

Brexit: EP Formally Approves TCA and Requests its Involvement in Implementation

Thomas Wahl

In its plenary session of 27 April 2021, [the European Parliament \(EP\)](#) consented to the conclusion of the Trade and Cooperation Agreement (TCA) between the European Union and the United Kingdom. The deal received an overwhelming majority of 660 out of 697 votes cast. To minimise disruption, the agreement has been provisionally applied since 1 January 2021 (→ [eu-crim 4/2020, 265](#)). The EP's consent was necessary so that the TCA can enter into force permanently. The period of provisional application ends on 30 April 2021.

In addition to the vote on the TCA, MEPs adopted a [resolution that sets out the EP's evaluation of and expectations from the EU-UK Agreement](#). The resolution passed by 578 to 51 votes, with 68 abstentions. MEPs welcomed the conclusion of the [EU-UK Trade and Cooperation Agreement](#) that limits the negative consequences of the UK's withdrawal from the EU. However, they consider Brexit a "historic mistake" and recall that "a third country cannot have the same rights and benefits as a Member State." They also stress that the goals pursued by the EP have been largely achieved by the TCA. This achievement is, *inter alia*, ensured through an enforceable level playing field (including for state aid, social and environmental standards), a long-term settlement on fisheries, an economic agreement which will mitigate many of the negative consequences of the UK's withdrawal from the EU, and a new framework for justice, police and internal security cooperation based on full respect for the ECHR and the EU's data protection legal framework. The EP regrets nonetheless that the UK was not willing to extend cooperation to important areas, such as foreign and security policy and participation in the student exchange programme Erasmus+. Furthermore, it is regrettable that judicial cooperation in civil matters was not part of the negotiations for the future partnership between the EU and the UK.

MEPs criticise that the TCA was hastily negotiated which impacted the democratic oversight of the final text ahead of the provisional application. They underline that the EP must play a full role in the monitoring and implementation of the Agreement, which must include, for instance, the EP's involvement in unilateral EU actions under the Agreement or the taking into account of the EP's views regarding the implementation of the TCA by both parties.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

ISSN: 1862-6947

<https://eu-crim.eu>



The resolution sets out the EP's viewpoint on the various chapters and topics of the TCA. Regarding issues in connection with the area of freedom, security and justice and the protection of the EU's financial interests (in detail summarised at [eucrim 4/2020, 265-271](#)) the following points raised can be highlighted:

- The Commission should remain vigilant on questions of taxation and money laundering, where all available tools such as the listing processes should be used to dissuade the UK from adopting unfair practices;
 - A decision of the adequacy of the UK's data protection framework must be in line with the CJEU case law, should not be taken rashly and cannot be the object of negotiation between the UK and the EU;
 - The part on law enforcement and judicial cooperation in criminal matters with the UK is of an unprecedentedly close nature with a third country;
 - The suspension and termination mechanism in relation to law enforcement and judicial cooperation is to be welcomed, in particular the ECHR conditionality;
 - The EU should keep an eye on UK practices that may develop harmful tax schemes (including in UK Crown Dependencies and Overseas Territories where the TCA does not apply) or impact the financial stability of the EU;
 - The UK must respect its financial commitments under the TCA that ensure the protection of the EU's financial interests;
 - Strong cooperation on VAT and customs duties is needed in order to ensure proper collection and the recovery of claims; cooperation must include swift exchange of information among the customs authorities and the fight against VAT and customs fraud;
 - The implementation of the control mechanisms must be ensured, including the right of access of Commission services, the ECA, OLAF and the EPPO;
 - Both parties must continue their (regulatory) common protection of intellectual property rights.
-

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
the European Union**