



International  
Academy  
Europe Faculty

## ***Working with Europe and the EU*** ***– A New Context***

Practitioner Training for UK Civil Servants  
organised by the European Institute of Public Administration (EIPA),  
Maastricht on behalf of  
the Foreign, Commonwealth and Development Office (FCDO)

London, 30 September – 2 October 2024



# Wrap-Up

© EIPA 2024 1

1

**Day 1: the internal dimension**  
**Day 2: the bilateral dimension**  
**Day 3: the global dimension**

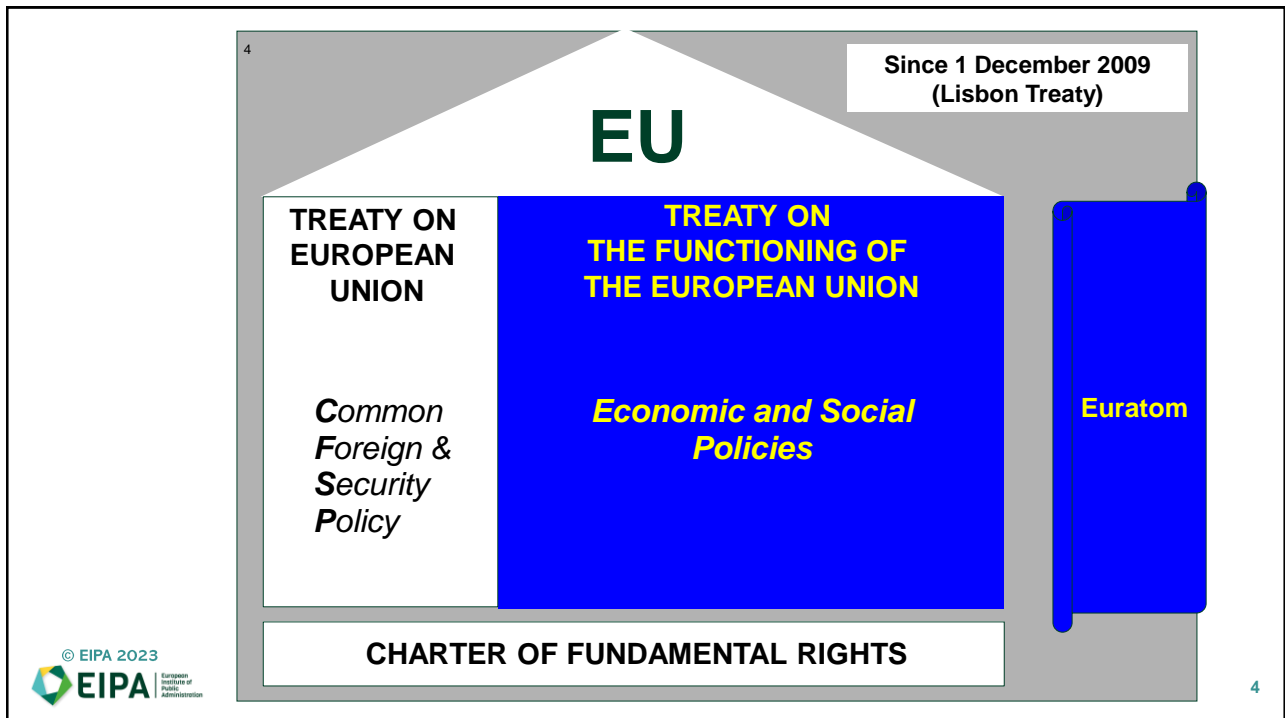


2

## Framing questions

- What are the UK's main interests and priorities ref. the EU?
- What can the EU actually do?
- How do EU policies affect the UK?
- **How can the UK try to shape EU policies?**
- **Which EU and other European actors are most relevant?**
- How does the new UK-EU bilateral relationship work? – Day 2
- How can the UK and the EU best work together in the world? = Day 3

3



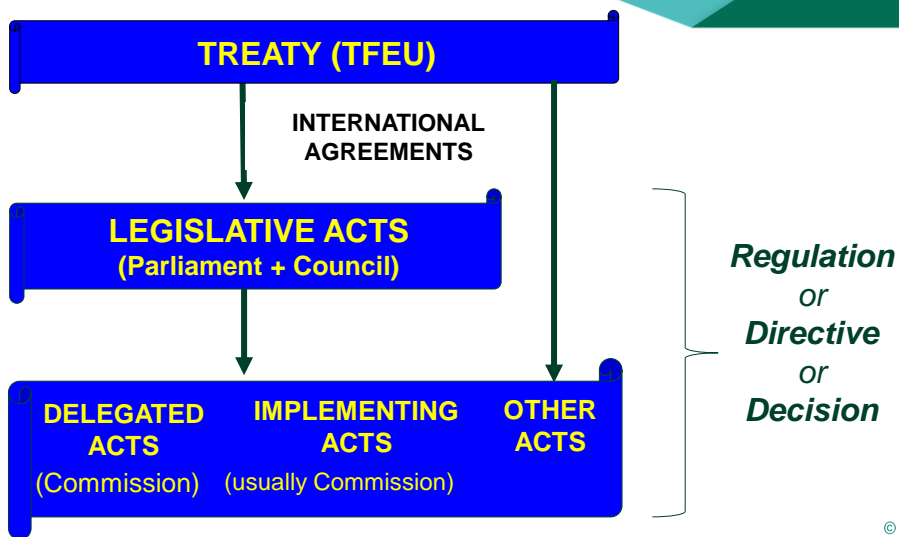
4

## Competences: what can the EU do? (1)

European Union				Member States
Exclusive competences	Shared competences	Supporting competences	Coordination of national policies	Cooperation EU/ Member States
Only the EU can legislate and adopt binding acts.	If an EU norm is in force, Member States cannot exercise national competence.  Exceptions = 'parallel' competences	The EU cannot harmonise national laws. EU support does not affect national competence.	Member States shape their policies around common objectives and guidelines.	Member States agree to take joint actions and positions.

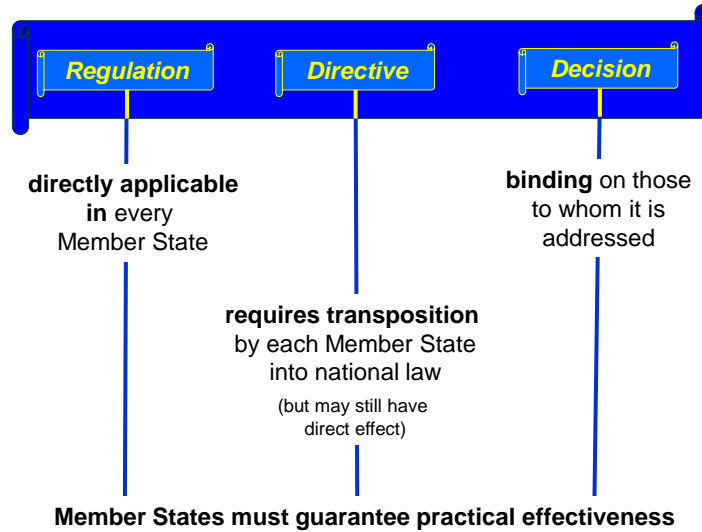
5

## EU legally binding acts - hierarchy



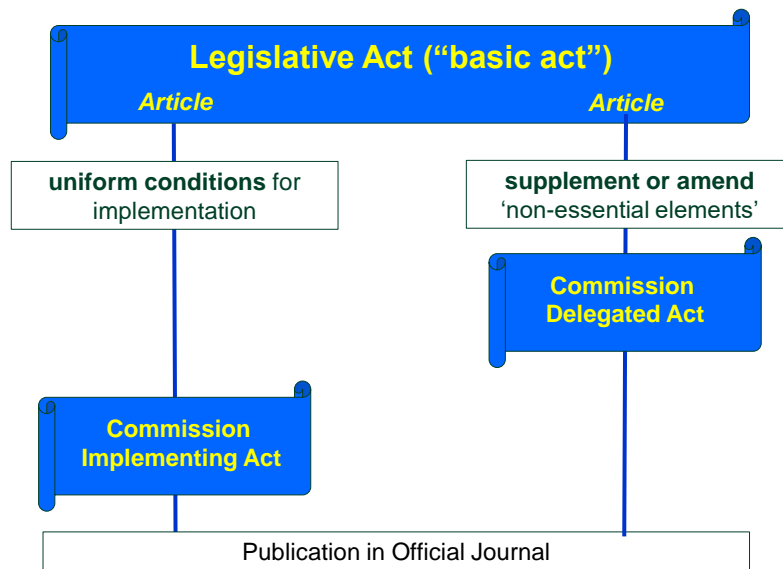
9

## EU legally binding acts – instruments

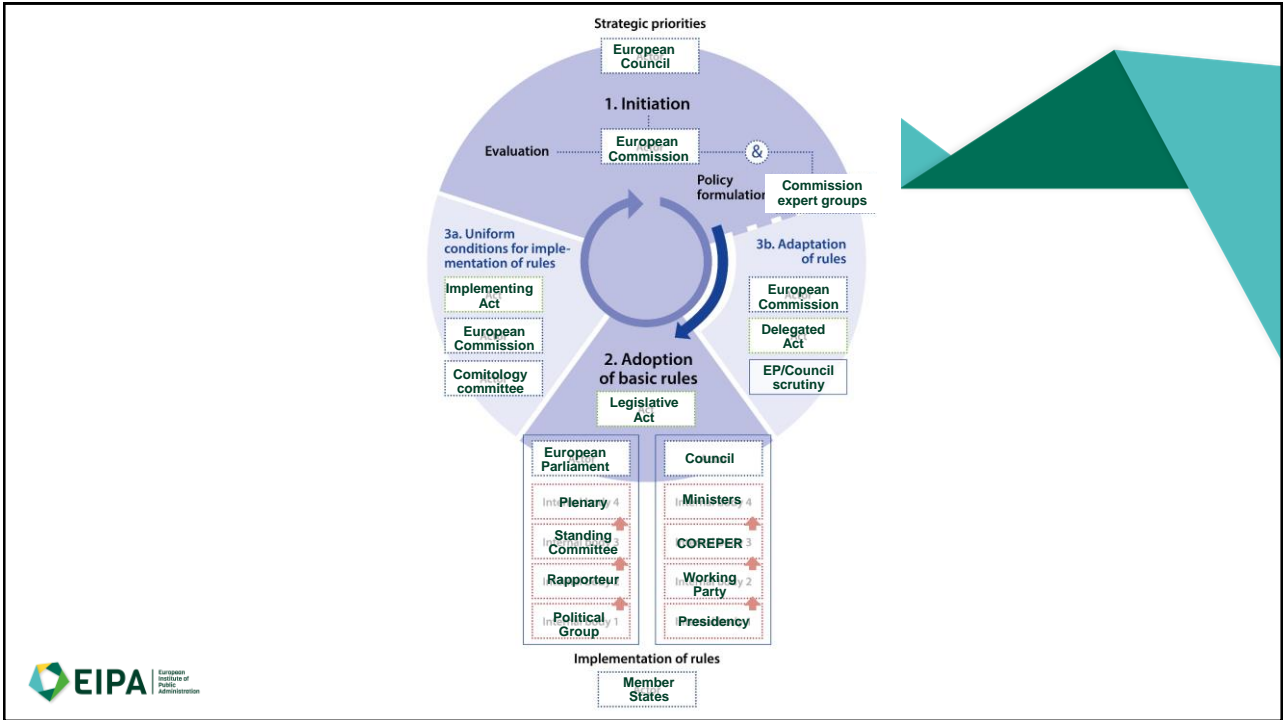


10

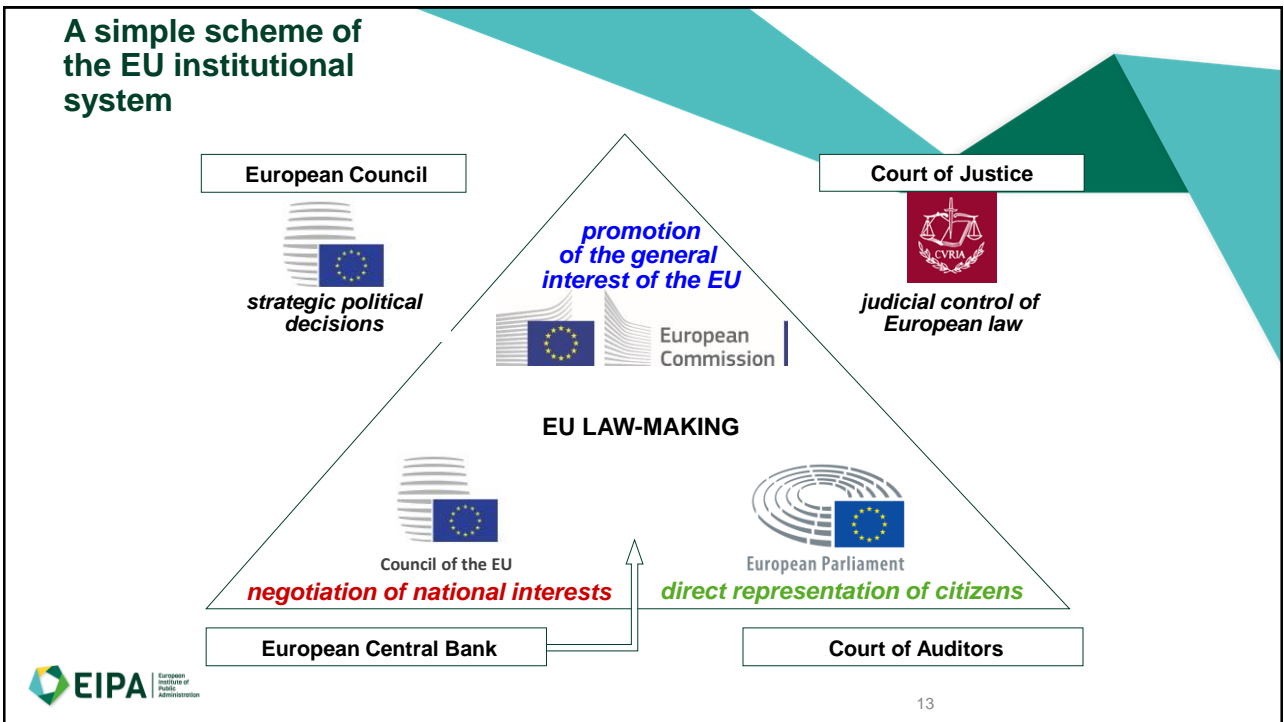
## Delegated and implementing acts: basic difference



11



12



13

13

# The European Parliament

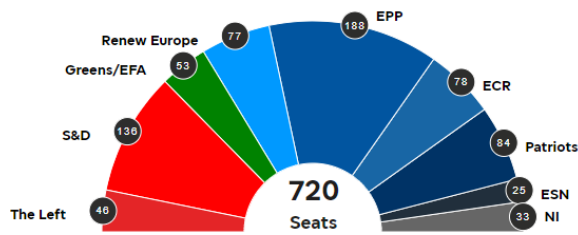


Art 14 (TEU)  
Art. 223-236 (TFEU)



14

## Political Groups in the EP: constitutive session



New absolute majority of 361

Political groups in the European Parliament	Number of seats	% of seats
<b>EPP</b> - Group of the European People's Party (Christian Democrats)	188	26.11%
<b>S&amp;D</b> - Group of the Progressive Alliance of Socialists and Democrats in the European Parliament	136	18.89%
<b>Patriots</b> - Patriots for Europe	84	11.67%
<b>ECR</b> - European Conservatives and Reformists Group	78	10.83%
<b>Renew Europe</b> - Renew Europe Group	77	10.69%
<b>Greens/EFA</b> - Group of the Greens/European Free Alliance	53	7.36%
<b>The Left</b> - The Left group in the European Parliament - GUE/NGL	46	6.39%
<b>ESN</b> - Europe of Sovereign Nations	25	3.47%
<b>NI</b> - Non-attached Members	33	4.58%

According to Parliament's RoP, a political group shall consist of at least 23 Members elected in at least seven Member States



15

# The Council of the European Union



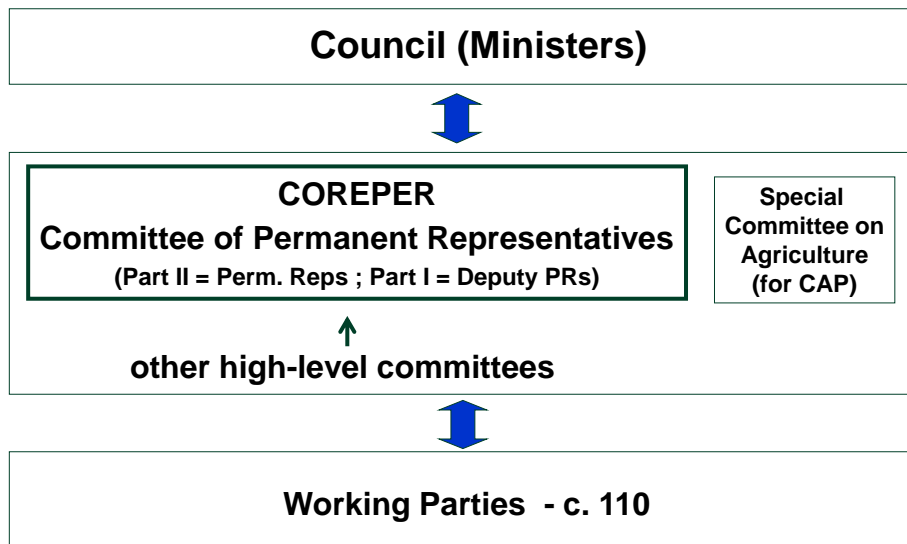
“a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote”



Art. 16 TEU  
Art. 237-243  
TFEU

16

## Council bodies



17

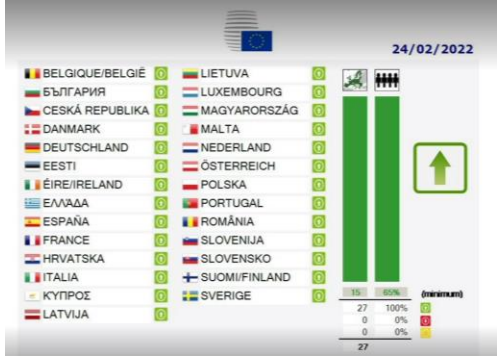
	Weighting (%)
Germany	18.72
France	15.11
Italy	13.25
Spain	10.67
Poland	8.37
Romania	4.23
Netherlands	3.99
Belgium	2.61
Greece	2.40
Czechia	2.34
Sweden	2.33
Portugal	2.31
Hungary	2.13
Austria	2.02
Bulgaria	1.44
Denmark	1.31
Finland	1.24
Slovakia	1.21
Ireland	1.15
Croatia	0.85
Lithuania	0.63
Slovenia	0.47
Latvia	0.42
Estonia	0.30
Cyprus	0.20
Luxembourg	0.15
Malta	0.12

### Qualified-Majority Voting, 2024

**A qualified majority needs**  
**55%\*** of Member States  
 (“at least 15” = 15/27)  
 AND  
**65%** of population.

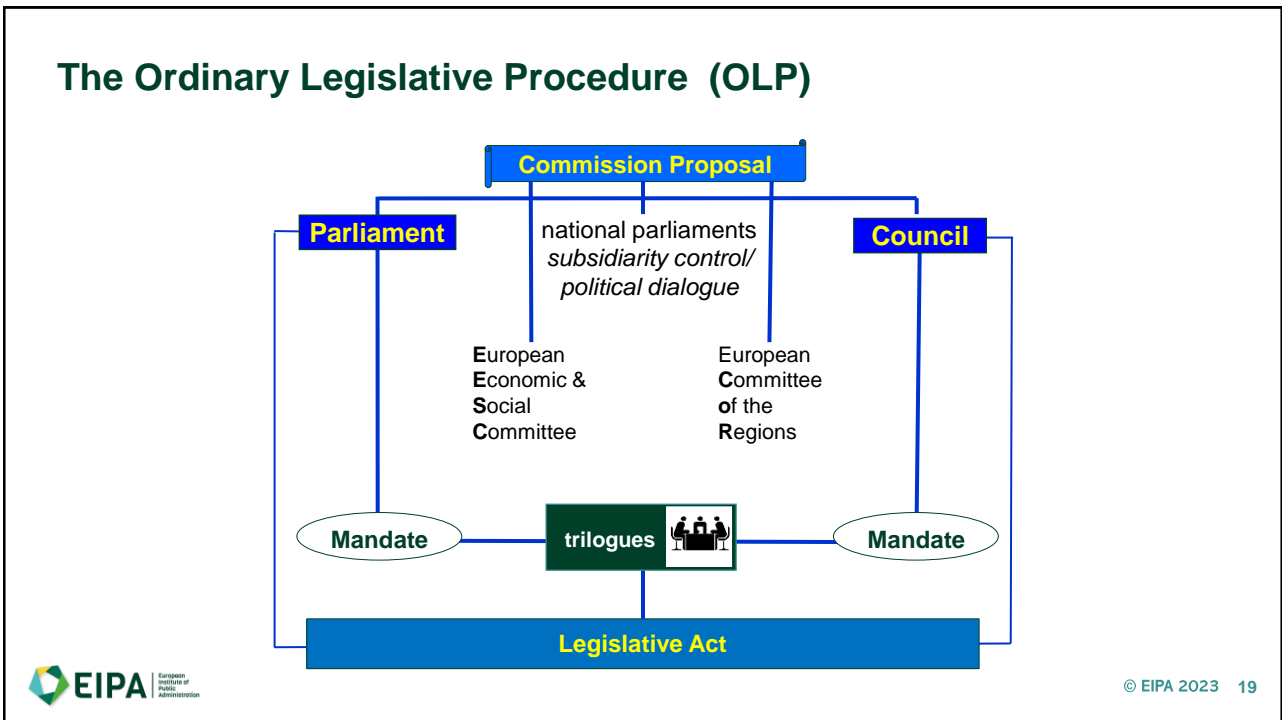
**A blocking minority needs**  
 45% of Member States  
 OR  
 35% of population  
 (≥ 4 Member States)

\* 72% if not on proposal by Commission or High Representative (=20/27)



<https://www.consilium.europa.eu/en/council-eu/voting-system/voting-calculator/>

© EIPA 2024





## How can non-EU countries contribute to EU decision-making?

**NB UK needs to decide if and when it *wants* to try to influence EU policies**

- **Knowing the system**
  - Whom to approach
  - When to approach
- **Setting clear priorities**
  - Define national interest
  - Prioritisation is key

- **Working together**

- Interact with national capitals
- Connect with other third countries
- Engage with civil society

**Audience bigger; harder to get meetings; need to show value/input; UK expertise**

- **Building relationships**

**TRUST! – impact of UK role ref Ukraine; new climate since Windsor**

20

## DAY 2

Prof. Steven Woolcock

Overview of TCA and WFA

21

## Relevant arrangements

- **International Agreements with the EU**
  - **Withdrawal Agreement** (October 2019), as amended by the **Windsor Framework Agreement** (2023)
  - **Trade and Cooperation Agreement** (December 2020)  
Supplemented by *Security and Information Agreement*
  - *Cooperation Agreement on Peaceful Use of Nuclear Energy* (December 2020)
- **Domestic Statutes**
  - *European Union Withdrawal Act 2018, as amended 2020*  
Implements the Withdrawal Agreement  
Retains EU law in the UK
  - *EU Future Relationship Act 2020*  
Implements the Trade and Cooperation Agreement



## Windsor Framework Agreement

- Windsor Framework amends the Protocol on Ireland and Northern Ireland No 15 (the Protocol is now referred to as the Windsor Framework)
- To avoid a hard border between RoI and NI
- It continues to apply until it is superseded by an agreement or if the Northern Ireland Assembly votes to discontinue the application of EU law (*consent mechanism*)

### Main provisions:

- The whole of the UK comes out of the EU Customs Union
- But: different level of regulatory harmonisation for goods (industrial goods and agricultural foods) between NI and GB
- Does not cover services, fisheries, and aquaculture products



## Trade and Cooperation Agreement: Overview

Treaty Series No.8 (2021)

### Trade and Cooperation Agreement

between the United Kingdom of Great Britain and Northern Ireland, of the one part,  
and the European Union and the European Atomic Energy Community,  
of the other part

Brussels and London, 30 December 2020

- The TCA is an **Association Agreement for the EU** (only EU, no involvement of MS)  
Free Trade Agreement + additional elements
- In some areas, **further unilateral decisions** are necessary
  - Equivalence for financial services
  - Data adequacy decision
  - SPS listing

25

## Trade and Cooperation Agreement: Content

- Part 1: Common and Institutional Provisions
- Part 2: Trade
- Part 3: Law Enforcement and Judicial Cooperation in Criminal Matters
- Part 4: Thematic Cooperation
- Part 5: Participation in Union Programmes
- Part 6: Dispute Settlement and Horizontal Provisions
- Part 7: Final Provisions

26

## Issues:

- Trade in Goods
  - Exercise on SPS
- Trade in Services
- Level Playing Field: a limit on divergence?
- Governance: efficiency versus protection of national interests
- Dispute Resolution: political versus legal instruments

27

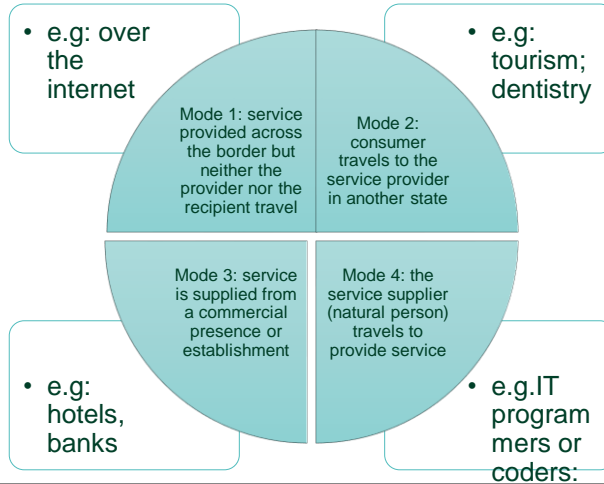
## Part 2: Heading One (Trade)

- No customs duties (*Article 21*)
- But only for goods 'originating in the other parties' (see *Articles 37-68* and *six Annexes*)
- Rationale for **rules of origin**
  - Limit preferential tariffs that originate in the UK or EU
  - Avoid third country suppliers benefitting from preferential treatment
  - Prevent circumvention of trade measures (e.g. anti-dumping, or countervailing duties)
  - To avoid distortion of competition (import from countries with lower labour standards)

28

# Services

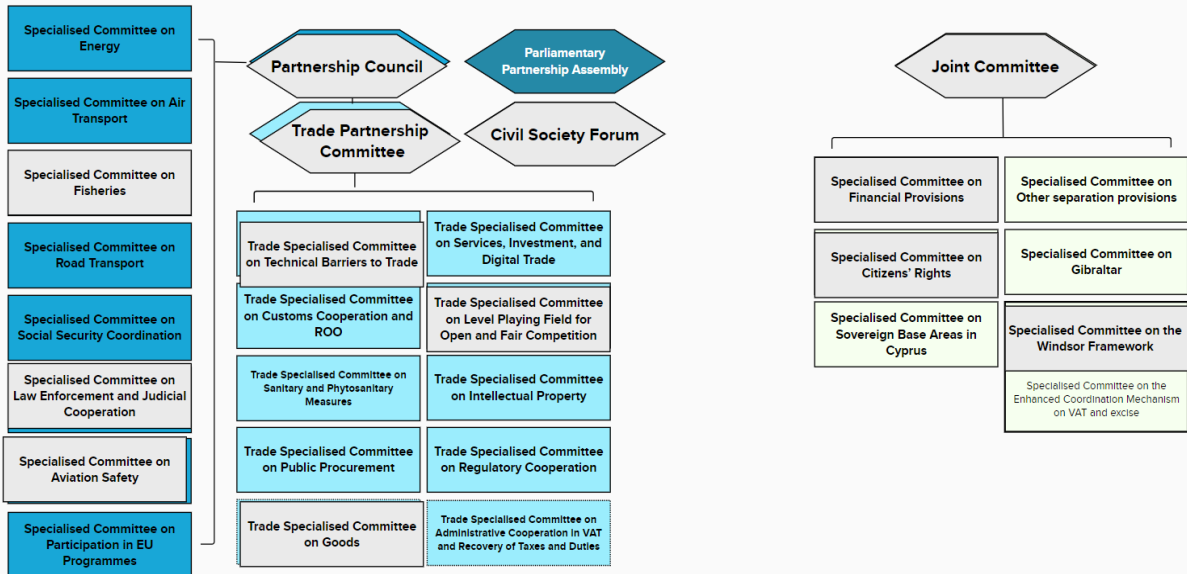
- Level of market access depends on mode of delivery
- Based on WTO GATS (General Agreement on Trade in Services)



## Governance

### TCA

### Withdrawal Agreement



## Regulatory alignment v. divergence

### *Arguments for divergence?*

- show UK sovereignty
- address UK-specific concerns / different regulatory approaches
- freeing business from EU rules may foster:
  - greater productivity / innovation
  - international competitive advantage

### *Possible costs of divergence?*

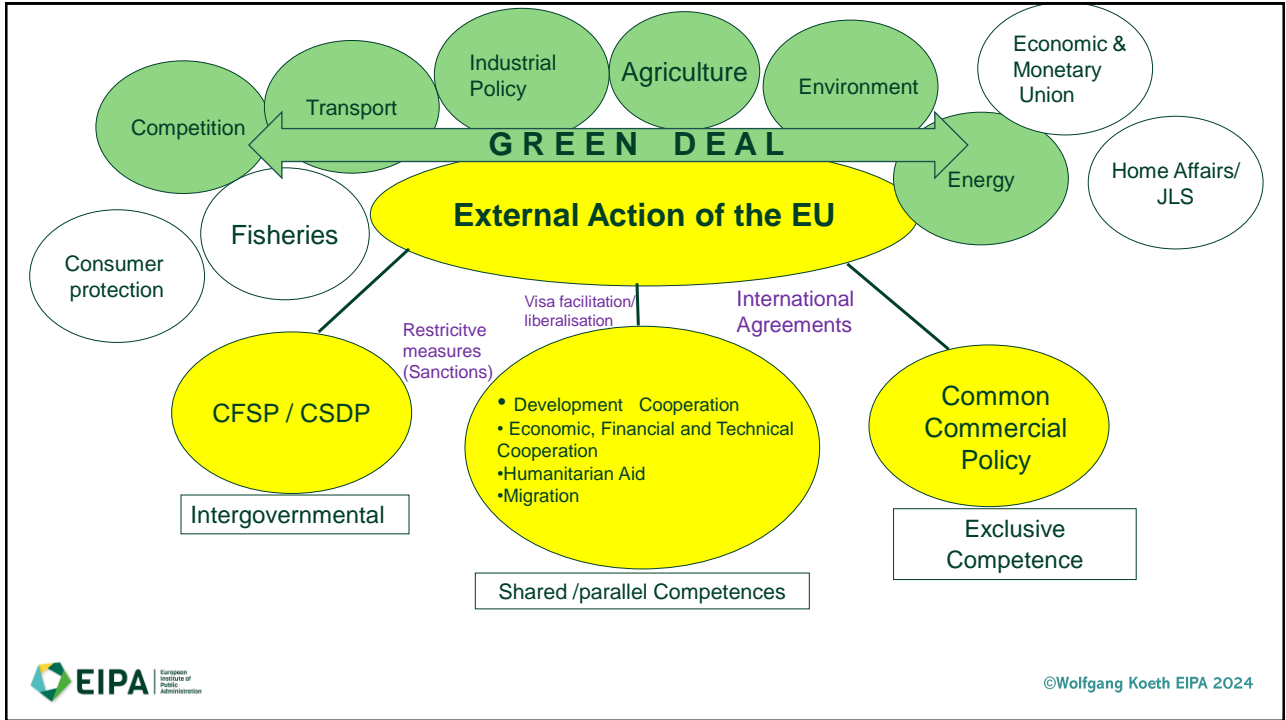
- barriers to EU market access / loss of competitiveness in EU
- burden for business (e.g. duplication)
- intra-UK divergence

31

## Themes of day 2

- Strategic ambition: cooperation versus autonomy
  - Trade in Goods
    - Market access versus regulatory autonomy
  - Trade in Services
    - Expanding limit access to the EU
  - Level Playing Field: a limit on divergence?
- Governance: efficiency versus protection of national interests
- Dispute Resolution: political versus legal instruments

33

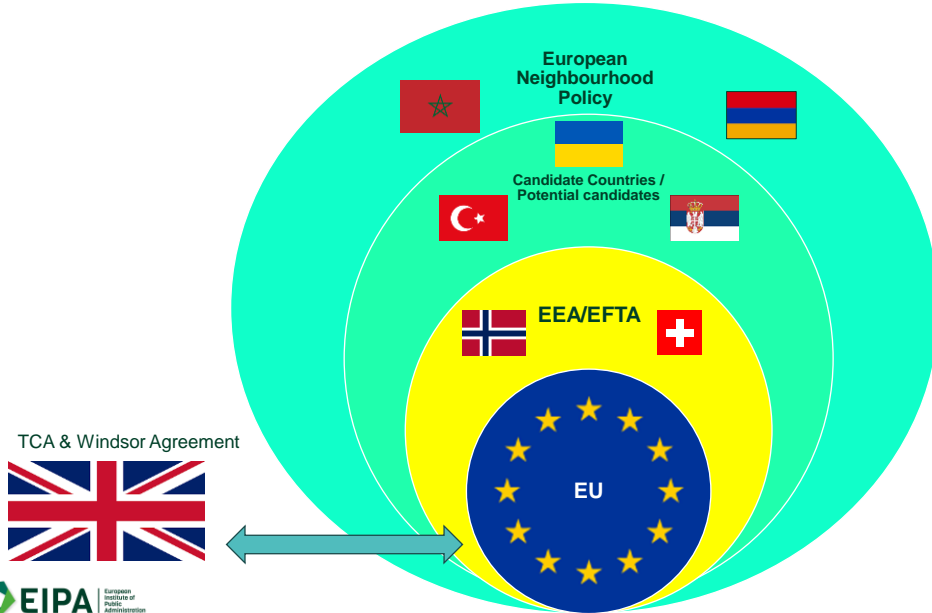


34



35

# Brussels effect and the Neighbours of the Union

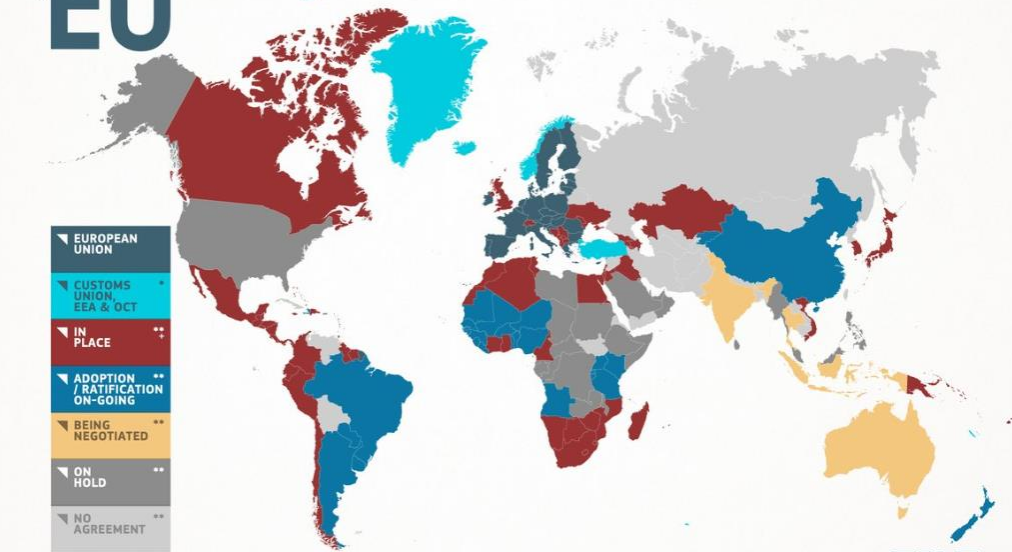


© EIPA 2023 36

36

## EU trade agreements 2024

Updated 18/09/2023



\* European Economic Area (EEA) / Overseas Countries and Territories (OCT).  
 \*\* Free Trade Agreement (FTA), Deep and Comprehensive Free Trade Agreement (DCFTA), Investment Agreement, Enhanced Partnership and Cooperation Agreement (EPCA), Partnership and Cooperation Agreement with preferential element (PCA).  
 - The updated agreements with Tunisia, and Eastern and Southern Africa are currently being updated, the updated agreements with Mexico and Chile are under ratification. The DCFTA with Georgia does not apply in South Ossetia and Abkhazia.

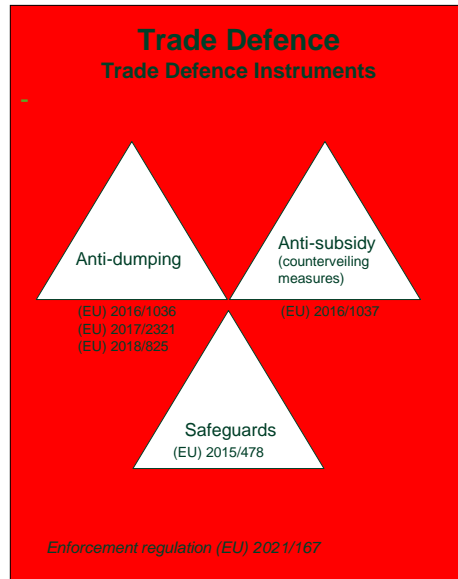
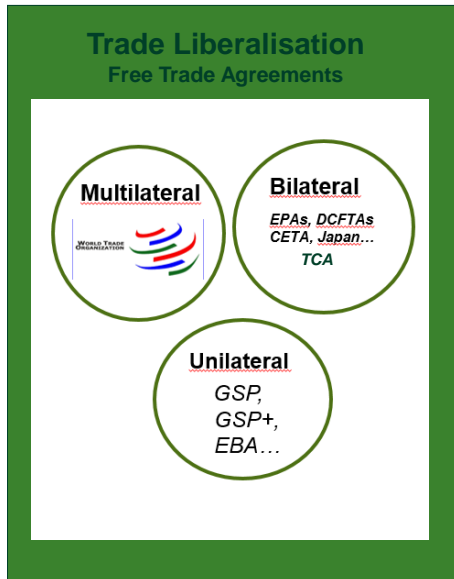


024 37

37



# The Instruments of the Common Commercial Policy



# International Policy Making



## From “strategic autonomy” to “open strategic autonomy”

- Trade & Industry, Digitalization, Climate, Health...
- Focusing on “decreasing levels of reliance”
- Global interdependence: source of conflict or harmony?
- “open strategic autonomy” as best of two worlds?
- Risk of diluting the EU’s leverage on others?
- Do autonomy and formal sovereignty buy external leverage?

## Learning points day 3

- EU external policies: overlapping competences
- Lisbon Treaty contribution to more “coherence and consistency” of external action: HR/VP, EEAS
- Strategic rethink after 2016 as result of the “permacrisis” and external factors (“BPT/BCT”): Readjustment of the balance between interests and values, translates into all areas of external action
- Trade policy increasingly driven by security imperatives
- Strategic autonomy: formal autonomy vs international leverage
- EU contributing to international norms at 3 levels: unilateral (“Brussels effect”), bilateral and multilateral (diplomacy; international agreements)
- Increasing importance of informal fora (G7, TTC, EPC) due to political blockages at multilateral level (UN, WTO)



<https://eipa.questionpro.com/t/AVTqsZ4Fiy>

**Please give us your feedback!**

42



**Do You Have  
Any Questions?**

**Please get in touch with us!**

Sabina Lange [s.lange@eipa.eu](mailto:s.lange@eipa.eu)  
Steve Woolcock [s.b.Woolcock@lse.ac.uk](mailto:s.b.Woolcock@lse.ac.uk)>  
Wolfgang Koeth [w.koeth@eipa.eu](mailto:w.koeth@eipa.eu)

43