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

**3-5 November 2025**

*Day 2*

How does the framework of UK-EU relations work?

- **Governance**

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## Governance

### Context

- Compliance matters to the EU
- EU-UK relations nested within other third country relations
- Domestic political constraints

### Risks

- Some mechanisms are untested
- Willingness to cross-link issues
- Escalation and conflict



## Governance: Negotiations

- Key EU drivers:
  - Avoid Swiss-style mish-mash
  - Provide for robust compliance and penalty mechanisms
  - Scope for future deepening of relations
- Key UK drivers:
  - Minimise agenda to secure rapid conclusion and limit EU leveraging in negotiations
  - Minimise obligations and constraints



## Governance: TCA Overview

- **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



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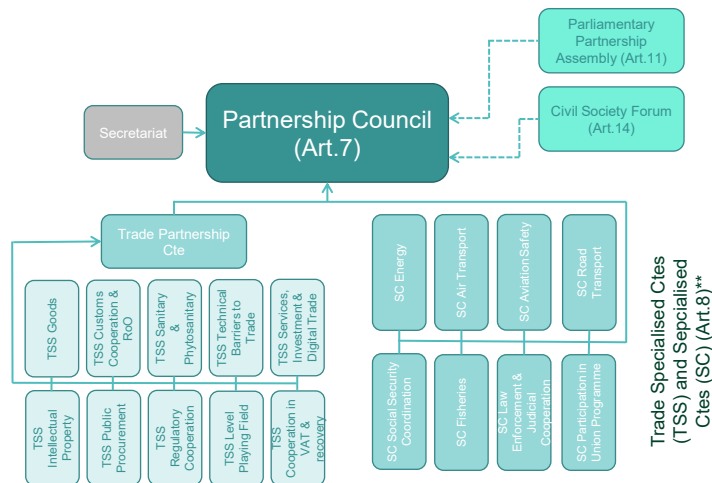
## Termination Clauses

- Termination of the entire agreement
  - General with 12 months' notice: *Article 779*
  - Fast track: *Article 772*
- Termination of parts (at least 8 specific clauses)
  - Trade (*Article 521*): 9 months' notice (except Social Security Coordination)
  - Fisheries (*Article 509*): 9 months' notice; this automatically terminates headings on trade, aviation and road transport
  - Law Enforcement (*Article 692*): 9 months' notice, unless a party leaves ECHR, in which case immediate
  - See also: *Article 331* (energy), *Article 441* (air transport), *Article 458* (aviation safety), *Article 472* (haulage), *Articles 719-720* (Union programmes)



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## Institutional Architecture: TCA



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## Institutional Architecture: Withdrawal Agreement

- Joint Committee
  - with 6 Specialised Committees
- New Structures for UK-EU cooperation under the Windsor Framework Agreement
  - New mechanisms for stakeholder engagement
  - New structured expert groups
  - First and deputy First Minister will be part of UK delegation in the Joint Committee
  - *Specialised Committee on the implementation of the Protocol on Ireland and Northern Ireland* is renamed *Specialised Committee on the Implementation of the Windsor Framework* (can act as *Specialised Committee on the Enhanced Coordination Mechanism on VAT and Excise*)

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## Dispute Settlement: Overview

- 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



## Dispute Settlement: TCA

Not like EU membership:

- TCA precludes direct enforcement by individuals (eg in national courts); instead, state enforcement (UK v EU)
- TCA precludes penalty payments; instead, unilateral measures (suspension of obligations)
- Use of DSM will depend on political factors



## Dispute Settlement: TCA-Process

- Phase 1: Consultations (Partnership Council or expert panels) (*Article 738*)
- Phase 2: Arbitration
- Phase 3: Tribunal Ruling
- Phase 4: Remedies for Non-compliance

## Dispute Settlement: WA/WF

- **Withdrawal Agreement**
  - Joint Committee Consultations (*Article 169*) and Arbitration Panel (*Article 170*)
  - But also jurisdiction of the CJEU - binding decision on interpretation of EU law concepts (*Article 174*)
  - But also cross-suspension  
In case of non-compliance with arbitration ruling under the WA, suspension of obligation under the TCA possible (*Article 749(4) TCA and 178(2)(b) WA*)
- **Windsor Framework** (*Article 12(4)*)
  - Infringement proceedings before CJEU (*Articles 258, 260 TFEU*)
  - National courts can request preliminary ruling from CJEU

## Review provisions

- General review clause: Article 776 TCA
  - Joint review in five-year intervals
  - Only about implementation
- Review clauses for committees
  - E.g. Article 8(3)(a): Trade Specialised Committees can review the implementation of the TCA
- Specific review clauses
  - Article 126: services and investment
  - Article 201: cross-border data flows (after three years)
  - Article 275: geographical indications
  - Article 411: rebalancing (with specific time-frames)
  - Article 510: fisheries
  - Article 691: Law Enforcement and Judicial Co-operation in Criminal Matters
  - Article 732: participation of UK in Union programmes
  - Annex 4: aluminium quotas
  - Annex 5: PSR for batteries of electric cars



## Reviews-relevant dates

- Relevant dates for upcoming measures, reviews and sunset clauses
  - Rebalancing review available 1 January 2025
  - Horizontal review - 1 January 2026
  - Aluminium quota review available 1 January 2026
  - 30 June 2026: Energy title sunset clause
  - 30 June 2026: Adjustment period for access to waters ends
  - 2027: Rules of Origin for electric vehicles and batteries change (with no further change permitted until 2032)
  - 2030: Fisheries review, including access to waters
  - 2036: Social Security Coordination protocol terminates





## Recap – Day 2

- UK relations with the EU run through the WA and (especially) the TCA
- Extensive range of bodies, but will only fully work with clear political commitment and accompanying informal and personal engagement between parties
- Strategic Partnership will run in parallel with TCA/WA activity
- Issues are most easily addressed early on: entering into formal dispute settlement limits much room for manoeuvre

