

1

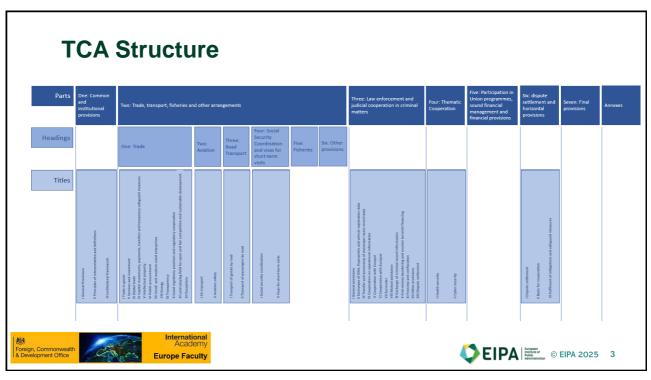


2

Europe Faculty

EIPA | European Institute of Public Public American

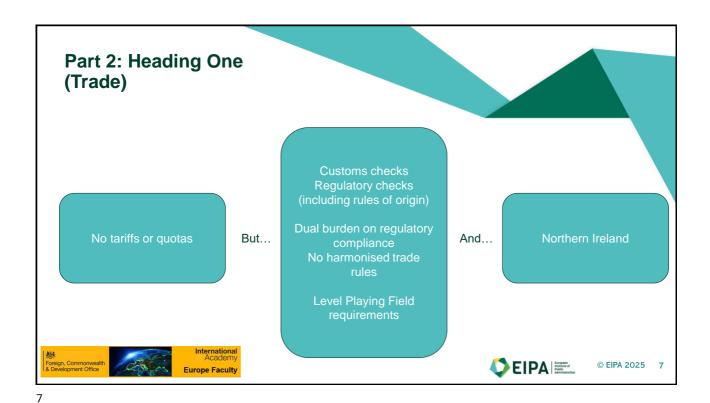
© EIPA 2025











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 undermining arrangements with third countries

• Avoid distortion of competition

Level Playing Field Provisions in Part 2: Heading One (Trade)

Areas

Subsidy control; competition; state-owned enterprises; taxation; labour and social policy; environment and climate; other rules on trade and sustainability Specific limitations for each area

Enforcement

Domestic enforcement mechanisms

Dispute Settlement under TCA (not for competition) with special procedures in LPF

Unilateral measures

• Rebalancing Measures (Article 411)







© EIPA 2025

9

Just a minute...











© EIPA 2024 10

Northern Ireland

- The TCA does not apply to trade between the EU and Northern Ireland
- Trade is subject to the Windsor Framework

Northern Ireland applies EU internal market rules to ensure free trade (but VAT and excise duty adjustments; recognition of medicines approved in GB; restriction of EU subsidy control regime)

Some checks for trade between GB and NI

- · Windsor Agreement seeks to ensure smooth flow of trade within the UK Internal Market
 - · Green lanes and red lanes;
 - Recognition of medicines approved in GB
 - Supply of certain products (agrifood, parcels)



International Academy Europe Faculty



© EIPA 2025 11

11

Northern Ireland

- · Trade between EU and NI
 - No customs procedures or controls
- · Trade between GB and NI
 - EU tariffs are applied to goods from GB by the UK on behalf of the EU unless those goods are not 'at risk' of moving to the EU (in particular Ireland)
 - · Checks when goods are at risk (red lane)
 - Simplified process of moving goods that are not 'at risk' (green lane)
 - · Special framework for agrifood retail trade, parcel deliveries, and movement of pets
- · Trade between NI and GB
 - · Limited checks









© EIPA 2024 12

Northern Ireland – Unique processes



- Initiation when "...application of Protocol leads to serious economic, societal or environmental difficulties that are liable to persist or to diversion of trade"
- Unilateral action to take appropriate safeguard measures, with priority for those that least restrict the functioning of the Protocol
- Article 13 WF: Stormont Brake
 - Measure of "last resort" for Assembly, when an amended act has a "significant impact specific to everyday life of the communities in Northern Ireland"
 - · Requires UK government to decide whether to apply amendment
- · Both designed as failsafes, should regular close UK-EU-NI coordination not work





International Academy Europe Faculty



© EIPA 2024 13

13

Services: TCA

- Host state regulation (Article 123(2))
- No automatic right to offer services
- Movement restrictions for natural persons and legal persons
 Companies may have to establish themselves in the host state
 Immigration rules of the parties apply
 Visas for long-term stays necessary
- No automatic or general mutual recognition of qualifications (but specific provisions address this point)
- · No passporting rights

➤ Similar to other FTAs









© EIPA 2025 14

Services



- Market Access (Articles 128 and 135)
- National Treatment (Articles 129 and 137)
- Most Favoured Nation Treatment (Articles 130 and 138)
- No general requirement of local presence for cross-border supply (Article 136)

Exceptions

- Numerous exceptions (Annexes 19 and 20)
- · Long list of non-conforming measures of the EU/MS
- · Market access varies by sector and MS







© EIPA 2025 15

15

Services: exceptions by MS

- No automatic or general mutual recognition of professional qualifications:
 Qualifications have to be recognised by the MS in which the service is provided
- MS may require visa and work permits
- MS may impose establishment requirement or economic needs or performance requirement
- · Service may even be prohibited









© EIPA 2025 16

Key Points

- Trade in Goods is the central element of the current formal UK-EU relationship
- Structure and degree of trade arrangements much in line with other similar treaties
- Despite zero-zero provisions, many more barriers to UK-EU trade exist than during membership
- Fundamental change in Northern Ireland arrangements likely to be bound up in general UK-EU changes





© EIPA 2025 17