Implementation report on the Agreement on the withdrawal of the UK from the EU

2020/2202(INI) - 07/03/2023 - Committee report tabled for plenary, single reading

The Committee on Constitutional Affairs adopted the own-initiative report by Pedro SILVA PEREIRA (S&D, PT) on the implementation report on the Agreement on the withdrawal of the UK from the EU.

The Withdrawal Agreement concluded between the EU and the UK entered into force on 1 February 2020. It allowed for the orderly withdrawal of the UK from the European Union. The Withdrawal Agreement established a Joint Committee, which is responsible for monitoring and promoting the implementation and application of the agreement. Three years after the entry into force of the Withdrawal Agreement, time has come for the European Parliament to produce its first report on the implementation of this unprecedented agreement, including on the Ireland/Northern Ireland Protocol.

Members noted that this report is tabled **without the First Annual Report of the Joint Committee** on the Implementation of the Withdrawal Agreement being agreed or published, due to **substantive divergences** between the parties.

With this report, the European Parliament reaffirms its commitment to closely monitor the full implementation of the Withdrawal Agreement, in particular as regards citizens' rights and the Ireland /Northern Ireland Protocol.

General considerations

Members regretted the fact that the Withdrawal Agreement has still not yet been fully implemented. They underlined that the full and timely implementation of the Withdrawal Agreement and the Trade and Cooperation Agreement, which are based on international law, is and will always remain a key priority for the EU. The report noted, as expected, that the UK's withdrawal from the EU has resulted in trade and supply chain disruptions between the EU and the UK, increased uncertainties for citizens and businesses and rising costs for traders in various sectors, investors and industry stemming from transportation shortages, shipping delays, difficulties in complying with changing import rules and customs border turmoil that have resulted from the dual-regulatory systems and additional formalities.

Moreover, the regions involved in Interreg projects with the UK have been particularly affected.

Members therefore noted that **Brexit has proven to be damaging for all concerned**, and even more so for the UK.

Citizens' rights

The report noted that some important improvements are still to be made to safeguard citizens' rights and that the first three years of the implementation of the Withdrawal Agreement have been tarnished by the UK's continuous breaches of its commitments, as well as further threatened breaches, under the Protocol.

Although Members welcomed the UK's establishment of the EU Settlement Scheme (EUSS) to fulfil its obligations to EU citizens and their family members, they expressed concern about **inconsistencies** with the Withdrawal Agreement, namely that EU citizens with pre-settled status have to submit a second application to obtain settled status, which may lead to an automatic and illegal loss of their rights. Concern was also expressed about: (i) the situation of late applicants, since many citizens remain in limbo about

their immigration status; (ii) the very long delays in decision-making by the UK Government related to citizens' rights; (iii) the delays for family reunification cases.

Members reiterated their view that greater certainty would be provided to EU citizens in the UK if they were issued with a physical document, which should complement their existing digital status, as proof of their rights as residents. They also expressed concern about the difficulties that EU citizens and their family members may experience when attempting to return to the UK because of airlines' lack of knowledge about the digital process for verifying settled or pre-settled status and their inability to verify this at airport gates prior to boarding.

The Protocol on Ireland/Northern Ireland

Members recalled that the Protocol was agreed on as a compromise to safeguard all parts of the Belfast /Good Friday Agreement and prevent the establishment of a 'hard border' on the island of Ireland, while protecting the integrity of the EU single market. The Protocol's application has so far demonstrated that it is, in several important aspects, successfully serving its purpose. However, Members strongly regretted the **UK's lack of political will** and failure to act in good faith and in compliance with its commitments under the Protocol. They denounced the UK's unwillingness to comply with the applicable customs requirements, supervision requirements and risk controls on the movement of goods between Great Britain and Northern Ireland. They also regretted the UK's unwillingness to transpose and implement applicable EU legislation on excise duties and VAT. The ongoing uncertainty regarding the trade arrangements for Northern Ireland is harmful and detrimental to business.

The **social and employment rights** of EU citizens and the freedom of movement of cross-border workers, based on non-discrimination and reciprocity should be guaranteed by the UK authorities.

The committee expressed strong concern about the recently proposed Northern Ireland Protocol Bill, which would give UK ministers far-ranging powers to unilaterally cease to apply provisions of the Protocol, which could undermine the Belfast/Good Friday Agreement, contribute to economic and political uncertainty in Northern Ireland and have negative impacts on consumer protection, business and workers.