingdom from the Union, it was considered to be 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 TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

(11) This Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union* and should apply from the day following that on which the Treaties cease to apply to the United Kingdom. However, it should not apply if a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) TEU has entered into force by that date,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2019/501

Regulation (EU) 2019/501 is amended as follows:

(1) in Article 2, point (3)(d) is replaced by the following:

'(d) the picking up and setting down of passengers in the border region of Ireland in the course of international regular and special regular services between Ireland and Northern Ireland, for a period of six months starting on the date of application of this Regulation as set out in the second paragraph of Article 12;';

(2) in Article 4, paragraph 3 is replaced by the following:

'3. The authorisations that remain valid under paragraph 2 of this Article may continue to be used for the purposes specified in paragraph 1 of this Article if they have been renewed under the same terms and conditions, or altered in terms of stops, fares or schedule, and subject to the rules and procedures set out in Articles 6 to 11 of Regulation (EC) No 1073/2009 for a period of validity not extending beyond 31 July 2020.';

(3) in Article 11, paragraph 1 is replaced by the following:

'1. The power to adopt delegated acts referred to in Articles 7(2) and 8(2) shall be conferred on the Commission until 31 July 2020.';

(4) in Article 12, the fourth paragraph is replaced by the following:

'This Regulation shall cease to apply on 31 July 2020.'.

Article 2

Amendment to Regulation (EU) 2019/502

In Article 16(4), point (b) is replaced by the following:

'(b) 24 October 2020.'.

Article 3

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the day following that on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) TEU.

However, this Regulation shall not apply if a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) TEU has entered into force by the date following that on which the Treaties cease to apply to the United Kingdom.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 24 October 2019.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
T. TUPPURAINEN