



*Committee on Civil Liberties, Justice and Home Affairs
The Chair*

5.2.2021

David McAllister
Chair
Committee on Foreign Affairs
BRUSSELS

Bernd Lange
Chair
Committee on International Trade
BRUSSELS

Subject: Opinion of the Committee on Civil Liberties, Justice and Home Affairs on the conclusion, on behalf of the Union, 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, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (2020/0382(NLE))

Dear Chairs,

It is my pleasure to inform you that, further to the Conference of Presidents decision of 28 December 2020, the Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) decided on 11 January 2021 to request approval to submit an opinion in the form of a letter to the Committee on Foreign Affairs and the Committee on International Trade under the procedure referred to above, pursuant to Rule 56(1) of the Rules of Procedure. Our Committee adopted this opinion at its meeting of 4 February 2021. At that meeting, it decided to call on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their draft recommendation.

Therefore, I hereby transmit the opinion of the LIBE Committee which consists of two parts: part A (General observations), including on Part I, Title III (institutional provisions), and part B (Thematic observations pertaining to each LIBE field of competence). In the latter part, it addresses issues falling within the competence of the LIBE Committee, firstly those clearly covered in the Trade and Cooperation Agreement (hereinafter 'TCA'): the protection of personal data, security, law enforcement cooperation and judicial cooperation in criminal matters, together with other relevant provisions of Part Three, which are covered in the TCA, as well as asylum, migration and border management and mobility arrangements, which are either only marginally covered in the text of the TCA or are not covered by it at all.

Yours sincerely,

Juan Fernando López Aguilar

SUGGESTIONS

A. General observations

1. Considers that the TCA seeks to provide a unique framework for a special relationship between the EU and the UK, duly taking into account the close relationship between the two Parties forged during the 47-year membership of the UK in the EU, and the fact that, since 1 February 2020, the latter has been a third country and the transition period provided for in the Withdrawal Agreement (WA) ended on 31 December 2020;
2. Deeply regrets the fact that the TCA has provisionally entered into application, thereby undermining Parliament's right to scrutiny before providing its consent in accordance with Article 218 of the Treaty on the Functioning of the European Union (TFEU);
3. Acknowledges that, in accordance with Article 17 of the Treaty on European Union (TEU), the Commission represents the Union in its external relations; calls for Parliament to be authorised to attend meetings of the Partnership Council and other joint bodies set up by the TCA, such as the Specialised Committee on Law Enforcement and Judicial Cooperation; insists, in any event, that Parliament should have a role of scrutiny in the new institutional framework and be able to monitor the implementation of both the TCA and the WA; urges the swift establishment of a Parliamentary Partnership Assembly in which Members of the European Parliament would be able to monitor the implementation of the TCA and any future agreement, and make recommendations to the Partnership Council; insists further that the Commission must ensure that all information and documents related to any future meetings of the Partnership Council or other joint bodies are shared with Parliament on an equal footing with the Council, that Parliament is consulted by the Commission on the Union's positions regarding all issues on the agenda of these meetings, and that the minutes and the documents adopted in these meetings be shared with Parliament depending on the matters in hand; notes that Parliament's committees responsible are best placed to ensure that Parliament's role in this regard is exercised in a fully transparent and effective manner; strongly insists that its Committee on Civil Liberties, Justice and Home Affairs is kept fully informed and is consulted, in particular, as stated above, with regard to the work of the Specialised Committee on Law Enforcement and Judicial Cooperation;
4. Deplores the fact that the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information does not include Parliament¹ and the fact that the UK needs to give its express agreement for such information to be shared with Parliament;
5. Takes note of the Commission's decision of 19 January 2021 to establish a Service for the EU-UK Agreement (UKS);

B. Thematic observations (Part Three of the TCA)

¹ https://ec.europa.eu/info/sites/info/files/draft_eu-uk_security_of_information_agreement.pdf

Fundamental rights and the rule of law, including suspension and termination provisions

6. Welcomes the inclusion, in the General provisions of Part Three (Article LAW.GEN.3) of the express reference to the ‘Parties’ and Member States’ long-standing respect for democracy, the rule of law and the protection of fundamental rights and freedoms of individuals, including as set out in the Universal Declaration of Human Rights and in the European Convention on Human Rights, and on the importance of giving effect to the rights and freedoms in that Convention domestically’; reminds the lead Committees that Parliament, in its resolutions of both 12 February 2020² and of 18 June 2020³ (hereinafter ‘February and June 2020 resolutions’), considered continued adherence and giving effect to the European Convention on Human Rights (ECHR), as well as respect for the rule of law, as a necessary precondition for the EU’s cooperation with the UK; further welcomes the inclusion of specific termination, disapplication, suspension and dispute settlement provisions in the different Titles of Part Three, notably the provision on a more expedite termination of this Part (Article LAW.OTHER.136: Termination) in the event that the UK or a Member State denounces the ECHR, and the provision on the suspension of this Part (Article LAW.OTHER.137: Suspension) in the event of serious and systemic deficiencies within one Party as regards respect for fundamental rights, including the protection of personal data and the rule of law; stresses that Parliament, and its Committee on Civil Liberties, Justice and Home Affairs in particular, should be fully involved in the intra-EU mechanism for deciding on termination and/or suspension on the basis of the relevant future interinstitutional arrangements; further deplores the fact that the dispute settlement mechanism provided in Part Three (Title XIII) is a political mechanism without any role for the Court of Justice of the European Union (CJEU); strongly regrets the fact that the TCA does not envisage any role for Parliament, or for its Committee on Civil Liberties, Justice and Home Affairs in particular, in the dispute settlement mechanism; calls on the Commission and the Council to provide for Parliament’s full involvement in deciding on the Union’s position on the different steps of the dispute settlement mechanism on the basis of the relevant future interinstitutional arrangements; calls on the Commission to present proposals for the procedure for launching the dispute settlement mechanism on the Union side, which fully involve Parliament; urges the Commission, as a minimum, and notwithstanding future provisions, to make a public political commitment, at the latest by the date of the Parliament’s vote on consent, to the effect that it will propose that the Council suspend, amend, or terminate parts or titles of the TCA if Parliament calls for suspension, amendment or termination; considers that Parliament’s consent should be sought before a decision is taken on amending or terminating the TCA by the Union, by analogous application of Article 218(6) of the TFEU, when the Commission takes the initiative to do so;

Data protection

7. Regarding data protection, shares the objective of the WA of ensuring the continuity of the protection afforded to individuals in the Union whose personal data will be processed in the United Kingdom after the date of the withdrawal;
8. Takes note of the commitment of the Parties (Article COMPROV.10) to ensuring a high

² Texts adopted, P9_TA(2020)0033.

³ Texts adopted, P9_TA(2020)0152.

level of personal data protection and the recognition that individuals have a right to protection of personal data and privacy, but regrets the fact that the Agreement was concluded before the Commission had finished its adequacy assessment of the UK's data protection framework;

9. Also takes note of the unprecedented interim provision for the transmission of personal data to the United Kingdom (Article FINPROV.10A) for a period of four months – renewable once for two further months unless either the UK or the Commission object to this – which stipulates that such transmission must not be considered as transfer to a third country under Union law, provided that the data protection legislation of the United Kingdom in force on 31 December 2020 applies, and subject to the condition that the United Kingdom does not amend its data protection framework, its rules on international data transfers or other relevant non-binding texts unless the Union has given its agreement to such an intended amendment within the Partnership Council, including a tacit one if no objections are raised within five working days;
10. Notes that this interim provision is intended to continue the exchange of personal data flows while the Commission finalises its assessment of whether the level of protection provided by the UK legal framework on data protection is adequate, and subsequently adopts the relevant decisions; expresses, however, strong doubts as to whether this interim regime will provide the required level of protection to the personal data transferred to the UK, as it relies on the assumption that the UK data protection law currently in force has properly and correctly implemented Union data protection law, notably Regulation (EU) 2016/679 ('GDPR') and Directive (EU) 2016/680 ('Law Enforcement Directive'), and that at present the UK ensures the same level of protection as set forth by the Union; recalls, in this regard, Parliament's February and June 2020 resolutions, pointing out the general and broad exemption for the processing of personal data for immigration purposes of the UK Data Protection Act and the UK legal framework on the retention of electronic telecommunications;
11. Regarding the adequacy of the UK legal framework on data protection, also recalls Parliament's February and June 2020 resolutions, stressing that, in line with the GDPR and the case law of the CJEU⁴, in order to declare the adequacy of the UK data protection framework, the Commission must demonstrate that the UK provides a level of protection 'essentially equivalent' to that offered by the Union legal framework, including on onward transfers to third countries; furthermore, is of the view that the UK legal framework on the retention of electronic telecommunications data does not fulfil the conditions of the relevant EU *acquis* as interpreted by the CJEU, and hence does not currently meet the conditions for adequacy; considers that the general and broad exemption for the processing of personal data for immigration purposes of the UK Data Protection Act and the UK legal framework on the retention of electronic telecommunications data need to be amended before a valid adequacy decision can be granted;
12. Considers it necessary for the Commission to carefully assess the UK's legal framework on data protection, including the UK's international agreements on personal data

⁴ Judgment of 6 October 2015, C-362/14, *Maximillian Schrems v Data Protection Commissioner*, ECLI:EU:C:2015:650.

transfers, such as the US-UK Data Access Agreement and the data protection and digital trade provisions in the UK-Japan Comprehensive Economic Partnership Agreement, and to pay particular attention to the legal framework in the UK in the fields of national security and for the processing of personal data by law enforcement authorities; recalls that mass surveillance programmes encompassing bulk data collection might not be adequate under Union law, and strongly encourages the Commission to take into account the case law of the CJEU in this field such as the Schrems I and II and Privacy International⁵ cases in its assessment, as well as the case law of the European Court of Human Rights; also recalls the persistent violations of the Schengen Information System (SIS) by the UK authorities, and stresses that the Commission has failed to resolve these violations with the UK authorities in an adequate and timely manner; points out that, despite the fact that the TCA does not allow access to the SIS, these violations have demonstrated that the UK authorities could not be trusted with EU citizens' data while it was still a Member State, and that, therefore, the UK should urgently solve these problems and demonstrate that it can be entrusted with the law enforcement cooperation granted by this agreement; stresses that an adequacy decision should not be granted as long as these violations have not been resolved;

13. Calls on the Commission to ensure that the UK has resolved the problems identified in this opinion prior to considering UK data protection law adequate in line with Union law as interpreted by the CJEU⁶; also calls for the opinion of the European Data Protection Board and the European Data Protection Supervisor to be sought, and for them to be provided with all relevant information and appropriate timelines to fulfil their role; strongly believes that, should the UK legal framework on data protection not meet the conditions to be granted an adequacy decision, the Union should stress the need to use the alternative legal mechanisms provided in the Union data protection law on international transfers;
14. Also calls on the Member States' data protection authorities to proactively follow the application of the interim regime and any subsequent steps, in order to contribute to continuous respect for Union data subjects' rights;

Law enforcement and judicial cooperation in criminal matters

15. Welcomes the fact that law enforcement and judicial cooperation in criminal matters is part of one single agreement on the future relationship between the EU and the UK, as underlined in Parliament's resolution of 12 February 2020; takes note of the fact that a

⁵ Judgment of 6 October 2020, C-623/17, *Privacy International v Secretary of State for Foreign and Commonwealth Affairs and Others*, ECLI:EU:C:2020:790.

⁶ Judgment of 6 October 2015, C-362/14, *Maximillian Schrems v Data Protection Commissioner*, ECLI:EU:C:2015:650; Opinion 1/15 of 26 July 2017, PNR Canada, ECLI:EU:C:2017:592; Judgment of 8 April 2014, Joined Cases C-293/12 and C-594/12, *Digital Rights Ireland Ltd v Minister for Communications, Marine and Natural Resources, Minister for Justice, Equality and Law Reform, Commissioner of the Garda Síochána Ireland*, EU:C:2014:238; Judgment of 21 December 2016, Joined Cases C-203/15 and C-698/15, *Tele2 Sverige AB v Post- och telestyrelsen and Secretary of State for the Home Department v Tom Watson and Others*, ECLI:EU:C:2016:970; Judgment of 6 October 2020, Joined Cases C-511/18, C-512/18, C-520/18, *La Quadrature du Net and Others v Premier ministre and Others*, ECLI:EU:C:2020:791; and Judgment of 6 October 2020, C-623/17, *Privacy International v Secretary of State for Foreign and Commonwealth Affairs and Others*, ECLI:EU:C:2020:790.

common agreement on future relations between the EU and the UK has been reached in the areas of exchange of DNA, fingerprints and vehicle registration data, transfer and processing of passenger name record (PNR) data, cooperation on operational information, cooperation with Europol and Eurojust, surrender, mutual assistance, exchange of criminal record information, anti-money laundering and counter terrorist financing, freezing and confiscation, together with a specific clause for termination and suspension and a specific dispute settlement mechanism, and on enhanced cooperation on counter-terrorism (Article COMPROV.9) which stipulates that ‘the Parties shall cooperate at the bilateral, regional and international levels to prevent and combat acts of terrorism in all its forms and manifestations in accordance with international law, including, where applicable, international counterterrorism-related agreements, international humanitarian law and international human rights law, as well as in accordance with the principles of the Charter of the United Nations’; finds that the TCA provides the necessary basis for continuing cooperation in the area of law enforcement and judicial cooperation in criminal matters with the UK in the light of the latter’s new status as a non-Schengen third country to which freedom of movement does not apply;

16. Notes that the TCA establishes reciprocal cooperation between the competent law enforcement authorities of the UK and the Member States with regard to the automated transfer of all types of data under the Prüm legal framework (DNA profiles, dactyloscopic data and certain domestic vehicle registration data); indicates that this is the first EU international agreement allowing the exchange of these sensitive data with a third country; welcomes the fact that the Parties to the TCA have committed themselves to exchanging information on all domestically available DNA and dactyloscopic data, including the data of convicted and suspected persons, as the Committee on Civil Liberties, Justice and Home Affairs requested in the explanatory statement to its report A9-0100/2020 on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in the United Kingdom, on which Parliament has been consulted⁷; points out that, while it was a Member State, the UK did not participate in the automatic transfer of vehicle registration data under Union law and regrets the fact that such exchange has been agreed with the UK in its status as a third country under the TCA without Parliament having been consulted; insists that Parliament be duly informed of the outcome of the evaluation to be carried out in accordance with Article LAW.PRUM.18 (Ex ante evaluation); underlines the sensitivity of the exchanged data and the need to ensure a high level of data protection; further takes note of the fact that the TCA lays down a procedure for the amendment of this Title in view of possible future changes to the Union’s Prüm legal framework (Article LAW.PRUM.19.1);
17. Takes note of the arrangements establishing reciprocal cooperation on the exchange and processing of PNR data and a legal basis for the transfer of data by air carriers operating flights between the EU and the UK; welcomes the fact that these arrangements reflect the most recent case law of the CJEU in this area and include additional safeguards compared to existing agreements with other third countries; recalls that the Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation

⁷ Texts adopted, P9_TA(2020)0068.

and prosecution of terrorist offences and serious crime⁸ is currently under legal scrutiny in three cases before the CJEU for possible unjustified interference with the fundamental rights to privacy and data protection⁹; is concerned, however, that Article LAW.PNR.20 (Purposes of the use of PNR data) introduces a special purpose use of PNR data applicable only to the UK – a risk of death or serious injury or a significant public health risk – which is not in keeping with the purposes of PNR exchange between Member States and which does not correspond to the country reciprocity principle; regrets, moreover, the fact that pursuant to Article LAW.PNR.28: Retention of PNR data the United Kingdom may derogate from its obligation to delete the PNR data of passengers after their departure from the country when a risk assessment indicates the need to retain such PNR data, and may do so on a temporary basis for an interim period of one year, extendable for another year, which might result in a situation where travellers' data that is not needed for law enforcement purposes could be kept by the UK for up to three years prior to the application of the deletion obligation;

18. Points out that Title IV on cooperation on operational information does not allow for access to the SIS database as Parliament had insisted upon in its earlier resolutions; stresses that cooperation in this area includes provisions on the exchange of information between law enforcement authorities on wanted or missing persons and objects for the purposes of the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, the prevention of threats to public safety and the prevention and combating of money laundering and the financing of terrorism, and a provision allowing the use of a secure communication line for the purpose of the provision of information through Europol, which will facilitate information exchange with the UK; points out that this title of the TCA allows for the conclusion of bilateral agreements between the UK and the Member States on condition that the Member States act in compliance with Union law; emphasises that in their relations with the UK in the area of law enforcement and judicial cooperation, it is important that the Member States adopt a unified and transparent approach;
19. Is satisfied with the fact that the TCA provides for close cooperation between the UK and Europol and Eurojust, which would be beneficial for both the UK and the Member States, since, owing to its geographical proximity and size, the UK will continue to be an important strategic partner of the EU in the fight against cross-border organised crime and in combating common security threats; highlights, in this context, that the TCA provides for the quickest possible exchange of information between a third country and Europol; notes that the TCA will be complemented by working and administrative arrangements to be agreed between Europol and Eurojust and the UK; in this context, calls on the parties to strive towards close cooperation, while respecting the technical and legal limits of such cooperation, as well as fundamental rights; underlines that its Committee on Civil Liberties, Justice and Home Affairs will continue to closely monitor this process and the relevant aspects of practical cooperation through its oversight powers in relation to both EU agencies; is concerned that the Agreement allows the UK to transfer personal data to Europol not only for the purposes of processing set out in the Europol Regulation, but also for a purpose other than the purpose for which they have been provided if authorised by the transferring competent

⁸ OJ L 119, 4.5.2016, p. 132.

⁹ See Case C-817/19, *Ligue des droits humains v Conseil des ministres*.

authority; takes note of the fact that transfers of personal data with Europol can be processed in respect of victims of criminal offences, witnesses or other persons who can provide information concerning criminal offences, and regrets the fact that the Agreement does not define the category of ‘other persons’ more precisely; expresses concern about the fact that Europol might be able to exchange personal data of non-suspects;

20. Welcomes the fact that the TCA contains provisions on a surrender procedure and on anti-money laundering and countering terrorist financing, which might lay the foundations for as close judicial cooperation in criminal matters as possible with the UK as a third country; expresses its satisfaction that an agreement has been found on the surrender procedure, thereby allowing closer and more efficient cooperation than if it had been based on the Council of Europe Convention on Extradition;
21. Commends the efforts made to supplement the Council of Europe Convention on Mutual Assistance in Criminal Matters by specific provisions ensuring more effective cooperation between the Member States’ and the UK’s judicial authorities in criminal matters; welcomes the inclusion of a comprehensive definition of beneficial ownership in the TCA’s Title on anti-money laundering; welcomes the fact that the Parties have also agreed to include provisions on freezing and confiscation in the TCA, which will allow for closer cooperation than that provided for under the relevant Council of Europe instruments;

Asylum, migration and border management

22. Recalls its position in the February and June 2020 resolutions regarding future cooperation in asylum and migration policies between the UK and the Member States, reiterating that such cooperation ought to have at least contained arrangements that enhance safe and legal pathways for accessing international protection, including through family reunification, given that family reunification continues to be important for asylum seekers who reside in the UK and have families within the EU’s borders, and encouraging the adoption of a plan on family reunification, which should have entered into force after the transition period, in order to avoid any gaps leading to negative practical consequences for the people involved and with humanitarian impacts and to ensure respect for their right to family life in accordance with Article 8 of the ECHR; deplores, therefore, the fact that, although cooperation on tackling irregular migration was part of the revised political declaration and that, in the area of asylum, the Commission sought a mandate from the Council in line with its statement on asylum¹⁰ following the relevant UK proposals, the prospect of EU cooperation with the UK in the area of asylum, migration and border management, an area where the Union has competence to act, and which affects the rights of the most vulnerable persons, has not materialised, and that this area of EU policy has now been left to bilateral cooperation, also in view of the Joint Political Declaration on Asylum and Returns; emphasises again that in their relations with the UK in the area of migration, it is important that the Member States adopt a unified and transparent approach towards the UK; calls on the Commission to follow up and regularly report to its Committee on Civil Liberties, Justice and Home Affairs on how Member States apply the relevant Union laws in their

¹⁰ Commission statement on asylum, Annex D to the Council Decision on the opening of negotiations with the United Kingdom.

relations with the UK, and ensure the consistency of their application; reminds the Member States and the UK of their obligation to protect all children on their territory, regardless of their status, relationship or family links, including unaccompanied minors, and to safeguard all children's access to their right to protection, family life and well-being in the light of their best interests, in line with the United Nations Convention on the Rights of the Child (UNCRC) of 2 September 1990; welcomes the UK's unilateral measures to provide that unresolved requests for a transfer to the UK for family reunification will continue to be processed after 1 January 2021 (the Immigration, Nationality and Asylum (EU Exit) Regulations 2019, SI 2019/745, Schedule 2, Part 3, paragraph 9); calls for the swift conclusion of an EU-UK agreement to replace the Dublin Regulation and deal with issues such as family reunification for asylum seekers or refugees, relocation or readmission arrangements; calls further on the Commission to contribute to the development of safe legal migration pathways and schemes between the EU and the UK; emphasises, in this context, that Member States with an external land or maritime border – created as a result of the UK leaving the EU – cannot be expected to act as border police on behalf of the UK; notes that no future cooperation between the European Border and Coast Guard Agency (Frontex) and the UK Border Force is provided for in the TCA and calls for clarification of the terms of such cooperation between the UK as a third country and Frontex through, as a minimum, future working arrangements or status agreements; stresses that such cooperation should comply with Union and international law, which remains applicable to the border between the UK and the EU, including respect for human rights and fundamental freedoms;

Citizens' rights and mobility

23. Stresses the crucial importance of the negotiations between the two Parties being aimed at full continuation of both Parties' citizens' rights and the rights of their family members, and that the residence schemes of both the UK and the Member States should be user-friendly, transparent and free of charge, in order to facilitate the process; recalls its February and June 2020 resolutions and reiterates that further provisions on citizens' rights, including free movement for UK nationals in the Union based on a reciprocal approach, ought to have constituted a cornerstone and indivisible part of the text of a future international agreement between the EU and the UK; further recalls its insistence that any future mobility arrangements should be based on non-discrimination between the Member States and on full reciprocity; remains concerned about the situation of cross-border workers and recalls that their rights must be secured without delay; calls on the United Kingdom not to discriminate between EU citizens on the basis of their nationality, either in terms of registration in the EU settlement scheme, or in relation to mobility and visa issues, and to refrain from applying discriminatory visa prices to Member States' nationals; calls on the Commission to strictly enforce the reciprocity principle;
24. Takes note, in this regard, of the work of the Specialised Committee on Citizens' Rights, and, more particularly, of its two joint reports on the implementation of residence rights; calls on the Commission to regularly report to the Committee on Civil Liberties, Justice and Home Affairs on the implementation of Part Two of the WA, in particular as the deadlines for applying for the relevant UK and Member State schemes expire either in June or in December 2021, and several shortcomings and delays have

been observed; is worried about the consequences for citizens of not meeting the relevant deadlines; recalls the need to fully respect the Good Friday Agreement in all its parts as stated in the WA, and urges the UK authorities to ensure that there is no diminution of rights for citizens in Northern Ireland; welcomes the provisions on visas for short-term visits, in particular the engagement of both Parties to provide for visa-free travel for short-term visits and the insertion of a non-discrimination clause between Member States in the event that the UK decides to impose a short-term visa requirement on a Member State's nationals (Article VSTV.1, paragraphs 1 and 2); regrets the fact that the principle of the free movement of persons between the EU and the UK no longer applies, and is disappointed by the limited content of the TCA in the area of mobility outside the WA, as a result of the lack of engagement from the UK side;

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25. Calls, therefore, on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to recommend that Parliament give its consent to the draft Council decision on the conclusion 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 (COM(2020)0856 – 2020/0382(NLE)).