

Date: 14 July 2019 Time: 15:00-17:00

Location: Jenkins, Charlemagne Building, 170 Rue de la Loi, Brussels/WEBEX

The Commission (COM) opened the meeting by thanking civil society representatives for their on-line presence and stressing the importance of discussing EU-UK negotiations with civil society at this forum.

COM explained that the negotiations have been progressing in the last three months despite the priority given to responding to the health crisis and the logistical issues it posed. The main areas of divergence have been Level Playing Field, Fisheries, Governance and police and judicial cooperation in criminal matters.

As the EU insists on parallel progress across all negotiation tables, the lack of progress on these four tables had an effect on the general dynamics of the negotiations, including on trade in goods and services and investment, where COM saw a good degree of convergence in many areas.

However, COM pointed at some UK asks in trade in goods and services as problematic, as they were intended to replicate EU internal market benefits without the corresponding obligations.

Discussion Highlights / Questions and Replies

European Panel Federation- asked COM to clarify what would happen with EU anti-dumping measures on imports from some countries that UK has decided to end this year. It also asked COM how it will make sure that softwood plywood imported free of charge in the UK will not end in the EU once the duty free quota is completed.

OCEANA- asked COM if the EU-UK Fisheries Agreement being negotiated would be a separate agreement or be part of the Economic Partnership.

Tobacco Europe- asked COM what would be the expected rules of origin for tobacco products in the EU-UK Agreement and if they will be similar to those agreed with Japan.

COM clarified that after the end of the transition period the UK will be considered a third country and the relevant rules of origin will apply to goods imported into the EU, hence no goods will avert EU anti-dumping duties. As regards plywood, like in any FTA, the EU opens up its preferential access to originating trade from the trade partner and access remains valid subject to fulfilment of the Rules of Origin agreed in the FTA.

As regards Fisheries, COM made clear that it must be part of the broad Economic Partnership, even if the UK would prefer a separate agreement.

On tobacco products, COM replied that product specific rules have not yet been negotiated but that the EU proposal would be in line with those proposed in recent FTA negotiations as e.g. Japan.

Belgian Federation of Trade Unions- asked COM is there are good hopes of concluding an agreement with the UK.

Eurogroup for Animal Welfare- estimated that rules for animal welfare should be part of the Level Playing Field chapter

CAOBISCO- explained that the Food and Drinks industry had made a proposal for rules of origin in a recent Joint statement, advocating for preferential treatment in this area.

European Services Forum-asked COM what was the state of play on equivalence decisions on data adequacy and financial services. It also asked why the UK had not made a proposal on Public Procurement.

Spirits Europe- asked what would happen with the protection of new GIs and what would happen with Dispute resolution.

Fratini/Vergano- asked what would happen with Rules of Origin given the little time left to negotiate.

COM clarified that EU and UK were negotiating to reach an agreement. COM clarified that this area would be better dealt with in the SPS chapter that provides specific rules for animal welfare.

COM insisted that no surprises should be expected in the field of Rules of Origin, where COM may propose rules similar to those proposed in other recent negotiations.

On data adequacy and financial services equivalence, COM explained that this was not part of the negotiations.

As regards Dispute Settlement, COM highlighted the central role of the Partnership Council and that Dispute settlement would be triggered on breaches of the Agreement. COM regretted that UK had not proposed any forum to associate civil society.

On Public Procurement, COM stressed it would insist on including this chapter despite the decision of the UK not to make a proposal on this as it has done with Japan and the US.

COM clarified that the future agreement will deal with future GIs and the existing ones have been protected in the Withdrawal Agreement.

Birdlife Europe- asked COM what would happen with standards in the field of environment and if the UK will be allowed to diverge.

Live Performance Europe- asked what will happen with cultural and performance industries.

COPA-COGECA- asked what will be the criteria to benefit from the MFF fund for Brexit.

COM explained that the EU proposal on LPF aims at keeping the level of standards on environment, leaving the possibility to increase them further. On MFF, COM replied that it was still being negotiated and could not comment on the new rules. On cultural industries, COM explained that they would fall under Mode 4 and discussions were still focused on the broad categories, so specific offers for specific sectors would only come later.

EU Chemical Distribution- asked COM to try to avoid duplication of rules for Chemicals.

European Universities Association- asked what would happen with recognition of professional qualifications.

BDI (German Business)- noted that the amount of red tape that will fall on industries will be huge with around 400 million customs declarations. BDI also pointed at the potential problem of the lack of additional infrastructure in Calais.

COM replied that it had tabled a very ambitious proposal on TBT based on a clear definition of international standards and a broad application of self-declaration of conformity in areas of low risk that would address issues relevant for the Chemical sector if accepted by the UK. On professional qualifications, COM made clear that situation would change. The EU has proposed the standard approach in FTAs. On customs, COM clarified that the EU customs code would apply to UK products entering the EU and highlighted that Member States were taking measures to deal with the increased complexity.

Danish Dairy Board- asked COM if the EU would change the negotiating directives to avoid a no deal.

BEUC- wondered about the cooperation on regulation and asked if the EU TBT proposal could be extended to sectors as energy. It asked COM if there could be more ambition on roaming.

Federation of EU Publishers- asked what was the state of play of talks on IPR and copyright and what would happen with e-books.

Association of Lithuanian Investors- asked what would be the mobility for troops in the future.

CEN-CENELEC- asked if there was any chance that UK avoids proliferation of standards if it follows the US model. It also asked if there was an ambition to cooperate in new areas such as Artificial Intelligence and Cybersecurity.

Digital Europe- wondered if there is an alternative in case of a negative decision on data adequacy.

COM saw no need to change the negotiating directives that were adopted by the 27 Member States. The directives were flexible enough to reach an agreement.

In relation to energy, COM made clear that it was not possible to replicate internal market benefits, though there were discussions to facilitate trading.

As regards the mobility of troops, COM replied that, in line with the Political Declaration, it had proposed a negotiation table on CFSP, but the UK did not want to discuss this topic. COM agreed on the value of regulatory cooperation and has tabled a proposal that would make it voluntary. On standards, COM replied that the UK may depart or not from EU standards in a number of areas, but there was a need to define properly the meaning of international standards.

On roaming, COM stressed this was the result of a process in the single market and had not tabled any proposal on roaming in the negotiations with the UK. COM clarified that in case of a negative data adequacy decision, the data could be transferred in accordance with other tools listed in the GDPR. On copyright, COM said that the situation would change as the EU had no intention to replicate current conditions and had tabled a proposal for the negotiations. In case of no deal, COM clarified that WIPO would be the basis for future agreements.