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AMENDMENTS

11 - 68

Draft report

Seán Kelly, Andreas Schieder, Danuta Maria Hübner
(PE734.466v01-00)

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

(COM(2022)0089 – C9-0059/2022 – 2022/0068(COD))

Amendment 11

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) On 10 April 1998 the Belfast Agreement was signed by the Government of the UK, the Government of Ireland and the other participants in the multi-party negotiations (the ‘Good Friday Agreement’). The Protocol on Ireland/Northern Ireland of the Withdrawal Agreement provides for a legal framework that preserves the Good Friday Agreement in all its parts and the rights of the people of Northern Ireland, and safeguards peace, single market integrity and the all-island economy and therefore avoids a hard border. It is the UK’s obligation to ensure that the Good Friday Agreement in all its parts applies under all circumstances.

Or. en

Amendment 12

Nacho Sánchez Amor

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(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. ***The applicability of the Trade and Cooperation Agreement,***

or any of its effects, is ruled out for the territory of Gibraltar by virtue of article 774(3) of the Trade and Cooperation Agreement, given that the future EU-Gibraltar relation will be detailed out in a future EU-UK agreement.

Or. en

Amendment 13

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation

Recital 4

Text proposed by the Commission

(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.

Amendment

(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 of the Trade and Cooperation Agreement that agreement neither applies to Gibraltar nor has any effects in that territory.***

Or. en

Amendment 14

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Union and the United Kingdom may conclude other bilateral agreements between them that constitute supplementing agreements to the Trade and

Amendment

(4) The Union and the United Kingdom ***including its devolved institutions*** may conclude other bilateral agreements between them that constitute

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.

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.

Or. en

Amendment 15
David McAllister

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 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 should also include an overview of the complaints received regarding the Trade and Cooperation Agreement, as well as their follow up, and of measures adopted under Article 2 and ensure at the same time legal coherence of this overview with other instruments;

Or. en

Amendment 16
Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(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

(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.

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 *and keeping the European Parliament and the EU Domestic Advisory Group under the Trade and Cooperation Agreement informed*. 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.

Or. en

Amendment 17 **Helmut Scholz**

Proposal for a regulation **Recital 5**

Text proposed by the Commission

(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.

Amendment

(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 *and keeping the Members of the European Parliament fully involved*. 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.

Amendment 18**Catharina Rinzema, Nathalie Loiseau, Charles Goerens****Proposal for a regulation****Recital 5***Text proposed by the Commission*

(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.

Amendment

(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 **and the European Parliament**. 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.

Or. en

Amendment 19**Catharina Rinzema, Nathalie Loiseau, Charles Goerens****Proposal for a regulation****Recital 5 a (new)***Text proposed by the Commission**Amendment*

(5 a) 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 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. 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.

Or. en

Amendment 20

Geert Bourgeois, Anna Fotyga, Jacek Saryusz-Wolski

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The Commission should keep both the Council and the Parliament informed in a timely manner and well in advance of developments that may lead to situations requiring the adoption of autonomous measures. Both the European Parliament and the Council should also be duly and timely informed of any event of non-cooperation and of the possible responses at the disposal of the Union to ensure a full and proper implementation of these Agreements, as well as the follow-up to any measures taken. The latter principle also applies in the event when urgent action is required.

Or. en

Amendment 21

Catharina Rinzema, Nathalie Loiseau, Charles Goerens

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5 b) 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.

Or. en

Amendment 22
Geert Bourgeois, Jacek Saryusz-Wolski

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(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 **three** 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.

Or. en

Amendment 23
Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) ***In order to ensure uniform***

(8) In order to ensure the swift,

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 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 Council²⁴**. **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.**

²⁴ **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).**

effective and flexible exercise of the corresponding Union's rights under the Withdrawal Agreement and the Trade and Cooperation Agreement, **the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union** should be **delegated to** the Commission **in respect of** the measures referred to above and measures restricting trade or other activities. Those powers should also extend to the amendment, suspension or repeal of the adopted measures. **It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted** in accordance with **the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016^{1a}**. **In particular, to ensure equal participation in the preparation of delegated acts**, the European Parliament and the Council **should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.**

^{1a} **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).**

Amendment 24

Francisco José Millán Mon, José Manuel García-Margallo y Marfil, Juan Ignacio Zoido Álvarez, Rosa Estaràs Ferragut, Gabriel Mato, Isabel Benjumea Benjumea, Javier Zarzalejos, Leopoldo López Gil, Esteban González Pons, Pablo Arias Echeverría, Pilar del Castillo Vera, Antonio López-Istúriz White, Dolors Montserrat

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Pursuant to the statement in the minutes of the European Council meeting of 25 November 2018, any future agreement between the EU and the United Kingdom concerning Gibraltar will require the prior agreement of the Kingdom of Spain. Given Gibraltar's particular geographical situation, its status under international law, its specific characteristics and its special relationship with Spain, measures adopted by the EU under this Regulation which affect the territory of Gibraltar or any agreement concluded between the EU and the United Kingdom concerning that territory should also require the prior consent of the Kingdom of Spain.

Or. es

Amendment 25

Charles Goerens, Nathalie Loiseau, Catharina Rinzema

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(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

(9) 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 where they concern its exclusive***

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,

competences, and thus 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.

Or. en

Amendment 26 **Helmut Scholz**

Proposal for a regulation **Recital 9**

Text proposed by the Commission

(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**

Amendment

(9) 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, and thus** 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 **those** necessary

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,

measures including, as appropriate, restrictions in trade, investment or other activities within the scope of the latter Agreement *which* cannot be sufficiently *handled* by the Member States but can, by reason of its scale and effects, be *more effective* 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. 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,

Or. en

Amendment 27

Geert Bourgeois, Anna Fotyga, Jacek Saryusz-Wolski

Proposal for a regulation

Article 1 – paragraph 2 – point a

Text proposed by the Commission

(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;

Amendment

(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;

Or. en

Amendment 28

Geert Bourgeois, Anna Fotyga, Jacek Saryusz-Wolski

Proposal for a regulation

Article 1 – paragraph 2 – point f

Text proposed by the Commission

(f) remedial measures as set out in Article 469 of the Trade and Cooperation Agreement;

Amendment

(f) remedial *temporary* measures as set out in Article 469 of the Trade and Cooperation Agreement;

Amendment 29

Geert Bourgeois, Anna Fotyga, Jacek Saryusz-Wolski

Proposal for a regulation

Article 1 – paragraph 2 – point 1

Text proposed by the Commission

(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 the Withdrawal Agreement to function, including unduly delaying the proceedings amounting to non-cooperation in the process;

Amendment

(l) **temporary** 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 the Withdrawal Agreement to function, including unduly delaying the proceedings amounting to non-cooperation in the process;

Or. en

Amendment 30

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission shall be empowered, **by means of implementing acts,**

Amendment

The Commission shall be empowered **to adopt delegated acts in accordance with Article 3a concerning:**

Or. en

Amendment 31

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) **to adopt** the measures referred to in Article 1(2) of this Regulation; and

(a) the measures referred to in Article 1(2) of this Regulation; and

Or. en

Amendment 32

Geert Bourgeois, Anna Fotyga, Jacek Saryusz-Wolski

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(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 **temporary** 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.

Or. en

Amendment 33

Geert Bourgeois, Anna Fotyga, Jacek Saryusz-Wolski

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where appropriate, those implementing acts shall specify the duration of the adopted measures.

Those implementing acts shall specify the duration of the adopted measures **and be proportionate to the objectives pursued**.

Or. en

Amendment 34

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where appropriate, those **implementing** acts shall specify the duration of the adopted measures.

Amendment

Where appropriate, those **delegated** acts shall specify the duration of the adopted measures.

Or. en

Amendment 35

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation

Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

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:**

Amendment

2. The measures to be adopted pursuant to paragraph 1 shall be determined on the basis of the **proportionality to the objectives pursued, the effectiveness of the measures in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1) and any specific criteria that may be established in the agreements in connection with the measures referred to in Article 1(2).**

Or. en

Amendment 36

Geert Bourgeois, Jacek Saryusz-Wolski

Proposal for a regulation

Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

2. The measures to be adopted pursuant to paragraph 1 shall **be determined on the basis of** the following

Amendment

2. The measures to be adopted pursuant to paragraph 1 shall **take into account** the following criteria **and any**

criteria, in light of available information and of the Union's general interest:

specific criteria established in those agreements in connection with the measures referred to in Article 1(2), in light of available information and of the Union's general interest:

Or. en

Amendment 37

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effectiveness of the measures in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1);

deleted

Or. en

Amendment 38

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effectiveness of the measures in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1);

(a) effectiveness of the measures in inducing compliance of the United Kingdom with the agreements referred to in Article 1(1) *in particular the Good Friday Agreement in all its parts which apply under all circumstances;*

Or. en

Amendment 39

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation
Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) potential of the measures to provide relief to economic operators within the Union affected by the measures of the United Kingdom;

deleted

Or. en

Amendment 40

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(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 guarantee citizens', consumers' and workers' rights, contribute to sustainable development* to provide relief to economic operators within the Union affected by the measures of the United Kingdom;

Or. en

Amendment 41

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation
Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) availability of alternative sources of supply for the goods or services concerned, in order to avoid or minimise any negative impact on downstream industries, contracting authorities or entities, or final consumers within the Union;

deleted

Amendment 42

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) *avoidance of disproportionate administrative complexity and costs in the application of the measures;* ***deleted***

Or. en

Amendment 43

Victor Negrescu

Proposal for a regulation

Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) *protection of EU citizens' rights affected by the measures of the United Kingdom;*

Or. en

Amendment 44

Nathalie Loiseau, Catharina Rinzema, Charles Goerens

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(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).* ***deleted***

Or. en

Amendment 45

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The Commission shall be empowered to ***adopt delegated acts in accordance with Article 3a concerning amendment, suspension*** or repeal ***of*** the measures referred to in Article 1(2). Where appropriate, those ***delegated*** acts shall specify the duration of the suspension.

Or. en

Amendment 46

Geert Bourgeois, Jacek Saryusz-Wolski

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The Commission shall be empowered to amend, suspend or repeal the measures referred to in Article 1(2) by means of implementing acts. Those implementing acts shall specify the duration of the suspension.

Or. en

Amendment 47

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission shall fully inform the Council, the European Parliament and the Domestic Advisory Group simultaneously in written and in a timely manner of all 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 addition, when requested by the European Parliament, the Commission shall present and explain difficulties, possible breaches, intended measures and follow-up, in a meeting of the European Parliament's responsible committee which may decide to follow-up by expressing its position in writing through a letter to the Commission. The Commission shall take the utmost account of the views expressed by the European Parliament. If the Commission does not follow the position of the European Parliament, the Commission shall explain in writing the reasons for not doing so.

Or. en

Amendment 48

Catharina Rinzema, Nathalie Loiseau, Charles Goerens

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission shall fully inform the European Parliament and the Council simultaneously and in a timely manner of all 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 shall have the possibility to 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, the Commission shall explain the reasons for not doing so.

Or. en

Amendment 49
Helmut Scholz

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Where there is a particular concern of one or more Member States, *or where a complaint by trade unions and civil society brought forward through the mechanism foreseen by the agreement remains continuously ignored*, 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 *of, explain and justify* the Council *and the European Parliament*, in a timely manner its reasons.

Or. en

Amendment 50
Catharina Rinzema, Nathalie Loiseau, Charles Goerens

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

4. Where there is a particular concern of one or more Member States, that or

Amendment

4. Where there is a particular concern of one or more Member States, *or the*

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.

European Parliament, that or those Member States may request the Commission to adopt measures referred to in Article 1(2), **or the European Parliament may request the Commission to review its concern and assess the need to adopt such measures**. If the Commission does not respond positively to such a request, it shall inform the **European Parliament and the Council** in a timely manner of its reasons.

Or. en

Amendment 51
Victor Negrescu

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

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.

Amendment

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 **European Parliament and the Council** in a timely manner of its reasons.

Or. en

Amendment 52
Geert Bourgeois, Jacek Saryusz-Wolski

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

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

Amendment

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.

in Article 1(2). If the Commission does not respond positively to such a request, it shall inform the **European Parliament and the Council** in a timely manner of its reasons.

Or. en

Amendment 53

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

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**.

Amendment

4. Where there is a particular concern **any Member State or the European Parliament**, 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 **justify its response in a written and** timely manner.

Or. en

Amendment 54

Catharina Rinzema, Nathalie Loiseau, Charles Goerens

Proposal for a regulation

Article 2 – paragraph 5

Text proposed by the Commission

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

Amendment

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, **or the European Parliament may express its concern and request the Commission to**

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.

review its concern and assess the need to activate the review clause. 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 ***European Parliament and the Council*** in a timely manner of its reasons.

Or. en

Amendment 55

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation **Article 2 – paragraph 5**

Text proposed by the Commission

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.

Amendment

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, ***and the European Parliament*** 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 ***European Parliament, the Council and the EU Domestic Advisory Group under the Trade and Cooperation Agreement*** in a timely manner of its reasons.

Or. en

Amendment 56
Helmut Scholz

Proposal for a regulation
Article 2 – paragraph 5

Text proposed by the Commission

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.

Amendment

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, **or the European Parliament**, may request the Commission to **become active and initiate** 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 **European Parliament and the Council** in a timely manner of its reasons.

Or. en

Amendment 57
Geert Bourgeois, Jacek Saryusz-Wolski

Proposal for a regulation
Article 2 – paragraph 5

Text proposed by the Commission

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

Amendment

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.

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 ***European Parliament and the*** Council in a timely manner of its reasons.

Or. en

Amendment 58
Victor Negrescu

Proposal for a regulation
Article 2 – paragraph 5

Text proposed by the Commission

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.

Amendment

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 ***European Parliament and the*** Council in a timely manner of its reasons.

Or. en

Amendment 59
Jorge Buxadé Villalba

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *The Commission shall obtain the agreement of the Kingdom of Spain on any measure adopted under this Regulation, either when it affects Gibraltar, or when the need to exercise the Union rights in implementing and enforcing the Withdrawal Agreement is related to Gibraltar.*

Or. en

Amendment 60

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 6

Text proposed by the Commission

Amendment

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).*

deleted

Or. en

Amendment 61

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 7

Text proposed by the Commission

Amendment

7. *On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 3(3).*

7. *Where imperative grounds of urgency so require, the procedure provided for in Article 3b shall apply to delegated acts adopted pursuant to this Article.*

Amendment 62

Francisco José Millán Mon, José Manuel García-Margallo y Marfil, Juan Ignacio Zoido Álvarez, Rosa Estaràs Ferragut, Gabriel Mato, Isabel Benjumea Benjumea, Javier Zarzalejos, Leopoldo López Gil, Esteban González Pons, Pablo Arias Echeverría, Pilar del Castillo Vera, Antonio López-Istúriz White, Dolors Montserrat

Proposal for a regulation

Article 2 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where they concern the territory of Gibraltar or any agreement between the EU and the United Kingdom relating to that territory, the adoption of measures pursuant to paragraph 1 of this Article shall require the prior consent of the Kingdom of Spain.

Or. es

Justification

The amendment reiterates the effect and content of the last paragraph of the political agreement of 25 November 2018 between the European Commission, the European Council and the Kingdom of Spain, thus maintaining the obligation that any decision affecting the territory of Gibraltar must have the prior agreement of the Kingdom of Spain.

Amendment 63

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Committee procedure

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.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 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.

Or. en

Amendment 64
Victor Negrescu

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

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.

Amendment

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. ***As per the provisions of Regulation (EU) No 182/2011 the European Parliament and the Council will be regularly and promptly informed on committee proceedings.***

Or. en

Amendment 65
Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 2 shall be conferred on the Commission for a period of five years from the ... [date of entry into force].

3. The delegation of power referred to in Article 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 2 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 66

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3 b

Urgency procedure

- 1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.***
- 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 3a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.***

Or. en

Amendment 67

Gwendoline Delbos-Corfield, François Alfonsi, Heidi Hautala
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Annual reporting

- 1. When the Commission submits its annual reports to the European Parliament, to the Council and to the EU Domestic Advisory Group under the Trade and Cooperation Agreement 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 Cooperation Agreement, as well as their follow up, and of measures adopted under Article 2.

2. The European Commission, when requested by the European Parliament, shall present and explain any issues related to the implementation of this Regulation within two months of the submission of the Commission's report.

Or. en

Amendment 68
Geert Bourgeois, Jacek Saryusz-Wolski

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

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.

Amendment

By [Publications Office: Please insert the date **three** 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.

Or. en