

**Statement by Ms. Helen McEntee T.D.,
Minister of State for European Affairs, to the
Joint Oireachtas Committee on European Union Affairs**

Wednesday, 26 September 2018

Mr. Chairman,

Thank you for inviting me back to address the Committee today.

Before we delve into the detail of Brexit, the MFF, the rule of law, migration and the many issues on the agenda, allow me to pause first to remember a dear friend and colleague, the Ambassador of the Kingdom of The Netherlands, His Excellency Peter Kok, whose untimely death earlier this month has shocked and saddened us all.

Peter was much loved and admired by his peers and colleagues here in the Oireachtas, in Government Departments and in the diplomatic corps and I am sure I speak for everyone when I say that his widow Terry, his children Ronelle, Peter Jan and Marin, and his friends and colleagues at the Embassy are all in our thoughts and prayers at this very difficult time.

Brexit

Mr. Chairman,

Let me update the Committee on Brexit.

Negotiations resumed on 16 August and are ongoing continuously since then. EU leaders reviewed progress during the informal European Council Summit held in Salzburg last week.

As President Tusk made clear in his remarks following the summit, all partners were agreed that there will be no Withdrawal Agreement without a solid, operational and legally-binding Irish backstop. Leaders reaffirmed their full support for Michel Barnier in his efforts on this. This includes his efforts to 'de-dramatise' the backstop.

A legally operable 'backstop' which avoids a hard border and protects the integrity of the single market is essential for agreeing the Withdrawal Agreement, so as to provide the certainty that no matter what the outcome of the negotiations on the future relationship, there will be no hard border on the island of Ireland.

It is imperative that the UK in these final stages of the negotiations engage with the issues identified in the Protocol, to achieve progress by the October European Council. The UK has provided guarantees on avoiding a hard border and made clear commitments on agreeing a backstop. There are now just weeks left to deliver on these commitments and to conclude the Withdrawal Agreement.

The October European Council meeting on 18 October remains the target to achieve maximum progress and results in the negotiations. At that meeting, Ireland and our EU partners would then decide if conditions are sufficient to call an extraordinary summit in November to finalise and formalize the deal. Real progress on the backstop will be an essential part of that decision.

Time is running short. As the Taoiseach said in Salzburg, we need to redouble our efforts over the coming weeks to make sure that we can successfully complete negotiations and agree a deal. In this regard, it is welcomed that in her statement last Friday, Prime Minister May promised to come forward with proposals on the backstop. These proposals should be tabled urgently so that the negotiating teams can engage constructively on finalising the legal text of the Protocol on Ireland and Northern Ireland.

Contingency and Preparedness

In addition to our ongoing and intensive efforts to secure a good outcome for Ireland from the Brexit negotiations, the Government has been responsible and measured in its approach to preparing for Brexit. Our work has intensified in recent months and is well advanced.

A whole-of-Government response is being taken forward through the cross- Departmental coordination structures chaired by the Department of Foreign Affairs and Trade. As well as the work at home, this helps us engage actively with the European Commission's Article 50 Taskforce and its Brexit Preparedness Unit on areas where the lead policy role lies with the EU.

Last week, the Cabinet approved the latest phase of this preparedness planning in relation to staffing. This included the phased recruitment of some 450 additional staff, expected in 2019, including additional customs, veterinary and food-safety inspectors. This follows from Brexit-preparedness measures, focused on East-West trade, agreed by the Government last July.

Contingency planning for a no-deal outcome, bringing together the detailed work being undertaken by individual Ministers and their Departments, was identified as an early priority and is well advanced. It has focused on the immediate economic, regulatory and operational challenges which would result from such an outcome.

Messaging and Communications

All of the efforts I have described above, have been undertaken in parallel with a nationwide public information and outreach campaign, “Getting Ireland Brexit Ready”, which was launched last week by the Tánaiste, together with Ministers Humpheries and Creed, . The campaign has two main aims:

The first is a ‘whole of Government’ communications effort, using online resources and outreach activities to build public awareness of implications from Brexit in areas such as access to goods and services, travel and other areas, and the practical steps that can be taken to prepare in each case.

The second goal of this campaign is to build further awareness among the public and businesses on the steps being taken by Government, and the various financial and other supports that are available to assist with Brexit preparedness. Government agencies and Departments are already running events around the country, and next week, on the 5th of October, the first of a series of Governmental information and outreach events will be held in Cork. We are keen to work with you on these outreach events and the Tánaiste is in the process of writing to all of you to invite you to these events and to ask for your assistance in sharing details of these events to constituents more broadly

This work will continue and intensify into the coming months. The Brexit negotiations are still ongoing which means that there are still uncertainties. However change *is* coming, and through our communication and support efforts, we are making every effort, online and

onsite, to make sure that the citizens and businesses of this country will be Brexit ready when the day arrives.

MFF

Last week the General Affairs Council debated the Multiannual Financial Framework for the period 2021-2027. As the Committee knows, the Commission tabled its proposal for the next MFF in May and the individual legislative proposals - for CAP, Cohesion, Erasmus and Horizon Europe – followed in the subsequent weeks. The Commission’s proposal is for a modern, simplified and more flexible budget of the order of €1.135 trillion euros, equivalent to 1.11% of the EU27’s GNI.

The scale and complexity of the EU’s Budget mean that the negotiations will take time and effort. Already the Austrian Presidency has set a challenging pace. All sectoral councils and working groups have begun examining the individual proposals that make up the substance of the budget. A specific working group is looking at the structure of the budget and how it will be financed. A Presidency Questionnaire was circulated to Member States in July – for completion by September and those responses formed the basis of a Presidency Report. The focus at the General Affairs was on two questions: (1) does the MFF proposal reflect EU policy priorities and European added value; and (2) are those priorities reflected in the proposed allocations of EU funds.

As you might expect, such broad questions drew a broad range of responses, reflecting a variety of views around the table. In my intervention I welcomed the work to date and encouraged the quick pace and agreement in 2019. I said that I believed our policy priorities are reflected in the budget and that they need to be adequately funded. In saying that I was minded of course of the CAP, where we don’t feel the right balance has been met yet. Expenditure in the area of agriculture helps support 44 million jobs across the EU, while contributing to rural sustainability, food safety, animal welfare, and environmental standards – all of which are clearly in the interests of the European Union - providing European Added Value.

The CAP post 2020 is presented with new and upcoming challenges particularly in the areas of the environment, climate change, biodiversity and health. The new CAP proposals make it clear that European agriculture needs to bring a stronger focus to the protection of the environment. Supporting farm incomes will be central to achieving this objective. There is growing support for the proposal to make provision for the restoration of the CAP budget for the 2021 – 2027 period to current levels. Up to 20 Member States have joined this alliance and Minister Creed is pressing that case in the Agriculture Council.

At the General Affairs Council, I also welcomed investment in research and innovation in order to help the EU economy to keep moving with the fast paced changes in the global economy. And I welcomed the focus on young people with a greatly expanded Erasmus programme. Finally, I reminded Ministers that the budget needs to be flexible to deal with potential negative impacts of Brexit.

As I have said before at this Committee, the MFF negotiations will be particularly challenging for Ireland. This is the first time that we will be negotiating an EU budget without the British contribution, and it is the first time that Ireland will be a net contributor from the outset. As our economy recovers and grows, our contribution to the EU will also grow. In recognition of the broader value of our EU membership, the Government has stated that Ireland is open to considering an increased MFF contribution. But we can only do so provided that our core interests are met and European Added Value is ensured. The General Affairs Council is likely to return to the MFF negotiations every month in the run-up to the December European Council. It is too early to say yet whether key decisions will be taken in December. But Ireland is already contributing positively to the negotiations.

Rule of Law

Since taking office in November 2015, the Polish Government has passed legislation making changes to the country's judiciary. These changes, in particular those to the composition and functioning of Poland's Constitutional Tribunal and Supreme Court, have prompted considerable protest and criticism.

Article 2 of the Treaty on European Union sets out the values upon which the European Union is founded. These include the rule of law.

Article 7 of the same Treaty sets out a mechanism for determining whether there is a clear risk of a serious breach by a member state of the values referred to in Article 2.

The most recent developments are as follows.

In July, the European Commission launched an infringement procedure regarding the law on the Supreme Court, which changed the retirement age of judges. The Commission maintains that this law undermines the principle of judicial independence and is therefore incompatible with EU law.

Separately, on 6 August, the Polish Supreme Court applied to the Court of Justice of the European Union for guidance in relation to five provisions in Poland's new Supreme Court law. A preliminary ruling from the Court of Justice on these elements is expected in October.

In August, the European Commission sent a Reasoned Opinion to Poland, the next step in its infringement procedure on the Supreme Court law. Poland issued a communiqué on 14 September stating that it has comprehensively addressed the Commission's concerns regarding compliance of the Supreme Court law with EU law, which it considers groundless.

The first judicial appointments under the Supreme Court law have been made by the Polish President, with 10 judges appointed to join the newly created Disciplinary Chamber of the Supreme Court.

On 24 September, the European Commission decided to refer Poland to the Court of Justice of the EU due to the violations of the principle of judicial independence created by the new Supreme Court law.

The Commission also asked the Court of Justice to order interim measures, restoring Poland's Supreme Court to its situation before the new laws were adopted. An expedited procedure was requested, in order to obtain a final judgment as soon as possible.

Ireland has consistently supported the Commission, and we have emphasised that dialogue between Poland and the Commission needs to result in substantive outcomes that address the concerns which have been identified.

Dialogue has continued between the Commission and the Polish Government at various levels and the issue has been discussed by Ministers at the General Affairs Council at successive meetings this year, including detailed hearings on the issue at the Council in June and again last week, when the Commission provided very useful updates and we had very meaningful engagement between Poland and other Member States.

The General Affairs Council may return to the issue for a 'state of play' at its meeting next month in Luxembourg.

Earlier this month, the European Parliament adopted a reasoned proposal, inviting the Council to determine whether there is a clear risk of a serious breach by Hungary of the values on which the European Union is founded. This is likely to feature on the agenda for the next meeting of the General Affairs Council as an information point from the Austrian Presidency.

Migration

As you may already know, migration dominated the discussions at the European Council in June and there was another lengthy session on the issue at the informal summit in Salzburg last week.

The Austrian presidency has been holding bilateral meetings with Member States and will present a progress report on the issues discussed in June at the European Council next month.

These include regional disembarkation platforms, 'controlled centres' and reform of the Common European Asylum System, especially the Dublin Regulation under which asylum applications are assessed in the Member state where the migrant first enters the EU.

Ireland is keen to find a consensus based on a balance of responsibility and solidarity and, with respect to the proposed platforms and centres, one which respects international law and the standards of the UNHCR and the International Organisation for Migration.

Ireland has played a constructive role by opting into re-location and resettlement measures, by contributing naval vessels and by increasing our humanitarian contributions. We have shown solidarity over the summer months by pledging to take migrants from three vessels which docked in Mediterranean ports. We welcome the renewed focus on relations with Africa as it will be crucial in the long-term to address the root causes of migration. The Austrian Presidency will co-host an Africa Summit in Vienna in December and preparations are underway for an EU-Arab League Summit in early 2019.

Concluding remarks

Before I conclude, Mr. Chairman, allow me to say a word about the referendum this Sunday in the Former Yugoslav Republic of Macedonia. Skopje and Athens have shown courage and leadership in reaching a deal on a new name for the State – the Republic of North Macedonia. I do not want to under-estimate how emotional and challenging this issue has been for the people. But this is an historic opportunity and one which I believe will strengthen the case for opening EU accession talks next year. Turnout will be key on Sunday, if the necessary threshold is to be achieved. I would urge the entire electorate to exercise their democratic right and civic duty by seizing this historic opportunity and endorsing the deal on the name.

Finally, I want to thank the Committee and you, Mr. Chairman, in particular for the support you have demonstrated for our Citizens' Dialogues on the Future of Europe. I do not have time today to give an exhaustive account of this initiative but I hope you can join us on Friday, 12 October for the launch of our narrative report, an important milestone on the road to summit in Sibiu, Romania, next May when the EU is expected to prepare a new Strategic Agenda.