28.4.2020

Mr David McAllister
Chair
Committee on Foreign Affairs
BRUSSELS

Mr Bernd Lange
Chair
Committee on International Trade
BRUSSELS

Subject: Opinion on Recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))

Dear Chairs,

Under the procedure referred to above, the Committee on the Environment, Public Health and Food Safety has been asked to submit an opinion to Committee on Foreign Affairs and to the Committee on International Trade. At its meeting of 11 March 2020, the committee decided to send the opinion in the form of a letter.

The Committee on the Environment, Public Health and Food Safety considered the matter at its meeting of 4 May 2020. At that meeting, it decided to call 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.

Yours sincerely,

Pascal Canfin
SUGGESTIONS

General remarks on the environment, public health and food safety

1. Reiterates its determination to establish a relationship as close as possible with the United Kingdom; stresses however that an agreement with the United Kingdom should not be concluded at any cost; reiterates its support for a broad and ambitious free-trade agreement without any restriction on imports or exports, with zero tariffs and zero quotas, but only if the United Kingdom commits to “zero dumping”; stresses in particular that the fight against climate change, halting and reversing biodiversity loss, promoting sustainable development, environment, and major health issues should constitute an essential element of the envisaged partnership;

2. Strongly believes that any agreement reached with the United Kingdom should be fully conditional on respect for the Paris Agreement; notes that the Commission committed itself in the European Green Deal communication to make the respect of the Paris Agreement an essential element of all future comprehensive trade agreements; further considers that both Parties should not only uphold the United Nations Framework Convention on Climate Change, but also the UN Sustainable Development Goals, the Convention on Biological Diversity, and the United Nations Convention to Combat Desertification; stresses that the respect of these international agreements should be binding and enforceable;

3. Underlines the importance of stepping up preparedness and contingency measures well ahead of the end of the transition period, especially in the event of a stalemate in negotiations; underlines the need to properly finance preparedness actions and give priority to the health and safety aspects of preparedness and contingency, in particular with respect to pharmaceuticals and medical devices;

Level playing field and Sustainability

4. Notes that the European Green Deal will raise the Union’s climate and environmental ambition, and policy instruments will be adapted as a consequence; considers that this may lead to divergence between the Union and the United Kingdom’s economies; considers that both Parties should, as a priority, increase their respective levels of climate and environmental protection; stresses that a ‘ratchet clause’ for future levels of protection is not sufficient, as it does not provide for a level playing field nor incentives to raise ambition levels, and considers that should a Party increase its level of climate or environmental protection, the other Party should ensure that its standards and targets offer at least an equivalent level of climate or environmental protection; stresses that the protection of nature and biodiversity, via the Birds and Habitats Directives, is an essential part of the level playing field and vital for mitigating climate change;

5. Considers that ahead of the vote in Parliament on whether to give consent to the draft Agreement on the New Partnership between the European Union and the United Kingdom the UK must have in place a functioning system for the effective monitoring of the domestic enforcement of the UK’s law and practices by an adequately resourced independent body; stresses the importance that the independent body have the right to bring legal action, including against the government, before a competent court or tribunal in an appropriate judicial procedure, with a view to seeking an adequate remedy including sanctions;
6. Highlights the high number of past and active infringement cases brought by the Commission against the UK in the environmental field, including for air and water quality, and underlines the risk of regression in this area; stresses the importance that the UK establishes administrative and judicial proceedings to allow public authorities and individuals to bring timely actions against violations of environmental law and provide for remedies, including interim measures, to ensure that sanctions are effective, proportionate and dissuasive, and have a real deterrent effect;

7. Supports the system for cooperation, monitoring and enforcement and conflict resolution, presented by the European Commission, and the role of the Partnership Council; highlights the need to establish a scrutiny system at EU level which allows Parliament and Council to activate through the Commission a dispute settlement system where they consider the UK in breach of the Agreement; stresses that the dispute settlement system should provide for gradual sanctions as well as remedies when it is determined that one of the Parties is in breach of the Agreement; stresses that it will not give its consent to any agreement which may directly or indirectly weaken the role of the Court of Justice of the European Union on questions of Union law;

**Fight against climate change**

8. Stresses the importance of maintaining the fight against climate change in the ‘Level playing field and sustainability’ chapter of the agreement;

9. Considers that the United Kingdom should fully align itself to the current and future Union climate policy framework, including revised 2030 targets, 2040 targets and the trajectories to achieve climate neutrality by 2050, as well as the commitments made under the Paris Agreement;

10. As regards the 2030 targets, expresses concerns in relation to elements included in the draft National Energy and Climate Plan (NECP), which, in the Commission’s assessment, indicated that the main drivers of the UK’s energy and climate policy are carbon budgets and it was unclear if existing and planned policies, which are only set out for the transport and building sectors, are sufficient to achieve the Effort Sharing Regulation target and the no-debit commitment under the Land Use, Land Use Change and Forestry Regulation that prescribes that accounted removals do not exceed accounted emissions; calls on the United Kingdom to submit its final NECP which was due at the end of 2019;

11. Considers that the United Kingdom should implement a system of carbon pricing of at least the same scope and effectiveness as that provided by the EU Emissions Trading System (EU ETS) and should apply the same principles regarding the use of external credits by the end of the transition period; further considers that, should the United Kingdom request that its own ETS be linked to the EU ETS the following conditions for consideration of such request should apply: the UK ETS should not risk affecting the integrity of the EU ETS, in particular its balance of rights and obligations; it should reflect the continuous increase in scope and effectiveness of the EU ETS;
12. Highlights the importance of the two parties increasing their 2030 targets as a necessary step toward their commitment to decarbonisation by 2050; stresses that a system of carbon pricing should already be set and in place ahead of the vote in Parliament on whether to give consent to the draft Agreement; underlines the need for a EU carbon border adjustment mechanism as part of a broader strategy to uphold the EU’s climate ambition and ensure that third countries contribute to the objective of the Paris Agreement;

13. Calls on the United Kingdom to continue to contribute to the work on reinforcing ICAO’s CORSIA and ensuring that the aviation sector as well as the maritime and road transport sector, in the UK and worldwide, step up their efforts to reduce emissions, and to join the Union’s efforts in establishing and enforcing a system of carbon pricing for emissions in the maritime sector;

14. Underlines that any relationship between the United Kingdom and the European Investment Bank (EIB) should be subject to – among others - the United Kingdom’s alignment with the current and future Union climate and environmental objectives, the United Kingdom's compliance with the regulation establishing a framework to facilitate sustainable investment, and the EIB’s ambitious new climate strategy and Energy Lending Policy;

**Environmental protection**

15. Agrees that the Parties 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 and targets applicable within the Union and the United Kingdom at the end of the transition period in relation to environmental protection covering the whole environmental acquis in this area; stresses the importance of the full respect of the following principles: the precautionary principle, the principle that preventive action should be taken, the principle that environmental damage should as a priority be rectified at source, and the ‘polluter pays’ principle; calls for a commitment that each Party’s trade and investment policies should not hinder the achievement of sustainable development;

16. Stresses that both Parties should ensure their commitment to protecting and restoring global biodiversity, through measures at national, European and international level, and to committing to a global legally binding agreement with a biodiversity equivalent of the 1.5ºC target of the Paris Agreement at the next COP15 of the UN Convention on Biological Diversity; also underlines the need for a commitment to respect other international agreements, such as the CITES convention;

17. Stresses the importance of the conservation and restoration of terrestrial and marine ecosystems; recalls that by protecting and restoring all shared ecosystems the biggest mutual benefit can be obtained;

18. In view of the UK’s failure to comply with EU air quality legislation and to achieve ‘good’ water status for natural surface water bodies, and the serious on-going issues in relation to nitrate pollution, stresses the importance of ensuring the appropriate monitoring and assessment of air and water quality in addition to the adoption of the common standards and targets; further stresses the importance of the United Kingdom implementing and enforcing
the emission limits and other provisions agreed under the National Emissions directive, as well as to dynamically align with the Industrial Emissions Directive, including updates to the Best Available Technique Reference Documents;

**Public health and trade in Goods**

19. Stresses that, should the United Kingdom wish to be listed to export goods subject to sanitary and phytosanitary (SPS) measures to the Union, the United Kingdom will have to fully comply with EU requirements for those goods, including requirements relating to production processes; stresses, in addition, that rules of origin for food products in particular should be fully respected and that clear rules in relation to the transformation of food products in the United Kingdom should be defined to avoid the circumvention of EU requirements, especially in the context of possible Free Trade Agreement signed by the UK with other countries; further considers that any SPS measures applied by the Parties to protect human, animal or plant health should be based on risk assessments, with full respect for the precautionary principle;

20. Highlights that antimicrobial resistance is a serious cross-border threat to human and animal health; therefore stresses the need for each Party to endeavour to reduce the use of antibiotics in animal production and to continue to ban their use as growth promoter and reduce inappropriate or unnecessary use in humans;

21. Stresses the importance of each Party maintaining the highest standards of food safety, animal and plant health, and high quality inspection services in those fields and the need to cooperate with their counterparts in the other Party with the aim of promoting sustainable food production methods and food systems, including sustainable fisheries and aquaculture based on science and an ecosystem-approach to fisheries management; stresses that the United Kingdom will need to be in line with EU regulations on genetically modified organisms and plant protection products; considers that the Parties should aim to reduce the use and risks of pesticides;

22. Stresses the importance of preventing shortages of medicinal products and medical devices; urges national authorities and stakeholders to ensure that by the end of the transition period the process of redistribution of nationally authorised medicinal products be concluded; further calls on manufacturers to ensure that batch testing facilities are transferred by the end of the transition period to ensure that medicinal products imported from the United Kingdom can be released without delay;

23. With respect to EMA’s former premises in the United Kingdom, expresses concern that EMA, being a Union public health agency, will have to manage a commercial property in a third country and will remain liable for paying rent until June 2039; requests that solutions to release EMA from its contractual and financial liabilities in respect of its former premises are found; considers that a sensible long-term arrangement would be the assignment to the UK government of EMA's contractual position vis-a-vis the Canary Wharf Ltd. landlord;

24. Stresses the importance for the United Kingdom to remain dynamically aligned on pharmaceuticals, medical devices, on chemicals safety legislation, including endocrine disrupting chemicals, and REACH, in particular, in order for UK companies to continue to
have access to the single market; underlines that even with dynamic alignment, UK companies would be subject to the same obligations which apply to non-EU companies outside the European Economic Area;

25. Highlights that a range of health risk factors, such as smoking, alcohol use and unhealthy nutrition are significant in the development of non-communicable diseases and that many of these conditions are prevalent across Europe; calls, therefore, for coordinated action to reduce their prevalence and impact on health, taking into account cross-border factors such as advertising, marketing and legal and illegal trade of products, as well as coordinated policy development in driving up public health standards, for example strengthened tobacco control measures and a more robust approach to the labelling of food and drink products; points out that cooperation is essential given the way these products are regularly traded between countries; stresses that the United Kingdom must comply with EU measures in this field in order to trade freely on the single market;

**Thematic Cooperation**

26. Recalls that serious threats to health – such as those due to infectious disease outbreaks and pandemics or environmental factors – do not respect borders; therefore calls on both Parties to cooperate over the long-term to prevent, detect, prepare for, and respond to established and emerging threats to health security; calls in this regard for ongoing cooperation between the EU and the UK to effectively combat the COVID-19 pandemic, in particular on the island of Ireland where the land border makes this even more vital; considers that it is essential that the United Kingdom and the Union maintain a coordinated, European-wide approach in areas such as emergency preparedness, risk assessment, management and communication and the development of new antimicrobials and vaccines, and other medicines; considers that should a Party not take adequate measures to address the health threat, the other Party may adopt unilateral measures to protect public health;

27. 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; considers that in order to ensure patient safety, the EU and UK should work towards mutual recognition of professional qualifications to ensure the mobility of medical professionals;

28. Supports the continued participation by the UK as a third country observer with no decision making role in non-regulatory agencies, such as the European Environment Agency and the European Centre for Disease Prevention and Control, as this would allow both Parties to share best practices and methodologies; furthermore encourages both Parties to consider establishing cooperation agreements with peer regulatory agencies, such as the European Chemicals Agency, in order to exchange information, best practice and scientific knowledge;

**Ireland/Northern Ireland**

29. Underlines the importance of the effective implementation of the Withdrawal Agreement, including on maintaining the integrity of the Single Market and Customs Union; underlines that the Agreement on the future relationship should apply without prejudice to the Withdrawal Agreement and the Protocol on Northern Ireland; stresses the importance of a
robust application of the Protocol to preserve the all-island economy and the Good Friday Agreement in all its dimensions, and safeguard the integrity of the Single Market; stresses that Northern Ireland’s continued application of the Union’s Customs Code and alignment to relevant rules of the Single Market are needed not just to avoid a hard border on the island of Ireland, but also for the protection of the environment and biodiversity of the island of Ireland and the protection of the health and safety of EU citizens in accordance with EU rules.