



TEXTS ADOPTED

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Proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland

European Parliament resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2557(RSP))

The European Parliament,

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union (‘the Charter’),
- 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 Union¹, of 3 October 2017 on the state of play of negotiations with the United Kingdom², of 13 December 2017 on the state of play of negotiations with the United Kingdom³, of 14 March 2018 on the framework of the future EU-UK relationship⁴, and of 18 September 2019 on the state of play of the UK’s withdrawal from the European Union⁵, and of 15 January 2020 on implementing and monitoring the provisions on citizens’ rights in the Withdrawal Agreement⁶,
- 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 Community⁷,
- 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

¹ OJ C 298, 23.8.2018, p. 24.

² OJ C 346, 27.9.2018, p. 2.

³ OJ C 369, 11.10.2018, p. 32.

⁴ OJ C 162, 10.5.2019, p. 40.

⁵ Texts adopted, P9_TA(2019)0016.

⁶ Texts adopted, P9_TA(2020)0006.

⁷ Texts adopted, P9_TA(2020)0018.

Energy Community¹ ('the Withdrawal Agreement'), and to the political declaration setting out the framework for the future relationship between the European Union and the United Kingdom², that accompanies the Withdrawal Agreement, ('the Political Declaration'),

- having regard to the letters from the Committee on Foreign Affairs, the Committee on International Trade, the Committee on Budgets, Committee on Budgetary Control, the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Agriculture and Rural Development, the Committee on Fisheries, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs and the Subcommittee on Security and Defence,
 - having regard to Recommendation for a Council decision authorising the opening of negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland, which nominates the Commission as the Union negotiator, and the Annex thereto containing the directives for the negotiation of a new partnership (COM(2020)0035) ('negotiating directives'),
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas the United Kingdom (UK) ceased to be a Member State of the European Union (EU) on 31 January 2020 at midnight (Central European Time);
- B. whereas the Political Declaration establishes the parameters of an ambitious, broad, deep and flexible partnership across trade and economic cooperation with a comprehensive and balanced Free Trade Agreement (FTA) at its core, as well as law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation, and sets out that, where the EU and UK consider it to be in their mutual interest during the negotiations, the future relationship may encompass areas of cooperation beyond those described in the Political Declaration;
- C. whereas the future relationship should be based on a balance of rights and obligations, respecting the integrity of the single market and the customs union as well as the indivisibility of the 'four freedoms'; whereas a non-Member State of the EU, that does not comply with the same obligations as a Member State, cannot have the same rights and enjoy the same benefits as a Member State;
- D. whereas the Political Declaration states that the future economic partnership will be underpinned by provisions ensuring a level playing field for open and fair competition;
- E. whereas the EU and the UK will remain close neighbours and will continue to have many interests in common;
- F. whereas such a close relationship in the form of a comprehensive partnership agreement between the EU and the UK could be considered an appropriate framework for the future relationship by which these common interests can be protected and promoted, including a new trade relationship;

¹ OJ L 29, 31.1.2020, p. 7.

² OJ C 34, 31.1.2020, p. 1.

- G. whereas the agreement on the future relationship between the EU and the UK should provide a flexible framework allowing for varying degrees of cooperation across a wide variety of policy areas, based on a common governance structure with appropriate dispute settlement provisions;
- H. whereas that cooperation will require both parties to maintain high standards and their international commitments in a number of policy areas;
- I. whereas the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement provides for legal framework that preserves the Good Friday Agreement in all its parts and the rights of the people of Northern Ireland, and safeguards single market integrity and the all-island economy and therefore avoids a hard border as long as the consent mechanism provides for its continuation; whereas the UK's obligation to ensure the application of the Good Friday Agreement in all its parts applies under all circumstances;
- J. whereas it is appropriate that the EU institutions and the Member States, together with public and private institutions, undertake work to be prepared for all eventualities that may arise as a result of the negotiations between the EU and the UK;
- K. whereas the continued unity of the EU institutions and Member States is crucial in order to defend the interests of the EU and its citizens throughout the subsequent phases of negotiations, but also to ensure the successful and timely conclusion of those negotiations;
1. Underlines its determination to establish a relationship as close as possible with the UK; notes however that such a relationship will have to be different from that enjoyed by the UK as a Member State of the EU and will need to adhere to the principles set out below;
 2. Recalls that any association agreement concluded pursuant to Article 217 TFEU between the EU and the UK ('the Agreement') must be in strict concordance with the following principles:
 - (i) a third country must not have the same rights and benefits as a Member State of the EU, or a member of the European Free Trade Association (EFTA) or European Economic Area (EEA),
 - (ii) protection of the full integrity and correct functioning of the single market, the customs union and indivisibility of the four freedoms, and in particular the degree of cooperation in the economic pillar should be commensurate to the freedom of movement of people;
 - (iii) preservation of the autonomy of the EU's decision-making,
 - (iv) safeguarding of the EU legal order and the role of the Court of Justice of the European Union (CJEU) in this respect,
 - (v) continued adherence to democratic principles, human rights and fundamental freedoms, as defined in particular in the United Nations (UN) Universal Declaration of Human Rights, the European Convention on Human Rights and Fundamental Freedoms and its Protocols, the European Social Charter, the Rome Statute on the International Criminal Court and other international human rights

treaties of the UN and the Council of Europe, as well as respect for the principle of the rule of law,

- (vi) a level playing field, ensuring equivalent standards in social, labour, environmental, competition and state aid policies, including through a robust and comprehensive framework on competition and state aid control,
 - (vii) the precautionary principle, the principle that environmental damage should as a priority be rectified at source and the 'polluter pays' principle,
 - (viii) safeguarding of EU agreements with third countries and international organisations, including the EEA Agreement, and maintaining the overall balance of these relationships,
 - (ix) safeguarding of the financial stability of the EU and compliance with its regulatory and supervisory regime and standards and their application,
 - (x) a right balance of rights and obligations, including, where appropriate, commensurate financial contributions;
3. Reiterates that the Agreement should provide an appropriate framework for the future relationship being based on three main pillars: economic partnership, foreign affairs partnership, specific sectoral issues and thematic cooperation; stresses that the Agreement should also secure a consistent governance framework, which should include a robust dispute resolution mechanism, thus avoiding a proliferation of bilateral agreements and the shortcomings which characterise the EU's relationship with Switzerland; recalls that the Agreement must conform to Article 3(5) TEU;
 4. Notes that, given the shared basis of common values held by the EU and the UK, their close links and current regulatory alignment, the UK's 47-year membership of the EU, and its status as a permanent member of the UN Security Council as well as membership of the North Atlantic Treaty Organisation (NATO), the UK will continue to be an important partner for the EU in all the aforementioned pillars and it is in the mutual interest of both parties to establish a partnership that ensures continued cooperation;
 5. Recalls that the Agreement can only be concluded with the full involvement and final consent of the European Parliament; emphasises that it must be immediately and fully informed at all stages of the procedure in accordance with Articles 207, 217 and 218 TFEU, with relevant case-law and established best practices, and that its positions should be duly taken into account at all stages, ensuring that the European Parliament and its competent committees are in a position to exercise democratic scrutiny and decide on the Agreement fully informed; calls on the Council and the Commission to take the European Parliament's position fully into consideration when defining the negotiating directives, and to make them public;
 6. Calls on the Commission to conduct negotiations transparently; urges the Commission to ensure in this respect public consultation and constant dialogue with social partners and civil society, as well as with national parliaments;
 7. Considers that the EU must do its utmost in its negotiations with the UK to guarantee the EU's interests and make sure that at all times the EU's leverage is preserved and that unity is ensured, as was the case during the negotiations on the terms of the UK's

withdrawal from the EU; insists that this unity must be preserved for the negotiations on the future partnership and therefore recalls the importance of the Commission being the EU's sole negotiator during the negotiations, and that therefore Member States must not undertake any bilateral negotiations;

8. Demands that negotiations start as soon as possible on all the points covered by the draft negotiating directives; considers, however, that the level of depth and ambition will necessarily be commensurate with the stringent timeframe that the UK has chosen, which does not reflect the complexity of the negotiations and raises the risks of a 'cliff-edge' in certain areas where contingency measures or the international framework may not be a sufficient legal framework to prevent severe disruption;
9. Expresses its concern at the UK Prime Minister's interpretation of the provisions of the Protocol on Ireland/Northern Ireland of the Withdrawal Agreement concerning border controls in the Irish Sea; considers that trust is an essential element of any negotiation, is of the opinion that the UK Prime Minister must immediately clarify in a satisfactory manner the UK's intended approach to the implementation of the Protocol on Ireland/Northern Ireland;
10. Supports the negotiating directives, which set out that Gibraltar will not be included in the territorial scope of the agreements to be concluded between the EU and the UK, and that any separate agreement will require the prior agreement of the Kingdom of Spain;

I. ECONOMIC PARTNERSHIP

Trade & level-playing field

11. Takes note that the UK has chosen to establish its future economic and trade partnership with the EU on the basis of an FTA; emphasises that, while the European Parliament is supportive of the EU constructively negotiating a balanced, ambitious and comprehensive FTA with the UK, by its nature an FTA will never be equivalent to 'frictionless' trade;
12. Reiterates that, with a view to preserving the integrity of the EU and its single market, of the customs union and the indivisibility of the four freedoms, it is crucial to ensure that the level of quota and duty free access to the world's largest single market fully corresponds to the extent of regulatory convergence and the commitments taken with respect to observing a level playing field for open and fair competition with a view to dynamic alignment; underlines that it requires a combination of substantive rules and measures, including non-regression clauses and mechanisms to ensure effective implementation, enforcement and dispute settlement;
13. Stresses that an FTA should aim to allow market access and trade facilitation as close as possible to what existed prior to the UK's withdrawal from the EU, while it must also continue creating decent jobs and boosting the EU's export opportunities, encouraging sustainable development, upholding the EU's standards, and respecting democratic procedures; underlines that a level playing field should be ensured and EU standards safeguarded in order to avoid a 'race to the bottom', with a view to dynamic alignment, and the need to ensure that the UK does not gain unfair competitive advantage through the undercutting of levels of protection and to prevent regulatory arbitrage by market operators;

14. Stresses that, for an FTA to truly promote the EU's interests, the following objectives should be included in the negotiating directives:
- (i) a level playing field is to be guaranteed through robust commitments and enforceable provisions on competition and state aid, relevant tax matters (including the fight against tax evasion, avoidance and money laundering), full respect of the social and labour standards (including equivalent levels of protection and safeguards against social dumping), environmental protection and climate change related standards, promotion of the UN's Sustainable Development Goals, a high-level protection of consumers and sustainable development; the provisions should ensure that standards are not lowered, while empowering both parties to modify commitments over time to lay down higher standards or include additional areas; commitments and provisions should be enforceable by autonomous interim measures, a solid dispute settlement mechanism and remedies, with a view to dynamic alignment;
 - (ii) reciprocal arrangement for mutually beneficial market access for goods, services, public procurement, recognition of professional qualifications and where relevant foreign direct investment to be negotiated in full compliance with World Trade Organisation (WTO) rules;
 - (iii) commitment by both parties to continue working together for strong rules based free and fair trade in international fora, with a view to achieving effective multilateralism;
 - (iv) while striving for the widest possible trade in goods, the Commission should evaluate possible quotas and tariffs for the most sensitive sectors as well as the need for safeguard clauses to protect the integrity of the EU single market; reiterates, moreover, that for instance with respect to food and agricultural products access to the single market is conditional on strict compliance with all EU law and standards, particularly in the fields of food safety, genetically modified organisms (GMOs), pesticides, geographical indications, animal welfare, labelling and traceability, sanitary and phytosanitary (SPS) standards, and human, animal and plant health;
 - (v) rules of origin should mirror the most recent EU FTAs and be based on the interests of EU producers; the Agreement should safeguard the framework of existing commercial relationships between the EU and third countries and avoid any free-riding by ensuring consistency in keeping a tuned tariff and quota system and rules of origin for products vis-à-vis third countries;
 - (vi) commitments on anti-dumping and countervailing measures could go beyond WTO rules in this area, as appropriate;
 - (vii) commitments on services should be made with the aim of delivering a level of liberalisation in trade in services well beyond the parties' WTO commitments, building on recent EU FTAs, while safeguarding the high quality of the EU's public services in accordance with the TFEU and in particular Protocol 26 on Services of General Interest; in addition, audio-visual services should be excluded from provisions related to liberalisation; reiterates that under an FTA market access for services is limited and always subject to exclusions, reservations and exceptions; all modes of supply of services should be covered,

including commitments on the movement of natural persons across borders (Mode 4) and provisions, linked to EU rules and the respect for equal treatment of workers and recognition of professional qualifications; the arrangements should include provisions on market access and national treatment under host state rules to ensure that EU service providers are treated in a non-discriminatory manner, including with regard to establishment; the new arrangements should allow for the temporary entry and stay of natural persons for business purposes with the aim of providing services;

- (viii) there should be opportunities for access to public procurement markets beyond WTO Government Procurement Agreement (GPA) commitments, guaranteeing market access for EU companies in strategic sectors and a degree of openness equal to EU's public procurement markets;
- (ix) strong and enforceable measures covering the recognition and protection of intellectual property rights, including geographical indications (GIs), such as copyright and related rights, trademarks, based on the current and future EU legal framework;
- (x) the agreement should confirm the protection of existing GIs, as provided for in the Withdrawal Agreement, and establish a mechanism for the protection of future GIs, ensuring the same level of protection as that provided for by the Withdrawal Agreement;
- (xi) an ambitious chapter on trade and gender equality should be included; the consequences of the UK's withdrawal from the EU on gender equality should be taken into account, including by ensuring a level-playing field for EU actions protecting and advancing the role of women in economy, for instance in terms of measures combatting the gender pay gap;
- (xii) an overarching chapter on the needs and interests of micro-enterprises and small and medium-sized enterprises (SMEs) with regard to market access facilitation issues including, but not limited to, compatibility of technical standards, and streamlined customs procedures with the aim of preserving and generating concrete business opportunities and fostering their internationalisation;
- (xiii) for a trade agreement to be comprehensive, it must include provisions to ensure continued regulatory alignment of the UK with the EU in the future; in order to facilitate trade, cross-cutting disciplines on regulatory coherence and non-tariff barriers should be negotiated, mindful of the voluntary nature of regulatory cooperation and the right to regulate in the public interests, while preserving the regulatory autonomy and parliamentary rights, and recalling that provisions on regulatory cooperation in a trade agreement cannot fully replicate the same frictionless trade as provided for by membership of the single market;
- (xiv) in order to safeguard financial and regulatory stability and to ensure the full respect of the EU regulatory regime and standards and their application, prudential carve-out and limitations in the cross-border provisions of financial services are a customary feature of EU trade agreements and should be included in this one;

- (xv) ambitious provisions allowing for the development of digital trade, and to address unjustified barriers to trade by electronic means, and ensure an open, secure and trustworthy online environment for businesses and consumers, and regulating cross-border data flows, including principles such as fair competition and ambitious rules for cross-border data transfers, in full compliance with, and without prejudice to, the EU's current and future data protection and privacy rules;
 - (xvi) the FTA would lead to customs checks and verification as soon as goods are entering into the single market, which would affect global supply chains and manufacturing processes; it is necessary to strengthen customs authorities both with regard to personnel and technical equipment, in order to cope with their additional tasks; the operational procedures of the future agreement must be aimed at preserving the rules of the Union's single market for goods and the customs union; it is therefore of utmost importance to safeguard the compliance of the goods with single market rules;
 - (xvii) regulatory alignment on the market surveillance of products and on robust product standards should be an essential and irreplaceable part of any future agreement with the UK to ensure a level playing field for EU businesses and a high level of protection of EU consumers;
 - (xviii) the integrity of the customs union and its rules and procedures must be preserved; a timely and efficient working arrangement between the EU and the UK in this area should be established;
15. Emphasises that the FTA in its entirety should be covered by provisions on civil society dialogue, stakeholder involvement and consultation by both parties; insists on the establishment of domestic advisory groups supervising the implementation of the agreement;
 16. Reiterates that the Agreement should secure a consistent governance framework, which should include a robust dispute resolution mechanism as well as governance structures; emphasises in this regard the competence of the CJEU for the interpretation of questions related to EU law in order to ensure the homogeneity of such interpretation;

Level playing field

17. Recalls that the UK should continue to respect and implement the standards that exist under its international commitments with a view to dynamic alignment of legislation and policies, in a way that reflects the breadth and depth of the future relationship;
18. Recalls its determination to prevent any kind of 'dumping' in the framework of the future EU-UK relationship and recalls in that regard that alignment on environmental, labour and social, relevant tax matters and state aid policies is the key to preventing it;
19. Notes that the breadth and depth of the Agreement on a level playing field will be essential in determining the extent of the overall future EU-UK relationship; recalls that the continued adherence of the UK to the EU's social model will play a key role in this; reiterates the need to set up safeguards to ensure the maintenance both of high standards and a level playing field in the areas of social and employment standards at least at the current high levels provided by the existing common standards;

20. Underlines that a deeper relationship will require a robust and comprehensive framework for competition and state aid control that prevents undue distortion of trade and competition, in order to ensure that the UK does not engage in unfair and anti-competitive behaviour leading to the undercutting of EU economic actors;
21. Strongly believes that the UK should adhere to the evolving standards on taxation and anti-money laundering legislation within the EU *acquis*, including tax transparency, the exchange of information on tax matters and anti-tax avoidance measures, and should address the respective situation of its Overseas Territories, its Sovereign Base Areas and its Crown Dependencies and their non-compliance with EU good governance criteria and transparency requirements;
22. Reiterates the need to maintain high standards and a level playing field in the areas of medicinal products, medical devices, food safety and labelling, and veterinary, phytosanitary, and environmental policy and standards;
23. Notes that, as with the entire Agreement, provisions on the level playing field will require robust governance structures to include appropriate management, supervision, dispute settlement and enforcement mechanisms with sanctions and interim measures where necessary and with a requirement for both parties to establish or, where relevant, maintain independent institutions capable of effectively overseeing and enforcing implementation; underlines that access to justice and a proper complaints mechanism must be guaranteed for citizens and non-governmental organisations with respect to the enforcement of labour and environmental standards;

II. SPECIFIC SECTORIAL ISSUES AND THEMATIC COOPERATION

Fisheries

24. Stresses furthermore that the issue of free access to waters and ports is inseparable from the issue of free trade and access of UK fisheries products to the EU market, and that the negotiation with the UK on fisheries cannot be disconnected and must have a direct link with negotiations on the overall economic partnership, in particular on trade;
25. Recalls and strongly supports the provisions on fisheries to be agreed by 1 July 2020 and believes that the UK future fisheries management regime should not become weaker than the current rules and obligations of the Common Fisheries Policy (CFP);
26. Underlines that the withdrawal of the UK from the EU does not exempt the UK from its responsibilities to cooperate as coastal state for the joint and sustainable management of shared fish stocks, in accordance with its international obligations;
27. Recalls that the fundamental principle of free and equal access for EU fishers to all Member States' waters under the CFP, as well as the EU single market and its principle of free movement of goods (including fisheries products) have established decades of rights and benefits for coastal communities, operators and consumers;
28. Highlights the importance of establishing a mutually beneficial and comprehensive partnership between the EU and the UK, which includes in a non-dissociable manner and as a matter of priority before the end of the transition period, an agreement on fisheries and fisheries-related matters in accordance with the mutual obligations under international law;

29. Insists that the Agreement should be built on the principles established in the CFP for the sustainable exploitation and conservation of marine living resources and for the socio-economic benefit of fishers, operators in the fisheries sector and consumers;
30. Calls for the Agreement to ensure in particular a continued reciprocal access to waters and to maintain the existing stable quota share between the EU and the UK of commonly exploited stocks; highlights in that context the importance of maintaining commonly-agreed fisheries management principles and measures along the lines of those established in the CFP;
31. Insists on the need for proper consultation mechanisms and a common science-based approach, together with guarantees for the continued contribution of the UK to data collection and to the scientific assessment of stocks; urges both parties to continue cooperation in fisheries control and the fight against illegal, unreported and unregulated (IUU) fishing;

Data protection

32. Recalls that, according to the case-law of the CJEU¹, in order for the Commission to declare the adequacy of the UK data protection framework, it must demonstrate that the UK provides a level of protection ‘essentially equivalent’ to that offered by EU legal framework, including on onward transfers to third countries; recalls that UK Data Protection Act provides for a general and broad exemption from the data protection principles and data subjects’ rights for the processing of personal data for immigration purposes; is concerned about the fact that, when non-UK citizens’ data are processed under this exemption, they are not protected in the same manner as UK citizens; is of the view that that exemption would be in conflict with Regulation (EU) 2016/679 of the European Parliament and of the Council²; furthermore, is of the view that the UK legal framework on retention of electronic telecommunications data does not fulfil the conditions of the relevant EU *acquis* as interpreted by the CJEU, and hence does not currently meet the conditions for adequacy;
33. Considers necessary to pay particular attention to the legal framework in the UK in the fields of national security or processing of personal data by law enforcement authorities; recalls that mass surveillance programmes might not be adequate under EU law and strongly encourages taking into consideration CJEU case-law in this field such as the *Schrems* case as well as European Court of Human Rights case-law;
34. Instructs the Commission to carefully assess UK’s data protection legal framework and ensure that the UK has resolved the problems identified in this resolution prior to considering UK data protection law adequate in line with EU law as interpreted by the CJEU³, and to seek the advice of the European Data Protection Board and the European

¹ Case C- 362/14 Maximilian Schrems v Data Protection Commissioner
ECLI:EU:C:2015:650

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

³ Case C- 362/14 Maximilian Schrems v Data Protection Commissioner
ECLI:EU:C:2015:650, Opinion 1/15 PNR Canada; ECLI:EU:C:2017:592, Cases C 293/12 and C 594/12, Digital Rights Ireland and Others, EU:C:2014:238, Tele2 and Watson: , Cases C-203/15 - Tele2 Sverige and C-698/15 Watson ECLI:EU:C:2016:970

Data Protection Supervisor providing them with all the relevant information and appropriate timelines to fulfil their role;

Climate change and the environment

35. Believes that the future EU-UK relationship should be based not only on economic factors, but also on a high level of environmental ambition underpinned by cooperation in the relevant international fora in order to address trans-boundary and global challenges;
36. Considers that the EU and the UK should ensure that the level of environmental protection provided by law, regulations and practices is not reduced below the level provided by the common standards applicable within the EU and the UK at the end of the transition period in relation to: access to environmental information, public participation and access to justice in environmental matters; environmental impact assessment and strategic environmental assessment; industrial emissions; air emissions and air quality targets and ceilings; nature and biodiversity conservation; waste management; the protection and preservation of the aquatic environment; the protection and preservation of the marine environment; the prevention, reduction and elimination of risks to human health or the environment arising from the production, use, release and disposal of chemical substances, plant protection products; and climate change and the precautionary principle;
37. Calls on the negotiators to ensure that the UK commits itself to implement the standards, including targets, and other provisions agreed at EU level during the transition period;
38. Urges that cooperation in the area of the fight against climate change be made an absolute priority in the negotiations, given the utmost importance of being successful in that area starting with the success of the 26th session of the Conference of the Parties to the UN Framework Convention on Climate Change (COP 26) in Glasgow; considers that the best option would be complete alignment of the UK and the EU in this area; in that regard, expresses a strong preference for the UK to fully align itself to the current and future EU climate policy framework, as well as the commitments under the Paris Agreement, and requests that the cap on EU emissions established by the EU Emissions Trading System (EU ETS), the Effort Sharing Regulation, and including land use, land-use change and forestry, apply in its entirety;
39. Calls on the UK to maintain a system of carbon pricing aligned with common standards and targets in place at the end of the transition period and for the negotiators to explore the possibility of linking the UK's future national greenhouse gas emissions trading system with the EU ETS, provided that EU ETS's integrity is fully respected;
40. Underlines that any relationship between the UK and the European Investment Bank (EIB) should be subject to – among others – the UK's alignment with the revamped EU climate and environmental objectives, the UK's compliance with the regulation establishing a framework to facilitate sustainable investment and the EIB's ambitious new climate strategy and energy lending policy;
41. Stresses that there would be a risk of loss of EU biodiversity as a result of any lowering of protection in the UK, since many species (birds, bats, butterflies and cetaceans)

migrate between the EU and the UK, and for many non-migratory species there is a regular gene flow between the UK and the EU;

42. Stresses the importance for the UK to remain aligned on chemicals safety legislation (REACH¹) and ensure cooperation with the European Chemicals Agency (ECHA);

Energy

43. Calls for the Agreement to ensure non-discriminatory access to networks for market participants, effective unbundling of network operators; guarantee the level playing field and non-regression, including effective carbon pricing, state-aid, and environmental protection;
44. Calls for the establishment of mechanisms that ensure as far as possible security of supply and efficient trade over interconnectors over different timeframes;
45. Expects the UK to comply with high nuclear safety, security and radiation protection standards; expects the agreement to address the UK's relationship to Euratom and the ITER project and the impact of a withdrawal on assets and liabilities, enabling cooperation and the exchange of information between Euratom, the UK and its national authorities; calls for the Agreement to include a commitment to enable a level playing field in standards of nuclear safety to apply at the end of the transition period, ensuring full respect of international conventions, including the Aarhus and Espoo Conventions, and treaties;

Public health and food safety

46. Highlights the importance to EU and UK consumers of the UK maintaining high standards on food safety and food labelling; recalls that any food imported in the EU from a third country must meet the EU's high food safety standards, concerning inter alia the use of GMOs; notes the mutual benefit of the UK continuing to participate in the Rapid Alert System for Food and Feed; recalls that robust checks and controls will have to take place between the EU and the UK, given the UK's third country status;
47. Stresses the importance of the UK maintaining equivalent animal health standards, in preventing the transmission of zoonotic diseases between animals and people, particularly in the case of migratory species, for the benefit of both animal and human health; considers it necessary to maintain passporting for animal movements, both for domestic and farm animals, between the EU and the UK on the basis of existing and future EU standards;
48. Stresses the importance of high standards and a level playing field with regard to protecting the welfare and health of animals throughout the food chain and to ensuring fair competition between farmers in the UK and the EU; excludes the possibility of EU

¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

imports of live animals, meat and eggs that are not compliant with EU animal welfare standards;

49. Underlines the importance of ensuring an adequate supply of medicines, medical devices and other healthcare products; calls therefore on the EU and the UK to ensure that measures are taken to limit shortages and limit the potential serious impacts on human health; 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;
50. Urges that cooperation on health and public health issues be continued; underlines that, as a third country, the UK will not be able to take part in the authorisation procedures of medical products in the EU;

Citizens' rights and mobility of persons

51. Calls on the negotiating parties to strive towards full continuation of the citizens' rights guaranteed under the Withdrawal Agreement for both EU and UK citizens and their families; stresses that any future mobility arrangements should be based on non-discrimination between the EU's Member States and full reciprocity; considers, more generally, that further concretisation of citizens' rights, including free movement for UK nationals in the EU based on a reciprocal approach, must constitute a cornerstone and indivisible part of the text of a future international agreement between the EU and the UK; considers that it is also essential that the EU's Member States clarify the framework to be applied by each of them on UK citizens wishing to obtain residence status, and that such measures are user-friendly and transparent, in order to facilitate the process, as well as free of charge, and that the Commission and the European Parliament monitor relevant developments;
52. Asks for the establishment of adequate social security coordination arrangements, including pension rights, in the light of the future movement of persons; welcomes in that respect the detailed provisions on the coordination of social security systems in the Withdrawal Agreement, which protect rights deriving from periods of social security insurance contributions;
53. Urges the UK Government to enact 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 EU legislation nor the UK's employment bill;
54. Insists, in that respect, on the full and proper implementation of EU legislation with implementation deadlines during the transition period, such as the revision of the posting of workers directive, the work-life balance directive or the transparent and predictable working conditions directive;
55. Calls for the special situation on the island of Ireland to be taken fully into consideration, and for outstanding issues concerning the citizens of Northern Ireland to be addressed; 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;

56. Is in favour of the UK to continue applying the roaming regulation for the benefit of both EU and UK citizens and in particular to facilitate the cross-border movement of people on the island of Ireland;
57. Takes note of the UK's intention to accede the 2007 Hague Maintenance Convention and calls for a proper cooperation and ambition in civil and family law matters, especially as regards the rights and repatriation of children; reminds that the future agreement should also take into account certain categories of citizens currently covered by EU law as interpreted by the CJEU such as 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, for instance, third country nationals born in the EU, recognised refugees and stateless persons;
58. Considers that mobility arrangements must be based on non-discrimination and full reciprocity; recalls that, once the negotiation mandate is adopted, Member States cannot negotiate bilateral agreements;
59. Regrets, in this context, that the UK has announced that the principle of the free movement of persons between the EU and the UK will no longer apply; considers that any agreement on the future relationship between the EU and the UK should include ambitious provisions to ensure the continuation of rights for both EU and UK citizens and their family members, in particular concerning the movement of persons and workers; recalls that free movement rights are also directly linked to the three other freedoms integral to the single market, and have particular relevance to services and professional qualifications;
60. Considers that the Agreement should provide for visa-free travel for short-term visits, including short-term work-related trips, based on full reciprocity and non-discrimination, and should establish conditions for entry and stay for research, study and training purposes and youth exchanges;
61. Regarding future cooperation in asylum and migration policies between the UK and the EU27, stresses that this should at least contain arrangements that enhance safe and legal pathways to access international protection, including through family reunification; given that family reunion continues to be important for asylum seekers who reside in the UK and have families within the EU's borders, encourages the adoption of a plan on family reunion, which should enter into force after the transition period, in order to avoid any gaps with humanitarian impacts and to respect the right to family life of asylum seekers in accordance with Article 8 of the European Convention on Human Rights;

Equivalence in financial services

62. Recalls that UK based companies will lose passporting rights;
63. Considers that market access should be based on equivalence decisions, provided if the EU is satisfied that UK regulatory and supervisory regime and standards are and continue to be fully equivalent to those of the EU, reflecting the provisions agreed upon for a level-playing field; believes that once equivalence has been granted towards the UK, an effective mechanism has to be put in place to guarantee that equivalence is maintained over time and recalls that the EU can withdraw unilaterally the status of equivalent at any moment;

64. Considers that any future framework should safeguard financial stability in the EU and respect its regulatory and supervisory regime and standards and their application, while maintaining the EU regulatory and decision-making autonomy;

Transport

65. Calls on the negotiators to ensure continued connectivity between the UK and the EU, based on the requirement of reciprocity in mutual access to the transport markets, taking into account the difference in size of the two respective markets;
66. In this respect, recalls that the multilateral quota system of the European Conference of Ministers of Transport (ECMT) is currently inadequate to fully address the road freight transport needs between the EU and the UK and that appropriate measures should be put in place to avoid threats to public order and prevent disruptions to traffic flows of road haulage operators and coach and bus service operators;
67. Highlights the need to ensure that negotiations also encompass an ambitious, balanced and high-standard comprehensive air transport agreement, especially as far as air traffic rights, air safety and airport security are concerned, which should be dealt with accordingly, recalls, in this regard, that future air connectivity between the UK and the EU cannot amount to *de jure* or *de facto* participation of the UK in the Single Aviation Market;
68. Highlights that the future partnership between the UK and the EU should address the specific situation of the Channel Tunnel, especially the regulatory framework on railway safety;
69. Considers that intra-EU access between Ireland and the other EU Member States should be ensured, including the rights to transit for the intra-EU road transport between Ireland and the other EU Member States;
70. Stresses that the future relationship between the UK and the EU must ensure a strong level playing field in all transport sectors with a special focus on state aid, environmental protection, passenger rights, commercial flexibility and social aspects, including driving and rest times;
71. Highlights the need to ensure continuous financing of jointly agreed infrastructure projects, especially within the Trans-European Transport Network (TEN-T), Connecting Europe Facility (CEF) and Single European Sky (SES) framework, as well as Joint Technology Initiatives such as Clean Sky I and II and Single European Sky ATM Research (SESAR); and considers it crucial that the UK honour its financial commitments and obligations in full, even if those commitments and obligations should extend beyond the duration of its EU membership;

Programmes and agencies

72. Stresses that the rules for the UK's participation in EU agencies and programmes will be the rules applicable to third countries outside the EEA; encourages the participation of the UK in EU programmes while respecting all relevant rules and mechanisms and conditions of participation;
73. Stresses that any UK participation in EU programmes should not entail net transfers from the EU budget to the UK; considers moreover that any further participation of the

UK in EU programmes needs to ensure a fair balance as regards the contributions and benefits of the third country participating in the EU programme and participation should not confer to the third country any decisional power; calls on the Commission to ensure that there are sufficient binding provisions and guarantees with regard to the Protection of Union's Financial Interests and Sound Financial Management for the programs in which the UK would participate, including control and audit, and investigation in case of fraud, respect of the right of access of Commission services, the European Anti-Fraud Office (OLAF), the European Public Prosecutor's Office, the European Court of Auditors as well as the right of scrutiny of the European Parliament;

74. Believes, in particular, that UK participation in cross-border, cultural, development, education and research programmes such as Erasmus+, Creative Europe, Horizon, the European Research Council, the LIFE Programme, TEN-T, CEF, SES, Interreg, joint technology initiatives such as Clean Sky I and II, SESAR, ERICs, Galileo, Copernicus, the European Geostationary Navigation Overlay Service (EGNOS), Space, Surveillance and Tracking (SST) Support Framework, and public-private partnerships, is important;
75. Welcomes the contribution that the PEACE programme has made to delivering peace and stability in Northern Ireland and calls for the preservation of the Northern Ireland peace process and the benefits of the current Peace IV programme and the International Fund for Ireland;
76. Considers it of the utmost importance that the EU and the UK explore the possibility of cooperation between the UK authorities and EU agencies, including in particular the European Chemicals Agency, the European Food Safety Authority, the European Environment Agency, the European Centre for Disease Prevention and Control, and the European Medicines Agency; underlines that the UK will have no decision-making authority over EU agencies; in that context, urges the Commission to define the nature, scope and limits of this potential cooperation;
77. Considers it necessary to clarify the future practical cooperation between the UK authorities and the EU agencies in the field of Justice and Home Affairs;

III. SECURITY AND FOREIGN AFFAIRS PARTNERSHIP

Foreign policy, security challenges and defence

78. Believes that, even though the UK will be excluded from the EU decision-making structures, the UK is an important partner as the need for common responses to address foreign, security and defence policy challenges is crucial in the EU's immediate neighbourhood and on the international arena;
79. Underlines that the new EU-UK relationship will require intensive cooperation in foreign and security policies as both the EU and the UK share many interests and experiences, and stand for so many of the same values; stresses that it is in both sides' interest to maintain an ambitious cooperation that serves the security of Europe and its citizens and contributes to global stability, the protection of human rights and peace in line with the objectives and principles set out in Article 21 TEU;
80. Notes that, on common foreign and security policy (CFSP), EU common positions and actions can only be adopted by EU Member States; points out, however, that this does not exclude consultation mechanisms that would allow the UK to align with EU foreign

policy positions and joint actions, notably on defending the rules-based global order, multilateral cooperation and human rights especially in the frameworks of the UN, NATO, the Organization for Security and Co-operation in Europe and the Council of Europe; supports consultation and coordination on sanctions policy with the possibility of adopting sanctions that are mutually reinforcing when foreign policy objectives of the Parties are aligned; highlights the added value of close cooperation in CFSP given the UK's substantial position as a security actor;

81. Underlines that the UK must implement the EU'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 within a new Framework Participation Agreement, while respecting the decision making autonomy of the EU and the relevant EU decisions and legislation, including on procurement and transfers in the field of defence; such cooperation is conditional on full compliance with international human rights law and international humanitarian law and EU fundamental rights;
82. Recalls that effective international arms control, disarmament and non-proliferation regimes are a cornerstone of global and European security; calls on the EU and the UK to launch a coherent and credible strategy for multilateral negotiations at global level and on regional de-escalation and confidence-building measures; calls on the UK to commit to remain bound by Common Position 944/2008/CFSP;
83. Underlines that such cooperation would be mutually reinforcing, as it would allow to maintain the UK's expertise and capabilities in CSDP missions and operations; strongly encourages the UK to contribute to civilian and military CSDP missions and operations; stresses that, as a third state, and following the Political Declaration setting out the framework for the future relationship between the EU and UK, the UK will not be able to participate in the planning or command of EU missions and operations and that its capacity and level of participation in the planning or command/ participation in EU missions and operations and exchange of information and interaction with the EU is to be proportionate to the UK contribution to each mission or operation;
84. Expects that UK should continue to adhere fully to its commitments undertaken in the format E3 + 3 on the Joint Comprehensive Plan of Action (JCPOA) with Iran, enshrined in the UN Security Council Resolution 2231, as a pillar of international non-proliferation regime and a basis for de-escalation of tensions in the Middle East and Gulf regions;
85. Underlines that security and defence policy cooperation should form an integral part of the comprehensive partnership agreement envisaged to govern the future relationship; underscores that such an agreement would be without prejudice to the decision-making autonomy of the EU or the sovereignty of the UK;
86. Considers that it is in the common interest of the UK and the EU to cooperate on defence capabilities development including within the European Defence Agency, and cooperation against hybrid threats, thereby strengthening the European defence technological and industrial base and fostering genuine interoperability and joint effectiveness of European and Allied armed forces;

87. Notes that any cooperation in the above areas that involves sharing EU classified information, including on intelligence, is conditional on a security information agreement for the protection of EU classified information; underlines that the exchange of information and intelligence shall be encouraged and shall respect the principle of reciprocity; notes that this requires a specific agreement on classified information and the further development of autonomous evaluation of intelligence data; encourages an exchange of liaisons and attaché's to ensure seamless exchange of information;
88. Notes that since the launch of Permanent Structured Cooperation (PESCO), the UK has not participated in any of the projects selected; notes that its participation, with a key objective of interoperability among partners, and on an exceptional basis, should be considered when invited by the Council of the European Union in a PESCO format;
89. Recalls that the UK remains a key member of NATO and will be able to continue the highly valuable partnerships it has developed both with other European members of NATO bilaterally and through EU-NATO cooperation;
90. Notes that the UK could participate in EU programmes in support of defence and external security (such as the European Defence Fund, Galileo and cyber-security programmes), based on other similar third-country arrangements subject to respective negotiations for each instrument and on an appropriate balance between obligations and rights; underlines the possibility of the UK to contribute to the EU's external financing instruments in pursuit of common objectives;
91. Stresses the strategic dimension for Europe of the space sector, considers that an ambitious space policy can contribute effectively to enhancing the EU's external action, and emphasises the need to make progress in developing technologies with both civilian and military uses which are capable of ensuring European strategic autonomy;

Security, law enforcement and judicial cooperation in criminal matters

92. Considers it highly important, in view of the geographical proximity and the shared threats the EU and the UK are confronted with, that the EU and the UK strive to maintain effective arrangements for cooperation in law enforcement cooperation which is effective and mutually beneficial for the security of their citizens taking into account the fact the UK is a non-Schengen third country, and therefore it cannot enjoy the same rights and facilities as a Member State;
93. Stresses that the UK cannot have direct access to EU information systems data or participate in the management structures of the EU agencies in the area of Freedom, Security and Justice, while any sharing of information including personal data with the UK should be subject to strict safeguards, audit and oversight conditions, including an equivalent level of protection of personal data to that provided by EU law;
94. Considers that, as a third country, the UK cannot have access to the Schengen Information System (SIS); calls on the UK to remedy the serious deficiencies identified as regards its use of SIS immediately and calls on the Council and the Commission to monitor the process very closely to ensure that all deficiencies are addressed correctly without further delay; considers that the arrangements for the future cooperation between the EU and the UK in the area of law enforcement should only be discussed once the deficiencies are remedied; requests to be kept closely informed about all developments in that regard;

95. Any 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, must be based on strong safeguards and conditions and fully comply with the CJEU Opinion 1/15, which declared the EU-Canada PNR agreement to be in breach of the Charter;
96. Expects the UK to be able to continue the established cooperation and information exchange with national authorities in the area of cybersecurity;
97. Considers that the enforcement and recognition of judgments in civil and commercial matters must be ensured without undue formalities;
98. Highlights that the UK is a major development cooperation and humanitarian aid actor and that a close association in this area would be of high mutual benefit; and suggests the UK could be invited to contribute to the EU's instruments and mechanisms whilst respecting of the autonomy of the EU; considers that the envisaged partnership should also promote sustainable development and the eradication of poverty and continued support for implementing the UN's Sustainable Development Goals and European Consensus on Development;

IV. GOVERNANCE OF THE FUTURE AGREEMENT

99. Points out 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; is of the opinion that a horizontal governance mechanism along these lines should be applicable to the future relation with the UK as a whole; recalls in that regard its resolution of 15 January 2020 and considers that the full implementation of the Withdrawal Agreement is an overriding priority; emphasises in that regard that the European Parliament will continue to be vigilant regarding the implementation of all provisions; points out that the conflict resolution mechanism will need to be robust, and that such a mechanism will need to ensure effective, rapidly actionable and dissuasive remedies;
100. Insists on the absolute necessity for this governance system to fully preserve the autonomy of the EU's decision-making and legal order, including the role of the CJEU as the sole interpreter of EU law;
101. Stresses that the design of governance arrangements should be commensurate with the nature, scope and depth of the future relationship and take account of the level of interconnection, cooperation and proximity, while ensuring an effective and efficient application of the entire future agreement;
102. Agrees with the idea of setting up a governing body responsible for overseeing the implementation of the Agreement, addressing divergences of interpretation and implementing agreed corrective measures, such as dissuasive sectoral corrective measures and safeguards, and fully ensuring the EU's regulatory autonomy, including the legislative prerogatives of the European Parliament and the Council; underlines that the EU representatives on that governing body should be subject to appropriate

accountability mechanisms involving the European Parliament; recalls the Commission President's commitment before the European Parliament's plenary on 16 April 2019 to make sure that whenever a decision will have to be taken in that governing body, the Commission will closely involve the European Parliament and take utmost account of the Parliament's views and that nothing can be decided on Brexit without taking full account of the position of the European Parliament;

103. Insists also that the Agreement should provide for the establishment of joint parliamentary body between the EU and the UK tasked to monitor the implementation of the future Agreement;
104. Considers that, for provisions based on EU law concepts, the governance arrangements must provide for referral to the CJEU; reiterates that, for the application and interpretation of provisions of the Agreement other than those relating to EU law, an alternative dispute settlement mechanism can only be envisaged if it offers equivalent guarantees of independence and impartiality to the CJEU;

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105. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and to the Government and Parliament of the United Kingdom.