

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash MP

4 June 2020

Rachel Maclean MP
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7576/20, 7644/20, 7645/20 and 7652/30: COVID-19: Legislative amendments (multiple modalities)

The Committee have asked me to thank you for your Explanatory Memorandum (EM) of 15 May 2020 on the above listed documents.

The current challenges facing the transport industry and passengers are unprecedented and your detailed analysis of the European Commission's proposals are greatly appreciated. This having been said, the situation is developing rapidly and, as such, the Committee requests further information on a number of points covered in your EM.

The Committee notes that proposal 7576/20 would apply to both air carrier licencing and groundhandling rules. With this in mind, the full title of the proposal—Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) N° 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community in view of the COVID-19 pandemic—only mentions relevant air carrier licencing legislation. It does not mention [Directive 97/67/EC](#) or, by virtue, EU groundhandling rules (which it would also make considerable changes to).

The Committee notes that this approach to the nomenclature of amending legislation is not uncommon, however, given the significance of the changes that the proposal covers, and the implications that these would have for industry, queries the wisdom of naming the adopted Regulation in such a way. The Committee seeks the Government's view on how the proposal has been named, in particular, whether it believes that omitting Directive 97/67/EC from

the title of the adopted Regulation would hinder visibility—and understanding—amongst affected stakeholders.

The Committee understands that the [Port Services Regulation](#) only applies to UK ports that form part of the ‘Trans-European Transport Network’ (also known as ‘TEN-T’). We therefore request information on the UK ports that are required to levy port infrastructure charges (as per the terms of the Regulation). Furthermore, we request information on the steps that the Government will take, should the Commission’s proposal be adopted, to ensure that port operators are aware of changes allowing charges to be waived, reduced, suspended or deferred. This should also include information on relevant stakeholder awareness raising e.g. amongst port infrastructure users.

The Committee notes that, if agreed, the transposition deadline for the Technical Pillar of the Fourth Railway Package—as suggested by COREPER—would coincide with the end of the transition period under the UK/EU Withdrawal Agreement (31 December 2020).¹ Aside from extension of the transition period (which the Government has been steadfast in arguing that it will not seek or agree to), there is a possibility that the UK will not have to implement the Technical Pillar of the Fourth Railway Package. With this in mind, we ask the Government for further information on its plans for the transposition of the Technical Pillar, in particular, whether the Government will give effect to its core terms irrespective of the status of EU exit. If it will not, we seek information on the domestic measures, if any, that will be required to ensure legal certainty and regulatory predictability.

Finally, the Committee is grateful for the detailed information that you have provided on the Commission’s proposals for extending the validity of expiring certification, licencing and authorisation documentation. We appreciate that this is a complicated area of transport law and policy and the clear way in which it has been explained in the accompanying EM has aided the Committee’s scrutiny of the Commission’s proposals.

This complexity, however, often makes communicating such changes to industry and the public difficult. The Committee would appreciate information on the steps that the Government will take to ensure that stakeholders are aware of the changes suggested by the Commission. We are interested, in particular, in those changes that directly affect the public, for example, covering driver licencing, and vehicle roadworthiness (MOT) testing.

¹ See [Directive \(EU\) 2016/797](#) of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (Text with EEA relevance); and [Directive \(EU\) 2016/798](#) of the European Parliament and of the Council of 11 May 2016 on railway safety (Text with EEA relevance)

The Committee also seeks further clarity on the Government's views on the Commission's planned changes to Vehicle Operator Licencing and rules on the International Carriage of Goods and Passengers. These were not especially clear in your EM.

We request a response to this letter within 10 working days.

I am copying this letter to Lord Kinnoull and Christopher Johnson in the Lords; Huw Merriman MP, Chairman of the Transport Committee; Les Saunders at the Cabinet Office; and to Margaret Browne, Departmental Scrutiny Co-ordinator.

CHAIR