

UK and EU Domestic Advisory Groups to the EU-UK Trade and Cooperation Agreement

Joint Statement

Ahead of the second Civil Society Forum (CSF) hosted by the United Kingdom on Tuesday 7th November 2023, the Domestic Advisory Groups of the United Kingdom and the European Union met and discussed the following issues:

We acknowledge the positive developments since the first CSF held in Brussels on 4th October 2022, notably the agreement and implementation of the Windsor Framework, the signing of the Memorandum of Understanding on Financial Services and the accession of the UK to Horizon Europe and Copernicus.

Going forward, the EU and the UK must build upon the positive development of their relationship given the on-going geopolitical, economic, social, climate and societal challenges. Both sides must continue to work towards a more collaborative and forward-looking relationship based on common values and principles.

Businesses, workers and citizens still face challenges with regards to the implementation, functioning and application on certain elements of the TCA and both DAGs have been working independently as well as collectively in highlighting these challenges and concerns to both sides.

The UK Domestic Advisory Group has established subgroups on Trade and Customs, Business and Labour Mobility, Regulatory Co-operation and Level Playing Field, Energy and Climate Change and Nations and Regions and the EU Domestic Advisory Group published its positions in form of an Issues tracker¹ that will be updated on a regular basis.

It is important both parties uphold and build on the Level Playing Field commitments in the EU-UK Trade and Cooperation Agreement (TCA) to ensure effective and robust frameworks for competition policy and subsidy control, high levels of employment and social protection, environmental and climate protection and that fundamental International Labour Organisation (ILO) standards and commitments are fully implemented. We recognise and are monitoring concerns raised by parties to both the UK and EU DAGs over the introduction of legislation such as the Strikes (Minimum

¹ https://www.eesc.europa.eu/sites/default/files/files/eu-uk_relations_issues_tracker_december_2022_january_update_0.pdf

Service Levels) Act and the Retained EU Law Act and their impact on commitments to ILO Conventions and Level Playing Field commitments in the TCA, as well as emphasising the importance of maintaining commitments to the ECHR. These areas will be subject to ongoing DAG scrutiny and review.

In considering and applying the Level Playing Field commitments, it is particularly important that parties' actions are consistent with the commitment in the Withdrawal Agreement to the non-diminution of rights, safeguards and equality of opportunity in Northern Ireland. We call on all parties to fully respect the human rights commitments of the Belfast/Good Friday Agreement and the Windsor Framework.

We stress the unique situation of Northern Ireland and the challenges consumers and businesses face. We reiterate the importance of the Windsor Framework and its good implementation to the TCA and the Belfast/Good Friday Agreement to be respected in all their dimensions. We call on both parties to address any remaining issues to ensure equality of opportunity in Northern Ireland, including agreeing a permanent solution enabling the supply of veterinary medicines essential to protect the health and welfare of animals in Northern Ireland.

We note the agreement by the European Commission and UK Government to establish regular engagement with Northern Ireland stakeholders, including citizens and business, at each level of the Withdrawal Agreement's structures and with the co-chairs of the Joint Committee, which recognises the valuable insight that can be offered on Northern Ireland's unique circumstances. We would encourage both parties to continue to progress such engagement across business, civic society and worker representatives.

The climate and biodiversity crises are hitting hard across the world and in Europe, with increasingly frequent droughts, floods and forest fires, as we saw again this summer. The EU and UK should cooperate to jointly raise ambition and action and invest in transformative change.

Both DAGs are committed to ensuring that Citizens' Rights are protected. We therefore jointly pledge to raise awareness of complexities and vulnerabilities in both geographic territories and call for informed guidance and practical solutions to be put in place where difficulties for citizens arise.

Despite the welcome developments over the past 12 months, we believe further improvements to the implementation, functioning and uniform application of the TCA are required. Greater co-operation between authorities as well as timely guidance is needed so that the rules are uniformly applied and understood in order to minimise delays, restrictions and costs for business, workers and citizens. We call in particular for timely guidance regarding the upcoming Border Target Operating Model (BTOM).

We note that not all working groups set out in the TCA have been established e.g. - Medicinal Products, Motor Vehicles and Parts and Organics. We urge both sides to set these up and meet as a matter of urgency, with the clear aim of collaborating on the shared challenges and opportunities for these important sectors. Moreover, we have only seen limited output from the various Specialised Committees on practical solutions to practical problems.

As both the EU and UK pursue their own regulatory agendas, cooperation between regulators on both sides is of utmost importance in order to avoid unnecessary barriers and costs. It is also crucial that both parties inform and consult on regulatory changes likely to impact bilateral trade. Cooperation between regulators is essential to better protect business and citizens e.g. by exchanging information about dangerous products and on enforcement of consumers' rights, SPS or data protection. Both DAGs expressed some concerns on the proposed EU certification scheme related to cloud services that might introduce localisation requirements. We therefore urge that regulators and the Specialised Committees work with both the UK and EU DAGs to assist in finding long-lasting and workable solutions to these challenges. We also urge legislators to find a solution to ensure expedited resumption of trade in seed potatoes between the UK and EU.

Both DAGs encourage the EU and UK to cooperate in the interest of patients across Europe, noting that this was recognised within the TCA through commitments to work together on shared challenges for health security and global health threats such as antimicrobial resistance. We would urge both sides to deepen cooperation to eliminate both regulatory and trade barriers to medicines and medical devices, strengthen global supply chain resilience for these essential goods, and facilitate cooperation on future

research through full UK participation in the Horizon Europe and Copernicus research programmes.

We are aware that barriers to research co-operation remain and encourage both parties to maximise the benefits to citizens and patients by facilitating third country access for UK researchers to other EU programmes [such as EU4Health] and to the databases that enable secure exchange of relevant information between researchers, and by mutual recognition e.g., of clinical trial sponsors.

The DAGs support recent initiatives to engage and include young people in discussions on the TCA and future relations between the UK and the EU. We jointly recognise their call to consider a Youth Mobility Scheme that would be consistent with the current settlement and could creatively offer opportunities for young people to experience the value that travel and exchange can provide across the territories. We support further work to explore the potential of this initiative. Mobility of people between EU and UK should be properly addressed and simplified in view of the introduction of new obligations at the borders (EES/ETIAS). Mobility of qualified professionals and researchers remains a challenge. Apart from the need to advance mutual recognition agreements it is important to ensure that movement of contract service suppliers, independent professionals and intra-corporate transferees are facilitated and the TCA commitments fully implemented. This is critical to secure existing investments and attract new ones.

Furthermore, a range of workers and professional service providers, including those in creative industries, should be allowed more flexible travel arrangements, including visa-free and longer stays than 90 in 180 days. A cultural visa waiver should be created for creative workers.

Within the legal framework set and with the goal to rapidly establish a fully competitive European battery and electrical vehicle value chain as outlined by the EU/UK TCA, we hope the two sides can find a reasonable solution for the Rules of Origin on Batteries and Electric Vehicles that takes into account the interests of all economic operators along the whole European value chain.

We look forward to continued collaboration with the EU and the UK as we work towards a more stable, positive and mutual beneficial relationship as well as strengthening our engagement with the Parliamentary Partnership Assembly (PPA) as the other

independent body tasked by the TCA to make recommendations and observations about the agreement.