



2022/2188(INI)

19.7.2023

OPINION

of the Committee on Employment and Social Affairs

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

on the Implementation report on the EU-UK Trade and Cooperation Agreement
(2022/2188(INI))

Rapporteur for opinion (*): Dragoș Pîslaru

(*) Associated committee – Rule 57 of the Rules of Procedure

PA_NonLeg

SUGGESTIONS

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

- having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹,
 - 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 Community²,
 - having regard to the European Commission's report of 24 March 2022 on the implementation and application of the Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland 1 January – 31 December 2021 (COM(2022)0126),
 - having regard to the European Commission's report of 15 March 2023 on the implementation and application of the Trade and Cooperation Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland 1 January – 31 December 2022 (COM(2023)0118),
 - having regard to the European Convention on Human Rights,
 - having regard to the European Social Charter,
 - having regard to International Labour Organization (ILO) Conventions and Protocols, in particular the ILO's fundamental instruments,
 - having regard to the joint statement of 24 March 2023 of the UK Foreign Secretary and European Commission Vice-President Šefčovič on the outcome of the tenth meeting of the Withdrawal Agreement Joint Committee and the second meeting of the Trade and Cooperation Agreement Partnership Council meetings,
- A. whereas since 1 January 2021, trade and cooperation between the EU and the UK has been governed by the EU-UK Trade and Cooperation Agreement (TCA); whereas the TCA's institutional framework was completed and became fully operational in 2022;
- B. whereas the TCA provides for social security coordination to protect the social security rights of people moving between the EU and the UK after 1 January 2021; whereas it also provides for a level playing field to ensure fair competition by maintaining high levels of protection in a number of areas, including social and labour rights, with binding enforcement and dispute settlement mechanisms to ensure compliance;

¹ OJ L 149, 30.4.2021, p. 10.

² OJ C 384I, 12.11.2019, p. 1.

- C. whereas the fundamental rights to organise, collectively bargain and to take collective action are enshrined in international law and inherent to ensuring sustainable development and a level playing field as set out in the TCA;
- D. whereas the TCA contains a chapter on small and medium-sized enterprises (SMEs), recognising the need to ensure an open and secure market for business, including SMEs and seeks to ensure that their needs are taken into account in the implementation process, so that they could take advantage of it;
1. Stresses the importance of strong EU and UK civil society involvement, including employers' organisations and trade unions, as well as NGOs, in the implementation of the TCA in accordance with Articles 13 and 14; notes the meetings of the EU Domestic Advisory Group in this regard and welcomes the first meeting of the Civil Society Forum in October 2022; stresses the importance of continuing this dialogue and cooperation;
 2. Notes with satisfaction that the implementation of the Protocol on Social Security Coordination under the TCA has been unproblematic thus far and that no structural problems were identified in 2021 or 2022; stresses, however, the importance of having a dynamic Protocol, which aligns with the revisions of the Social Security Coordination regulations;
 3. Notes that in 2021, amendments to the annexes of the Protocol were adopted by the Specialised Committee on Social Security Coordination in order to confirm that Member States continue to allow workers posted to or from the UK to be covered by the sending state's social security legislation under specific conditions; further notes that in 2022, preparatory steps were taken to implement the financial provisions concerning the reimbursement of the cost of sickness benefits in kind provided by a state other than the competent one;
 4. Welcomes the Specialised Committee on Social Security Coordination's adoption of Decision 1/2023 approving the use of the Electronic Exchange of Social Security Information (EESSI) under the Trade and Cooperation Agreement³ in the context of the Protocol, as well as considering that relevant parts of the Decisions and Recommendations of the Administrative Commission for the Coordination of Social Security Systems should be made applicable in the context of the Protocol by means of a Specialised Committee Recommendation³; reiterates its call on Member States to ensure that the EESSI becomes fully functional as soon as possible and to make use of the opportunities provided by existing EU funds to fully implement the EESSI and further digitalise public administration;
 5. Recalls that the TCA requires the economic partnership between the two parties to be underpinned by a level playing field for open and fair competition and that trade and investment should take place in a manner conducive to sustainable development including economic and social development and environmental protection; notes that under Article 355 both parties undertook to maintain and improve their respective standards in the areas covered by Title XI;

³ [Provisional Agenda of the Third Specialised Committee on Social Security Coordination](#), London, June 2023.

6. Expresses concerns regarding recent developments that may undermine the level playing field provisions of the TCA in the labour and social sphere in the UK; strongly regrets in this regard the July 2022 repeal of the prohibition of employment agencies in providing temporary staff to replace workers taking part in industrial action, which undermines the right of workers to take collective action, including the right to strike; calls on the UK Government to take the necessary measures to uphold the level playing field principles outlined in the articles of the TCA;
7. Further highlights some concerning legislative developments in the UK which have been proposed but have not yet been adopted, such as the Retained EU Law (Revocation and Reform) Bill, the Strikes (Minimum Service Levels) Bill and the Data Protection and Digital Information Bill (No. 2) Bill; stresses that these proposals, if adopted, could have serious implications for workers' rights, in particular the fundamental rights of freedom of association and the right to organise, collective bargaining and collective action including the right to strike and undermine the UK's commitments under the TCA; in this regard, welcomes the UK Government's decision not to proceed with the Bill of Rights Bill;
8. Recalls that the protection of workers' rights is essential to maintain a level playing field and sustainable development as set out in, inter alia, Articles 355, 386, 387, 399 and 524 of the TCA; calls on the Commission to closely monitor developments in this regard and to use all available means to address any concerns that the adoption of these proposals could raise for the application of Chapter 6 of Title XI, including through dialogue in the Partnership Council and Specialised Committees, consultation of the EU Domestic Advisory Group and where necessary the dispute settlement mechanisms provided for under Article 389;
9. Notes that in June 2021 the UK Government announced its intention to establish a single enforcement body for employment rights tasked with ensuring centralised supervision of its labour laws⁴ in order to improve the coordination and effectiveness of existing bodies and expanding enforcement into new areas; notes, however, that to date no further progress has been made on the proposal; calls on the Commission to continue to closely monitor the enforcement of relevant labour and social standards, as required by the TCA, and any developments in this regard, and to continue its efforts with the UK Government to ensure full compliance with the TCA;
10. Strongly regrets the UK's discriminatory treatment of workers from five EU Member States in 2021 as regards reduced fees for long-term work visas; further regrets the UK's subsequent renunciation of Article 18(2) of the European Social Charter and consequent removal of work-related visa fee reductions for all EU citizens as of February 2022; calls on the Commission to take all measures necessary in this regard and continue to raise this issue through the Partnership Council and the Specialised Committee on Level Playing Field for Open and Fair Competition and Sustainable Development;
11. Calls for the EU and the UK to explore avenues for further cooperation and exchange of best practices in the areas of employment and social protection; recognises the

⁴ Department for Business, Energy & Industrial Strategy, UK. Establishing a new single enforcement body for employment rights, 2021.

potential for mutual collaboration to improve the implementation and enforcement of employment policies, ensuring fair competition and growth for companies and workers in both the EU and the UK.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Rule 58 – Joint committee procedure Date announced in plenary	15.12.2022
Date adopted	18.7.2023
Result of final vote	+: 34 -: 1 0: 5
Members present for the final vote	Atidzhe Alieva-Veli, Marc Angel, Dominique Bilde, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Sylvie Brunet, Jordi Cañas, David Casa, Ilan De Basso, Jarosław Duda, Cindy Franssen, Chiara Gemma, Elisabetta Gualmini, Agnes Jongerius, Irena Joveva, Katrin Langensiepen, Elena Lizzi, Sara Matthieu, Max Orville, Kira Marie Peter-Hansen, Dragoș Pișlaru, Elżbieta Rafalska, Daniela Rondinelli, Pirkko Ruohonen-Lerner, Mounir Satouri, Romana Tomc, Nikolaj Villumsen, Maria Walsh, Stefania Zambelli, Tomáš Zdechovský
Substitutes present for the final vote	Alex Agius Saliba, Carmen Avram, Gheorghe Falcă, Aurore Lalucq, Evelyn Regner
Substitutes under Rule 209(7) present for the final vote	Andrey Novakov, Carina Ohlsson, Helmut Scholz, Ralf Seekatz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
PPE	David Casa, Jarosław Duda, Gheorghe Falcă, Cindy Franssen, Andrey Novakov, Ralf Seekatz, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Atidzhe Alieva-Veli, Sylvie Brunet, Jordi Cañas, Irena Joveva, Max Orville, Dragoş Pîslaru
S&D	Alex Agius Saliba, Marc Angel, Carmen Avram, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Ilan De Basso, Elisabetta Gualmini, Agnes Jongerius, Aurore Lalucq, Carina Ohlsson, Evelyn Regner, Daniela Rondinelli
The Left	Helmut Scholz, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Sara Matthieu, Kira Marie Peter-Hansen, Mounir Satouri

1	-
ID	Dominique Bilde

5	0
ECR	Chiara Gemma, Elżbieta Rafalska, Pirkko Ruohonen-Lerner
ID	Elena Lizzi, Stefania Zambelli

Key to symbols:

+ : in favour

- : against

0 : abstention