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*Plenary sitting*

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## **REPORT**

on the European Parliament recommendation on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Committee on Foreign Affairs  
Committee on International Trade

Rapporteurs: Kati Piri, Christophe Hansen

(Joint committee procedure – Rule 58 of the Rules of Procedure)

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## PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION

### on the European Parliament recommendation on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

*The European Parliament,*

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), in particular Article 218 of the TFEU,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement<sup>1</sup> and the directives set out in the addendum thereto for the negotiation of a new partnership with the United Kingdom of Great Britain and Northern Ireland, which have been made public,
- having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union<sup>2</sup>, of 3 October 2017 on the state of play of negotiations with the United Kingdom<sup>3</sup>, of 13 December 2017 on the state of play of negotiations with the United Kingdom<sup>4</sup>, of 14 March 2018 on the framework of the future EU-UK relationship<sup>5</sup>, of 18 September 2019 on the state of play of the UK's withdrawal from the European Union<sup>6</sup>, of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement<sup>7</sup>, and of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland<sup>8</sup>,
- having regard to the draft text of the Agreement on the New Partnership with the United Kingdom of 18 March 2020<sup>9</sup> ;
- having regard to its legislative resolution of 29 January 2020 on the draft Council decision on the conclusion 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<sup>10</sup>,

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<sup>1</sup> OJ L 58, 27.2.2020, p. 53.

<sup>2</sup> OJ C 298, 23.8.2018, p. 24.

<sup>3</sup> OJ C 346, 27.9.2018, p. 2.

<sup>4</sup> OJ C 369, 11.10.2018, p. 32.

<sup>5</sup> OJ C 162, 10.5.2019, p. 40.

<sup>6</sup> Texts adopted, P9\_TA(2019)0016.

<sup>7</sup> Texts adopted, P9\_TA(2020)0006.

<sup>8</sup> Texts adopted, P9\_TA(2020)0033.

<sup>9</sup> UKTF(2020)14.

<sup>10</sup> Texts adopted, P9\_TA(2020)0018

- having regard to 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<sup>11</sup> (‘the Withdrawal Agreement’) and to the accompanying political declaration setting out the framework for the future relationship between the European Union and the United Kingdom<sup>12</sup> (‘the Political Declaration’),
  - having regard to the opinions from the Committee on Budgets, the Committee on Economic and Monetary Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Fisheries, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs and the Committee on Petitions,
  - having regard to the letters from the Committee on Development, the Committee on Budgetary Control, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Agriculture and Rural Development, the Committee on Culture and Education and the Committee on Legal Affairs,
  - having regard to Rules 114(4) and 54 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on International Trade under Rule 58 of the Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the Committee on International Trade (A9-0117/2020),
- A. whereas the Political Declaration is the yardstick for the negotiations and establishes the parameters of an ambitious, broad, deep and flexible partnership across trade and economic cooperation with a comprehensive and balanced Free Trade Agreement at its core, law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation; whereas the European Union (EU) mandate, adopted by the Council on 25 February 2020 on that basis, constitutes the negotiating framework that envisages a strong and comprehensive partnership between the EU and the UK, forming a coherent structure and an overall governance framework; whereas the EU will not accept the UK's piecemeal approach, which seeks to negotiate a series of separate, self-standing agreements;
- B. whereas the EU mandate is based on the European Council guidelines of 23 March 2018 and the Political Declaration;
- C. whereas the negotiations on the future partnership with the United Kingdom (UK) can only be premised on the effective and full implementation of the Withdrawal Agreement and its three protocols;
- D. whereas the EU should maintain its efforts and determination to negotiate an ambitious agreement as clearly provided for in the Political Declaration, to which both parties,

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<sup>11</sup> OJ L 29, 31.1.2020, p. 7.

<sup>12</sup> OJ C 34, 31.1.2020, p. 1.

including the UK Prime Minister, signed up on 17 October 2019, and the EU mandate; whereas the UK ceased to be a Member State of the EU on 31 January 2020;

- E. whereas the current time pressure in the negotiations is merely the result of the UK's choices;
- F. whereas the future agreement should be embedded in an overall governance framework and whereas the Court of Justice of the EU (CJEU) should be the sole body responsible for interpreting EU law;
- G. whereas during the transition period, EU law across all policy areas, is still applicable to, and in, the UK, with the exception of provisions of the Treaties and acts that were not binding upon, and in, the UK before the Withdrawal Agreement entered into force; whereas on the 14th of May 2020, the European Commission opened infringement proceedings against the UK for failure to comply with EU rules on free movement;
- H. whereas the withdrawal of the UK from the EU affects millions of citizens, UK citizens living, travelling or working in the EU, EU citizens living, travelling or working in the UK; and people other than EU and UK citizens;
- I. whereas, as a third country, the UK cannot have the same rights and enjoy the same benefits and cannot be subject to the same obligations as a Member State and the situation in both the EU and the UK will therefore change significantly at the end of the transition period; whereas the EU and the UK share fundamental principles and values; whereas the UK's geographical proximity, level of interconnectedness and high level of existing alignment and interdependence with EU rules should be taken into account in the future partnership agreement; and whereas, as the EU has made clear from the start, the more privileges and rights the UK seeks, the more obligations will come attached;
- J. whereas the EU and the UK agreed in the Political Declaration to convene at a high level in June 2020 to take stock of progress with the aim of agreeing action to move forward with negotiations on their future relationship;
- K. whereas unity of the EU and its Member States throughout the negotiations is essential in order to defend the interests of the EU, including those of its citizens in the best possible way; whereas the EU and its Member States have remained united throughout the negotiation and adoption of the Withdrawal Agreement and ever since; whereas this unity is reflected in the adoption of the negotiating mandate entrusted to the EU negotiator and Head of the EU Task Force Michel Barnier, who enjoys the strong support of the EU and its Member States;
- L. whereas the EU and UK agreed in the Political Declaration that the future relationship should be underpinned by shared values such as the respect for and safeguarding of human rights and fundamental freedoms, democratic principles, the rule of law, an international rules-based order including the UN Charter and support for non-proliferation, principles of disarmament, peace and security as well as sustainable development and protection of the environment and that those values are an essential prerequisite for cooperation within the framework of the Political Declaration, which

should be expressed in terms of binding political clauses as well as being matters of mutual trust; whereas while the EU will remain bound by the Charter of Fundamental Rights of the European Union, the agreement on the future relationship must be conditional on the UK's continued commitment to respect the framework of the European Convention on Human Rights (ECHR);

- M. whereas the COVID-19 pandemic has created a totally unexpected and unprecedented new situation, which has significant consequences on the rhythm and efficiency of the negotiations between the EU and the UK; whereas, if an agreement cannot be reached, both sides would have to be prepared for very dramatic changes to their economies, which will be aggravated by the COVID-19 pandemic and its expected economic consequences; whereas facing a global pandemic and its foreseeable geopolitical, economic and social consequences reinforces the necessity to improve cooperation mechanisms between partners and allies;

### *General principles*

1. Regrets that, following four rounds of negotiations, no real progress has been achieved, with the exception of very small openings in a limited number of areas; notes the substantial divergences between the EU and the UK, including on the scope and the legal architecture of the text to be negotiated; expresses deep concern at the limited scope of the future partnership envisaged by the UK Government and its piecemeal approach to negotiations only on areas that are in the interest of the UK: reiterates that such a “cherry-picking” approach is unacceptable for the EU; points out that the UK's proposals fall short of its commitments under the Withdrawal Agreement and the Political Declaration, to which the UK agreed, including its refusal to negotiate an agreement on security and defence matters;
2. Reiterates that the EU stands firm in its position that tangible progress must be achieved in all areas of negotiations in parallel, including on the level playing field, fisheries, internal security and governance, as outlined in the Political Declaration; emphasises that all negotiations are indivisible and the EU will not agree to a deal at any cost, in particular not to a free trade agreement (FTA) without having robust level playing field guarantees and a satisfactory agreement on fisheries; thus fully supports the Commission in defending the need for a comprehensive draft treaty as proposed by the EU at the outset, instead of agreeing to separate agreements as proposed by the UK;
3. Insists that any agreement on a new relationship between the EU and the UK must be coherent and adapted to the geographical proximity of both parties and to the high level of interconnectedness of both parties' economies;
4. Welcomes the publication, even if belatedly, of the UK's draft legal proposals; notes that, contrary to the UK's claims of using existing precedents, many of those proposals go significantly beyond what has been negotiated by the EU in other FTAs with third countries in recent years; recalls that any final agreement must be based on a balance of rights and obligations;
5. Welcomes the fact that there is a high level of convergence between the negotiating objectives expressed in Parliament's resolution of 12 February 2020 and in Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of

negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement<sup>13</sup> ('the negotiating directives'); emphasises that the Commission has Parliament's full support in negotiating with the UK in accordance with the negotiating directives, as all three institutions broadly share the same objectives in terms of what those negotiations should achieve;

6. Welcomes the EU's draft text of the Agreement on the New Partnership with the United Kingdom, published on 18 March 2020, which proposes a comprehensive agreement for a deep and close partnership, covering not only free trade in goods and services but also ways to prevent distortions and unfair competitive advantages, including those related to the agricultural sector, sanitary and phytosanitary (SPS) measures and state aid, and to establish a favourable climate for the development of trade and investment;
7. Calls on the Commission to continue conducting negotiations transparently as this benefits the negotiation process and is also beneficial for citizens and businesses as it allows them to better prepare for the post-transition phase; urges the Commission to ensure, in that respect, public consultation and constant dialogue with social partners and civil society, as well as with national parliaments; welcomes the Commission's practice of providing regular and timely information to the Parliament on the negotiations, and expects that practice to continue, in line with the information that is shared with the Member States;
8. recalls that any future association agreement concluded between the EU and the UK pursuant to Article 217 of the TFEU ('the Agreement') must be in strict concordance with the following principles:
  - (i) a third country must not have the same rights and benefits and does not comply with the same obligations as a Member State of the EU, or a member of the European Free Trade Association (EFTA) or European Economic Area (EEA);
  - (ii) protection of the full integrity and proper functioning of the internal market and customs union, the indivisibility of the four freedoms; in particular, the degree of cooperation in the economic pillar must be in accordance with commitments made to facilitate the mobility of people, such as visa-free travel, the mobility of researchers, students, temporary service providers and business travellers, and cooperation in the field of social security;
  - (iii) the preservation of the autonomy of the EU's decision-making;
  - (iv) the safeguarding of the EU legal order and the role of the CJEU as the ultimate body responsible for interpreting EU law in that respect;
  - (v) continued adherence to democratic principles, human rights and fundamental freedoms, as defined in particular in the Universal Declaration of Human Rights, the ECHR and its protocols, the European Social Charter, the Rome Statute of the International Criminal Court and other international human rights treaties of the UN and the Council of Europe, and respect for the principle of the rule of law recalls in particular that the future relationship should be made conditional on the

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<sup>13</sup> OJ L 8 58, 27.2.2020, p. 53.

UK's continued commitment to respect the framework of the ECHR;

- (vi) a level playing field, including for business, ensuring high equivalent standards in social, labour, environmental and consumer protection, the fight against climate change as well as taxation, competition and State aid policies, including through a robust and comprehensive framework on competition and State aid control. That level playing field must be guaranteed through effective dispute settlement and enforcement mechanisms including on the trade and sustainable development chapter; recalls in particular that any future agreement should be made fully conditional on respect for the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (the 'Paris Agreement');
  - (vii) the precautionary principle, the principle that environmental damage should as a priority be rectified at source, and the polluter pays principle;
  - (viii) the safeguarding of EU agreements with third countries and international organisations, including the EEA Agreement, and maintaining the overall balance of those relationships;
  - (ix) the safeguarding of the financial stability of the EU and compliance with its regulatory and supervisory regime and standards and their application;
  - (x) the right balance between rights and obligations, including, where appropriate, commensurate financial contributions;
  - (xi) the guarantee of an outcome that is proper and fair for all Member States and in the best interests of our citizens;
9. Underlines that the EU Chief Negotiator has the Parliament's full and unwavering support for insisting that level playing field guarantees are a crucial element of any agreement with the UK, as this is not dogmatism or ideology from the EU's side but a prerequisite to establishing an ambitious and balanced partnership with the UK and preserving the competitiveness of the internal market and EU companies, as well as maintaining and developing in the future high levels of social, environmental and consumer protection;
10. Respects fully in this regard the sovereignty of the UK, which the EU has no intention of undermining in the current negotiations; recalls, however, that the UK will never be equal to other third countries due to its status as a former EU Member State, current complete regulatory alignment, and the significant volume of trade between both parties, as well as its geographic proximity to the EU, which all explain the necessity for strong and robust level playing field provisions in the agreement;
11. Underlines that the EU should keep up its efforts and engagement to negotiate an agreement, as it has always indicated in the Political Declaration and in the negotiating directives, on the following parts: trade and economic cooperation, law enforcement and judicial cooperation in criminal matters, foreign policy, security and defence, and thematic areas of cooperation such as cooperation on sustainable development; calls for a pragmatic and reasonable approach on both sides;

12. Emphasises the importance of being fully prepared for the UK's withdrawal from the internal market and the customs union at the end of the transition period, regardless of the outcome of the negotiations; stresses that the consequences will be even more significant should no agreement be reached; ; points out, however, that the EU is ready for either scenario;
13. Welcomes, in that regard, the Commission's sector-specific 'readiness notices', which seek to ensure that EU industry is ready for the inevitable shock that the UK's withdrawal from the internal market will cause; calls on the Commission and Member States to enhance their efforts in order to fully inform EU citizens and businesses of the risks that the transition period might end before an agreement is reached, in order to allow for adequate preparedness;
14. Underlines the importance of stepping up and properly financing preparedness and contingency measures well ahead of the end of the transition period, especially in the event of a stalemate in negotiations; stresses that such contingency measures should be temporary and unilateral;
15. Reiterates its support for the negotiating directives, which provide that Gibraltar will not be included in the territorial scope of the agreements to be concluded between the EU and the UK, and that any separate agreement will require the prior agreement of the Kingdom of Spain;
16. Emphasises the importance of implementing the provisions of the Protocol on Gibraltar regarding frontier workers, taxation, the environment and fisheries; calls on the Spanish and the UK Government to ensure that the necessary cooperation is put in place to deal with those issues;
17. Recalls that Article 132 of the Withdrawal Agreement provides the possibility for the Joint Committee to adopt a decision extending the transition period beyond 31 December 2020;

### ***Implementation of the Withdrawal Agreement***

18. Recalls that the legally binding Withdrawal Agreement is the instrument for implementing the arrangements for an orderly withdrawal of the UK from the EU that it is not subject to any renegotiation and that the sole purpose of the EU-UK Joint Committee is to oversee its implementation; ; underlines that the effective implementation of the Withdrawal Agreement is a precondition of, and basic element for ensuring, the trust needed for the successful conclusion of an agreement with the UK and is a litmus test for the good faith that the UK has committed to bring to the negotiating process;
19. Insists on seeing tangible progress as early as possible and having solid guarantees that the UK will implement the Withdrawal Agreement effectively and in its entirety before the end of the transition period, stresses that monitoring its implementation is an integral part of the work of the Parliament and reiterates that, in accordance with Article 218(10) TFEU, Parliament is to be immediately and fully informed of all the discussions held and decisions taken by the Joint Committee, and will remain vigilant and fully exercise its prerogatives; recalls, in that context, the commitment made by the

President of the European Commission to Parliament's plenary on 16 April 2019 as well as the obligations stemming from Council Decision (EU) 2020/135 of 30 January 2020; calls on the co-chairs of the Joint Committee to actively involve citizens and civil society organisations in their deliberations;

20. Recalls that the Withdrawal Agreement provides for reciprocal protection for EU and UK citizens, including their family members, who should be provided with all the necessary information with regard to their rights and to the procedures to be followed to continue living, working and traveling within or to their country of residence; recalls that citizens affected by the UK's withdrawal rely on timely and reliable information regarding their rights and status and urges both the Member States and the UK to prioritise that matter;
21. Reiterates that citizens' rights will remain an absolute priority and is determined to ensure that citizens' rights are guaranteed under the Withdrawal Agreement for both EU and UK citizens and their families; urges the EU and the UK to strive towards a high level of mobility rights in the future agreement; regrets the fact that the UK has so far shown little ambition with regard to citizens' mobility, which the UK and its citizens have benefitted from in the past;
22. Expresses concern at reports that EU citizens under pre-settled status were denied social benefits in the UK due to bureaucratic obstacles; underlines that such situations constitute undue discrimination and have significant consequences, especially at a time of severe economic and social uncertainty;
23. Stresses that EU citizens in the UK are experiencing significant problems in obtaining settled status, including as a result of the COVID-19 pandemic; considers the number of cases granted pre-settled status to be disproportionately high in comparison with the number of cases granted settled status; urges the UK Home Office to be flexible in accepting evidence provided by applicants that they have been in the country for the five years required; is also concerned that applicants are not issued with any physical proof of the status they have been granted;
24. Calls on the parties to ensure the strict implementation of the Protocol on Ireland/Northern Ireland, as this is a precondition for the successful conclusion of the future agreement; recalls that that Protocol was designed and adopted in order to respect the peace process and uphold the Good Friday Agreement, ensuring the absence of a hard border on the island of Ireland while protecting the integrity of the internal market, and is crucial for businesses, in particular the agri-food sector, protection of citizens, the environment and biodiversity; underlines the importance of free movement of EU citizens and free movement of services on the island of Ireland in order to limit damage to the all-island economy and that a future agreement should cover this issue; urges the UK authorities to ensure that there is no diminution of rights for citizens in Northern Ireland
25. Expresses concern at the UK Government's public statements showing a lack of political will to comply fully with its legal commitments under the Withdrawal Agreement, namely regarding checks on goods in the Irish Sea;
26. Recalls that important decisions are due to be taken by the EU-UK Joint Committee on

the implementation of the Protocol on Ireland/Northern Ireland before the end of the transition period;

27. Hopes that an agreement can be found between the EU and the UK on all institutional arrangements, such as the creation of a technical office of the European Commission in Belfast despite the repeated refusal expressed by the UK authorities to authorise the opening of such an office; stresses that the UK needs to present a detailed timetable and proceed with the necessary measures, such as preparing for implementing the Union customs code and the introduction of customs procedures for goods entering Northern Ireland from Great Britain, and ensuring that all necessary SPS controls as well as other regulatory checks can be carried out in respect of goods entering Northern Ireland from outside the EU, which is also necessary to create clarity for businesses;
28. Underlines the importance of clear legal rules, transparent implementation and effective control mechanisms to avoid systemic risks for VAT and customs fraud, trafficking (smuggling) or other fraudulent misuse of a potentially unclear legal framework, including from the increased risk of wrongful declarations of origin and products not intended for the internal market; calls on the Commission to carry out regular and efficient checks and controls and regularly report back to Parliament regarding the border control situation;
29. Notes that the term goods 'at risk of subsequently being moved into the Union' used in Article 5 of that Protocol on Ireland/Northern Ireland depends on subsequent decisions of the Joint Committee and insists that such decisions are taken under European Parliament scrutiny; requests to be kept fully informed on the application of that Article and any proposals for decisions of the Joint Committee with regard to the application of that Article, such as the establishment of the specific criteria for a good to be considered 'at risk', or on the amendment of any of its previous decisions;
30. Recalls that the end of the transition period, the UK is obliged to contribute, inter alia, to the financing of the European Defence Agency, the European Union Institute for Security Studies, and the European Union Satellite Centre, and to the costs of Common Security and Defence Policy (CSDP) operations, in which it participates;
31. Underlines the fact that the UK must implement all pre-existing EU restrictive measures and sanctions and any decided during the transition period, must support EU statements and positions in third countries and international organisations, and participate on a case-by-case basis in EU military operations and civilian missions established under the CSDP, yet without any leading capacity within a new Framework Participation Agreement, while respecting the EU's decision-making autonomy and the relevant EU decisions and legislation, including on procurement and transfers in the field of defence; asserts that such cooperation is conditional on full compliance with international human rights law and international humanitarian law and EU fundamental rights;

### ***Economic partnership***

#### *Trade*

32. Takes note that the UK has chosen to establish its future economic and trade partnership with the EU on the basis of a 'Comprehensive Free Trade Agreement' as laid down in

the document published by the UK Government on 27 February 2020 entitled ‘The Future Relationship with the EU – the UK’s Approach to Negotiations; emphasises that, while Parliament is supportive of the EU constructively negotiating a balanced, ambitious and comprehensive FTA with the UK, by its nature an FTA will never be equivalent to ‘frictionless’ trade; shares the position set out in the negotiating directives, jointly adopted by the 27 Member States, that the scope and ambition of an FTA that the EU would agree to is conditional on and must have a direct link with the UK agreeing to comprehensive, binding and enforceable provisions related to the level playing field, given the size, the geographical proximity, the economic interdependence and connectedness, the integration of markets, as well as on the conclusion of a bilateral agreement on fisheries, as an integral part of the partnership; reaffirms that no trade agreement can be concluded between the EU and the UK if it does not include a complete, sustainable, balanced and long-term fisheries agreement, upholding the continuation under optimal conditions of existing access to waters, resources and markets in accordance with common fisheries policy (CFP) principles and adopted before the end of the transition period;

33. Notes that, contrary to the UK’s claim of relying on existing precedents, many proposals in the UK draft legal proposals go significantly beyond what has been negotiated by the EU in other FTAs with third countries in recent years, for example in the area of financial services, mutual recognition of professional qualifications and conformity assessment, equivalence of the SPS regime, or the cumulation of rules of origin; supports the system of a bilateral cumulation system, the most appropriate, since it involves supporting integration between the EU and the UK, and not with the third countries with which the EU has concluded FTAs, and an ad hoc mechanism against "swap" risks<sup>14</sup> should be provided for;
34. Deeply regrets, in that regard, that the UK has so far refused to engage, notwithstanding its commitment taken in the Political Declaration, for instance on public procurement, maritime transport and the protection of future geographical indications (GIs), especially as the UK did include some of those topics in its negotiation mandates with the US and Japan; furthermore regrets that the UK has so far not submitted a proposal on small and medium-sized enterprises (SMEs);
35. Recalls that the continued shared commitment to a zero quotas, zero tariffs objective for the trade relationship remains an essential condition for the timely conclusion of an agreement within the extremely tight timeline that the UK itself has imposed on these negotiations, especially as previous experience has clearly demonstrated that a tariff-line by tariff-line negotiation could take several years; expresses concern at the intention of the UK Government to move away from that objective; highlights that agricultural goods would probably be most affected, given remaining non-zero tariff lines in FTAs usually affect this sector; reiterates in that regard that, irrespective of whether 100 % or less tariff-lines are scrapped, this will not alter the EU’s demand for

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<sup>14</sup> It is necessary to include, in the future agreement, an ad hoc mechanism against “swap” risks in order to protect the internal market from a situation where UK would choose to import goods at low cost from third countries (in order to satisfy its domestic consumption) and export duty free to the more lucrative EU market its domestic production. That phenomenon, benefitting both the UK and third countries, which the rules of origin cannot prevent, would destabilise EU agricultural sectors and therefore requires specific operational mechanisms.

robust level playing field conditions; reiterates that the level playing field provisions must maintain environmental, social and employment standards at high equivalent levels over time, relying on appropriate and relevant EU and international standards, and including appropriate mechanisms to ensure effective implementation domestically, as well as include a robust and comprehensive framework for competition and state aid control that prevents undue distortion of trade and competition instead of referring to subsidies only, as the UK regrettably does;

36. Encourages in this regard the Commission to seize the momentum caused by these negotiations to enhance competitiveness for European companies and SMEs; stresses that the Agreement should aim to allow for market access and trade facilitation as close as possible in order to minimize trade disruptions; encourages the Parties to set up SME contact points and calls overall for a stable, transparent and predictable legal framework not imposing a disproportionate burden on SMEs;
37. Stresses that for an FTA to truly promote the EU's interests, the negotiations should aim to achieve the following objectives as laid down in Parliament's resolution of 12 February, in particular paragraph 14 thereof, the provisions of which continue to be fully valid; in addition emphasises that the following should be covered:
  - (i) mutually beneficial market access for goods, services, public procurement, recognition of professional qualifications as well as on product rules; underlines moreover the need for stable, reliable and sustainable value chains;
  - (ii) the Commission should evaluate the need for safeguard clauses to protect the integrity and stability of the EU internal market such as from unexpected import surges, fraud and circumvention of trade defence measures;
  - (iii) commitments on anti-dumping and countervailing measures should go beyond World Trade Organisation (WTO) rules in that area, as appropriate, and commitments and enforcement possibilities on competition and state aid;
  - (iv) rules on development and facilitation of digital trade should address unjustified barriers to trade by electronic means, including data localisation requirements, should preserve EU's regulatory autonomy, and ensure an open, secure and trustworthy online environment for businesses and consumers, provided that the UK online retailers comply with the relevant internal market rules and provided that the UK provides a level of protection essentially equivalent to that offered by EU legal framework, including on onward transfers to third countries;
  - (v) any SPS measures should be based on risk assessments, with full respect for the precautionary principle;
  - (vi) GI protection enshrined in the Withdrawal Agreement are not negotiable; the future agreement should also protect and uphold GIs registered after the end of the transition period;
  - (vii) include robust prudential carve-outs in order to legally guarantee both parties' rights to regulate in the public interest;

- (viii) recalls that the consequences of the UK's withdrawal from the EU on gender equality should be taken into account, including by ensuring a level playing field for EU actions protecting and advancing the role of women in economy, for instance in terms of measures combatting the gender pay gap;
- (ix) partnership achieving long-term climate goals;
- (x) calls on the Commission and the Member States to take all necessary preparations and precautions for the case of an expiration of the Withdrawal Agreement without an agreement on the future relations, and in particular the trade and economic relations, entering into force on the 1st of January 2021, including contingency measures to reduce as much as possible the harm for workers and enterprises effected;
- (xi) calls on the Commission to propose measures to reduce the impact on third country trading partners of the Union, in particular developing countries, in case no agreement can be found with Britain, as British imports may have constituted a sizeable share of their exports to the European Union;

*Level playing field*

- 38. Regrets the UK's negotiating position with the EU of hitherto not engaging in detailed negotiations on the level playing field; points out that this position does not reflect paragraph 77 of the Political Declaration signed by the EU and the UK; urges the UK Government, therefore, to urgently revise its negotiating position and engage constructively in the negotiations on the level playing field since is a necessary condition for Parliament to give its consent to a trade agreement with the UK;
- 39. Reiterates that given the UK's geographic proximity and economic interdependence with the EU, the breadth and depth of the agreement on a level playing field will be essential in determining the extent of the overall future EU-UK relationship; considers, therefore, that a level playing field that is appropriate to the level of ambition and liberalisation of the Agreement for regulatory convergence in line with the Political Declaration must be provided for and EU standards safeguarded as a condition in order to avoid a 'race to the bottom' as well as measures having an unjustified and disproportionate damaging effect on trade flows, with a view to dynamic alignment; including for state aid; stresses the need to ensure that the UK does not gain an unfair competitive advantage through the undercutting of levels of protection and to prevent regulatory arbitrage by market operators;
- 40. Recalls its determination to prevent any kind of 'dumping' in the framework of the future EU-UK relationship; points out that a key outcome of the negotiations is to guarantee a level playing field in order to preserve competitiveness, high social and sustainability standards, including the fight against climate change and citizens' and workers' rights in the future through robust commitments, enforceable provisions and non-regression clauses with a view to dynamic alignment on:
  - (i) competition and state aid, and any other general or sectoral regulatory measures which should prevent undue distortion of trade and competition and include

provisions on state-owned enterprises, including provisions on measures to support agricultural production;

- (ii) relevant tax matters, including the fight against tax evasion and avoidance and money laundering, terrorism financing as well as financial services;
  - (iii) full respect for the social and labour standards of the EU's social model (including equivalent levels of protection and safeguards against social dumping), at least at the current high levels provided by the existing common standards;
  - (iv) environmental protection and climate change related standards, a commitment to effectively continue implementing the Paris Agreement, the promotion of the UN's Sustainable Development Goals (SDGs);
  - (v) a high-level of protection for consumers, including product sanitary quality in food sector;
  - (vi) sustainable development;
41. Points out that those provisions should ensure that standards are not lowered, while empowering the EU and the UK to modify commitments over time in order to lay down higher standards or include additional areas in full compliance with the proportionality and necessity principles; stresses, moreover, that commitments and provisions should be enforceable by autonomous interim measures, a solid dispute settlement mechanism covering all areas and remedies, including judicial oversight to provide the EU with the ability to adopt sanctions as a last resort, including in relation to sustainable development with a view to dynamic alignment; underlines that a level playing field requires a horizontal mechanism, such as an overall governance framework covering all areas of cooperation;
42. Emphasises in particular the non-regression clauses in the following areas: (i) fundamental rights at work; (ii) occupational health and safety standards; (iii) fair working conditions and employment standards; (iv) information and consultation rights at company level; and (v) restructuring;
43. Considers the fight against climate change, halting and reversing biodiversity loss, promoting sustainable development, the environment, and major health issues should constitute essential elements of the envisaged partnership; notes that the Commission committed itself in its communication on the European Green Deal to making respect for the Paris Agreement an essential element of all future comprehensive trade agreements;
44. Stresses that a 'ratchet clause' for future levels of protection is not sufficient, as it does not provide for a level playing field or incentives to raise ambition levels, and considers that should either EU or the UK increase its level of climate or environmental protection, the other party should ensure that its standards and targets offer at least an equivalent level of climate or environmental protection;
45. Strongly believes that the UK should adhere to the evolving standards on taxation and

anti-money laundering legislation and terrorism financing within the EU acquis, as well as worldwide, including tax transparency, the exchange of information on tax matters and anti-tax avoidance measures, in order to ensure a fruitful and trust-based mutual cooperation and should address the respective situations of its Overseas Territories, its Sovereign Base Areas and its Crown Dependencies and their non-compliance with EU good governance criteria and transparency requirements, particularly on the exchange of tax information, tax transparency, fair taxation, anti-tax avoidance measures and on OECD standards against Base Erosion and Profit Shifting; calls, furthermore, on the EU and the UK to uphold Financial Action Task Force standards; recalls, with regard to Gibraltar, the negotiating directives and the provisions set out in the draft legal text of the EU;

46. Reiterates the need to maintain high standards, clear traceability, high-quality inspection services and a level playing field in the areas of medicinal products, medical devices, food safety and labelling, animal and plant health, animal welfare and veterinary, SPS, and environmental policy and standards;
47. Calls on the Commission to guarantee that existing and future principles and tools in the framework of the social, environmental and climate policies of the EU (e.g. anti-dumping measures, European industrial policy, mandatory due-diligence legislation, EU taxonomy for sustainable investment, do-no-significant-harm principle, carbon border adjustment mechanism, sustainability-related disclosures in the financial services sector) cannot be legally disputed in the framework of the EU-UK FTA and in future trade agreements;

### *Specific sectoral issues and thematic cooperation*

#### *Internal market*

48. Stresses that access to the EU internal market requires, as a precondition, full compliance with EU legislation relating to the internal market;
49. Underlines that dynamic regulatory alignment and provisions ensuring robust market surveillance that help enforce the rules on products, including those on product safety and traceability, and ensure legal certainty for EU businesses coupled with a high level of protection for EU consumers, should be an essential and irreplaceable part of any future agreement aimed at ensuring a level playing field;
50. Recalls that, in any event, a new agreement will lead to customs checks and verification before goods enter the internal market and insists that safeguarding the compliance of goods with internal market rules is of the utmost importance;
51. Underlines the importance of maintaining close and structured cooperation on regulatory and supervisory matters, at both political and technical levels, while respecting the EU's regulatory regime and decision-making autonomy;
52. Highlights the importance of ensuring reciprocal arrangements for the recognition of qualifications and diplomas and encourages both parties and in particular professional bodies and authorities to develop and provide further joint recommendations on the recognition of professional qualifications, in particular in the context of the Partnership

Council;

### *Financial services*

53. Is of the opinion that the future agreement should include specific provisions on cooperation between the European supervisory authorities and the UK financial supervisory authorities in order to foster regulatory alignment, share supervisory concerns and best practices, as well as to ensure a smooth level of cooperation and to maintain integrated capital markets;
54. Recalls that passporting rights, which are based on mutual recognition and harmonised prudential rules and supervisory convergence in the internal market, will cease to apply between the EU and the UK at the end of the transitional period, as the UK will become a third country; underlines that, thereafter, access to the EU financial market must be based on the EU's autonomous equivalence framework; recalls, however, the limited scope of equivalence decisions;
55. Highlights that an assessment of the equivalence of UK's financial regulations will be made by the Commission and that such equivalence can only be granted with full respect for the autonomy of its decision making, and if the UK regulatory and supervisory regime and standards are fully equivalent to those of the EU; calls for that assessment to be made as soon as possible to meet the commitment of the Political Declaration; recalls that the EU can withdraw unilaterally the status of equivalent at any time;
56. Recalls that a substantial amount of euro-denominated derivatives are cleared in the UK, which could potentially have financial stability implications for the EU;

### *Customs*

57. Notes the intention of the UK not to seek the continuation of its current status as regards the internal market and the customs union; underlines the importance of preserving the integrity of the customs union and its procedures, which guarantee the safety and protection of consumers and the economic interests of the EU and of EU undertakings; stresses the need for greater investment in customs controls facilities at common transit points at common borders and, where relevant and appropriate, further coordination and exchange of information with each other as well as include the possibility of a permanent EU office in Northern Ireland dealing with customs compliance;
58. Highlights that any future agreement should establish comprehensive customs cooperation mechanisms to facilitate cross-border trade as well as cooperation mechanisms between customs and market surveillance authorities; furthermore, calls on the EU and the UK, where relevant and appropriate, to work towards simplification of requirements and formalities for customs procedures for traders or operators, including for SMEs;
59. Underlines that the EU and the UK should strive to maintain a high level of convergence of their customs legislation and practices with a view to ensuring effective customs controls and clearing, enforcement of customs legislation and protecting the financial interests of the parties with a capacity to recover undue taxes and duties, in

addition to safeguard measures for systematic breaches of applicable customs legislation;

60. Highlights that it would be highly desirable for the UK to maintain the current product classification based on the Integrated Tariff of the European Communities (TARIC) in order to keep procedures simplified and to reduce the regulatory burden;

### ***Consumer policy***

61. Stresses that current EU consumer protection standards and citizens' rights under the EU *acquis* must be preserved by both parties to any future agreement; believes that the Agreement should ensure added value to EU consumers by providing the best framework for the protection of the rights of consumers and for the enforcement of the obligations of traders;
62. Considers it of outmost importance to guarantee the safety of the products imported from the UK in a way that they would correspond to the EU standards;
63. Stresses the importance of regulatory and administrative cooperation accompanied, where relevant and appropriate, by a parliamentary oversight and non-regression commitments, in order to tackle non-tariff barriers and to pursue objectives of public interest, so as to protect the interests of EU consumers including to ensure a secure and trustworthy environment for consumers and businesses online, as well as to combat unfair commercial practices;

### ***Fisheries***

64. Reiterates that no comprehensive agreement can be concluded between the EU and the UK if it does not include a complete, balanced and long-term agreement on fisheries and fisheries-related matters, upholding the continuation under optimal conditions of access to waters, resources and markets of the parties concerned, as well as existing fishing activities;
65. Recalls that the greatest mutual benefit will be obtained by protecting shared ecosystems and sustainably managing their exploitation, by upholding existing reciprocal access to waters and fisheries resources with the aim of upholding existing fishing activities, as well as by defining common, coherent, clear and stable principles and rules enabling mutual open access of fishing and aquaculture products to markets without causing economic or social tensions through unbalanced competition; insists on the need for an overarching governance framework to ensure that any breaches of provisions concerning reciprocal access to waters and resources can be subject to sanctions, including the suspension of preferential tariffs for UK goods in the EU market;
66. Stresses the need to include in the Agreement the distribution percentages that are currently applied for the stocks to be shared between both parties in Annex FISH-2 (Allocation of fishing opportunities), in accordance with the principle of relative stability in force;
67. Calls on the parties to uphold existing quota shares and the stable and constant

distribution of fishing rights; stresses the importance of long-term management of resources based on compliance with CFP principles, which have so far all contributed to the improvement of the state of fish stocks to the benefit of the fleets of both EU Member States and the UK;

68. Stresses that the Agreement must ensure that technical measures or marine protected areas are reciprocal, non-discriminatory and proportionate and do not constitute a de facto way of excluding EU vessels from UK waters; insists that the Agreement cannot lead to a “levelling down” of EU environmental and social standards;
69. Urges the Commission to include provisions on preventing and combating illegal, unreported and unregulated (IUU) fishing activities within EU and UK waters;
70. Stresses the need for adequate cooperation and consultation mechanisms, a common scientific approach, and guarantees that the UK will continue to contribute to data collection and the scientific assessment of stocks as a basis for future decisions for joint fisheries management in all shared sea basins; urges the EU and the UK to continue their active and loyal cooperation in matters of fishing control and the fight against IUU fishing;

#### ***Citizens’ rights and the free movement of persons***

71. Notes with regret that the UK has decided that the principle of free movement of persons between the EU and the UK will no longer apply after the transition period; insists on the need for the future partnership to include ambitious provisions on the movement of persons, based on full reciprocity and non-discrimination among Member States; reiterates the fact that the UK’s access to the internal market must be commensurate with commitments made to facilitate the mobility of people; stresses that the border-crossing regime should not create a burdensome administrative or financial barrier;
72. Stresses the need to pay particular attention to the needs of children from mixed families where only one of the parents is an EU citizen, and to provide appropriate legal mechanisms for resolving disputes between parents, for instance in the case of divorce;
73. Considers that mobility agreements, including visa-free travel for short stays, should be based on non-discrimination between Member States of the EU and full reciprocity and should include the EU *acquis* on mobility, the rules on the posting of workers and on the coordination of social security systems;
74. Considers that further codification of citizens’ rights through legally binding provisions must constitute an intrinsic part of the text of a future agreement between the EU and the UK; considers that this must include the situation of cross-border workers, whose freedom of movement should be guaranteed, based on non-discrimination and reciprocity; calls for consideration to be given to better regulation of the conditions of entry and residence for purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects, au pairing and voluntary service in the European Solidarity Corps should be part of the future agreement and not be left to domestic regulation; recalls that the COVID-19 crisis has shown the dependence that vital sectors in the UK, such as public health or agriculture, have on EU workers,

including the seasonal workforce;

### ***Labour, mobility and social security coordination***

75. Regrets the fact that the UK Government has not yet fulfilled its commitment to enact a new Employment Bill and urges the UK to do so before the end of the transition period; refers in this regard especially to recently adopted EU legislative acts whose transposition deadlines are during the transition period; stresses the utmost importance of avoiding any gaps where workers' rights are protected neither by existing EU law nor the UK Employment Bill;
76. Recalls the importance of preserving the existing and future social security rights of affected persons in all dimensions; calls on the negotiators of the Agreement to prioritise those citizens' rights with regard to social security coordination by all means and to provide for continuous application of social security coordination rules in all chapters;
77. Regrets, however, that there are no special provisions provided for regarding unemployment benefits for cross-border and frontier workers, and therefore encourages the EU and the UK to look into proper provisions regarding unemployment benefits for cross-border and frontier workers;
78. Stresses the importance of a dynamic agreement on social security coordination; stresses that provisions of the final agreement on mobility of persons must include commensurate and robust rights as regards social security coordination, in line with the Political Declaration;

### ***Data protection***

79. Stresses the importance of data protection both as a fundamental right, as well as a key enabler for the digital economy; notes that, according to the case-law of the CJEU, in order for the Commission to declare the adequacy of the UK data protection framework, it must demonstrate that the UK provides a level of protection "essentially equivalent" to that offered by EU legal framework, including on onward transfers to third countries;
80. Recalls that the UK Data Protection Act provides for a general and broad exemption from the data protection principles and data subjects' rights for the processing of personal data for immigration purposes; is concerned that, when non-UK citizens' data are processed under this exemption, they are not protected in the same way as that of UK citizens and would be in conflict with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>15</sup>; 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 does not, therefore, currently meet the conditions for adequacy;
81. Underlines and supports the future partnership being underpinned by commitments to

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<sup>15</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

respect fundamental rights, including adequate protection of personal data which is a necessary condition for the envisaged cooperation and by automatic suspension of the law enforcement agreement if the UK were to abrogate domestic law giving effect to the ECHR; calls on the Commission to pay particular attention to the UK legal framework when assessing its adequacy under EU law; advocates taking into consideration CJEU case-law in this field, such as the *Schrems* case, as well as ECHR case-law;

82. Takes the position that, if the UK does not explicitly commit to enforce the ECHR and will not accept the role of the CJEU, no agreement on judicial and police cooperation in criminal matters would be possible; regrets that the UK has so far refused to provide firm guarantees on fundamental rights and individual freedoms and insisted on lowering current standards and deviating from agreed mechanisms of data protection, including by the use of mass surveillance;
83. Calls on the Commission to take the above-mentioned elements into consideration when assessing the adequacy of the UK legal framework as regards the level of protection of personal data, and to ensure that the UK has resolved the problems identified in this resolution prior to possibly declaring UK data protection law adequate in line with EU law as interpreted by the CJEU; calls on the Commission also to seek the advice of the European Data Protection Board and the European Data Protection Supervisor;

#### ***Security, law enforcement and judicial cooperation in criminal matters***

84. Reiterates that tangible progress in the area of security, law enforcement and judicial cooperation in criminal matters should be achieved in order to allow for an agreement for comprehensive and efficient cooperation to be reached that would be mutually beneficial for the security of EU and UK citizens;
85. Is strongly opposed to the UK's request to receive direct access to the EU data information systems in the field of Justice and Home Affairs; stresses once more in that regard that the UK, as a non-Schengen third country, cannot have direct access to EU information systems data; cautions that any sharing of information, including personal data, with the UK should be subject to strict safeguards, audit and oversight conditions including an equivalent level of protection of personal data to that provided by EU law;
86. Points out that the Schengen Information System (SIS) legislation explicitly forbids the access of third countries to the system and that, as a third country, the UK cannot have access to SIS; recalls that on 5 March 2020 the Council issued a set of recommendations addressing serious violations in the application of the SIS by the UK and that there is little intention in the UK's reply to apply those recommendations, in breach of EU law; considers that future cooperation between the EU and the UK in the area of law enforcement and judicial cooperation should be based on mutual trust; underlines that such cooperation can only be agreed to if robust rules on data protection are established and if strong enforcement mechanisms are in place;
87. Points out that the automated exchange of DNA data with the UK under the Prüm Framework was launched only in 2019 and that the Council is about to decide upon the adoption of an implementing decision which would allow the UK to take part in automated exchanges of dactyloscopic data; points out, in that regard, that under the

special consultation procedure for the ex-third pillar acts on 13 May 2020 Parliament rejected the Council's draft decision due to concerns over full reciprocity for fingerprint data exchange, over data protection guarantees, as well as over the very short time for its application; calls on the Council to carefully consider Parliament's arguments for rejection; reminds the negotiators that, if adopted, the Council decisions authorising those automated data exchanges will expire at the end of the transition period; stresses the need for a timely agreement on new arrangements for the future relationship, given the importance of information exchange in the fight against serious and organised cross-border crime and terrorism;

88. Is concerned that the UK negotiating mandate lacks ambition in important areas of judicial cooperation in criminal matters; believes that a solution allowing for a more ambitious level of cooperation than the one provided for under the European Convention on Extradition could be found by the EU and the UK;

### ***Migration, asylum and border management***

89. Stresses the need to agree the terms of cooperation on migration of nationals other than those of the two parties, while respecting fundamental rights, upholding human dignity and recognising the need to protect the most vulnerable; reiterates its call that such cooperation should, at the very least, contain arrangements that enhance safe and legal pathways to access international protection, including through family reunification;
90. Stresses the need for strong cooperation between the parties in order to combat human smuggling and trafficking in human beings, in line with international law, which will remain applicable to the border between the EU and the UK;
91. Insists that the UK cannot "cherry-pick" which elements of the EU asylum and migration *acquis* it would like to keep;
92. Stresses once again the need for the adoption of a plan on family reunification ready to enter into force at the end of the transition period;
93. As part of such a plan, and also more generally, the Parliament reminds the negotiators of the obligation of both the EU and the UK to protect all children on their territory, and in line with the United Nations Convention on the Rights of the Child 1989 (UNCRC calls on the Member States, once concrete proposals are made by the UK, to give a mandate to the Commission to negotiate a plan on family reunification for asylum seekers);
94. Stresses the importance of a coordinated approach by the EU on all those issues, as bilateral arrangements between the UK and individual Member States on issues such as family reunification for asylum seekers or refugees, relocation or readmission arrangements, risk having negative consequences for the coherence of EU asylum and migration policy; calls on both the EU and the UK to strive for a balanced and constructive approach in all those matters;

### ***Anti-money laundering and counter-terrorism financing***

95. Calls on the EU and the UK to include provisions on anti-money laundering and

countering the financing of terrorism (AML/CFT) policy in the future partnership agreement, including an exchange of information mechanism; recalls that, in the Political Declaration, the EU and the UK committed to go beyond the Financial Action Task Force standards on AML/CFT with regard to beneficial ownership transparency and to end the anonymity associated with the use of virtual currencies, including through customer due diligence controls;

96. Calls on the EU and the UK to include in the new partnership agreement specific provisions regarding the supervision of financial and non-financial obliged entities in the context of the anti-money laundering framework;

#### ***Tax matters***

97. Calls on the EU and the UK to prioritise a coordinated fight against tax evasion and tax avoidance; calls for the Parties to address harmful tax practices by pursuing acts of cooperation under the EU Code of Conduct on business taxation; notes that the UK is ranked high according to the Commission on indicators that identify a country as having features that can be used by companies for tax avoidance purposes; calls on the future agreement to specifically address this matter; notes that, at the end of the transition period, the UK will be considered as a third country and will have to be screened by the Code of Conduct Group on Business Taxation according to the criteria established for the EU list of non-cooperative jurisdictions; calls for the EU and the UK to ensure full administrative cooperation to ensure compliance with VAT legislation and with the protection and recovery of VAT revenues;

#### ***The fight against climate change and environmental protection***

98. Considers that the UK should fully align itself with the EU's current and future climate policy framework, including revised 2030 targets, 2040 targets and the trajectories to achieve climate neutrality by 2050;
99. Considers that the UK should implement a system of carbon pricing of at least the same scope and effectiveness as that provided for by the EU Emissions Trading System (EU ETS) and should apply the same principles regarding the use of external credits by the end of the transition period; further considers that, should the UK request that its own emissions trading system be linked to the EU ETS, the following two conditions for the consideration of such a request should apply: the UK emissions trading system should not undermine the integrity of the EU ETS, in particular its balance of rights and obligations, and should reflect the continuous increase in the scope and effectiveness of the EU ETS; stresses that a system of carbon pricing should already be set and in place ahead of the vote in Parliament on whether to give consent to the draft Agreement;
100. Stresses the importance of ensuring the appropriate monitoring and assessment in the UK of air and water quality in addition to the adoption of the common standards and targets; further stresses the importance of the UK implementing and enforcing the emission limits and other provisions agreed under Directive (EU) 2016/2284 of the European Parliament and of the Council<sup>16</sup> and dynamically aligning with Directive

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<sup>16</sup> Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants (OJ L 344, 17.12.2016, p. 1).

2010/75/EU of the European Parliament and of the Council<sup>17</sup>, including updates to the Best Available Technique Reference Documents;

### ***Public health***

101. Stresses that, should the UK wish to be included on the list of countries permitted to export goods to the EU that are subject to SPS measures, it will have to fully comply with EU requirements for those goods, including requirements relating to production processes; stresses, in addition, that rules of origin for food products in particular should be fully complied with and that clear rules in relation to the transformation of food products in the UK should be adopted to prevent the circumvention of EU requirements, especially in the context of possible FTAs between the UK and other countries;
102. Stresses that the UK will need to be in line with EU legislation relating to genetically modified organisms and plant protection products; considers that the Parties should aim to reduce the use and risks of pesticides; stresses the need for both Parties to endeavour to reduce the use of antibiotics in animal production and to continue to ban their use as a growth promoter and reduce inappropriate or unnecessary human use;
103. Stresses the importance of preventing shortages of medicinal products and medical devices; urges national authorities and stakeholders to ensure that the process of redistributing nationally authorised medicinal products is concluded by the end of the transition period; calls on the EU and the UK to cooperate over the long term to prevent, detect, prepare for and respond to established and emerging threats to health security; calls, in that regard, for ongoing cooperation between the EU and the UK to effectively combat the COVID-19 pandemic; considers that, should one of the parties not take adequate measures to address a health threat, the other party may adopt unilateral measures to protect public health;
104. Stresses the importance of upholding EU legislation on pharmaceuticals, medical devices, chemicals safety, including endocrine disrupting chemicals, while ensuring continued access to medicines and medical devices and underlines the fact that in any case, UK companies would be subject to the same obligations that apply to companies outside the EEA: stresses, in addition, the need to set out strong conditions on SPS measures going beyond the WTO agreement in order to protect the EU's internal market, and in particular consumers, from any risks related to import or export of products with the UK;

### ***Transport***

105. Stresses that the envisaged partnership based on the close economic ties and common interests should provide continued and unhindered connectivity for all modes of transport, subject to reciprocity, and should ensure a level playing field, in particular with regard to social, employment and environmental standards and passengers' rights; recalls that it should also include the specific situation of the Channel Tunnel, especially with regard to aspects of the safety and authorisation regime;

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<sup>17</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ((OJ L 334 17.12.2010, p. 17).

106. Considers that future cooperation with the UK should envisage transport projects of common interest and encourage good cross-border trade and business conditions, in particular facilitating and assisting SMEs businesses in avoiding any additional administrative burden;
107. Believes that UK participation in EU cross-border research and development programmes in transport, based on common interests, should be envisaged;
108. Recalls the importance of the Commission being the sole EU negotiator during the negotiations and that Member States are not to undertake any bilateral negotiations; however, urges the Commission to represent the interests of each Member State in the final comprehensive agreement;
109. Emphasises that rights and privileges entail obligations and that the level of access to the EU internal market should fully correspond to the extent of regulatory convergence and commitments agreed with respect to observing a level playing field for open and fair competition based on the minimum common standards applicable in the EU;
110. Recalls that aviation is the only mode of transport that does not have any legal WTO fall back in the event that no agreement is reached before the end of the transition period;
111. Considers that the envisaged partnership should include an ambitious and comprehensive chapter on air transport which ensures the EU's strategic interests, and contains appropriate provisions, on market access, investment and operational and commercial flexibility (e.g. code sharing) in respect of balanced rights and obligations, and should include close cooperation in aviation safety and air traffic management;
112. Stresses that any possible granting of some elements of the so-called 'fifth freedom' (freedom of the air) should be limited in scope and needs to include balanced and corresponding obligations in the interests of the EU;
113. Notes that the current European Conference of Ministers of Transport framework, based on a limited number of permits, is not suitable for EU-UK relations, taking into account the extent of freight transported by road between the EU and the UK; in that regard, stresses that appropriate measures should be put in place to avoid threats to public order and prevent disruptions to traffic flows of road haulage operators and coach and bus service operators; underlines in this context the importance of providing improved direct sea routes from Ireland to the continent, thereby reducing the reliance on the UK "land bridge";
114. Emphasises that UK freight transport operators cannot be granted the same rights and benefits as EU freight transport operators in respect to road freight transport operations;
115. Considers that the envisaged partnership should include the right of transit of laden and unladen journeys from the territory of one party to the territory of the same party through the territory of the other party;
116. Considers that the envisaged partnership should include a level playing field in the areas of, in particular, work, driving and rest time, posting of drivers, tachographs, vehicle

weights and dimensions, combined transport and training of personnel , as well as specific provisions to ensure a comparable level of protection in relation to operators and drivers;

117. Urges that the fluidity of EU-UK maritime trade, the free movement of passengers, seafarers, offshore and onshore staff should be a priority; in that regard stresses that the EU and the UK should ensure proper border and customs systems are in place to prevent delays and disruptions;

### ***Culture and Education***

118. Considers that the Agreement should make clear that it will uphold cultural and linguistic diversity in accordance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
119. Welcomes the clear statement in the negotiating directives that future EU-UK relations should also encompass dialogue and exchange in the fields of education and culture; calls on the Commission to take into account the specific nature of the cultural sector when negotiating relevant mobility provisions; is concerned, moreover, that the provisions governing the entry and temporary stay of natural persons for business purposes contained in the draft text of the agreement published by the Commission do not meet the needs of the cultural and creative sector and risk hampering continued cultural exchange;
120. Supports unreservedly the clarity in the negotiating directives that audiovisual services should be excluded from the scope of the economic partnership and urges the Commission to remain steadfast in its position;
121. Stresses that access to the market for audiovisual services in the Union can only be guaranteed if Directive 2010/13/EU of the European Parliament and of the Council<sup>18</sup> is fully implemented so that the same re-transmission rights are granted to both sides; recalls that content originating in the UK will continue to be classed as ‘European works’ after the end of the transition period as long as works originating in non-Member States and non-EEA states which are party to the Council of Europe Convention on Transfrontier Television are included within the ‘European works’ content quota;
122. Welcomes the inclusion of issues relating to the return or restitution of unlawfully removed cultural objects to their countries of origin; and stresses the importance of continued cooperation with the UK in that field;

### ***Financial governance and scrutiny framework***

123. Calls for ensuring and respecting the right of access of Commission services, the European Court of Auditors, the European Anti-Fraud Office (OLAF) and the European Public Prosecutor’s Office, as well as the right of scrutiny of Parliament; recalls that the

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<sup>18</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

CJEU must be accepted as the competent court in cases where compliance with, and the interpretation of, EU law is concerned;

***Participation in Union programmes***

124. Recommends that the Commission pay particular attention to the following applicable principles and conditions related both to the ‘Participation in Union Programmes’ and ‘Horizontal arrangements and governance’:
- (a) take the necessary action to ensure that the general principles, terms and conditions to be established as part of the envisaged partnership in relation to participation in EU programmes include the requirement for the UK to make a fair and appropriate financial contribution, both in terms of participation fee and operational contribution, to any programmes in which it takes part;
  - (b) ensure that the general rule for UK participation in any programme is in line with the standard conditions applicable for the participation of third countries and is for the full duration of the programme concerned and for all parts of the programme, except where partial participation is justified for reasons such as confidentiality; recommends that it ensure predictability for participants in EU programmes that are established in the EU and stability in terms of budgetary allocations;
  - (c) ensure that UK participation in EU programmes does not entail an overall net transfer from the EU budget to the UK and that the EU is able unilaterally to suspend or terminate UK participation in any programme if the conditions for participation are not fulfilled or if the UK does not pay its financial contribution;
  - (d) ensure that the necessary measures are in place in the Agreement with the UK to tackle financial irregularities, fraud, money laundering, and other criminal offences affecting the financial interests of the Union, and to ensure the protection of the EU’s financial interests;
125. Believes, in particular, that UK participation in line with the general principles for participation of third countries in Union programmes in cross-border, cultural, development, education and research programmes such as Erasmus+, Creative Europe, Horizon, the European Research Council, the LIFE Programme, the Trans-European Transport Network (TEN-T), the Connecting Europe Facility (CEF), Single European Sky (SES), Interreg, joint technology initiatives such as Clean Sky I and II, Single European Sky ATM Research (SESAR), ERICs, Galileo, Copernicus, the European Geostationary Navigation Overlay Service (EGNOS), Space, Surveillance and Tracking (SST) Support Framework, and public-private partnerships, is important;
126. Expects the agreement to address the UK's relationship to Euratom and the ITER project and the impact of a withdrawal on assets and liabilities; expects the UK, furthermore, to comply with the highest nuclear safety, security and radiation protection standards;
127. Considers that, should the UK ultimately wish to participate in the internal market, it should contribute to the cohesion funds for the 2021-2027 period, as is the case for EEA countries;

128. Believes that the new agreement should take into account the needs of the EU regions affected by the withdrawal of the UK from the EU;
129. Stresses that it is of the utmost importance that the PEACE programme continue to operate in Northern Ireland and the border regions of Ireland, and to be administered autonomously by the Special EU Programmes Body;
130. Considers that cooperation on issues of mutual interest between EU outermost regions and overseas countries and territories on the one hand, and UK Overseas Countries and Territories (OCTs) on the other hand, particularly in the Caribbean and Pacific, should continue; calls for special provisions to allow future joint projects under the European Development Fund and cohesion funds, as appropriate; and for the need to maintain an adequate level of support for the remaining OCTs;
131. Underlines that, by making financial resources available through the EU budget, the European Union Solidarity Fund (EUSF) is a tangible expression of solidarity when serious repercussions on, inter alia, the economy affect one or more regions of the EU or of a country applying for accession;
132. Underlines the need to link the participation in programmes with alignment to related policies, such as on climate or cyber policies;
133. Considers that an agreement on energy cooperation, in line with the overall agreement on the future relations and based on a robust governance and level-playing field, would be in the mutual interest of the both parties;
134. Underlines that to ensure continuity for the Single Electricity Market on the island of Ireland after the UK's withdrawal requires the continued application of the EU energy *acquis* in Northern Ireland;
135. Is of the opinion that the UK could continue to be an important partner in the EU space policy, underlines that the future access of the UK to the EU Space Programme needs to be addressed in the negotiations while preserving the EU's interests and in line with the applicable legal framework for participation of third countries in the EU Space Programme;

### ***Intellectual Property***

136. Emphasises that the envisaged agreement should contain strong and enforceable measures covering the recognition and a high-level of protection of GIs as well as intellectual property rights, such as copyright and related rights, trademarks and industrial designs, patents and trade secrets, based on the current and future EU legal framework; considers that it should also ensure the possibility for close bilateral cooperation between the European Union Intellectual Property Office (EUIPO) and the Intellectual Property Offices in the UK;

### ***Company law***

137. Notes that, in order to avoid the lowering of standards and ensure legal standing in the UK and the EU, it is desirable that the envisaged agreement includes minimum common

standards regarding setting up and carrying out operations, protection for shareholders, creditors or employees, company reporting and auditing and transparency rules, as well as mutual recognition of judicial decisions regarding restructuring and bankruptcy or insolvency;

### ***Civil justice cooperation, including in family matters***

138. Underlines that civil judicial cooperation is of paramount importance to ensure future trade and business interaction between citizens and companies and to provide certainty and sufficient protection of parties in cross-border transactions and other activities; is of the opinion that it should therefore be carefully assessed whether the Lugano Convention could be an adequate solution that would allow the EU to maintain the overall balance of its relationships with third countries and international organisations, or whether a new solution that could ensure a ‘dynamic alignment’ between the two sides, would be more appropriate;
139. Emphasises that the envisaged agreement should find a meaningful and comprehensive solution with regard to matrimonial, parental responsibility and other family matters in particular; in that context, notes that any reciprocal enforcement provisions concerning family matters in the envisaged agreement should be based not only on the principle of mutual trust of judicial systems, but also on the existence of certain constitutional guarantees and common fundamental rights standards;

### ***Development cooperation and humanitarian aid***

140. Notes that the UK remains one of the biggest bilateral donors in the world, and points out that the EU needs to address the opportunities for cooperation with the UK in a spirit of partnership; regrets that the withdrawal of the UK from the EU will leave gaps in the EU’s overall development cooperation and humanitarian aid policy;
141. Emphasises the central roles of the EU and UK in addressing common challenges through development policy and humanitarian aid; underlines the importance of the pursuit of Policy Coherence for Development in that regard;
142. Underlines the importance of a strong partnership that enshrines the rights-based approach while ensuring a continued commitment to, and collaboration in, achieving the SDGs, human rights, poverty eradication, as well as in implementing the Paris Agreement; underlines, furthermore, the importance of harmonised responses to humanitarian crises, and the fundamental principles of humanitarian aid;
143. Is convinced that the post-Cotonou partnership and the EU-Africa Strategy can be enhanced by effectively cooperating with the UK, and building on the UK’s strong presence in Africa, the Caribbean and the Pacific; stresses that the EU, UK and ACP countries should cooperate at all levels in line with the principles of partnership, solidarity and complementarity;

### ***Security and foreign affairs***

144. Notes the fact that the UK negotiating objectives published on 27 February 2020 stated that foreign policy will be determined only within a framework of broader friendly

dialogue and cooperation between the UK and the EU, demoting this key area to the status of a non-institutionalised relationship to be agreed upon at a later stage;

145. Regrets that this is contrary to the provisions of the Political Declaration, which envisages an ambitious, broad, deep and flexible partnership in the field of foreign policy, security and defence and calls for the establishment of a future broad, comprehensive and balanced EU-UK security partnership, and to which the UK has agreed;
146. Recalls the EU's position that foreign policy, security and defence should be part of a comprehensive agreement governing the future EU-UK relationship;
147. Deplores the fact that the UK shows no ambition for relations with the EU in the field of foreign policy, security and defence and that these were explicitly not covered by the UK mandate and therefore do not form part of the 11 negotiating tables;
148. Recalls that both the EU and the UK share principles, values and interests; stresses that it is in both sides' interest to maintain an ambitious, close and lasting cooperation respecting the autonomy of the EU in the form of a common framework on foreign and security policy based on Article 21 TEU and taking into account the UN Charter and NATO in the following areas:
  - (a) the promotion of peace;
  - (b) a shared approach towards common security challenges, and global stability including in the European neighbourhood;
  - (c) the promotion of a rules-based international order;
  - (d) the consolidation of democracy and rule of law;
  - (e) the protection of human rights and fundamental freedoms;
  - (f) the promotion of global prosperity, sustainable development, combatting climate change and mitigating biodiversity loss;
149. Observes that deeply integrated and coordinated international cooperation between the EU and UK would be of great benefit for both parties and for the global world order in general, given their similar approaches towards effective multilateralism, safeguarding peace, security and sustainability as well as defending and implementing human rights; proposes that such coordination should be governed by a systemic platform for high-level consultations and coordination on foreign policy issues; underlines the importance and added value of interparliamentary cooperation on global issues;
150. Stresses that common responses to address foreign, security and defence policy challenges such as terrorism, cyber-warfare, crisis in the neighbourhood, respect for

human rights, disinformation campaigns and hybrid threats are necessary for both sides; encourages effective, timely and reciprocal dialogue, consultation, coordination and the exchange of information and intelligence; subject to democratic control by the UK and EU institutions; recalls that exchanges of classified information must be organised within a specific framework;

151. Emphasises that from the end of the transition period, the UK will become a third country without any specific framework of relations, which will have a significant impact on existing cooperation in foreign and security policy;
152. Calls on both the EU and UK to strengthen international peace and stability including by developing joint strategies to strengthen UN peacekeeping efforts; calls on both parties to promote the culture of peace and dialogue as a means of conflict prevention, conflict management and conflict resolution, women and gender rights; supports continuing existing cooperation in those areas; calls for systematic preferential cooperation in peacekeeping operations; calls for enhanced cooperation between the EU and UK on matters linked to democratic development, reform processes and democratic parliamentary practices in third countries, including election observation;
153. States the EU's strong interest in such a foreign affairs and security partnership, given mutual benefits resulting from the UK's and France's permanent seat in the Security Council, UK's and EU members' highly performant diplomatic service, and the fact that the UK possesses the most powerful armed forces in Europe;
154. Proposes to base the future partnership on a very close and regular cooperation and coordination in the UN, in particular the UN Security Council and the UN Human Rights Council;
155. Stresses the mutual importance between security and development; encourages both the EU and the UK to closely cooperate on sustainable development and humanitarian aid; recalls both parties the importance to commit on achieving the 0.7 % ODA/GNI target and to support the principle of Policy Coherence for Development; believes that the post-Cotonou partnership and the EU-Africa Strategy can benefit from an effective cooperation with the UK which address high social, human rights and environmental protection standards, in order to achieve the Sustainable Development Goals, and the Paris agreement;
156. Stresses that it is in the mutual interest of the EU and the UK, amplified by their geographical proximity, to cooperate on the development of effective and genuinely interoperable defence capabilities, including within the European Defence Agency, with which an administrative arrangement should be concluded, and to continue the highly valuable partnerships within NATO and EU programmes on defence and external security, Galileo cyber-security programmes Galileo cyber-security programmes and the fight against targeted disinformation campaigns and cyberattacks, as the current COVID-19 pandemic has illustrated; recalls that, as regards the participation to the Public Regulated Service of Galileo, a specific agreement is both possible and necessary; notes also that, as regards the upcoming European Defence Fund, the UK could be associated under the conditions set for third countries; calls on both the EU and UK to develop a joint approach to standardisation of defence technology;

157. Expects the UK to be able to continue the established cooperation and information exchange of national authorities in the area of cybersecurity;
158. Recalls that a number of restrictive measures (sanctions regimes) are currently in force in the UK under EU legislation; recognises the effective use of sanctions for human rights, democracy, rule of law in accordance with the UN Charter; underlines the fact that the UK will still be bound to apply UN sanctions regimes following its withdrawal and calls for the UK to continue aligning its sanctions policy with the EU; and calls for the establishment of a proper coordination mechanism for sanctions between both parties, and close cooperation on sanctions in global fora, in order to maximise their impact and to ensure convergence and that mutual interests are pursued and met in the promotion of common values;
159. Encourages the UK to participate in the relevant EU agencies and take a prominent role in EU crisis management operations and in CSDP missions and operations, including in humanitarian and rescue missions, conflict prevention and peacekeeping, military advice and assistance and post-conflict stabilization as well as in projects under Permanent Structured Cooperation (PESCO), where invited to participate, and, stresses that such participation should be subject to stringent conditions respecting the decision making autonomy of the EU as well as the sovereignty of the UK, the principle of balanced rights and obligations and based on effective reciprocity, including a fair and appropriate financial contribution; calls on the Commission and the European External Action Service to regularly inform Parliament concerning the process of political dialogue with the UK and on the main aspects of the information exchanges on CSDP and crisis management;
160. Recalls that effective international arms control, disarmament and non-proliferation regimes are a cornerstone of global and European security; recalls the importance of a coherent and credible European strategy for multilateral negotiations at global level and on regional de-escalation and confidence-building measures; recalls the important role the UK played as regards the development and establishment of such norms, institutions and organisations; invites the UK to develop a joint strategy with the EU as regards that policy area, particularly in line with the UN disarmament agenda; calls on the UK to commit to remain bound by the criteria equivalent to those collected by Common Position 2008/944/CFSP<sup>19</sup> and, jointly with the EU, to promote the universalisation and strict implementation of the Arms Trade Treaty, the Non-Proliferation Treaty (NPT) and the renewal of the New START;
161. Emphasises the great importance of consular and diplomatic cooperation between the EU and the UK, as this would ensure efficient assistance for each other's citizens and would allow both the UK and EU to offer its citizens the possibility of benefiting from consular protection in third states where one of the two parties has no diplomatic representation, in accordance with point (c) of Article 20 TFEU;
162. Highlights the fact that the COVID 19 pandemic has illustrated the importance of military capacities and assets, with European armed forces playing a crucial role in support of civilian efforts in tackling the pandemic, while fulfilling their core missions; emphasises that this pandemic has demonstrated the importance of strategic autonomy

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<sup>19</sup> OJ L 335, 13.12.2008, p. 99.

of the EU and European defence cooperation to protect European populations in times of emergency and to foster the resilience of Member States; considers that mechanisms should be put in place to enable prompt cooperation between the Union and the United Kingdom in the face of future crises of a similar nature and scale; is of the view that drawing the lessons of the COVID19 pandemic, European military medical services should form an information exchange and support network to foster broad European resilience in times of emergency and crisis; considers that the participation of the UK in any such future European military medical network would be mutually beneficial;

### *Institutional provisions and Governance*

163. Points out that the entire Agreement with the UK as a third country, including provisions on the level playing field, specific sectorial issues and thematic areas of cooperation and fisheries, should include the establishment of a single coherent and solid governance system as an overarching framework, covering the joint continuous supervision and management of the Agreement as well as transparent dispute settlement, compliance and enforcement mechanisms with sanctions and interim measures where necessary with respect to the interpretation and application of the Agreement's provisions;
164. Is of the opinion that a single, comprehensive and horizontal governance mechanism should be applicable to the future relationship with the UK as a whole, including any supplementing agreements that may be concluded at a later stage, while ensuring consistency with the provisions of the Withdrawal Agreement and avoiding inefficiencies; points out that the dispute resolution mechanism will need to be robust and should provide for gradual sanctions as well as remedies when it is determined that one of the parties is in breach of the Agreement, and that such a mechanism will need to ensure effective, rapidly actionable and dissuasive remedies; emphasises that Parliament will continue to be vigilant regarding the implementation of all provisions; recalls that the UK, as a former Member State, has developed important institutional cooperation and dialogue structures with the EU that should facilitate making such horizontal arrangements operational; reiterates that the EU expects from the UK a greater level of ambition on governance in order to build a solid future partnership;
165. Insists on the absolute necessity for that governance system, while respecting the autonomy of both sides, to fully preserve the autonomy of the EU's decision-making and legal and judicial order, including the role of Parliament and the Council as co-legislators of EU law, and the role of the CJEU as the sole interpreter of EU law and the EU Charter of Fundamental Rights; considers that, for provisions based on EU law concepts, the governance arrangements must provide for referral to the CJEU;
166. Welcomes the proposal to establish a Parliamentary Partnership Assembly for Members of the European Parliament and of the Parliament of the UK, with the right to receive information from the Partnership Council and submit recommendations to it and emphasises that the Agreement should provide the legal basis for provisions enabling the institutional set-up of that body;
167. Demands that Parliament's role be respected in the context of the implementation of the provisions on regulatory cooperation in order to ensure that it is able to exercise proper

political oversight, and that its rights and prerogatives as co-legislator are guaranteed; recalls Parliament's rights to be informed about the arrangements on review of the Agreement;

168. Emphasises that the Agreement in its entirety should be covered by provisions on civil society dialogue, stakeholder involvement and consultation by both parties, in accordance with paragraph 125 of the Political Declaration, which should encompass, in particular, social partners, including organisations and employee associations representing both EU citizens living and working in the UK and UK citizens in the EU; insists on the establishment of domestic advisory groups supervising the implementation of the Agreement;
169. Supports the continued participation of the UK as a third country observer with no decision-making role in EU non-regulatory agencies such as in the transport, environment or employment fields, as well as possible UK cooperation agreements with peer regulatory agencies such as the European Chemicals Agency, the European Aviation Safety Agency and the European Maritime Safety Agency, in order to exchange data, best practices and scientific knowledge; reiterates its call on the Commission, taking into account the status of the UK as a non-Schengen third country and as a key partner in the fight against terrorism and organised crime, to consider potential future practical cooperation between the UK authorities and the EU agencies in the field of Justice and Home Affairs;

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170. Instructs its President to forward this recommendation to the Commission and, for information, to the Council, the governments and parliaments of the Member States, and the Government and Parliament of the United Kingdom of Great Britain and Northern Ireland.

## EXPLANATORY STATEMENT

### *General context and the role of Parliament*

In the context of the ongoing negotiations of a partnership agreement with a former Member State and despite the major crisis the world is facing with the Covid-19 pandemic, the European Parliament remains committed to fulfil the role attributed to it by the Treaties in relation to the negotiations of international agreements. Articles 207 and 218 of the Treaty on the Functioning of the EU require the consent of Parliament for the conclusion of any international agreement between the EU and a third country. In order to guarantee this consent, Parliament must be involved in the process of negotiations by being regularly and fully informed.

On 31 January 2020, the UK left the EU with the legal certainty and clarity provided by the Withdrawal Agreement, which addresses three fundamental separation issues: citizens' rights, the Irish border and the settlement of UK's obligations to the EU. These issues have been of key importance for Parliament from the onset of negotiations, together with the clarification of the status of UK's international commitments undertaken as a Member State, the guarantee of legal certainty for legal entities, and the role of the Court of Justice of the EU. Parliament remains committed to ensure appropriate parliamentary scrutiny over the implementation of the provisions of the Withdrawal Agreement.

Given the unprecedented nature of complexity and importance of negotiations with a former Member State, Parliament has set up a special body to coordinate Parliament's input and response to the negotiations - the UK Coordination Group (UKCG). It is led by the Chair of the Committee on Foreign Affairs (AFET) and is composed of the Chair of the Committee on International Trade (INTA), the Chair of the Subcommittee on Security and Defence (SEDE), the INTA rapporteur and the AFET rapporteur on EU-UK future relationship, one representative from each political group, and the Chair of the Conference of Committee Chairs (CCC).

### *Rationale behind the recommendation*

These recommendations under rule 114 of Parliament's rules of procedure on the negotiations of a new partnership between the EU and the United Kingdom of Great Britain and Northern Ireland, drawn up by the two Co-rapporteurs from the AFET and INTA committees as lead committees, come at a very important point of time in the negotiations. Following the Parliament resolution of 12 February 2020 and the formal start of negotiations in early March, Parliament intends to adopt these recommendations through a final plenary vote in June, before the High-Level Conference and the European Council in June that will take stock of the progress of the negotiations.

Due to the high degree of complexity of negotiations, the highly valued expertise of Parliament's specialised committees is of utmost importance for the content of this text. Therefore these recommendations also ensure the full involvement of the opinion-giving committees in accordance with parliamentary procedures and is prepared with the involvement of political groups composing the EP under the umbrella of the UKCG. Their

expertise was absolutely crucial when assessing the economic partnership, with a focus on trade and underlying level playing field, but also the future partnership in specific fields: fisheries, data protection, climate change and environment, public health and food safety, citizens' rights, financial aspects, transport, energy, including civil nuclear, security and foreign affairs and UK's participation in Union programmes.

When it comes to its content, the recommendations cover a series of important subjects in a comprehensive manner, such as the general principles, the implementation of the Withdrawal Agreement, the economic partnership, trade and level playing field, the specific sectorial issues, foreign affairs and security but also key aspects of governance. It provides Parliament's assessment of both the implementation of the Withdrawal Agreement, and of the progress of negotiations, and would therefore serve as Parliament's input into the High Level Conference and the European Council meeting in June. It is also important to underline that through these recommendations, Parliament voices its strong support and appreciation for the constructive work of the Commission UK Task Force lead by the EU Chief Negotiator, Michel Barnier. The EU is and should continue to stand united behind its Chief Negotiator.

### ***On the implementation of the Withdrawal Agreement and the Joint Committee***

A significant section of these recommendations is focusing on the importance of parliamentary scrutiny over the implementation of the Withdrawal Agreement, particularly when it comes to citizens' rights and the Protocol on Ireland and Northern Ireland. It is part of Commission's negotiating position that there is a direct link between proper implementation of the Withdrawal Agreement and the UK's reliability in the negotiations of the future relationship.

Therefore, the recommendations welcome the work of the Joint Committee, headed from the EU side by Commission Vice President Maroš Šefčovič. The Joint Committee is a very important platform that monitors the implementation of the Withdrawal Agreement. In that view, appropriate parliamentary assessment is also essential for the success of the work of the Joint Committee and its six Specialised Committees. Sufficient guarantees are needed in all key areas that the implementation of the Withdrawal Agreement is going well and should be received before the end of the transition period.

05.4.2020

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Foreign Affairs and the Committee on International Trade

on recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Nicolae Ștefănuță

Rule 56 of the Rules of Procedure

### **SUGGESTIONS**

The Committee on Budgets calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

- A. whereas a third country cannot have the same rights and enjoy the same benefits as a member; whereas the Union should consider UK participation in Union programmes bearing in mind the strategic and financial interests of the Union and its citizens; whereas any decision on UK participation in such programmes should take account of all relevant aspects of the envisaged partnership, since that partnership should form a coherent structure; whereas the UK should fulfil all financial commitments agreed in the Withdrawal Agreement;
- B. whereas any UK participation in Union programmes should respect all relevant rules and mechanisms and conditions of participation, as laid down in the corresponding legal bases; whereas, as a consequence and among other aspects, a fair balance as regards UK contributions and benefits should be ensured and the UK, as a third country, cannot enjoy decisional power on any programme; whereas there should be maximum clarity as to the degree of UK participation in programmes;
- C. whereas, if the transition period is extended, the UK will be considered as a third country for the purposes of the implementation of the Union programmes and activities committed under the next MFF and will make a contribution to the Union budget, whose amount will be decided by the Joint Committee established under the Withdrawal Agreement;
- D. whereas it is necessary to protect the financial interests of the Union, including by means of audits and investigations conducted by the Commission, the European Anti-

Fraud Office (OLAF), the European Public Prosecutor's Office (EPPO) and the European Court of Auditors and through the power of scrutiny of the European Parliament;

- E. whereas in the Political Declaration the Union and the UK recalled their shared commitment to delivering a future PEACE PLUS programme, maintaining the current funding proportions for the future programme;
- F. whereas in its mandate the UK states that it will consider participation in elements of Erasmus+ on a time-limited basis;
- 1. Recommends that the Commission:
  - (a) take the necessary action to ensure that the general principles, terms and conditions to be established as part of the envisaged partnership in relation to participation in Union programmes include the requirement for the UK to make a fair and appropriate financial contribution, both in terms of participation fee and operational contribution, to any programmes in which it takes part;
  - (b) ensure that the general rule for UK participation in any programme is participation in the entire programme, except where partial participation is justified for reasons such as confidentiality, and that any participation is for the full duration of the programme concerned; recommends in particular that the Commission not accept piecemeal UK participation in Erasmus+ or participation for a period shorter than the full length of the programme under the MFF, and that it ensure predictability for participants in Union programmes that are established in the Union and stability in terms of budgetary allocations;
  - (c) make proposals for arrangements to implement cooperation between UK authorities and Union agencies, taking into account that the UK, as a third country, will not have any decision-making power over Union agencies;
  - (d) ensure that UK participation in Union programmes does not entail a global net transfer from the Union budget to the UK and that the Union is able unilaterally to suspend or terminate UK participation in any programme if the conditions for participation are not fulfilled or if the UK does not pay its financial contribution;
  - (e) ensure that the necessary measures are in place in the Treaty with the UK to tackle financial irregularities, fraud, money laundering, and other criminal offences affecting the financial interests of the Union;
  - (f) assess and prepare for all possible scenarios, including the extension of the transition period and the UK's financial obligations resulting therefrom, in order to ensure the sound financial management of the Union budget.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	4.5.2020
<b>Result of final vote</b>	+: 38 -: 0 0: 3
<b>Members present for the final vote</b>	Rasmus Andresen, Clotilde Armand, Robert Biedroń, Anna Bonfrisco, Olivier Chastel, Lefteris Christoforou, David Cormand, Paolo De Castro, José Manuel Fernandes, Eider Gardiazabal Rubial, Valentino Grant, Elisabetta Gualmini, Francisco Guerreiro, Valerie Hayer, Eero Heinäluoma, Niclas Herbst, Monika Hohlmeier, Mislav Kolakušić, Moritz Körner, Joachim Kuhs, Zbigniew Kuźmiuk, Ioannis Lagos, Hélène Laporte, Pierre Larrourou, Janusz Lewandowski, Margarida Marques, Siegfried Mureşan, Victor Negrescu, Andrey Novakov, Jan Olbrycht, Dimitrios Papadimoulis, Karlo Ressler, Bogdan Rzońca, Nicolae Ştefănuţă, Nils Torvalds, Nils Ušakovs, Johan Van Overtveldt, Rainer Wieland, Angelika Winzig
<b>Substitutes present for the final vote</b>	Damian Boeselager, Petros Kokkalis

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

	<b>+</b>
ECR	Zbigniew Kuźmiuk, Johan Van Oortveldt, Bogdan Rzońca,
GUE/NGL	Petros Kokkalis, Dimitrios Papadimoulis
ID	Hélène Laporte
PPE	Lefteris Christoforou, José Manuel Fernandes, Niclas Herbst, Monika Hohlmeier, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Jan Olbrycht, Karlo Ressler, Rainer Wieland, Angelika Winzig
RENEW	Clotilde Armand, Olivier Chastel, Valerie Hayer, Moritz Körner Nicolae Ştefănuţă, Nils Torvalds
S&D	Robert Biedroń, , Paolo De Castro, Eider Gardiazabal Rubial, Elisabetta Gualmini, Eero Heinäluoma, Pierre Larroustourou, Margarida Marques, Victor Negrescu Nils Ušakovs
VERTS/ALE	Rasmus Andresen, David Cormand, Francisco Guerreiro, Damian Boeselager
NI	Ioannis Lagos

	<b>-</b>

	<b>0</b>
ID	Anna Bonfrisco, Valentino Grant, Joachim Kuhs

Key to symbols:

+ : in favour

- : against

0 : abstention

25.5.2020

## **OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS**

for the Committee on Foreign Affairs and the Committee on International Trade

on recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Pedro Silva Pereira



## SUGGESTIONS

The Committee on Economic and Monetary Affairs calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Recalls its resolutions of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement<sup>1</sup> and of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland<sup>2</sup>; takes note of the fact that the negotiations on the future relationship are still at a very early stage, and underlines the major impact of the coronavirus crisis on this process and its timetable;
2. Stresses that the full implementation of the Withdrawal Agreement, including the Protocol on Northern Ireland, which ensures that there will be no hard border on the island of Ireland, is a prerequisite for and a basic component of a new partnership between the EU and the UK; expresses concern at the UK Government's statements demonstrating a lack of political will to fully comply with its commitments under the Withdrawal Agreement, namely regarding border controls in the Irish Sea; notes that no concrete reassurances were given on this matter at the Joint Committee; underlines that mutual trust between the Parties is essential in these negotiations;
3. Notes that the EU and the UK will remain close neighbours and will continue to have many interests in common; highlights the considerable level of integration and interdependence of the EU's and UK's economies; recalls that, now it has left the EU, the UK is still one of EU's closest allies, a NATO Partner and an important trade partner; insists, therefore, that any agreement on a new relationship between the EU and the UK must take into account the status of the UK as a third country, be coherent and adapted to the geographical proximity of both parties and to the high level of interconnectedness of both economies; recalls that the Political Declaration, based on the existing unique relationship, serves as the basis for an ambitious, broad, deep and flexible partnership;
4. Welcomes the fact that the Commission has presented and published a comprehensive legal proposal for a new partnership, broadly in line with its negotiating mandate and Parliament's resolution; urges the Commission to continue its transparency with the co-legislators, the financial services industry and consumers, and deeply regrets the fact that the UK Government has refused to accept a similar level of transparency; stresses that clarity and certainty are crucial to business continuity and a seamless provision of services to consumers, and when it comes to preventing market volatility;
5. Notes the substantial divergences between both Parties at this initial stage of the negotiations, including on the scope and the legal architecture of the text to be negotiated; expresses deep concern at the limited scope of the future partnership envisaged by the UK Government, and points out that the UK's proposals fall short of

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<sup>1</sup> Texts adopted, P9\_TA(2020)0006.

<sup>2</sup> Texts adopted, P9\_TA(2020)0033.

its commitments under the Withdrawal Agreement and the Political Declaration;

6. Believes that the UK's geographic proximity and current economic interdependence with the EU make it in both Parties' mutual interests to establish an ambitious and reliable new economic partnership covering the widest number possible of sectors; underlines that, in any case, a level playing field must be ensured and EU standards safeguarded in order to avoid a 'race to the bottom' and the creation of unfair anticompetitive advantages through the undercutting of levels of protection or other regulatory divergences; highlights that public procurement procedures should remain mutually open as a prerequisite for an effective level playing field between the Parties; considers that any new framework should safeguard fair competition, workers' rights, EU financial stability, investor and consumer protection, transparency in the promotion and support given to knowledge industries, the integrity of the single market and commitments to combat climate change that guarantee the non-regression of the current level of protection and standards; stresses that the resulting framework must be clear and transparent, and must not impose a disproportionate burden on micro, small and medium sized enterprises (SMEs); calls on the Parties to preserve the need and interests of these enterprises in the future agreement, especially with regard to market access facilitation including, but not limited to, the compatibility of technical standards and streamlined customs procedures; notes, in particular, the potential distortion of the economy in border areas in Ireland by the absence of the full panoply of level playing field provisions, particularly with regard to labour and social standards; underlines the importance of maintaining close and structured cooperation on regulatory and supervisory matters, at both political and technical levels, while respecting the EU's regulatory regime and decision-making autonomy;
7. Believes that the future partnership must ensure a high level of environmental, labour and social protection and shall not undermine future initiatives to increase such level of protection; supports, in this context, the clause of non-regression of the level of climate protection and encourages both Parties to increase measures and cooperate in matters relating to sustainable production and consumption, promoting the circular economy and fostering green and social inclusive growth; welcomes the Parties' commitment to achieving the objective of economy-wide climate neutrality by 2050 and aligning their policies with the objectives set out in the UN Sustainable Development Goals (SDGs) and in the Paris Agreement; calls for a regular policy dialogue to monitor the implementation of the Paris Agreement and the SDGs;
8. Calls for robust and comprehensive guarantees in the areas of competition, State aid control, state-owned enterprises, antitrust, and merger control to ensure and enforce a level playing field between the UK and EU economies and to prevent and ban unfair competition and the distortion of trade; stresses the need to uphold common high standards in competition law and State aid control; stresses the need to ensure investor and consumer protection, the integrity of the single market and for the UK's alignment with EU competition and State aid rules; calls for the effective enforcement and provision of remedial action as described in the EU Treaties;
9. Takes the view that, in the context of financial services, the EU's regulatory and supervisory dialogue with the UK should be conducted on the basis of a voluntary regulatory dialogue among policy-makers, regulators and supervisors in order to foster

regulatory alignment and share supervisory concerns and best practices, including those on new innovative services and on issues of mutual interest; is of the opinion that the future agreement should include specific provisions on cooperation between the European Supervisory Authorities and the UK financial supervisory authorities to provide regular notifications on changes regarding the legal framework and its implementation; acknowledges the fact that the EU's financial ecosystem has been heavily interconnected with services provided by UK-based banks and market infrastructures; believes that efforts should be made to retain a smooth level of cooperation, ensure a level playing field and limit regulatory divergence by the UK on financial services thereby maintaining integrated capital markets and access for EU financial institutions to appropriate market infrastructure in the UK;

10. Recalls that passporting rights, which are based on mutual recognition and harmonised prudential rules and supervisory convergence in the internal market, will cease to apply between the EU and the UK at the end of the transitional period, as the UK will become a third country; underlines that, thereafter, access to the European financial market must be based on the EU's autonomous equivalence framework; recalls, however, the limited scope of equivalence decisions; stresses that additional specific measures and requirements might be established and maintained for prudential reasons and to safeguard financial stability; underlines that any future partnership with the UK should include robust prudential carve-outs in order to legally guarantee both parties' rights to regulate in the public interest;
11. Highlights that EU legislation provides for the possibility to consider third-country rules as equivalent on the basis of a proportional and risk-based analysis; stresses that equivalence examinations are a technical process that should be based on clear, objective and transparent criteria; recalls its position in the report on relationships between the EU and third countries concerning financial services regulation and supervision that equivalence decisions on financial services should be subject to delegated acts; notes, in this regard, that an assessment of the equivalence of UK's financial regulations will be made by the Commission and that equivalence can only be granted if the UK regulatory and supervisory regime and standards are fully equivalent to those of the EU in order to ensure a level playing field; welcomes the Parties' commitment in the Political Declaration setting out the Framework for the Future Relationship between the EU and the UK' to endeavour to conclude the equivalence assessments by the end of June 2020; urges both Parties to continue their efforts to meet this objective; believes that if equivalence has been granted towards the UK, efforts should be made to maintain it, but recalls that the EU can withdraw unilaterally the status of equivalent at any time;
12. Points out that the changes introduced via Regulation 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms<sup>3</sup> to the equivalence framework for investment firms require the European Securities and Markets Authority to 'monitor the regulatory and supervisory developments, the enforcement practices and other relevant market developments in third countries'; notes that such provisions could serve as a blueprint for an effective

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<sup>3</sup> OJ L 314, 5.12.2019, p.1.

monitoring regime;

13. Recalls that a substantial amount of euro-denominated derivatives are cleared in the UK, which potentially could have financial stability implications for the European Union; welcomes the new supervisory regime put in place via Regulation 2019/2099 of the European Parliament and of the Council of 23 October 2019 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs<sup>4</sup>; invites the newly established central counterparty (CCP) supervisory committee to make use of the powers conferred to them via this regulation in order to safeguard financial stability in the EU and calls on the Commission to consider a similar approach for other areas established in the UK marketing, clearing or when underwriting financial instruments denominated in euros;
14. Reiterates the importance of ensuring a framework for swift cooperation and information exchange between the EU and the UK, in preventing, detecting and punishing money laundering and the financing of terrorism, and of maintaining a level playing field; calls on the Parties to include provisions on anti-money laundering and countering the financing of terrorism (AML/CFT) policy in the future partnership agreement, including an exchange of information mechanism; recalls that, in the Political Declaration, the EU and the UK committed to go beyond the Financial Action Task Force standards on AML/CFT with regard to beneficial ownership transparency and to end the anonymity associated with the use of virtual currencies, including through customer due diligence controls; underlines that the UK must comply with international standards and should continue to adhere to EU regulations on and to its evolving standards in the field of anti-money laundering, which, in some respects, sets higher standards of protection and more transparency than the current international standards; recalls the existence of the EU list of third countries with strategic deficiencies in their anti-money laundering and counter-terrorist financing frameworks and urges that the UK, with its overseas territories, continuously commit to the EU framework on AML/CFT after the transition period;
15. Welcomes the requirements listed in Article LAW.AML.130 and Article LAW.AML.131 of the Commission's draft text of the Agreement on the New Partnership with the United Kingdom of 18 March 2020<sup>5</sup> regarding beneficial ownership transparency for legal entities and legal arrangements; recalls that it is of utmost importance for both parties to ensure that information contained in central registries, is available according to the same standards as outlined in Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing<sup>6</sup>, especially taking into account its Recital 42 on the notion of legitimate interest;
16. Calls on both Parties to include in the new partnership agreement specific provisions regarding the supervision of financial and non-financial obliged entities in the context of the anti-money laundering framework; recalls the Commission's communication towards better implementation of the EU's anti-money laundering and countering the

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<sup>4</sup> OJ L 322, 12.12.2019, p. 1.

<sup>5</sup> <https://ec.europa.eu/info/sites/info/files/200318-draft-agreement-gen.pdf>

<sup>6</sup> OJ L 156, 19.6.2018, p. 43.

financing of terrorism framework (COM/2019/0360) and its report on the assessment of recent alleged money laundering cases involving EU credit institutions, concluding that EU anti-money laundering supervision was largely deficient;

17. Believes that free movement of EU nationals – including future frontier workers – and free movement of services on the island of Ireland are important in order to limit damage to the all-island economy and that a future agreement should cover this issue;
18. Recommends that, given the increasing digitisation of trade, which includes services, the Parties agree, as part of the governance framework of the new partnership, provisions for facilitating digital trade, addressing unjustified barriers to trade by electronic means, and ensuring an open, secure and trustworthy online environment for businesses and consumers; stresses that these provisions should facilitate necessary data flows, subject to exceptions for legitimate public policy objectives, while not undermining the EU's personal data protection rules, and should be subject to appropriate judicial control;
19. Emphasises that, in order to facilitate cross-border trade, significant investments in customs controls facilities at common transit points will be required, and comprehensive customs cooperation mechanisms should be provided for in the future agreement;
20. Considers that any future agreement should provide for clear mechanisms to ensure the effective implementation, enforcement and dispute settlement of legislation in the above-mentioned areas; welcomes the fact that, in the draft legal agreement presented by the Commission, the Court of Justice of the European Union is to have jurisdiction to give binding preliminary ruling on the interpretation of a concept of EU law or a question of interpretation of a provision of EU law;
21. Calls for the EU and the UK to reach a strong commitment to ensure compliance, including in the UK's Overseas Territories, its Sovereign Base Areas and its Crown Dependencies, with good tax governance in accordance with current and evolving international and European standards, notably on the exchange of tax information, tax transparency, fair taxation, anti-tax avoidance measures and on OECD standards against Base Erosion and Profit Shifting; calls, furthermore, on the Parties to uphold Financial Action Task Force standards;
22. Calls the Parties to prioritise a coordinated fight against tax evasion and tax avoidance; calls for the Parties to address harmful tax practices by pursuing acts of cooperation under the EU Code of Conduct on business taxation; highlights, in this regard, the Commission's country report for the UK as part of the 2020 European Semester process, in which the UK's dividend tax regime and the UK's high number of bilateral tax treaties are features that may be used by companies to engage in aggressive tax planning; notes that the UK is ranked high according to the Commission on indicators that identify a country as having features that can be used by companies for tax avoidance purposes; calls on the future agreement to specifically address this matter and lay out how the UK will remedy this situation in the future; notes that at the end of the transition period, the UK will be considered as a third country and will have to be screened by the Code of Conduct Group on Business Taxation according to the criteria

established for the EU list of non-cooperative jurisdictions; calls for the Parties to guarantee full administrative cooperation to ensure compliance with VAT legislation and with the protection and recovery of VAT revenues;

23. Welcomes the commitment from the UK to maintain the implementation of DAC 6<sup>7</sup>; calls on the Parties to ensure the provisions included in the different directives providing for mandatory automatic exchange of information in the field of taxation (DAC<sup>8</sup>, DAC 2<sup>9</sup>, DAC 3<sup>10</sup>, DAC 4<sup>11</sup>, DAC 5<sup>12</sup>) on income, financial accounts, tax rulings, country-by-country reports, beneficial ownership remain in place; recommends that the Parties set up a dedicated platform on maintaining administrative cooperation in order to ensure the continuation of information exchange and coordination of future proposals for information exchange, such as for online platforms;
24. Invites the Parties to ensure their respective tax policies support delivering the objectives outlined in the Paris Agreement and invites the Parties to cooperate in the framework of a future EU Carbon Border Adjustment (CBA) Mechanism, notably to avoid any form of double taxation while delivering on the environmental objectives of an EU CBA;
25. Recalls that, according to Article 132 of the Withdrawal Agreement, the Joint Committee may adopt a decision extending the transition period; believes that a possible extension of the transition period deserves serious consideration in the light of the remaining divergences and the impact of the COVID-19 crisis, in order to see if more time is needed to conclude the negotiations on a comprehensive future partnership, while safeguarding citizens' rights, legal certainty and economic and financial stability; reiterates its position that given the complexity of the negotiations and the limited timeframe, there is a real risk of a 'cliff edge' in economic areas where the contingency measures or the international framework may not provide to be a sufficient legal framework to prevent severe disruption; believes that it is in the mutual interest of the EU and the UK that their future relationship is set in an orderly way;
26. Recalls that the liquidity of the Member States' bonds market and the liquidity of exchange of national currencies of non-euro zone Member States have been relying on the infrastructure offered by investment banks in the UK; notes that, since it is banned in many EU legal systems to conduct primary trading of state bonds in third countries, there is an important need to take the above-mentioned issue into consideration in the new EU-UK partnership negotiations;
27. Considers that Brexit can create a new momentum for furthering the capital markets union project, which could help to channel credit into the real economy in particular for SMEs, further enable private risk sharing, reduce the need for public risk-sharing and complement funding through banks.

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<sup>7</sup> Directive (EU) 2018/822 of 25 May 2018 (OJ L 139, 5.6.2018, p. 1).

<sup>8</sup> Directive 2011/16/EU of 15 February 2011 (OJ L 64, 11.3.2011, p. 1).

<sup>9</sup> Directive 2014/107/EU of 9 December 2014 (OJ L 359, 16.12.2014, p.1).

<sup>10</sup> Directive (EU) 2015/2376 of 8 December 2015 (OJ OJ L 332, 18.12.2015, p. 1).

<sup>11</sup> Council Directive (EU) 2016/881 of 25 May 2016 (OJ L 146, 3.6.2016, p. 8).

<sup>12</sup> Council Directive (EU) 2016/2258 of 6 December 2016 (OJ L 342, 16.12.2016, p. 1).



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	20.5.2020
<b>Result of final vote</b>	+: 48 -: 3 0: 9
<b>Members present for the final vote</b>	Gunnar Beck, Marek Belka, Isabel Benjumea Benjumea, Stefan Berger, Gilles Boyer, Francesca Donato, Derk Jan Eppink, Engin Eroglu, Markus Ferber, Jonás Fernández, Raffaele Fitto, Frances Fitzgerald, José Manuel García-Margallo y Marfil, Luis Garicano, Valentino Grant, José Gusmão, Enikő Győri, Eero Heinäluoma, Danuta Maria Hübner, Stasys Jakeliūnas, Herve Juvin, Othmar Karas, Billy Kelleher, Ondřej Kovařík, Georgios Kyrtos, Aurore Lalucq, Aušra Maldeikienė, Pedro Marques, Costas Mavrides, Jörg Meuthen, Csaba Molnár, Siegfried Mureşan, Caroline Nagtegaal, Luděk Niedermayer, Lefteris Nikolaou-Alavanos, Piernicola Pedicini, Lídia Pereira, Kira Marie Peter-Hansen, Sirpa Pietikäinen, Dragoş Pîslaru, Evelyn Regner, Antonio Maria Rinaldi, Alfred Sant, Joachim Schuster, Ralf Seekatz, Pedro Silva Pereira, Paul Tang, Cristian Terheş, Irene Tinagli, Ernest Urtaşun, Inese Vaidere, Johan Van Overtveldt, Stéphanie Yon-Courtin, Marco Zanni, Roberts Zīle
<b>Substitutes present for the final vote</b>	Karima Delli, Chris MacManus, Ville Niinistö, Mikuláš Peksa, Mick Wallace

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
ECR	Johan Van Overtveldt
GUE/NGL	José Gusmão, Chris MacManus, Mick Wallace
NI	Piernicola Pedicini
PPE	Isabel Benjumea Benjumea, Stefan Berger, Markus Ferber, Frances Fitzgerald, José Manuel García-Margallo y Marfil, Enikő Győri, Danuta Maria Hübner, Othmar Karas, Georgios Kyrtos, Aušra Maldeikienė, Siegfried Mureşan, Luděk Niedermayer, Lídia Pereira, Sirpa Pietikäinen, Ralf Seekatz, Inese Vaidere
Renew	Gilles Boyer, Engin Eroglu, Luis Garicano, Billy Kelleher, Ondřej Kovářik, Caroline Nagtegaal, Dragoş Pîslaru, Stéphanie Yon-Courtin
S&D	Marek Belka, Jonás Fernández, Eero Heinäluoma, Aurore Lalucq, Pedro Marques, Costas Mavrides, Csaba Molnár, Evelyn Regner, Alfred Sant, Joachim Schuster, Pedro Silva Pereira, Paul Tang, Irene Tinagli
Verts/ALE	Karima Delli, Stasys Jakeliūnas, Ville Niinistö, Mikuláš Peksa, Kira Marie Peter-Hansen, Ernest Urtasun

3	-
ID	Gunnar Beck, Herve Juvin, Jörg Meuthen

9	0
ECR	Derk Jan Eppink, Raffaele Fitto, Cristian Terheş, Roberts Zile
ID	Francesca Donato, Valentino Grant, Antonio Maria Rinaldi, Marco Zanni
NI	Lefteris Nikolaou-Alavanos

Key to symbols:

+ : in favour

- : against

0 : abstention

28.5.2020

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on Foreign Affairs and the Committee on International Trade

on the recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Kris Peeters

### **SUGGESTIONS**

The Committee on the Internal Market and Consumer Protection calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

- A. whereas an agreement with the UK must ensure a balance of rights and obligations, respect the full integrity and proper functioning of the EU's internal market and of the customs union and the indivisibility of the four freedoms, and guarantee a level playing field for businesses, as well as a high level of consumer protection; whereas a non-member of the Union that does not fulfil the same obligations as a member cannot have the same rights and enjoy the same benefits as a member;
  - B. whereas access to the EU single market requires, as a precondition, full compliance with relevant EU single market legislation; whereas consumer protection in the EU is ensured through an extensive European legal framework;
  - C. whereas the Union is the world's leading commercial power and its largest single market, acting as a major driver of economic prosperity; whereas in 2019 EU-27 exports in goods to the UK amounted to EUR 318.1 billion, and EU-27 imports from the UK amounted to EUR 193.7 billion;
  - D. whereas the deadline for concluding the negotiations for a new partnership with the UK is ambitious, negotiations are highly complex, and the unprecedented crisis caused by the COVID-19 pandemic, with the resulting suspension of the negotiations, makes the situation even more challenging;
1. Strongly reiterates that the Withdrawal Agreement must be fully implemented in all its parts by both sides, and that this can be a strong indicator of the good faith in which the

negotiations on the future agreement will be conducted;

2. Believes that it is in the EU's and UK's mutual interest to pursue an ambitious, wide-ranging and balanced relationship through the future agreement;
3. Stresses that all EU institutions, Member States, businesses and citizens should be prepared for a new partnership with the UK at the end of the transition period;
4. Underlines that an agreement with the UK should not undermine the ambitious and balanced set of measures that have been put forward by the Commission in the last five years, such as the Single Market Strategy, the Capital Markets Union, the Digital Single Market Strategy and the European Digital Strategy;

### ***Internal market***

5. Underlines that the future agreement should include arrangements on market access for goods and services, public procurement and recognition of professional qualifications as well as on product rules, provided that there is a level playing-field;
6. Believes that in order to move towards a zero carbon and circular economy, the Union needs a fully operational single market that encourages the dissemination of green, innovative solutions, and the future agreement with the UK should be in line with this aim;
7. Stresses that under no circumstances can a third country have the same level of rights and benefits as a Member State; stresses that the rights and privileges associated with access to the internal market go hand in hand with strict obligations to fully respect and comply with internal market rules; recalls, therefore, that a balanced, ambitious and wide-ranging future agreement can only be agreed if a level playing field is secured for businesses, as well as consumers, through robust commitments, their proper implementation and effective enforcement, with a view to keeping equivalent standards and dynamic alignment;
8. Underlines that dynamic regulatory alignment and provisions guaranteeing robust market surveillance that helps enforce the rules on products should be an essential and irreplaceable part of any future agreement aiming to ensure a level playing field; emphasises that legal certainty for EU businesses coupled with a high level of protection for EU consumers through effective market surveillance, product traceability and cooperation between market surveillance authorities, should help foster a level playing field in this area; underlines, furthermore, that a level playing field requires a horizontal mechanism, such as an overall governance framework covering all areas of cooperation, to ensure effective implementation, monitoring, enforcement and dispute settlement through adequately resourced domestic authorities and effective administrative and judicial proceedings; recalls that such a horizontal mechanism should fully preserve the autonomy of the EU's decision-making and its legal order, and provide the Union with adequate tools to act upon any possible non-compliance by the UK;
9. Recalls that in any event the future agreement will lead to customs checks and verification before goods enter the internal market, and insists that safeguarding the

compliance of goods with internal market rules and the relevant product rules is of the utmost importance;

10. Underlines that, where relevant and appropriate, the needs and interests of European SMEs should be taken into account when negotiating the single market chapter of the agreement on market access facilitation; encourages, further, the parties to establish SME contact points, and calls for a stable and predictable overall legal framework;
11. Strongly believes that the arrangements should include provisions on market access and national treatment under host state rules to ensure that EU service providers are treated in a non-discriminatory manner by the UK, including with regard to establishment; underlines that the new arrangements should allow for the temporary entry and stay of EU citizens in the UK for business purposes and with the aim of providing services;
12. Stresses that ambitious and appropriate arrangements should be concluded to facilitate electronic commerce and data flow and exchange, to address unjustified barriers to trade by electronic means, and to ensure an open, secure and trustworthy online environment for businesses and consumers, provided that UK online retailers comply with the relevant single market rules; calls in this context for these arrangements to be aligned with the General Data Protection Regulation;
13. Stresses that both parties' public procurement markets should remain equally open in order to keep contributing to the essential cross-border flow of goods and services, provided there is an effective level playing field covering every relevant aspect; regrets that the public procurement sector is not mentioned in the UK mandate for the negotiations, and calls in this regard for the inclusion of additional provisions granting reciprocal access to procurement markets for both parties, which should be drawn up in full compliance with the EU *acquis*;

### ***Customs***

14. Notes the intention of the UK not to seek the continuation of its current status with regard to the single market and the customs union, and the UK's interest in seeking close economic cooperation with the EU after its departure; underlines the importance of preserving the integrity of the customs union and its procedures, which guarantee the safety and protection of consumers and the economic interests of the EU and EU undertakings; stresses the need for greater investment in customs controls facilities at common transit points on common borders and, where relevant and appropriate, further coordination and exchange of information between both parties;
15. Points out that the large number of non-tariff barriers, divergences in the level and quality of controls, and differences in customs procedures and sanctions policies at the EU's points of entry into the customs union often result in distortions of trade flows and put at risk the integrity of the European single market;
16. Stresses that the full implementation of the arrangements for the Irish border is crucial for business and for avoiding the diversion of trade flows and possible damage to the all-island economy, and that Article 12 of the Protocol on Ireland/Northern Ireland should be fully applied; underlines, furthermore, that the Specialised Committee should provide the necessary certainty on the aspects of the Protocol, especially Article 12,

concerning the application, monitoring and enforcement of the Protocol, which should be implemented in good faith;

17. Highlights that any future agreement should establish comprehensive customs cooperation mechanisms to facilitate cross-border trade as well as cooperation mechanisms between customs and market surveillance authorities; calls, furthermore, on the parties, where relevant and appropriate, to work towards simplification of customs procedure requirements and formalities for traders or economic operators, including for SMEs;
18. Insists that the Commission ensures that custom controls throughout the EU follow the same standards, by means of a direct unified customs control mechanism, in coordination with Member States and in full compliance with the principle of subsidiarity;
19. Underlines that for EU manufacturers and traders the new arrangements for customs and other areas should ensure equally beneficial conditions as for their UK counterparts;
20. Highlights that it would be highly desirable for the UK to maintain the current product classification based on the Integrated Tariff of the European Communities (TARIC) in order to keep procedures simple and to reduce the regulatory burden;

### ***Consumer policy***

21. Stresses that current EU consumer protection standards and citizens' rights under the EU *acquis* must be preserved in any future agreement by both parties; believes that the agreement should ensure added value to EU consumers by providing the best framework for the protection of consumer rights and for the enforcement of traders' obligations ;
22. Considers it of utmost importance to guarantee the safety of products imported from the UK in a way that they would correspond to EU standards;
23. Stresses that regulatory and administrative cooperation, accompanied where relevant and appropriate by parliamentary oversight and non-regression commitments, such as occurs with other third countries, are important in tackling non-tariff barriers and in pursuing objectives of public interest, to protect the interests of EU consumers, including to ensure a secure and trustworthy environment for consumers and businesses online, as well as to combat unfair commercial practices;;
24. Stresses that as a result of the future agreement it is in the interest of both the EU and the UK in the domain of consumer protection and market access to avoid potential negative effects to current tangible advantages for consumers in areas such as digital services, passenger rights, the trade in medical equipment, the European emergency number (112) and the interoperable EU-wide eCall system, unjustified geoblocking, the fight against counterfeiting, and the protection of geographical indications; emphasises that by working together, the EU and the UK could influence the debate at international level, including in order to ensure a secure and trustworthy online environment for consumers and businesses.

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## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	20.5.2020
<b>Result of final vote</b>	+: 38 -: 1 0: 4
<b>Members present for the final vote</b>	Andrus Ansip, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Dita Charanzová, Deirdre Clune, David Cormand, Petra De Sutter, Evelyne Gebhardt, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Antonius Manders, Leszek Miller, Dan-Ștefan Motreanu, Kris Peeters, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Kim Van Sparrentak, Marion Walsmann, Marco Zullo
<b>Substitutes present for the final vote</b>	Jordi Cañas, Maria da Graça Carvalho, Tsvetelina Penkova, Jiří Pospíšil, Dominik Tarczyński, Evžen Tošenovský, Edina Tóth

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
ECR	Adam Bielan, Eugen Jurzyca, Dominik Tarczyński, Evžen Tošenovský
GUE/NGL	Kateřina Konečná
NI	Miroslav Radačovský, Marco Zullo
PPE	Maria da Graça Carvalho, Deirdre Clune, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Dan-Ștefan Motreanu, Kris Peeters, Jiří Pospíšil, Andreas Schwab, Tomislav Sokol, Edina Tóth, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Jordi Cañas
S&D	Brando Benifei, Biljana Borzan, Evelyne Gebhardt, Maria Grapini, Maria Leitão-Marques, Adriana Maldonado López, Leszek Miller, Tsvetelina Penkova, Christel Schaldemose
Verts/ALE	David Cormand, Petra De Sutter, Marcel Kolaja, Kim Van Sparrentak

1	-
ID	Hynek Blaško

4	0
GUE/NGL	Anne-Sophie Pelletier
ID	Alessandra Basso, Virginie Joron, Jean-Lin Lacapelle

**Key to symbols:**

+ : in favour

- : against

0 : abstention

29.5.2020

## **OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM**

for the Committee on Foreign Affairs and the Committee on International Trade

on the recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Johan Danielsson

### **SUGGESTIONS**

The Committee on Transport and Tourism calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to its resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland<sup>1</sup>;
- having regard to the Council decision concerning the mandate for the negotiations with the United Kingdom of 13 February 2020<sup>2</sup>;
- having regard to the Agreement on the withdrawal of the United Kingdom from the Union of 24 January 2020 and the political declaration on the framework for the future relationship<sup>3</sup>;
- having regard to the draft text of the Agreement on the New Partnership with the United Kingdom of 19 March 2020<sup>4</sup>;

#### ***Horizontal issues***

1. Stresses that the envisaged partnership, which has been drawn up on the basis of the

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<sup>1</sup> P9\_TA(2020)0033.

<sup>2</sup> Council Decision authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement (5870/20) and Annex to Council Decision authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement (5870/20 ADD 1 REV 3).

<sup>3</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

<sup>4</sup> UKTF(2020)14.

close economic ties between the UK and the EU and their common interests, should provide continued and unhindered connectivity for all modes of transport, subject to reciprocity, and should ensure a level playing field, in particular with regard to social, employment and environmental standards;

2. Reiterates that the United Kingdom as a third country cannot enjoy the same rights and benefits as a Member State; considers that future cooperation with the UK should comprise transport projects of common interest, encourage good cross-border trade and business conditions; stresses that such conditions should facilitate and assist small and medium-sized enterprises (SMEs), and ensure that they do not have to deal with any additional administrative burdens;
3. Believes that the UK's participation in EU cross-border research and development programmes in transport should be envisaged on the basis of common interests;
4. Recalls the importance of the Commission being the sole EU negotiator during the negotiations and that Member States are not to undertake any bilateral negotiations; urges, however, the Commission to represent the interests of each Member State in the final comprehensive agreement;
5. Emphasises that rights and privileges entail obligations and that the level of access to the EU single market should fully correspond to the extent of regulatory convergence and commitments agreed with respect to observing a level playing field for open and fair competition and should be based on the minimum common standards applicable in the EU-27;
6. Supports the negotiating directives, which set out that Gibraltar will not be included in the territorial scope of the agreements to be concluded between the EU and the UK, and that any separate agreement will require the prior agreement of the Kingdom of Spain;

### *Aviation*

7. Recalls that aviation is the only mode of transport that does not have any legal World Trade Organization (WTO) fall-back in case no agreement is reached before the end of the transition period;
8. Considers that the envisaged partnership should include an ambitious and comprehensive Chapter on Air Transport that ensures the EU's strategic interests, and contains appropriate provisions on market access, investment and operational and commercial flexibility (e.g. code sharing), taking into account balanced rights and obligations;
9. Considers that the envisaged partnership should include a level playing field in the areas of State aid, passengers' rights, social rights, safety, security and environmental protection;
10. Stresses that any possible granting of some elements of the so-called 'fifth freedom' (freedom of the air) should be balanced with corresponding obligations in the interests of the Union;

11. Stresses that the envisaged partnership should include close cooperation in aviation safety and air traffic management; considers that such cooperation should not limit the EU in determining the level of protection it considers appropriate for safety and the environment;
12. Underlines the importance of the future close collaboration between the UK Civil Aviation Authority and European Union Aviation Safety Agency, and of the UK's involvement in the current and future air traffic management (ATM) programmes, such as the Single European Sky ATM Research, to ensure the interoperability of infrastructure and to enhance safe and efficient functioning of air traffic in Europe;
13. Considers that the UK's cooperation in the EU Space programme should be envisaged when it is in the Union's interest;

### ***Road***

14. Reiterates that any agreement on road freight transport needs to be an integral part of a Comprehensive Free Trade Agreement;
15. Notes that the current European Conference of Ministers of Transport framework, which is based on a limited number of permits, is not suitable for EU-UK relations, taking into account the extent of freight transported by road between the EU-27 and the UK; stresses, in this regard, that appropriate measures should be put in place to avoid threats to public order and prevent disruptions to traffic flows of road haulage operators and coach and bus service operators; underlines, therefore, the importance of providing improved direct sea routes from Ireland to the continent thereby reducing reliance on the UK-land bridge;
16. Emphasises that UK freight transport operators cannot be granted the same level of rights and benefits as Union freight transport operators when it comes to road freight transport operations;
17. Considers that the envisaged partnership should include the right of transit of laden and unladen journeys from the territory of one party to the territory of the same party through the territory of the other party;
18. Considers that the envisaged partnership should include a level playing field in the areas of work, driving and rest time, the posting of drivers, tachographs, vehicle weights and dimensions, combined transport and training of personnel, and specific provisions to ensure a comparable level of protection in relation to operators and drivers;
19. Stresses that the envisaged partnership should, with regard to the carriage of passengers by coach and bus, take into account the multilateral Interbus Agreement<sup>5</sup> and the Protocol to that agreement; expects that the future agreement take into consideration the importance of ensuring the greening of the industry through the deployment of alternative fuels and charging infrastructure;

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<sup>5</sup> Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) (OJ L 321, 26.11.2002, p. 13).

## ***Rail***

20. Stresses that the envisaged partnership should include the specific situation of the Channel tunnel, especially with regard to aspects of the safety regime, authorisation and passengers' rights;

## ***Maritime transport and ports***

21. Stresses that the envisaged partnership should ensure reciprocal and equal market access for the international maritime transport sector, including but not limited to, offshore sector and domestic trade, with an appropriate level playing field in safety, security, environmental and social areas, between EU and UK ports, without compromising the already existing high EU standards in these areas; stresses that the partnership should envisage a common approach with regard to the global policy framework of the International Maritime Organization, the Organisation for Economic Co-operation and Development, the International Labour Organization and the WTO;
22. Urges that the fluidity of EU-UK maritime trade, the free movement of passengers, seafarers, offshore and onshore staff should be a priority; stresses, in this regard, that the EU and the UK should ensure that proper border and customs systems are in place to prevent delays and disruptions;
23. Stresses the importance of effective cooperation and the exchange of information between the European Maritime Safety Agency and the UK Maritime and Coastguard Agency;

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	28.5.2020
<b>Result of final vote</b>	+: 47 -: 1 0: 1
<b>Members present for the final vote</b>	Magdalena Adamowicz, Andris Ameriks, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Marco Campomenosi, Ciarán Cuffe, Jakop G. Dalunde, Johan Danielsson, Andor Deli, Karima Delli, Anna Deparnay-Grunenberg, Ismail Ertug, Gheorghe Falcă, Giuseppe Ferrandino, Mario Furore, Søren Gade, Isabel García Muñoz, Jens Gieseke, Elsi Katainen, Kateřina Konečná, Julie Lechanteux, Peter Lundgren, Benoît Lutgen, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Tilly Metz, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Jan-Christoph Oetjen, Philippe Olivier, Rovana Plumb, Dominique Riquet, Dorien Rookmaker, Massimiliano Salini, Sven Schulze, Vera Tax, Barbara Thaler, István Ujhelyi, Petar Vitanov, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Roberts Zīle, Kosma Złotowski
<b>Substitutes present for the final vote</b>	Josianne Cutajar, Clare Daly, Roman Haider, Anne-Sophie Pelletier, Robert Roos

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

47	+
ECR	Peter Lundgren, Robert Roos, Roberts Zīle,
GUE/NGL	Clare Daly, Kateřina Konečná, Anne-Sophie Pelletier
ID	Marco Campomenosi, Roman Haider, Julie Lechanteux, Philippe Olivier, Lucia Vuolo
PPE	Magdalena Adamowicz, Andor Deli, Gheorghe Falcă, Jens Gieseke, Elżbieta Katarzyna Łukacijewska, Benoît Lutgen, Marian-Jean Marinescu, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Massimiliano Salini, Sven Schulze, Barbara Thaler, Elissavet Vozemberg-Vrionidi
RENEW	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Søren Gade, Elsi Katainen, Caroline Nagtegaal, Jan-Christoph Oetjen, Dominique Riquet
S&D	Andris Ameriks, Josianne Cutajar, Johan Danielsson, Ismail Ertug, Giuseppe Ferrandino, Isabel García Muñoz, Rovana Plumb, Vera Tax, István Ujhelyi, Petar Vitanov
VERTS/ALE	Ciarán Cuffe, Jakob G. Dalunde, Karima Delli, Anna Deparnay-Grunenberg, Tilly Metz
NI	Mario Furore

1	-
NI	Dorien Rookmaker

1	0
ECR	Kosma Zlotowski

Key to symbols:

+ : in favour

- : against

0 : abstention

13.5.2020

## OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT

for the Committee on Foreign Affairs and the Committee on International Trade

on the recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Pascal Arimont

### SUGGESTIONS

The Committee on Regional Development calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

- A. whereas cohesion policy is a key instrument that ensures solidarity between EU regions in exchange for the opportunities afforded by the internal market; whereas if the UK decides to obtain access to the internal market as a member, it must make a financial contribution to solidarity and cohesion, and respect horizontal policies, including on global warming, climate change, the environment, agriculture and fisheries – as is the case for European Economic Area (EEA) countries;
- B. whereas many regions of the EU will be negatively affected by the creation of new barriers to trade and the movement of people between the EU and the UK, particularly those sharing a land or sea border with the UK, and will thus require additional support from cohesion funds;
- C. whereas the protection of cross-border economic activity is particularly important, and it should remain possible for cross-border workers between the EU and UK to earn their livelihood;
- D. whereas even if the UK is a third country, it would be advantageous for Interreg programmes between EU and UK regions to continue;
- E. whereas cohesion funding is of special importance to Northern Ireland and the border regions of Ireland; whereas the PEACE programme has played a key role in community reconciliation and peacebuilding, and has connected thousands of people through cross-border activities, including support for the development of small and medium-sized enterprises, community-based organisations that lead projects on reconciliation and cultural understanding, and cross-border projects focusing on skills, learning and

training;

- F. whereas EU development and cohesion policies have allowed for fruitful cooperation between EU and UK territories overseas, and this should continue in the future;
- G. whereas the withdrawal of the UK without a subsequent agreement on its future relationship with the EU would have disruptive effects, creating a significant burden for public finances in the EU; whereas such a failure to reach an agreement on future EU-UK relations would justify activating the solidarity principle; whereas Parliament has already approved activating the solidarity principle in such a scenario;
1. Stresses that, if the United Kingdom does not obtain full membership the internal market, it should not be able to benefit from cohesion funds, except for projects which are permitted under the regulations establishing those funds; considers that, should the United Kingdom ultimately wish to participate in the internal market, it should contribute to the cohesion funds for the 2021-2027 period;
  2. Believes that the new agreement should take into account the needs of the EU regions affected by Brexit, especially those sharing a land or sea border with the UK, such as the border regions of Ireland and southern Spain, and the coastal regions along the Channel, the Atlantic and the North Sea; recalls the need for an assessment of the impact of Brexit on small and medium-sized enterprises operating in territories that share a land or sea border with the UK;
  3. Recalls the importance of fair labour mobility; calls for the future agreement to include provisions for the continued protection of the livelihood of cross-border workers, including for new quality employment relationships, particularly for those working across the Irish border or between the UK and Belgium, France or the Netherlands;
  4. Notes that the cross-border and transnational programmes funded through Interreg play a key role in encouraging cooperation between regions and citizens in different Member States, and proposes that Interreg programmes should remain open to the UK and its constituent countries, provided that an appropriate financial contribution is made; recalls that the Interreg programmes also support inclusive policies and strategies that avoid exacerbating inequalities in cross-border communities;
  5. Underlines the important contribution of EU cohesion policy to Northern Ireland, particularly in terms of assisting the recovery of deprived urban and rural areas, tackling climate change, and building cross-community and cross-border contacts in the context of the peace process; stresses that it is of the utmost importance that the PEACE programme continue to operate in Northern Ireland and the border regions of Ireland, and to be administered autonomously by the Special EU Programmes Body;
  6. Considers that cooperation between EU outermost regions and overseas countries and territories on the one hand, and UK overseas territories on the other hand, particularly in the Caribbean and Pacific, should continue; calls for special provisions to allow future joint projects under the European Development Fund and cohesion funds, as appropriate;
  7. Underlines that by making financial resources available through the EU budget the

European Union Solidarity Fund (EUSF) is a tangible expression of solidarity when serious repercussions on, inter alia, the economy affect one or more regions of the EU or of a country applying for accession; recalls the importance of extending the scope of the EUSF to cover a part of the additional public expenditure incurred in preparation for, or as a consequence of, the end of the transition period without a subsequent agreement on the UK's future relationship with the EU, as has already been done to address the current COVID-19 public health emergency; calls on the Commission to put forward a proposal on the matter, mirroring the proposal previously made to cover a failure to ratify the Withdrawal Agreement, which was approved by Parliament on 24 October 2019<sup>1</sup>;

8. Asks the Commission to prepare for the consequences of a no-deal scenario should the UK not request an extension to the transition period.

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<sup>1</sup> Amendments adopted by the European Parliament on 24 October 2019 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2012/2002 in order to provide financial assistance to Member States to cover serious financial burden inflicted on them following a withdrawal of the United Kingdom from the Union without an agreement, texts adopted P9\_TA(2019)0045.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	12.5.2020
<b>Result of final vote</b>	+: 38 -: 0 0: 5
<b>Members present for the final vote</b>	François Alfonsi, Mathilde Androuët, Pascal Arimont, Adrian-Dragoş Benea, Tom Berendsen, Erik Bergkvist, Stéphane Bijoux, Andrea Cozzolino, Corina Creţu, Rosa D'Amato, Tamás Deutsch, Christian Doleschal, Francesca Donato, Raffaele Fitto, Chiara Gemma, Cristian Ghinea, Mircea-Gheorghe Hava, Krzysztof Hetman, Peter Jahr, Manolis Kefalogiannis, Ondřej Knotek, Constanze Krehl, Elżbieta Kruk, Cristina Maestre Martín De Almagro, Pedro Marques, Nora Mebarek, Martina Michels, Anđelika Anna Mozdżanowska, Niklas Nienäß, Andrey Novakov, Younous Omarjee, Alessandro Panza, Tsvetelina Penkova, Caroline Roose, André Rougé, Vincenzo Sofo, Irène Tolleret, Valdemar Tomaševski, Monika Vana
<b>Substitutes present for the final vote</b>	Vlad-Marius Botoş, Daniel Buda, Sandro Gozi, Simone Schmiedtbauer

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
ECR	Raffaele Fitto, Elżbieta Kruk, Andżelika Anna Możdżanowska, Valdemar Tomaševski
GUE/NGL	Martina Michels, Younous Omarjee
NI	Rosa D'Amato, Chiara Gemma
PPE	Pascal Arimont, Tom Berendsen, Daniel Buda, Tamás Deutsch, Christian Doleschal, Mircea-Gheorghe Hava, Krzysztof Hetman, Peter Jahr, Manolis Kefalogiannis, Andrey Novakov, Simone Schmiedtbauer
RENEW	Stéphane Bijoux, Vlad-Marius Botoş, Cristian Ghinea, Sandro Gozi, Ondrej Knotek, Irène Tolleret
S&D	Adrian-Dragoş Benea, Erik Bergkvist, Andrea Cozzolino, Corina Creţu, Constanze Krehl, Cristina Maestre Martín De Almagro, Pedro Marques, Nora Mebarek, Tsvetelina Penkova
VERTS/ALE	François Alfonsi, Niklas Nienaaß, Caroline Roose, Monika Vana

0	-

5	0
ID	Mathilde Androuët, Francesca Donato, Alessandro Panza, André Rougé, Vincenzo Sofo

Key to symbols:

+ : in favour

- : against

0 : abstention

26.5.2020

## OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on Foreign Affairs and the Committee on International Trade

on the recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: François-Xavier Bellamy

### SUGGESTIONS

The Committee on Fisheries calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

- A. whereas the current negotiations will be of decisive importance for the future of the Member States and the United Kingdom (UK) and, in that context, fishing and the management of living marine resources, and the conservation and restoration of marine ecosystems are essential issues; whereas the fisheries sector directly and indirectly represents hundreds of thousands of jobs, provides a livelihood for many coastal areas and coastal communities - those fighting demographic decline, contributes to safe and healthy food for millions of consumers, and promotes a strong environmental model;
- B. whereas the common fisheries policy (CFP) has for almost 50 years enabled, in all the Member States concerned, the establishment of improved conditions for the development of fishing and the sustainable management of resources; whereas, therefore, following the UK's withdrawal from the EU, an agreement is necessary to guarantee the economic vitality of the fisheries sector and the continuation of existing fishing activities, as well as the preservation of species and the protection and restoration of biodiversity;
- C. whereas Regulation EU 2017/2403 of 12 December 2017 on the sustainable management of external fishing fleets<sup>1</sup> marked a major step forward for transparency and accountability in global fisheries, which should be reflected in the future agreement;
- D. whereas the existing historical, geographical and ecosystemic links between the EU and the UK create a strong interdependence between the parties, both in terms of fishing and aquaculture activities and in the sectors of processing of and trade in those products, as well as in terms of protecting shared marine ecosystems; whereas the UK and the EU

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<sup>1</sup> OJ L 347, 28.12.2017, p. 81.

currently share 97 stocks subject to Total Allowable Catches (TACs); whereas, from these points of view, a lack of agreement would cause immediate and significant damage for all stakeholders involved and ultimately for EU and UK citizens, as well as to the shared marine ecosystems; whereas, furthermore, any agreement should aim to avoid economic dislocation for Union and UK fishermen who have been engaged in fishing activities in UK waters;

1. Reaffirms that no comprehensive agreement, including on trade, can be concluded between the EU and the UK if it does not include a complete, balanced and long-term agreement on fisheries and fisheries-related matters, upholding the continuation under optimal conditions of access to waters, resources and markets of the parties concerned, as well as the existing fishing activities;
2. Reaffirms that the fisheries agreement must have a direct link with the ongoing negotiations on an economic partnership, in particular on trade, and therefore cannot be disconnected; stresses that the issue of free access to waters and ports cannot be separated from the issue of free trade and access of UK fisheries products to the EU market;
3. Recalls that both fish and pollution do not know political borders and will continue spreading throughout all sea basins; emphasises that ecosystems are interlinked;
4. Recalls that the greatest mutual benefit will be obtained by protecting shared ecosystems and sustainably managing their exploitation, by upholding existing reciprocal access to waters and fisheries resources with the aim of upholding existing fishing activities, as well as by defining common, coherent, clear and stable principles and rules enabling mutual open access of fishing and aquaculture products to markets without causing economic or social tensions through unbalanced competition; insists on having within the future agreement a safeguard clause stating that any breaches of clauses concerning reciprocal access to waters and resources will lead to a suspension of preferential tariffs for UK goods in the EU market;
5. Stresses the need to include in the draft agreement proposal the distribution percentages that are currently applied for the stocks to be shared between both parties in Annex FISH-2 (Allocation of fishing opportunities), in accordance with the principle of relative stability in force; the fact that the percentages of the stocks to be shared between both parties have been left empty might be seen as an initial concession to the UK, lowering the objectives of the current mandate;
6. Calls on the parties to uphold existing quota shares and the stable and constant distribution of fishing rights; stresses the importance of long-term management of resources based on compliance with CFP principles such as maximum sustainable yield (MSY) and the technical measures, the regional management tools such as the Multiannual Plans for the North Sea and the Western Waters, and the Marine Strategy Framework Directive, which have so far all contributed to the improvement of the state of fish stocks to the benefit of the fleets of both EU Member States and the UK;
7. Recalls that the UK was involved in the preparation and implementation of the Multiannual Plans for each sea basin, in particular for the North Sea and the Western Waters, that these Multiannual Plans were drawn up considering the Member States at

the time, including the UK, and that the objectives set follow the best available scientific knowledge and the CFP;

8. Reiterates that the full implementation of the CFP has had important positive results, both in increasing the number of stocks exploited within the MSY and in the way the Multiannual Plans have contributed to biological and economic sustainability with benefits for the fishing communities concerned;
9. Stresses that the agreement must ensure that technical measures or marine protected areas are reciprocal, non-discriminatory and proportionate and do not constitute a de facto way of excluding EU vessels from UK waters; stresses that when marine protected areas are established, all stakeholders, including European fishers shall be involved in the governance and monitoring of such areas, in compliance with the recommendations of the International Union for the Conservation of Nature; insists that the agreement cannot lead to a levelling down of EU environmental and social standards;
10. Urges the Commission to include provisions on preventing and combating illegal, unreported and unregulated (IUU) fishing activities within Union and United Kingdom waters;
11. Insists that UK fisheries and aquaculture products that enter the internal market must comply with the same environmental, social, sanitary and phytosanitary standards as EU fisheries and aquaculture products, so as to ensure a level playing field between UK and EU fisheries and aquaculture products as well as to ensure European consumer protection;
12. Stresses the need for adequate cooperation and consultation mechanisms, a common scientific approach, and guarantees that the UK will continue to contribute to data collection and the scientific assessment of stocks as a basis for future decisions for joint fisheries management in all shared sea basins; urges the parties to continue their active and loyal cooperation in matters of fishing control and the fight against IUU fishing;
13. Takes note of the UK's intention to negotiate a separate fisheries framework agreement with Norway; recalls that Norway is a member of the European Economic Area (EEA) and the European Free Trade Association (EFTA), which entails rights and obligations concerning the fisheries sector and products when it comes to access inter alia to the EU market;
14. Underlines the importance of including a reference in the agreement to the obligation of cooperation within the framework of coastal states, as provided for in international law, which is essential for fisheries management measures and the sustainability of shared stocks;
15. Believes that the provisions of any fisheries agreement should be supported by dispute settlement mechanisms and include remedial measures as part of a general management of the governance of the future relationship between the EU and the UK;
16. Recalls the endeavours for an agreement on fisheries to be concluded by 1 July 2020; notes with regret that the coronavirus crisis, or COVID-19 outbreak, has disrupted the normal course of negotiations between the UK and the EU; calls, therefore, on the

parties to be flexible and to decide as soon as possible to extend the transition period in accordance with Article 132 of the Withdrawal Agreement in order to provide certainty for the sector;

17. Believes that should an extension of the transition period be agreed, the current distribution of TACs and quotas should be extended accordingly in order to provide legal certainty to the fisheries sector;
18. Urges the Commission and the Member States, however, to prepare for all scenarios - both for extension of the transition period and for no deal - and to devise the necessary measures to support the sector as well as the regulatory frameworks appropriate to either scenario;
19. Calls, finally, on the negotiating parties to use their best endeavours to agree as soon as possible on the provisions on fisheries of any agreement between the UK and the EU, in order for them to be in place in time to be used for determining fishing opportunities for the first year after the transition period.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	25.5.2020
<b>Result of final vote</b>	+: 24 -: 1 0: 1
<b>Members present for the final vote</b>	Clara Aguilera, Pietro Bartolo, François-Xavier Bellamy, Izaskun Bilbao Barandica, Isabel Carvalhais, Rosanna Conte, Rosa D'Amato, Fredrick Federley, Giuseppe Ferrandino, João Ferreira, Søren Gade, Francisco Guerreiro, Anja Hazekamp, Niclas Herbst, France Jamet, Pierre Karleskind, Predrag Fred Matic, Francisco José Millán Mon, Cláudia Monteiro de Aguiar, Grace O'Sullivan, Manuel Pizarro, Caroline Roose, Bert-Jan Ruissen, Annie Schreijer-Pierik, Ruža Tomašić, Peter van Dalen, Theodoros Zagorakis
<b>Substitutes present for the final vote</b>	Catherine Chabaud, Gabriel Mato, Elzbieta Rafalska

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

24	+
ECR	Bert-Jan Ruissen, Ruža Tomašić
ID	Rosanna Conte, France Jamet
PPE	François-Xavier Bellamy, Niclas Herbst, Francisco José Millán Mon, Cláudia Monteiro de Aguiar, Annie Schreijer-Pierik, Peter van Dalen, Theodoros Zagorakis
Renew	Izaskun Bilbao Barandica, Fredrick Federley, Søren Gade, Pierre Karleskind
S&D	Clara Aguilera, Pietro Bartolo, Isabel Carvalhais, Giuseppe Ferrandino, Predrag Fred Matic, Manuel Pizarro
Verts/ALE	Francisco Guerreiro, Grace O'Sullivan, Caroline Roose

1	-
GUE/NGL	Anja Hazekamp

1	0
GUE/NGL	João Ferreira

Key to symbols:

+ : in favour

- : against

0 : abstention

26.5.2020

## **OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

for the Committee on Foreign Affairs and the Committee on International Trade  
on recommendations on the negotiations for a new partnership with the United Kingdom of  
Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Loránt Vincze

### **SUGGESTIONS**

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Foreign Affairs and on the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

#### ***A. Content of the envisaged agreement, core values and governance***

1. Welcomes the draft text of the Agreement on the New Partnership with the United Kingdom published by the European Commission on 18 March 2020, which proposes a comprehensive agreement encompassing all areas of cooperation and an overarching institutional framework; reiterates its position that a final agreement should have a single, consistent governance framework, which should include effective enforcement and a robust dispute settlement mechanism, thus avoiding a proliferation of bilateral agreements;
2. Stresses that the envisaged partnership must be based on the shared values and principles of democracy, the rule of law and respect for human rights, which should be expressed in binding political clauses as well as mutual trust; stresses that, while the EU will remain bound by the Charter of Fundamental Rights of the European Union, the agreement on the future relationship must incorporate the United Kingdom's continued commitment to respect the framework of the European Convention on Human Rights (ECHR);
3. Welcomes the provisions of the draft text of the Agreement on the preservation of the autonomy of the EU legal order and the role of the Court of Justice of the European Union (CJEU) as the ultimate institution for interpreting EU law; insists that accepting such a role is a necessary condition for the future cooperation;

#### ***B. Progress of the negotiations***

4. Expresses concern about the progress of negotiations, including the cancellation of two negotiation rounds planned during the COVID-19 confinement period as well as the

resumption thereof as of 20 April; notes that according to the information received from the European Commission's Task Force for Relations with the United Kingdom, despite a first exchange on the issues of security, law enforcement and judicial cooperation in criminal matters, data protection and citizens' rights, as well as migration and asylum, which took place during the second round of the negotiations, no significant progress has been achieved; recalls that, pursuant to Article 132 of the Withdrawal Agreement, the transition period may be extended by a single decision of the Joint Committee before 1 July 2020; takes into account that the UK Government, during the second negotiation round, stressed its intention not to request an extension of the transition period; is deeply concerned about the chances of finalising negotiations on all the essential matters at stake by the end of the year, in view, notably, of the current context of the COVID-19 pandemic and the slow progress achieved so far; calls on the negotiating partners to make every effort to advance on all areas of the negotiations in parallel, including the most difficult areas, and to adopt a comprehensive negotiating strategy;

### *C. Citizens' rights and mobility arrangements*

5. Takes note of the discussions taking place in the EU-UK Joint Committee established under the Withdrawal Agreement and the upcoming meeting of the specialised committee on citizens' rights; calls on the co-chairs of the Joint Committee to actively involve citizens and civil society organisations in this regard; requests that Parliament be fully informed of all the discussions held and decisions taken by the Joint Committee; is concerned that, according to the latest EU Settlement Scheme Statistics<sup>1</sup> published by the UK Home Office on 21 May 2020, of the total 3 220 100 applications concluded by 30 April 2020, only 58 % were granted settled status and 41 % were granted pre-settled status; reiterates Parliament's call<sup>2</sup>, with regard to resident status schemes both in the UK and in the Member States, that these schemes be non-discriminatory, user-friendly and transparent, and free of charge, that they have a declaratory nature and grant a physical document as proof of status; recalls that EU citizens holding pre-settled status should be treated equally with UK citizens under the Withdrawal Agreement, including with regard to access to benefits, including access to the healthcare system; calls on the Joint Committee and the Commission to monitor relevant developments; notes that little progress has been achieved regarding Parliament's call to address issues with regard to the EU Settlement Scheme, notably in relation to the accessibility of the application, the independence of the Monitoring Authority, and the possible consequences for EU citizens of not meeting the deadline, as well as the applicability of the UK's EU Settlement Scheme in relation to EU-27 citizens in Northern Ireland who have not sought UK citizenship under the terms of the Good Friday Agreement, and the need to fully respect the Good Friday Agreement in all its parts as stated in the Withdrawal Agreement; urges the UK authorities to ensure that there is no diminution of rights for citizens in Northern Ireland; stresses that these issues would need to be fully addressed and evaluated by the end of the transition period as a

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<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/886174/eu-settlement-scheme-statistics-april-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886174/eu-settlement-scheme-statistics-april-2020.pdf)

<sup>2</sup> European Parliament resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland, Texts adopted, P9\_TA(2020)0033.

pre-condition for a future agreement; acknowledges the concerns raised by the UK in relation to certain Member States' implementation of the Withdrawal Agreement with regard to citizens' rights, notably the transparency and user-friendliness of resident status schemes and support for the vulnerable; welcomes the issuance by the Commission of its Guidance Note to support national authorities in their proper implementation of part two of the Withdrawal Agreement on citizens' rights; calls on the Commission to closely monitor compliance in Member States in this regard;

6. Calls on the negotiating parties to fully respect and implement the citizens' rights guaranteed under the Withdrawal Agreement for both EU and UK citizens and their families; urges the negotiating parties to strive towards a high level of mobility rights in the future agreement; regrets the fact that the UK has so far shown little ambition with regard to citizens' mobility, which the UK and its citizens have benefitted from in the past; stresses that any future mobility arrangements, including visa-free travel for short-term stays, should be based on non-discrimination between the Member States and full reciprocity; considers, more generally, that further concretisation of citizens' rights through legally binding provisions must constitute a cornerstone and an indivisible part of the text of a future international agreement between the EU and the UK; stresses that this must include the situation of cross-border workers, whose freedom of movement should be guaranteed, based on non-discrimination and reciprocity; highlights, in this regard, the situation of Gibraltar, where the rights of residents and in particular those of workers who move from both sides must be secured given the controversy between Spain and the United Kingdom concerning the sovereignty over the territory; highlights, in this regard, the relevant resolutions and decisions of the General Assembly of the United Nations, which were endorsed by Parliament and the European Council; considers that conditions for entry and stay for purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects, au pairing and voluntary service in the European Solidarity Corps should be part of the future agreement and not be left to domestic regulation, stressing the need for a coordinated approach from the side of the Union and its Member States; emphasises that equality of treatment between citizens of all EU Member States in this regard must be fully guaranteed; recalls that the COVID-19 crisis has shown the dependence that vital sectors in the UK, such as public health or agriculture, have on EU workers, including seasonal workforce;

#### ***D. Data protection***

7. Stresses the importance of data protection both as a fundamental right and a key enabler for the digital economy; recalls its position<sup>3</sup> that, 'according to the case law of the CJEU<sup>4</sup>, in order for the Commission to declare the adequacy of the UK data protection framework, it must demonstrate that the UK provides a level of protection "essentially equivalent" to that offered by EU legal framework, including on onward transfers to third countries';
8. Recalls that the UK Data Protection Act provides for a general and broad exemption from the data protection principles and data subjects' rights for the processing of

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<sup>3</sup> European Parliament resolution of 12 February 2020, cited above.

<sup>4</sup> Case C-362/14 *Maximilian Schrems v Data Protection Commissioner*, ECLI:EU:C:2015:650

personal data for immigration purposes; is concerned that, when non-UK citizens' data are processed under this exemption, they are not protected in the same way as that of UK citizens; is of the view that this exemption would be in conflict with the GDPR; is of the view, furthermore, 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<sup>5</sup>, and does not, therefore, currently meet the conditions for adequacy; is deeply concerned about the UK Prime Minister's written statement of 3 February 2020 on UK/EU relations<sup>6</sup> declaring that the UK would in future develop separate and independent policies in areas such as data protection;

9. Underlines that the Directives for Negotiation adopted by the Council on 25 February<sup>7</sup> clearly set out that the future partnership 'should be underpinned by commitments to respect fundamental rights including adequate protection of personal data, which is a necessary condition for the envisaged cooperation' and 'provide for automatic termination of the law enforcement cooperation and judicial cooperation in criminal matters if the United Kingdom were to denounce the European Convention of Human Rights (ECHR)' and 'for automatic suspension if the United Kingdom were to abrogate domestic law giving effect to the ECHR', while stressing that 'the level of ambition of the law enforcement and judicial cooperation envisaged in the security partnership will be dependent on the level of protection of personal data ensured in the United Kingdom' (paragraph 118);
10. Reiterates that the abovementioned directives for negotiation also lay down that 'the security partnership should provide for close law enforcement and judicial cooperation in relation to the prevention, investigation, detection and prosecution of criminal offences, taking into account the United Kingdom's future status of a non-Schengen third country that does not provide for the free movement of persons' (paragraph 117);
11. Is concerned about the fact that, during the first round of negotiations (2-5 March 2020) for the future partnership agreement, the UK stated that, as regards judicial and police cooperation in criminal matters, it will not commit to enforcing the ECHR, nor will it accept the jurisdiction of the CJEU; deplores the fact that the latter position has been maintained during the second round of negotiations; takes the position that if the UK does not explicitly commit to enforcing the ECHR and will not accept the role of the CJEU as the only institution competent to interpret EU law, no agreement on judicial and police cooperation in criminal matters would be possible; takes note also of the declarations made by the EU negotiator Mr Barnier further to the second negotiation round, stating that, during this second round, the UK refused to provide firm guarantees on fundamental rights and individual freedoms and insisted on lowering current standards and deviating from agreed mechanisms of data protection, thus creating

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<sup>5</sup> Joined Cases C-293/12 and C-594/12, *Digital Rights Ireland Ltd; Kärntner Landesregierung*,

ECLI:EU:C:2014:238; Joined Cases C-203/15 and C-698/15, *Tele2 Sverige AB/Watson*, judgment of

21 December 2016; Case C-623/17, *Privacy International*, Opinion of the Advocate General, 15 January 2020

<sup>6</sup> Written statement - HCWS86 setting out 'the Government's proposed approach to the negotiations with the EU about our future relationship', <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-02-03/HCWS86/>

<sup>7</sup> Directives for the Negotiation of a New Partnership with the United Kingdom of Great Britain And Northern Ireland, 5870/20ADD 1 REV 3, 25/02/2020.

serious limitations for our future security partnership<sup>8</sup>;

12. Considers it necessary to pay particular attention to the legal framework in the UK in the fields of national security or processing of personal data by law enforcement authorities; recalls that mass surveillance programmes such as the UK's do not fulfil the requirements to be adequate under EU law; advocates taking into consideration CJEU case law in this field, such as the *Schrems* case as well as the case law of the European Court of Human Rights;
13. Calls on the Commission to take the abovementioned elements into consideration when assessing the adequacy of the UK legal framework as regards the level of protection of personal data, and to ensure that the UK has resolved the problems identified in this resolution prior to possibly declaring UK data protection law adequate in line with Union law as interpreted by the Court of Justice; calls on the Commission to also seek the advice of the European Data Protection Board and the European Data Protection Supervisor, providing them with all the relevant information and appropriate timelines to fulfil their role; stresses that an adequacy decision may not be the object of negotiation between the UK and the EU since it refers to the protection of a fundamental right recognised by the ECHR, the Charter and the EU Treaties;

#### ***E. Security, law enforcement and judicial cooperation in criminal matters***

14. Regrets that the negotiations in the area of security, law enforcement and judicial cooperation in criminal matters have not made significant progress during the second round that took place in April; reiterates that tangible progress in this area should be achieved at the next round of the negotiations in order to allow for an agreement for comprehensive and efficient cooperation to be reached;
15. Reiterates its call that, in view of the geographical proximity and the shared threats the EU and the UK are confronted with, the negotiating parties should endeavour to maintain effective and reciprocal arrangements for law enforcement cooperation that is effective and mutually beneficial for the security of their citizens, taking into account the fact the UK is now a third country and may not, therefore, enjoy the same rights and facilities as a Member State; underlines the fact that separate stand-alone agreements would undermine legal consistency in the areas of law enforcement and judicial cooperation in criminal matters; urges the Commission to adhere to its negotiating directives and strive to negotiate a single comprehensive agreement;
16. Is strongly opposed to the UK's request to receive direct access to the EU data information systems in the field of Justice and Home Affairs and to retain a status in the Justice and Home Affairs agencies close to that enjoyed by the Member States; stresses once more in this regard that the UK, as a non-Schengen third country, cannot have direct access to EU information systems data or participate in the management structures of the EU agencies in the area of Freedom, Security and Justice; cautions that any sharing of information with the UK, including personal data, should be subject to strict safeguards, audit and oversight conditions, including an equivalent level of protection of personal data to that provided by Union law;

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<sup>8</sup> [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_20\\_739](https://ec.europa.eu/commission/presscorner/detail/en/statement_20_739)

17. Recalls that the Schengen Information System (SIS) was created as a compensatory tool to remedy the lifting of border controls in the Schengen area; points out that the SIS legislation explicitly forbids the access of third countries to the system; underlines that, as a third country, the UK cannot have access to the SIS; recalls that, in 2015, the UK started applying certain provisions of Schengen *acquis* related to the SIS in the area of police cooperation<sup>9</sup> and that serious violations in its application by the UK were identified and have still not been remedied; recalls that on 5 March the Council issued a set of recommendations addressing the serious deficiencies identified in the 2017 evaluation of the UK on the application of the Schengen *acquis* in the field of the SIS and that the UK, in its reply, showed little intention of applying these recommendations, in breach of EU law; considers that future cooperation between the EU and the UK in the area of law enforcement and judicial cooperation should be based on mutual trust; considers, therefore, that the arrangements for the future cooperation between the EU and the UK in the area of law enforcement and judicial cooperation should, prior to any agreement being reached, be made conditional upon the full remedy of the violations related to the use of the SIS system and of the alleged failure to notify 75 000 convictions to other Member States in accordance with Council Framework Decision 2009/315/JHA<sup>10</sup>; underlines that such cooperation can only be agreed to if robust rules on data protection are established and strong enforcement mechanisms are in place;
18. Points out that the automated exchange of DNA data with the UK under the Prüm Framework was launched only in 2019 and that the Council is about to decide upon the adoption of an implementing decision which would allow the UK to take part in automated exchanges of dactyloscopic data; points out, in this regard, that on 13 May 2020, under the special consultation procedure for the ex-third pillar acts, Parliament rejected the Council's draft decision owing to concerns over full reciprocity for fingerprint data exchange, over data protection guarantees, and over the very short time for its application; calls on the Council to carefully consider Parliament's arguments for rejection; reminds the negotiators that, if adopted, the Council decisions authorising these automated data exchanges will expire at the end of the transition period; stresses the need for a timely agreement on new arrangements for the future relationship, given the importance of information exchange in the fight against serious and organised cross-border crime and terrorism; considers that the future relationship should not be predetermined by the rules applied during the transition period; believes that the agreement should be based on the principle of full reciprocity;
19. Is concerned that the UK negotiating mandate lacks ambition in important areas of judicial cooperation in criminal matters such as provisions on anti-money laundering and on countering terrorism financing; insists that a level playing field on anti-money laundering is essential for a final agreement; believes that a solution allowing for a more ambitious cooperation than the one under the Council of Europe Convention on Extradition could be found by the negotiating parties;

## ***F. Migration, asylum and border management***

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<sup>9</sup> Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II), OJ L 205, 7.8.2007, p. 63.

<sup>10</sup> Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States, OJ L 93, 7.4.2009, p. 23.

20. Stresses the need to agree the terms of cooperation on the migration of nationals other than those of the two parties, while respecting fundamental rights, upholding human dignity and recognising the need to protect the most vulnerable; reiterates its call that such cooperation should, at the very least, contain arrangements that enhance safe and legal pathways to access international protection, including through family reunification;
21. Stresses the need for strong cooperation between the parties in order to combat human smuggling and trafficking in human beings, in line with international law, which will remain applicable to the border between the UK and the EU; calls on the negotiating parties to clarify the potential role Europol and the European Border and Coast Guard could have in enabling such cooperation;
22. Takes note of the Commission's statement on asylum (Annex D to the Council decision authorising the opening of negotiations), according to which the Commission will consider, if requested by the United Kingdom, and if in the EU's interest, to engage in a dialogue with the United Kingdom on cooperation regarding asylum, after seeking guidance from Coreper; insists that the UK cannot cherry-pick which elements of the EU asylum and migration *acquis* it would like to keep;
23. Stresses once again the need for the adoption of a plan on family reunification, which should be ready to enter into force at the end of the transition period, in order to avoid any gaps with humanitarian impacts and to respect the right to family life of asylum seekers in accordance with Article 8 of the ECHR, which remains applicable in both the UK and the EU;
24. As part of such a plan, and more generally, reminds the negotiators of the obligation of both the EU-27 and the UK to protect all children on their territory, regardless of their status, relationship or family connections, including unaccompanied minors, and to safeguard all children's access to their right to protection, family life and well-being in light of their best interests, in line with the United Nations Convention on the Rights of the Child 1989 (UNCRC); takes note of the UK's commitment to negotiate a plan on family reunification for asylum-seeking minors; calls on the Member States, once concrete proposals are made by the UK, to give a mandate to the Commission to negotiate a plan on family reunification for asylum seekers;
25. Stresses the importance of a coordinated approach by the EU on all these issues, as bilateral arrangements between the UK and individual Member States on issues such as family reunification for asylum seekers or refugees, relocation or readmission arrangements, risk having negative consequences for the coherence of EU asylum and migration policy; calls on both negotiating sides to strive for a balanced and constructive approach in all those matters, including legal pathways and readmission agreements for third-country nationals, prioritising the need to provide international protection to those in need of it and to pay particular attention to the most vulnerable, an approach to which both sides have committed;

### ***G. Cooperation with Justice and Home Affairs Agencies***

26. Reiterates its call to clarify the future practical cooperation between the UK authorities and the EU agencies in the field of Justice and Home Affairs, taking into account the

status of the UK as a non-Schengen third country and a key partner in the fight against terrorism and organised crime; calls on the negotiating parties to strive towards close strategic and operational cooperation in the area of law enforcement and criminal justice, while respecting the technical and legal limits of such cooperation.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	25.5.2020
<b>Result of final vote</b>	+: 52 -: 8 0: 7
<b>Members present for the final vote</b>	Magdalena Adamowicz, Malik Azmani, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Lena Düpont, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Sylvie Guillaume, Andrzej Halicki, Balázs Hidvéghi, Evin Incir, Sophia in 't Veld, Lívia Járóka, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Diana Riba i Giner, Ralf Seekatz, Birgit Sippel, Martin Sonneborn, Sylwia Spurek, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Dragoş Tudorache, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Malin Björk, Ondřej Kovařík, Nathalie Loiseau, Jan-Christoph Oetjen, Sira Rego, Domènec Ruiz Devesa, Isabel Santos, Loránt Vincze, Isabel Wiseler-Lima

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

52	+
EPP	Magdalena Adamowicz , Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Andrzej Halicki, Lívia Járóka, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Emil Radev, Paulo Rangel, Ralf Seekatz, Loránt Vincze, Isabel Wiseler-Lima, Javier Zarzalejos
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Isabel Santos, Birgit Sippel, Sylwia Spurek, Bettina Vollath, Elena Yoncheva
RENEW	Malik Azmani, Sophie In't Veld, Fabienne Keller, Moritz Körner, Ondřej Kovařík, Nathalie Loiseau, Jan-Christophe Oetjen, Ramona Strugariu, Ioan-Dragos Tudorache
VERTS/ALE	Patrick Breyer, Saskia Briemont, Damien Carême, Alice Kuhnke, Terry Reintke, Diana Riba I Giner, Tineke Strik
GUE/NGL	Malin Björk, Clare Daly, Cornelia Ernst, Sira Rego
NI	Laura Ferrara, Martin Sonneborn

8	-
ID	Nicolas Bay, Marcel De Graaff, Nicolaus Fest, Jean- Paul Garraud, Peter Kofod, Annalisa Tardino, Tom Vandendriessche
NI	Milan Uhrík

7	0
EPP	Balázs Hidvéghi, Nadine Morano
ECR	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Assita Kanko, Nicola Procaccini, Jadwiga Wiśniewska

Key to symbols:

+ : in favour

- : against

0 : abstention

27.5.2020

## **OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS**

for the Committee on Foreign Affairs and the Committee on International Trade

on recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Danuta Maria Hübner

### **SUGGESTIONS**

The Committee on Constitutional Affairs calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into its motion for a resolution:

#### ***On the implementation of the Withdrawal Agreement***

1. Recalls its resolution of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement<sup>1</sup>, reiterating that the full implementation of the Withdrawal Agreement remains an overriding priority; stresses that the full implementation of the Withdrawal Agreement, including the Protocol on Ireland/Northern Ireland, is an essential pre-condition and basic element to ensure the trust needed for a successful future partnership between the EU and the UK; expresses, in this regard, concern that, despite the commitment expressed by the UK Government to protect the Good Friday Agreement and fulfil its obligations under the Protocol on Ireland/Northern Ireland and on citizens' rights under the Withdrawal Agreement, public statements suggest lack of political will to fully comply with its legal commitments under the Withdrawal Agreement, such as regarding checks on goods in the Irish Sea;
2. Recalls that compliance with treaties constitutes a fundamental principle of any legal order and, in particular, the international legal order; stresses that stability and trust in relations between the European Union and the UK depend on both parties respecting the principles of the binding Withdrawal Agreement and the EU-UK Political Declaration and that these must be implemented in good faith in order to prevent disruption and to provide legal certainty for citizens and economic agents;
3. Is concerned about the process of application of the European Union Settlement

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<sup>1</sup> Texts adopted, P9\_TA(2020)0006.

Scheme; notes in this regard that according to the latest EU Settlement Scheme Statistics, for February 2020, published by the UK Home Office on 19 March 2020, the total number of applications received up to 29 February 2020 was more than 3.3 million (3 343 700), and that, of the total number of applications concluded, 58 % were granted settled status and 41 % were granted pre-settled status;

4. Considers the number of cases granted pre-settled status to be disproportionately high in comparison with the number of cases granted settled status; urges the UK Home Office to be flexible in accepting evidence provided by applicants that they have been in the country for the five years required; is also concerned that applicants are not issued any physical proof of the status they have been granted; calls on the European Commission to check whether the rights of EU citizens from vulnerable and disadvantaged groups have been respected in terms of their settlement scheme status; is concerned that citizens with pre-settled status do not have access to benefits unless they also prove their right to reside; recalls that the success of the future relationship between the EU and the UK depends also on the correct implementation of the provisions of the Withdrawal Agreement concerning the rights of European citizens in UK;
5. Calls on the parties to ensure the strict implementation of the Protocol on Ireland/Northern Ireland; warns that the EU-UK Joint Committee as established under Article 164 of the Withdrawal Agreement cannot be used as a forum for renegotiating the terms of that Protocol or any other part of the Withdrawal Agreement;
6. Takes note of the first meeting of the EU-UK Joint Committee on 30 March 2020, which focused on the state of play of the implementation of the Withdrawal Agreement, and in particular of the Protocol on Ireland/Northern Ireland and of the part on citizens' rights; stresses that following this meeting the European Commission stated that there is 'an urgent need to present a detailed timetable and proceed with the necessary measures, such as preparing for the introduction of customs procedures for goods entering Northern Ireland from Great Britain, and ensuring that all necessary sanitary and phytosanitary controls as well as other regulatory checks can be carried out in respect of goods entering Northern Ireland from outside the EU';
7. Recalls that important decisions are due to be taken by the EU-UK Joint Committee on the implementation of the Protocol on Ireland/Northern Ireland before the end of the transition period; hopes that priority will be given to the work of the six Specialised Committees provided for in the Withdrawal Agreement on the key areas for the implementation of the Withdrawal Agreement, and in particular of the Specialised Committee on the Protocol on Ireland/Northern Ireland; welcomes the first meeting of the Specialised Committee on the Protocol on Ireland/Northern Ireland on 30 April 2020, after which the European Commission noted that exchanges 'urgently need to be followed up by tangible measures'; hopes that an agreement can be found between the EU and the UK on all institutional arrangements, such as the creation of a technical office of the European Commission in Belfast;
8. Recalls that the Withdrawal Agreement provides for reciprocal protection for EU and British citizens, including their family members; calls for both EU and British citizens to be provided with all the necessary information with regard to their rights and to the procedures to be followed to continue living and working in their country of residence

and travelling to and from there; reiterates that citizens' rights will remain an absolute priority and calls for the continuation of the citizens' rights guaranteed under the Withdrawal Agreement for both EU and UK citizens and their families; recalls its commitment to monitor EU-27 implementation of part two of the Withdrawal Agreement and reiterates that a consistent and generous approach in protecting the rights of UK citizens resident in the EU-27 is essential;

9. Expects Parliament to be fully and immediately informed of all the discussions held and decisions taken by the Joint Committee; recalls in this respect the obligations stemming from Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion 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<sup>2</sup>, and in particular Article 2(3) thereof, which provides that Parliament must be in a position to exercise fully its institutional prerogatives throughout the Joint Committee proceedings;
10. Emphasises that, according to Article 218(10) of the TFEU, Parliament has the right to obtain comprehensive information covering all stages of the implementation of international agreements concluded by the EU, which covers the Withdrawal Agreement; recalls, in this context, the commitment made by the President of the European Commission to Parliament's plenary on 16 April 2019 that the Commission will closely involve Parliament and take utmost account of Parliament's views in the work of the Joint Committee, and that nothing can be decided without taking full account of Parliament's position, which is also the result of numerous internal and public consultations and dialogues with civil society, experts, national parliaments and other stakeholders;
11. Reiterates that Parliament will remain vigilant about the implementation of all the provisions of the Withdrawal Agreement and the EU-UK Political Declaration;

***On the negotiations for a new partnership between the EU and the UK – institutional provisions and governance***

12. Welcomes the draft text of the Agreement on the New Partnership with the United Kingdom published by the European Commission on 18 March 2020 ('draft text of the Agreement'), which is broadly in line with its negotiating mandate and the European Parliament's resolution and proposes a comprehensive agreement for a deep and close partnership, an overarching institutional framework and robust rules-based and enforceable dispute resolution provisions, including the ongoing management and supervision of the agreement, as well as dispute settlement, enforcement and compliance arrangements; considers that the approach of the draft text of the Agreement proposed by the Commission avoids a proliferation of bilateral agreements, which would inevitably lead to shortcomings due to the inherent complexity and incompleteness of such a system;
13. Believes that the draft text of the Agreement provides for a robust, transparent, coherent and flexible governance system, providing for dispute settlement mechanisms ensuring

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<sup>2</sup> OJ L 29, 31.1.2020, p. 1.

effective, rapidly actionable and dissuasive remedies that are entirely commensurate with the unprecedented nature of the wide-ranging partnership envisaged;

14. Welcomes the provisions of the draft text of the Agreement aiming to preserve the autonomy of the EU legal order, including the role of the Court of Justice of the European Union as the ultimate authority in interpreting EU law;
15. Insists that any agreement on a new relationship between the EU and the UK must be coherent and adapted to the geographical proximity of, and cross-border local cooperation between, both parties, on the one hand, and to the high level of interconnectedness of both parties' economies on the other; rejects in this regard any 'cherry-picking' of various elements from different legal and trade frameworks applicable in the context of relations between the EU and various other third countries; further recalls that the integrity of the single market must be respected and that the scope and depth of the future EU-UK partnership will depend on ensuring a proper level playing field;
16. Rejects failure to achieve a comprehensive agreement by resorting to several sectoral agreements, as such duplication would promote inefficiencies in the future implementation of the Agreement;
17. Takes note of the document published by the UK Government on 27 February 2020 entitled 'The Future Relationship with the EU – The UK's Approach to Negotiations'; deeply regrets that the UK Government refuses to make public or even to share its legal texts with the European Parliament and the European Council, which constitutes a serious lack of transparency; urges the Task Force for Relations with the UK to ensure transparency and advocate for the publication of the full negotiation positions to ensure that the European Parliament can follow the partnership negotiations effectively and in an informed manner; points out that the UK's proposals fall short of its commitments under the Withdrawal Agreement and the Political Declaration; rejects, however, a piecemeal approach, as suggested by the UK Government, based on excluding sectors such as subsidies, competition policy, trade and labour, trade and the environment, and taxation from the Agreement's dispute resolution mechanism, while proposing separate agreements with specific governance mechanisms in areas such as law enforcement and judicial cooperation in criminal matters, nuclear cooperation, or political dispute resolution mechanisms in areas related to data exchange for law enforcement purposes, and operational cooperation between law enforcement authorities;
18. Recalls that the future partnership can only be concluded with the full involvement and final consent of the European Parliament;
19. Insists that an overarching framework with a horizontal governance system should be envisaged for the future relationship with the UK as a whole; recalls that the UK, as a former Member State, has developed important institutional cooperation and dialogue structures with the EU that should facilitate making such horizontal arrangements operational;
20. Notes, moreover, that in line with the EU's standard practice in the conclusion of Free

Trade Agreements (FTA), the draft text of the Agreement provides for exceptions and tailored dispute resolution mechanisms in certain areas, including diplomatic means for the interpretation and application of the Foreign Policy, Security and Defence part of the draft text of the Agreement, thus offering sufficient flexibility within a single and coherent overarching framework; welcomes the fact that any supplementing agreements that may be concluded at a later stage will form an integral part of the overall bilateral relationship governed by the Agreement, including its institutional provisions as provided for in Part Five of the draft text of the Agreement;

21. Welcomes the proposal to establish a Partnership Council, assisted by 15 Specialised Committees responsible for the main areas covered by the Agreement, in charge of supervising and facilitating the implementation and application of the agreement and any supplementing agreements, thus ensuring the joint continuous supervision and management of the Agreement;
22. Calls for the inclusion in the future agreement of ambitious provisions concerning the movement of persons; welcomes the human rights commitments provided for in the draft Agreement, including compliance with the European Convention of Human Rights; stresses the need to formalise these commitments, including compliance with the European Court of Human Rights; reiterates that future judicial and police cooperation and cooperation on asylum and migration policies between the EU and the UK should be consistent with such formalised commitments;
23. Stresses the need to include clear provisions upholding the objectives under Article 21 of the TEU, including a rules-based international order, the rule of law and the promotion of democracy, with special attention to the safeguarding of the values, fundamental rights and interests, security, independence and integrity of the Union as a whole;
24. Welcomes the proposal to establish a Parliamentary Partnership Assembly for Members of the European Parliament and of the Parliament of the United Kingdom, with the right to receive information from the Partnership Council and submit recommendations to it;
25. Highlights the importance of interparliamentary cooperation between EU and UK parliamentarians; recognises the positive contribution of UK parliamentarians in EU interparliamentary fora prior to the UK's withdrawal from the EU; looks forward to continuing parliamentary relations with the Parliament of the United Kingdom;
26. Considers that formal arrangements, such as the Parliamentary Partnership Assembly and the participation of civil society in the implementation of the Agreement through the proposed domestic advisory groups and Civil Society Forum, can contribute substantially to the legitimacy and transparency of the implementation of the future Agreement and the future development of the partnership;
27. Considers that clearer details on the functioning of the Civil Society Forum should be provided, in particular on the way the dialogue and consultation between the Forum and the Partnership Council will be organised;
28. Demands that, above and beyond any role in the context of the Parliamentary Partnership Assembly, Parliament's role is respected in the context of the

implementation of the provisions on regulatory cooperation in order to ensure that it is able to exercise proper political oversight, and that its rights and prerogatives as co-legislator are guaranteed; considers that Parliament's rights to be informed about the arrangements on review of the Agreement and any supplementing agreements, and of the monitoring of their implementation, should be commensurate with the unprecedented nature of the partnership envisaged;

29. Recalls that Article 184 of the Withdrawal Agreement stipulates that the Union and the United Kingdom shall use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship; notes with concern that substantial divergences between both Parties persist at this stage of the negotiations, including on the scope and the legal architecture of the text to be negotiated; regrets, in this regard, the UK's lack of willingness to engage in a wide number of critical issues; is furthermore concerned about the negative impact of the COVID-19 pandemic on the timeline planned for the conclusion of the negotiations on a comprehensive future partnership before the end of the transition period on 31 December 2020; warns that these factors increase the risk of a cliff-edge scenario in which the lack of agreement on a comprehensive future partnership ensuring a smooth transition and all the necessary institutional arrangements will lead to additional economic damage on top of the COVID-19 crisis; reiterates in this context the possibility set out in Article 132 of the Withdrawal Agreement for the Joint Committee to adopt a decision extending the transition period beyond 31 December 2020; recalls that such a decision to extend the transition period must be taken by 1 July 2020.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	26.5.2020
<b>Result of final vote</b>	+: 25 -: 1 0: 1
<b>Members present for the final vote</b>	Gerolf Annemans, Gabriele Bischoff, Geert Bourgeois, Fabio Massimo Castaldo, Leila Chaibi, Włodzimierz Cimoszewicz, Pascal Durand, Daniel Freund, Charles Goerens, Esteban González Pons, Sandro Gozi, Maria Grapini, Brice Hortefeux, Paulo Rangel, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Helmut Scholz, Pedro Silva Pereira, Antonio Tajani, László Trócsányi, Guy Verhofstadt, Loránt Vincze, Rainer Wieland
<b>Substitutes present for the final vote</b>	François Alfonsi, Brando Benifei, Jorge Buxadé Villalba, Markéta Gregorová

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>25</b>	<b>+</b>
ECR	Geert Bourgeois, Jorge Buxadé Villalba
GUE/NGL	Leila Chaïbi, Helmut Scholz
NI	Fabio Massimo Castaldo
PPE	Esteban González Pons, Brice Hortefeux, Paulo Rangel, Antonio Tajani, László Trócsányi, Loránt Vincze, Rainer Wieland
RENEW	Pascal Durand, Charles Goerens, Sandro Gozi, Guy Verhofstadt
S&D	Brando Benifei, Gabriele Bischoff, Włodzimierz Cimoszewicz, Maria Grapini, Domènec Ruiz Devesa, Pedro Silva Pereira
VERTS/ALE	François Alfonsi, Daniel Freund, Markéta Gregorová

<b>1</b>	<b>-</b>
ID	Gerolf Annemans

<b>1</b>	<b>0</b>
ID	Antonio Maria Rinaldi

30.4.2020

## OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Foreign Affairs  
and the Committee on International Trade

on the recommendations on the negotiations for a new partnership with the United Kingdom  
of Great Britain and Northern Ireland  
(2020/2023(INI))

Rapporteur for opinion: Gheorghe Falcă

### SUGGESTIONS

The Committee on Petitions calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Recalls the fundamental principle of protection of citizens' rights; stresses, furthermore, that our aim should be to maintain the closest possible links between British and EU citizens;
2. Stresses that the withdrawal of the United Kingdom from the European Union does not exempt the United Kingdom from its responsibilities to safeguard EU citizens' rights as guaranteed by the EU-UK Withdrawal Agreement ('the Agreement'); notes that the Agreement lays down provisions for safeguarding the status and rights stemming from Union law for EU and UK citizens and families affected; calls on the Commission to ensure that these provisions are included in the future partnership between the EU and the United Kingdom;
3. Recalls that the Agreement protects the rights of those EU citizens and their family members who exercised their right of free movement in the UK in accordance with European Union law before the end of the transition period and who continue to reside there thereafter, as well as those UK citizens who exercise the same right in a Member State of the EU-27; reiterates the need for the public authorities in both the United Kingdom and the Union to give effect to this principle;
4. Recalls that any EU citizen residing in the UK has the right to petition the European Parliament pursuant to Article 227 of the TFEU, the right to participate in the European Citizens' Initiative (ECI), and the right to apply to the Ombudsman after the expected end of the transition period (31 December 2020);

5. Calls on the Ombudsman to continue her work, which began at the time of the negotiations on the withdrawal agreement, to ensure that the negotiations concerning a future partnership between the EU and the United Kingdom are transparent;
6. Recalls that UK citizens residing in the EU will lose the right to participate in the ECI but will maintain the right to petition Parliament after the expected end of the transition period (31 December 2020);
7. Highlights the importance that the host state plays in ensuring that any administrative procedure for applications for residence status is smooth, transparent and simple, that unnecessary burdens are avoided and that it is accessible in terms of the costs to EU citizens;
8. Considers that the COVID-19 pandemic marks a turning point in the political, economic and social reality of the European Union and the United Kingdom, causing a global recession and a restructuring of our way of life that makes it difficult to make progress in the negotiation on the future relationship between the two parties;
9. Considers that the system proposed by the UK Home Office ('the registration procedure') for EU-27 nationals to apply for residence status is not as transparent and simple as it should be; considers that it creates unnecessary and unfair administrative burdens on citizens of the EU-27; considers that the system should be changed to an automatic registration procedure, which is the only way of reducing the administrative burden and of guaranteeing that EU citizens' status and rights are recognised; reiterates the need for the Commission and the Council to guarantee that the registration procedure proposed by the UK Home Office follows the EU standards for guaranteeing reciprocity and equal treatment between UK citizens and citizens of the EU-27;
10. Insists on the need for an independent monitoring authority (IMA) to oversee how the Agreement is applied, to ensure that commitments are respected, and to create legal certainty in the lives of EU-27/EEA citizens and their families in the UK;
11. Expresses concern over the current implementation of the EU Settlement Scheme and the potential consequences for those who fail to apply before the deadline; expresses its concern over the language used by the UK Home Office regarding possible deportations of EU citizens and the lack of measures in place to assist vulnerable citizens; expresses its concern that there are citizens of the EU-27 who have not yet been able to obtain their residence status through the established procedures;
12. Stresses the need to pay particular attention to the needs of children from mixed families where only one of the parents is an EU citizen; stresses the need to provide appropriate legal mechanisms for resolving disputes between parents, for instance in the case of divorce, in such a way that does not discriminate against citizens of Member States by restricting their right to access to the child;
13. Notes with regret that the United Kingdom has decided that the principle of free movement of persons between the Union and the United Kingdom will no longer apply after the transition period; insists on the need for the future partnership to include ambitious provisions on the movement of persons, based on full reciprocity and non-discrimination among Member States; wishes to emphasise that rights with regard

to the free movement of persons go hand in hand with the other three freedoms; reiterates the fact that the United Kingdom's access to the single market must be conditional on its compliance with the principle of free movement of persons; stresses that the border-crossing regime should not create a burdensome administrative or financial barrier;

14. Considers that mobility agreements, including visa-free travel for short stays, should be based on non-discrimination between Member States of the Union and full reciprocity; considers, furthermore, that such agreements should include the EU acquis on mobility, specifically concerning workers and, in particular, the rules on the posting of workers and on the coordination of social security systems;
15. Recalls that maintaining seamless air, rail, maritime and road transport between the United Kingdom and the EU is essential to maintaining jobs in sectors such as passenger and goods transport and tourism; stresses the need to find effective mechanisms to protect passengers' rights in cross-border traffic, particularly in the event of transport cancellations or delays, irrespective of the means of transport;
16. Calls for consideration to be given to better regulation of the conditions of entry and residence for purposes such as business, research, study, training and youth exchanges; regrets, for this reason, the statements made by the British authorities stating that the United Kingdom wishes to pull out of mobility programmes such as Erasmus+; calls on the Commission to continue to allow the United Kingdom to participate in EU programmes for the benefit of EU and British citizens, fulfilling the necessary financial commitments in return.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	30.4.2020
Result of final vote	+: 28 -: 0 0: 4
Members present for the final vote	Alex Agius Saliba, Andris Ameriks, Anna-Michelle Asimakopoulou, Margrete Auken, Jordan Bardella, Alexander Bernhuber, Markus Buchheit, Ryszard Czarnecki, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Emmanouil Fragkos, Mario Furore, Gianna Gancia, Alexis Georgoulis, Peter Jahr, Radan Kanev, Cristina Maestre Martín De Almagro, Dolors Montserrat, Ulrike Müller, Sira Rego, Frédérique Ries, Alfred Sant, Massimiliano Smeriglio, Cristian Terheş, Loránt Vincze, Thomas Waitz, Stefania Zambelli, Tatjana Ždanoka, Kosma Złotowski
Substitutes present for the final vote	Jarosław Duda, Marie-Pierre Vedrenne

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

28	<b>+</b>
ECR	Ryszard Czarnecki, Emmanouil Fragkos, Kosma Złotowski
GUE/NGL	Alexis Georgoulis, Sira Rego
NI	Eleonora Evi, Mario Furore
PPE	Anna-Michelle Asimakopoulou, Alexander Bernhuber, Jarosław Duda, Agnès Evren, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze
RENEW	Ulrike Müller, Frédérique Ries, Marie-Pierre Vedrenne
S-D	Alex Agius Saliba, Andris Ameriks, Cristina Maestre Martín De Almagro, Alfred Sant, Massimiliano Smeriglio, Cristian Terheş
Vers/ALEt	Margrete Auken, Thomas Waitz, Tatjana Ždanoka

0	<b>-</b>
-	-

4	<b>0</b>
ID	Jordan Bardella, Markus Buchheit, Gianna Gancia, Stefania Zambelli

**Key to symbols:**

**+** : in favour

**-** : against

**0** : abstention

## LETTER OF THE COMMITTEE ON DEVELOPMENT

Mr David McAllister  
Chair  
Committee on Foreign Affairs  
BRUSSELS

Mr Bernd Lange  
Chair  
Committee on International Trade  
BRUSSELS

Subject: Opinion on Recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Mr Chair,

Under the procedure referred to above, the Committee on Development has been asked to submit an opinion to your committees. By written procedure, the committee decided to send the opinion in the form of a letter.

The Committee on Development considered the matter at its meeting of 21 April 2020. At that meeting, it decided to call on the Committee on Foreign Affairs and International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution.

Yours sincerely,

Tomas Tobé

### SUGGESTIONS

1. Notes that the UK remains one of the biggest bilateral donors in the world and points out that the EU needs to address the opportunities for cooperation with the UK in a spirit of partnership; regrets that Brexit will leave gaps in the EU's overall development cooperation and humanitarian aid, not only in terms of budget, human resources and expertise, but also in the field of policy dialogue with candidate countries, neighbourhood countries and third countries, is however convinced that both parties will benefit from continued donor coordination and joint programming and encourages the participation of the UK in EU programmes while respecting all relevant rules and

mechanisms and conditions of participation; calls for the possibility for civil society organisations to contribute to the terms and definitions of the future cooperation;

2. Stresses the need to take internal measures to address the aforementioned gaps and secure sufficient budget for the external financial instruments in the multiannual financial framework, and to use existing aid effectiveness tools to do more and better with the remaining resources, while encouraging strategic investments from the private sector, respectful of EU and international social, environmental and human right protection standards to realise the Sustainable Development Goals (SDGs), improving visibility and common messaging and striving for a strong EU voice, and while recalling the commitment to achieve the 0.7 % ODA/GNI target and the importance to support the principle of Policy Coherence for Development (PCD);
3. Emphasises the central roles of EU and UK in addressing the common challenges through development policy and humanitarian aid, for example by addressing: root causes of migration, climate change, threats toward fundamental rights such as freedom of religion and belief and gender equality, protecting human rights and religious community groups, and groups safeguarding the interests and rights of vulnerable population as the disabled, elderly, women and children in conflict affected regions, indigenous people, LGBTI people, and the representatives of vulnerable, discriminated and marginalised communities;
4. Underlines the importance of a strong partnership that enshrines the rights-based approach at its core while ensuring a continued commitment and collaboration in achieving the Sustainable Development Goals, human rights, poverty eradication and the Paris agreement; as well as harmonised responses to humanitarian crises and serve the fundamental principles of humanitarian aid; while ensuring the comparative advantage of cooperation in key strategic areas both geographic and thematic;
5. Is convinced that the post-Cotonou partnership and the EU-Africa Strategy can be enhanced by effectively cooperating with the UK and building on the country's strong presence in Africa, the Caribbean and the Pacific; points out that the EU and UK markets in trade for developing countries are important, in particular for ACP countries; stresses that the EU, UK and ACP countries should cooperate at all levels in line with the principles of partnership, solidarity and complementarity; notes the intention of the UK Government to continue to offer generous preferences to developing countries and calls on the Commission to assess the potential impact that these future trading arrangements will have on current Economic Partnership Agreements with ACP countries; considers that the Common Commercial Policy, including the relevant provisions in the future trade agreement should provide for as much trade continuity as possible for developing countries vis-à-vis the EU and UK;
6. Underlines the need to maintain an adequate level of support for remaining Overseas Countries and Territories (OCTs) following the Brexit, and calls for maintaining the cooperation with former UK OCTs on mutual interest, in particular in the frame of regional cooperation programmes;
7. Underlines, in the pursuit of Policy Coherence for Development, the importance of future EU-UK cooperation to preserve trade continuity, address the impact of climate

change, develop the fishing sector and protect biodiversity in developing countries, as well as promoting high social and environmental protection standards, in order to reduce poverty;

8. Recalls the positive role of the Common Fisheries Policy in the development of the fishing sector and in the management of the fishery resources in developing countries.

## LETTER OF THE COMMITTEE ON BUDGETARY CONTROL

Mr David Mcallister  
Chair for the Committee on Foreign Affairs  
Mr Bernd Lange  
Chair of Committee on International Trade  
Brussels

Subject: **Contribution on behalf of the Committee on Budgetary Control on recommendations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023)(INI)**

Dear Mr Mcallister, Dear Mr Lange,

The Committee on Budgetary Control (CONT) decided to submit an opinion in the form of a letter on the above-mentioned subject.

The Committee on Budgetary Control (CONT) calls on the Committee on Foreign Affairs and the Committee on International Trade, as lead committees, to take into account the following considerations and recommendations in the preparation of the June European Parliament resolution.

On behalf of the CONT Committee, I would be very grateful if you could ensure that the Parliament's resolution takes account of the CONT's position and considerations on the above points.

Yours sincerely,

Monika Hohlmeier

### SUGGESTIONS

- A. whereas a strong future relationship must include clear and efficient provisions allowing for sound financial management by both Parties, be based on an appropriate governance structure while not allowing to gamble with the protection of the EU financial interests;
- B. whereas Brexit will impact key trade routes between the European Union and the United Kingdom, the supply chain of goods and economic operators (among others business partners, suppliers, intermediaries, carriers);

- C. whereas both customs cooperation and trade facilitation's arrangements will be key for both Parties to allow a smooth and legitimate bilateral trade and protect each party's financial interests and regulatory framework;
- D. whereas doing business with the United Kingdom post-Brexit will become more complex in terms of customs and VAT procedures, as moving goods within the EU or to/from a third country generate changes for customs, VAT and excise;
- E. whereas it is of utmost importance to preserve the integrity of the EU's single market and the Customs Union, as well as all the guarantees it provides in terms of combating fraud and trafficking;
- F. whereas two markets and distinct legal orders will co-exist and this, with potential operational risks; whereas, in that context, the British customs authorities will have two courses of action for products entering Northern Ireland: (i) apply the rules and tariffs of the United Kingdom for any product originating from third countries which are not intended for the European market and (ii) apply the EU rules and tariffs of the EU for any other product, still coming from third countries or from the UK, intended for the EU single market while also carrying out checks on these products;
- G. whereas, in respect of Northern Ireland, British authorities would collect VAT and customs duties there on behalf of the EU and pass them on to it;
- H. whereas, in addition to the more general cohesion policy funds, the border region of Northern Ireland and Ireland has benefited in particular from special cross-border and inter-community programmes, including the Northern Ireland PEACE programme; whereas these programmes have contributed decisively to the peace process in the border region of Northern Ireland and Ireland and to supporting the Good Friday Agreement, and continue to support the reconciliation of the communities;

#### ***Financial governance and scrutiny framework***

- 1. Considers essential, during the negotiations, to establish sufficient and clear modalities for EU's scrutiny, provisions allowing for sound financial management as well as provisions defining UK's accountability;
- 2. Calls on therefore to pay particular attention to the applicable principles and conditions related both to the 'Participation in Union Programmes' and 'Horizontal arrangements and governance'; insists particularly on the following fundamental principles to be clearly stated and agreed on:
  - (i) any UK participation in certain Union programmes shall be subject to the standard conditions applicable for the participation of third countries which must be clearly established in the corresponding Union programmes and instruments;
  - (ii) it must be ensured that there are robust/solid binding provisions and guarantees with regard to the Protection of Union's Financial Interests and Sound Financial Management for the EU programs and Euratom

programs and joint undertakings in which the United Kingdom would participate, namely concerning the control, audit and inspections on the implementation of funded programmes as well as investigations in case of fraud;

3. Calls for ensuring and respecting the right of access of Commission services, the European Court of Auditors, OLAF, EPPO, as well as the right of scrutiny of the European Parliament; recalls that the Court of Justice of the European Union must be accepted as the competent Court in cases where the respect and the interpretation of EU law is concerned;

#### ***Implementing the Protocol on Ireland and Northern Ireland***

4. Takes notes that the Brexit Withdrawal Agreement, in particular the Protocol on Ireland/Northern Ireland, provides an operational solution to avoid a hard border on the island of Ireland while also creating a new ‘consent’ mechanism concerning the long-term application of relevant EU law in Northern Ireland, inter alia on issues of regulatory alignment on goods and customs and VAT;
5. Notes that Northern Ireland will remain aligned to a limited set of EU rules, notably related to goods, and that the Union's Customs Code will apply to goods entering Northern Ireland, this avoiding any customs checks and controls on the island of Ireland;
6. Underlines the importance of clear legal rules, transparent implementation and effective control mechanisms to avoid systemic risks for VAT and customs fraud or other fraudulent misuse of a potentially unclear solution;
7. Warns that unless clear legal and transparent rules and control mechanisms are established and implemented concerning the dual customs regime based on EU and UK rules within the new partnership, there is a risk of possible increase in opportunities for fraud, smuggling goods, counterfeiting and avoiding tariffs;
8. Believes further that particular vigilance should be devoted to both checks and inspections of goods entering Northern Ireland via other parts of the United Kingdom stemming from other third states, and then intended to enter in the EU’s single market;
9. Reminds of the standing and often repeated position of the European Parliament to ensure an improved staffing as well as adequate and state of the art level of equipment of the responsible customs offices and authorities, including appropriate arrangements for EU officials located in Northern Ireland; expresses concern at the repeated refusal expressed by the British authorities to authorize the opening of a permanent office for EU officials in Belfast;
10. Calls for a thorough assessment of the risks that might occur in the course of the implementation, in particular for combatting customs and VAT fraud and trafficking (smuggling); considers necessary to foresee using risks criteria enabling to take into consideration issues such as the origin and final destination of goods, the correct quantification of the goods’ value, the definition of the goods’ nature (the kind of good), as well as ensuring an adequately high number of control samples and to increase the number of samples for those goods more prone to trafficking or smuggling; is concerned

about the potentially increased risk of higher illegal imports of goods with wrongful declarations of origin or of products not intended for the single market entering the EU thereby damaging the financial interest of the Union;

#### ***Customs cooperation and mutual administrative assistance***

11. Considers it essential to give priority in the negotiations to the definition of clear rules of customs issues, in particular customs checks and controls;
12. As customs procedures are highly complex, calls on to secure, during the negotiations, both robust commitments and indispensable safeguards measures to guarantee orderly controls and the proper collection of VAT and customs duties;
13. Considers that an efficient EU-UK customs cooperation shall foresee reliable practical arrangements with a clear legal basis for an effective and transparent cooperation between the EU and UK customs authorities on the ground in Northern Ireland;
14. Underlines that an efficient cooperation between the Parties in the area of customs and trade facilitation shall maintain a high level of convergence of their customs legislation and practices with a view to ensuring effective customs controls and clearing, enforcement of customs legislation and protecting financial interests of the Parties with a recovering capacity of undue taxes and duties;
15. Points also to reinforced administrative cooperation between the Parties in the field of VAT and mutual assistance, *inter alia* for the recovery of claims related to taxes and duties, particularly in the fields of (i) exchange of information concerning customs legislation, implementation and effectiveness of customs controls procedures, (ii) supply trade chain security and (iii) risk assessments and management;
16. Calls on, in the framework of the future trade agreement, deep customs arrangements and special measures concerning the management of preferential tariff treatment as well as to the operationalisation of tariffs exemption for certain goods imported into Northern Ireland;
17. Expresses its support, as standard practise, for the inclusion of timely provisions on mutual administrative assistance in customs and related matters as part of the implementation and the control of the preferential treatment;
18. Stresses that both Parties could rely on a swift and objective cooperation and consultation system for combatting customs violation in the customs legislation, including a mechanism to temporarily suspend the preferential tariff treatment for a certain good or trade operation in systematic breach of applicable customs legislation;

#### ***Impact of EU cohesion policy in UK and Northern Ireland***

19. Acknowledges the significant role that EU cohesion policy has had in sustaining peace in Northern Ireland and in facilitating cross-community reconciliation;
20. Stresses the importance of a solution for the region which allows the important work of peacebuilding to continue;

21. Is convinced that it would be in the interest of the United Kingdom, Ireland and the entire European Union to continue jointly financing the Northern Ireland PEACE programme and the INTERREG V-A programme for Northern Ireland, Ireland and Scotland with a view to supporting a peaceful and prosperous development of these regions;
22. Welcomes the proposals to explore a potential successor to PEACE IV and INTERREG funding programmes for the post-2020 period, and welcomes in particular the Commission's intentions to continue funding these programmes in the context of the next multiannual financial framework.

Copy: LEGI Unit

## LETTER OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

Mr David McAllister  
Chair of the Committee on Foreign Affairs  
15E201

Mr Bernd Lange  
Chair of the Committee on International Trade  
12G301

Subject: EMPL recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Chairs,

Under the procedure referred to above, the Committee on Employment and Social Affairs has decided to submit an opinion to your committees in the form of a letter.

The Committee on Employment and Social Affairs considered the matter at its meeting of 26 May 2020. 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 resolution.

Yours sincerely,

Lucia Ďuriš Nicholsonová

### SUGGESTIONS

- A. Whereas the withdrawal of the United Kingdom of Great Britain and Northern Ireland (“UK”) from the European Union (“EU”) and the European Atomic Energy Community affects millions of citizens - both UK citizens living, travelling or working in the Union and Union citizens living, travelling or working in the UK, as well as people other than Union and UK citizens;
- B. Whereas third countries, which are not subject to the same obligations as Member States, cannot have the same rights or enjoy the same benefits as a member;
- C. Whereas since 2008, the EU included provisions on labour standards in the Trade and

Sustainable Development chapters of its trade agreements with third countries;

- D. Whereas the Political Declaration that accompanied 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 of 19 October 2019 and the Protocol on Northern Ireland (“the Withdrawal Agreement”) sets out the framework for the future relationship between the EU and the UK, by establishing the parameters of an ambitious, broad, deep and flexible partnership across trade and economic cooperation with a comprehensive and balanced Free Trade Agreement (FTA) at its core;
- E. Whereas Article 184 of the Withdrawal Agreement provides that the EU and the UK are to use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship referred to in the Political Declaration and to conduct the relevant procedures for the ratification and conclusion of those agreements, with a view to ensuring that those agreements apply, to the extent possible, as from the end of the transition period;
- F. Whereas the European Council adopted its negotiating guidelines with a view to the opening of negotiations on the overall understanding of the framework for the future relationship that was to be elaborated in the Political Declaration;
- G. Whereas, given the geographic proximity and economic interdependence and connectedness of the EU and the UK (the Parties), as well as the large amount of EU citizens living in the UK and UK citizens living in the EU, the envisaged partnership between the EU and the UK should be comprehensive, encompassing a FTA as well as wider sectoral cooperation where it is in the Union’s and its citizens’ interests;
- H. Whereas this partnership should, in particular, aim to establish a FTA ensuring no tariffs, no quota and no dumping, including as regards social and employment standards, through robust commitments,
- I. Whereas these commitments should prevent distortions of trade and unfair competitive advantages so as to ensure a sustainable and long-lasting relationship between the Parties; whereas the envisaged partnership should therefore be based on high standards and a balance of rights and obligations which will ensure the indivisibility of the four freedoms, and guarantee a level playing field that will stand the test of time;
- J. Whereas, to that end, the envisaged partnership should uphold common high social and employment standards, and corresponding high standards developed over time with EU social and employment standards and rights as a reference point;
- K. Whereas the envisaged partnership should commit the Parties to a continuing improvement of their respective levels of protection with the goal of ensuring corresponding high social and labour standards so as to maintain a level playing field;
- L. Whereas in light of the level playing field committed to in the Political Declaration, the envisaged partnership should in particular ensure that the level of labour and social protection provided by laws, regulations and practices is not reduced below the level provided by the common standards applicable within the EU and the UK at the end of

the transition period in relation to at least the following areas: fundamental rights at work; occupational health and safety, including the precautionary principle; fair working conditions and employment standards, and information, consultation and rights at company level and restructuring; whereas the envisaged partnership should also protect and promote social dialogue among workers and employers, and their respective organisations, and governments, and encourage dialogue with civil society;

- M. Whereas in this regard the principle of non-regression of the current and future levels of labour and social protection, as outlined in the Commission draft text of the Agreement on the New Partnership with the United Kingdom, is essential;
- N. Whereas the envisaged partnership should ensure the effective enforcement of the UK's commitments and of its laws, regulations and practices that reflect those commitments, through adequately resourced domestic authorities, an effective system of labour inspections and effective administrative and judicial proceedings;
- O. Whereas mobility arrangements should be based on non-discrimination between the Member States and full reciprocity; whereas the envisaged partnership must also provide for an extensive and profound social security coordination;
- P. Whereas the envisaged partnership should include appropriate arrangements for dispute settlement and enforcement, and should in particular establish a governing body responsible for managing and supervising the implementation and operation of the envisaged partnership, facilitating the resolution of disputes; whereas it is important that the social partners are, where appropriate, involved in the dispute settlement process;
- R. Whereas the Court of Justice of the European Union should remain the sole arbiter of Union law;
- S. Whereas before adopting the European Union (Withdrawal Agreement) Act 2020, the UK Government deleted clauses which would have provided some limited domestic legal protection for EU-derived workers' rights, and committed itself to re-introducing these provisions in a forthcoming Employment Bill; whereas this Bill has not yet been introduced;
- T. Whereas the COVID-19 pandemic has had an impact on the process and timetable of the negotiations;

### ***General recommendations***

1. Recalls that under no circumstance a third country can have the same rights or enjoy the same benefits as a Member State; recalls, on the other hand, that it is in the EU's and UK's mutual interests to pursue an ambitious, wide-ranging and balanced relationship through the future partnership agreement; believes that such an Agreement can only be agreed if a level playing field as outlined in the Political Declaration is secured through robust and enforceable commitments on various standards; stresses in particular that the EU workers' rights and social standards under the EU acquis must not, on any account, be negatively affected by any future FTA;
2. Welcomes the comprehensive Draft text of the Agreement on the New Partnership with

the United Kingdom issued by the Commission on 18 March 2020 (“Draft Agreement”), which is broadly in line with the Political Declaration, its negotiating mandate and Parliament’s resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland; deeply regrets the fact that the UK mandate is, in comparison, short on details; also regrets that the UK has made some text proposals on various topics, but that they remained confidential until May 19;

3. Strongly regrets the fact that the UK refuses to make provisions on labour law in the future FTA subject to the dispute resolution mechanism provided for in the Agreement, while not specifying the type of dispute settlement mechanism would apply in this area; recalls that dispute settlement mechanisms must be available for all elements of the Agreement;
4. Regrets the fact that the UK Government has not yet fulfilled its commitment for a new Employment Bill and urges the UK to do so before the end of the transition period; stresses that avoiding any gaps where workers’ rights are neither protected by existing Union law nor the UK Employment Bill is of utmost importance; recalls that social and labour standards in the Employment Bill should not be static, but should directly follow any improvements made to social and labour standards in the EU, in order to ensure a level playing field between the EU and the UK;
5. Refers in this regard especially to recently adopted Union legislative acts whose transposition deadlines is during the transition period, such as the revision of the Posting of Workers Directive, the Directive on work-life balance for parents and carers and the Directive on Transparent and Predictable Working Conditions in the European Union, and reiterates the absolute necessity for the full and proper implementation of those legislative acts;
6. Encourages the continued participation by the UK as a third-country observer with no decision-making role in the agencies which are within the remit of Parliament’s Employment Committee, such as the European Foundation for the Improvement of Living and Working Conditions (based on the model of Norway)<sup>1</sup>, as this would allow both Parties to share data, best practices and methodologies; also strongly encourages the UK to cooperate with the European Labour Authority (under articles 17(6) and 42 of Regulation 2019/1149) and the Administrative Commission under Regulation 883/2004/EC;
7. Reiterates that, in accordance with paragraph 125 of the Political Declaration, civil society dialogue should be encouraged on all aspects of the agreement and should encompass in particular, organisations representing both Union citizens living and working in the UK and UK citizens living and working in the Union (youth and

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<sup>1</sup> Norway has a bilateral agreement with Eurofound and pays to be included in the European Working Conditions Survey, participating since 2000 (previous four editions). It also participated in the second edition of the European Quality of Life Survey in 2007–2008. Norway also acts as observers for the European Free Trade Association (EFTA) on Eurofound’s Governing Board. Furthermore, Eurofound maintains a Network of European Correspondents covering all EU Member States plus Norway, which provides expert national input relevant for the European debate. Via the network, Eurofound’s European Restructuring Monitor also monitors the employment impact of large-scale restructuring events, restructuring support instruments and restructuring-related legislation in the EU Member States and Norway.

citizens' organisations and employees' associations);

8. Regrets the fact that insufficient efforts have been made by the UK and the Member States to raise awareness among citizens on the effects of the UK's withdrawal from the EU and strongly encourages both Parties to initiate or step up targeted information campaigns to inform all citizens covered by the Withdrawal Agreement of their rights and any possible changes to their status, including the application of social security coordination rules; recalls that citizens affected by the UK's withdrawal rely on timely and reliable information regarding their rights and status and urges both the Member States and the UK to prioritise this matter.
9. Stresses that more efforts are needed from Member States to detail their application process and timeframe to adopt measures that provide legal certainty for UK citizens resident in the Member States, through constitutive or declaratory scheme;

#### ***Implementation of the Withdrawal Agreement***

10. Underlines the importance of the effective implementation of the Withdrawal Agreement, including on maintaining the integrity of the single market and customs union; underlines that the Agreement on the future relationship should apply without prejudice to the Withdrawal Agreement; stresses that EU citizens in the UK are experiencing significant problems in obtaining settled status and that those who have obtained pre-settled status suffer reduced rights compared to UK citizens in accessing certain benefits;
11. Stresses that the full implementation of the Withdrawal Agreement and the respect of the commitments made in the Political Declaration, in word and deed, are prerequisites for and the basic components of a future partnership between the EU and the UK; deplores the UK Government's statements demonstrating a lack of political will to fully comply with its commitments under the Withdrawal Agreement and the Political Declaration; underlines that trust between the Parties is essential in these negotiations
12. Highlights the importance of the mutual recognition of qualifications and diplomas in both the EU and the UK and emphasises the need for appropriate arrangements in this respect; recalls the UK's ambition to improve the recognition mechanism for third-country nationals; calls on the negotiators to opt for mechanisms of recognition that uphold the standards without creating new barriers; . calls on the negotiators to ensure that the recognition of qualifications and diplomas is not limited to the "country of issue", thereby creating barriers for UK citizens who move from one Member State to another;

#### ***Level playing field***

13. Strongly objects to the fact that the UK's negotiating mandate does not contain the term "level playing field"; notes, at the same time, that the UK Government claims that it will maintain de facto the highest labour and social standards but insists that it will not agree to legal obligations that go further than commitments to which the EU has agreed with countries such as Canada, Japan and South Korea; recalls however that commitments in the EU's other FTAs offer insufficient safeguards for the EU-UK partnership as no other country outside the EU enjoys tariff-free and quota-free access

to the single market and that geographic proximity, residence of UK citizens in the EU and EU citizens in the UK and the volume of EU-UK trade require rigorous level playing field arrangements, and thus deeper commitments than those which were requested for FTAs between the EU and Canada, Japan or South-Korea; will reject, in this regard, any ‘cherry-picking’ from different legal and trade frameworks applicable in the context of relations between the EU and other third countries;

14. Reiterates that, with a view to preserving the integrity of the EU and its single market, of the customs union and the indivisibility of the four freedoms, it is crucial to ensure that the level of quota and duty-free access to the world’s largest single market can only be commensurate to the extent of regulatory convergence and the commitments taken with respect to observing a level playing field for open and fair competition with a view to dynamic alignment; underlines that it requires a combination of substantive rules and measures, including non-regression clauses and mechanisms to ensure effective implementation, enforcement and dispute settlement; underlines that a proper complaints mechanism must be guaranteed for citizens and non-governmental organisations with respect to the enforcement of labour standards;
15. Emphasises in particular the non-regression clauses in the following areas under article LPFS.2.27: (i) fundamental rights at work, (ii) occupational health and safety standards, (iii) fair working conditions and employment standards, and (iv) information and consultation rights at company level, and (v) restructuring; welcomes the provisions of article LPFS.2.28 which pave the way towards dynamic alignment; notes, in particular, the Commission proposal to give the Partnership Council powers to modify the commitments to reflect evolving labour and social standards;
16. Recalls that any future FTA aiming for zero tariff and zero quotas should therefore be underpinned by robust legal commitments ensuring a level playing field for open and fair competition, including as regards labour and social standards, to avoid a ‘race to the bottom’ and the acquisition of unfair competitive advantages through the undercutting of levels of protection or other regulatory divergences;
17. Therefore fully supports the provisions of Title III (level playing field and sustainability) and especially its Section 5 (labour and social protection) of the Draft Agreement, which are in line with those of the Political Declaration;
18. Supports the system for governance, cooperation, monitoring and enforcement and conflict resolution presented by the Commission, in particular as regards labour inspections and administrative and judicial proceedings including the provision of remedies, and the role of the Partnership Council and of the Specialised Committee on the Level Playing Field and Sustainability;
19. Welcomes the proposal to establish a parliamentary partnership assembly for Members of the European Parliament and of the UK Parliament, with the right to receive information from the Partnership Council and submit recommendations to it; also highlights the need to continue with detailed monitoring of the implementation and application of the Withdrawal Agreement via the UK Coordination Group and further reevaluate the need to establish a dispute settlement system at EU level;
20. Stresses that it will not give its consent to any agreement which may directly or

indirectly weaken the role of the Court of Justice of the European Union on deciding questions of Union law;

### ***Mobility and social security coordination***

21. Recalls that UK citizens residing in the EU and EU citizens residing in the UK are currently covered and protected by social security coordination rules regarding sickness benefits, maternity and equivalent paternity benefits, invalidity benefits, old-age benefits, survivors benefits, benefits in respect of accidents at work and occupational diseases, death grants, unemployment benefits, pre-retirement benefits, family benefits under the Withdrawal Agreement;
22. Recalls the importance of preserving existing and future social security rights of affected persons in all dimensions; recalls the strong demands by citizens affected both in the EU and the UK to protect their rights; calls on the negotiators of the Agreement to prioritise these citizens' rights in regard to social security coordination by all means;
23. Notes that the objective of Title XI: Mobility of Natural Persons is to provide mobility arrangements between the Parties, to ensure the full reciprocity of these arrangements and non-discrimination among the Member States, and to ensure the coordination of social security systems of the Parties; notes that reciprocal visa-free travel is foreseen for short stays of a maximum of 90 days but visas may be required by both Parties for citizens carrying out a paid activity; welcomes Article MOBI.5 which provides for reciprocal conditions of entry, long-term residence and rights of EU and UK citizens pursuing research, studies, training and youth exchanges and their family members where applicable;
24. Welcomes the fact that Article MOBI.6 and the Protocol on Social Security Coordination of the Draft Agreement provides for continuous application of social security coordination rules in a number of branches of social security (e.g. sickness, invalidity and old-age benefits and benefits in respect of accidents at work and occupational diseases); deeply regrets, however, that there are no special provisions regarding unemployment benefits for cross-border and frontier workers, and therefore encourages the Parties to look into proper provisions regarding unemployment benefits for cross-border and frontier workers in order to safeguard their rights; calls on the negotiators to provide for the ongoing application of social security coordination rules in all chapters;
25. Also regrets that Article MOBI.6 of the Draft Agreement, rather than providing for the obligation, provides for the mere possibility for the Partnership Council to amend the Protocol on Social Security Coordination;
26. Stresses the importance of a dynamic agreement on social security coordination, whereby the UK would have to adapt its legislation according to the changes of EU legislative acts on social security coordination, (e.g. the forthcoming Regulation amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004); stresses that provisions of the final agreement on mobility of persons must include commensurate and robust rights as regards social security coordination in line with the Political Declaration;

27. Calls for an efficient dispute settlement procedure in cases where there is ambiguity about the competent authority;
28. Emphasises that for the purpose of application of social security coordination between the EU and the UK proper data exchange is vital; therefore also encourages the UK to take part in the Electronic Exchange of Social Security Information;
29. Urges the Parties to agree provisions on the continuation of mutual participation and financial investment in the Erasmus+ programme in line with the Political Declaration's provisions on participation in Union programmes, particularly as regards traineeships for vocational education and training students, apprentices and recent graduates; stresses that applicants from both the EU and the UK will need sufficient advance notice of the conditions and timelines for participation after the transition period;

### ***Conclusion***

30. Deplores the substantial divergences between both Parties at this stage of the negotiations, including on the scope and the legal architecture of the agreement to be negotiated; expresses deep concern at the limited scope of the future partnership envisaged by the UK Government, and points out that the UK's proposals fall short of its commitments under the Political Declaration; notes that given the current COVID-19 pandemic conducting and concluding the negotiations is a challenge; urges the UK to work swiftly and constructively with the EU to reach a partnership agreement which delivers an ambitious, wide-ranging and balanced relationship and a level playing field, in line with all commitments made under the Political Declaration, before the end of the transition period.

## LETTER OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

David McAllister  
Chair  
Committee on Foreign Affairs  
Bernd Lange  
Chair  
Committee on International Trade  
BRUSSELS

Subject: Opinion on recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Chairs,

Under the procedure referred to above, the Committee on the Environment, Public Health and Food Safety has been asked to submit an opinion to your committee and to the Committee on International Trade. At its meeting of 11 March 2020, the committee decided to send the opinion in the form of a letter.

The Committee on the Environment, Public Health and Food Safety considered the matter at its meeting of 4 May 2020. 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 motion for a resolution.

Yours sincerely,

Pascal Canfin

### SUGGESTIONS

#### *General remarks on the environment, public health and food safety*

1. Reiterates its determination to establish a relationship with the United Kingdom that is as close as possible; stresses, however, that an agreement with the United Kingdom should not be concluded at any cost; reiterates its support for a broad and ambitious free trade agreement without any restrictions on imports or exports and with zero tariffs and zero quotas, but only if the United Kingdom commits to ‘zero dumping’; stresses, in particular, that the fight against climate change, halting and reversing biodiversity loss, promoting sustainable development, the environment, and major health issues should

constitute essential elements of the envisaged partnership;

2. Strongly believes that any agreement reached with the United Kingdom should be fully conditional on respect for the Paris Agreement; notes that the Commission committed itself in its communication on the European Green Deal to making respect for the Paris Agreement an essential element of all future comprehensive trade agreements; further considers that both Parties should not only uphold the United Nations Framework Convention on Climate Change, but also the UN Sustainable Development Goals, the Convention on Biological Diversity, and the United Nations Convention to Combat Desertification; stresses that the respect for these international agreements should be binding and enforceable;
3. Underlines the importance of stepping up preparedness and contingency measures well ahead of the end of the transition period, especially in the event of a stalemate in negotiations; underlines the need to properly finance preparedness actions and give priority to the health and safety aspects of preparedness and contingency, particularly with respect to pharmaceuticals and medical devices;

#### ***Level playing field and sustainability***

4. Notes that the European Green Deal will raise the EU's climate and environmental ambition and that policy instruments will be adapted as a consequence; considers that this may lead to divergence between the economies of the EU and the UK; considers that both Parties should, as a priority, increase their respective levels of climate and environmental protection; stresses that a 'ratchet clause' for future levels of protection is not sufficient, as it does not provide for a level playing field or incentives to raise ambition levels, and considers that should either Party increase its level of climate or environmental protection, the other Party should ensure that its standards and targets offer at least an equivalent level of climate or environmental protection; stresses that the protection of nature and biodiversity, via the Birds<sup>1</sup> and Habitats<sup>2</sup> Directives, is an essential part of the level playing field and vital for mitigating climate change;
5. Considers that ahead of the vote in Parliament on whether to give consent to the draft Agreement on the New Partnership between the European Union and the United Kingdom, the UK must have a functioning system in place for the effective monitoring of the domestic enforcement of the UK's law and practices by an adequately resourced independent body; stresses the importance that the independent body has the right to bring legal action, including against the government, before a competent court or tribunal in an appropriate judicial procedure, with a view to seeking an adequate remedy including sanctions;
6. Highlights the high number of past and active infringement cases brought by the Commission against the UK in the environmental field, including for air and water quality, and underlines the risk of regression in this area; stresses the importance that the UK establishes administrative and judicial proceedings to allow public authorities and individuals to bring timely actions against violations of environmental law and provide for remedies, including interim measures, to ensure that sanctions are effective,

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<sup>1</sup> OJ L 20, 26.1.2010, p. 7.

<sup>2</sup> OJ L 206, 22.7.1992, p. 7.

proportionate and dissuasive, and have a real deterrent effect;

7. Supports the system for cooperation, monitoring and enforcement and conflict resolution presented by the Commission, and the role of the Partnership Council; highlights the need to establish a scrutiny system at EU level which allows Parliament and the Council to activate through the Commission a dispute settlement system where they consider the UK in breach of the Agreement; stresses that the dispute settlement system should provide for gradual sanctions as well as remedies when one of the Parties is found to be in breach of the Agreement; stresses that it will not give its consent to any agreement which may directly or indirectly weaken the role of the Court of Justice of the European Union on questions of EU law;

### ***The fight against climate change***

8. Stresses the importance of maintaining the fight against climate change in the ‘Level playing field and sustainability’ chapter of the Agreement;
9. Considers that the United Kingdom should fully align itself with the EU’s current and future climate policy framework, including revised 2030 targets, 2040 targets and the trajectories to achieve climate neutrality by 2050, as well as the commitments made under the Paris Agreement;
10. As regards the 2030 targets, expresses concerns in relation to elements included in the UK’s draft National Energy and Climate Plan (NECP), which, in the Commission’s assessment, indicated that the main drivers of the UK’s energy and climate policy are carbon budgets and do not make it clear whether existing and planned policies, by which only the transport and building sectors are covered, are sufficient to achieve the Effort Sharing Regulation<sup>3</sup> target and the no-debit commitment under the Land Use, Land Use Change and Forestry Regulation<sup>4</sup>, which prescribes that accounted emissions should not exceed accounted removals; calls on the United Kingdom to submit its final NECP, which was due at the end of 2019;
11. Considers that the United Kingdom should implement a system of carbon pricing of at least the same scope and effectiveness as that provided for by the EU Emissions Trading System (EU ETS) and should apply the same principles regarding the use of external credits by the end of the transition period; further considers that should the United Kingdom request that its own ETS be linked to the EU ETS, the following two conditions for the consideration of such a request should apply: the UK ETS should not undermine the integrity of the EU ETS, in particular its balance of rights and obligations, and should reflect the continuous increase in the scope and effectiveness of the EU ETS;
12. Highlights the importance of the two Parties increasing their 2030 targets as a necessary step toward their commitment to decarbonisation by 2050; stresses that a system of carbon pricing should already be set and in place ahead of the vote in Parliament on whether to give consent to the draft Agreement; underlines the need for a EU carbon border adjustment mechanism as part of a broader strategy to uphold the EU’s climate

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<sup>3</sup> OJ L 156, 19.6.2018, p. 26.

<sup>4</sup> OJ L 156, 19.6.2018, p. 1.

ambition and ensure that third countries contribute to the objective of the Paris Agreement;

13. Calls on the United Kingdom to continue to contribute to the work on reinforcing the Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) of the International Civil Aviation Organization (ICAO) and on ensuring that the aviation sector and maritime and road transport sectors, in the UK and worldwide, step up their efforts to reduce emissions, and to join the EU's efforts in establishing and enforcing a system of carbon pricing for emissions in the maritime sector;
14. Emphasises that any relationship between the United Kingdom and the European Investment Bank (EIB) should be subject to, inter alia, the UK's alignment with current and future EU climate and environmental objectives, the UK's compliance with the regulation establishing a framework to facilitate sustainable investment, and the EIB's ambitious new climate strategy and Energy Lending Policy;

### ***Environmental protection***

15. Agrees that the Parties should ensure that the level of environmental protection provided by law, regulations and practices is not reduced below the level provided by the common standards and targets applicable within the EU and the UK at the end of the transition period in relation to the environmental protections set out in the entire environmental *acquis* in this area; stresses the importance of full respect for the following principles: the precautionary principle, the principle that preventive action should be taken, the principle that environmental damage should as a priority be rectified at source, and the 'polluter pays' principle; calls for both Parties to commit to ensuring that their respective trade and investment policies do not hinder the achievement of sustainable development;
16. Stresses that both Parties should ensure their commitment to protecting and restoring global biodiversity, through measures at national, EU and international levels, and to a global legally binding agreement with a biodiversity equivalent of the 1.5°C target of the Paris Agreement at the next Conference of the Parties (COP15) to the UN Convention on Biological Diversity; underlines the need, moreover, for a commitment to respect other international agreements, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
17. Stresses the importance of the conservation and restoration of terrestrial and marine ecosystems; recalls that by protecting and restoring all shared ecosystems, the greatest mutual benefit can be obtained;
18. In view of the UK's failure to comply with EU air quality legislation and to achieve 'good' water status for natural surface water bodies, and of the serious ongoing issues in relation to nitrate pollution, stresses the importance of ensuring the appropriate monitoring and assessment of air and water quality in addition to the adoption of the common standards and targets; further stresses the importance of the United Kingdom implementing and enforcing the emission limits and other provisions agreed under the National Emission Ceilings Directive<sup>5</sup> and dynamically aligning with the Industrial

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<sup>5</sup> OJ L 344, 17.12.2016, p. 1.

Emissions Directive<sup>6</sup>, including updates to the Best Available Technique Reference Documents;

***Public health and trade in Goods***

19. Stresses that should the United Kingdom wish to be included on the list of countries permitted to export goods to the EU that are subject to sanitary and phytosanitary (SPS) measures, it will have to fully comply with EU requirements for those goods, including requirements relating to production processes; stresses, in addition, that rules of origin for food products in particular should be fully respected and that clear rules in relation to the transformation of food products in the UK should be defined to prevent the circumvention of EU requirements, especially in the context of possible free trade agreements between the UK and other countries; further considers that any SPS measures applied by the Parties to protect human, animal or plant health should be based on risk assessments, with full respect for the precautionary principle;
20. Highlights that antimicrobial resistance poses a serious cross-border threat to human and animal health; stresses the need, therefore, for both Parties to endeavour to reduce the use of antibiotics in animal production and to continue to ban their use as a growth promoter and reduce inappropriate or unnecessary human use;
21. Stresses the importance of both Parties maintaining the highest standards of food safety, animal and plant health, and high-quality inspection services in those fields, and the need to cooperate with their counterparts from the other Party with the aim of promoting sustainable food production methods and food systems, including sustainable fisheries and aquaculture based on science and an ecosystem approach to fisheries management; stresses that the United Kingdom will need to be in line with EU regulations on genetically modified organisms and plant protection products; considers that the Parties should aim to reduce the use and risks of pesticides;
22. Stresses the importance of preventing shortages of medicinal products and medical devices; urges national authorities and stakeholders to ensure that the process of redistributing nationally authorised medicinal products is concluded by the end of the transition period; calls on manufacturers, in particular, to ensure that batch testing facilities are transferred by the end of the transition period so that medicinal products imported from the United Kingdom can be released without delay;
23. With respect to the former premises in the UK of the European Medicines Agency (EMA), expresses concern that EMA, as an EU public health agency, will have to manage a commercial property in a third country and will remain liable for paying rent until June 2039; requests that solutions be found to release EMA from its contractual and financial liabilities in respect of its former premises; considers that a sensible long-term arrangement would be the assignment to the UK Government of EMA's contractual position vis-a-vis its landlord Canary Wharf Ltd.;
24. Stresses the importance that the United Kingdom remains dynamically aligned on pharmaceuticals, medical devices, chemicals safety legislation, including endocrine disrupting chemicals, and REACH, in particular, in order for UK companies to continue

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<sup>6</sup> OJ L 334, 17.12.2010, p. 17.

to have access to the single market; underlines the fact that even with dynamic alignment, UK companies would be subject to the same obligations that apply to non-EU companies outside the European Economic Area;

25. Highlights that a range of health risk factors, such as smoking, alcohol use and unhealthy nutrition are significant in the development of non-communicable diseases and that many of these conditions are prevalent across Europe; calls, therefore, for coordinated action to reduce their prevalence and impact on health, taking into account cross-border factors such as advertising, marketing and legal and illegal trade of products, as well as coordinated policy development in driving up public health standards, such as strengthened tobacco control measures and a more robust approach to the labelling of food and drink products; points out that cooperation is essential given the way in which these products are regularly traded between countries; stresses that the United Kingdom must comply with EU measures in this field in order to trade freely on the single market;

### ***Thematic cooperation***

26. Recalls that serious threats to health – such as those due to outbreaks of infectious diseases, pandemics, or environmental factors – transcend borders; therefore calls on both Parties to cooperate over the long term to prevent, detect, prepare for and respond to established and emerging threats to health security; calls, in this regard, for ongoing cooperation between the EU and the UK to effectively combat the COVID-19 pandemic, in particular on the island of Ireland where the land border makes this even more vital; considers it essential that the UK and the EU maintain a coordinated, Europe-wide approach in areas such as emergency preparedness, risk assessment, management and communication, and the development of new antimicrobials and vaccines, and other medicines; considers that should one of the Parties not take adequate measures to address a health threat, the other Party may adopt unilateral measures to protect public health;
27. Calls in particular for targeted actions to ensure continued and rapid access to safe medicines and medical devices for patients, including a secure and consistent supply of radioisotopes; considers that in order to ensure patient safety, the EU and UK should work towards the mutual recognition of professional qualifications to ensure the mobility of medical professionals;
28. Supports the continued participation of the UK as a third country observer with no decision-making role in non-regulatory agencies, such as the European Environment Agency and the European Centre for Disease Prevention and Control, as this would allow both Parties to share best practices and methodologies; encourages both Parties, furthermore, to consider establishing cooperation agreements with peer regulatory agencies, such as the European Chemicals Agency, in order to exchange information, best practice and scientific knowledge;

### ***Ireland/Northern Ireland***

29. Underlines the importance of the effective implementation of the Withdrawal Agreement, including on maintaining the integrity of the single market and customs union; underlines that the Agreement on the future relationship should apply without

prejudice to the Withdrawal Agreement and the Protocol on Northern Ireland; stresses the importance of a robust application of the Protocol in order to preserve the all-island economy and the Good Friday Agreement in all its dimensions, and safeguard the integrity of the single market; stresses that Northern Ireland's continued application of the EU's Customs Code and alignment with the relevant rules of the single market are needed not only to avoid a hard border on the island of Ireland, but also for the protection of the environment and biodiversity of the island of Ireland and the protection of the health and safety of EU citizens in accordance with EU rules.

## LETTER OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

Mr David McAllister  
Chair  
Committee on Foreign Affairs  
BRUSSELS

Mr Bernd Lange  
Chair  
Committee on International Trade  
BRUSSELS

Subject: Opinion of the Committee on Industry, Research and Energy on the  
Recommendations on the negotiations for a new partnership with the United  
Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Chairs,

Under the procedure referred to above, the Committee on Industry, Research and Energy has been asked to submit an opinion to the Committee on Foreign Affairs and to the Committee on International Trade. At its meeting of 18 February 2020, ITRE coordinators decided to send the opinion in the form of a letter and on that same date, I was appointed as rapporteur for the opinion in my capacity of the Chair of the Committee

At an in camera meeting with the Task Force for Relations with the United Kingdom on 19 May 2020 ITRE coordinators considered the matter and subsequently decided on 27 May 2020 by written procedure 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 motion for a resolution.

Yours sincerely,

Cristian-Silviu BUȘOI

### SUGGESTIONS

1. is concerned about the fact that the respective negotiating mandates of the EU and the UK envision very different forms of a new partnership and that the negotiations so far have not sufficiently managed to narrow the gap; is furthermore concerned of the short time available to come to an agreement and that the current COVID-19 crisis has made this endeavour even more difficult;

2. expects the agreement to provide in all policy areas for a level playing field, reciprocity, non-regression and judicial oversight in order to preserve competitiveness, high social and sustainability standards and citizens' and workers' rights in the future; recalls that both parties have committed to uphold the Paris agreement;
3. believes that the agreement should establish general principles, terms and conditions for the participation of the UK in EU programmes, ensuring a fair balance as regards the contributions and benefits of the third country participating in the Union programmes; underlines that these general principles should be subject to the conditions set out in the corresponding instruments;
4. highlights however the need to finalise the next generation of MFF programmes as soon as possible in order to allow for their swift start in January 2021; insists that a conclusion of the legislative agreements should not be delayed due to the slow progress of the negotiations with the UK;
5. underlines the need to link the participation in programmes with alignment to related policies, such as on climate or cyber policies; highlights furthermore that participation in Horizon Europe or Erasmus + requires adherence to the EU rules on free movement of persons;
6. underlines that the COVID-19 crisis has shown that continued cooperation in research and innovation between the EU and the UK is vital and therefore expects the agreement to provide for general conditions for the participation of the UK in the research and innovation framework programmes, without creating any bespoke arrangements that are not available to other third-countries; expects furthermore that the modalities of the UK's participation in European R&I partnerships under Horizon 2020 which will be implemented until 2024 shall be addressed; recalls the principle that no third country should be able to obtain more financial benefit than it contributes;
7. underlines that to ensure continuity for the Single Electricity Market on the island of Ireland after the UK's withdrawal requires the continued application of the EU energy acquis in Northern Ireland;
8. is of the opinion that it is necessary to ensure common rules for offshore renewable energy and pipeline infrastructure to which UK could be a partner through commercial agreements;
9. expects the agreement to address the UK's relationship to Euratom and the ITER project and the impact of a withdrawal on assets and liabilities; expects the UK furthermore to comply with the highest nuclear safety, security and radiation protection standards;
10. considers that an agreement on energy cooperation, in line with the overall agreement on the future relations and based on a robust governance and level-playing field, would be in the mutual interest of the both parties;
11. believes that the UK could continue being a real industrial partner in strategically important sectors and expects the agreement to provide for special assistance for SMEs to take full advantage of the future partnership; underlines moreover the need for stable,

reliable and sustainable value chains, in particular, but not exclusively, for medicinal products; underlines however the need to preserve a level playing field and the strategic autonomy of the European Union especially when it comes to key industries;

12. is of the opinion that the UK could continue to be an important partner in the EU space policy, underlines that the future access of the UK to the EU Space Programme needs to be addressed in the negotiations while preserving the Union's interests and in line with the applicable legal framework for participation of third countries in the EU Space Programme;
13. underlines that cooperation in the area of security and defence is beneficial to the EU and the UK and if it is to continue within the framework of the European Defence Fund or possible future initiatives, it must be based on the principles of the overall deal on the future relations;
14. expects the UK to be able to continue the established cooperation and information exchange of national authorities in the area of cybersecurity; invites the UK to actively contribute to the Union's efforts to increase cyber resilience in Europe;
15. expects the agreement to consider a participation of the United Kingdom in the Digital Europe Programme and expects that advanced cooperation in the field of Artificial Intelligence between the EU and the UK could be established; considers it furthermore beneficial for both sides to aim for the UK's regulatory alignment with regard to the Union's future single European data space and future regulatory measures in the area of AI;
16. believes it is in the interest of EU citizens for the UK to continue applying the roaming regulation and will also facilitate the cross-border movement of people on the island of Ireland; would however, in the absence of an agreement thereon, call on operators to grant equivalent conditions to both their EU and UK customers.

## LETTER OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

Mr Antonio Tajani  
Chair  
Committee on Constitutional Affairs  
BRUSSELS

Subject: Opinion on Proposal for a Council decision on the conclusion 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 (COM(2019/0194); COM(2018/0841); COM(2018/0834); COM(2018/0833) – C9-0148/2019 – 2018/0427(NLE))

Dear Mr Tajani,

The Committee on Agriculture and Rural Development considered the matter at its meeting of 22 January 2020. At that meeting<sup>1</sup>, it decided unanimously to call on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its recommendation.

Yours sincerely,

(signed) Norbert Lins

### SUGGESTIONS

The AGRI Committee wishes to stress the following essential points concerning the impact on EU agriculture of Brexit and the solutions proposed in the Withdrawal Agreement and the Political Declaration.

1. In terms of agricultural policy per se, the withdrawal of the UK does not appear to raise insurmountable problems since the application of the mechanisms and payments of the CAP to the UK can be discontinued relatively easily. The fact that the end of the transition period foreseen by the Withdrawal Agreement would coincide with the end of the current MFF (2014-2020) would facilitate things in this respect;

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<sup>1</sup> The following were present for the final vote: Norbert Lins (Chair), Mairead McGuinness (rapporteur for opinion), Álvaro Amaro, Franc Bogovič, Daniel Buda, Herbert Dorfmann, Balázs Hidvéghi, Peter Jahr, Marlene Mortler, Anne Sander, Simone Schmiedbauer, Juan Ignacio Zoido Álvarez, Clara Aguilera, Eric Andrieu, Attila Ara-Kovács, Carmen Avram, Adrian-Dragoş Benea, Isabel Carvalhais, Paolo De Castro, Juozas Olekas, Massimiliano Smeriglio, Atidzhe Alieva-Veli, Asger Christensen, Jérémy Decerle, Martin Hlaváček, Elsi Katainen, Ulrike Müller, Sheila Ritchie, Mara Bizzotto, Angelo Ciocca, Ivan David, Gilles Lebreton, Maxette Pirbakas, Benoît Biteau, Martin Häusling, Pär Holmgren, Bronis Ropè, Sarah Wiener, Mazaly Aguilar, Krzysztof Jurgiel, Zbigniew Kuźmiuk, Bert-Jan Ruissen, Veronika Vrecionová, Luke Ming Flanagan, Petros Kokkalis, Dino Giarrusso, Ivan Vilibor Sinčić

2. However, we would wish to point out that any extension of the transition period would need to be accompanied by appropriate financing provisions and accounts properly settled at the end of this period, as provided for in Article 132 of the Agreement, notwithstanding the UK being considered as a third country under the MFF from the year 2021;
3. The continued protection in the UK of the numerous (more than 3000) Geographical Indications (GIs) applying to agricultural, food or drink products originating in the EU has been a serious source of concern for the AGRI Committee during the negotiations of the Agreement. In this respect, the Committee is satisfied that the current text secures the protection of EU-GIs in Northern Ireland, and the protection of EU-GIs approved by the end of the transition period in other parts of the UK;
4. We would like to underline the importance of preserving this protection in the arrangements governing the future relationship. Furthermore, not only should these arrangements cover all existing EU-GIs, they should also, in our opinion, include bilateral cooperation mechanisms for the mutual recognition by the UK and the EU-27 of new GIs approved after the transition period and, if relevant, in case the Protocol on Ireland/Northern Ireland would cease to apply pursuant to its Article 18;
5. We are acutely aware that the issue of Ireland and Northern Ireland has implications well beyond the agricultural sector. However, given the importance of tariff and non-tariff barriers in agriculture, the highly integrated and interdependent character of the Irish and Northern Irish agricultural markets, and the constant circulation across the border of live animals, finished products and products requiring further processing, the smooth handling of this issue is particularly important for this sector. In this respect, the AGRI Committee welcomes the maintenance of the *status quo*, the current invisible border and North-South cooperation on the island of Ireland as set out in the Good Friday Agreement, provided the democratic consent referred to in Article 18 of the Protocol on Ireland/Northern Ireland is granted;
6. At the same time, we would like to stress the absolute need to ensure the proper implementation of the Protocol, in order to not only maintain the above *status quo*, but also to prevent the creation of loopholes in the tariff and non-tariff protection of the EU. The work of the Joint Committee in finalising arrangements under the Protocol will be key. These two objectives should also be reflected and enforced through any arrangements on the future relationship in case the Protocol would cease to apply pursuant to Article 18;
7. The main agricultural issues raised by Brexit relate to trade. Agricultural and agri-food products are those with the highest levels of tariff and non-tariff protection in the EU as

in most countries of the world, and as will likely be the case in the UK. The sector therefore stands to suffer most from the withdrawal of the UK from the Customs Union and the Single Market at the end of the transition period, especially as the trade volumes at stake are significant: on the basis of current trade flows, the UK could become the EU-27 main agri-food trade partner for both exports and imports after Brexit;

8. We would therefore like to point out that if the Agreement comes into force, it will be of the utmost importance to take advantage of the transition period to negotiate comprehensive arrangements that will create a free trade area, as envisaged under the Political Declaration. Failing that, the agricultural sector would face a real “cliff edge scenario” in terms of bilateral trade, with the UK and the EU-27 trading under the rules of the World Trade Organization, without any preferential access to each other’s market, and possibly starting also to diverge in terms of their respective regulatory frameworks. We wish to emphasise strongly that, from the perspective of the AGRI Committee, everything should be done to avoid such a scenario. Should that not prove possible, the AGRI Committee would urge the Commission to provide sufficient resources to mitigate the effects for farmers and the agri-food industry in the case of a cliff-edge outcome at the end of the transition period, just as has been planned for in case of a failure to ratify the Withdrawal Agreement;
9. The new national agricultural policy that the UK will put into place after its withdrawal from the EU and the new trade agreements it will agree with other third countries will also have a decisive impact on the sector. They are nevertheless beyond the scope of this opinion on the Agreement;
10. Consequently, the AGRI Committee strongly supports the Withdrawal Agreement as agreed by the EU and UK negotiators and referred to Parliament for consent, and hope that its entry into force and its proper implementation will open the way to arrangements on the future relationship that will preserve, as much as possible, the agricultural interests of the EU.

## LETTER OF THE COMMITTEE ON CULTURE AND EDUCATION

Mr David McAllister  
Chair  
Committee on Foreign Affairs  
BRUSSELS

Mr Bernd Lange  
Chair  
Committee on International Trade  
BRUSSELS

Subject: Opinion on recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Mr McAllister, dear Mr Lange,

On behalf of the Committee on Culture and Education, I would like to submit to you – in the form of a letter – the opinion of the CULT Committee with respect to the above-mentioned report. As requested, the opinion is formulated as a contribution to the resolution.

Should you have any questions with respect to our opinion or wish to discuss any points contained therein, I remain at your disposal.

Yours sincerely,

Sabine Verheyen  
Chair, Committee on Culture and Education

### SUGGESTIONS

- A. whereas the protection and promotion of cultural and linguistic diversity must be a cornerstone of any future agreement with the United Kingdom;
- B. whereas cooperation in the fields of education, culture and youth exchange are an integral part of a close, cooperative and productive relationship with any third country; whereas the United Kingdom is a crucial partner of the Union in the fields of education, culture, youth and language learning; whereas, although the new agreement is designed to manage a process of divergence, the Union and the United Kingdom should seek to build on the very close cooperation that already exists in those fields on the basis of the

common roots established over the UK's 47-year membership of the Union; whereas UK participation in the Erasmus+, Creative Europe and European Solidarity Corps programmes would help to support and foster continued close cooperation and effective networks;

- C. whereas the UK's continued participation in the Erasmus+ programme would be of clear value to programme beneficiaries in the UK and across the Union; whereas any UK participation in Erasmus+ must respect all relevant rules and conditions of participation, as laid down in the programme Regulation; whereas the UK cannot enjoy any decision-making power with respect to the programme; whereas, in its negotiating mandate, the UK states that it will consider participation in elements of Erasmus+ on a time-limited basis;
  - D. whereas, to date, the UK has not indicated any intention to continue participation in either the Creative Europe or the European Solidarity Corps programmes;
  - E. whereas the UK, in its negotiating mandate, notes that the agreement with the Union could 'promote trade in audiovisual services'; whereas an '*exception culturelle*' has always applied in Union free trade agreements with third countries and there is no precedent for any Union free trade agreement providing for single market-equivalent access for audiovisual media service providers located outside the European Economic Area (EEA);
  - F. whereas the Audiovisual Media Services Directives lays down minimum standards for audiovisual media services in order to ensure the unhindered re-transmission of audiovisual media services on the basis of the country of origin principle;
  - G. whereas the free movement of goods has been reconciled with the protection of cultural objects with artistic, historical or archaeological value through Union rules; whereas the UK does not provide, in its negotiating mandate, any indication of how it envisages future cooperation with respect to the protection of cultural objects;
1. Considers that the agreement should make clear that it will uphold cultural and linguistic diversity in accordance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
  2. Welcomes the clear statement in the Union's negotiating directives that future EU-UK relations should also encompass dialogue and exchange in the fields of education and culture; regrets the absence of any similar ambition in the UK's negotiating mandate; believes that close cooperation, building on the existing close ties, is a prerequisite for a healthy future relationship between the Union and the UK and calls for ambition in that regard; recalls that the mobility of individuals is essential in fostering exchange and welcomes the provisions with respect to mobility for study, training and youth exchange set out in the draft text of the agreement published by the Commission; is, however, concerned that the provisions governing the entry and temporary stay of natural persons for business purposes do not meet the needs of the cultural and creative sector and risk hampering continued cultural exchange;
  3. Welcomes the UK government's statement that it remains committed to international

education exchanges; reiterates its support for the UK's continued participation in the Erasmus+ programme; recalls that participation in the programme requires the UK to make a full and fair financial contribution; emphasises that, if the UK participates in Erasmus+, it must participate fully in the programme and for the full length of the programme under the MFF; stresses the importance of ensuring the requisite conditions for learning mobility under Erasmus+ both in the UK and the EU, including equal treatment for learners on an exchange, for example with respect to tuition fees, easy access to core services and the avoidance of unjustified financial or administrative burdens;

4. Acknowledges that the UK has not to date indicated any intention to continue participation in either the Creative Europe or European Solidarity Corps programmes; notes that the decision will hamper close cooperation in the fields of culture and youth exchange;
5. Supports unreservedly the clarity in the Union's negotiating directives that audiovisual services should be excluded from the scope of the economic partnership and urges the Commission to remain steadfast in its position.
6. Stresses that access to the market for audiovisual services in the Union can only be guaranteed if the Audiovisual Media Services Directive is fully implemented so that the same re-transmission rights are granted to both sides; recalls that content originating in the UK will continue to be classed as 'European works' after the end of the transition period as long as works originating in non-Member States and non-EEA states which are party to the Council of Europe Convention on Transfrontier Television are included within the 'European works' content quota;
7. Welcomes the inclusion, within the Union's negotiating directives, of issues relating to the return or restitution of unlawfully removed cultural objects to their countries of origin; recalls the steps that the Union has taken in recent years to address the protection and preservation of cultural objects and stresses the importance of continued cooperation with the UK in this field.

## LETTER OF THE COMMITTEE ON LEGAL AFFAIRS

Mr David McAllister  
Chair  
Committee on Foreign Affairs  
BRUSSELS

Mr Bernd Lange  
Chair  
Committee on International Trade  
BRUSSELS

Subject: Opinion of the Legal Affairs Committee on the Recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Chairs,

At the meeting of 18 February 2020, the Coordinators of the Committee on Legal Affairs decided to give an opinion in letter form, in accordance with Rule 56(1) of the Rules of Procedure, on the Report on the proposed mandate for negotiations with the United Kingdom (2020/2023(INI)) with a focus on the competences of our Committee. On that same date, I was appointed as rapporteur for the opinion in my capacity of the Chair of the Committee.

### **Suggestions:**

At its meeting of 7 May 2020 the Committee on Legal Affairs accordingly decided, by 20 votes in favour, 2 votes against and 2 abstentions<sup>1</sup>, to call on the Committee on Foreign Affairs and on the Committee on International Trade, as the committees responsible, to incorporate the following suggestions into their motion for a resolution.

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<sup>1</sup> The following Members were present for the final vote: Adrián Vázquez Lázara (Chair), Ibán García Del Blanco (Vice-Chair), Sergey Lagodinsky (Vice-Chair), Raffaele Stancanelli (Vice-Chair), Marion Walsmann (Vice-Chair), Manon Aubry, Daniel Buda, Gunnar Beck, Caterina Chinnici, Geoffroy Didier, Angel Dzhambazki, Mislav Kolakušić, Gilles Lebreton, Karen Melchior, Angelika Niebler, Jiří Pospíšil, Marcos Ros Sempere, Stéphane Séjourné, Liesje Schreinemacher, Marie Toussaint, Axel Voss, Lara Wolters, Tiemo Wölken, Javier Zarzalejos.

The suggestions are made with due regard given by the Committee on Legal Affairs to: the European Parliament resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland;<sup>2</sup> the Council decision concerning the mandate for the negotiations with the United Kingdom of 13 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland<sup>3</sup> the Agreement on the Withdrawal of the United Kingdom from the Union of 24 January 2020 and the political declaration on the framework for the future relationship;<sup>4</sup> and the draft text of the Agreement on the New Partnership with the United Kingdom of 19 March 2020.<sup>5</sup>

### **Institutional and horizontal aspects**

1. The negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland will have far-reaching constitutional and legal implications for both the UK and the EU, whereas the provisions of the envisaged agreement will have a significant long-term impact on the lives of citizens and on businesses in the UK and the EU. The approach with regard to the process and substance of these negotiations should therefore be informed by rule of law values and guarantees of transparency, legal certainty and of accessibility of the law.

2. It could not be emphasised more in this regard that a new agreement on the future relationship between the EU and UK can only be built on the faithful and effective implementation of the Withdrawal Agreement, which should be seen as a necessary precondition for a fruitful cooperation and as a minimum guarantee of good faith and mutual trust between the two parties.

3. Recalls that both Parties committed in the Political Declaration<sup>6</sup> that the future relationship should be based on an overarching institutional framework covering chapters and linked agreements relating to specific areas of cooperation. Such supplementing agreements shall be an integral part of the overall bilateral relations as governed by the future Agreement and shall form part of the overall framework.

4. Against this backdrop, the envisaged agreement should provide for a comprehensive governance framework, including a solid dispute settlement mechanism. In this regard, it is of paramount importance that the agreement on the future partnership guarantee the keystone of the EU judicial system, namely its procedure for a preliminary reference before the Court of Justice of the European Union (CJEU) that is aimed at ensuring the uniform interpretation, consistency, full effect and autonomy of EU law in relation to Member States law and

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<sup>2</sup> P9\_TA(2020)0033.

<sup>3</sup> Council Decision authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement (5870/20) and Annex to Council Decision authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement (5870/20 ADD 1 REV 3).

<sup>4</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

<sup>5</sup> UKTF(2020)14.

<sup>6</sup> Political Declaration setting out the Framework for the Future Relationship between the European Union and the United Kingdom.

international law. It shall thus be ensured that any body set up by the envisaged agreement to guarantee the uniform interpretation and application of that agreement, will not be competent to examine and interpret any concepts of EU law and will not be able to bind the EU and its institutions, in the exercise of their internal powers, to a particular interpretation of the rules of EU law.<sup>7</sup> Any such points of EU law will therefore need to be referred to the CJEU.

## **Intellectual Property**

5. The Withdrawal Agreement, establishes a mechanism for a high level of protection of geographical indications, designations of origin or traditional specialities guaranteed in the Union on the last day of the transition period by virtue of specific Union Regulations, as from the end of the transition period, without any re-examination, in the United Kingdom.<sup>8</sup> In the same vein, the envisaged agreement on a future partnership should provide for a mechanism for the dynamic protection in the UK of geographical indications, designations of origin or traditional specialities based on the future EU legal framework and should include the possibility for close bilateral cooperation between the European Union Intellectual Property Office (EUIPO) and the Intellectual Property Offices in the UK.

6. The envisaged agreement should also contain strong and enforceable measures covering the recognition and a high-level of protection of intellectual property rights, such as copyright and related rights, trademarks and industrial designs, patents and trade secrets, based on the current and future EU legal framework. In this context, and considering the UK has not officially taken back its signature under the Unified Patent Court Agreement, the possibility for the UK to host part of the planned Unified Patent Court and to contribute to the creation of a unitary EU patent should be carefully assessed and evaluated.

## **Company law**

7. In order to avoid the lowering of standards and ensure legal standing in the UK and the EU, it is desirable that the envisaged agreement includes minimum common standards regarding setting up and carrying out operations, protection for shareholders, creditors or employees, company reporting and auditing and transparency rules, as well as mutual recognition of judicial decisions regarding restructuring and bankruptcy or insolvency.

## **Civil justice cooperation, including in family matters**

8. Civil judicial cooperation is of paramount importance to ensure future trade and business interaction between citizens and companies and to provide certainty and sufficient protection of parties in cross-border transactions and other activities. Against this backdrop, while protecting the EU interests and in light of the proper functioning of the Lugano Convention, it should be carefully assessed whether this Convention, copying the text of general EU law on civil jurisdiction and recognition of judgments as it stood in 2007 and extending it to Norway, Iceland, and Switzerland could be an adequate solution in the context of the envisaged partnership with the UK and whether EU Member States that are not taking part in the area of

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<sup>7</sup> See to that effect: Opinion 2/13 of the Court of Justice of the European Union in the context of the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, ECLI:EU:C:2014:2454, para.184.

<sup>8</sup> See: Title IV, Article 54 on “Continued protection in the United Kingdom of registered or granted rights”.

Freedom, Security and Justice should be given the option to participate to this Convention as separate contracting parties. To this purpose, it should also be considered whether the UK's accession as an independent party to the Lugano system would allow the EU to maintain the overall balance of its relationships with third countries and international organisations, or whether a new solution that could ensure a 'dynamic alignment' between the two sides, would be more appropriate. In the latter case, the external relations in areas covered by EU international civil law would fall within the exclusive competence of the European Union and form an integral part of its legal order, being subject to the mechanism for a preliminary ruling.

9. The envisaged agreement should find a meaningful and comprehensive solution with regard to matrimonial, parental responsibility and other family matters in particular. The UK's intention to accede to the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is welcome. It is reminded nevertheless that the EU has gone further than the Hague Conference on some civil law issues, by adopting legislation going into more detail on civil jurisdiction, conflict of law, and recognition of judgments as between countries. In this context, any reciprocal enforcement provisions concerning family matters in the envisaged agreement should be based not only on the principle of mutual trust of judicial systems, but also on the existence of certain constitutional guarantees and common fundamental rights standards.

I trust that the above will make a useful contribution into the motion for a resolution drafted jointly by the Committee on Foreign Affairs and the Committee on International Trade.

Yours sincerely,

Adrián Vázquez Lázara

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	12.6.2020
<b>Result of final vote</b>	+: 85 -: 6 0: 17
<b>Members present for the final vote</b>	<p>Alviina Alametsä, Alexander Alexandrov Yordanov, Barry Andrews, Maria Arena, Anna-Michelle Asimakopoulou, Petras Auštrevičius, Traian Băsescu, Tiziana Beghin, Lars Patrick Berg, Anna Bonfrisco, Geert Bourgeois, Saskia Bricmont, Reinhard Bütikofer, Jordi Cañas, Fabio Massimo Castaldo, Anna Cavazzini, Susanna Ceccardi, Włodzimierz Cimoszewicz, Miroslav Číž, Katalin Cseh, Arnaud Danjean, Paolo De Castro, Tanja Fajon, Anna Fotyga, Emmanouil Fragkos, Michael Gahler, Kinga Gál, Giorgos Georgiou, Sunčana Glavak, Raphaël Glucksmann, Markéta Gregorová, Klemen Grošelj, Bernard Guetta, Márton Gyöngyösi, Enikő Győri, Roman Haider, Christophe Hansen, Heidi Hautala, Danuta Maria Hübner, Herve Juvin, Sandra Kalniete, Karol Karski, Dietmar Köster, Maximilian Krah, Andrius Kubilius, Ilhan Kyuchyuk, Danilo Oscar Lancini, Bernd Lange, David Lega, Miriam Lexmann, Nathalie Loiseau, Antonio López-Istúriz White, Lukas Mandl, Thierry Mariani, Gabriel Mato, Emmanuel Maurel, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Javier Nart, Gheorghe-Vlad Nistor, Urmas Paet, Demetris Papadakis, Kostas Papadakis, Tonino Picula, Manu Pineda, Maxette Pirbakas, Kati Piri, Giuliano Pisapia, Carles Puigdemont i Casamajó, Samira Rafaela, Jérôme Rivière, Inma Rodríguez-Piñero, María Soraya Rodríguez Ramos, Massimiliano Salini, Nacho Sánchez Amor, Isabel Santos, Jacek Saryusz-Wolski, Andreas Schieder, Helmut Scholz, Liesje Schreinemacher, Radosław Sikorski, Sergei Stanishev, Tineke Strik, Dominik Tarczyński, Hermann Tertsch, Mihai Tudose, Kathleen Van Brempt, Hilde Vautmans, Marie-Pierre Vedrenne, Harald Vilimsky, Idoia Villanueva Ruiz, Viola Von Cramon-Taubadel, Jörgen Warborn, Witold Jan Waszczykowski, Charlie Weimers, Iuliu Winkler, Isabel Wiseler-Lima, Salima Yenbou, Jan Zahradil, Željana Zovko</p>
<b>Substitutes present for the final vote</b>	<p>Nikos Androulakis, Marek Belka, Svenja Hahn, Arba Kokalari, Sergey Lagodinsky, Marisa Matias, Liudas Mažylis, Ernest Urtasun, Angelika Winzig</p>

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

85	+
ECR	Geert Bourgeois, Emmanouil Fragkos, Jan Zahradil
NI	Tiziana Beghin, Fabio Massimo Castaldo, Márton Gyöngyösi, Carles Puigdemont i Casamajó
PPE	Alexander Alexandrov Yordanov, Anna-Michelle Asimakopoulou, Traian Băsescu, Arnaud Danjean, Michael Gahler, Sunčana Glavak, Enikő Győri, Kinga Gál, Christophe Hansen, Danuta Maria Hübner, Sandra Kalniete, Arba Kokalari, Andrius Kubilius, David Lega, Miriam Lexmann, Antonio López-Istúriz White, Lukas Mandl, Gabriel Mato, Liudas Mažylis, David McAllister, Vangelis Meimarakis, Francisco José Millán Mon, Gheorghe-Vlad Nistor, Massimiliano Salini, Radosław Sikorski, Jörgen Warborn, Iuliu Winkler, Angelika Winzig, Isabel Wiseler-Lima, Željana Zovko
RENEW	Barry Andrews, Petras Auštrevičius, Jordi Cañas, Katalin Cseh, Klemen Grošelj, Bernard Guetta, Svenja Hahn, Ilhan Kyuchyuk, Nathalie Loiseau, Javier Nart, Urmas Paet, Samira Rafaela, María Soraya Rodríguez Ramos, Liesje Schreinemacher, Hilde Vautmans, Marie-Pierre Vedrenne
S&D	Nikos Androulakis, Maria Arena, Marek Belka, Włodzimierz Cimoszewicz, Paolo De Castro, Tanja Fajon, Raphaël Glucksmann, Dietmar Köster, Bernd Lange, Sven Mikser, Demetris Papadakis, Tonino Picula, Kati Piri, Giuliano Pisapia, Inma Rodríguez-Piñero, Isabel Santos, Andreas Schieder, Sergei Stanishev, Nacho Sánchez Amor, Mihai Tudose, Kathleen Van Brempt, Miroslav Číž
VERTS/ALE	Alviina Alametsä, Saskia Bricmont, Reinhard Bütikofer, Anna Cavazzini, Heidi Hautala, Sergey Lagodinsky, Tineke Strik, Ernest Urtegas, Viola Von Cramon-Taubadel, Salima Yenbou

6	-
GUE/NGL	Manu Pineda
ID	Lars Patrick Berg, Roman Haider, Maximilian Krah, Harald Vilimsky
NI	; Kostas Papadakis

17	0
ECR	Anna Fotyga, Karol Karski, Jacek Saryusz-Wolski, Hermann Tertsch, Witold Jan Waszczykowski, Charlie Weimers
GUE/NGL	Giorgos Georgiou, Emmanuel Maurel, Helmut Scholz, Idoia Villanueva Ruiz
ID	Anna Bonfrisco, Susanna Ceccardi, Herve Juvin, Danilo Oscar Lancini, Thierry Mariani, Maxette Pirbakas, Jérôme Rivière

### Key to symbols:

+ : in favour

- : against

0 : abstention