



2022/2188(INI)

18.7.2023

OPINION

of the Committee on the Internal Market and Consumer Protection

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 (*): Anna Cavazzini

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

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SUGGESTIONS

The Committee on the Internal Market and Consumer Protection 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:

- A. whereas at the end of the transition period, the UK and the EU established two separate customs territories and two separate markets for goods and services, each with its own regulatory regime;
- B. whereas the economic partnership between the EU and UK should generate mutually beneficial opportunities and ensure legal certainty for businesses, especially small and medium-sized enterprises (SMEs), and protection for consumers; whereas full implementation of the Windsor Framework is of the utmost importance in order to avoid a hard border on the island of Ireland and therefore to protect the all-island economy, safeguard the Good Friday Agreement in all its dimensions, ensure smooth trade and cooperation, as well as safeguard the integrity of the internal market and the customs union; whereas these areas fall under the responsibility of the Committee on the Internal Market and Consumer Protection;
- C. whereas the EU has reacted quickly to implement the Windsor Framework; whereas the UK is now expected to promptly implement its part thereof;
- D. whereas the full implementation of the provisions of the EU-UK Withdrawal Agreement, in particular the Protocol on Ireland and Northern Ireland and the new Windsor Framework, is a precondition for the UK to benefit from the advantages of the EU-UK Trade and Cooperation Agreement (TCA);
- E. whereas the full implementation of the provisions of the EU-UK Withdrawal Agreement in all areas, such as trade in goods and in services, digital trade, intellectual property, public procurement, aviation and road transport, energy, fisheries, social security coordination, law enforcement and judicial cooperation in criminal matters, thematic cooperation and participation in Union programmes, is a precondition for maximising the beneficial impact on both cooperation partners;
- F. whereas the TCA states that the UK and the EU share the objective of achieving a high level of consumer protection and must cooperate to that end;
- G. whereas most collaboration efforts under the TCA have been partially or fully suspended pending a solution for implementing the Withdrawal Agreement, especially with regard to real-time customs data access; whereas areas of cooperation set up in the TCA might receive renewed attention following the finalisation of the Windsor Framework in March 2023;
- H. whereas as a result, there has been little to no cooperation between EU and UK market surveillance and customs authorities on product safety, despite mandatory commitments under the TCA's chapter on technical barriers to trade; whereas UK authorities do not have access to the EU safety gates, nor does the EU have access to the new UK product

safety database;

- I. whereas the UK Competition and Markets Authority is no longer part of the EU Consumer Protection Cooperation Network; whereas close cooperation and exchange of information between authorities is vital to ensure proper enforcement of consumer rights and should therefore be encouraged;
- J. whereas EU and UK legislation and therefore also consumer protection provisions will diverge over time, which will impact consumers, notably when it comes to passenger rights; whereas this may lead to a need to reconsider equivalence decisions; whereas the Commission should track divergence between EU and UK laws; whereas access to this divergence tracking would benefit Parliament and other relevant stakeholders by better allowing them to scrutinise the implementation of the TCA;
- K. whereas as of 2021, all exports from the UK to the EU are subject to customs procedures and checks; whereas the UK has delayed EU import checks four times since it left the EU;
- L. whereas two separate customs markets represent more administrative and economic burdens, especially for SMEs, leading to mutually detrimental effects; whereas this outcome is based solely on the UK's autonomous decision to leave the European Union pursuant to Article 50 of the Treaty on European Union;
- M. whereas after a period of uncertainty in 2020 and 2021, neither stakeholders nor the Specialised Committee on Customs and Rules of Origin reported any major customs obstacle to the implementation of the TCA in 2022;
- N. whereas the EU Domestic Advisory Group (DAG) under the EU-UK TCA has met six times and published an issue tracker on the implementation of the TCA; whereas the reinforcement of customs cooperation between the parties has emerged as a very important issue at these meetings;
- O. whereas goods traded between the EU and the UK must comply with the rules of origin established under the TCA if they are to benefit from preferential treatment with 0 % customs duties;
- P. whereas EU national customs authorities have raised concerns both about the correctness of operators' self-declarations of origin and the replies provided by the UK customs authorities concerning origin verifications; whereas the Trade Specialised Committee on Customs Cooperation and Rules of Origin has issued new guidance to support Member States;
- Q. whereas stakeholders have expressed significant concerns over the implementation of the UK conformity assessment; whereas a third extension of the deadline for its introduction was announced in November 2022;
- 1. Welcomes the conclusion of the Windsor Framework; welcomes the fact that this agreement establishes new rules with regard to sharing customs data in order to enable real-time access; takes note of the recommendation of 24 March 2023 on the subject of enforcement and market surveillance; stresses the need for effective mechanisms to

ensure compliance with regulatory requirements in order to provide legal certainty for both businesses, especially SMEs, and citizens, enhance consumer protection and guarantee a level playing field;

2. Stresses that the EU has reacted quickly to implement the Windsor Framework and now expects the UK to promptly implement its part thereof; considers it essential, furthermore, that both parties fully comply with the Withdrawal Agreement, the Protocol thereto and the Windsor Framework in order to facilitate the UK's access to the EU internal market under the TCA while preserving the integrity of the internal market and the customs union and fostering fair competition, as well as to ensure legal certainty for EU companies when trading with the UK;
3. Calls on the Commission to ensure that the EU and the UK cooperate closely on the subject of customs, including by ensuring an effective exchange of information, constructive dialogue and effective methods of cooperation between customs administrations, in addition to an interoperable and coordinated Single Window Environment, and by implementing common standards and data elements aimed at simplifying clearance processes in order to minimise administrative and financial costs for all stakeholders; calls on the Commission, further, to perform regular reviews and evaluations in order to reduce unjustified regulatory and administrative barriers and to ensure that established cooperation mechanisms remain effective and future-proof;
4. Stresses that the Good Friday Agreement, as well as the entire Trade and Cooperation Agreement, must not be jeopardised; underlines the importance of close cooperation between customs authorities from the EU and the UK in order to ensure this;
5. Stresses the importance of Article 96 of the TCA on cooperation on market surveillance and non-food product safety and compliance; calls, therefore, on the Commission to implement it without delay; calls for the development of joint initiatives and projects, as well as for the establishment of dedicated ways of communication and coordination between the EU and the UK, in order to facilitate the exchange of information, best practices and technical expertise in the areas of market surveillance and product safety; stresses the need for regular monitoring, evaluation and reporting of progress made in the cooperation efforts stipulated in Article 96;
6. Calls on the Commission to negotiate and conclude a cooperation agreement to exchange information and best practices related to the effective enforcement of consumer rights and protection with the UK Competition and Markets Authority; stresses that such an agreement would be mutually beneficial;
7. Calls on the Commission to regularly monitor the overall impact of the TCA on the internal market and consumers;
8. Stresses the importance of the parliamentary scrutiny of the TCA's provisions to ensure more transparency and accountability; highlights the positive role of the TCA DAG in facilitating dialogue and cooperation between the EU and the UK and providing expertise, assessments and recommendations during the implementation of the TCA; encourages the establishment of cooperation mechanisms between the European Parliament and the TCA DAG in order to provide opportunities for open dialogue and sharing expertise;

9. Calls on the Commission to track and examine the divergence between EU and UK law and to provide Parliament and the public with access to the data obtained by publishing annual reports; recognises the importance of such a tracking mechanism for ensuring informed decision-making, enhancing public trust and facilitating a deeper understanding of the post-Brexit context; calls for the establishment of a platform allowing public access to up-to-date information on areas where EU and UK law diverge; calls on the Commission to make full use of remedial and rebalancing measures available under the TCA in order to address identified divergences which may lead to weakening of or reductions to consumer welfare, including the level of protection of consumers, workers and the environment;
10. Takes note that the UK Government has narrowed the scope of the sunset clause in the Retained EU Law (Revocation and Reform) Bill and urges the UK to refrain from introducing provisions in the bill that are in conflict with the TCA or the Withdrawal Agreement.

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	+: 38 –: 0 0: 3
Members present for the final vote	Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Kateřina Konečná, Maria-Manuel Leitão-Marques, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann
Substitutes present for the final vote	Marco Campomenosi, Claude Gruffat, Ivars Ijabs, Karen Melchior, Tsvetelina Penkova, Kosma Zlotowski
Substitutes under Rule 209(7) present for the final vote	Eric Minardi, Paulo Rangel, Grzegorz Tobiszowski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
ECR	Adam Bielan, Eugen Jurzyca, Grzegorz Tobiszowski, Kosma Zlotowski
ID	Alessandra Basso, Marco Campomenosi
PPE	Pablo Arias Echeverría, Deirdre Clune, Krzysztof Hetman, Antonius Manders, Paulo Rangel, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Sandro Gozi, Svenja Hahn, Ivars Ijabs, Karen Melchior, Róza Thun und Hohenstein
S&D	Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Claude Gruffat, Kim Van Sparrentak

0	-

3	0
ID	Markus Buchheit, Virginie Joron, Eric Minardi

Key to symbols:

+ : in favour

- : against

0 : abstention