

# TRADE AND COOPERATION AGREEMENT

**First Meeting of the Partnership Council  
9 June 2021, 08:00-09:30 BST, Admiralty House, London**

## MINUTES

### SUMMARY

#### The Partnership Council:

- Discussed SPS measures and customs controls in relation to trade in goods between the Parties.
- Welcomed the outcome of the annual fisheries consultations for the rest of 2021 and discussed some other issues related to the implementation of the fisheries heading of the TCA.
- Noted the Parties' intention that the Specialised Committee on Fisheries should be convened as soon as possible, and operate as an effective cooperation platform.
- Recognised that arrangements on law enforcement are working well in practice.
- Noted the Parties' intention that the Specialised Committee on Participation in Union Programmes should be convened as soon as possible.
- Discussed long-term visa fees for EU citizens in the UK.
- Noted that implementing the governance structures of the TCA is critical to the implementation of the Agreement.
- Agreed on an indicative timetable of TCA Specialised Committee meetings in 2021.
- Committed to encourage their respective Parliaments to establish the Parliamentary Partnership Assembly, and agreed to facilitate establishing the Civil Society Forum as quickly as possible by adopting operational guidelines.

#### **Item 1: Introduction**

##### ***Item 1.1: Welcome and opening remarks from the co-chairs***

1. The UK co-chair, Rt Hon Lord Frost of Allenton, Minister at the Cabinet Office, welcomed everyone to the meeting and introduced the UK delegation. He noted that it was the first meeting of the Trade and Cooperation Agreement (TCA) Partnership Council (PC), and that this marked a new phase in the UK and EU relationship as sovereign equals. The UK highlighted that

cooperation had by and large been going well despite some challenges, and that both the UK and EU needed to continue to work together pragmatically and in a spirit of friendly cooperation going forwards.

2. The EU co-chair, European Commission Vice President (VP) Maroš Šefčovič, introduced the EU delegation and highlighted that the TCA had been carefully negotiated and should be fully implemented. He said that the TCA was a good basis on which to further develop the EU-UK relationship, but pointed out that it could not deliver the frictionless trade which membership of the Single Market and Customs Union had delivered.

### ***Item 1.2 Formal adoption of the agenda***

3. The meeting agenda was adopted as final.

### **Item 2: Sanitary and Phytosanitary Measures and Customs and Trade Facilitation**

4. The UK Paymaster General, Rt Hon Penny Mordaunt MP, stated that a number of trade restrictions for UK exporters were unnecessary and disproportionate to the biosecurity risk and were creating unnecessary friction in trade between Great Britain and the EU, in particular on chilled meats and shellfish.
5. The UK emphasised that both Parties should seek to deepen cooperation on sanitary and phytosanitary (SPS) and customs measures, as envisaged by the TCA, notably since the UK will be introducing import border controls from October. The UK called for the SPS Specialised Committee to convene soon, to minimise barriers to trade as much as possible.
6. On border processes, the UK emphasised the good cooperation with Member States in resolving issues to date but highlighted the need for greater consistency in the application of requirements to minimise unnecessary friction. The UK called for an SPS equivalence agreement to address barriers to trade whilst maintaining the regulatory autonomy of both Parties, both in the Northern Ireland context, and for trade between Great Britain and the EU.
7. The EU reiterated that some friction in trade is inevitable as the UK is now outside the Single Market and the Customs Union. The EU recalled that it retains its autonomy in establishing the rules necessary for the protection of health, as any other public policy objective, and emphasised that, in the absence of UK alignment with EU SPS rules, the EU could not authorise the import of seed potatoes or live bivalve molluscs originating in Great Britain to the EU.
8. The EU emphasised that the Commission had taken swift action to address each individual issue brought to its attention, either by the UK or by the industry. This has led to a significant decrease in the number of issues both in relation to the compliance of documentation issued by Great Britain, as well as those linked to the interpretation of requirements in Border Control Posts operated by Member States.
9. The EU stated that equivalence in the SPS area was not an option for the EU. The EU noted that in the case of the most advanced SPS equivalence only 14 legislative acts of EU SPS rules were concerned, while in the case of the Protocol on Ireland/Northern Ireland, more than 100 legislative acts of EU SPS rules were concerned. Furthermore, the EU underlined that an SPS equivalence agreement with the UK would not allow for the waiving of controls and instead

recalled that this outcome can only be achieved by alignment with EU SPS legislation, similar to arrangements the EU has with Norway and Switzerland.

### **Item 3: Fisheries**

10. The EU emphasised that Fisheries is a very sensitive topic, and full implementation of the Fisheries heading is an essential pillar of the EU-UK relationship.
11. Both Parties welcomed the outcome of the annual fisheries consultations for the rest of 2021. The EU called on the UK to extend the temporary fishing licences in Jersey and Guernsey waters emphasising that behind each licence were fishers whose families depended on them.
12. The EU stated that standards needed to be set for the notification of fisheries measures, arguing the UK had introduced new measures without proper notification. The conditions attached to the licences issued by Jersey had led to reduced access for French fishers.
13. Both Parties agreed that the Specialised Committee on Fisheries should be convened as soon as possible. The EU suggested it should meet before August. The PC agreed the Fisheries Specialised Committee should operate as an effective cooperation platform.
14. The UK emphasised that it had done a lot to bring the Fisheries heading into effect, and were grateful for the strong technical cooperation with the European Commission. The UK then highlighted that 1678 licences had been given to EU vessels in the UK 12-200 mile zone and 105 licences to over 12 metre boats to fish in the UK 6-12 mile zone. The UK expressed surprise that the EU had expressed concern on boats under 12 metres in the UKs 6-12 mile zone given applications had only been received the previous week. The UK recognised the challenges for smaller vessels without vessel monitoring systems in demonstrating their track record, noting willingness to be flexible about this.
15. The UK highlighted that the TCA entailed a change from the previous arrangements regarding how the three Crown Dependencies regulate their waters. The UK emphasised that it will use the regulatory autonomy that the TCA provided. The UK called on both Parties to be pragmatic; some public statements from Member States had not been helpful and had inflamed the situation.
16. The EU reiterated the importance of making the Fisheries heading work for the benefit of all concerned, and emphasised that more time was needed to resolve questions around licences in Jersey requesting an extension to temporary licenses that were due to expire at the end of June. The EU noted that under the TCA, access to the EU market for goods from Jersey was linked to EU access to the waters of Jersey, and the Parties therefore had a responsibility to look for solutions.

### **Item 4: Law Enforcement**

17. The UK recognised that, in general, the arrangements on law enforcement are working well in practice, notably the progress made on the Europol working arrangements. The UK highlighted that some Member States - the Netherlands and Portugal - have taken the view that they cannot cooperate with the UK on extradition without changes to domestic legislation, despite the TCA

having direct effect in this area. This is having real-world consequences. The UK proposed that this be picked up in the Specialised Committee on Law Enforcement and Judicial Cooperation before the summer. The UK was looking to the Commission to ensure the TCA was implemented without undue delay. While the UK had always known that some Member States would notify a bar on extradition of their own nationals, a few Member States had notified a bar on extradition of their own nationals to the UK when they were able to extradite their own nationals to other third countries.

18. The EU highlighted that they were in close contact with the concerned Member States on TCA extradition arrangements, and confirmed that the issue was of a temporary nature. The EU called to ensure on both sides that the TCA is given proper effect and that criminals are surrendered swiftly and efficiently. Finally, the EU called on the UK to ensure it would comply with the changes required under the TCA in respect of passenger name records as well as the evaluation mechanism on exchange of DNA and fingerprints which are part of the so-called Prüm-framework.

#### **Item 5: Long-term visa fees**

19. The EU emphasised that they could not accept UK discrimination between EU Member States on visa fees, noting this is not consistent with UK obligations under the European Social Charter. The EU stated that the five Member States being denied a discount - Bulgaria, Estonia, Lithuania, Romania and Slovenia - are eligible despite the fact that they had only ratified the 1996 version of the European Social Charter. The EU noted they would welcome a decision to extend the discount to the five Member States in question. For the EU, this issue would fall within the scope of the Agreement because the UK committed in the TCA to implementing the European Social Charter.
20. The UK noted that there is no general principle of non-discrimination between Member States in the TCA, and that non-discrimination was not relevant in this case. UK obligations on visa fees fall under the 1961 European Social Charter. The UK does not have to extend the visa fees discount to those Member States who had ratified the 1996 European Social Charter but not the 1961 version as the UK has not ratified and is not bound by the provisions of the 1996 Charter. The UK was clear that there is no TCA provision that requires the UK to extend the discount to other Member States. The UK noted that Member States do not treat UK nationals in a uniform way, with different rates being charged according to where they are in the EU.
21. The UK stated that, now that freedom of movement has ended, the UK is working to ensure consistency and fairness across its immigration system, including across EU Member States.
22. The EU emphasised that if a political solution cannot be reached in this matter they will not hesitate to use legal action. The UK hoped discussions will not lead to that but emphasised that they are confident in their interpretation of the TCA.

#### **Item 6: Participation in Union Programmes**

23. The UK raised the seeming delay to the UK's association to various Union Programmes, including Copernicus, Euratom and Horizon Europe. The UK reminded the EU that the Joint Declaration on Participation in Union Programmes and Access to Programme Services

(December 2020) included wording that the UK would be permitted to join the relevant Programmes at the earliest opportunity. The UK emphasised that UK association to these programmes would be a win-win for both Parties and that participation from the beginning is important.

24. The UK called for the UK's formal association to the Union Programmes at the earliest opportunity, highlighting that the delay is already having practical impacts and could have lasting effects on the development of the Programmes moving forward. The UK called on the Specialised Committee on Participation in Union Programmes to pick this matter up quickly and to drive forward progress.
25. The EU reaffirmed the EU's intention to make the UK association to the Union programmes effective, as expressed in the Joint Declaration. The EU would follow its internal procedures and proceed to the adoption of the Protocol when these are completed.

#### **Item 7: Update on institutional framework**

26. The Parties agreed that implementing the governance structures of the TCA is critical to Treaty implementation. The PC thanked the joint Secretariat for developing the tentative timeline for meetings of joint TCA Committees. Both Parties agreed the timeline should be considered indicative and not determinative, and stressed that it did not impose Specialised Committee meeting dates on co-chairs. The UK highlighted that the more Specialised Committees that can meet before the summer the better, and that this is especially true for Trade Specialised Committees. The Parties agreed to review a future timetable at its next meeting.
27. Both Parties committed to encourage their respective Parliaments in establishing the Parliamentary Partnership Assembly. The PC also committed to facilitate establishing the Civil Society Forum as quickly as possible by adopting operational guidelines for the conduct of the Civil Society Forum as soon as possible to allow for a first meeting in 2021.

#### **Item 8: AOB**

28. The UK raised touring cultural practitioners. The UK is engaging with Member States on visas and work permit requirements, flagging how important this is for British actors, musicians and others to continue to perform across Europe, as they had done before the end of the transition period. The EU noted awareness of the issue and efforts by Member States to work towards resolution, but also recalled that this issue had been considered during the TCA negotiations without a resolution.

#### **Item 9: Concluding remarks**

29. The UK reflected that both Parties have a good understanding of the issues raised during discussions, and that both are committed to finding solutions. Both Parties expressed their gratitude for the frank and open exchange of views and looked forward to continuing pragmatic cooperation.

30. The UK confirmed that a Written Ministerial Statement would be published on Gov.uk shortly after the meeting.

31. The EU recalled the long four years of negotiations and the agreements now in place, which should be the basis of the new chapter in the relations between the EU and the UK providing a solid, stable and mutually beneficial framework. The EU underlined the need for the two agreements to be fully implemented.

32. The UK noted the historic moment of this first Partnership Council meeting.

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No papers were presented to the meeting.

## UK and EU Delegations to the First Meeting of the TCA Partnership Council, 9 June 2021

### UK Delegation (44)

- David, the Lord Frost of Allenton, Minister of State at the Cabinet Office, UK co-chair of the Trade and Cooperation Agreement Partnership Council
- The Paymaster General, Rt Hon Penny Mordaunt MP
- Rt Hon Arlene Foster MLA, First Minister, Northern Ireland Executive
- Michelle O'Neill MLA, deputy First Minister, Northern Ireland Executive
- Jenny Gilruth MSP, Scottish Government, Minister for Culture, Europe & International Development
- Vaughan Gething MS, Welsh Government, Minister for the Economy
- Senator Ian Gorst, Minister for External Relations and Financial Services, Jersey
- Hon Howard Quale MHK, Chief Minister, Isle of Man
- Deputy Peter Ferbrache, President of the Policy & Resources Committee, Guernsey
- UK Government Officials
- UK Devolved Administration Officials

### EU Delegation (50)

- Maros Šefčovič, Vice President of the European Commission; EU co-chair of the Trade and Cooperation Agreement Partnership Council
- European Commission officials
- European External Action Service officials
- Delegation of the European Union to the UK officials
- Representatives of EU Member States