

Prof. Danuta Hübner

**“The European Parliament’s role in TCA implementation
has to be reinforced”**

**Debate on the resolution accompanying consent
recommendation on the conclusion of the EU-UK Trade
and Cooperation Agreement.**

**Meeting of the European Parliament Foreign Affairs and
International Trade Committees**

European Parliament, 17 February, 2021

(online)

I would like to join all colleagues who praise the job of both co-rapporteurs.

Speaking on behalf of the Constitutional Affairs Committee, let me first of all say that the Committee focuses on its contribution to three main issues which belong to the remit of the Committee.

First, few words on the need to enhance and reinforce the role of the Parliament in the scrutiny of the implementation of the Trade and Cooperation Agreement. The Parliament has consistently reiterated its rights to be involved and fully informed at all stages of the implementation of any agreement between the EU and the UK, including on its review. The Parliament also made it clear that the EU representatives on any governing body responsible for overseeing the implementation of an agreement between the EU and the UK should be subject to appropriate accountability mechanisms involving the Parliament.

AFCO message is in this regard very clear: in a Union founded on the principle of democracy, and given the depth and breadth of the TCA, which is of exceptional and unique character, as the Council explicitly acknowledges, Parliament's role in the context of its implementation is all the more relevant, and has to be reinforced.

Secondly, on the link of the TCA with the Withdrawal Agreement. This is for AFCO a fundamental issue. It should be emphasised that the Withdrawal Agreement is a

stand-alone, independent agreement. Its effective and full implementation remains a priority.

The established position of the Parliament was always that the full and effective implementation of the Withdrawal Agreement by the UK constituted an essential precondition for the successful conclusion of an agreement with the UK. Let me express our appreciation for the efforts of the vice president of the European Commission, Maroš Ševčovič to ensure the full implementation of the Withdrawal Agreement and its Protocols, in particular the Protocol on Ireland and the Northern Ireland.

Although the agreement has been concluded, the requirement I mentioned remains valid because the TCA paves the way for an open-ended relationship, that can evolve further. It is therefore essential that the parties to the relationship as a whole build the trust indispensable for the future strengthening of the EU-UK partnership.

As the responsible committee, AFCO has been and will continue to closely monitor the implementation of the Withdrawal Agreement, and in particular in the area of citizens' rights and of the Protocol on Ireland/Northern Ireland.

Thirdly, on the dispute settlement arrangements. Parliament's resolution asked for a mechanism that would be transparent and robust. AFCO considers positive that the TCA establishes a binding general dispute settlement system, but we note that a number of areas are excluded from the general dispute settlement. In these areas, specific dispute settlement or enforcement mechanisms will apply. In our view, such differentiation increases complexity and renders the thorough and systematic information and involvement of the Parliament even more important.

In this regard, AFCO regrets that the TCA gives virtually no role to the Court of Justice, in spite of the commitments made by both parties in the Political Declaration.

Considering all aspects involved in this process, we believe that the proposed text of the resolution covers the points and elements that are of most relevance, not only to AFCO, but to the Parliament as a whole.

However, I would like to express one reservation regarding point 8 of the draft Resolution we discuss today. In this article and with regard to the scope of the interest of the Parliamentary Assembly there is a short insertion which has not been proposed by AFCO and which suggests that the Withdrawal Agreement might not be considered a stand-alone independent agreement between the parties. It is indeed an independent, stand-alone agreement with its own governance and institutional structure. You might have noticed that all issues covering the implementation and enforcement of the Withdrawal Agreement and its protocols has been handled so far within the governance structure of that agreement. I am convinced there will be a political discussion within the European Parliament and between the Houses of both parties regarding political dimension of our cooperation with the UK and Northern Ireland. This is a fundamentally important issue for the creation of a connective tissue that would allow the EP to fully grasp all the sensitivities of our relations. That is why we do not believe that this complex and fundamental relation cannot be solved by a sheer suggestion in the Resolution. Establishing how we, members of the European

Parliament, will organize our political cooperation with Northern Ireland should be the outcome of a joint political process.