

**The Joint Committee on European Union Affairs**  
**Wednesday 5 May 2021 at 9.30am (IST)**  
**Topic: The EU/UK Trade & Co-Operation Agreement**

Opening statement

Chairman, honourable members, I am very grateful for the opportunity to address the Committee on the Trade and Cooperation Agreement between the EU and the UK, which the European Parliament ratified last week.

The entry into force of the agreement marks a new phase of relations with the UK, governed by new structures and new modes of cooperation. The fact that the agreement was approved with such a comprehensive majority in the European Parliament (660 votes in favour, five against and 32 abstentions) reflects the Parliament's desire to approach the new relationship with the UK in a constructive spirit. It also shows the strong sense of solidarity with countries, such as Ireland, which would have suffered greatly from a no deal had the agreement not been ratified. The provisional application of the TCA, which came into force on the 1st of January was replaced by its permanent application from the 1st of May.

It is worth recording that the ratification took considerably longer in the European Parliament than it did in Westminster. Opinions on ratification were provided by numerous EP committees and a resolution capturing these opinions was also voted on.

As the EU launches the Conference on the Future of Europe on Sunday, it is worth recalling Michel Barnier's contribution to the debate last week where he acknowledged that Brexit was a failure on the part of the EU and that it is essential that we learn its lessons. As such, Brexit should prompt renewal in the EU.

The Parliament also endorsed an accompanying resolution, which sets out the Parliament's position on the deal and its role in scrutinising the agreement into the future.

A number of themes emerged in both the resolution and the debate. The overriding message is the fact that ratification of the agreement opens up a range of mechanisms and tools that can be used to overcome implementation difficulties in a pragmatic manner. They can also be used to respond to non-compliance.

I would like to focus my remarks on issues surrounding implementation of the Northern Ireland Protocol, which also emerged as a key priority during the debate and in the resolution.

In my own contribution to the debate last week, I noted the fact that a poll carried out in Northern Ireland in March found that just 5% of the population trust the UK Government to safeguard their interests in discussions on the Protocol.

I spent many months raising awareness of the situation in Northern Ireland in the European Parliament. The resolution referred to above makes specific reference to the need for the European Parliament to engage in “ongoing and enhanced dialogue between political representatives and civil society, including with Northern Ireland representatives, on all aspects of the Protocol on Ireland/Northern Ireland and the broader Northern Irish peace process”.

The resolution also notes the key role of the EU in ensuring peace and stability in Northern Ireland, as one of the guardians of the Good Friday Agreement. This is particularly true in light of recent unrest in NI.

While the EU should not make any concessions to those engaged in violence, the unrest has demonstrated the need to ensure that the Protocol works for all communities in Northern Ireland. From my perspective, one of the most logical ways to do this is to ensure that there are appropriate channels for dialogue between Belfast and Brussels.

Under the terms of the Protocol, Northern Ireland will continue to observe many EU rules, despite lacking representation in the EU’s decision-making structures.

I have long held the view that the creation of a dedicated parliamentary structure for dialogue between the Northern Ireland Assembly and the European Parliament would facilitate the kind of open and constructive debate that is necessary to make the Protocol work. This would help to dispel any criticism that decisions are being imposed on Northern Ireland by Brussels. It would also recognise the fact that the Northern Ireland Assembly will vote on the continuation of the Protocol in under four years’ time.

More broadly, proper implementation of the Protocol is crucial for safeguarding the integrity of the Single Market. Ireland has an important role to play in this regard.

Recent efforts by Simon Coveney and others to engage in high-level dialogue with the UK Government should be welcomed, including today's visit to Dublin by Northern Ireland Secretary Brandon Lewis. Continued efforts should be made to revive the structures of the Good Friday Agreement to ensure solutions-focused dialogue in relation to developments in Northern Ireland. Recent meetings of the North-South Ministerial Council are a positive step, but require buy in from all parties to be meaningful. I hope that a meeting of the British Irish Intergovernmental Conference will follow in the coming weeks to give strong political direction.

Finally, I would like to comment briefly on the joint structures underpinning both the Trade and Cooperation Agreement and the Withdrawal Agreement, which will be essential for monitoring implementation of the agreements and carving out joint solutions to shared problems in the coming months and years.

1) Withdrawal Agreement (including the Protocol on Ireland/Northern Ireland):

The Joint Committee co-chaired by David Frost and Maros Sefcovic is responsible for overseeing the overall agreement. The last informal meeting between the co-chairs was held on 15 April 2021. Various meetings of the specialised technical committees have taken place in recent weeks, including the Specialised Committee on Northern Ireland.

You will be aware that the UK is currently under infringement proceedings for unilaterally extending grace periods in relation to Northern Ireland. The UK has until 15 May to respond to the Commission's letter of formal notice. In the meantime, technical discussions are continuing to ensure full and timely implementation of the Protocol.

The EU has identified 27 issues that need to be overcome as part of its roadmap to implement the Protocol. Technical discussions with the UK are ongoing and while progress has been slow, both sides are engaging constructively. The four main outstanding issues are:

1) Ensuring necessary SPS checks are carried out in the least disruptive manner

- 2) Addressing the VAT issue on second hand cars
- 3) Overcoming potential medicines shortages in Northern Ireland
- 4) Addressing high tariffs on steel imports into NI

The medicines issue in particular demonstrates the urgency of addressing the difficulties being experienced in Northern Ireland. A grace period for the import of medicines from GB to NI is currently in place, but will expire at the end of the year. Unless a workable solution is found to reduce red tape for the import of medicines into NI, pharmaceutical companies have warned of shortages of essential medicines for conditions such as epilepsy, diabetes and cancer, which could put lives at risk.

Furthermore, these decisions must be taken in close consultation with stakeholders in Northern Ireland. Under the Withdrawal Agreement, the Joint Consultative Working Group provides a forum for the EU, UK and NI to discuss EU legislation and regulations that will have an impact on the North. I welcome the fact that the first meeting of this group finally took place on 15 April. It is essential that this group meet on a monthly basis as stipulated in the agreement, and that the interests of NI are given a proper hearing by the relevant committees.

## 2) Trade and Cooperation Agreement

No less than 19 technical committees will oversee implementation of the TCA, under the auspices of the Joint Partnership Council. A Trade Partnership Committee will govern the work of ten trade-specialised committees. There are a further eight non-trade specialised committees.

We are still awaiting further details about when these committees will begin their work. However, they will have a very important role to play in fleshing out the agreement and resolving disputes. Each Member State will have the right to be present at each committee meeting as part of the EU's delegation.

A mechanism for parliamentary dialogue is also foreseen in the form of the Joint Parliamentary Partnership Assembly. In the eyes of the European Parliament, this JPPA should be tasked with monitoring the full and proper implementation of both the TCA and the Withdrawal Agreement and making recommendations to the Joint Partnership Council. Nevertheless, it is not yet clear if the UK Parliament would be willing to participate in such a structure and if it would include

a specific role for members of the Northern Ireland Assembly. This is something I intend to pursue in the coming months.

In conclusion, ratification of the TCA by the European Parliament is not the end of negotiations with the UK, these will continue on an ongoing basis for years to come. Nevertheless, the hope and the expectation is that the agreement will provide both sides with the right tools to engage in pragmatic and faithful implementation of the agreements. It is in all of our interests that we get to work on finding joint solutions as soon as possible, particularly in the case of Northern Ireland, as we embark on a new phase of relations with the UK.