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

2020/2202(INI) - 15/03/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 522 votes to 75, with 21 abstentions, a resolution on the implementation report on the Agreement on the withdrawal of the UK from the EU.

Implementing the Withdrawal Agreement

Parliament recalled that the withdrawal agreement has enabled the UK's orderly withdrawal from the EU, thereby minimising social and economic disruption and avoiding an abrupt break. However, it regretted that the Withdrawal Agreement had not yet been fully implemented. It stressed 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 remain a key priority for the EU.

The resolution notes that, as expected, the UK's withdrawal from the EU has led to disruptions in trade and the supply chain between the EU and the UK, increased uncertainty for citizens and businesses and increased costs for traders in various sectors, investors and industry, due to transport shortages, shipping delays, difficulties in complying with import rules and disruptions at customs borders as a result of the dual regulation systems and additional formalities. As a result, **Brexit has proven to be damaging for all** concerned, and even more so for the UK.

Parliament reaffirmed that the provisions of the Withdrawal Agreement must be respected and implemented and that a trusting relationship between the EU and the UK depends on all parties respecting their legally binding commitments. It also highlighted the need to **preserve the role of the Court of Justice of the European Union (CJEU)**, which is necessary to interpret the applicable EU law.

Citizens' rights

The resolution 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.

Members recalled that Part Two of the Withdrawal Agreement provides that all EU citizens who were legally residing in the UK and all UK nationals who were legally residing in the EU-27 at the end of the transition period on 31 December 2020 and who continue to do so enjoy the full set of rights as established under EU law and as interpreted by the CJEU.

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. During their second application, eligible EU citizens will have to prove continued residence, making the settled status application procedure more onerous than the pre-settled one.

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.

Parliament also regretted the increasing delays in issuing residence documents and **entry visas** for EU citizens in the UK and urges the UK authorities to develop plans to reduce the number of pending applications.

Protocol on Ireland/Northern Ireland

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. Members strongly regretted the **UK's failure to act in compliance with its commitments under the Protocol for the last three years**. They stressed that any failure to comply with the Protocol's provisions constitutes a breach of international legal commitments and an unacceptable demonstration of disrespect for the rule of law.

Parliament welcomed the recent announcement of an agreement in principle between the EU and the UK on the Protocol - the so-called **Windsor Framework** - which will ensure its flexible, but effective implementation and respect for the Belfast/Good Friday Agreement, while safeguarding the integrity of the EU's single market. It hoped that that **power-sharing** in Northern Ireland can be restored as soon as possible in line with the commitments under the Belfast/Good Friday Agreement and for the benefit of the people in Northern Ireland.

Members welcomed both parties' announcement that the political will exists to engage constructively in genuine negotiations through the EU-UK Joint Committee to find sustainable solutions regarding possible areas of friction. They called on the UK Government to proactively involve the Northern Ireland Assembly and other elected officials and stakeholders in Northern Ireland in the discussions on the application of the Protocol.

Governance and the role of the European Parliament

Parliament welcomed the fact that the governance structures responsible for the implementation of the Withdrawal Agreement are fully operational, in particular its Specialised Committee on Citizens' Rights, which meets very regularly. It called on the UK to make full use of these structures instead of pursuing unilateral action. It reaffirmed its commitment to closely monitoring the implementation of the Withdrawal Agreement, in particular in relation to citizens' rights and the Protocol.