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REPORT

on the assessment of the implementation of Article 50 TEU
(2020/2136(INI))

Committee on Constitutional Affairs

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CONTENTS

	Page
EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS	3
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	8
OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS	21
LETTER OF THE COMMITTEE ON INTERNATIONAL TRADE	26
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE.....	28
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	29

EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Introduction

Article 50 of the TEU creates a process for leaving the European Union by giving Member States a sovereign right to withdraw. For the European Union, the withdrawal of the United Kingdom was a new process and an unprecedented challenge, in particular due to the impact of the withdrawal on the lives of millions of citizens¹, who exercised their free movement rights under EU law. The implementation of Article 50 of the TEU, which was only introduced by the Treaty of Lisbon, demanded deep reflection on this and other complex issues related to the disentanglement of a Member State from the Union within a limited timeframe.

Article 50 of the TEU solved the pre-existing uncertainty and ambiguity on the right to withdraw from the EU, by explicitly giving Member States a unilateral right to withdraw subject to no conditions apart from the compliance with their own national constitutional requirements. Article 50 of the TEU is, however, silent on many aspects that arose during the process of withdrawal.

This implementation report aims at assessing the way the provisions of Article 50 of the TEU were interpreted and applied, and the way the procedure of withdrawal of the UK from the EU was organised and conducted under those provisions, and also what lessons can be drawn regarding the constitutional order and institutional organisation of the Union.

The process

Article 50 of the TEU does not impose any substantive conditions to the withdrawal apart from the respect of the concerned Member State own constitutional requirements - a decision to withdraw from the Union is unilateral and belongs exclusively to the Member State in question. The decision of the United Kingdom to withdraw from the EU was entirely respected.

All aspects of Article 50 of the TEU interpretation and application were progressively detailed by the EU institutions, and in particular by the European Council through its successive Guidelines² for the negotiations.

Objectives and priorities

The aim of the procedure was clearly defined from the outset: an orderly withdrawal on the basis of a phased approach ensuring as much clarity and legal certainty as possible to citizens, businesses, stakeholders and international partners. Settling the disentanglement of the UK from the Union and from its rights and obligations as a Member State required also a clear definition of a single financial settlement of the obligations resulting from its membership, and addressing the unique circumstances on the island of Ireland, aiming by avoiding a hard border and respecting the integrity of the Union legal order.

¹ Over 3 million EU citizens in the UK and more than a million UK nationals in the EU.

² Guidelines of 29 April 2017, of 15 December 2017 and of 23 March 2018.

Parliament has actively engaged in ensuring institutional cohesion and unity, and in contributing to the definition of the priorities of the negotiations, as the institution representing the citizens of the Union. In this context, the protection of interests of the EU citizens but also of the UK nationals living and working in the EU was Parliament's key priority.

The reason for the concern of the EU institutions, and of Parliament in particular, was that the status of EU citizen, with the rights associated to such status, stems from the EU legal order. Given the absence of express provisions in this regard in Article 50 of the TEU, the cessation of the application of the Treaties under that legal basis implies the cessation of the status of EU citizens and of the related rights.

The UK's decision to withdraw had a particular immediate impact on the citizens most directly concerned, as it created a high level of uncertainty regarding their future status. Parliament received a great number of petitions from citizens expressing their serious concerns about the impact of the withdrawal on their rights, including in the area of free movement, and of the exercise of voting and petition rights, among others.

During the preparatory phase of the consent procedure, AFCO had the opportunity to hear from organisations representing the interests of citizens directly impacted by the withdrawal. Those organisations considered that EU citizenship was for the affected citizens the fundamental status, and that this status should be designed to protect them sufficiently. They noted also that one of the most problematic issues for them was the role of the Court of Justice of the European Union (CJEU) in the withdrawal procedure, which they considered essential in order to ensure a consistent interpretation of the rights of citizens.

It was therefore essential to ensure that the safeguard of the rights of citizens was high on the agenda, and that this would be effectively dealt with in the withdrawal arrangements to be negotiated.

The issue of Ireland/Northern Ireland, which is specific to the withdrawal of the United Kingdom, was also an issue of major concern for Parliament, that emphasised the importance of maintaining an open border in the island of Ireland.

The 1998 Good Friday Agreement represented a major development in the Northern Ireland peace process, and EU membership for Ireland and the UK was an essential context for the implementation of that agreement. The uncertainty created by the withdrawal in this regard and the risk of a no-deal withdrawal could jeopardise political stability and the peace process in Northern Ireland. Thus, for the EU, the commitment was clearly that the Good Friday Agreement should be entirely shielded and the peace process should be protected, by ensuring minimal disruption to the economic, political and legal context in Northern Ireland.

Procedural aspects

Article 50 of the TEU requires taking account of the framework for the future relationship of the withdrawing Member State with the Union when setting out the arrangements for its withdrawal. An understanding on the framework for the future relationship was identified, as soon as a satisfactory agreement on the arrangements for an orderly withdrawal was deemed achieved. This understanding on the framework for the future relationship took the form of a

non-binding political declaration accompanying the Withdrawal Agreement.

The definition of the framework for the future relationship was controversial from the beginning of the negotiations. The controversy was related initially with the moment in which such definition should occur, and later with the nature and also the content of that framework. These issues were progressively settled by establishing a clear sequencing of negotiations, on the one hand, and through the non-binding nature of the political declaration and the negotiation of its terms, on the other. However, settling these issues was politically costly and time consuming, with a direct impact on the negotiation of the withdrawal arrangements.

Under Article 50 of the TEU, an agreement setting out the withdrawal arrangements is not mandatory. However, the EU has strived to negotiate and conclude the Withdrawal Agreement in view of mitigating the risks and the disruption arising from the withdrawal of the UK to citizens, businesses and the Union itself. The risk of a no-deal withdrawal was nevertheless present until the conclusion of the process, which was moreover characterised by tense and highly politicised negotiations, aggravated by the very limited time available.

Indeed, in line with Article 50(3) of the TEU, which provides for the possibility to extend the period of two years, three extensions were granted under that provision, showing that a two-year period may be too short for concluding an agreement on the withdrawal arrangements.

Article 50 of the TEU does not provide for specific solutions in case of a no-deal and therefore of a disorderly withdrawal.

The Commission has drawn the attention of EU institutions, Member States' administrations at all levels and all stakeholders to the significant disruptions that a no-deal scenario would imply. In view of mitigating such impact, it has provided guidance on the coordinated preparedness approach to follow, and proposed and adopted unilateral and temporary contingency measures in line with the interests of the EU.

In the context of this exercise, the Commission published hundreds of notices to help stakeholders and authorities to prepare, has proposed legislative acts and adopted non-legislative acts across a number of policy areas.

Further to the extensions under Article 50(3) of the TEU, and although Article 50 of the TEU does not explicitly refer to a transition period, the possibility of transitional arrangements was evoked from an early stage of the procedure, including by Parliament, and in view of providing for bridges towards the foreseeable framework for the future relationship.

However, unlike its status during the extension under Article 50(3) of the TEU, in which the withdrawing State remains a Member State with full rights and obligations as such, with the limitation provided for in Article 50(4) of the TEU, the status of the withdrawing state in the transition period is that of a third country, as it can no longer participate in or nominate or elect members of the EU institutions, nor participate in any of the EU decision-making.

Although Article 50 of the TEU strikes a balance between ensuring a process of withdrawal and safeguarding the necessary flexibility for adaptation to the specific circumstances of the process, Article 50 of the TEU is silent on some of the procedure. These aspects include first and foremost the protection of the rights of citizens, but also others such as:

- The appropriate framework for the extension of the negotiations' period in line with the principle of sincere cooperation;
- The transitional arrangements;
- The obligation to take into account the framework for future relations;
- The formal requirements of the notification of the intention to leave and the possibility of revocation of the notification;
- Provisions on how to address a withdrawal with no agreement;
- Application of Article 218 of the TFEU in the context of an Article 50 of the TEU procedure, regarding in particular the role of the European Parliament and of the Court of Justice of the European Union.

Institutional aspects and role of the Parliament in the process

The unity and solidarity among the EU institutions and among Member States in the process of and in the preparations for the withdrawal was remarkable and contributed to a large extent to the successful conclusion of the negotiations.

Although not formally involved in the negotiations on the withdrawal under Article 50 of the TEU, Parliament has fully exercised its competences under the Treaties.

Parliament played a strong, active role in the withdrawal process, by establishing from very early on a position on all the procedural and substantial issues, while keeping the closest possible contact with the other institutions and a regular inter-institutional information flow on the progress made in the negotiations.

Parliament's work was carefully coordinated from the outset by the Conference of Presidents and the Brexit Steering Group (BSG)³. In more than 100 meetings, most of them in the presence of the EU Chief Negotiator, Michel Barnier, the BSG constituted the forum in which Parliament was kept permanently informed of the progress of negotiations, and also where its positions on the negotiations were prepared.

AFCO, as the committee competent for preparing the consent procedure according to Parliament's Rules of Procedure, has done a thorough preparatory work, gathering evidence, advice and expertise from varied sectors and stakeholders, through debates and hearings on the implications of the withdrawal of the UK from the Union. Since 3 September 2015, AFCO organised more than 20 events on issues ranging from the renegotiation of the United Kingdom constitutional relationship with the European Union and the agreement reached by the European Council on 18-19 February 2016, to the future constitutional relationship of the UK with the European Union, the citizens' rights, and the implications of the UK's withdrawal for the Irish border.

Conclusion

³ Initially composed of composed of Guy Verhofstadt, as coordinator, Elmar Brok (EPP, DE), Roberto Gualtieri (S&D, IT), Gabriele Zimmer (GUE/NGL, DE), Philippe Lamberts (Greens/EFA, BE), and Danuta Maria Hübner, as Chair of the Committee on Constitutional Affairs (AFCO) (EPP, PL). After the 2019 European elections, the composition of the BSG changed for the EPP, which became represented by Danuta Maria 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).

The procedure of withdrawal under Article 50 of the TEU stands at the very confluence of complex legal and political issues and constraints, while also highlighting the unique nature of the EU's legal order.

Article 50 of the TEU has met its objectives of preserving the sovereign right of a Member State to withdraw from the European Union and of ensuring an orderly withdrawal of the UK from the Union, even though it is silent on some aspects of the procedure. In this regard, the withdrawal process and the implementation of Article 50 of the TEU demonstrated that the principles and values on which the European Union is based are true building blocks of its functioning.

The withdrawal of the United Kingdom remains nevertheless a significant challenge for the Union, and has multiple political and economic consequences, which will surely continue to play out in the future.

The conclusion of the Withdrawal Agreement and the subsequent conclusion of the EU-UK Trade and Cooperation Agreement should not exempt the Union, its institutions and its Member States from a genuine and mature reflection and debate on the reasons for the UK's withdrawal, and on how to effectively listen and reach out to our citizens and their expectations.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the assessment of the implementation of Article 50 of the TEU (2020/2136(INI))

The European Parliament,

- having regard to the Treaty on European Union (TEU), in particular Article 50 and Article 8 thereof,
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 218 thereof,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the notification of 29 March 2017 by the UK 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) TEU and to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to the European Council (Art. 50) guidelines of 29 April 2017 following the UK's notification under Article 50 of the TEU, of 15 December 2017 for the second phase of the Brexit negotiations, and of 23 March 2018 on the framework for the future EU-UK relationship,
- having regard to the Council Decision of 22 May 2017 which lays down the directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union, and to the Council Decision of 29 January 2018 supplementing the Council Decision of 22 May 2017 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out arrangements for its withdrawal from the European Union, setting out supplementary directives for the negotiation,
- having regard to Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement¹ and the directives set out in the addendum thereto for the negotiation of a new partnership with the United Kingdom of Great Britain and Northern Ireland, which have been made public,
- having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union², of 3 October 2017 on the state of play of negotiations with the United Kingdom³, of 13 December 2017 on the state of play of negotiations with the United Kingdom⁴, of 14 March 2018 on the framework of the future EU-UK relationship⁵, of

¹ OJ L 58, 27.2.2020, p. 53.

² OJ C 298, 23.8.2018, p. 24.

³ OJ C 346, 27.9.2018, p. 2.

⁴ OJ C 369, 11.10.2018, p. 32.

⁵ OJ C 162, 10.5.2019, p. 40.

18 September 2019 on the state of play of the UK's withdrawal from the European Union⁶, of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement⁷, and of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland⁸,

- having regard to its recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland⁹,
- having regard to its legislative resolution of 29 January 2020 on the draft Council decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community¹⁰,
- having regard to the Commission Declaration for the European Parliament plenary of 16 April 2019,
- having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community¹¹ ('the Withdrawal Agreement') and to the accompanying political declaration setting out the framework for the future relationship between the European Union and the United Kingdom¹² ('the Political Declaration'),
- having regard to European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament¹³,
- having regard to the judgment of 10 December 2018 of the Court of Justice of the European Union (CJEU), *Andy Wightman and Others v Secretary of State for Exiting the European Union*, C-621/18, ECLI:EU:C:2018:999,
- having regard to the in-depth analysis of November 2020 of the European Parliamentary Research Service, entitled 'Article 50 TEU in practice: How the EU has applied the "exit" clause',
- having regard to the study of March 2021 commissioned by the European Parliament Policy Department for Citizens' Rights and Constitutional Affairs, entitled 'Interpretation and implementation of Article 50 TEU – Legal and institutional assessment',
- having regard to the Belfast Agreement of 10 April 1998, signed by the Government of the UK, the Government of Ireland and the other participants in the multi-party negotiations (the 'Good Friday Agreement'),

⁶ OJ C 171, 6.5.2021, p. 2.

⁷ OJ C 270, 7.7.2021, p. 21.

⁸ OJ C 294, 23.7.2021, p. 18.

⁹ OJ C 362, 8.9.2021, p. 90.

¹⁰ OJ C 331, 17.8.2021, p. 38.

¹¹ OJ L 29, 31.1.2020, p. 7.

¹² OJ C 34, 31.1.2020, p. 1.

¹³ OJ L 165 I, 2.7.2018, p. 1.

- having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the opinion of the Committee on Foreign Affairs,
 - having regard to the letter from the Committee on International Trade,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0357/2021),
- A. whereas the objective of this report is to analyse the ways in which the provisions of Article 50 TEU have been interpreted and applied, and the way that the procedure for the UK’s withdrawal from the EU under that Article was organised and conducted, including the lessons drawn with respect to EU law and the functioning of the European Union;
 - B. whereas reflections on the implementation of Article 50 contribute to a better understanding of the key components of the EU’s constitutional identity, the principles underpinning European integration, the importance of decision-making autonomy and the right to regulate, all of which will be taken into account in future treaty changes;
 - C. whereas Article 50 TEU addresses the pre-existing uncertainty and ambiguity surrounding the right to withdraw from the EU by explicitly giving Member States the unilateral right to withdraw, subject to no conditions apart from compliance with their own national constitutional requirements;
 - D. whereas Article 50 TEU, by providing explicitly for withdrawal under EU law, establishes the only procedure under which a Member State may lawfully withdraw from the EU;
 - E. whereas Article 50 TEU is silent or not clear enough on several aspects of the procedure that arose during the withdrawal of the UK from the Union;
 - F. whereas Article 50 TEU does not impose any formal requirements on the notification of the intention to leave the Union or on the time-limit or revocation of that notification; whereas Article 50 does not explicitly provide for the possibility of transitional arrangements;
 - G. whereas Article 50 TEU does not define specific requirements on the possible extension of the two-year period set out under Article 50(3) TEU, which therefore allows for flexibility in the negotiation process;
 - H. whereas Article 50 TEU confirms that EU membership is voluntary, which implies that a Member State cannot be forced to stay or leave; whereas the decision to withdraw from the Union is a sovereign decision of a Member State made in line with that withdrawing state’s internal constitutional order;
 - I. whereas the principle of sincere cooperation requires the handing in of the notification as soon as the decision to leave is taken;
 - J. whereas in its judgment of 10 December 2018, in Case *Andy Wightman and Others v*

Secretary of State for Exiting the European Union, the CJEU clarified that the withdrawing Member State is free to unilaterally revoke the notification of its intention to withdraw from the Union while the Treaties still apply to that Member State;

- K. whereas Article 50 TEU is not clear as regards the application of parts of Article 218 TFEU, other than its paragraph 3;
- L. whereas the will to leave the EU, as expressed by the British people despite a majority of citizens in Scotland and Northern Ireland voting in favour of remaining, was respected in line with the values of freedom and democracy, as referred to in Article 2 TEU;
- M. whereas the UK referendum was not accompanied by a sufficient number of awareness-raising campaigns, as citizens were never given a clear picture of the relationship that their country would have with the EU once it left, and were often misled about the implications of the withdrawal, especially as regards Northern Ireland, thus revealing the risks and challenges posed by misinformation;
- N. whereas Article 50 TEU confers on the Union institutions the exceptional horizontal competence to negotiate an agreement covering all matters necessary to arrange the withdrawal of a Member State;
- O. whereas the role of all EU institutions in the withdrawal procedure was key in the interpretation and implementation of the provisions of Article 50 TEU and in minimising institutional disruption, safeguarding the unity of Member States and ensuring an orderly withdrawal;
- P. whereas the two-phase approach adopted by Michel Barnier, the Chief Negotiator on behalf of the Commission, proved to be the correct one;
- Q. whereas under the TEU, citizens are directly represented at Union level in the European Parliament; whereas Parliament is part of the decision-making procedure under Article 50 TEU and exercises general political control, as provided for in Article 14 TEU, and should therefore be closely involved in withdrawal negotiations in order to be able to give its consent under Article 50 TEU;
- R. whereas, in the procedure provided for in Article 50 TEU and as in all cases of international agreements negotiated using the procedure laid down in Article 218(3) TFEU, Parliament plays a marginal role that is limited to approving a possible withdrawal agreement; whereas, despite these limitations, Parliament has engaged actively in the withdrawal process since the very beginning and has committed to protecting the interests of EU citizens and safeguarding the integrity of the European Union throughout the whole process;
- S. whereas Parliament played a crucial role in representing all EU citizens, both from the EU-27 and the UK, during the process;
- T. whereas the withdrawal of the UK had an impact on the composition of the European Parliament as provided for in Article 3(2) of European Council Decision (EU) 2018/937;

- U. whereas the withdrawal process has led to unpredictability and has constituted a challenge not only for the EU and the withdrawing Member State, but also and even more so for the citizens and entities most directly affected; whereas the economic and social costs of this uncertainty have proven to be very high and have also put pressure on the political relations between the EU and the withdrawing Member State; whereas greater certainty could be achieved during the separation process by, among other things, demanding that the notification of the decision to withdraw be accompanied by a blueprint of the future relationship that the withdrawing Member State has in mind;
- V. whereas the Union institutions have undertaken all efforts not to politicise the process of withdrawal, but withdrawal under Article 50 TEU is nevertheless inherently political as it stems from and is influenced by fundamental choices regarding membership of the EU and/or the relationship with the EU;
- W. whereas withdrawal from the European Union by a Member State constitutes a major political, economic and social shock of which the negative consequences can only partly be mitigated by carefully planned and negotiated orderly withdrawal arrangements;
- X. whereas the Political Declaration setting out a framework for the future relationship between the EU and the UK establishes the parameters for an ambitious, broad, deep and flexible partnership that encompasses foreign policy, security, defence and wider areas of cooperation;
- Y. whereas after the entry into force of the Withdrawal Agreement, the only legal path for a re-accession to the EU is on the basis of Article 49 TEU;
- Z. whereas Article 8 TEU emphasises the special relationship between the EU and its neighbouring countries;
- AA. whereas according to Parliament's rules of procedure, the Committee on Constitutional Affairs is responsible for the institutional consequences of withdrawal from the Union;

Unprecedented process

1. Highlights that the withdrawal of one of its Member States has been an unprecedented and extremely critical process for the European Union;
2. Recognises, but nevertheless considers regrettable, the withdrawal of the UK from the European Union;
3. Emphasises that the historical significance of the UK's withdrawal on EU membership did not and does not deviate the Union from its integration process, as Article 50 TEU provides guarantees to the EU legal order and protects the fundamental goals of European integration;
4. Underlines that the provisions of Article 50 TEU and the way in which they have been interpreted and implemented reflect and uphold the common values and goals that are at the foundation of the Union, in particular freedom, democracy and the rule of law;
5. Believes that Article 50 TEU has met its objective of preserving the sovereign right of a Member State to withdraw from the European Union, thus confirming explicitly the

voluntary nature of EU membership, and its objective of ensuring the orderly withdrawal of the UK from the Union, while allowing for the subsequent building of an enhanced relationship between the EU and the UK as a third country;

EU priorities

6. Considers that the aims of Article 50 TEU and the withdrawal negotiations with the UK of ensuring disentanglement from the Union, providing legal stability and minimising disruption, and providing a clear vision of the future for citizens and legal entities by ensuring an orderly withdrawal, while protecting the integrity and interests of the European Union, its citizens and its Member States, were generally achieved;
7. Considers that the swift and firm identification of the priorities in the context of the withdrawal of the UK from the Union, and in particular, the protection of the rights of the millions of EU citizens in the UK and UK nationals in the EU affected by the withdrawal, the special circumstances confronting the island of Ireland and a single financial settlement were key in structuring the process and stabilising its impact in the Union; considers, however, that there should have been more clarity during the negotiations regarding the resolution of any disputes that might arise from the application of the withdrawal agreement, particularly in regard to the role of the CJEU;
8. Believes that the clear division of tasks among the institutions and the unprecedented inclusive and transparent approach of the Commission and its Chief Negotiator, including towards Parliament, were paramount in maintaining consistency and unity within the EU and among its Member States, in promoting the EU's priorities and interests in the negotiations and in safeguarding the integrity of the legal order of the Union;
9. Commends the main institutional actors for having safeguarded unity among the 27 Member States as well as within and among the Union institutions, which respected the nature of the withdrawal as a Union process;
10. Believes that the Union's interests have been protected thanks to strategic organisation and conditionality between the various stages of the procedure; recalls, in particular, the sequencing of the negotiations, which started with an agreement on the withdrawal arrangements, then moved on to addressing the transitional period arrangements and then concluded with an agreement on an overall understanding on a new and close partnership between the EU and the UK on the basis of substantial progress in the negotiations on citizens' rights, the issue of Ireland and Northern Ireland, the financial settlement and the justified and meaningful application of the extension of the period referred to in Article 50(3) TEU;
11. Appreciates that the negotiations with the United Kingdom prioritised the issue of the rights of citizens, which is and will remain a major concern, and that this chapter of the withdrawal arrangements was agreed rather early in the negotiations, as the initial version of the draft Withdrawal Agreement of 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;
12. Stresses that the Union clearly identified from the outset of the process that the specific

circumstances of the island of Ireland and the need to safeguard the Good Friday Agreement and mitigate the effects of the United Kingdom's withdrawal on Ireland were issues that concerned the EU as a whole;

13. Considers that the time-limited transitional period with the continued application of existing EU regulatory, budgetary, supervisory, judicial and enforcement instruments and structures following the withdrawal was in the interest of both parties and facilitated the negotiation of and bridging to the future relationship;
14. Recalls that the framework for the future relationship between the EU and the UK is laid down in the Political Declaration accompanying the Withdrawal Agreement, which includes clear provisions established by both parties on cooperation in the areas of foreign policy, security and defence;
15. Regrets that the legally non-binding nature of the Political Declaration gave the UK the legal grounds to not engage with crucial parts of its content, in particular those relating to foreign and security policy, which therefore formed no part of the negotiations;

The withdrawing Member State

16. Believes, nevertheless, that the withdrawal process was characterised, on the part of the UK, by protracted uncertainty from the outset, until the end of the negotiations, which was reflected among others in the gap of time between the referendum and withdrawal notification under Article 50 TEU; believes that this uncertainty impacted citizens and economic operators, in particular those on the island of Ireland; considers that raising the spectre of a no-deal withdrawal endangered the prospects of an orderly withdrawal;
17. Considers, in this regard, that the political and economic consequences of the decision to leave the Union are significant; believes that these were not genuinely and fully assessed by the UK prior to its decision to withdraw, which resulted in a lack of preparation for the procedure; believes that British citizens had scant knowledge about the European Union and were not adequately informed about the far-reaching consequences of the decision to leave the Union;
18. Is of the view that the provisions of Article 50 TEU on the notification and extension of the period under Article 50(3) TEU have been handled in a sufficiently flexible manner to respond to the political vacillations and inconsistencies of successive UK governments, while preserving the integrity of the withdrawal process and upholding the legal order of the Union;
19. Recalls that the decision to withdraw is the sovereign right of a Member State and that the Union is obliged to acknowledge the intention of that state; highlights that Article 50 TEU does not specify and therefore places no constraints on the form of the notification of the intention to withdraw; believes in this context that when a Member State does not respect EU law and/or expresses its intention to refuse to apply the Treaties or recognise the jurisdiction of the CJEU and respect its judgments, this represents a clear rejection of the obligations linked to EU membership;
20. Points out that withdrawal from the European Union is by nature a complex process and that the political choices of the withdrawing Member State regarding its future relations with the Union can add to such complexity;

The importance of an orderly withdrawal

21. Believes that although the withdrawal is not conditional upon an agreement between the withdrawing Member State and the Union, the process of the withdrawal of the UK shows the importance of concluding an agreement on the withdrawal arrangements, particularly with a view to protecting the rights and legitimate expectations of the citizens affected;
22. Considers that the EU institutions did their utmost and accomplished their obligation to ensure the conclusion of an agreement; commends the efforts made to avoid a no-deal scenario; notes, in this regard, that in accordance with Article 50(3) TEU, if an agreement is not reached, the withdrawal becomes effective two years after the Council is notified; emphasises that there are no provisions in the TEU to tackle a no-deal scenario and a disorderly withdrawal;
23. Underlines that given the high integrated nature of the EU single market, the withdrawal of a Member State affects all areas of economic activity and legal and administrative adjustments are necessary at all EU, Member State and local levels; reiterates the importance of the work undertaken by the Commission and the Member States at all levels of public administration and in raising awareness and preparing citizens and the private sector through the publication of many specific stakeholder preparedness notices and the timely adoption of unilateral and temporary contingency measures to tackle the possibility of a no-deal scenario and of a disorderly withdrawal;
24. Notes that the TEU does not specify any substantive requirements regarding the framework for the future relationship between the withdrawing Member State and the Union and its link with the withdrawal arrangements; recalls however that, according to Article 50(2) TEU, the withdrawal agreement is to take account of the framework for the withdrawing state's future relationship with the Union;
25. Notes that in the case of the withdrawal of the UK, the two-year period laid down in Article 50(3) TEU for when the Treaties cease to apply to the withdrawing Member State from the moment of its notification of withdrawal has proved too short for an orderly withdrawal, as three extensions of this period as well as a subsequent transition period were deemed necessary; recalls that this time period can be increased via an extension in accordance with Article 50(3) TEU; considers that such an extension allows for the continuation of the negotiations in order to avoid a cliff edge; recalls, however, that throughout the two-year period and its further extensions, citizens, economic operators, Member States and third country trading partners faced an unprecedented and prolonged level of legal uncertainty;
26. Observes that the withdrawal of a Member State has produced unprecedented legal consequences for the EU's international commitments, notably with regard to the need to renegotiate the tariff rate quotas agreed at the World Trade Organization (WTO) level to take into account the quota share used by the departing Member State, which thus allowed third countries to make additional claims for market access; considers that with the UK's withdrawal the apportionment of the EU's tariff rate quotas was, as a principle, managed well by first adopting an internal legislative act laying down newly apportioned EU quota shares (notably in the form of Regulation (EU) 2019/216¹⁴) and

¹⁴ OJ L 38, 8.2.2019, p. 1.

then by following up through negotiations with third countries at the WTO level even though there are no legal provisions at that level that address the disintegration of a customs union;

Flexibility under Article 50 TEU

27. Considers that Article 50 TEU strikes a good balance between ensuring a legally sound withdrawal process and safeguarding the political flexibility necessary for adaptation to the specific circumstances; notes however, the lack of detail in the provisions of Article 50 TEU on the following aspects:
 - the formal requirements for the notification of the intention to leave and the explicit possibility of its revocation,
 - the appropriate framework for the extension of the two-year period set out under Article 50(3) TEU, allowing for flexibility in the negotiations while respecting the principle of sincere cooperation,
 - the implications of the obligation to take into account the framework for the future relationship,
 - the application of the provisions of Article 218 TFEU, in particular on the role of the European Parliament and of the Court of Justice of the European Union,
 - possible transitional arrangements;
28. Regrets that the withdrawal of the UK from the Union has entailed the departure of an entire community of EU citizens; recalls that the European Parliament was particularly active in advocating for and engaging in active dialogue with citizens and organisations representing them through consultations, auditions and meetings organised by parliamentary committees and the Brexit Steering Group (BSG), who have striven to give a voice to citizen concerns and expectations during the withdrawal process; considers nevertheless that the EU institutions could have done more to provide information to citizens during the different phases of the withdrawal;
29. Believes that, given the unpredictability of the withdrawal process, the withdrawal provisions of the TEU should ensure legal certainty for the vast number of EU citizens and citizens of the departing Member State affected by the withdrawal, by safeguarding their rights obtained on the basis of EU law and ensuring an effective enforcement system, without excluding the creation of follow-up mechanisms and information campaigns; underlines the necessity of informing affected citizens, in particular vulnerable citizens, in a timely and adequate manner about their rights and obligations related to withdrawal;
30. Believes that, given the nature of the decision to leave the Union and its fundamental impacts on citizens of the departing Member State, the holding of a referendum to confirm the final decision to leave can be an important democratic safeguard; considers that the confirmation of this final choice by its citizens is also crucial in case negotiations of a withdrawal agreement fail to conclude, provoking a no-deal scenario; considers that all possible steps should be taken during this process to avoid disinformation, foreign interference and funding irregularities;

The role of the institutions in the withdrawal process

31. Believes that the EU institutions and the Member States have collectively been responsive and have followed a coherent and unified approach by providing for a timely, clear and well-structured definition of the aspects of the withdrawal process, including those which are not explicitly specified in Article 50 TEU, in particular the objectives and general principles of the negotiations, the EU's competences on issues related to the withdrawal, the sequencing of negotiations, the scope of the Withdrawal Agreement, the transitional arrangements and the framework for the future relationship;
32. Emphasises that Parliament has played a pivotal role in the entire withdrawal process and has actively contributed to the identification of strategies and to the protection of the interests and priorities of the EU and its citizens with duly substantiated resolutions, since the run-up to the UK referendum on EU membership; recalls in this regard that Parliament's contribution was structured mainly through the BSG), created by the Conference of Presidents on 6 April 2017, with the support and close involvement of Parliament's committees and the Conference of Presidents;
33. Stresses that Parliament was mobilised as a whole and in unison for the monitoring of the withdrawal process, both through its political bodies and through its committees, which, from early on, were called to identify the impact of the UK's withdrawal on the policy areas and legislation within their respective fields of responsibility; reiterates the importance of the continuous involvement of the committees responsible for sectoral policies during the negotiations; commends the long and exhaustive preparatory work undertaken by the committees in gathering evidence, advice and expertise through hearings, workshops and studies on all issues related to the withdrawal or the future relationship between the EU and the UK;
34. Is of the view that the European Council played an aggregating and stabilising role in the process, including through its guidelines under Article 50(2) TEU, by interpreting and applying the provisions of Article 50 TEU, including in relation to the elements on which the provisions are silent, and by setting a clear political direction in line with the interests of the Union in defining the negotiation terms and nominating the Commission as the Union's negotiator;
35. Stresses that according to Article 50(4) TEU, the member of the European Council or of the Council representing the withdrawing Member State cannot participate in the discussions of the European Council or Council or in decisions concerning the withdrawal process, while the Members of the European Parliament elected in the withdrawing Member State continue to serve with all their rights and obligations intact until the withdrawal becomes effective;
36. Recognises the unprecedented nature of the inter-institutional cooperation and transparency in the implementation of Article 50 TEU, including the working methods and structures involved in the negotiations, information channels, the publication of negotiating documents and participation in meetings, in particular in Sherpa meetings and meetings of the General Affairs Council;
37. Acknowledges the relevance of the core principles proposed by the European Parliament and introduced by the European Council in its successive negotiation guidelines, which were subsequently implemented in the negotiations and consist of:

- protecting citizens’ rights derived from their status as EU citizens;
 - acting in the interest of the Union and preserving its constitutional integrity and the autonomy of its decision-making;
 - safeguarding the role of the Court of Justice of the European Union;
 - preserving the financial stability of the Union;
 - defending the withdrawing state’s enjoyment of all the rights and fulfilment of all the obligations derived from the Treaties, including the principle of sincere cooperation;
 - defending the clear difference in status between Member States and non-member states, as a state having exited the Union cannot have the same rights and obligations as a Member State;
38. Continues to support these principles fully;
39. Is of the opinion that these principles reach beyond the context of Article 50 TEU, as they underpin European integration and have become key elements of the EU’s constitutional identity and legal order even though they are not part of the TEU;
40. Notes that in this respect, the exit procedure provided for in Article 50 TEU has led both the EU and its Member States to reaffirm the Union’s constitutional identity;

Rights and obligations of the EU and the withdrawing Member State

41. Reiterates that, until a withdrawal agreement enters into force or, failing that, until either the two-year period or the extended period mentioned in Article 50(3) TEU has elapsed, the withdrawing state remains a Member State, enjoys all of the ensuing rights and is under all the obligations derived from the Treaties without exception, including the principle of sincere cooperation laid down in Article 4(3) TEU and the obligation to hold elections to the European Parliament, appoint its representatives to the institutions and bodies of the Union, ensure full protection of citizens’ rights and respect its financial obligations;

Parliament’s scrutiny

42. Emphasises that the role of political oversight of the European Parliament is indispensable in a parliamentary democratic system and guarantees transparency and political accountability; insists, in this regard, that the parliamentary powers regarding the scrutiny phase should be guaranteed and exercised with sufficient time as regards the conclusion of any international agreements, including in the case of provisional applications, in particular, if concluded in the context of a withdrawal from the European Union; notes, in this respect, the importance of the full application of Article 218(10) TFEU in relation to Parliament’s prerogatives regarding the withdrawal, which states that the European Parliament must be informed at all stages of the procedure of negotiations between the Union and third countries; underlines that the Commission must keep Parliament informed on an equal footing with the Council;

43. Believes that both the BSG and the UK Coordination Group structures created by the European Parliament during every phase of the negotiations with the UK were of the utmost importance in guaranteeing the follow-up and involvement of Parliament and in ensuring transparency in the negotiations; believes that the implementation of Article 50 TEU provided a good example of collective coordination between institutions in support of Union interests that should be applied to all negotiations of international agreements;
44. Considers, in this context, that the role of Parliament is essential in safeguarding the parliamentary and democratic dimension of a procedure with such a constitutional and institutional impact on the Union and on the rights of EU citizens; considers that its role in political oversight should be safeguarded and enhanced to include necessary consent in all relevant aspects of the process;
45. Emphasises, in this regard, that while the Article 50 process has concluded and the withdrawal from the EU has taken effect, the actual unwinding of EU membership and implementation of the Withdrawal Agreement is a long term process; reaffirms, in this context, that Parliament will play its full role in the monitoring of the implementation of the Withdrawal Agreement;

Issues for reflection

46. Considers that Article 50 TEU addresses and allows for the solving of the procedural aspect of a Member State's withdrawal, but does not solve the significant political, social and economic consequences and disruptive effects of the withdrawal of a Member State from the EU, within and across the Member States and internationally;
47. Reiterates its call for an in-depth reflection on the withdrawal of the UK from the European Union, and on its impact on the future of the EU; believes that such a reflection should ensure an open and broadened dialogue on the reforms that the Union needs in order to reinforce democracy and the capacity to deliver on citizens needs and expectations; recalls, for this purpose, the Union's unprecedented process of reflection on its future in the framework of the Conference on the Future of Europe; emphasises that this reflection involves civil society and the representatives of citizens' rights organisations;
48. Believes that it is the responsibility and role of the Union and its Member States to do more to preserve the European integration process, protect European values and principles, including the principle of sincere cooperation, and prevent the repetition of a withdrawal from the EU; regrets, in this context, the restraint and limited engagement of the European Parliament and its committees in the run-up to the UK referendum, which left UK citizens, who were EU citizens at the time, without full access to information on the functioning of the EU and the implications of the withdrawal; emphasises that safeguards should be established to ensure that the public debate preceding the triggering of Article 50 TEU by a Member State allows for citizens concerned to make an informed decision; calls for the Member States and the EU to consistently provide wide-reaching information to EU citizens on the functioning of the European Union, its areas of action, its decision-making processes, the rights of EU citizens and the consequences of leaving the EU; considers that, for this purpose, the Conference on the Future of Europe offers an opportunity for enhanced dialogue with citizens and civil society on the European Union and how it should evolve; encourages the Commission

to come forward with a proposal to allow European political parties to finance referendum campaigns related to the implementation of the TEU or the TFEU;

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◦ ◦

49. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Constitutional Affairs

on the assessment of the implementation of Article 50 TEU
(2020/2136(INI))

Rapporteur for opinion: Andreas Schieder

SUGGESTIONS

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

- A. whereas Article 50 of the Treaty on European Union (TEU) was invoked for the first time in the context of the withdrawal of the United Kingdom from the Union; whereas, as a result of the consistency and transparency of the Union's approach, Article 50 TEU mostly proved fit for purpose in safeguarding the integrity of the EU legal order, guaranteeing legal clarity and security for citizens and businesses, and ensuring the orderly nature of the UK's withdrawal;
 - B. whereas the EU's unity throughout the process, and in particular Parliament's close involvement in all aspects related to the implementation of Article 50 TEU, provided a solid basis for the conclusion of the Withdrawal Agreement and the negotiations on the future relationship;
 - C. whereas the Political Declaration setting out a framework for the future relationship between the EU and the UK establishes the parameters for an ambitious, broad, deep and flexible partnership extending to foreign policy, security and defence and wider areas of cooperation;
 - D. whereas the involvement and oversight of the European Parliament is fundamental to the whole process, guaranteeing transparency and political accountability;
 - E. whereas the Protocol on Ireland/Northern Ireland is an integral part of the Withdrawal Agreement, which has the formal status of a Treaty and is therefore fully binding under international law; whereas, in the light of the current tensions generated by the UK's failure to comply with its obligations under the Protocol on Ireland/Northern Ireland, the main purpose of the Protocol remains to protect the Good Friday Agreements, which have ensured security and peace on the island of Ireland in recent decades;
1. Recalls that, as per Article 50(2) TEU, withdrawal agreements are to take account of the framework for the withdrawing state's future relationship with the Union;

2. Welcomes the fact that the Withdrawal Agreement included ‘specific arrangements relating to the Union’s external action’ whereby the United Kingdom was bound during the transition period by the obligations stemming from the international agreements concluded by the Union to implement the Union’s restrictive measures in place or decided during the transition period, to support EU statements and positions in third countries and international organisations, and to participate on a case-by-case basis in EU military operations and civilian missions established under the Common Security and Defence Policy (CSDP), yet without any leading capacity through a Framework Participation Agreement; underlines that these arrangements were put in place in order to avoid disrupting the UK’s participation in the aforementioned policy during the transition period;
3. Notes that the Withdrawal Agreement included a provision for early agreements on the future EU-UK relationship in the area of Common Foreign and Security Policy and CSDP;
4. Regrets that in spite of the mutual interest in such an agreement, which would be based on shared values, contributing to promotion of peace and strengthening of the rules-based global order, the parties were not able to take advantage of this possibility, due to the UK Government’s unwillingness to negotiate on foreign and security policy cooperation;
5. Recalls that the framework for the future relationship between the EU and the UK was laid down in the Political Declaration accompanying the Withdrawal Agreement, which includes clear provisions established by both parties on cooperation in the areas of foreign policy, security and defence;
6. Regrets that the legally non-binding nature of the Political Declaration gave the UK legal grounds not to engage with crucial parts of its content, in particular those relating to foreign and security policy, which therefore formed no part of the negotiations;
7. Stresses that, although the Political Declaration has not been honoured and there is no agreement on foreign policy and defence, both sides should continue to cooperate on foreign policy, through the promotion of democracy, peace and the rule of law, human security and global stability, the protection of human rights and fundamental freedoms, the fight against climate change, the protection of women’s and LGBTQI+ rights, and disarmament and non-proliferation, and that on the basis of the commitments contained in the Political Declaration setting out the framework for future relations between the European Union and the United Kingdom, an agreement can be concluded as soon as possible on cooperation in the field of foreign policy, security and defence policy, modelled, for example, on the Strategic Partnership Agreement (SPA) already concluded with Canada and Japan;
8. Is deeply concerned about recent decisions taken unilaterally by the United Kingdom and going against the full implementation of the Withdrawal Agreement and the Protocol on Ireland/Northern Ireland to which both parties have committed; supports the actions taken by the Commission and calls on the UK to quickly return to a cooperative attitude and to showing good faith;
9. Recalls that the Withdrawal Agreement provides that the practical working arrangements for its implementation can be discussed in the Joint Committee, and that

while the EU has already shown flexibility in granting grace periods, a deliberate and unilateral violation of commitments made will have consequences;

10. Believes that for the framework on the future relationship between a withdrawing Member State and the Union to inform the withdrawal agreement, its nature must in future be unequivocal, irrevocable and binding on the negotiations on the future relationship upon the entry into force of the relevant withdrawal agreement;
11. Reiterates the importance of parliamentary scrutiny at all stages of this process; underlines the importance of the European Parliament's crucial role in the withdrawal procedure; in this respect, notes the importance of the full application of Article 218 (10) TFEU in relation to Parliament's prerogatives regarding the withdrawal, which states that the European Parliament must be informed at all stages of the procedure of negotiations between the Union and third countries; underlines that the Commission must keep Parliament informed on an equal footing with the Council;
12. Underlines that during the implementation of Article 50, numerous disruptions have occurred and a high level of geopolitical uncertainty has developed; in this regard, invites the Commission to incorporate legal and binding mechanisms into the framework of potential withdrawals to avoid such disruptions.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Members present for the final vote	Alviina Alametsä, Alexander Alexandrov Yordanov, Maria Arena, Petras Auštrevičius, Traian Băsescu, Anna Bonfrisco, Reinhard Bütikofer, Fabio Massimo Castaldo, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Tanja Fajon, Anna Fotyga, Michael Gahler, Sunčana Glavak, Raphaël Glucksmann, Klemen Grošelj, Bernard Guetta, Márton Gyöngyösi, Andrzej Halicki, Sandra Kalniete, Karol Karski, Dietmar Köster, Stelios Kouloglou, Maximilian Krah, Andrius Kubilius, Ilhan Kyuchyuk, David Lega, Miriam Lexmann, Nathalie Loiseau, Antonio López-Istúriz White, Claudiu Manda, Lukas Mandl, Thierry Mariani, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Javier Nart, Gheorghe-Vlad Nistor, Urmas Paet, Demetris Papadakis, Kostas Papadakis, Tonino Picula, Manu Pineda, Giuliano Pisapia, Thijs Reuten, Jérôme Rivière, Maria Soraya Rodríguez Ramos, Nacho Sánchez Amor, Isabel Santos, Jacek Saryusz-Wolski, Andreas Schieder, Radosław Sikorski, Jordi Solé, Sergei Stanishev, Tineke Strik, Hilde Vautmans, Harald Vilimsky, Idoia Villanueva Ruiz, Viola Von Cramon-Taubadel, Thomas Waitz, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Željana Zovko
Substitutes present for the final vote	Assita Kanko, Andrey Kovatchev, Paulo Rangel, Mick Wallace

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

56	+
NI	Fabio Massimo Castaldo, Márton Gyöngyösi
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Michael Gahler, Sunčana Glavak, Andrzej Halicki, Sandra Kalniete, Andrey Kovatchev, Andrius Kubilius, David Lega, Miriam Lexmann, Antonio López-Istúriz White, Lukas Mandl, Vangelis Meimarakis, Francisco José Millán Mon, Gheorghe-Vlad Nistor, Paulo Rangel, Radosław Sikorski, Isabel Wiseler-Lima, Željana Zovko
Renew	Petras Auštrevičius, Katalin Cseh, Klemen Grošelj, Bernard Guetta, Ilhan Kyuchyuk, Nathalie Loiseau, Javier Nart, Urmas Paet, María Soraya Rodríguez Ramos, Hilde Vautmans
S&D	Maria Arena, Włodzimierz Cimoszewicz, Tanja Fajon, Raphaël Glucksmann, Dietmar Köster, Claudiu Manda, Sven Mikser, Demetris Papadakis, Tonino Picula, Giuliano Pisapia, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder, Sergei Stanishev
The Left	Stelios Kouloglou, Idoia Villanueva Ruiz, Mick Wallace
Verts/ALE	Alviina Alametsä, Reinhard Bütikofer, Jordi Solé, Tineke Strik, Viola Von Cramon-Taubadel, Thomas Waitz, Salima Yenbou

3	-
ECR	Charlie Weimers
ID	Harald Vilimsky
NI	Kostas Papadakis

11	0
ECR	Anna Fotyga, Assita Kanko, Karol Karski, Jacek Saryusz-Wolski, Witold Jan Waszczykowski
ID	Anna Bonfrisco, Susanna Ceccardi, Maximilian Krah, Thierry Mariani, Jérôme Rivière
The Left	Manu Pineda

Key to symbols:

+ : in favour

- : against

0 : abstention

26.5.2021

LETTER OF THE COMMITTEE ON INTERNATIONAL TRADE

Mr Antonio Tajani,
Chair
Committee on Constitutional Affairs
BRUSSELS

Subject: Opinion on the implementation of Article 50 TEU (2020/2136(INI))

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 26 May 2021, 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 withdrawal from the European Union of a Member State constitutes a major political, economic and social shock the negative consequences of which can only partly be mitigated by a carefully planned and negotiated orderly withdrawal arrangement;

B. Whereas the withdrawal process of the UK has amply demonstrated that it was not well planned ahead by the departing state, which was exemplified by the UK's numerous changes of its position on fundamental issues related to its withdrawal, thus generating additional layers of complexity in the negotiations, as well as undermining economic operators' preparations and the ability of EU and UK citizens to adapt to the new situation;

1. Considers that the two year period laid down under Article 50(3) TEU for when the EU Treaties cease to apply to the withdrawing Member State from the moment of its notification of withdrawal is too short in order to prepare for the major changes in the economic and trading relationship between the EU and the departing state, especially as any withdrawal would always entail a disruptive disintegration of economic ties and a divergence of regulatory regimes; recalls that throughout the two year period all EU operators and citizens, as well as third country trading partners faced an unprecedented level of legal uncertainty;

2. Underlines that, given the level of integration of the EU internal market, the withdrawal of a Member State affects all areas of economic activity, and legal and administrative adjustments are necessary at all EU, Member States and local levels which need to be accompanied by awareness campaigns and detailed guidance documents, as was the case with Brexit preparedness and readiness notices that the Commission published in preparation of the UK's withdrawal, all in the knowledge that both in the case of an orderly withdrawal on the basis of an agreement, and a withdrawal in the absence of a negotiated settlement, disruption would occur;

3. Observes that the withdrawal of a Member State produced unprecedented legal consequences for the EU's international commitments, notably with regard to the need to renegotiate the tariff rate quotas agreed at the WTO level to take into account the quota share used by the departing Member State, thus allowing third countries to make additional claims for market access; considers that with the UK's withdrawal the apportionment of EU's tariff rate quotas was, as a principle, managed well, by first adopting an internal legislative act laying down newly apportioned EU quota shares (notably in the form of Regulation (EU) 2019/216¹) and then by following up through negotiations with third countries at the WTO level even though there are no legal provisions at WTO-level that address the disintegration of a Customs Union;

4. In the light of the major economic and trading effects of a withdrawal of a Member State from the EU, recommends to the Committee on Constitutional Affairs that it would be beneficial for the management of the withdrawal process for trade policy to involve more closely the Committee on International Trade from the earliest stages of the withdrawal negotiations process;

¹ Regulation (EU) 2019/216 of the European Parliament and of the Council of 30 January 2019 on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union, and amending Council Regulation (EC) No 32/2000, PE/71/2018/REV/1, OJ L 38, 8.2.2019, p. 1–25

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	9.12.2021
Result of final vote	+: 22 -: 2 0: 3
Members present for the final vote	Gerolf Annemans, Gabriele Bischoff, Damian Boeselager, Geert Bourgeois, Fabio Massimo Castaldo, Włodzimierz Cimoszewicz, Pascal Durand, Daniel Freund, Charles Goerens, Sandro Gozi, Brice Hortefeux, Laura Huhtasaari, Victor Negrescu, Giuliano Pisapia, Paulo Rangel, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Helmut Scholz, Pedro Silva Pereira, Sven Simon, Antonio Tajani, Guy Verhofstadt, Loránt Vincze, Rainer Wieland
Substitutes present for the final vote	François Alfonsi, Danuta Maria Hübner

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

22	+
NI	Fabio Massimo Castaldo
PPE	Brice Hortefeux, Danuta Maria Hübner, Paulo Rangel, Sven Simon, Antonio Tajani, Loránt Vincze, Rainer Wieland
Renew	Pascal Durand, Charles Goerens, Sandro Gozi, Guy Verhofstadt
S&D	Gabriele Bischoff, Włodzimierz Cimoszewicz, Victor Negrescu, Giuliano Pisapia, Domènec Ruiz Devesa, Pedro Silva Pereira
The Left	Helmut Scholz
Verts/ALE	François Alfonsi, Damian Boeselager, Daniel Freund

2	-
ID	Gerolf Annemans, Laura Huhtasaari

3	0
ECR	Geert Bourgeois, Jacek Saryusz-Wolski
ID	Antonio Maria Rinaldi

Key to symbols:

+ : in favour

- : against

0 : abstention