














Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2022/0068(COD) Regulation</p>	<p>Procedure completed</p>
<p>Union's rights in enforcing and implementing the UK Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement</p>	
<p>Subject 6.20.03 Bilateral economic and trade agreements and relations 6.40 Relations with third countries</p>	
<p>Geographical area United Kingdom</p>	
<p>Legislative priorities Joint Declaration 2022</p>	

Key players			
European Parliament	Joint Committee Responsible	Rapporteur	Appointed
	 Constitutional Affairs		22/03/2022
	International Trade		22/03/2022
	Foreign Affairs	 HÜBNER Danuta Maria	22/03/2022
			KELLY Seán
			SCHIEDER Andreas
		Shadow rapporteur	
			MCALLISTER David
			DE CASTRO Paolo
			SILVA PEREIRA Pedro
		GOERENS Charles	
		LOISEAU Nathalie	
		RINZEMA Catharina	
		ALFONSI François	
		DELBOS-CORFIELD Gwendoline	



[HAUTALA Heidi](#)



[BOURGEOIS Geert](#)



[FOTYGA Anna](#)



[BECK Gunnar](#)



[BUCHHEIT Markus](#)



[SCHOLZ Helmut](#)



[VILLANUEVA RUIZ](#)

[Idoia](#)

INTA [Constitutional Affairs](#)

[International Trade](#)

[Foreign Affairs](#)

AFCO [Constitutional Affairs](#)

[International Trade](#)

[Foreign Affairs](#)

Committee for opinion

Rapporteur for opinion

Appointed

ITRE [Industry, Research and Energy](#)

The committee decided not to give an opinion.

IMCO [Internal Market and Consumer Protection](#)

Chair on behalf of committee

17/05/2022



[CAVAZZINI Anna](#)

TRAN [Transport and Tourism](#)

31/03/2022



[VITANOV Petar](#)

AGRI [Agriculture and Rural Development](#)

The committee decided not to give an opinion.

PECH [Fisheries](#)

25/04/2022



[KARLESKIND Pierre](#)

JURI [Legal Affairs](#)

The committee decided not to give an opinion.

Council of the European Union

Council configuration

Meeting

Date

[Education, Youth, Culture and Sport](#)

6785

07/03/2023

European Commission


Commission DG

Commissioner

[Secretariat-General](#)

ŠEFČOVIČ Maroš

European Economic and Social Committee

Key events			
11/03/2022	Legislative proposal published	COM(2022)0089	Summary
23/03/2022	Committee referral announced in Parliament, 1st reading		
07/07/2022	Referral to joint committee announced in Parliament		
10/10/2022	Vote in committee, 1st reading		
10/10/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
13/10/2022	Committee report tabled for plenary, 1st reading	A9-0248/2022	Summary
17/10/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
19/10/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
09/02/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE740.762 GEDA/A/(2023)000374	
14/02/2023	Results of vote in Parliament		
14/02/2023	Decision by Parliament, 1st reading	T9-0032/2023	Summary
07/03/2023	Act adopted by Council after Parliament's 1st reading		
15/03/2023	Final act signed		
22/03/2023	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0068(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 188-p2; Treaty on the Functioning of the EU TFEU 091; Treaty on the Functioning of the EU TFEU 043; Treaty on the Functioning of the EU TFEU 188 -a1; Treaty on the Functioning of the EU TFEU 100-p2; Rules of Procedure EP 59; Treaty on the Functioning of the EU TFEU 189; Treaty on the Functioning of the EU TFEU 207; Treaty on the Functioning of the EU TFEU 173-p3
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	CJ41/9/09543

Legislative proposal		COM(2022)0089	11/03/2022	EC	Summary
Economic and Social Committee: opinion, report		CES1849/2022	15/06/2022	ESC	
Committee draft report		PE734.466	05/08/2022	EP	
Amendments tabled in committee		PE735.572	08/09/2022	EP	
Specific opinion	PECH	PE735.784	26/09/2022	EP	
Specific opinion	IMCO	PE734.358	27/09/2022	EP	
Specific opinion	TRAN	PE734.359	04/10/2022	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0248/2022	13/10/2022	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2023)000374	16/01/2023	CSL	
Text agreed during interinstitutional negotiations		PE740.762	25/01/2023	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0032/2023	14/02/2023	EP	Summary
Draft final act		00077/2022/LEX	15/03/2023	CSL	
Commission response to text adopted in plenary		SP(2023)154	12/04/2023	EC	

Additional information

Research document	Briefing	12/07/2022
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Final act

[Regulation 2023/657](#)
[OJ L 083 22.03.2023, p. 0001](#) Summary

Union's rights in enforcing and implementing the UK Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement

PURPOSE: to establish the rules and procedures governing the exercise of the Union's rights under the UK's EU Withdrawal Agreement and the Trade and Cooperation Agreement.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: on 30 January 2020, the Council concluded the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union. This agreement entered into force on 1 February 2020. In addition, the Trade and Cooperation Agreement concluded by the Council, on behalf of the Union, applies provisionally from 1 January 2021 and entered into force on 1 May 2021.

Both the Withdrawal Agreement and the Trade and Cooperation Agreement provide that a Party may adopt certain measures in specific cases and subject to compliance with the conditions and procedures set out therein. These measures may result in the suspension of certain obligations under the agreement concerned.

Should the need arise to exercise its rights in implementing and enforcing the Withdrawal Agreement and the Trade and Cooperation Agreement, the Union should be in a position to make appropriate use of the instruments available to it swiftly and in a proportionate, effective and flexible manner, while fully involving Member States. The Union should also be able to take appropriate measures if effective recourse to binding dispute settlement under those Agreements is not possible because the United Kingdom does not cooperate in making such recourse possible. It is therefore necessary to lay down rules and procedures governing the adoption of those measures.

CONTENT: the proposed Regulation aims to establish general principles and uniform conditions for the exercise of the Union's rights to implement and enforce the Withdrawal Agreement and the Trade and Cooperation Agreement or any supplementary agreement. It also aims

to empower the Commission to adopt the necessary measures, including, where appropriate, restrictions on trade, investment or other activities falling within the scope of the Trade and Cooperation Agreement.

These rights could be exercised through the suspension of preferential treatment for the product(s) concerned, remedial measures, rebalancing measures, countermeasures under the Trade and Cooperation Agreement, safeguard measures and measures restricting trade, investment or other activities listed in the proposal.

The implementing acts would be adopted by the Commission under the examination procedure, in accordance with the committee procedure. The Commission should adopt immediately applicable implementing acts where, in duly justified cases, imperative grounds of urgency so require for the appropriate protection of the Unions interests.

The Commission should review the Regulation within five years of its entry into force in order to ascertain that it remains fit for purpose.

Union's rights in enforcing and implementing the UK Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement

The Committees on Foreign Affairs, International Trade and Constitutional Affairs jointly adopted a report by Andreas SCHIEDER (S&D, DE), Seán KELLY (EPP, IE) and Danuta Maria HÜBNER (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council laying down rules for the exercise of the Union's rights in the implementation and enforcement of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Parliaments scrutiny

Members stressed in the explanatory statement that it is essential to ensure Parliaments scrutiny and the democratic oversight of the implementation of the Agreements with the UK. Therefore, Parliament should be able to fully play its role in the monitoring and implementation of the Agreements that form part of a special and unprecedented relationship between the EU and a neighbour country, which was a former Member State.

In this regard, the report proposed that Parliament should be fully informed in a timely manner on a par with the Council of all difficulties that may arise, in particular possible breaches of the Agreements and other situations that might result in measures being taken pursuant to this Regulation, as well as of the Commission's intention to adopt any enforcement measures under the Agreements and of the follow up to any measures taken in order to enable a meaningful exchange of views to take place including when urgent action is required. The European Parliament should have the possibility to express its opinion to the Commission, which the Commission should consider before it adopts any enforcement measures.

Where there is a particular concern any Member State, or the European Parliament may request the Commission to adopt measures or the European Parliament may request the Commission to review its concern and assess the need to adopt such measures. If the Commission does not respond positively to such a request, it should inform the European Parliament and the Council in timely manner of its reasons.

Committee procedure

The Commission should be assisted by the UK Committee. In accordance with the provisions of Regulation (EU) No 182/2011 on laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, the European Parliament and the Council should be regularly and promptly informed on committee proceedings. The European Parliament and the Council may at any time exercise their right of scrutiny.

Review

By three years after the entry into force of this Regulation, the Commission should present a report on the application of this Regulation, accompanied where appropriate by relevant legislative proposals.

Union's rights in enforcing and implementing the UK Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement

The European Parliament adopted by 555 votes to 13, with 81 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down rules on the exercise of Union rights to implement and enforce the UK Withdrawal Agreement and the EU/UK Trade and Cooperation Agreement.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter and Purpose and scope

The proposed Regulation aims to establish general principles and uniform conditions for the exercise of the Union's rights to implement and enforce the Withdrawal Agreement and the Trade and Cooperation Agreement or any complementary agreement. It also aims to empower the Commission to adopt the necessary measures, including, where appropriate, restrictions on trade, investment or other activities falling within the scope of the Trade and Cooperation Agreement.

The Union's rights may be exercised by means of temporary suspension of preferential treatment for the product(s) concerned, remedial measures, rebalancing measures, compensatory measures under the Trade and Cooperation Agreement, safeguard measures, measures restricting trade, investment or other activities falling within the scope of the Trade and Cooperation Agreement and remedial measures in

accordance with Article 13 of the Protocol on Ireland and Northern Ireland to the Withdrawal Agreement.

The Commission should be empowered, by means of implementing acts, to adopt the measures adopted by the Union, with the exception of the suspension, in whole or in part, of access to Union waters under the Trade and Cooperation Agreement by vessels of the United Kingdom for fisheries.

Measures adopted pursuant to this Regulation should be proportionate to the objectives pursued and effective in inducing compliance of the United Kingdom with the Agreements.

Information

The Council should be informed at regular and constant intervals of the implementation of the withdrawal agreement and the trade and cooperation agreement. The European Parliament should be kept immediately and fully informed, in accordance with the Treaties, to allow it to exercise its institutional prerogatives.

The Commission should be assisted by the UK Committee. The European Parliament and the Council should be regularly and promptly informed on committee proceedings. The European Parliament and the Council may at any time exercise their right of scrutiny in accordance with Article 11 of Regulation (EU) No 182/2011.

Annual reports

When the Commission submits its annual reports to the European Parliament and the Council on the implementation and application of the Trade and Cooperation Agreement, it should also include an overview of any complaints received concerning the Trade and Cooperation Agreement, as well as the follow-up to those complaints and the measures adopted under the Regulation.

The Commission should present a report on the implementation of the Regulation accompanied, where appropriate, by relevant legislative proposals.

Union's rights in enforcing and implementing the UK Withdrawal Agreement and the EU-UK Trade and Cooperation Agreement

PURPOSE: to establish the rules and procedures governing the exercise of the Union's rights under the UK's EU Withdrawal Agreement and the Trade and Cooperation Agreement and empower the Commission to adopt the necessary measures, including, where appropriate, restrictions on trade, investment or other activities falling within the scope of the Trade and Cooperation Agreement.

LEGISLATIVE ACT: Regulation (EU) 2023/657 of the European Parliament and of the Council laying down rules for the exercise of the Unions rights in the implementation and enforcement of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

CONTENT: this Regulation lays down rules and procedures to ensure an effective and timely exercise of the Unions rights in implementing and enforcing the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part and supplementing agreements to the Trade and Cooperation Agreement.

Scope

This Regulation applies to the following measures adopted by the Union:

- the temporary suspension of the relevant preferential treatment of the product or products concerned as set out in Article 34 of the Trade and Cooperation Agreement;
- remedial measures and the suspension of obligations as set out in Article 374 of the Trade and Cooperation Agreement;
- rebalancing measures and countermeasures;
- the refusal, revocation, suspension, limitation of and the imposition of conditions on the operating authorisations or technical permissions of air carriers of the United Kingdom, as well as the refusal, revocation, suspension, limitation of and the imposition of conditions on the operation of those air carriers;
- the suspension of acceptance obligations;
- remedial measures;
- compensatory measures;
- measures restricting trade, investment or other activities within the scope of the Trade and Cooperation Agreement, if adjudication is not possible because the United Kingdom is not taking the steps that are necessary for a dispute settlement procedure under that Agreement or the Withdrawal Agreement to function, including unduly delaying the proceedings amounting to non-cooperation in the process;
- the suspension of obligations under the Withdrawal Agreement in the context of compliance with an arbitration panel ruling;
- safeguard measures and rebalancing measures as set out in Article 16 of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement.

Exercise of Union rights

The Commission will be empowered, by means of implementing acts, to adopt the measures adopted by the Union, with the exception of the suspension, in whole or in part, of access to Union waters under the Trade and Cooperation Agreement by vessels of the United Kingdom for

fisheries.

Measures adopted under the Regulation must be proportionate to the objectives pursued and effective in inducing compliance of the United Kingdom with the Agreements.

Where there is a particular concern of one or more Member States, that or those Member States may request the Commission to adopt the measures adopted by the Union. If the Commission does not respond positively to such a request, it will inform the Council in a timely manner of its reasons.

If, due to persisting significant divergences, the rebalancing measures last for more than a year, one or more Member States may request the Commission to activate the review clause provided for in Article 411 of the Trade and Cooperation Agreement.

Information

The Council will be informed at regular and constant intervals of the implementation of the withdrawal agreement and the trade and cooperation agreement. The European Parliament will be kept immediately and fully informed, in accordance with the Treaties, to allow it to exercise its institutional prerogatives.

The Commission will be assisted by the UK Committee. The European Parliament and the Council will be regularly and promptly informed on committee proceedings. The European Parliament and the Council may at any time exercise their right of scrutiny.

Annual reports

When the Commission submits its annual reports to the European Parliament and the Council on the implementation and application of the Trade and Cooperation Agreement, it will also include an overview of any complaints received concerning the Trade and Cooperation Agreement, as well as the follow-up to those complaints and the measures adopted under the Regulation.

No later than 12 April 2026, the Commission will present a report on the implementation of the Regulation accompanied, where appropriate, by relevant legislative proposals.

ENTRY INTO FORCE: 11.4.2023.

Transparency				
KELLY Seán	Rapporteur	INTA	17/01/2023	UK Mission to the European Union
KELLY Seán	Rapporteur	INTA	03/11/2022	EU Domestic Advisory Group under the EU-UK TCA
KELLY Seán	Rapporteur	INTA	26/10/2022	Council Working Party on the UK
KELLY Seán	Rapporteur	INTA	14/07/2022	Make UK, the manufacturers' organisation (formerly EEF)
SCHIEDER Andreas	Rapporteur	AFET	13/07/2022	Head of Withdrawal Agreement & Northern Ireland at the UK Mission
SCHIEDER Andreas	Rapporteur	AFET	06/07/2022	Welsh Government Representative on Europe
SCHIEDER Andreas	Rapporteur	AFET	08/06/2022	Director Withdrawal Agreement, Northern Ireland, Agriculture and Fisheries at the UK Mission