Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

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PURPOSE: to approve 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 Community.

PROPOSED ACT: Council decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, once signed, should be approved on behalf of the European Union and the European Atomic Energy Community.

CONTENT: the purpose of the draft Council Decision is to approve, on behalf of the European Union and the European Atomic Energy Community, the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

The withdrawal agreement consists of 185 articles structured in six parts, three protocols and nine annexes. The areas concerned are as follows:

- Part I (common provisions) sets out the clauses necessary to ensure the correct understanding, operation and interpretation of the withdrawal agreement;

- Part 2 (citizens' rights) sets out the provisions to preserve the status and rights, as derived from Union law, of Union and United Kingdom citizens and their families who are affected by the withdrawal of the United Kingdom;

- Part 3 (separation provisions) aims to ensure an orderly withdrawal (for example, to allow goods placed on the market before the end of the transitional period to reach their destination, to protect existing intellectual property rights, to put an end to ongoing police and judicial cooperation in criminal matters, to regulate the use of data and information exchanged before the end of the transitional period);

- Part 4 (transition period) provides for a transition period until the end of 2020. During this period, the full acquis of the Union will continue to apply to the United Kingdom as if it were a Member State;

- Part 5 (financial provisions) to ensure that the United Kingdom and the EU will honour all financial obligations entered into while the United Kingdom was a member of the Union;

- Part 6 (governance structure) to ensure the effective management, implementation and implementation of the agreement, including appropriate dispute resolution mechanisms.

The agreement also contains:

- ***a protocol on Ireland/Northern Ireland*** including the provisions necessary for the so-called “backstop” solution for avoiding a hard border between Ireland and Northern Ireland. In this protocol, the United Kingdom undertakes not to reduce the rights set out in the Good Friday Agreement (Belfast Agreement) of 1998, and to protect North-South cooperation;

- ***a Protocol on Sovereign Base Areas in Cyprus***;

- ***a Protocol on Gibraltar***, which provides for close cooperation between Spain and the United Kingdom on Gibraltar, as regards the implementation of the provisions of the withdrawal agreement relating to citizens' rights.

The Council's draft specifies in particular the following points:

Joint Committee

The draft Decision defines the modalities of the Union's representation in the Joint Committee and the specialised committees established by the Agreement.

The Commission is to represent the Union and to express the Union's positions as established by the Council. One or more Member States may request that the representative of the Commission be accompanied, as part of the Union delegation, by a representative of that Member State or those Member States at a meeting of the Joint Committee or a specialised committee.

The European Parliament shall be put in a position to exercise fully its institutional prerogatives throughout the process. During the first five years after the entry into force of the Agreement, the Commission shall report annually to the European Parliament and to the Council on the implementation and application of the Agreement.

International agreements

During the transitional period, the United Kingdom may negotiate, sign and ratify international agreements entered into in its own capacity in the areas of exclusive competence of the Union provided those agreements do not enter into force or apply during the transition period, unless so authorised by the Union. Such authorisation may only be granted if:

- the United Kingdom has demonstrated a specific interest in the international agreement in question already entering into force or applying during the transition period;

- the international agreement in question is compatible with Union law applicable to and in the United Kingdom in accordance with Article 127 of the Agreement and is compatible with the obligations referred to in Article 129(1) of the Agreement; and

- the entry into force or application of the international agreement in question during the transition period would neither put at risk the attainment of an objective of the Union's external action in the area concerned nor be otherwise prejudicial to the Union's interest.

Right of residence

Under the Agreement, host Member States are to issue to United Kingdom nationals, their respective family members and other persons who fall within the scope of Title II of Part Two of the Agreement a document evidencing their residence status in accordance with the Agreement. Implementing powers

should be conferred on the Commission to establish the validity period, format of such documents and technical specifications for such documents.

Ireland and Northern Ireland

The Protocol on Ireland and Northern Ireland provides that the Union must draw up the specimen and explanatory notes for the A. UK. movement certificate and the specimen for the label to be affixed on the postal consignments referred to in the provisions of the protocol. Implementing powers should be conferred on the Commission to establish the format of such specimens and explanatory notes, including any technical specifications.

Institutions

On the date of entry into force of the Agreement, the mandates of all members of institutions, bodies and agencies of the Union who were nominated, appointed or elected in relation to the United Kingdom's membership of the Union end automatically as a result of the withdrawal.

For more details on the content of the agreement, please refer to the summary of the European Commission's initial proposal dated 5.12.2018.