Wednesday 18 September 2019

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(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2019)0016

The UK's withdrawal from the EU

European Parliament resolution of 18 September 2019 on the state of play of the UK's withdrawal from the European Union (2019/2817(RSP))

(2021/C 171/01)

The European Parliament,

— having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 ('the Charter'), which was proclaimed on 12 December 2007 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,

— having regard to the notification given by the Prime Minister of the United Kingdom to the European Council on 29 March 2017 in accordance with Article 50(2) of the Treaty on European Union,

— having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union [1], of 3 October 2017 on the state of play of negotiations with the United Kingdom [2], of 13. December 2017 on the state of play of negotiations with the United Kingdom [3] and of 14 March 2018 on the framework of the future EU-UK relationship [4],

— having regard to the European Council (Art. 50) Guidelines of 29 April 2017 following the United Kingdom's notification under Article 50 TEU and to the Annex to the Council Decision of 22 May 2017 which lays down the directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union,

— having regard to the European Council (Art. 50) Guidelines of 15 December 2017 and to the Annex to the Council Decision of 29 January 2018 supplementing the Council Decision of 22 May 2017 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out arrangements for its withdrawal from the European Union,

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[1] OJ C 298, 23.8.2018, p. 24.
[2] OJ C 346, 27.9.2018, p. 2.
[3] OJ C 369, 11.10.2018, p. 32.
[4] OJ C 162, 10.5.2019, p. 40.

— having regard to the Joint Report from the negotiators of the European Union and the United Kingdom Government of 8 December 2017 on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union,

— having regard to 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, as endorsed by the European Council on 25 November 2018 ('the Withdrawal Agreement') and the statements entered in the minutes of the meeting of the European Council of that date,

— having regard to the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom, as approved by the European Council on 25 November 2018 ('the Political Declaration'),

— having regard to the conclusions of the European Council (Art. 50) of 13 December 2018,

— having regard to the Joint Statement supplementing the Political Declaration and the Instrument relating to the Withdrawal Agreement of 11 March 2019,

— having regard to European Council Decision (EU) 2019/476 taken in agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3) TEU ([1]),

— having regard to European Council Decision (EU) 2019/584 taken in agreement with the United Kingdom of 11 April 2019 extending the period under Article 50(3) TEU ([2]),

— having regard to Council Decision (EU) 2019/642 of 13 April 2019 ([3]) amending Council Decision (EU) 2019/274 of 11 January 2019, whereby the signature, on behalf of the European Union and of the European Atomic Energy Community, of the Withdrawal Agreement was authorised subject to its conclusion,

— having regard to Rule 132(2) of its Rules of Procedure,

A. whereas 'Brexit' is an unprecedented and regrettable event whose negative consequences would be mitigated by an orderly withdrawal of the United Kingdom (UK) from the European Union (EU);

B. whereas the UK and the EU will remain close neighbours and will continue to have many interests in common; whereas the framework for such a close relationship is set out in the Political Declaration, pursuant to which those common interests can be protected and promoted, including by means of a new trade relationship;

C. whereas the European Parliament represents EU citizens and will act throughout the whole process leading to the withdrawal of the UK to protect their interests;

D. whereas there are currently around 3,2 million citizens of the remaining 27 Member States (EU-27) resident in the UK and 1,2 million citizens of the UK ('British citizens') resident in the EU-27; whereas those citizens took up residence in another Member State on the basis of rights they enjoy under EU law and on the understanding that they would continue to enjoy those rights throughout their lives;

E. whereas in addition there are 1,8 million citizens born in Northern Ireland who, by virtue of the Good Friday Agreement, are entitled to Irish citizenship and are thereby entitled to EU citizenship and to EU citizenship rights where they reside;

F. whereas the EU and the UK, as a departing Member State, have an overriding obligation to ensure a comprehensive and reciprocal approach to protecting the rights of EU citizens living in the UK and of British citizens living in the EU-27;

([1]) OJ L 80 I, 22.3.2019, p. 1.
([2]) OJ L 101, 11.4.2019, p. 1.
([3]) OJ L 110 I, 25.4.2019, p. 1.

Wednesday 18 September 2019

G. whereas recent statements by the UK Government in favour of pursuing a policy of regulatory divergence from the EU calls into question how close the future EU-UK economic relationship can be;

H. whereas the UK's withdrawal from the EU must not in any way endanger the peace process in Northern Ireland nor harm the economy of the island of Ireland, which would occur with any hardening of the border between Northern Ireland and Ireland and which the backstop agreed between the UK and EU in the Withdrawal Agreement was designed in all circumstances to prevent;

I. whereas the Good Friday Agreement recognises 'the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status';

J. whereas the UK Government insists that the backstop must be removed from the Withdrawal Agreement but has not until now put forward legally operative proposals that could replace it;

K. whereas it appears that the UK Government has made planning for 'no deal' its main policy priority and that some of the members of the UK Government believe that a 'no-deal exit' would be the optimal outcome of the process of withdrawal by the UK from the EU;

L. whereas the UK Prime Minster has said that a 'no-deal Brexit' would be a 'failure of statecraft';

M. whereas, in accordance with the Joint Instrument relating to the Withdrawal Agreement agreed on 11 March 2019 at the UK's insistence, joint work on alternative arrangements presupposes ratification of the Withdrawal Agreement;

N. whereas the withdrawal of the UK from the EU without a deal would economically be highly damaging to both parties although, as official figures and UK Government reports demonstrate, such economic damage would fall disproportionately on the UK, including its overseas territories;

O. whereas the unity of the EU institutions and the EU-27 continues to be crucial and will be maintained;

The Withdrawal Agreement and Political Declaration

1. Believes that it is in the overwhelming interest of the UK, as well as of the EU, that the withdrawal of the UK from the EU takes place in an orderly way;

2. Continues to believe that the Withdrawal Agreement, as the means to allow for such an orderly exit of the UK from the EU, is fair and balanced, while fully respecting both the UK's 'red lines' and the EU's principles;

3. Notes that the value of the Withdrawal Agreement is that it provides legal certainty to all those affected by the withdrawal of the UK from the EU and that, to the fullest extent possible, it:

— safeguards the rights and life choices of EU citizens resident in the UK and British citizens resident in the EU-27,

— includes the backstop for the border between Ireland and Northern Ireland which, in the absence of agreed solutions in the context of a future agreement or of operational alternative arrangements providing the same guarantees, will protect the Good Friday Agreement and the Northern Ireland peace process and avoid a 'hardening' of the border, thereby supporting North-South cooperation and the all-island economy, as well as guaranteeing the integrity of the EU's internal market,

— provides for a single financial settlement with the UK which includes all legal liabilities arising from outstanding commitments and makes provision for off-balance sheet items, contingent liabilities and other financial costs arising directly as a result of the UK's withdrawal,

— includes, as requested by the UK and with a view to ensuring legal certainty and continuity as well as time to negotiate the future EU-UK relationship, a transition period until 31 December 2020 which may be extended once by up to two years,

— addresses other separation issues which will permit an orderly exit of the UK from the EU,

— contains governance provisions which safeguard the role of the Court of Justice of the European Union (CJEU) in the interpretation of the Withdrawal Agreement, as appropriate;

4. Notes that the fundamental options facing the UK in relation to the border between Ireland and Northern Ireland are and will remain the same, whatever its government; recalls that the UK Government rejected the first EU proposal for a Northern Ireland-only backstop and subsequently requested that it be redesigned in the form that is now to be found in the Withdrawal Agreement; expresses its readiness to revert to a Northern Ireland-only backstop but stresses that it will not give consent to a Withdrawal Agreement without a backstop;

5. Notes that the backstop is supported by an overwhelming majority of political parties represented in the Northern Ireland Assembly and, according to recent surveys, by a majority of citizens in Northern Ireland;

6. Recalls that the backstop is to be used only as a temporary measure of last resort and welcomes all measures that make that clear; welcomes in particular, as provided for in the Withdrawal Agreement itself, that work and investment be directed to explore how alternative arrangements for the border, based on new technologies, might eventually be used in the future to ensure the absence of a hard border on the island of Ireland;

7. Notes that those alternative arrangements are only acceptable if they make it possible to avoid physical infrastructure at the border or related checks and controls, to protect the all-island economy, to safeguard the Good Friday Agreement, including maintaining the necessary conditions for continued North-South cooperation, and to ensure the integrity of the EU's internal market;

8. Believes that it is incumbent on the UK to come forward with written proposals for such alternative arrangements that are fully operational, that deal comprehensively with all checks and controls that are carried out at the EU's external border, that are consistent with paragraphs 43 and 49 of the Joint Report of 8 December 2017 and that can take account of any future regulatory divergence between the UK and the EU; regrets that despite statements by some of its members on the availability of alternative arrangements, the UK Government has not until now put forward legally operative proposals that could replace the backstop;

9. Notes that the Political Declaration, setting out the framework for the future relationship between the EU and the UK, is in line with the European Parliament's resolution of 14 March 2018 on the framework of the future EU-UK relationship, calling for an association agreement, as well as with the detailed input of its committees, and reflects the choices made by the UK regarding the scope and depth of its future relationship with the EU;

10. Expresses its willingness to transform the Political Declaration into a document with a more formal and legal character setting out the aim of establishing an association agreement between the EU and the UK of such a close nature that, even in the absence of viable alternative arrangements, the backstop would not need to be deployed;

No deal

11. Recalls that, in accordance with Article 50 TEU, in the absence of an agreement or an extension of the period referred to in Article 50(3) TEU, the Treaties will cease to apply to the UK from 1 November 2019;

12. Stresses that should the UK withdraw from the EU without an agreement this would be entirely the responsibility of the UK Government; points out furthermore the implications such a 'no-deal exit' would have for the border between Northern Ireland and Ireland as well as for the operation and implementation of the Good Friday Agreement;

Wednesday 18 September 2019

13. Notes the strong opposition in the House of Commons and beyond to the decision to prorogue the UK Parliament until 14 October 2019 which makes the possibility of the withdrawal of the UK from the EU without an agreement more likely;

14. Welcomes in the meanwhile the preparedness and contingency planning measures for a 'no-deal' scenario adopted by the EU institutions and the EU-27; notes that they are unilateral, in the interests of the EU and temporary in nature; stresses furthermore that they do not have the same effects as an agreement allowing for an orderly withdrawal or replicate the benefits of membership of the EU, or the terms of any transition period provided for in the Withdrawal Agreement; welcomes the latest proposals presented by the Commission on 4 September 2019 and commits itself to dealing with them as swiftly as possible and with a view, in particular with respect to providing financial assistance to small and medium-sized enterprises, to ensuring that the burdens arising from administrative procedures are kept to a minimum;

15. Notes that there can be no transition period in the absence of the Withdrawal Agreement nor any 'mini-deals' put in place to help mitigate the disruption of a disorderly withdrawal of the UK from the EU;

16. Stresses that further negotiations between the EU and the UK after the UK has withdrawn from the EU without a deal can only take place on condition that the UK honours its obligations and commitments in respect of citizens' rights, the financial settlement and the Good Friday Agreement in all its parts;

17. Notes that in the case of a 'no-deal exit', the UK's financial and other obligations will still exist; affirms that in such a case it will refuse to give consent to any agreement or agreements between the EU and the UK unless and until the UK honours its commitments;

18. Recalls that, once such commitments are met, future EU-UK relations negotiations will require strong safeguards and level playing field provisions with a view to safeguarding the EU's internal market and avoiding placing EU firms at a potential unfair competitive disadvantage; reiterates in that respect the conditions set out in its resolution of 14 March 2018 not least as regards ensuring high levels of environmental, employment and consumer protection; notes that any free trade agreement that fails to respect such levels of protection would not be ratified by the European Parliament;

19. Recalls that safeguarding the rights and life choices, including the employment status and social entitlements, of EU citizens resident in the UK and British citizens resident in the EU-27 remains its first priority and that all endeavours should be undertaken to try to ensure that those citizens are not affected by the UK's withdrawal from the EU;

20. Expresses its concern at the implementation of the UK's Settlement Scheme and the high levels of applicants, up to 42 % according to the latest UK official figures, who are only accorded pre-settled status; recalls that this can be avoided if the UK opts for an administrative procedure which is declaratory in nature and places the burden of proof on the UK authorities to challenge the declaration; urges therefore the UK to review its approach;

21. Encourages the UK and the EU-27 to adopt measures that provide legal certainty for EU citizens resident in the UK and British citizens resident in the EU-27; recalls its position that the EU-27 should pursue a consistent and generous approach in protecting the rights of British citizens resident in those Member States;

22. Expresses its grave concern that recent and conflicting announcements by the Home Office in relation to free movement after 31 October 2019 have generated very unhelpful uncertainty for EU citizens resident in the UK, with the risk that those announcements may exacerbate the hostile environment towards them as well as impacting negatively on their ability to enforce their rights;

23. Recalls that many British citizens have expressed strong opposition to losing the rights they currently enjoy pursuant to Article 20 TFEU; proposes that the EU-27 examine how to mitigate this within the limits of EU primary law whilst fully respecting the principles of reciprocity, equity, symmetry and non-discrimination;

Extension of the Article 50 period

24. Notes that on 9 September 2019 an Act of the UK Parliament, obliging the UK Government to ask for an extension if an agreement has not been reached with the EU by 19 October 2019, was enacted;

25. Indicates that it would support an extension of the period provided for in Article 50 if there are reasons and a purpose for such an extension (such as to avoid a 'no-deal exit', to hold a general election or a referendum, to revoke Article 50, or to approve a withdrawal agreement) and that the work and functioning of the EU institutions are not adversely affected;

26. Recalls that it will not proceed with any consent vote until the UK Parliament has approved an agreement with the EU;

27. Takes note of the UK Government's decision in the current circumstances not to appoint a candidate Commissioner to the next European Commission nor to send UK representatives to certain EU meetings from 1 September 2019; stresses that this will not affect the ability of the EU institutions to function smoothly, and reaffirms, as far as the European Parliament is concerned, that UK Members of the European Parliament (MEPs) will continue, until the UK's withdrawal, to be MEPs with all their rights and obligations intact; recalls that while it remains a Member State the UK will continue to enjoy its rights and be bound by its obligations under the Treaties, including the principle of sincere cooperation;

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28. Instructs its President to forward this resolution to the European Council, the Council of the European Union, the Commission, the parliaments of the Member States and the Government of the United Kingdom.