

Commission statement on the role of the European Parliament in the implementation of the EU-UK Trade and Cooperation Agreement

[Articles of the TCA have been updated to the new consecutive numbering retained in the authenticated versions of the TCA]

The Commission, without prejudice to its own prerogatives and those of the Council, intends to give full effect to the European Parliament's prerogatives according to the Treaties in the implementation of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the EU-UK Trade and Cooperation Agreement).

In particular, in line with Article 218(10) TFEU, the Commission will ensure that the European Parliament is immediately and fully informed of the activities of the Partnership Council, the Trade Partnership Committee, the Trade Specialised Committees and the other Specialised Committees established by the EU-UK Trade and Cooperation Agreement, subject to the necessary arrangements in order to preserve confidentiality. The information will, as a general rule, be provided to Parliament also through the responsible parliamentary committee and, where appropriate, at a plenary sitting. In duly justified cases, the information will be provided to more than one parliamentary committee. The information concerns the briefing and debriefing before and after meetings of the joint bodies as well as sharing all documents pertaining to meetings of these joint bodies at the same time the Commission shares them with the Council. This includes draft agendas, proposals for Council decisions establishing the Union positions in these bodies, draft decisions of such bodies, as well as minutes of their meetings. The co-chair of the Partnership Council representing the Union will also inform the European Parliament on a regular basis.

These working modalities are continuing the practice developed in the context of the Agreement on the Withdrawal of the United Kingdom from the Union and are based on the objective of ensuring a high level of transparency and sincere cooperation between the Union institutions.

Moreover, the Commission considers that, given the exceptional character of the EU-UK Trade and Cooperation Agreement, an adequate involvement of the European Parliament is necessary when important decisions are taken under the agreement in relation to:

- the unilateral termination by the Union of the agreement or parts thereof;
- the notification by the Union of the wish to enter into negotiations with a view to concluding an updated Protocol on Social Security Coordination in accordance with Article SSC.70 [Sunset Clause] of the Protocol on Social Security Coordination;
- the intention to negotiate an amendment of the agreement following a review under Article 411 [Rebalancing] of the agreement or following the review of the agreement to be carried out every five years as foreseen in Article 776 [Review].

In relation to these decisions, the Commission will inform the European Parliament sufficiently in advance of its intention to present a recommendation or a proposal, and of the gist of its envisaged recommendation or proposal. The Commission will take utmost account of possible comments of the

European Parliament in that respect. It also commits, in case it does not follow the position of the European Parliament, to explain the reasons for which it did not.

Furthermore, the Commission recalls that the cooperation provided for in Part Three [Law enforcement and judicial cooperation in criminal matters] of the EU-UK Trade and Cooperation Agreement is based on the Parties' and Member States' long-standing respect for democracy, the rule of law and the protection of fundamental rights and freedoms of individuals, including as set out in the Universal Declaration of Human Rights and in the European Convention on Human Rights, and on the importance of giving effect to the rights and freedoms in that Convention domestically, as well as on a long-standing commitment to ensuring a high level of protection of personal data. For the European Parliament to be in a position to exercise fully its institutional prerogatives in accordance with the Treaties, the Commission commits to inform the European Parliament sufficiently in advance of its intention to present a proposal for a decision by the Union as follows:

- decision to terminate Part Three [Law enforcement and judicial cooperation in criminal matters] of the EU-UK Trade and Cooperation Agreement in accordance with Article 692(2) [Termination] thereof in the event that the United Kingdom denounces the European Convention on Human Rights or Protocols 1, 6 and 13 thereto;
- decision to suspend Part Three [Law enforcement and judicial cooperation in criminal matters] of the EU-UK Trade and Cooperation Agreement, in accordance with Article 693 [Suspension] thereof in the event that the United Kingdom no longer gives effect to the European Convention on Human Rights domestically, notably in such a way as to no longer allow the Convention to be effectively relied upon by individuals before its domestic courts;
- decision to suspend Part Three [Law enforcement and judicial cooperation in criminal matters] of the EU-UK Trade and Cooperation Agreement in whole or in part, in accordance with Article 693 [Suspension] thereof and to consider whether a temporary solution in accordance with Article 693(7) thereof can be put in place in order to avoid the suspension taking effect or to reduce its scope, until a new adequacy decision may be adopted by the Commission in accordance with Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU)2016/680, as the case may be, in the event that an adequacy decision taken by the Commission with respect to the United Kingdom in accordance with Article 45 of Regulation (EU) 2016/679 or in accordance with Article 36 of Directive (EU)2016/680 ceases to apply, notably if it is repealed or suspended by the Commission or invalidated by a final court decision.

In addition, as regards the selection process leading up to the establishment of lists of potential arbitrators and panellists by the Partnership Council and the Trade Specialised Committee on Level Playing Field for Open and Fair Competition and Sustainable Development, pursuant to respectively Articles 752 [Lists of arbitrators] and 409 [Panel of experts] of the EU-UK Trade and Cooperation Agreement the European Parliament will be invited to nominate one of the members of the selection panel established by the Commission in order to assist the Commission in the selection of candidates to be proposed to the Council.

It should also be recalled that with regard to the autonomous measures that the Union is entitled to take on the basis of the EU-UK Trade and Cooperation Agreement, the Commission is committed to submit to the European Parliament and the Council a proposal for a legislative act regulating the

modalities for adopting such measures. The Commission will inform the European Parliament, as appropriate, of its intention to adopt autonomous measures. Moreover, the Commission will take the utmost account of the views expressed by the European Parliament regarding the implementation of the EU-UK Trade and Cooperation Agreement by both Parties, as well as its review and ensuing modifications by the Parties. When examining complaints as well as any other information at its disposal in relation to possible breaches of the Agreement or to imbalances in the level playing field, the Commission will take due account of the views of the European Parliament as per paragraph 5 of the Statement by the Commission and the Council on the monitoring and implementation of the Trade and Cooperation Agreement.

The Commission will also keep the European Parliament fully informed of the Commission's assessments and decisions concerning data adequacy, as well as of the arrangements for regulatory cooperation with the UK authorities on financial services and the possible granting of equivalences in financial services.

The Commission recalls that these working modalities have to be seen in the context of the exceptional character of the EU-UK Trade and Cooperation Agreement, which is a comprehensive agreement with a country that has withdrawn from the Union, and do not constitute a precedent for any other agreements.