RECOMMENDATION


Committee on Constitutional Affairs

Rapporteur: Guy Verhofstadt
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Consent)

The European Parliament,

– having regard to the notification of 29 March 2017 by the United Kingdom to the European Council of its intention to withdraw from the European Union and from the European Atomic Energy Community, pursuant to Article 50(2) of the Treaty on European Union and to Article 106a of the Treaty establishing the European Atomic Energy Community,

– having regard 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 (XT 21105/3/2018),

– having regard to the draft agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community1,

– having regard to the political declaration setting out the framework for the future relationship between the European Union and the United Kingdom2,

– having regard to European Council Decisions (EU) 2019/476 of 22 March 20193, (EU) 2019/584 of 11 April 20194 and (EU) 2019/1810 of 29 October 20195, taken in agreement with the United Kingdom, extending the period under Article 50(3) TEU until 12 April 2019, until 31 October 2019, and until 31 January 2020, respectively,

– 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 Union6, of 3 October 2017 on the state of play of negotiations with the United Kingdom7, of 13 December 2017 on the state of play of negotiations with the United Kingdom8, of 14 March 2018 on the framework of the future EU-UK relationship9, and of 18 September 2019 on the state of play of the UK’s withdrawal from the European

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9 OJ C 162, 10.5.2019, p. 40.
Union 10,

– having regard to the request for consent submitted by the Council in accordance with Article 50(2) of the Treaty on European Union (C9-0148/2019),

– having regard to Rule 105(1) and (4) and Rule 88 of its Rules of Procedure,

– having regard to the letters from the Committee on Foreign Affairs, the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Agriculture and Rural Development, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Petitions,

– having regard to the recommendation of the Committee on Constitutional Affairs (A9-0004/2020),

1. Gives its consent to the conclusion of the draft withdrawal agreement;

2. Instructs its President to forward its position to the European Council, the Council and the Commission, as well as to the national parliaments and to the Government of the United Kingdom.

EXPLANATORY STATEMENT

Introduction

The withdrawal process

The referendum of 23 June 2016 in the United Kingdom (UK) on whether it should remain a member of the EU or leave the EU resulted in a majority of 51.9% in favour of leaving.

On 29 March 2017, the Government of the United Kingdom notified its intention to withdraw from the EU, in accordance with Article 50 of the Treaty on European Union (TEU).

On 5 April 2017, the European Parliament adopted its resolution on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union, where it sets its position for the European Council Guidelines under Article 50(2) of the TEU. This resolution is also the basis of Parliament’s assessment of the negotiation process and of any agreement reached between the EU and the UK. Parliament defined in this resolution its position on all the fundamental issues relating to the withdrawal of the UK: on general principles of the negotiations, among which the need for ensuring an orderly exit, the protection of interests of the citizens of the EU-27, and the competence of the EU for the issues related to the withdrawal; on the sequencing of the negotiations; on the scope of the withdrawal agreement; on transitional arrangements and on the future relationship between the EU and the UK.

In line with Article 50(2) of the TEU, the European Council issued Guidelines for the negotiations on 29 April 2017, setting a phased approach for the negotiations: a first phase aiming at providing clarity and legal certainty and at settling the disentanglement of the UK from the EU. The European Council stated its intention to monitor progress closely and determine when sufficient progress had been made to proceed to the next phase of the negotiations, dealing with preliminary and preparatory discussions on the framework for a future relationship.

The negotiations between the EU and the UK started on 19 June 2017, with the EU represented by Michel Barnier, the EU’s Chief Negotiator, and the UK represented by David Davis, Secretary of State for Exiting the European Union.

A Joint Report on progress during phase 1 of the negotiations was issued by the negotiators of the EU and the UK Government on 8 December 2017, in which the negotiators jointly stated that an agreement in principle had been reached across the three areas under consideration in the first phase of negotiations: protecting the rights of EU citizens in the UK and UK citizens in the EU, the framework for addressing the unique circumstances in Northern Ireland, and the financial settlement.

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12 European Council Guidelines Following the United Kingdom’s Notification Under Article 50 TEU (EUCO XT 20004/17).
On 15 December 2017, the European Council decided that sufficient progress had been made to move to the second phase related to transitional arrangements and the overall understanding on the framework for the future relationship, and issued supplementing Guidelines. The European Council emphasised that the negotiations in the second phase could only progress if the commitments made during the first phase had been respected in full and translated faithfully into legal terms.

Further Guidelines regarding the opening of negotiations on the overall understanding of the framework for the future relationship were defined by the European Council on 23 March 2018, to be elaborated in a political declaration accompanying and referred to in the WA.

After six rounds of negotiations and other meetings at negotiator and technical level, a draft agreement on the withdrawal of the UK from the EU was agreed at negotiators’ level on 14 November 2018. The draft political declaration setting out the framework for the future relationship between the EU and the UK that was agreed at negotiator level and agreed in principle at political level was sent by the European Council President to the EU-27 Member States on 22 November 2018. Finally, on 25 November 2018, the EU-27 leaders endorsed the WA and approved the political declaration.

On that date, the European Council asked the Commission, the European Parliament and the Council to take the necessary steps to ensure that the agreement could enter into force on 30 March 2019, so as to provide for an orderly withdrawal of the UK.

On 11 January 2019, the Council adopted Decision (EU) 2019/274 on the signing of the WA, as well as a draft 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, which was announced in plenary on 30 January 2019.

The WA as agreed at negotiator level was, however, rejected by the UK Parliament in three successive votes, on 15 January, 12 March and 29 March 2019.

The result of the several votes on the Withdrawal Agreement between the EU and the UK showed that there was a clear majority against leaving the EU without a deal, but there was no positive majority around any alternative option, including that of a comprehensive UK-wide customs union with the EU, or that of a public confirmatory vote on the WA, leading to a deadlock.

The UK submitted three consecutive requests to the EU for an extension of the period provided for in Article 50(3) of the TEU. The first extension was granted until 12 April 2019 (European Council Decision (EU) 2019/476), the second until 31 October 2019 (European Council Decision (EU) 2019/584), and the final one until 31 January 2020 (European Council Decision (EU) 2019/1810).

Meanwhile, the talks proceeded between the negotiators of the EU and the UK in order to
overcome the objections of the UK regarding the backstop solution, while adhering to the negotiation principles of the EU. The EU was clear, in particular, that the WA could not be renegotiated, and that a legally operative solution avoiding a hard border between Ireland and Northern Ireland should be provided for.

Talks intensified during the months of September and October 2019, and an agreement was finally reached on 17 October 2019 on a revision of the Protocol on Ireland/Northern Ireland included in the draft WA, and on the necessary technical adaptations to Articles 184 and 185 of the agreement, as well as on a revision of the political declaration. Also on 17 October 2019, the European Council endorsed the amended WA and approved the revised text of the political declaration.

By Decision (EU) 2019/1750 of 21 October 2019\(^{14}\), and Decision (EU) 2020/48 of 21 January 2020\(^{15}\) the Council amended its draft decision on the signing of the WA. A revised proposal for a decision on the conclusion of the WA was approved by the Council on the same date\(^{16}\), which was transmitted, together with the updated text of the agreement, to Parliament, and announced in plenary on 21 October 2019.

The Conference of Presidents of the European Parliament met the same day to discuss the next procedural steps, including the referral of the text to the competent parliamentary committees.

The competent committee for consent is the Committee on Constitutional Affairs (AFCO) in line with Parliament’s Rules of Procedure. In this context, the Conference of Presidents decided that the procedure of consent could be concluded once the process of parliamentary ratification of the WA in the UK had been finalised.

The Conference of Presidents decided that the remaining committees concerned by the withdrawal procedure could provide opinions in the form of letters on AFCO’s draft recommendation on consent. Ten committees have issued opinions in form of letters, which are attached to this consent recommendation. These include the Committees on Foreign Affairs (AFET), on International Trade (INTA), on Employment and Social Affairs (EMPL), on the Environment, Public Health and Food Safety (ENVI), on the Internal Market and Consumer Protection (IMCO), on Transport and Tourism (TRAN), on Agriculture and Rural Development (AGRI), on Legal Affairs (JURI), on Civil Liberties, Justice and Home Affairs (LIBE), and on Petitions (PETI).

In accordance with Rule 88 of its Rules of Procedure, the European Parliament approves the


WA by a simple majority. Under 105(4) of the Rules of Procedure, Parliament decides by means of a single vote on consent, irrespective of whether the recommendation is to approve or reject the act. No amendments may be tabled. In the voting at committee and plenary level, Members elected in the withdrawing Member State are fully entitled to participate in the debate and to vote.

For it to be concluded by the EU, the WA must still be passed by a qualified majority of the Council, defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union (TFEU), of the remaining 27 Member States, that is 20 of those Member States representing 65 % of their population.

The role of the European Parliament

The European Parliament is not formally involved in the negotiations of the withdrawal of a Member State. Parliament is, however, not only an institution with political control competences as provided for in Article 14 of the TEU, but is also part of the decision-making procedure under Article 50 of the TEU, as its consent is a precondition for the conclusion of a WA.

From the outset of the UK withdrawal process, Parliament has therefore played a strong, active role in the negotiations, given its power to give consent to the WA as provided for in Article 50 of the TEU.

Parliament has been discussing the matter since the referendum. Indeed, an extraordinary meeting of the Conference of Presidents took place immediately after the referendum, on 24 June 2016, in order not only to prepare the meeting of the President of the Parliament with the Presidents of the other institutions following the referendum, but also to weigh up Parliament’s next steps in the process.

During the same meeting of the Conference of Presidents, it was decided that an extraordinary part-session would be scheduled for 28 June 2016 to debate the outcome of the UK referendum.

At the beginning of that part-session, the President stressed the exceptional nature of the sitting, which had been called following the UK referendum of 23 June 2016, the outcome of which was of concern to all EU citizens.

During that same part-session, and after the Council and Commission statements, Parliament adopted its resolution on the decision to leave the EU resulting from the UK referendum, with 395 votes in favour, 200 against and 71 abstentions.

In its resolution, Parliament recalled that its consent was required under the Treaties, and that it should be fully involved at all stages of the various procedures concerning the WA and any future relationship.

In practical terms, the involvement of Parliament in the withdrawal process has translated into establishing from very early on the closest possible contact with the other institutions and

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keeping up regular information flows on the progress made throughout the cycles of preparation and of negotiation.

The coordination of Parliament’s work was centralised at the level of the Conference of Presidents in view of the complex political, horizontal legal and policy issues involved. The Conference of Presidents decided to establish a phased approach to the process, defining a first phase until the definition of the European Council Guidelines, when the work would be kept at the level of the Conference, with Guy Verhofstadt (Renew Europe\textsuperscript{18}, BE) as coordinator for the negotiations on the UK withdrawal following his appointment at the Conference meeting of 8 September 2016. A second phase of negotiations, when Guy Verhofstadt would coordinate the work with the Chair of the Committee on Constitutional Affairs (AFCO), and a third phase, steered by AFCO and other committees, corresponding to the consent procedure.

In this context and with the same aim of ensuring a structured involvement of Parliament in the withdrawal process, the Brexit Steering Group (BSG) was created. The BSG was formally established by the Conference of Presidents during its meeting of 6 April 2017, which decided that it would be composed of Guy Verhofstadt, as coordinator of the steering group, Elmar Brok (EPP, DE), Roberto Gualtieri (S&D, IT), Gabriele Zimmer (GUE/NGL, DE), Philippe Lamberts (Greens/EFA, BE), and Danuta Hübner, as Chair of the Committee on Constitutional Affairs (AFCO) (EPP, PL), in order to coordinate and prepare Parliament’s deliberations, considerations and resolutions on the UK withdrawal, under the aegis of the Conference of Presidents.

After the 2019 European elections, the composition of the BSG changed for the EPP, which became represented by Danuta Hübner, the S&D, which became represented by Pedro Silva Pereira (PT), the GUE/NGL, which became represented by Martin Schirdewan (DE), and AFCO, which became represented by Chair Antonio Tajani (EPP, IT).

Parliament was also involved at all times in the methods and structures dealing with the negotiations, through information channels or active participation. In line with the Statement issued after the informal meeting of the Heads of State or Government of the 27 Member States of 15 December 2016, ‘representatives of Parliament’ were invited to the preparatory meetings of the European Council. This meant that Parliament was effectively involved, including in Sherpa meetings and meetings of the General Affairs Council.

The BSG, in more than 100 meetings, most of them in the presence of the EU Chief Negotiator, Michel Barnier, contributed to Parliament being permanently involved in and at the forefront of the procedure, through timely resolutions and statements, containing substantiated positions on the negotiations and major developments since the UK notification of its intention to withdraw.

Recognising the importance of all committees ensuring a continuous informal dialogue, technical expertise and cooperation in the withdrawal procedure, several meetings of the BSG and technical seminars were organised in the presence of those committees directly responsible for sectoral policies relevant within the scope of the withdrawal agreement. This dialogue was also undertaken through the Conference of Committee Chairs, which discussed

\textsuperscript{18} In the previous term the ALDE group, now Renew Europe group.
the withdrawal procedure in a number of meetings.

As coordinator of the BSG, Guy Verhofstadt was part of meetings with a number of stakeholders (institutional, civil society, citizens and business representatives, national parliaments etc), having also received and replied to more than 4500 emails and letters on Brexit over the past two years.

*The role of AFCO*

According to the Rules of Procedure of the European Parliament, AFCO is the committee competent for preparing Parliament’s consent under Article 50 of the TEU. Indeed, Rule 88 of Parliament’s Rules of Procedure on withdrawal from the Union, provides that ‘if a Member State decides, pursuant to Article 50 of the Treaty on European Union, to withdraw from the Union, the matter shall be referred to the committee responsible’. In accordance with section XVIII of Annex VI to the Rules of Procedure on the powers and responsibilities of standing committees, AFCO is the committee competent for the institutional consequences of withdrawal, being therefore responsible for the consent procedure, after the conclusion of the negotiations.

AFCO has a horizontal role, without prejudice to the specific competences of other committees on sectoral issues, related to the policy areas for which they are responsible. AFCO is in charge of issuing a recommendation to approve or reject a WA as negotiated by the EU and the withdrawing Member State.

In the course of its long and exhaustive preparatory work, AFCO gathered evidence, advice and expertise from different sectors and stakeholders, public or private, either from the continent or from the UK. AFCO, but also other parliamentary committees, organised debates and hearings on the implications of the withdrawal of the UK from the EU in the policy areas of their respective remits, in line with the guidelines provided by the Conference of Presidents.

AFCO has, since 3 September 2015, organised more than 20 specific events, including hearings, workshops and presentations of studies or briefing papers, on issues ranging from the renegotiation of the United Kingdom’s constitutional relationship with the European Union and the agreement reached by the European Council on 18 and 19 February 2016\(^1\), to the future constitutional relationship of the UK with the European Union, citizens’ rights, and the implications of Brexit for the Ireland/Northern Ireland border. AFCO has also participated or has been directly involved in the hearings of other committees on issues related to the withdrawal or the future relationship between the EU and the UK.

Apart from these special events, the withdrawal issues and, in particular the state of play of the process were debated in virtually every committee meeting after the notification of the intention to withdraw.

The Chair of AFCO and member of the BSG participated in more than 500 bilateral meetings with public and private stakeholders on issues related to the withdrawal and its impact on the

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\(^1\) A New Settlement for the United Kingdom within the European Union, OJ C 69 I, 23.2.2016, p. 1.
EU and the UK.

The prompt and exhaustive involvement of the European Parliament and its bodies was crucial, as the WA can only be concluded with its consent in line with Article 50 of the TEU.

**Article 50 of the TEU**

Article 50 of the TEU provides for the procedure for an EU Member State to lawfully exit the EU by negotiating and concluding an agreement with the EU setting the arrangements for its withdrawal, taking account of the framework for its future relationship with the EU.

Parliament has consistently reiterated that the withdrawal of the UK from the EU is unprecedented and regrettable, and that its continued membership of the internal market and the customs union would be preferable, especially if the UK wishes to maintain frictionless trade or other benefits that are closely related to EU membership.

Parliament has also noted from the beginning that the purpose of the WA is to provide for an orderly withdrawal of the UK from the EU, by addressing three fundamental separation issues: the rights of EU citizens resident in the UK and UK citizens resident in the EU-27, the border between Ireland and Northern Ireland and the settlement of the UK’s financial obligations to the EU.

As regards the framework for a future relationship, as provided for in Article 50(2) of the TEU, Parliament has made it clear that any agreement on this would be treated as an integral part of the overall withdrawal settlement, and its content would therefore also be assessed by Parliament within the consent procedure, although the object of consent is legally the WA only.

**Orderly withdrawal**

For Parliament, an orderly exit was essential in order to protect the interests of the European Union and of its citizens. This meant that, as provided for in Article 50 of the TEU, the negotiations concerned the arrangements for the UK’s withdrawal, while taking into account the framework for the UK’s future relationship with the EU, and aimed to provide legal stability and minimise disruption.

Through its resolutions, Parliament has progressively established its interpretation of the provisions of Article 50 of the TEU including a number of basic requirements for the negotiations, as regards both their scope and their phasing.

For Parliament, as outlined in its resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union, the priority issues to be addressed were:

- The legal status of EU-27 citizens living or having lived in the UK and of UK citizens living or having lived in other Member States, including their fair treatment and the guarantee that their status be subject to the principles of reciprocity, equity, symmetry and non-discrimination;
- The settlement of financial obligations between the UK and the EU, on the basis of the
EU’s annual accounts as audited by the European Court of Auditors, including all its legal liabilities arising from outstanding commitments, as well as making provision for off-balance sheet items, contingent liabilities and other financial costs arising directly as a result of the UK’s withdrawal;

- The recognition of the unique position of and the special circumstances of the island of Ireland, in order to mitigate the effects of the withdrawal on the border between Ireland and Northern Ireland, ensure the continuity and stability of the peace process and avoid a hardening of the border.

Other issues relevant from Parliament’s point of view included the clarification of the status of the UK’s international commitments undertaken as a Member State, the guarantees of legal certainty for legal entities, including companies, and of the role of the Court of Justice of the European Union (CJEU).

In its resolution of 3 October 2017\(^\text{20}\) on the state of play of negotiations with the United Kingdom\(^\text{21}\), Parliament made clear that substantial progress on citizens’ rights, Ireland and Northern Ireland and the settlement of the United Kingdom’s financial obligations needed to be made before the second phase of talks on a new and close partnership between the EU and the UK could begin. Moreover, Parliament noted that it would only be possible to conclude an agreement on a future relationship once the UK had withdrawn from the EU.

This approach was confirmed by the European Council in its Conclusions of 15 December 2017. The European Council emphasised that negotiations could only progress to the second phase once all commitments undertaken during the first phase had been respected in full and translated faithfully into legal terms.

As the Commission reported in its Communication to the European Council (Article 50) of 8 December 2017 on the state of progress of the negotiations with the United Kingdom under Article 50 of the Treaty on European Union\(^\text{22}\), the first phase of the negotiations gave priority to ‘three issues which have been identified as particularly important for ensuring an orderly withdrawal’:

a) The rights of citizens;

b) The dialogue on Ireland/Northern Ireland; and

c) The financial settlement.’

The draft WA deals with all of these issues, including a part on citizens’ rights (Part Two), a part on financial provisions (Part Five) and a Protocol on Ireland/Northern Ireland and its annexes. On the issue of the role of the CJEU, the WA provides for its jurisdiction at different levels, as will be discussed below in the section on governance.

Regarding the status of the UK’s international commitments undertaken as a Member State, the WA clarifies that the UK would continue to be bound by the EU’s international agreements during the transition period. However, the UK would be allowed to negotiate, sign and ratify international agreements entered into in its own capacity in the areas of exclusive competence of the EU, provided those agreements did not enter into force or apply during the


\(^{22}\) COM(2017)0784.
transition period, unless so authorised by the EU.

Likewise, guarantees of legal certainty for legal entities, including companies, are duly provided for in Part Three of the WA containing separation provisions, which allow for the smooth conclusion of all ongoing procedures and business related to market access for goods, customs, VAT and excise matters, intellectual property, police and judicial cooperation in both criminal and civil/commercial matters, the protection of data obtained before the end of the transition period, public procurement procedures, Euratom issues, and EU judicial/administrative processes, privileges and immunities.

The WA provides therefore for an orderly withdrawal, which is the goal the EU and the UK negotiators have pursued over the past three years.

The conclusion and ratification of the WA also ruled out the no deal scenario. This is of the utmost importance, as the implications of a no deal withdrawal would be very significant for both the EU and the UK.

Citizens’ rights

Article 50 of the TEU does not provide for a guarantee of the status of EU citizens. However, such rights can be protected in the WA concluded under Article 50 of the TEU. In its resolution of 14 March 2018 on the framework of the future EU-UK relationship\(^\text{23}\), Parliament considered that the EU and the UK had an overriding obligation to ensure a comprehensive and reciprocal approach to protecting the rights of EU citizens living in the UK and of UK citizens living in the EU-27.

Parliament’s main priority of protecting EU citizens was made clear from the outset, in its resolution of 28 June 2016 on the decision to leave the EU resulting from the UK referendum\(^\text{24}\), and has been reiterated in all its resolutions on Brexit since then. As the institution representing all citizens of the EU, Parliament pledged to act throughout the entire withdrawal process to protect their interests and demanded that the negotiations be conducted with the aims of providing legal stability and minimising disruption, and providing a clear vision of the future for citizens and legal entities.

Parliament’s main focus was the protection of citizens both in the sense of respecting their wish as democratically expressed in the UK referendum, and, most importantly, in the sense of mitigating the uncertainty arising from the withdrawal and keeping intact, as far as possible, the rights citizens derived from their pre-withdrawal status. This is even more important as there are over 3 million EU citizens in the UK and more than a million UK nationals in the EU.

The protection of the rights of citizens affected by the withdrawal of the UK from the EU has also been a priority for the institutions that are more closely involved in the withdrawal process.

The European Council has followed a very similar line to Parliament’s by establishing among
the main priorities of the negotiations the protection of citizens who have built their lives on the basis of rights associated with the UK’s membership of the EU.

The Council, in turn, made it clear in the mandate for the negotiations that ‘safeguarding the status and rights of the EU-27 citizens and their families in the United Kingdom and of the citizens of the United Kingdom and their families in the EU-27 Member States is the first priority for the negotiations because of the number of people directly affected and of the seriousness of the consequences of the withdrawal for them. The Agreement should provide the necessary effective, enforceable, non-discriminatory and comprehensive guarantees for those citizens’ rights, including the right to acquire permanent residence after a continuous period of five years of legal residence and the rights attached to it’.

In their Joint Report of 8 December 2017 on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom’s orderly withdrawal from the European Union, the negotiators gave a detailed overview of the common understanding reached regarding citizens’ rights.

On 26 June 2017, the UK published a document entitled ‘The United Kingdom’s exit from the European Union – Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the EU’, in which the Government indicated that its first priority was to reach an agreement on the post-exit position of EU citizens living in the UK and of UK nationals living in other EU countries, expressing the intention to put those citizens first.

The issue of citizens’ rights was therefore given great attention by both parties from the earliest stages of the negotiations. The chapter on citizens’ rights was indeed agreed rather early on, as the initial version of the draft WA published on 19 March 2018 contained an entirely agreed Part Two on citizens’ rights, including on the direct effect of its provisions, and on the jurisdiction of the CJEU on the relevant provisions on citizens’ rights.

In its resolutions, Parliament had established a number of minimum requirements as regards the content of the WA in the citizens’ rights chapter, including the following:

(a) Eligible EU national residents and children born after the United Kingdom’s withdrawal should fall within the scope of the WA as family members and not as independent right holders. Moreover, future family members should continue to benefit from the right of residence under the same provisions as current family members,

The definition of personal scope provided in Article 10(1)(e) and (f) of the WA includes family members in their own right, including those born to or legally adopted after the end of the transition period by primary right holders under the conditions defined in that article. The status of family members is further reinforced by Article 17(2) of the WA, which provides for the continuity of the rights of dependant family members after they are no longer dependant.

(b) The administrative procedure should be light-touch, declaratory and free of charge, enabling families to initiate the procedure by means of a single declaration, and the burden of proof should be on the UK authorities.

The agreement allows the host state to choose either a declaratory system or a constitutive system. The UK and around half of the Member States have, so far, chosen a constitutive
Article 18 of the WA defines the applicable administrative procedure, providing that its purpose is to verify whether the applicant is entitled to the residence rights granted by the WA. It establishes requirements for the application procedure, while striving to ensure that the procedure is as simplified and applicant-friendly as possible.

As an example, applications made by families at the same time will be considered together.

Moreover, according to points (g) and (h) of Article 18(1) of the WA, the documents proving the status of those covered by the WA are to be issued free of charge.

(c) All benefits defined in EU legislation should be exportable.

According to Article 31 of the WA, Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems\(^25\) will remain applicable to those covered by the WA.

Those covered will maintain their right to social security benefits, and if they are entitled to a benefit in one country, they will in principle be entitled to receive it if they move to another country.

(d) CJEU decisions related to the interpretation of citizens’ rights provisions should be binding.

The WA on citizens’ rights can be relied upon directly by EU citizens in UK courts, and by UK nationals in the courts of the EU Member States.

Moreover, UK courts must, in line with Article 4(4) of the WA, consistently interpret the case law of the CJEU handed down until the end of the transition period, and pay due regard to case law handed down after that date (Article 4(5) of the WA). UK courts may also ask for preliminary rulings to the CJEU on the interpretation of the citizens’ part of the WA for eight years from the end of the transition period. The legal effects in the UK of such rulings will be the same as the legal effects of preliminary rulings given under Article 267 of the TFEU (Article 158(2) of the WA).

(e) Providing for the role of the future independent national authority created to act on citizens’ complaints.

In line with Article 159 of the WA, the implementation and application of the citizens’ rights part of the WA in the EU will be monitored by the Commission and, in the UK, by an authority with powers equivalent to those of the Commission. Such an authority should be a truly independent body. In any case, under Article 159(2) of the WA, the Commission and the Independent Monitoring Authority are obliged to inform the specialised committee on citizens’ rights (Article 165(1) of the WA) about the implementation of the citizens’ rights part of the agreement in the EU and in the UK, respectively.

However, the constitution, composition and functions of the independent authority are not defined in the WA, being established in the UK European Union (Withdrawal Agreement) Bill. The Parliament, in its resolution of 15 January 2020 on implementing and monitoring the provisions on citizens’ rights in the Withdrawal Agreement expressed concern about that Bill’s provisions on the authority, in particular as far as its genuine independence is concerned.

The WA represents a compromise between the EU and the UK, including on citizens’ rights. Its provisions on citizens’ rights could not aim at granting the entire status conferred to EU citizens under the TEU and TFEU, which are built upon membership of the EU. The main objective of the agreement is to safeguard and guarantee most of these rights, and, in particular, those which allow most of the affected citizens to maintain life choices made on the basis of free movement until the end of the transition period.

On 12 November 2019, the BSG issued a statement regarding the implementation in the UK and in the EU-27 of the citizens’ rights provisions of the WA, considering that there were some areas of concern as regards the UK’s EU Settlement Scheme. These concerns were confirmed by Parliament in its above-mentioned resolution of 15 January 2020, regarding the implementation of Part Two of the WA, and in particular on the following issues:

- The high proportion of applicants to the EU Settlement Scheme who have been accorded pre-settled status only;
- The independence of the Independent Monitoring Authority as referred to in Article 159 of the WA;
- The possible consequences for EU citizens who fail to apply for the EU Settlement Scheme within the deadline of 30 June 2021;
- The absence of a physical document issued at the end of the application procedure, which increases the risks of uncertainty as regards the proof of status, and of discrimination against EU-27 citizens;
- The measures in place to address the situation of vulnerable citizens in the context of the application procedure;
- The applicability of the EU Settlement Scheme to EU-27 citizens in Northern Ireland who have not sought British citizenship under the Good Friday Agreement.

The European Parliament will continue to monitor very closely the implementation of the WA as a whole, and of the citizens’ rights chapter in particular.

Ireland and Northern Ireland

Safeguarding the Good Friday Agreement

The European Union and its institutions, Parliament in particular, were especially concerned about the consequences of the United Kingdom’s withdrawal for Northern Ireland and its future relations with Ireland. Indeed, the exit from the EU of one of the co-guarantors of the Good Friday Agreement could cause economic and legal divergences leading to difficulties in the implementation of that agreement as an essential framework of peace, cooperation and

understanding on the island of Ireland.

Brexit could have disruptive effects, essentially in relation to three aspects: the stability of the peace process, the nature of the border and cross-border cooperation and equality and rights.

Parliament has been clear that it is crucial to safeguard peace and preserve the Good Friday Agreement in all its parts, and to do everything possible to avoid a hardening of the border. It has thus consistently reiterated, in its resolutions and in its statements through the BSG, that the WA should include a workable, legally operational and all-weather backstop for the Ireland/Northern Ireland border that would address the unique circumstances facing the island of Ireland.

Parliament has also insisted on the importance of the UK’s commitment to ensuring that there will be no reduction in rights, safeguards and equality of opportunity as set out in the Good Friday Agreement, while insisting on the transposition of all elements of the Common Travel Area and on the free movement rights of EU citizens, as embedded in EU law and in the Good Friday Agreement.

For its part, the European Council called, in its Guidelines of 29 April 2017, for ‘flexible and imaginative solutions’ addressing ‘the unique circumstances on the island of Ireland, including with the aim of avoiding a hard border, while respecting the integrity of the Union legal order.’

The Good Friday Agreement entered into force in 1998 creating ‘the conditions that brought an end to nearly three decades of conflict in Northern Ireland’; ‘it paved the way for a sustained period of relative peace which saw a Northern Ireland Assembly elected, a power sharing Executive established, significantly improved political relations between Northern Ireland and Ireland, the promotion of human rights and equality, a dramatic increase in cross-border cooperation, and significant examples of increased economic integration and interdependence on the island of Ireland.’

Although both parties in the withdrawal negotiations have consistently stressed their commitment to upholding the Good Friday Agreement in all its parts, the issue of Ireland/Northern Ireland has proved the most politically sensitive and indeed the most complex of the three main priorities for an orderly withdrawal.

The initial backstop solution

In their Joint Report of 8 December 2017 on progress during phase 1 of negotiations, the EU
and the UK affirmed that the achievements, benefits and commitments of the peace process would remain of paramount importance to peace, stability and reconciliation, and agreed that the Good Friday Agreement must be protected in all its parts. These were joint commitments agreed to by both parties.

However, devising a solution for the issues at stake proved extremely complex due to the highly politicised context and also to practical difficulties. A major difficulty was finding operable methods\textsuperscript{30} that would not lead to a hardening of the border while at the same time respecting the red lines set by the UK – namely that it would no longer be part of the single market and the customs union – on the one hand, and the guiding principles of the EU in the negotiations, on the other. These were essentially, as defined by the European Council Guidelines of 29 April 2017, ‘avoiding a hard border, while respecting the integrity of the Union legal order’.

In the above-mentioned Joint Report of 8 December 2017, both parties agreed that if the UK’s intention of achieving its objectives for Ireland/Northern Ireland through the overall future EU-UK relationship could not be met, the UK would, as a second option, propose specific solutions to address the unique circumstances of the island of Ireland.

In the absence of such an agreed solution, the third option would be for the UK to maintain full alignment with the rules of the internal market and the customs union, which support north-south cooperation, the all-island economy and the protection of the Good Friday Agreement. In all circumstances, the United Kingdom would continue to ensure the same unfettered access for Northern Irish businesses to the whole of the UK internal market.

The draft WA as published on 19 March 2018 was designed on the basis of the third option of the Joint Report – the so-called backstop solution – which aimed to protect north-south cooperation and avoid a hard border. The text provided for the protection of the Common Travel Area, on the upholding of which there was an agreement between the EU and the UK.

In order to avoid border checks, the proposed solution included full alignment with EU law on goods, veterinary and plant health rules, and the application of the EU customs code to Northern Ireland.

The commitment was still, however, to discuss all three of the options set out in paragraph 49 of the Joint Report. Nonetheless, a substantial part of the text of the Protocol as inserted at that time was not agreed.

\textit{The backstop solution proposed by the UK Government}

It was difficult to find a ‘flexible and imaginative’ bespoke solution, both for political reasons

\textsuperscript{30} In view of this, several proposals have been made in the literature on this issue, including for a ‘Smart Border 2.0’, which ‘proposes the implementation of a new border solution that serves both sides of the border with maximum predictability, speed and security and with a minimum burden and cost for traders and travellers’, by using ‘a combination of international standards, global best practices and state-of-the-art technology’. Smart Border 2.0: Avoiding a hard border on the island of Ireland for Customs control and the free movement of persons, European Parliament, Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate-General for Internal Policies of the Union, November 2017. Available at https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596828/IPOL_STU(2017)596828_EN.pdf
connected to the UK Government’s red lines and for legal reasons stemming from the constitutional architecture of both the EU and the UK.

Given the UK Government’s ‘intention to leave the single market, the customs union and the jurisdiction of the Court of Justice of the EU (CJEU)’, the challenge was considerable in political terms. In legal terms, the integrity of the EU’s legal order, and for the UK the integrity of the UK as a single customs territory, constituted significant limits to differentiated solutions. Indeed, in the Joint Report of 8 December 2017, the parties committed to establishing mechanisms to ensure that the implementation and oversight of any specific arrangement would safeguard the integrity of the EU internal market and the customs union. The United Kingdom also recalled its commitment to preserving the integrity of its internal market and Northern Ireland’s place within it, as it leaves the EU’s internal market and customs union.

Work proceeded on the basis of a mapping exercise of north-south cross-border cooperation, and on scoping the provisions necessary to ensure legally operative text regarding the Ireland/Northern Ireland issue. In their joint statement of 19 June 2018, the parties recognised that the backstop on Ireland/Northern Ireland required provisions on customs and regulatory alignment in line with paragraph 49 of the Joint Report of December 2017.

The backstop was designed on the basis of proposals by the UK Government, which was looking for ‘bespoke solutions’ to ‘Northern Ireland’s unique circumstances’ as ‘an integral part of the UK economy (...) fully integrated with that of Ireland particularly in areas like the agri-food sector’, while acknowledging that it was ‘difficult to imagine how Northern Ireland could somehow remain in while the rest of the country leaves’.

The text finally agreed at negotiator level on 14 November 2018, at the end of the negotiations, aimed to respond to the above-mentioned challenges that the unique circumstances of Ireland and Northern Ireland posed to the EU and the UK.

The text provided for a backstop solution based on the UK proposal for a single customs territory between the EU and the UK as a whole. The solution would enter into force only if no subsequent agreement on the future relationship was concluded by the EU and the UK by 1 July 2020.

The draft WA of November 2018 thus set out the parties’ shared intention to negotiate a future agreement that would supersede the Protocol, obliging them to endeavour to conclude

32 The goal of the mapping exercise was ‘to assess the breadth and depth of this cooperation, as well as the role of EU membership in its operation and development. (...) North-South cooperation is specific to the island of Ireland and comes under the remit of the Government of Ireland and the Northern Ireland Executive. The cooperation is provided for by Strand Two of the Belfast/Good Friday Agreement’. See: ‘Mapping of North-South cooperation & Implementation Bodies – Report and key findings of the exercise, European Commission, Task Force for the Preparation and the Conduct of the Negotiations with the United Kingdom under Article 50 TEU’, 21 June 2019.
33 Speech of James Brokenshire, Secretary of State for Northern Ireland, in the European Policy Centre, 6 November 2017.
and ratify such an agreement.

The backstop was inserted in the draft WA as an insurance policy, designed to come into effect only if no future agreement were in place at the end of the transition period.

The intention of the parties, clearly stated and sufficiently provided for in legal text, was therefore that the backstop would not need to be triggered, on the one hand, and to commit to working speedily on the future relationship agreement, on the other.

Confronted with the controversy around the backstop after the conclusion of the negotiations, the European Union made all possible efforts to clarify to the UK counterparties the significance of the provisions of the Protocol, until the eve of the first meaningful vote in the UK House of Commons, while rejecting the possibility of reopening the negotiations, as made clear by the European Council (Article 50) during its special meeting of 13 December 2018.

Indeed, in a letter from the President of the European Council and the President of the European Commission to Prime Minister Theresa May of 14 January 2019, clarifications with regard to the backstop were made, by reassuring the UK that the European Union did not wish to see the backstop enter into force, and was determined to replace the backstop by a subsequent agreement as quickly as possible.

This version of the WA was, however, rejected by the UK Parliament in three successive votes, on 15 January, 12 March and 29 March 2019.

Change of approach of the UK Government

After Prime Minister Theresa May resigned and a new UK Government was formed, the new Prime Minister Boris Johnson, in his statement on priorities for the government of 25 July 2019, said that the UK could not accept the deal that had been negotiated with the previous Prime Minister. The new Prime Minister considered that the backstop had to be removed and the issues of the Irish border solved in the context of a future EU/UK agreement.

In its conclusions of 10 April 2019, the European Council stated that there could be ‘no opening of the Withdrawal Agreement, and that any unilateral commitment, statement or other act should be compatible with the letter and the spirit of the Withdrawal Agreement and must not hamper its implementation’. In this context, the Chief Negotiator, Michel Barnier, confirmed that the EU remained open to analysing legally operational proposals from the UK that would be compatible with the WA. The talks between the EU and the UK have thus continued with a view to finding alternative arrangements, allowing the WA to contain a workable, legally operative solution to the unique circumstances on the island of Ireland.

At the beginning of October 2019, the UK Government presented new proposals for a revised Protocol on Ireland/Northern Ireland, which included the following: (1) a single regulatory zone for goods on the island of Ireland, (2) the EU and the UK would form two distinct customs territories, and all customs checks would be performed away from the border between Ireland and Norther Ireland, and (3) the Northern Irish Assembly and Executive would have the power to, first, consent to the single regulatory zone entering into force, and afterwards approve its continuation every four years.
The main objectives of the UK Government were to ensure that the whole of the UK would be in a single customs territory, to regain the control of its external trade policy and to focus less on the continuance of frictionless trade between the EU and the UK as a whole.

The EU’s Chief Negotiator, Michel Barnier, considered that the UK’s proposals raised major problems, as they would put the EU single market and customs union integrity at serious risk by not providing for operational and credible customs and regulatory checks at the border between Ireland and Northern Ireland, which would effectively become two distinct jurisdictions.

On democratic consent, while accepting to examine the idea of giving the Northern Irish institutions a more important role in the application of the Protocol, the EU Chief Negotiator considered that the proposal made the application of the Protocol conditional on a unilateral decision by Northern Irish institutions.

For these reasons, those proposals could not be accepted, as they would involve replacing an operational, practical and legal solution with a purely hypothetical and provisional one.

Parliament reacted through its BSG to the proposals of the UK, issuing a statement on 3 October 2019 declaring that the UK proposals did not represent a basis for an agreement to which Parliament could give consent. The concerns of the BSG were essentially that the UK proposals on customs and on regulatory aspects explicitly provided for infrastructure, controls and checks, potentially harming the all-island economy. As for requiring the consent of the Northern Irish Assembly, this would make the agreement uncertain and both contingent and conditional on provisional and unilateral decisions, instead of the certainty provided for by the backstop. However, Parliament remained open to all proposals, as long as these were credible, legally operable and had the same effect as the compromises reached in the WA.

Final text agreed

Intensive talks continued over the following days until, on 17 October 2019, the Commission announced that it had advised the European Council (Article 50) to endorse the agreement reached at negotiator level on a revised text of the WA, including a revised Protocol on Ireland/Northern Ireland, and approve a revised political declaration on the framework of the future EU-UK relationship.

The Chief Negotiator stated that the negotiators ‘managed to find solutions that fully respect the integrity of the Single Market [and] created a new and legally operative solution to avoid a hard border, and protect peace and stability on the island of Ireland. It is a solution that works for the EU, for the UK and for people and businesses in Northern Ireland’.

The most significant change is that the revised Protocol removed the ‘backstop’ solution and the single EU-UK customs union. Under the revised Protocol, Northern Ireland is fully part of the UK customs territory, while applying EU customs legislation (Article 5(3) of the Protocol on Ireland/Northern Ireland). No tariffs are applicable on goods moving from Great Britain to Northern Ireland, unless such goods are at risk of moving into the EU, in which case they will be subject to EU customs duties and to the EU rules on VAT. That would ensure that no customs checks or controls are required, but administrative procedures would be required in order to make sure that goods moving into the EU comply with the relevant legislation.
The removal of the single customs territory between the EU and the UK led to the removal of the level playing field rules. Northern Ireland will nevertheless remain aligned with a defined set of rules related to the single market, including legislation on goods, sanitary rules for veterinary controls, rules on agricultural production/marketing, VAT and excise duties on goods, and State aid rules, all in order to avoid a hard border. EU State aid rules will also apply to the UK with respect to measures affecting trade between Northern Ireland and the EU.

Necessary checks and controls on goods will be ‘implemented at the Northern Ireland-Rest of World border or on trade moving East-West between Great Britain and Northern Ireland [...]’. These processes will be largely electronic in nature and any checks on goods will principally relate to regulatory alignment rather than customs compliance.\(^{34}\)

The UK will be responsible for the implementation of the provisions of EU law made applicable by the Protocol but EU representatives will have a right to supervise UK activities in this context. The CJEU will keep its jurisdiction regarding the implementation of the provisions of the Protocol related to customs and regulatory alignment.\(^{35}\)

The solutions established in the new Protocol aim to avoid checks at the border between Ireland and Northern Ireland, guaranteeing there will be no hard border between them while protecting the integrity of the single market and the EU customs union. It provides for permanent status rather than an ‘insurance policy’ conditional on the conclusion of an agreement on the future relationship.

A major novelty of the revised Protocol is that it is conditional on the ‘consent’ of the Members of the Northern Ireland Assembly, who will decide whether the application of relevant EU law will continue in Northern Ireland. However, the terms for this consent differ considerably from those initially proposed by the UK, with the text ensuring predictability and stability for at least a few years.

The Protocol will come into force from the end of the transition period, in line with Article 185, paragraph 5, WA. However, under Article 18 of the Protocol, in conjunction with the UK’s unilateral declaration concerning the operation of the ‘Democratic consent in Northern Ireland’ provision of the Protocol on Ireland/Northern Ireland\(^{36}\), four years after the end of the transition period, the Northern Irish Assembly will decide on whether to continue to apply Articles 5 to 10 of the Protocol (regulatory, customs and market arrangements). In the event of approval after this initial period, consent will be renewed four years later, if originally approved by the majority of the Members of the Northern Ireland Assembly, or eight years if...


approved with cross-community support, in the sense of Article 18(6)(a) of the Protocol. In the event that the continuation of the application of those provisions is rejected, these will cease to apply two years after the vote.

Although the Protocol is no longer conditional on a future agreement, its Article 13(8) makes clear that it can be superseded by such an agreement, wholly or in part.

The Protocol provides a legally operational and permanent solution that avoids a hard border and protects the all-island economy and the Good Friday Agreement in all its dimensions, while safeguarding the integrity of the single market.

Moreover, it provides for the maintenance of the Common Travel Area, in full respect of the rights of Irish citizens in Northern Ireland derived from EU law.

**Settlement of the UK’s financial obligations**

The settlement of the financial obligations of both parties as a result of the withdrawal of the UK generated great controversy at the very beginning of the process due to the amount to be settled cited in the press (EUR 60 billion), and was considered by some to be ‘possibly the single biggest obstacle to a smooth Brexit’.

For the EU, rather than arriving at a figure, the aim was to define a methodology ensuring that both the EU and the UK would respect all obligations resulting from the whole period of the United Kingdom’s membership of the EU, on the basis of the principle that what is committed by 28 Member States has to be borne by 28 Member States. This methodology was agreed early on in the negotiations.

In fact, the then UK Prime Minister Theresa May, in her Florence speech of 22 September 2017, made it very clear that the UK would honour the commitments it made during its membership of the EU.

On the EU side, the European Council, in its Guidelines of 29 April 2017, determined that an orderly withdrawal would require a single financial settlement ensuring that both the EU and the UK respect the obligations resulting from the whole period of the UK’s membership of the EU, covering all commitments and liabilities.

For Parliament, it was clear that the UK should honour all its legal, financial and budgetary obligations, including its commitments under the 2014-2020 multiannual financial framework (MFF), up to and after the date of its withdrawal. The WA should address such obligations, including those incurred by the EU, through a single financial settlement based on the EU’s annual accounts as audited by the European Court of Auditors, covering all legal liabilities.

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37 ‘The bill includes financial liabilities that stretch decades into the future, for longer, indeed, than the UK’s 40-odd years of EU membership. Pension pledges, infrastructure spending plans, the decommissioning of nuclear sites, even assets like satellites and the Berlaymont building – all these must be divvied up in a settlement if Brexit is to be anything but a hard, unmanaged, unfriendly exit.’, in The €60 billion Brexit bill: How to disentangle Britain from the EU budget, Alex Barker, Policy brief, Centre for European Reform, 6 February 2017. Available at: [https://www.cer.eu/publications/archive/policy-brief/2017/%e2%82%ac60-billion-brexit-bill-how-disentangle-britain-eu-budget](https://www.cer.eu/publications/archive/policy-brief/2017/%e2%82%ac60-billion-brexit-bill-how-disentangle-britain-eu-budget)
arising from outstanding commitments and making provision for off-balance sheet items, contingent liabilities and other financial costs directly related to the withdrawal.

The mandate for the negotiations adopted by the Council on 22 May 2017 defined the principles that should underlie the methodology of the financial settlement to be established in the first phase of the negotiations. On the basis of this, the Commission drafted, on 24 May 2017, a working paper on the principles of the financial settlement, which is essentially based on the principle that the UK must honour its share of the financing of all the obligations undertaken while it was a Member State.

In their Joint Report of 8 December 2017, the negotiators declared that a methodology for the financial settlement had been agreed, consisting of a set of principles for calculating the value of the financial settlement and payment modalities, of arrangements for the continued participation of the UK in the 2014-2020 MFF programmes until their closure, and for financial arrangements regarding EU bodies and funds related to EU policies (the European Investment Bank, the European Central Bank, European Union trust funds, the Facility for Refugees in Turkey, Council agencies and the European Development Fund).

The initial draft WA of 28 March 2018 translated those arrangements into legal terms, including certain practical modalities and payment deadlines. In its resolution of 14 March 2018, Parliament stated that the text largely reflected its views and did not add further observations or demands regarding the financial settlement. The revised draft WA did not include any changes to this part of the text.

Part Five of the WA deals with the financial provisions, which cover, in particular, the following:

- The participation of the UK in the EU budgets of 2019 and 2020, the implementation of EU programmes and activities under the 2014-2020 MFF, and the rules of EU law applicable after the end of the transition period;
- Any outstanding commitments on 31 December 2020;
- Fines collected by the EU and the related reimbursements due to the UK;
- The UK’s contribution to the financing of EU liabilities incurred up until 31 December 2020, including contingent financial liabilities relating to financial operations decided on or approved before the entry into force of the WA, and legal cases concerning EU financial interests related to the budget;
- The EU’s liabilities to the UK in general, including regarding the European Coal and Steel Community and the European Investment Fund;
- The schedule of payments after 2020;
- The reimbursement of the paid-in capital provided by the UK to the European Central Bank;
- The liabilities of the UK regarding the European Investment Bank (EIB) and the reimbursement of the paid-in subscribed capital by the UK to the EIB;
- The liabilities of the UK regarding the European Development Fund (EDF) and the continued participation of the UK in this fund until the closure of the 11th EDF;
- The UK’s commitments to the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa;

38 OJ C 162, 10.5.2019, p. 40.
The UK’s participation in the relevant bodies related to the Facility for Refugees in Turkey;

The UK’s liabilities regarding the financing of the European Defence Agency, the European Union Institute for Security Studies, the European Union Satellite Centre, and Common Security and Defence Policy operations.

**Transition period**

Among the substantive issues that generated intense political and legal debate was the possibility of transitional arrangements.

Article 50 of the TEU does not contain any explicit reference to the possibility of a transitional period, and this raised questions on whether that provision could constitute a legal basis for transitional arrangements or whether these had to rely on separate, sectoral legal bases.

Both the European Parliament and the European Council took a position on that issue at an early stage of the process. The European Council agreed that it was necessary to negotiate a transition period covering the whole of the EU *acquis*, although the UK, as a third country, would no longer participate in, nominate or elect members of the EU institutions, nor participate in the decision-making of the EU bodies, offices and agencies.

Parliament, in its resolution of 3 October 2017\(^{39}\), considered that a transition period was necessary in order to avoid a cliff-edge scenario on the date of the withdrawal and ensure legal certainty and continuity. This would require the existing EU regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures to be kept, amounting to a continuation of the whole of the *acquis communautaire* and the full application of the four freedoms (free movement of citizens, capital, services and goods), under the full jurisdiction of the CJEU.

Both institutions have clearly stated that transitional arrangements should be strictly limited both in time and in scope, being clearly defined and building bridges towards the future relationship. Such requirements would bring any transition period within the scope of Article 50 of the TEU as an aspect of the withdrawal process\(^{40}\).

A degree of conditionality was introduced by making a transition period a requirement for the conclusion of a fully-fledged WA covering all the issues pertaining to the withdrawal. Without an agreement, there would be no transition period. Such a transition, connecting the period between the end of EU membership and a future relationship agreement is key for an orderly withdrawal of the UK from the EU.

A transition period was included in the draft WA, in Part Four, which provides that a transition or implementation period will start on the date of entry into force of the WA and end on 31 December 2020 (Article 126 of the WA). During that period, although the UK’s participation in the institutions, bodies, offices and agencies of the EU will end as the UK will

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40 Tobias Lock and Fabian Zuleeg, Extending the transition period, EPC discussion paper, 28 September 2018, p. 6.
no longer be a Member State, most of EU law will remain applicable in the UK, and, as a general rule (exceptions are listed in Article 127 of the WA), with the same effect as in the Member States, in order to avoid disruption during the negotiation of the agreement on the future relationship. This period may be extended for up to one or two years by decision of the Joint Committee before 1 July 2020 (Article 132 of the WA).

In its resolution of 14 March 2018, Parliament expressed support for Part Four of the draft WA on transitional arrangements.

However, it should be acknowledged that the transition period ‘provides some breathing space’, but may not avert a ‘second cliff edge since its provisions merely cover the modalities of leaving’, and ‘finding a long-term agreement [...] will be extremely challenging’, as ‘complex, comprehensive and ambitious trade deals take much longer to negotiate, and [the future EU-UK agreement] is arguably the trickiest one the EU has ever had to conclude’.

With the successive extensions under Article 50(3) of the TEU, this challenge is now even bigger, as the deadline of the transition period remained unchanged in the revised draft WA. Unless an extension decision is taken before 1 July 2020, the transition period will last no longer than 11 months.

**Governance**

*Institutional framework of the WA*

The institutional framework of the WA, on the one hand, and of the future relationship between the EU and the UK, on the other, is a key subject for Parliament. In its resolution of 18 September 2019, Parliament considered that the value of the WA is, among other things, that to the fullest extent possible, ‘it contains governance provisions which safeguard the role of the Court of Justice of the European Union (CJEU) in the interpretation of the WA’.

Parliament has consistently reiterated the importance of not only the role of the CJEU as the competent authority for the interpretation and enforcement of the WA, but also of ensuring a governance framework with a robust and independent dispute settlement mechanism in the context of the agreement on the future relationship. The role of the CJEU is an essential marker for the autonomy and integrity of the EU legal order.

The WA proposes a nuanced governance system depending on the individual parts of the WA, and on the relevant juncture, as during the transition period the application of EU law is unchanged. It accords a central role to the CJEU in several instances.

*Transition period*

During the transition period, the CJEU will remain competent for all procedures registered before the end of the transition period and until a final binding judgment is given (Article 131 of the WA).

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41 OJ C 162, 10.5.2019, p. 40.
42 Tobias Lock and Fabian Zuleeg, ‘Extending the transition period’, EPC discussion paper, 28 September 2018, p. 3.
of the WA). The CJEU will also retain its jurisdiction in pending cases until the end of the transition period (Article 86 of the WA), as well as in new infringement procedures brought within four years after the end of transition for breaches of EU law or non-compliance with EU administrative decisions before the end of the transition period or, in some cases, even after the end of the transition period (Article 87 of the WA).

**Citizen’s rights**

Regarding Part Two of the WA, on citizens’ rights, the CJEU will remain competent for requests for preliminary rulings from UK courts for eight years after the end of the transition period (if the transition period is extended, this period will also be extended by the corresponding number of months).

**Dispute settlement**

As regards the general dispute settlement of the WA, any disputes will be settled by the Joint Committee or an arbitral tribunal. However, if the dispute concerns the interpretation of concepts or provisions of EU law, under Article 174, the arbitral tribunal is required to refer to the CJEU for a ruling on the question.

**Protocol on Ireland/Northern Ireland**

In the context of the Protocol on Ireland/Northern Ireland, Article 12(4) provides for the jurisdiction of the Court in relation to the exercise of the powers of the institutions, bodies, offices and agencies of the EU as regards the implementation of a number of Articles of the Protocol, and for the possibility of preliminary rulings under Article 267 of the TFEU.

**The future relationship**

As far as the future relationship is concerned, in its resolution of 14 March 2018, Parliament provided significant details on the governance issue, expressing its view that any future EU-UK agreement with the UK as a third country should include the establishment of a coherent and solid governance system as an overarching framework, covering the joint continuous supervision/management of the agreement and dispute settlement, and enforcement mechanisms with respect to the interpretation and application of the agreement’s provisions.

However, the contours of the future relationship are now less clear. The revised political declaration of 17 October 2019 removed references to use the arrangements of the WA as a basis for future dispute settlement and enforcement (former paragraph 132). The new political declaration also omits the reference to the CJEU in the context of the enforcement mechanisms, although keeping its role as regards the interpretation of provisions and concepts of EU law. However, it explicitly notes that the Court should not be involved if a dispute does not raise a question of EU law. In general, the new political declaration approach of a looser, less close relationship is reflected in the envisaged institutional framework.

**Role of Parliament in monitoring the implementation of the WA**

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44 OJ C 162, 10.5.2019, p. 40.
Beyond the structures established in the WA, Parliament has sought to have a more substantial role in monitoring the implementation of the WA. Indeed, Parliament had expressed concerns regarding the considerable powers given to the Joint Committee established in Article 164 of the WA, and that the WA is not the customary type of international agreement with a third country, but a treaty between the EU and a withdrawing Member State.

It was necessary to ensure proper accountability and parliamentary scrutiny arrangements in relation to decision-making in the Joint Committee.

On the basis of a mandate from the Conference of Presidents, the BSG and its Chair have liaised with the Council with a view to establishing a close cooperation on the workings of the Joint Committee created by the WA. The discussions focussed on EP’s participation in the main decisions of the Joint Committee, including on the extension of the transition period and the UK’s financial contributions in that scenario, and on the termination of the UK independent monitoring authority.

EP’s involvement in these matters was confirmed in a statement by Jean-Claude Juncker, then the President of the European Commission, during the final session of the 8th term, in the part-session of 10 April 2019. The President of the Commission ensured that the Commission would go on working closely with the Parliament in the context of the implementation of the WA, and that, whenever a decision is taken in the Joint Committee, the Commission will closely involve Parliament and take utmost account of its views.

The Joint Committee is composed of representatives of the EU and of the UK, and is responsible for the implementation and the application of the WA. The decisions of the Joint Committee are binding on the EU and the UK, with the same legal effect as the WA, and it has extensive powers regarding the operation of the WA. These include the power to decide on an extension of the transition period and the impact thereof, and in particular the amount of the contribution of the UK to the EU budget.

In the revised Protocol on Ireland/Northern Ireland, the Joint Committee also has important powers in the context of customs arrangements, notably that of determining the criteria under which goods brought into Northern Ireland from outside the EU are not at risk of subsequently being moved into the EU (Article 5(2) of the Protocol on Ireland/Northern Ireland). The Joint Committee also has the power to determine the maximum overall annual level of UK support for the production of and trade in agricultural products in Northern Ireland, up to which the provisions of EU law on State aid are not applicable (Article 10(2) and Annex 6 of the Protocol on Ireland/Northern Ireland). These issues are particularly relevant given they relate to matters which carry a potential risk for the EU single market.

The Council decision on the conclusion of the WA, in its revised version of 18 October 2019, provides, in Article 2(4), for annual reporting by the Commission to Parliament and the Council on the implementation of the WA, and, in particular, of Part Two thereof, during the first five years after its entry into force.

Article 2(3) of the draft Council Decision provides that Parliament will be in a position to exercise fully its institutional prerogatives throughout the Joint Committee proceedings.
According to Articles 3(5) and 4(8) of the same decision, Parliament also has the right to be informed on decisions of the Council authorising the UK to express its consent to be bound by an international agreement during the transition period, or authorising Ireland, Cyprus and Spain to negotiate bilateral agreements with the UK in areas of exclusive competence of the EU, in relation to the relevant protocols to the WA.

Framework for a future relationship

The nature and form of the framework for a future relationship also featured among the issues which proved rather controversial during the negotiations, as these are entirely undefined in the provisions of Article 50 of the TEU.

During most of the duration of the withdrawal process, the future relationship with the EU was arguably one of the most relevant issues for the UK, at least during Theresa May’s premiership.

The future relationship sought by the UK at that stage, although rejecting participation in the internal market and in the customs union, was very ambitious in terms of access to EU programmes, bodies, databases and even meetings. The UK also strove to negotiate the future relationship in parallel with the withdrawal arrangements.

Parliament clarified from the outset in its resolution of 5 April 2017\(^45\) that, although it sought as close as possible a future relationship, this had to be balanced in terms of rights and obligations and based on the premise that a state withdrawing from the EU cannot enjoy the same benefits as a Member State.

In its resolution of 13 December 2017 on the state of play of negotiations with the United Kingdom\(^46\), Parliament further noted that an overall understanding on the framework for the future relationship had to be agreed between the EU and the UK, taking the form of a political declaration annexed to the WA, subject to a number of principles as listed in the same resolution.

The same line was taken by the European Council, in its Guidelines of 15 December 2017, which approached the question of the future relationship between the EU and the UK as a matter of identifying an overall understanding to be elaborated in a political declaration accompanying and referred to in the WA.

The possible contours of a future relationship were far from clear for everyone in the UK. Various proposals were put forward by different sectors and stakeholders, from a basic free trade agreement to a ‘Norway plus’ status, or even acceding to the EEA, although the UK Government had made clear from the outset that it did not wish to participate in the internal market, the EEA or the customs union. In any event, there was a firm understanding in the UK that a clear agreement on the future relationship was indispensable, in order to determine the withdrawal ‘landing zone’.

Parliament proposed that a future relationship be based on Article 217 of the TFEU, and that

\(^{46}\) OJ C 369, 11.10.2018, p. 32.
it be comprehensive, as close as possible, but balanced in terms of rights and obligations, and that it safeguard the integrity of the internal market and the four freedoms, while avoiding a sector-by-sector approach. The European Council warned that, although the objective was a deep partnership, any future relationship could not offer the same benefits as EU membership, as Parliament had also made clear. Referring to a free trade agreement, the European Council also emphasised the need for balance and for ambition in the areas covered, without undermining the EU’s integrity and proper functioning.

The principles as thus outlined by the EU rejected any kind of ‘cherry-picking’ in the context of a future relationship between the EU and the UK.

Parliament, in its resolution of 14 March 2018\(^47\), reiterated that an association agreement in accordance with Article 8 of the TEU and Article 217 of the TFEU could provide an appropriate framework for the future relationship, and secure a consistent governance framework, which should include a robust dispute settlement mechanism, thus avoiding a proliferation of bilateral agreements and the shortcomings which characterise the EU’s relationship with Switzerland.

Parliament proposed that this future relationship be based on four main pillars:

– trade and economic relations,
– foreign policy, security cooperation and development cooperation,
– internal security,
– thematic cooperation.

The negotiations finally led to an agreement on a political declaration, which was criticised by some for its vagueness and non-binding nature\(^48\).

The political declaration is indeed a non-binding document, which accompanies the WA, but it is a not an integral part of the latter. The first version of the text was published with the draft WA in the Official Journal of 19 February 2019\(^49\). Paragraph 3 of the declaration stated that its object was to establish the parameters of an ambitious, broad, deep and flexible partnership across trade and economic cooperation, law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation.

In the context of the resumption of talks on the text of the Protocol on Ireland/Northern Ireland, and closely related to the changes made to that Protocol, the UK Government changed approach as compared to that of its predecessor regarding the future relationship. This change was expressed by Prime Minister Boris Johnson in his letter of 2 October to the previous President of the European Commission, Jean-Claude Juncker. In that letter, the UK Prime Minister clarified that ‘the backstop acted as a bridge to a proposed future relationship with the EU in which the UK would be closely integrated with EU customs arrangements and would align with EU law in many areas. That proposed future relationship is not the goal of

\(^{47}\) OJ C 162, 10.5.2019, p. 40.

\(^{48}\) See, in this context, Steve Peers’ EU Law Analysis blog post of 8 December 2018, noting that the ‘very non-binding and imprecise nature of the political declaration has led to criticism’. In a later post, of 12 March 2019, Steve Peers reiterated that ‘the political declaration, on top of its non-binding status, is vague or non-committal about a number of key aspects of the future relationship. It could be revised (...) to provide for firmer and more precise commitments’. Both posts are available in http://eulawanalysis.blogspot.com

the current UK Government. The Government intends that the future relationship should be based on a Free Trade Agreement in which the UK takes control of its own regulatory affairs and trade policy’.

The revised political declaration of 17 October 2019, as published in the Official Journal on 12 November 2019\(^5\), although keeping the objectives unchanged in terms of the areas to be covered (paragraph 3 of the political declaration), now explicitly defines the model for the future relationship: ‘a comprehensive and balanced Free Trade Agreement at its core’, based on zero tariffs and zero quotas. Other important changes in the text reflect the removal of the backstop from the WA and therefore also of the reference to the single EU-UK customs territory.

The changes to the text reflect the fundamental change of approach and level of ambition: references to the alignment of rules were removed from the parts of the text related to regulatory aspects, customs and checks and controls; the role of the CJEU was removed in the context of the mechanisms for dispute and enforcement except when questions on the interpretation of EU law are raised. As regards the level playing field, the text now refers to ‘robust commitments to ensure a level playing field [which should] be commensurate with the scope and depth of the future relationship and the economic connectedness of the Parties’.

A level playing field is an essential issue for the EU in general, and for Parliament in particular. In this context, it is worth recalling the European Council (Art. 50) Guidelines of 23 March 2018, which confirmed the readiness of the European Council to achieve ‘a balanced, ambitious and wide-ranging free trade agreement (FTA) insofar as there are sufficient guarantees for a level playing field’, and that the ‘future relationship will only deliver in a mutually satisfactory way if it includes robust guarantees which ensure a level playing field’.

Likewise, Parliament stated clearly, in its resolution of 18 September 2019\(^6\), that negotiations on future EU-UK relations would require strong safeguards and level playing field provisions with a view to safeguarding the EU’s internal market and avoiding placing EU firms at a potential unfair competitive disadvantage, and that any free trade agreement that fails to respect such levels of protection would not be ratified by Parliament.

**Rapporteur’s position**

The withdrawal of the UK is a regrettable moment for the European Union and for our integration process, but we can only respect the sovereign decision of the British people and provide for a withdrawal agreement that organises the separation with the less harm possible for both parties.

The withdrawal agreement is in line with the general principles that the institutions, and the Parliament in particular, have set for the conduct of the negotiations and the conclusion of the agreement. It serves the fundamental objective of ensuring an orderly exit of the UK, and

\(^{50}\) OJ C 384 I, 12.11.2019, p. 178.

paving the way for the negotiations of a fair and balanced future relationship between the EU and the UK.

In the light of the above, your Rapporteur suggests that the AFCO Committee give a favourable recommendation on the conclusion of the Withdrawal Agreement.
LETTER FROM THE COMMITTEE ON FOREIGN AFFAIRS

Mr Antonio Tajani
Chair
Committee on Constitutional Affairs

Subject: Opinion on the proposal for a Council decision on 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 Mr Chair,

With regrets, under the procedure referred to above, the Committee on Foreign Affairs has been asked to submit an opinion to your committee. Due to the urgency of the matter, AFET Coordinators decided on 4 December 2019, to send the opinion in the form of a letter and to call on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its report.

Yours sincerely,

David McAllister

SUGGESTIONS

– having regard to Article 50(2) of the Treaty on European Union,

– having regard to the European Parliament resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union, of 3 October 2017, of 13 December 2017 and of 18 September 2019 on the state of play of negotiations with the United Kingdom,

– having regard the European Council (Art. 50) conclusions of the meeting of 21 March 2019 (PE 639.609/CPG), of 10 April 2019 (PE 639.538/CPG) and of 17 October 2019 (EUCO XT 20018/19);

– having regard the Revised text of the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom as agreed at negotiators’ level on 17 October 2019 and published in the OJEU C 384 I of 12.11.2019 to replace the one published in OJ C 66I of 19.2.2019;
– having regard the Commission Communication of 4 September 2019 finalising preparations for the withdrawal of the United Kingdom from the European Union on 1 November 2019 (PE 639.554/CPG);

– having regard to Rule 56 of the European Parliament’s Rules of Procedure,

A. Whereas, Article 184 of the Withdrawal Agreement calls for the Union and the United Kingdom to use their best endeavours to take the necessary steps to negotiate expeditiously the agreements governing their future relationship;

B. Whereas, according to the European Parliament’s Rules of Procedure the Committee on Foreign Affairs “is responsible for the promotion, implementation and monitoring of the Union’s foreign policy as regards [inter alia] the strengthening of political relations with third countries by means of comprehensive cooperation and assistance programmes or international agreements such as association and partnership agreements”;

C. Whereas, as indicated in its resolution of 18 September 2019, the EP notes that the Political Declaration, setting out the framework for the future relationship between the EU and the UK, is in line with the EP’s resolution of 14 March 2018 on the framework of the future EU-UK relationship, calling for an association agreement, as well as with the detailed input of its committees, and reflects the choices made by the UK regarding the scope and depth of its future relationship with the EU;

D. Whereas the Withdrawal Agreement, in its Article 129, includes “specific arrangements relating to the Union's external action” whereby, in particular, the United Kingdom shall be bound during the transition period by the obligations stemming from the international agreements concluded by the Union; whereas this obligation also offers clarity and predictability to interested parties, including international partners; whereas, during the transition period, the UK cannot become bound by new agreements on its own in areas of Union exclusive competence unless authorised to do so by the EU; whereas, during the transition period, the UK shall also implement the Union's restrictive measures in place or decided during the transition period, 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 Common and Security Defence Policy (CSDP), yet without any leading capacity through a Framework Participation Agreement; whereas such an agreement would be without prejudice to the decision-making autonomy of the Union or the sovereignty of the UK and the UK will maintain the right to determine how it would respond to any invitation or option to participate in operations or missions;

E. Whereas the Withdrawal Agreement, in its Article 127.2, includes a provision for early agreements on the future EU-UK relationship in the area of CFSP and CSDP; whereas this provision is a very important and positive element considering this is in an area in which EU and UK interests mostly converge and where such early agreements would provide a stable framework for UK’s cooperation with the EU on external action; whereas such agreements should nevertheless be subject to appropriate parliamentary scrutiny as provided for by Article 218 of the Treaty on the Functioning of the European Union including through immediate and full information of the European Parliament, at all
stages of their negotiation and conclusion;

F. Whereas the Withdrawal Agreement, in its Article 156, ensures that, until 31 December 2020, the United Kingdom shall contribute to the financing of the European Defence Agency, the European Union Institute for Security Studies, and the European Union Satellite Centre, as well as to the costs of Common Security and Defence Policy operations;

1. The Committee on Foreign Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to recommend that Parliament give its consent to the proposal for a Council decision on 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.
LETTER FROM THE COMMITTEE ON INTERNATIONAL TRADE

Mr Antonio Tajani
Chair
Committee on Constitutional Affairs
BRUSSELS

Subject: Opinion on the proposal for a Council decision on 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 Mr Chair,

Under the procedure referred to above, the Committee on International Trade has decided to submit an opinion to your committee. At its meeting of 21 January 2020, the committee decided to send the opinion in the form of a letter.

At that meeting, the Committee on International Trade considered the matter and 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,

Bernd Lange

SUGGESTIONS

A. Whereas the negotiation process on UK’s withdrawal terms has been long and arduous;

B. Whereas ratification of the agreement by both parties and its timely entry into force would be the best possible scenario in terms of continuity of trade and economic relationship between the EU and the UK.

C. Whereas in the past few years it has been amply demonstrated by different state and private entities that consequences of the UK leaving the EU without a negotiated withdrawal agreement would be grave, both in terms of disruption of trade and economic relationship and beyond that in other sectors.

D. Whereas the Committee on International Trade considers that while this agreement is a
formal step towards UK’s orderly withdrawal, both parties should concentrate much more on the negotiations of the future economic and trade relationship in order to reach the best possible long-term outcome;

E. Whereas under the amended Protocol on Ireland/Northern Ireland the UK, while being a third country, will have task of implementing parts of the Union Customs Code, thus the issue of proper implementation and enforcement could arise;

F. Whereas the term goods “at risk of subsequently being moved into the Union” used in Article 5 of the Protocol on Ireland/Northern Ireland is unclear and depends on subsequent decisions of the Joint Committee which are exempted from any formal European Parliament scrutiny and which will be taken only before the end of the transition period;

1. Committee on International trade calls on the Committee on Constitutional Affairs, as the committee responsible, to recommend that Parliament give its consent to the proposal for a Council decision on 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.

2. Committee on International Trade calls on the Commission to carry out efficient checks and controls overseeing the implementation of the Union Customs Code by the UK authorities. In addition, Committee on International Trade requests to be kept fully informed on the application of Article 5 of Protocol on Ireland/Northern Ireland and any subsequent proposals for decision of the Joint Committee made under that provision.
LETTER FROM THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

Mr Antonio Tajani  
Chair  
Committee on Constitutional Affairs  
BRUSSELS

Subject: 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 Mr Tajani,

Under the procedure referred to above, the Committee on Employment and Social Affairs has decided to submit an opinion to your committee. At its meeting of 3 September 2019, the committee decided to send the opinion in the form of a letter.

The Committee on Employment and Social Affairs considered the matter at its meeting of 22 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 draft recommendation.

Yours sincerely,

Lucia Ŏuriš Nicholsonová

SUGGESTIONS

A. Whereas the withdrawal of the United Kingdom of Great Britain and Northern Ireland (“UK”) from the European Union and the European Atomic Energy Community (“the Withdrawal”) will affect 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; whereas it is necessary to provide reciprocal protection for Union and UK citizens, as well as their respective family members, where they have exercised their rights relating to the freedom of movement of persons before a date set in 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 (“the Agreement”); whereas the rights of all citizens, including those deriving from periods of social security insurance contributions must be fully protected;

B. Whereas it is essential that the EU acquis is protected in its entirety and in particular
relating to employment and social affairs in the context of transitional arrangements and in future agreements between the Union and the UK;

C. Whereas ensuring the freedom of movement for workers, including mobile workers, cross-border workers, frontier workers and posted workers, is paramount notes in this regard the specific situation of such workers working in countries neighbouring the UK;

D. Whereas the EMPL Committee has more specifically examined Articles 24 to 39 of the Agreement and Annex 1 thereto, as well as the text of the Political Declaration Setting out the Framework for the Future Relationship between the European Union and the United Kingdom of 17 October 2019 (“the Political Declaration”), and in particular paragraphs 17 and 77 thereof;

1. Welcomes the fact that the Agreement aims to ensure an orderly Withdrawal, creating as little disruption as possible;

2. Welcomes the fact that the rights of workers and self-employed persons are guaranteed in Chapter 2 of the Agreement (Articles 24, 25 and 26);

3. Welcomes the detailed provisions on recognition of professional qualifications as established in Chapter 3 of the Agreement (Articles 27, 28 and 29);

4. Welcomes the detailed provisions on the coordination of social security systems in Title III of the Agreement (Articles 30 to 36), which protect rights deriving from periods of social security insurance contributions;

5. Welcomes the fact that Article 135 of the Agreement stipulates that the UK is to contribute to and participate in the implementation of the Union budgets for the years 2019 and 2020 and highlights the fact that this is important for the current ESF, FEAD, EaSI and EGF programmes and the arrangements which are to replace them;

6. Welcomes the fact that, under Article 137 of the Agreement, the Union programmes and activities committed under the multiannual financial framework for the years 2014 to 2020 or previous financial perspectives are to be implemented in 2019 and 2020 with regard to the UK on the basis of the Union law;

7. Welcomes the UK’s intention to participate in and co-finance Union programmes, subject to the conditions set out in the corresponding Union instruments, in areas such as science and innovation, youth, culture and education as part of the future relationship between the Union and the UK, as stated in the Political declaration; is concerned about the recent vote of the British Parliament and comments by the UK Education Secretary that call into question the UK’s future participation in the Erasmus Programme; stresses that applicants from both the Union and the UK will need sufficient advance notice of the conditions and timelines for such programmes after the transition period;

8. Also welcomes the fact that, under article 140 of the Agreement, the UK will be liable to the Union for its share of the budgetary commitments of the Union budget and the budgets of the Union decentralised agencies outstanding on 31 December 2020 and for the its share of the commitments made for 2021 on the carryover of commitment appropriations from the budget for 2020;
9. Acknowledges the deletion of point 3 of Annex 4, from the Agreement, which dealt with social and labour standards linked to the 'backstop' mechanism; it welcomes the new solution found on the issue of Ireland/Northern Ireland, whereby the territory of Northern Ireland is to be a de jure part of the custom territory of the United Kingdom, but remains de facto in the Union's customs zone by applying Union tariffs and customs rules;

10. Regrets, however, the absence of any reference to social and labour standards in the Agreement and the removal of Clause 34 and Schedule 4 in the revised Withdrawal Agreement Bill which provided additional procedural protections for workers’ rights that currently form part of Union law during the transition or implementation period; is also concerned that in addition to any express mention of workers’ rights now being removed, there is a real possibility that existing workers’ rights derived from Union law in the UK will not be protected against modification, repeal or revocation in domestic law once the transition or implementation period has ended while noting the UK Government’s stated intention to legislate separately to protect and enhance workers’ rights in a new Employment Bill; stresses that the level of protection currently provided for by law, regulations and practices must not be reduced below the level provided by the common standards applicable within the Union and the UK at the end of the transition period in the area of labour and social protection and as regards fundamental rights at work, occupational health and safety, fair working conditions and employment standards, information and consultation rights at company level, and restructuring; is concerned in this context, that there are currently little to no efforts by the UK to implement recent Union legislation in the area of social and employment affairs, such as the amendment to 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;

11. Regrets in particular that most of the level-playing field provisions contained in the former Annex 4 to the Protocol on Ireland/Northern Ireland will not apply to Northern Ireland under the Agreement, creating a potential risk to the Union internal market and the all-island economy;

12. Further regrets the introduction of new subsection (1) to Clause 26 of the revised Withdrawal Agreement Bill, which allows the UK Government to specify circumstances in which certain lower courts and tribunals could depart from the rulings of the Court of Justice of the European Union (CJEU) after the transition period which could result in lower courts no longer being bound by the settled Union case-law of the CJEU relating to workers’ rights that are derived from EU law;

13. Welcomes the fact that the Union and the UK are committed to reaching a future free trade agreement under Article 184 of the Agreement;

14. Welcomes the establishment of a dialogue between the European Parliament and the Parliament of the United Kingdom in order for the two legislatures to share views and expertise on issues related to the future relationship; is of the opinion that, in accordance with the Political Declaration, civil society dialogue should also be encouraged and should encompass in particular, youth organisations and employee associations representing Union citizens working in the UK and UK citizens working in the Union;
15. Stresses that any agreement on the future relationship needs to ensure that the UK fully respects the social and labour standards of the Union in order to safeguard a level playing field for open and fair competition, as highlighted in point XIV, paragraph 77 of the Political Declaration;

16. Welcomes therefore that paragraph 77 of the Political Declaration embraces the key elements of Annex 4 of the former version of the Agreement but is concerned that, while Annex 4, as an Annex to a Protocol of the former Agreement, was legally binding, the Political Declaration is a mere declaration of intent;

17. Stresses and recalls, in this context, that the three principles governing a future free trade agreement between the Union and the UK, namely no quotas, no tariffs and no dumping, also regarding social and employment standards, must be indivisible and urges the Union negotiator to be particularly vigilant in this regard in the course and at all stages of negotiations on the future relationship between the Union and the UK;

18. Strongly regrets the UK Government’s introduction of the new clause 33 of the revised Withdrawal Agreement Bill which expressly prohibits any extension to the transition period beyond 2020; warns strongly that this provision could result in a 'no-deal' scenario with catastrophic impacts for people and companies in the Union and the UK alike as the timeframe to negotiate a comprehensive agreement on future relations between the Union and the UK is too short; strongly urges the UK Government and the British Parliament to reconsider their position; stresses that any agreement on future relations between the Union and the UK must include provisions on a level playing field with regard to social and labour standards; urges the UK Government to implement a new Employment Bill before the end of the transition period in order to avoid any gaps where workers’ rights are neither protected by existing Union legislation nor the UK Employment Bill; stresses that social and labour standards in the Employment Bill should not be static, but directly follow any improvements made to social and labour standards in the European Union, as to ensure a level playing field between the European Union and the United Kingdom.

The EMPL Committee thus calls on the AFCO Committee as the committee responsible to take into account its position as set out above and 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.
LETTER FROM THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

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.
LETTER FROM THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

Mr Antonio Tajani  
Chair  
Committee on Constitutional Affairs  
PHS 08B043  
BRUSSELS

Subject: Opinion on 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 Internal Market and Consumer Protection asked to submit an opinion to your committee in the form of a letter.

The Committee on the Internal Market and Consumer Protection considered the matter at its meeting of 4 December 2019. 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,

Petra De Sutter MD, PhD  
Chairwoman

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1 The following were present for the final vote: Pierre Karleskind (Acting Chair), Róża Thun und Hohenstein (Vice-Chair), Maria Manuel Leitão Marques, (Vice-Chair), Petra De Sutter (rapporteur for opinion), Adam Bielan, Carlo Fidanza, Alex Agius Saliba, Clara Aguilera, Andrus Ansip, Pablo Arias Echeverría, Pascal Arimont, Anna-Michelle Asimakopoulou, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Dita Charanzová, David Cormand, Dinesh Dhamija, Carlo Fidanza, Evelyne Gebhardt, Alexandra Geese, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, John Longworth, Morten Løkkegaard, Adriana Maldonado López, Leszek Miller, Dan-Ștefan Motreanu, Anne-Sophie Pelletier, Jiří Pospíšil, Christel Schaldemose, Tomislav Sokol, Edina Tóth, Kim Van Sparrentak, Marion Walsmann and Ivan Štefanec.
SUGGESTIONS

Internal market

1. Recalls that the free movement of goods within the Single Market is ensured by the Customs Union and the rules on harmonisation and mutual recognition of products, as well as by the case-law of the Court of Justice of the European Union. Market surveillance and robust product standards are therefore an essential and irreplaceable part of any future relationship with the UK to ensure a level playing field for EU businesses and an adequate protection of EU consumers;

2. Insists that the operational procedures to be adopted during the transitional regime must be aimed at preserving the rules of the Union's internal market for goods and the Customs Union. It is therefore of the utmost importance to safeguard the compliance of the goods with the Single Market rules;

3. Highlights with satisfaction that in general the Agreement keeps applicable the fundamental principles on free movement of services, establishment and recognition of professional qualifications during the transition period, in order to avoid disruptions in the functioning of the Single Market;

4. In this regard, recalls in particular that, pursuant to Article 25 of the Agreement, subject to some limitations, self-employed persons shall enjoy the rights guaranteed by the Treaty on freedom of establishment and freedom to provide services. The right to pursue a profession is secured in Article 27 of the Agreement, given that the recognition of professional qualifications before the end of the transition period, made in line with the relevant provisions of the Professional Qualifications Directive or the Lawyers Establishment Directive will maintain its effects. In order to facilitate the implementation of these provisions in practice, administrative cooperation on recognition of professional qualifications is foreseen in Article 29 of the Agreement;

5. Welcomes the fact that the agreement clarifies the applicable rules for public procurement procedures launched before the end of the transition period and not finalised within the transition period, including with respect to remedies;

Consumer policy

6. Highlights that consumers rights stemming from EU law and other relevant EU rules are fully applicable during the transition period and stresses that while the situation should not change for consumers and traders, who should have the same rights and obligations during the transition period, it is important that consumers are adequately informed if they are purchasing in the UK or from a UK trader;

Customs

7. Considers that, as a result of the exit from the Customs Union of UK, tensions in the trade and on the supply chains of companies could be expected; believes that serious disruptions in the flow of goods should be avoided; whereas the preparedness exercise that has been carried out by the EU27 Member States with the support of the European Commission should be thoroughly assessed, stepped up and resources allowed where
necessary, in order for the preparedness exercise to become a priority in the Brexit process;

8. Welcomes as a step forward the provisions aimed at the facilitation of the circulation through Great Britain of goods in transit between two points belonging to the Customs Union;

Protocol on Ireland/Northern Ireland

9. Notes that a great deal of uncertainty remains as regards the concrete arrangements that will underpin the functioning of the agreement to keep Northern Ireland within the Customs Union framework (as well as within the Single Market rules) for goods and agricultural products. Most of these arrangements will have to be defined by a Joint Committee. The utmost efforts need to be deployed to ensure that the procedures and controls put in place by the Joint Committee allow for the effective detection, among the goods that are brought from Great Britain to Northern Ireland, of those defined as being “at risk of subsequently being moved into the Union”. The importance of the correct identification of the goods belonging to that category lays in the fact that they will be subject to EU tariffs, excise duties or VAT, and that they must comply with the Single Market rules;

10. Maintains that if the United Kingdom is entrusted with the collection of own resources of the Budget of the Union that would have to be paid back to the Union, a natural measure of protection of the financial interest of the Union would be to put in place an adequate mechanism of supervision of the correct implementation of the procedure for detection of goods “at risk of subsequently being moved into the Union”. The arrangements need to guarantee that the controls on agricultural and food products - e.g. phyto-sanitary controls - would not be less robust than they are at any entry point in an EU Member State. Likewise, the compliance with the Single Market rules and regulations should not leave room for loopholes. The possibility must not exist for trade operators to obtain gains from the diversion of operations to locations where standard regulatory obligations could be avoided;

11. Stresses that appropriate scrutiny for the European Parliament of the coherence and alignment of the arrangements devised by the Joint Committee, as well as the effectiveness of the solutions put in place should be guaranteed.

The IMCO Committee thus calls on the AFCO Committee, as the committee responsible, to recommend that Parliament gives 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 (2018/0427(NLE)).
LETTER FROM THE COMMITTEE ON TRANSPORT AND TOURISM

Mr Antonio Tajani
Chair
Committee on Constitutional Affairs
BRUSSELS

Subject: 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 Mr Tajani,

In line with the recommendation of the Conference of Presidents of 7 February 2019, the Committee on Transport and Tourism decided to request the application of Rule 56 (1) in order to submit an opinion to the Committee on Constitutional Affairs in form of this letter.

The Committee on Transport and Tourism wishes to make the following remarks:

1. Recalls the importance of the transport sector for growth and jobs; stresses that the Joint Committee, established by the Withdrawal agreement, shall address the unconditional requirement of reciprocity in mutual access to the transport markets, especially in aviation, rail, road and maritime sectors, with the full respect for EU passenger rights, freedom of movement of people, goods and services;

2. Stresses the necessity to conclude agreements in order to guarantee the continuity of transport services between the EU and the UK;

3. Highlights the need to ensure continuous financing of jointly agreed infrastructure projects, especially within TEN-T, CEF and SES framework, as well as Joint Technology Initiatives such as Clean Sky I and II; and considers it crucial that the UK honour its financial commitments and obligations in full, even if these should extend beyond the duration of its EU membership;

Taking into consideration the abovementioned remarks, the Committee on Transport and Tourism recommends that the Committee on Constitutional Affairs give its consent to the ratification of the Agreement on the withdrawal of the United Kingdom from the European Union.

Yours sincerely,

((signed)) [Karima Delli]
CC: D. Sassoli, President
A. Tajani, CCC Chair
Legislative Coordination
LETTER FROM THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

Mr Antonio Tajani
Chair
Committee on Constitutional Affairs
BRUSSELS


Dear Mr Tajani,

The Committee on Agriculture and Rural Development considered the matter at its meeting of 22 January 2020. At that meeting\(^1\), 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

\(^1\) The following were present for the final vote: Norbert Lins (Chair), Mairead McGuinness (rapporteur for opinion), Álvaro Amaro, Franc Bogović, Daniel Buda, Herbert Dorfmann, Balázs Hidvéghi, Peter Jahr, Marlene Mortler, Anne Sander, Simone Schmiedbauer, Juan Ignacio Zoido Álvarez, Clara Aguilera, Eric Andrieu, Attília Ara-Kovács, Anna Marcus, Daniele Sciliano, Capri Di Mario, Elke Grammatikopoulou, Silke Novak, Silvia Pinzani, Zbigniew Kuźmiuk, Bert-Jan Ruissen, Veronika Vrecionová, Luke Ming Flanagan, Petros Kokkalis, Dino Giarrusso, Ivan Vilibor Sinčić

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the current MFF (2014-2020) would facilitate things in this respect;

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 FROM THE COMMITTEE ON LEGAL AFFAIRS

Mr Antonio Tajani
Chair
Committee on Constitutional Affairs
BRUSSELS


At the meeting of 6 November 2019, 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 Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the “Withdrawal Agreement”) with a focus on the competences of our Committee. As per decision of the Conference of Presidents of 24 October 2019 I was appointed on 6 November 2019 as rapporteur for the opinion in my capacity of the Chair of the Committee and the opinion takes the form of a letter.

The recommendation:

At its meeting of 16 January 2020 the Committee on Legal Affairs accordingly decided, by 17 votes in favour, 1 vote against and 2 abstentions, to recommend to the Committee on Constitutional Affairs not to give consent to the Withdrawal Agreement for as long as the United Kingdom’s Withdrawal Agreement Bill that is to give effect to the Withdrawal Agreement has not been finally adopted and signed by all the relevant instances of the United Kingdom and its legal effects with a view to future implementation of the Withdrawal Agreement assessed.

The recommendation is given with due regard given by the Committee on Legal Affairs to the provisions of the Withdrawal Agreement, in particular its Articles 4 and 5, Part II on citizens’ rights, provisions of Part III Title IV on intellectual property, Title VI on ongoing judicial cooperation in civil and commercial matters and their close relation to the occurrences before the end of the transition period; Title X on Union judicial and administrative procedures; Title XII on privileges and immunities, in particular the provisions concerning the immunity of the Members of European Parliament; and Title XIII on other issues related to the functioning of the institutions, bodies, offices and agencies of the Union, Part IV on Transition and Part VI on institutional and final provisions with particular regard to its Title I on consistent interpretation and application.

1 OJ CI 384/1, 12.11.2019, p.1.
2 The following were present for the final vote: Lucy Nethsingha(Chair), Ibán García Del Blanco, Sergey Lagodinsky, Marion Walsmann (Vice-Chairs), Patrick Breyer, Geoffroy Didier, Angel Dzhambazki, Heidi Hautala, Jackie Jones, Mislav Kolakušić; Gilles Lebréton, Karen Melchior, Lefteris Nicolaou-Alavanos, Sabrina Pignedoli, Jiří Pospíšil, Emil Radev, Franco Roberti, Liesje Schreinemacher, Stéphane Séjourné, Axel Voss, Lara Wolters, Tiemo Wölken, Juan Ignacio Zoido Álvarez(for Esteban González Pons pursuant to Rule 209(7)).
On behalf of the Committee on Legal Affairs, I would like to draw the attention of the Committee on Constitutional Affairs to the following elements that are to be considered as essential for the purpose of consent:

1. The withdrawal of a Member State from the European Union, while a sovereign right of that Member State, should be arranged in as orderly fashion as possible so as not to negatively affect the European Union, its citizens and the process of European integration on one hand and limit, to the extent possible, the immediate adverse consequences on the withdrawing Member States and its citizens, on the other hand;

2. In the absence of the Withdrawal Agreement the United Kingdom would automatically exit the European Union on 31 January 2020 and would do so in a disorderly manner;

3. In its notification of 29 March 2017 the United Kingdom has stated its intention to fall outside the jurisdiction of the Court of Justice of the European Union. In its resolution of 3 October 2017 on the state of play of negotiations with the United Kingdom, the Parliament underlined with regard in particular to citizens' rights that giving effect to the commitment of ensuring that rights of citizens of EU-27 residing in the United Kingdom are given direct effect by means of the incorporation of the withdrawal agreement into United Kingdom law should be done in a manner that prevents it from being changed unilaterally, allows EU citizens to invoke the withdrawal agreement rights directly before United Kingdom courts and public administration, and gives it primacy over United Kingdom law and that it underlined that in order to guarantee the coherence and integrity of the EU legal order, the Court of Justice of the European Union (CJEU) must remain the sole and competent authority for interpreting and enforcing European Union law and the withdrawal agreement. In this context, it should be noted that under the terms and conditions of the Withdrawal Agreement the United Kingdom has agreed to specific provisions with regards to the jurisdiction of the CJEU and interpretation and application of the Union law. This is an essential element of the Withdrawal Agreement and any unilateral deviation from its provisions in this respect, in particular by way of adopting implementing provisions such as the Withdrawal Agreement Bill to that effect, must result in the withholding of the consent by the European Parliament. It follows therefore that the Parliament’s consent can be given only with the understanding that the carefully balanced solution reached in the Withdrawal Agreement with regards to jurisdiction of the CJEU and its role in the interpretation and application of Union law and the Withdrawal Agreement itself is respected by the parties fully and in good faith.

4. It is of key importance to preserve the rights of EU-27 citizens residing in the United Kingdom and of the United Kingdom citizens residing in the EU until the end of transition period fully and beyond that period to the greatest extent possible, in particular families and vulnerable citizens and in particular with regards to the acquired rights. This was from the beginning of the negotiations the Parliament’s main negotiating guideline and condition for consent and must remain as such.

5. United Kingdom’s orderly withdrawal from the European Union is primordial for Northern Ireland and its future relations with Ireland with a view to safeguard peace and therefore to preserve Good Friday Agreement in all its parts. In this respect it is to be noted that the implementation of the amended provisions of the revised Protocol on Ireland and Northern Ireland may pose challenges and will have to be carefully constructed and monitored. One of
the elements that will require careful scrutiny and consideration concerns the jurisdiction for companies established and operating in the Northern Ireland.

6. The United Kingdom’s Withdrawal Agreement Bill that is to give effect to the Withdrawal Agreement is an act of United Kingdom’s domestic legal order and its legal effects with a view to implementation of the Withdrawal Agreement are key to the consent. They should be carefully analysed before a decision on consent is taken and will have to be subsequently monitored closely both by the United Kingdom and the European Union in case a consent is given.

7. The Independent Monitoring Authority which is currently being set up by the United Kingdom will become competent to receive EU 27 citizen's complaints on potential breaches of their rights under the Withdrawal Agreement. It will be competent to launch enquiries and bring legal action. Given the body's future key role in ensuring compliance with the Withdrawal Agreement, and therefore with EU law, it is of the utmost importance that this authority is set up in a manner that allows it to act rapidly and in full independence on complaints from Union citizens.

8. The Withdrawal Agreement provides for the transition period until the end of 2020 which can be extended for up to 1 or 2 years; Pursuant to the Withdrawal Agreement, during that transition period the institutions, bodies, offices and agencies of the Union shall have the powers conferred upon them by Union law in relation to the United Kingdom and to natural and legal persons residing or established in the United Kingdom. In particular, the Court of Justice of the European Union shall have jurisdiction as provided for in the Treaties. It should be noted that the possibility of the extension of the transition period should be given due consideration as a way to facilitate further the orderly withdrawal of the United Kingdom through the completion of negotiations on the future relations between the United Kingdom and European Union.

I trust that the above will make a useful contribution into the report drafted by the Committee on Constitutional Affairs.

Yours sincerely,

Lucy Nethsingha
LETTER FROM THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

Mr Antonio Tajani  
Chair  
Committee on Constitutional Affairs  
BRUSSELS

Subject: Opinion on 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,

It is my pleasure to inform you that, further to the decision of the Conference of Committee Chairs of 12 February 2019, as endorsed by the CoP of 14 February 2019, the LIBE Committee had decided on 26 February 2019 to request that it may submit an opinion in the form of a letter to the AFCO Committee under the procedure referred to above, pursuant to Rule 56(1) of the Rules of Procedure.

Our Committee adopted such an opinion at its meeting of 13 January 2020. At that meeting, it decided to call on the Committee on Constitutional Affairs, as the committee responsible, to include the following suggestions into its draft recommendation.

Therefore, I hereby transmit the opinion of the LIBE Committee which consists of two parts, namely part A (General observations) and part B (Thematic observations per LIBE field of competence). The opinion addresses those issues which fall within the competence of the LIBE Committee and which are essential for an orderly and appropriately prepared withdrawal process, namely the situation and rights of EU-UK citizens, protection of personal data, asylum, migration and border management, as well as security, law enforcement cooperation and judicial cooperation in criminal matters. For that purpose, it only comments on the text of the draft Withdrawal Agreement, including in the prospect of future EU-UK cooperation.

Yours sincerely,

Juan Fernando López Aguilar
SUGGESTIONS

A. General observations

The LIBE Committee stresses the need to ensure that the impact of the withdrawal of the UK from the EU should be as limited as possible. This is particularly important in the case of the matters falling within the remit of the LIBE Committee referred to above, as they affect fundamental aspects of people’s lives.

The LIBE Committee considers that the Withdrawal Agreement seeks to provide a framework for an orderly withdrawal that lessens the adverse effects of the departure of the United Kingdom as much as possible.

Finally, our Committee is of the view that any future international cooperation between the EU and UK should continue to reflect the shared respect for international law, human rights and the rule of law.

B. Thematic observations

1. Citizens’ rights

According to the EP resolution of 14 May 20181, it should be ensured that ‘the rights of EU citizens legally residing in the UK and of UK citizens legally residing in EU-27 are not affected by Brexit’, and our Committee welcomes the Withdrawal Agreement for going a long way towards making this key Parliament demand a reality. It is also positive that the obligations for the UK and the EU in this respect are based on reciprocity.

It is thus a crucial point for the LIBE Committee that, under the Withdrawal Agreement, citizens’ rights, including their judicial interpretation, will be maintained during the transition period, which also gives citizens on both sides the necessary space and time to plan their lives. ‘Life-long protection’ is also guaranteed under Article 39 of the Agreement, while the extension of the jurisdiction of the Court of Justice of the European Union (CJEU) also after the withdrawal and the binding nature of case-law handed in before the end of the transition period is also positive in that regard. Our Committee further welcomes the overall coverage of current family members and future children by the Withdrawal Agreement and the related family reunification guarantees, protection against expulsion, safeguards as to the requirements to prove the right to stay and relevant procedural rights, as well as the UK government’s related assurance that, during the transitional period, and unlike its recent practice, it will not apply the Comprehensive Sickness Insurance requirement to Union citizens who apply for pre-settled or settled status.

The Withdrawal Agreement also presents certain caveats, as, for instance, certain categories of citizens currently covered by EU law as interpreted by the CJEU will not fall under its provisions (e.g. UK nationals returning to UK with non-EU family members, people with disabilities and carers, third country nationals living in the UK that have strong legal ties with the Member States such as third country nationals born in the EU, recognised refugees and

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1 European Parliament resolution of 14 March 2018 on the framework of the future EU-UK relationship (2018/2573(RSP))
stateless persons). However, overall, the provisions of the Withdrawal Agreement set out a system that will at least provide some legal certainty and predictability, and will protect to a large extent the rights EU-UK citizens having made use of their rights derived from free movement and Union citizenship.

The LIBE Committee is concerned that citizens in Northern Ireland will enjoy different rights depending on their nationality; urges the UK authorities to ensure that there will be no diminution of rights for the citizens in Northern Ireland and to fully respect the Good Friday Agreement in all its parts.

As the situation currently stands, UK nationals will not have any more free movement rights, from the Member State where they used to reside to another Member State, after the end of the transition period, and, to further enjoy free movement, would only be able to apply for citizenship of a Member State under relevant national law or long-term resident status under Union law. It is the view of this Committee that the future international agreement should contain the full continuation of the citizens’ rights guaranteed under the Withdrawal Agreement for both EU and UK citizens also after the end of the transition period. Additionally, it is important for the LIBE Committee that further concretisation of citizens’ rights - including free movement for UK nationals in the EU based on a reciprocal approach - represents the cornerstone and indivisible part of the text of a future international agreement between the EU and the UK. It is also essential that EU 27 Member States clarify the framework to be applied by each of them on UK citizens wishing to obtain a resident status. Such measures should be user friendly and transparent, in order to facilitate the process, as well as free of charge.

Moreover, the LIBE Committee is concerned with the current EU Settlement Scheme put in place by the UK authorities, allowing Union citizens and their family members to apply for settled and pre-settled status in the UK. In particular the following aspects should be addressed as soon as possible, and at the latest by the end of the transitional period:

i) Ensure that problems arising in link with the electronic nature of the application (difficulties of certain categories of Union citizens to access the application, wrong automatic attribution of pre-settled status instead of settled status, impossibility to submit paper versions of different documents), as well as other challenges of accessing the application, should be addressed by UK authorities through specific measures;

ii) Ensure the full independence of the Independent Monitoring Authority reviewing and overseeing the functioning of the system and act rapidly on complaints from Union citizens and their family members;

iii) Ensure that measures are taken to reach vulnerable citizens and address their situation before and after the deadline, and mitigate the consequences for those Union citizens who, out of no fault of their own, fail to apply to the EU Settlement Scheme before the application deadline; criminalisation, discrimination, detention and deportations of citizens who would normally be entitled to residence must be avoided.

2. Data protection
Regarding data protection, the LIBE Committee shares the objective of the Withdrawal Agreement of ensuring the continuity of the protection afforded to individuals in the Union whose personal data will be processed in the United Kingdom after the date of the withdrawal. Articles 70-71 of the Agreement provides a framework that would meet this objective, during the transitional period and beyond it. It is therefore essential that the assessment of the adequacy of UK data protection legal framework by the Commission begin without delay.

While the provisions of the Agreement clearly set out this obligation of ensuring the protection of EU individuals after the Brexit, it is however necessary that the practical modalities that will be implemented fully respect this objective. The LIBE Committee stresses the need to conduct a careful and in depth analysis of UK data protection legal framework in order to demonstrate that all the conditions required by Union data protection law, particularly Regulations (EU) 2016/679 and 2018/1725 and Directive (EU) 2016/680, and the case-law of the CJEU are fulfilled in order to ensure a level of protection essentially equivalent to that afforded by the European Union. The LIBE Committee acknowledges that the UK has implemented into its national law the EU data protection package. It would be the basis for the assessment of the adequacy. The LIBE Committee considers that particular attention should be paid to the legal framework in place in the UK in the fields of national security or processing of personal data by law enforcement authorities or for migration related matters. It recalls that mass surveillance programmes such as Tempora might not be equivalent with EU data protection rules and strongly encourages taking into consideration case law in this field such as the Schrems case².

Should the UK data protection legal framework not be qualified for an adequacy decision, then the European Union should stress the need to respect data protection rules on international transfers in order to ensure the required continuity of the protection set forth by Union data protection law.

The LIBE Committee also calls on the Member States data protection authorities to proactively follow the whole withdrawal process in order to contribute to a successful and orderly withdrawal without hindrance of data subjects’ rights.

3. Security, law enforcement and judicial cooperation in criminal matters

In the area of judicial cooperation in criminal matters, the Withdrawal Agreement provides for clear and detailed arrangements for all pending criminal proceedings. The existence of a transitional period during which the respective, clearly indicated Union law will continue applying will allow for the completion of those proceedings in line with the principle of legal certainty - an overarching principle in criminal law and procedure.

With regard to law enforcement and internal security, in accordance with the Withdrawal Agreement, after withdrawal the UK will cease to have access to any Union information systems, the most important being the Schengen Information System which contains information on both third countries and EU nationals. The Withdrawal Agreement sets out rules for measures during the transitional period that will allow the UK to continue

² Judgment of the Court of Justice of 6 October 2015 in Case C-362/14, Maximillian Schrems v Data Protection Commissioner
exchanging information through the systems until the end of that transitional period. As regards several important systems, such as SIS and SIENA, the Agreement provides for the possibility, under certain conditions, for operational information to be exchanged for a limited time beyond the end of the transitional period to ensure that the operational value of information contained in the systems at the end of the transitional period will not be lost. These arrangements in the Agreement should lessen the impact of an abrupt disconnection from the Union information systems. It is worth noting that for some of the EU systems such as PNR it will allow the necessary time to negotiate the future arrangements on exchange of PNR data between the UK and the EU, which should also be assessed by the CJEU.

As regards the future relationship with the UK, the Parliament recalls that the Political declaration setting out the framework for the future relationship between the European Union and the United Kingdom refers to a broad, comprehensive and balanced security partnership that will provide for reciprocal arrangements for timely, effective and efficient exchanges of Passenger Name Record (PNR) data and for the results of processing of such data to be stored in respective national PNR processing systems, and for the processing of DNA, fingerprints and vehicle registration data (Prüm), as well as operational cooperation via Europol and Eurojust. However, it must be recalled that, although the United Kingdom, had no longer been obliged to participate in Union instruments in the field of police and judicial cooperation in criminal matters means of an opt out, mechanism provided for in the Lisbon Treaty, it nevertheless opted into legislative measures on a case-by-case basis, and despite the vote in 2016 to leave the Union, it seems that the UK still wants to be part of certain parts of police and judicial cooperation in criminal matters after leaving the Union. There must be a clear and permanent framework for the UK participation in police and judicial cooperation in criminal matters, rather than ad hoc decisions. Meaningful respect of the fundamental rights of individuals, including continued adherence and giving effect to the ECHR, and adequate protection of personal data, and effective legal safeguards, are essential prerequisites for allowing this cooperation. The LIBE committee considers that this cooperation must be fully conditional on respect for these principles. The Parliament recalls that the UK authorities made copies of personal data processed in the Schengen Information system in serious breach of Union data protection law and that until now this breach has not been settled; therefore, in line with the above-mentioned prerequisites, the Parliament calls on the Council and the Commission to remedy this serious breach and other serious violations prior to any negotiation on the modalities of cooperation following a swift and detailed evaluation of the situation and relevant reporting to the Parliament.

4. Asylum, migration and border management

As a general comment, the future cooperation in the area of asylum, migration and border management is hardly mentioned in the withdrawal agreement.

In that frame, it would be necessary to clarify to what extent the UK would like to continue to cooperate with the EU with regard to the Common European Asylum System, notably Dublin, as the UK participates currently in several instruments. Similarly, in the field of migration, including international cooperation, relevant clarifications on the future EU-UK cooperation would be needed. Depending on a continued participation in Union programmes, arrangements should also be included in the future agreement with regard to the Asylum,
Migration and Integration Fund as the UK is presently receiving the highest amount (for measures in the area of return).

As far as border management is concerned, currently UK is not allowed to become a full member of Frontex on the grounds that it did not opt-in to related parts of the Schengen acquis. However, it collaborates with Frontex in a range of ways, including operational support in the fields of return and border management and representation as an observer on the Management Board. It would be important to clarify Frontex relations with UK as a third country in the future. The same conclusion is relevant for the need to determine the future relations between EU and UK for information exchange and the use of large-scale information systems for border management, notably to clarify the new modalities in terms of governance and legal certainty.

The LIBE Committee thus calls on the AFCO Committee, as the committee responsible, to recommend that Parliament gives 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 (2018/0427(NLE)).
LETTER FROM THE COMMITTEE ON PETITIONS

Mr Antonio Tajani
Chair
Committee on Constitutional Affairs
BRUSSELS


Dear Mr. Chair,

I am writing to you in connection with your Committee’s consent on the 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 (2018/0427(NLE)). At its meeting on 21 January 2020, the Committee on Petitions adopted an opinion in the form of a letter, which I am pleased to submit to you hereby.

At that meeting, the Committee on Petitions decided to call on the Committee on Constitutional Affairs, as the committee responsible for the file, to recommend that Parliament give its consent to the Council Decision.

Art 227 TFEU confers the Right to Petition the European Parliament to all EU citizens and all companies or individuals resident in EU territory. This means that following Brexit, UK citizens residing in the UK will no longer enjoy the right to participate in the European Citizens’ Initiative after 31 January, and lose the right to petition the EP and the right to apply to the Ombudsman after the end of the transition period (31 December). EU citizens in the UK will maintain all those rights whereas UK citizens residing in the EU will lose the right to participate in the European Citizens’ Initiative but maintain the right to petition.

The Committee on Petitions attaches much importance to the 210 petitions received from citizens, in which they express their serious concerns about the way the Brexit will affect their rights, in particular, regarding the right to apply to the Ombudsman and the right to take part in the European Citizen’s Initiative. The Committee on Petitions had further received many petitions about family reunion rights, healthcare, voting rights and residence. The Committee on Petitions therefore would like to stress the importance of safeguarding citizens’ rights as

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1 The following were present for the final vote: Dolors Montserrat (Chair), Tatjana Ždanoka (Vice-Chair), Yana Toom (Vice-Chair), Asim Ademov, Alex Agius Saliba, Isabel Benjumea Benjumea, Martin Buschmann, Angel Dzhambazki, Peter Janh, Manolis Kefalogiannis, Ádám Kósa, Adriana Maldonado López, Ulrike Müller, Lefteris Nikolaiou-Alavanos, Demetris Papadakis, Sira Rego, Diana Riba i Giner, Alfred Sant, Nico Semsrott, Andrey Slabakov, Ramona Strugariu, Loránt Vincze, Rainer Wieland, Kosma Złotowski.
guaranteed by the Withdrawal Agreement.

The Committee on Petitions recalls that protection of citizens’ rights has always been its main priority. It notes that the Agreement lays down provisions for safeguarding the status and rights stemming from Union law to EU and UK citizens and families affected by the United Kingdom withdrawal. The Committee on Petitions notes that the rights of those Union citizens and their family members, who exercised their right of free movement in the UK in accordance with Union law before the end of the transition period and continue to reside there thereafter, as well as, of UK citizens exercising the same right in a Member state of the EU 27, are being protected by the Withdrawal Agreement.

The Committee on Petitions recalls that the right to vote in elections is a fundamental right common to the constitutional traditions of the Member States, and recognised in the EU Treaties under the right to political participation. The participation in the democratic life and the enjoyment of electoral rights by EU citizens living in another Member State has frequently been raised by petitioners.

The Committee on Petitions therefore regrets that many UK citizens were deprived of the right to vote after having lived for more than 15 years in another Member State. The UK deprived its nationals of this right on the assumption, that expatriates are not affected by political decisions taken in their home country. The UK also disenfranchise its nationals in European elections if they live permanently in a third country including even, Member States.

The Committee regrets that many UK citizens and all EU 27 citizens were not allowed to vote in the Brexit referendum even if the result of the vote was crucial for their lives. The right to vote in elections and legal referenda is a fundamental right and must be protected under all circumstances. It should not be withdrawn from citizens who decide to settle and move freely in another Member State.

Last but not least, the Committee on Petitions underlines that the host state shall ensure that any administrative procedure for applications for residence status is smooth, transparent and simple and that unnecessary burdens are avoided. The Committee considers that the system proposed by the UK Home Office, “the registration procedure”, for the EU 27 nationals to apply for residence status, is not as transparent and simple as it should be and creates unnecessary and unfair administrative burdens to the EU 27 citizens, even risking to deprive citizens rightfully entitled to residence rights of enjoying these rights.

The Committee on Petitions expresses concern over the current implementation of the Settlement Scheme, mainly regarding the arbitrary use of ’pre-settled’ to deny full ’settled’ statuses because of technicalities, and the potential consequences of those who fail to apply before the deadline. This concern is based on the language of the Home Office regarding possible deportations of EU citizens as well as the lack of measures to assist vulnerable citizens.

Having regard to the above, the Committee on Petitions calls on the UK authorities to take all the necessary measures to guarantee that the rights of EU citizens living in the UK are duly protected and guaranteed.

The Committee on Petitions calls on the Committee on Constitutional Affairs, to recommend that Parliament give its consent to the 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.

Yours sincerely,

Dolors Montserrat
Chair
Committee on Petitions
## PROCEDURE – COMMITTEE RESPONSIBLE

<table>
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<tr>
<th>Title</th>
<th>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</th>
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<tr>
<td>Date of consultation / request for consent</td>
<td>11.1.2019</td>
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<tr>
<td>Committee responsible</td>
<td>AFCO 30.1.2019</td>
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<tr>
<td></td>
<td>LIBE 11.3.2019, PETI 14.11.2019</td>
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<td>Rapporteurs</td>
<td>Guy Verhofstadt 23.1.2020</td>
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<tr>
<td>Discussed in committee</td>
<td>23.1.2020</td>
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<tr>
<td>Date adopted</td>
<td>23.1.2020</td>
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<td>Result of final vote</td>
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<tr>
<td>Members present for the final vote</td>
<td>Martina Anderson, Gerolf Annemans, Catherine Bearder, Geert Bourgeois, Richard Corbett, Pascal Durand, Daniel Freund, Esteban González Pons, Laura Huhtasaari, Rupert Lowe, Aileen McLeod, Giuliano Pisapia, Domène Balcells, Pedro Silva Pereira, Antonio Tajani, László Trócsányi, Guy Verhofstadt, Loránt Vincze, Rainer Wieland</td>
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<td>Substitutes present for the final vote</td>
<td>Gwendoline Delbos-Corfield, Danuta Maria Hübner, Miapetra Kumpula-Natri, Jaak Madison, Mairead McGuinness, Maite Pagazaurtundúa</td>
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<td>Substitutes under Rule 209(7) present for the final vote</td>
<td>Robert Rowland</td>
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## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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Key to symbols:
+ : in favour
- : against
0 : abstention