

(English version)

**Question for written answer E-003438/18  
to the Commission  
Martina Anderson (GUE/NGL)  
(22 June 2018)**

*Subject:* Brexit, rights and identity

The parties to the Good Friday Agreement 'recognise the birth right of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland'.

This provision is not found in the section of the Good Friday Agreement on Rights, but in the section dealing with Constitutional Issues, in paragraph 1(vi), and is therefore not included within the scope of Article 1 of the Protocol.

How, if at all, does the Protocol protect this right, bearing in mind that the Protocol explicitly commits to protecting the Good Friday Agreement in all its parts?

Does the EU Charter of Fundamental Rights continue to apply to protect those rights listed in the Good Friday Agreement that are not currently protected under the ECHR or the Human Rights Act, but are addressed under the EU Charter of Fundamental Rights?

Has the Commission assessed how to give individuals access to legal remedy for breaches of rights post-Brexit in the north?

**Answer given by President Juncker on behalf of the European Commission  
(18 September 2018)**

The Council's negotiating directives of 22 May 2017 <sup>(1)</sup> for the withdrawal negotiations state that 'nothing in the Agreement should undermine the objectives and commitments set out in the Good Friday Agreement in all its parts and its related implementing agreements'.

Article 1 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement proposed by the European Union stipulates that the United Kingdom (UK) shall ensure that no diminution of rights, safeguards and equality of opportunity as set out in that part of the Good Friday Agreement entitled Rights, Safeguards and Equality of Opportunity results from the UK's withdrawal from the European Union.

With this commitment, the United Kingdom would be reconfirming, against the background of its withdrawal, an obligation it entered into when concluding the Good Friday Agreement with Ireland in 1998.

The EU Charter of Fundamental Rights is addressed to the Union institutions and also applies to Member States when they are implementing Union law. Upon withdrawal, the United Kingdom will cease to be a Member State.

The question of legal remedies available to individuals for breaches of rights in Northern Ireland is part of the ongoing discussion with the United Kingdom in the context of the negotiations of the Protocol.

The Commission aims to ensure that such rights exist also in the future.

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<sup>(1)</sup> <https://www.consilium.europa.eu/media/21766/directives-for-the-negotiation-xt21016-ad01re02en17.pdf>