

EU continues to break international law over Brexit deal

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“The UK government is now urgently considering next steps,” says Foreign Office

For over 18 months the EU has refused to fulfil its obligations – it’s still refusing

Yesterday (Thurs 22 Sept 2022) the UK Government and the EU Commission met at the Prime Minister’s insistence, to resolve the EU’s continued refusal to fulfil its obligations under UK-EU Trade and Cooperation Agreement (TCA).

Despite the EU’s oft-repeated claim to be a ‘rules-based organisation’, the EU remains in breach of the TCA nearly 21 months after it came into force.

Last month Liz Truss called out the EU



In August 2022 when she was still Foreign Secretary, Liz Truss said:

"The EU is in clear breach of our agreement, repeatedly seeking to politicise vital scientific cooperation by refusing to finalise access to these important programmes. We cannot allow this to continue.

That is why the UK has now launched formal consultations and will do everything necessary to protect the scientific community."

Liz Truss, Foreign Secretary, 16 Aug 2022

What happened yesterday?

Yesterday for only the second time there was a formal meeting of 'The UK-EU Specialised Committee on Participation in Union Programmes' in Brussels. Co-chaired by officials from the UK Government and European Commission, representatives from the devolved administrations and EU member states also attended.

The result was clearly stalemate again, with the EU refusing to cooperate.

Summary

Here is what the Foreign Office said in its statement:

"The UK is seeking to implement the mutually beneficial TCA agreement to participate in EU programmes (Horizon Europe, Euratom Research and Training, Copernicus, and access to services from the Space Surveillance and Tracking programme) to the benefit of researchers and businesses across the UK and the EU.

"...the UK once again requested that the EU fulfil its obligation to finalise the UK's association to EU Programmes after 16 months of delays. It is regrettable that the EU continues to decline this request.



*"The UK has been clear ... that **the EU's persistent delays to finalising UK association amount to a breach of the TCA.**"*

*"**The UK government is now urgently considering next steps.** Our priority is to support the UK's world leading R&D sector and we have already outlined potential options for doing so."*

– FCD0 statement 22 Sept 2022

The UK Government will now have to escalate

With the EU's continued refusal to meet its obligations, and with the UK having exhausted the options for resolving this amicably, the Government will now have to escalate its complaint.

The procedures for doing this are naturally complex and would eventually end up at the EU's Court of Justice. It must be remembered that the UK's Agreements with the EU are almost the only international treaties where one party to the treaties is the final arbiter. As Facts4EU.Org reported at the time, international treaties have dispute mechanisms where independent adjudication is the norm. This is not the case with the UK's Agreements with the EU – at the EU's insistence.

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