

**Prof Danuta Hübner**

**“We expect that the UK government will stop undermining the EU-UK mutual trust and will come back to acting in good faith”**

**Statement on the situation of the implementation of the EU-UK  
Withdrawal Agreement**

**Meeting of the Committee on Constitutional Affairs**

**European Parliament**

**17 March 2021**

The European Parliament has underlined many times that it will remain vigilant regarding the continued effective implementation of the Withdrawal Agreement. Of course, we honour this commitment also in the committee on constitutional affairs, which remains the competent committee for monitoring the implementation of the agreement.

The full implementation of the Withdrawal agreement, including the Protocol on Ireland and Northern Ireland, was and continues to be the precondition for the conclusion of any future agreement.

Both the EU and the UK, when signing the Withdrawal agreement, have committed to acting in good faith when implementing the agreement. Yet on 3 March 2021, the UK Government stated its intention to unilaterally delay the full application of the Protocol on Ireland and Northern Ireland concerning the movement of goods from Great Britain to Northern Ireland.

This is the second time in the space of six months, after the experience with the controversial clauses introduced by the HMG to the Internal Market Bill, that the UK government is set to breach international law. Substantive provisions of the agreement would be violated with Government's decision to unilaterally delay the introduction of the agreed checks on goods entering Northern Ireland from Great Britain. In doing so, the UK government undermines trust in the exit framework that was jointly negotiated and it casts doubt on its commitment to act in good faith. The Protocol is a complex solution to a complex legal and political situation, but the EU and the UK jointly negotiated it and agreed to its provisions. It is important to stress once more that the Protocol on Ireland and Northern Ireland is the only way to protect the Good Friday Agreement and to preserve peace and stability, while avoiding a hard border on the island of Ireland and maintaining the integrity of the EU single market. It is also important to underline that in order to achieve these objectives, the Protocol must be implemented in full. In short, the UK must restore compliance with the terms of the Protocol.

Inevitably, as is the case with any other agreement, there are implementation issues to be resolved, both at the start of the process and along the way. But issues relating to the Protocol should be dealt with through the structures provided for by the Withdrawal Agreement. Article 164 of the Withdrawal Agreement lays down the tasks of the Joint Committee and clearly mandates it to deal with preventing problems and resolving disputes that may arise regarding the interpretation and application of the Agreement.

We fully support the Commission taking legal and political action in reaction to the UK government's decision to disrespect the terms of the Withdrawal agreement. The Joint Committee is the appropriate forum to reach mutually agreeable solutions. Evidently, solutions must respect the terms of the agreement. Legal steps have been taken by the European Commission in the form of a letter of formal notice and immediate reaction by the UK side is expected. There is a month for the UK to react. Withdrawal of steps taken would stop further legal action, lack of constructive reaction would mean further steps would be taken in the form of reasoned opinion which is envisaged by infringement procedure under the ECJ jurisdiction.

There are two paths available: the infringement procedure guaranteed by the Withdrawal Agreement and dispute settlement system envisaged within the Agreement linked to possible retaliation measures envisaged by Trade and Cooperation Agreement.

I personally hope that there is a good will on the British side allowing to involve in a dialogue with the European Commission to find solutions to issues on the ground.

The letter of the European Commission calls for withdrawal of the unilateral decision and for a detailed road map toward full implementation of the Withdrawal Agreement and the Protocol on Ireland and Northern Ireland in particular. These are binding agreements, but it is good to remember as well that what is at stake is integrity of the EU single market, citizens' rights and peace on the Irish island.

An unfortunate consequence of the UK unilateral action is an undermined trust.

The UK withdrawal is a major and difficult change, there will be frictions and difficult moments. That is why respecting what was agreed matters, it can bring the trust back.