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*Committee on the Environment, Public Health and Food Safety  
The Chair*

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13.06.2023

Mr David McAllister  
Chair  
Committee on Foreign Affairs

Mr Bernd Lange  
Chair  
Committee on International Trade  
BRUSSELS

Subject: Opinion on the Implementation reports 2021 and 2022 on the EU-UK Trade and Cooperation Agreement (2022/2188(INI))

Dear Chairs,

Under the procedure referred to above, the Committee on the Environment, Public Health and Food Safety decided to submit an opinion to your committees in the form of a letter.

The Committee on the Environment, Public Health and Food Safety considered the matter and adopted its opinion on 15 June 2023<sup>1</sup>. The Committee on the Environment, Public Health and Food Safety calls on the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to take these considerations into account, reminding the

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<sup>1</sup> The following were present for the final vote: Pascal Canfin (Chair), Bas Eickhout (Vice-Chair), César Luena (Vice-Chair), Marian-Jean Marinescu (Vice-Chair), Sergio Berlato, Mathilde Androuët, Maria Arena, Aurélia Beigneux, Tom Berendsen, Alexander Bernhuber, Malin Björk, Michael Bloss, Franc Bogovič, Traian Băsescu, Daniel Caspary, Antoni Comín i Oliveres, Rosanna Conte, Maria Angela Danzi, Esther de Lange, Christian Doleschal, Herbert Dorfmann, Lena Düpont, Agnès Evren, Malte Gallée, Andreas Glueck, Catherine Griset, Roman Haider, Christophe Hansen, Martin Hojsík, Pär Holmgren, Jan Huitema, Yannick Jadot, Adam Jarubas, Karin Karlsbro, Petros Kokkalis, Joanna Kopcińska, Peter Liese, Sylvia Limmer, Fulvio Martusciello, Sara Matthieu, Marina Mesure, Tilly Metz, Silvia Modig, Dolors Montserrat, Grace O'Sullivan, Max Orville, Alessandro Panza, Jutta Paulus, Francesca Peppucci, Jessica Polfjärd, Erik Poulsen, Nicola Procaccini, Inma Rodríguez-Piñero, Rob Rooken, Robert Roos, Maria Veronica Rossi, Bert-Jan Ruissen, Anne Sander, Simone Schmiedtbauer, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Róza Thun und Hohenstein, Nils Torvalds, Edina Tóth, Tom Vandenkendelaere, Achille Variati, Nikolaj Villumsen, Petar Vitanov, Veronika Vrecionová, Mick Wallace, Sarah Wiener, Emma Wiesner, Michal Wiezik, Tiemo Wölken, Anna Zalewska,  
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agreed ENVI exclusive competences for paragraphs 3-5 on page 15 of chapter 7.1 of the Commission's First TCA (2021) report focusing on environment and climate, and for paragraph 2 on page 13 of chapter 5.2.2 of the Commission's Second TCA (2022).

Yours sincerely,

Pascal Canfin

## General Remarks

1. Welcomes the Commission's constructive approach to provide for practical solutions, including through specific temporary flexibilities agreed by the Parties to limit disruptions caused by the implementation of the Protocol on Ireland and Northern Ireland on trade between Great Britain and Northern Ireland of certain products, including the supply of medicines and certain chilled meats and other food products to supermarkets;
2. Welcomes the Windsor Framework arrangement of 24 March 2023, under which the parties commit to binding legal obligations that maintain the essence of the Protocol while setting out the terms for flexible but effective implementation; welcomes the UK Government announcement in this context to stop and put on hold the proposed Northern Ireland Protocol Bill;
3. Recognises the Windsor Framework arrangements as an opportunity towards a new chapter of friendly bilateral cooperation; calls on the Commission to fully exploit the untapped potential of the Trade and Cooperation Agreement (TCA), and to maximise the potential of the relationship between the EU and the UK in ways that benefit both parties through friendly cooperation on common issues in international fora and with regard to third countries, in particular to achieve the highest level of ambition regarding climate action, including mitigation, resilience, adaptation and climate finance mobilisation, to support the conservation, protection, restoration and sustainable management of biodiversity and ecosystems, to deliver on the Sustainable Development Goals; to coordinate efforts to advance the ecological transition of all sectors in a just and inclusive way while strengthening industrial sovereignty and international competitiveness;
4. Welcomes the Sanitary and Phytosanitary (SPS) proposal stemming from Windsor Framework as a way forward for a permanent solution for the entry into Northern Ireland from other parts of the UK of consignments of certain goods, accompanied by safeguard measures to protect the integrity of the internal market and the human, animal and plant health as well as the interests of consumers in the Union; calls to monitor the acknowledgement of the "One Health" approach as an integrated and unifying approach that aims to sustainably balance and optimise the health of people, animals and ecosystems; stresses that rules and procedures related to the transport of pet animals should respect the "Five Freedoms of Animal Welfare" reflecting the Council of Europe's Convention for the Protection of Animals; underlines that the solutions put forward will require proper and effective implementation and monitoring and are conditional, among other things, on the UK authorities completing fully-functioning and well-resourced Border Posts and access and compatibility between the Union and UK databases.
5. Notes that the UK's departure from the EU's internal market and Customs Union mean that both parties will maintain separate regimes regulating human, plant and animal health; notes that the provisions on sanitary and phytosanitary (SPS) measures largely reflect the WTO rules in these areas;
6. Welcomes the medicines proposal stemming from the Windsor Framework as a permanent solution to ensure that people in Northern Ireland have access to all medicines, including novel medicines, such as cancer drugs, at the same time and under the same conditions as people in Great Britain, accompanied by safeguards to ensure that all

medicines placed on the market in Northern Ireland will not be made available in any Member State; following the lift of EU obligations for the safety features of medicinal products marketed for Northern Ireland, calls the Commission to monitor in particular aspects related to anti tampering device measures in the UK; underlines that also the flexibility provided by the medicines proposal will need to be properly monitored to prevent the unlawful distribution of UK medicines marketed for Northern Ireland into the internal market, and to ensure they remain in Northern Ireland;

7. Stresses the need for the Commission to monitor the implementation and application of the safeguards as set out in the Windsor Framework; the need to stand ready to make full use of the dispute resolution tools available in the Trade and Cooperation Agreement, the Withdrawal Agreement and the Windsor Framework in the event of non-compliance by UK authorities; the need to monitor UK's regulatory divergence from EU requirements on food security and on human, animal and plant health;
8. Highlights how the European Parliament should exercise maximum scrutiny on the implementation of the Trade and Cooperation Agreement and the Windsor Framework by participating actively in the Parliamentary Partnership Assembly; furthermore, parliamentary committees should hold the Commission accountable for its participation in the Joint Committee, the Partnership Council, the Trade Specialised Committees and Working Groups; the European Parliament should also participate in any future review procedure of the agreements, and the Committee on the Environment, Public Health and Food Safety should be involved in all relevant areas;

#### **Environment and climate (ENVI exclusive competences)**

9. Recalls the EU's climate ambition to reach a 55 % reduction in EU net greenhouse gas (GHG) emissions by 2030, compared with 1990 levels, and to achieve net-zero greenhouse gas (GHG) emissions by 2050, as set in the European Climate Law and as operationalised in the recently adopted 'fit for 55' legislation;
10. Calls on the Commission to monitor the practical implementation, ambition and effectiveness of the UK emission trading system (ETS); to consider that, should significant differences emerge between the two systems, this could lead to a distortion of the level playing field and should thus be taken into account in the application of the EU Carbon Border Adjustment Mechanism; to explore opportunities for bilateral co-operation, including the linking of the UK ETS with the EU ETS without undermining the integrity and effectiveness of the EU ETS, similar to the agreement between the EU and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems;
11. Recalls that the EU will phase in from 2026 until 2034 a Carbon Border Adjustment Mechanism (CBAM) for iron, steel, cement, aluminium, fertilisers, electricity, hydrogen as well as indirect emissions under certain conditions, to ensure that EU and global climate efforts are not undermined by production being relocated from the EU to countries with less ambitious policies; welcomes that the UK government has launched an inquiry into a UK carbon border adjustment mechanism (CBAM) looking at the role CBAM could play in addressing potential carbon leakage and meeting the UK's environmental objectives, while also considering the wider impacts, risks and opportunities which might

arise; calls on the Commission to monitor the UK's CBAM policy and to explore opportunities for co-operation in order to raise the level-playing field and climate protection globally;

12. Recalls that the TCA requires that parties do not weaken or reduce their levels of social, labour and environmental protection below those in place at the end of the transition period in 2020 (non-regression) whereby a party can take appropriate rebalancing measures to offset any (adverse) 'material impacts on trade or investment' arising from 'significant divergences' between parties; recalls that existing commitments and ambitions on climate change, in particular on climate neutrality by 2050, remain in place for both parties;
13. Underlines how, prior to the UK withdrawal, there have been a number of infringement cases brought by the Commission against the UK in the environmental field, including for air and water quality; underlines how given their transboundary nature, divergence in environmental protection in these areas could jeopardise air and water quality in the EU;
14. Takes note of the creation of the Office for Environmental Protection (OEP) in November 2021, under the Environment Act 2021; calls on the Commission to monitor whether the Office is provided with sufficient powers and resources to be able to effectively enforce the environmental rules, in line with the TCA obligations, and whether the environmental commitments and secondary legislation are effectively implemented and enforced;
15. Takes note that the UK government has published in December 2022 a first set of legally binding environment targets under the Environment Act 2021 and the Environmental Improvement Plan 2023, in January 2023; calls for a close and upward alignment of EU and UK targets of climate and environmental protection and to ensure that the level playing field conditions are respected;
16. Recalls that the UK is no longer part of the European Chemicals Agency (ECHA) or bound by the EEA-based regulatory framework for chemicals (EU REACH); underlines how the UK's new regulatory framework (UK REACH) must demonstrate the same robustness and transparency as EU REACH; calls on the Commission to monitor if there is a regulatory regression and divergence of the UK chemicals safety management from the EEA-based regulatory framework for chemicals, in particular in view of the upcoming revision of EU REACH; calls on the Commission to work with the UK authorities to ensure a closely aligned regulatory framework which should aim to ensure the highest possible standard of chemicals safety management in the EU and the UK;

### **Health aspects**

17. Recalls the on-going legislative work to revise the pharmaceutical legislation that shall also aim to ease the historical dependency of markets in Cyprus, Ireland and Malta on medicines supply from or through the UK; stresses the need to ensure the availability, affordability and security of supply of medicines and the strategic approach to pharmaceuticals in the environment to tackle pharmaceutical pollution;
18. Notes that the Genetic Technology (Precision Breeding) Bill passed into law in England on 23 March 2023, which revises the rules for release, marketing of, and risk assessments

relating to gene edited, precision bred plants and animals by removing them from the regulatory system for genetically modified organisms (GMOs); notes that neither the Scottish nor Welsh Parliaments have granted legislative consent to the Bill; is highly concerned about regulatory divergence in this area, which could result in the entry of genetically modified products into the EU with disparate safety controls or without proper labelling;

19. Welcomes the provisions on cooperation on health security which enable the Parties and Member States' competent authorities to exchange relevant information, but regrets that this cooperation has been limited to assess 'significant' public health risks, and to coordinate the measures that could be required to protect public health; underlines how the COVID-19 pandemic has reinforced the case for stronger cooperation on health matters, as well as a structured and regular two-way communication between authorities and stakeholders to better react to crisis situations;

The Committee on the Environment, Public Health and Food Safety asks the Committee on Foreign Affairs and the Committee on International Trade, as the committees responsible, to address and include the above expressed views in its implementation report on the EU-UK Trade and Cooperation Agreement, to take into account its position as set out above.