21.1.2020
Mr Antonio Tajani
Chair
Committee on Constitutional Affairs
BRUSSELS

Subject: Opinion 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 (2018/0427(NLE))

Dear Chair,

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. At its meeting of 6 November 2019, 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 21 January 2020. At that meeting, it decided to call on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution.

Yours sincerely,

Pascal Canfin
SUGGESTIONS

1. Considers that Brexit is an issue with profound and long-lasting implications both for the EU and the UK. Public health, food safety and environmental issues have had centre stage in the negotiations and in the public debate surrounding the UK withdrawal. In view of these concerns, ENVI has been closely following the negotiations.

2. Welcomes that the underlying objective of the amended Withdrawal Agreement is to continue to contribute to the preservation of peace on the island of Ireland and upholding and safeguarding the Good Friday Agreement, especially with the avoidance of a hard border and the protection of the all-island economy. The agreement also ensures that the island of Ireland is considered as a single environmental entity and that environmental standards are maintained on both sides of the invisible border. From an ENVI perspective this is particularly necessary, as the agreed areas of North-South cooperation in the Good Friday Agreement include the environment and health.

3. Commends the unity that the EU has shown throughout the negotiations and its efforts to avoid the detrimental consequences of a no-deal withdrawal; welcomes that an agreement has been found, but notes that the current agreement gives no guarantee on the arrangements governing the future relation between the UK - with the exclusion of Northern Ireland - and the EU27 at the end of the transition period on 31 December 2020. While there is scope to extend the transition period, the UK Government must request this by June 2020.

4. Notes that with the removal of the UK-wide backstop, relevant binding environmental provisions have also fallen; notes in particular that clauses on non-regression in the level of environmental protection no longer apply. Long established EU environmental principles such as the precautionary principle or the “polluter pays” principle are no longer in the revised Protocol.

5. The UK-wide backstop also instructed the EU and the United Kingdom to take the necessary measures to meet their respective commitments to international agreements to address climate change, including those which implement the UNFCCC, such as the Paris Agreement of 2015. Reference to the Paris Agreement is now absent in the revised Protocol, although it is included in the Political Declaration.

6. Furthermore, the original Protocol determined that the UK should implement a system of carbon pricing of at least the same effectiveness and scope as the EU Emissions Trading System and had a provision requiring that the UK implements a transparent system for the effective domestic monitoring, reporting, oversight and enforcement of its obligations by an independent and adequately resourced independent body. These provisions have now also been removed.

7. Also notes that in the first version of the Protocol, a Joint Committee comprising representatives of the EU and of the UK and responsible for the implementation of the Agreement would have been empowered to adopt decisions, laying down minimum commitments for the reduction of national emissions of certain atmospheric pollutants, the maximum sulphur content of marine fuels, and best available techniques, including
emission limit values, in relation to industrial emissions. In case of disputes regarding the interpretation and application of the environmental provisions, the Joint Committee could have been seized of the matter. These provisions no longer apply.

8. In addition, notes that in the revised Political Declaration the section on the Level Playing Field aimed at avoiding unfair competition now contains stronger language on upholding the common high standards applicable in the EU and the UK at the end of the transition period and then on maintaining, *inter alia*, environment standards at high level. The EU and UK will need to ensure that these high standards are maintained in the future given the non-binding nature of the Political Declaration, and the possibility that the UK may choose to strike future trade deals with third countries with lower standards; notes that the ratification of any future free trade agreement with the UK will require strong level playing field provisions, which will be closely scrutinised by the ENVI Committee.

9. Strongly recommends that the EU and the UK aim to cooperate as closely as possible in climate policy which ideally means that the UK should participate in all the policy instruments in this area also in the future.

10. 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. In order to ensure patient safety, the EU and UK should work towards mutual recognition of professional qualifications to ensure the mobility of medical professionals.

The ENVI Committee considers it of the utmost importance that its views and concerns are duly noted and addressed, and therefore asks the AFCO Committee, as the committee responsible, to take into account its position as set out above.

The ENVI Committee calls on the AFCO Committee as the committee responsible to recommend that Parliament give its consent to 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.