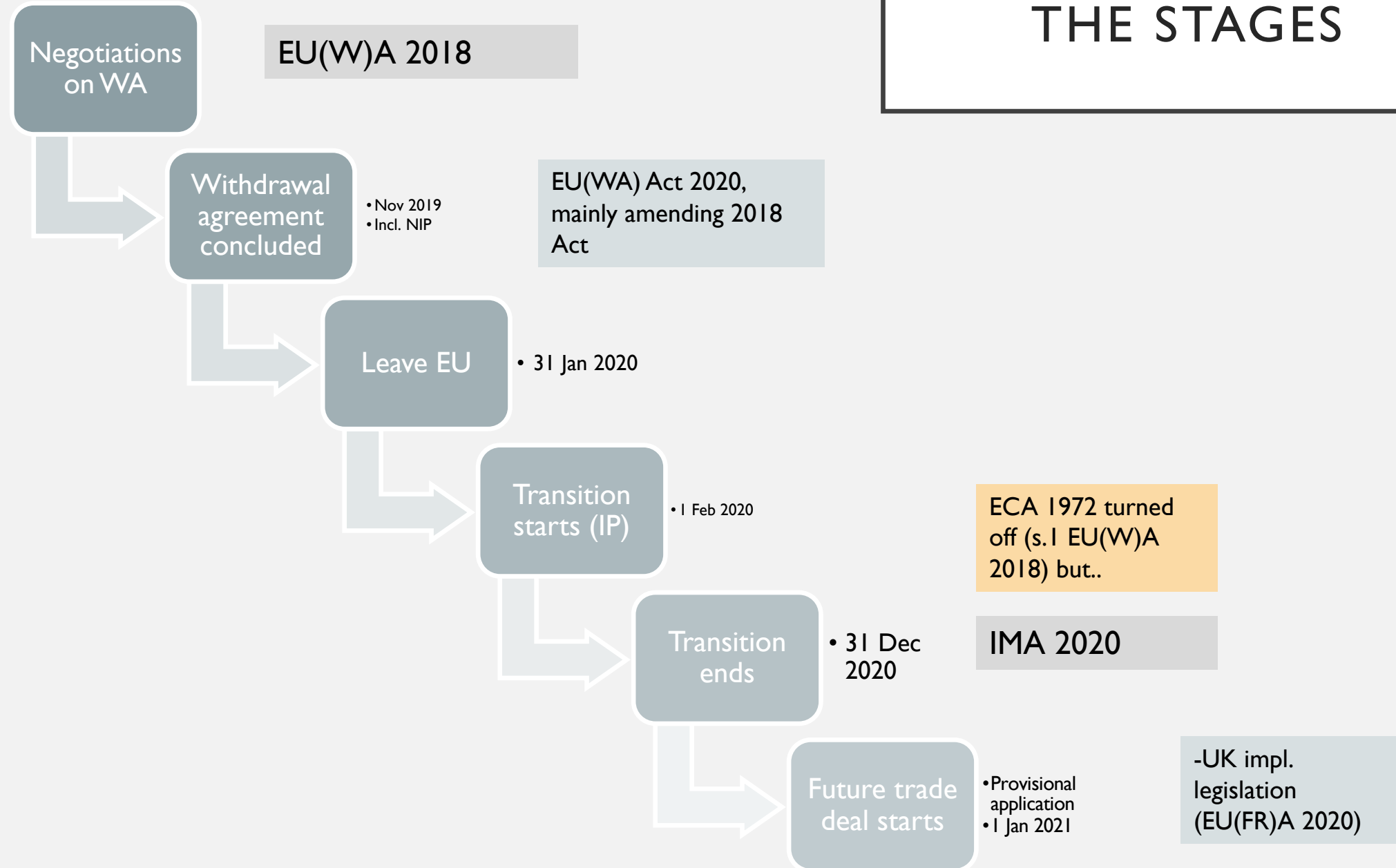


# BREXIT AND THE TCA

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# THE STAGES



# STRUCTURE OF EU-UK TCA

## Common and institutional provisions (Part One)

incl. good faith, interpretation in accordance with VCLT, no direct effect

### FTA (Part Two)

- Trade (incl services, pp, transport, social security coord, visas, fisheries, 'other provisions')

### Law enforcement and judicial cooperation in criminal matters (Part Three)

### Other

- Thematic cooperation (health, cyber security) (Part Four)
- Participation in union programmes, sound financial management, financial provisions (Part Five)

### Annexes and protocols

- NB possibility of further bilateral agreements (Art. COMPROV.2)

### Dispute settlement and horizontal provisions (Part Six)

### Potential EU unilateral measures

- Adequacy decision on data protection
- UK third country SPS listing
- Equivalence in financial services

NB TCA's implementation to be reviewed every five years (Art. FINPROV.3)

## OTHER TEXTS

Agreement between EU-UK concerning security procedures for exchanging and protecting classified information

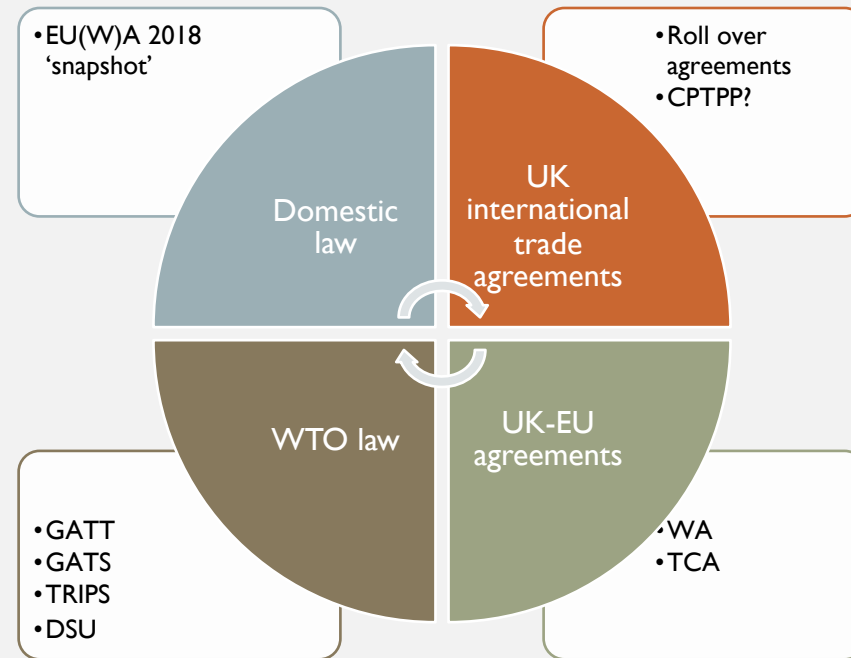
Agreement between UK-EU for cooperation on the safe and peaceful uses of nuclear energy

- Euratom legal basis
- Separate governance structure

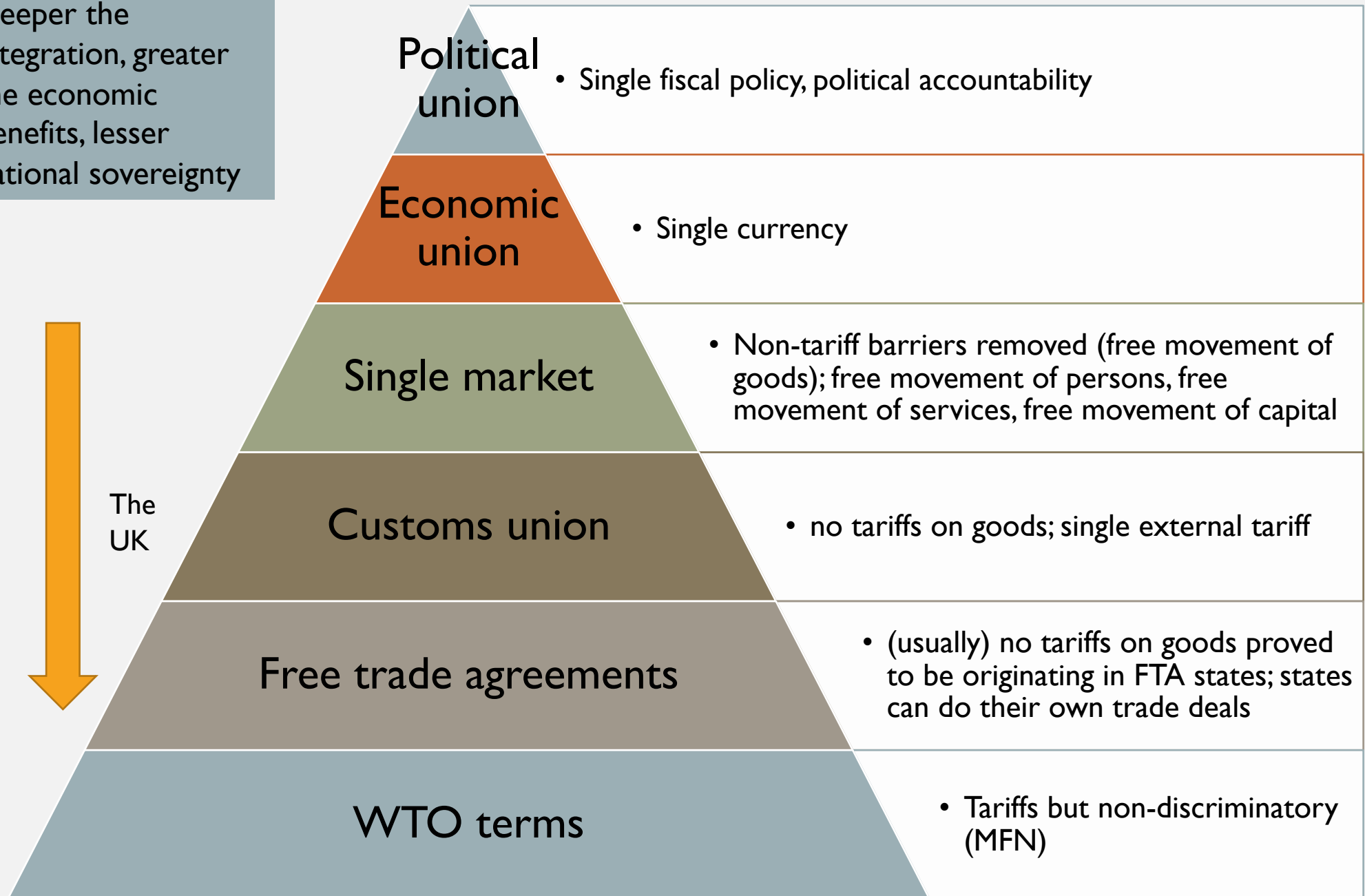
Declarations on issues where further cooperation is foreseen

- Eg financial services regulatory cooperation, subsidies, road hauliers, declaration of adequacy

# NESTING OF THE RELEVANT LEGAL SYSTEMS

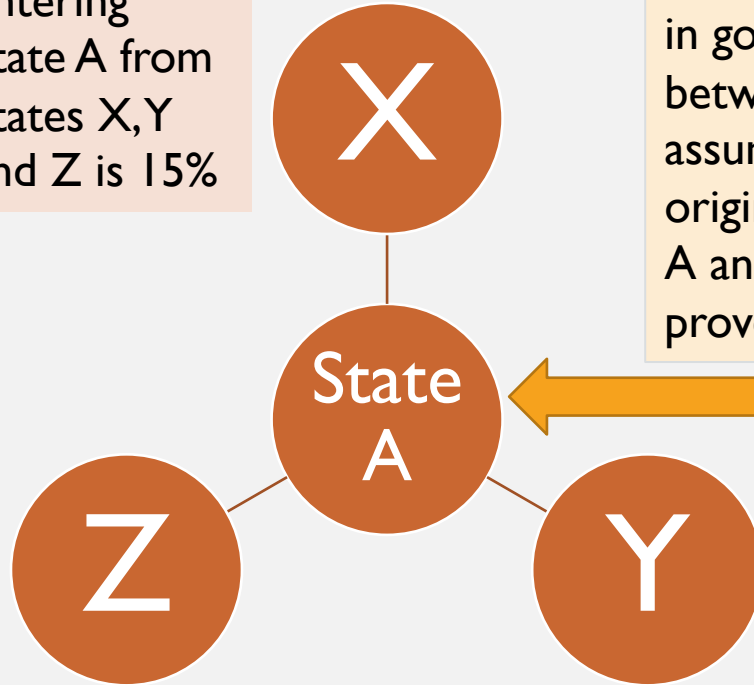


Deeper the integration, greater the economic benefits, lesser national sovereignty

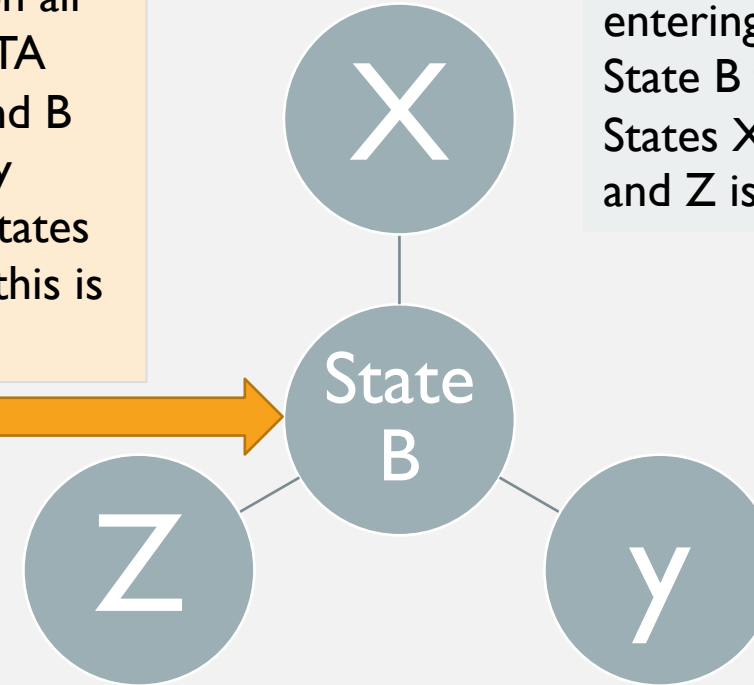
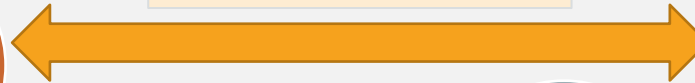


# FREE TRADE AGREEMENT (FTA)

Tariffs on a widget entering State A from States X, Y and Z is 15%



Zero tariffs on all in goods in FTA between A and B assuming they originate in States A and B and this is proved

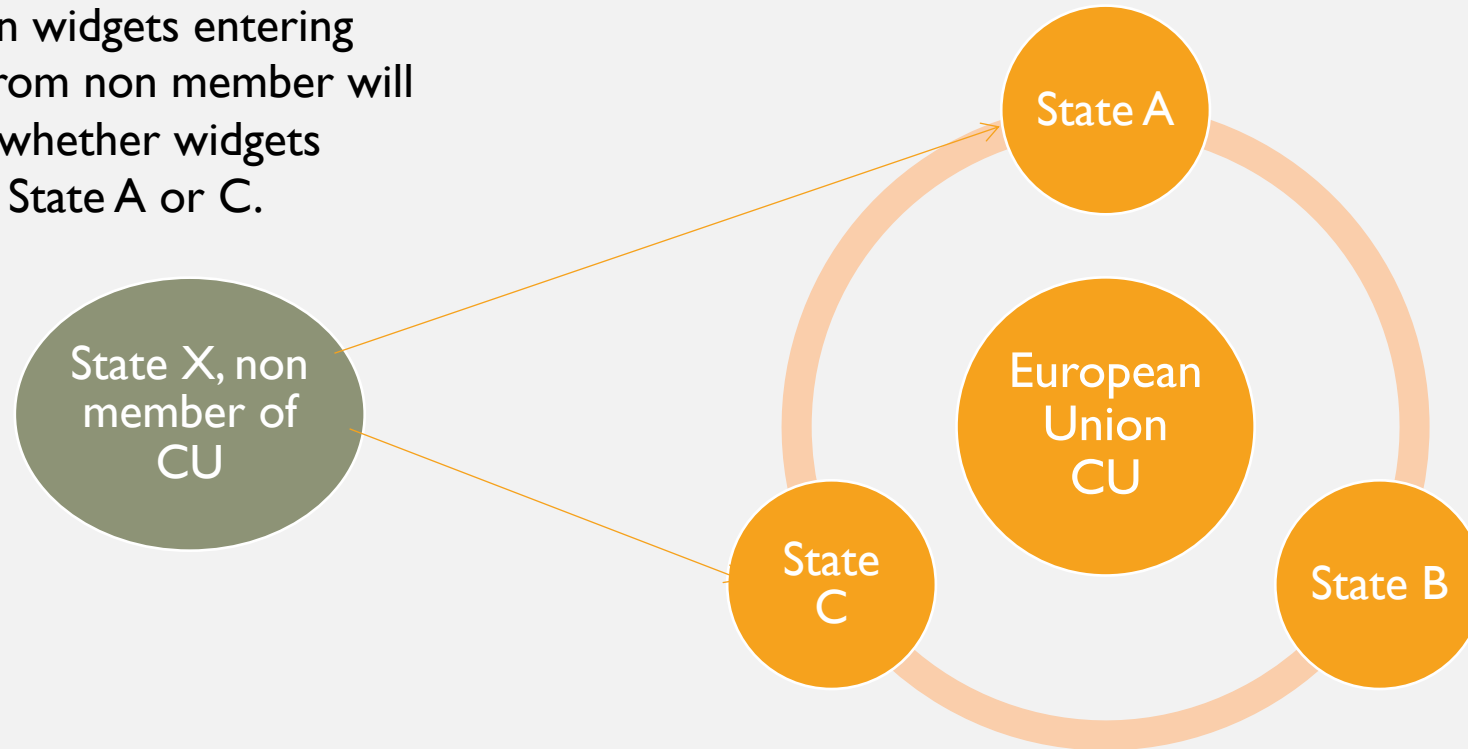


Tariffs on a widget entering State B from States X, Y and Z is 2%

**Role of rules of origin and need for checks; standards checks**

# CUSTOMS UNION

- No tariffs on widgets moving between states A, B and C
- Tariffs on widgets entering EU CU from non member will be same whether widgets enter via State A or C.





# OVERALL GOVERNANCE STRUCTURE

Political

Partnership council (Art. INST.1)  
– implementation, application  
and interpretation of TCA

Input from Parliamentary  
partnership Assembly

Decisions and  
Recommendations  
(Art. INST.4)

- Only decisions  
legally binding
- Mutual consent

technical

Trade Partnership Committee  
(Art. INST.2.1)

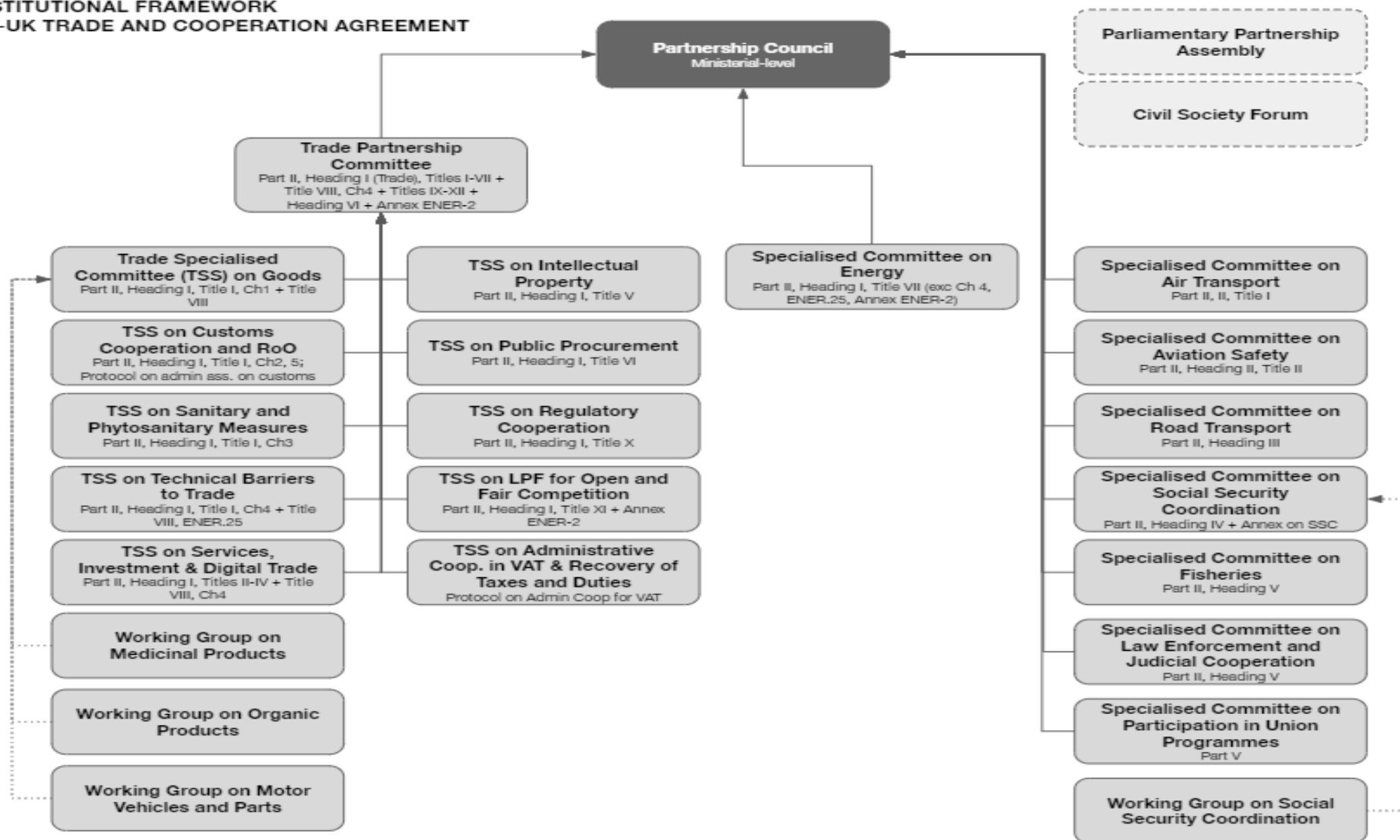
Specialised Committees (Art.  
INST.2.1)

Working groups (Art. INST.3)

Participation of civil society  
(Art. INST. 6-8)

- Domestic advisory  
groups
- Civil society forum

# INSTITUTIONAL FRAMEWORK EU-UK TRADE AND COOPERATION AGREEMENT



# GENERAL PROCEDURE

Does the matters  
fall within scope?  
(Art. INST.10)

- 'covered provisions' are all provisions of the Treaty but with some key exceptions (para. 2) eg criminal law

Consultations in  
PC (Art.INST.13)

- Held w/i 30 days
- Usually concluded w/i 30 days
- Good faith, mutually agreed solution

Arbitration  
Procedure (Art.  
INST. 14-20)

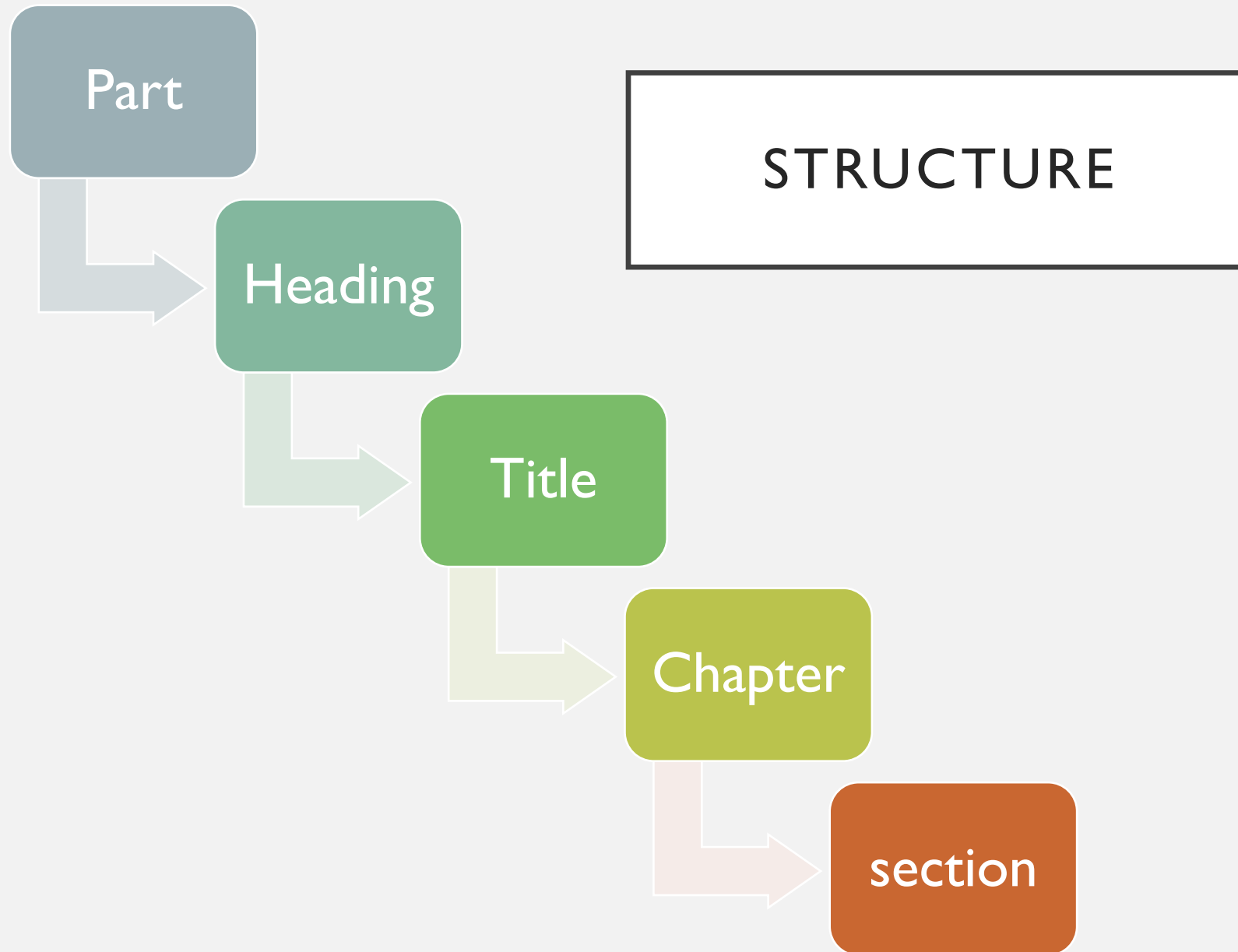
- 3 arbitrators with expertise in law and international trade; independent
- Terms of reference of AT
- Interim report w/i 100 days; comments w/i 14 days
- Final report 130 (160) days

Compliance  
(Art.INST.21-25)

- Comply w/i reasonable period or suitable agreed compensation
- If not, 'temporary' remedies, including proportionate cross-retaliation across all economic areas (eg tariffs on goods if there is a breach re fisheries or energy) ie suspend application of obligations

NB

- (1) law enforcement has its own enforcement mechanism (political)
- (2) Specific measures for breaches of LPF and fisheries



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## Art. INST.24 'Temporary' remedies (no time limit)

- Para. 6 violation of Heading One [Trade] suspension may be applied in another Title of the same heading as that in which the AT has found the violation; NB level of discretion
- Para. 8 but if this is not practicable or effective and circumstances are serious then winning party may seek to suspend obligations under other covered provisions (presumably subject to para. 3 (eg SSC)) (X retaliation)
- Para. 5 proportionality principle
- Request to AT to review retaliation for breach of proportionality or principles and procedures of X-retaliation not followed (para. 11); request to review has suspensive effect