



Council of the European Union
General Secretariat

Brussels, 24 June 2021

WK 8452/2021 INIT

LIMITE

UK

RELEX

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

NOTE

From:	General Secretariat of the Council
To:	Delegations

Subject:	Non-paper on the implementation of the EU-UK TCA in the field of foreign and security policy
----------	--

Delegations will find attached a non-paper on the implementation of the EU-UK Trade and Cooperation Agreement in the field of foreign and security policy.

This document will be presented and discussed at the meeting of the Working Party on the UK on Monday 28 June 2021.

NON-PAPER
IMPLEMENTATION OF THE EU-UK TRADE AND COOPERATION AGREEMENT
IN THE FIELD OF FOREIGN AND SECURITY POLICY

The EU and the UK have entered a new stage in their relationship with the entry into force of the Trade and Cooperation Agreement (TCA) on 1 May 2021. It is in the interest of the EU to implement the provisions of the TCA related to foreign and security policy, as part of the overall process of implementation and compliance with the TCA provisions. This non-paper provides a basis for a discussion on the matter in the WPUK.

The UK's global ambitions and current cooperation with the EU

The UK is an important global player with which the EU has an interest in cooperating in many fields in the international arena, due to our often overlapping values, interests and strategic objectives. These similarities have become more visible in the recently published UK Integrated Review of Foreign, Security, Defense, and Development policies, and have further emerged in the context of the current UK G7 presidency, and COP-26 co-chairing.

At the same time, the UK can become a competitor on several fronts vis-à-vis the EU, for instance by trying to bolster its position as a global norm-setter and decision-shaper, or by promoting trade deals with third countries that put it in direct competition with the EU.

The UK has already signaled its interest in cooperating with the EU in a number of foreign policy and security areas, *inter alia* sanctions, human rights, counter-terrorism, and cyber-security. As of the end of the transition period, and in line with the prudent approach requested by Member States at the FAC lunch of 25 January 2021, ad hoc cooperation between the EU and the UK has so far been limited. It has occurred mostly at London's initiative¹. Now that the EU-UK TCA has entered into force, the EU should also be in a position to set the agenda of our bilateral cooperation with the UK, when it is in the EU's interest, making use of the relevant provisions in the TCA. This would help to avoid a cherry picking approach by the UK. At the same time, this should not result in the EU being perceived as a *demandeur*, but rather as the EU working towards full implementation, and use of, the foreign and security policy provisions included in the TCA.

Implementation of the foreign and security policy provisions of the TCA

The TCA contains a number of provisions on dialogue and cooperation in the field of foreign and security policy, including:

- cooperation on global issues in relevant international fora - art. 770 of the TCA;
- the promotion of democracy and human rights - art. 763;
- non-proliferation and disarmament - art. 765;
- fight against the trafficking of small arms and light weapons - art. 766;
- prosecution of major crimes affecting the international community and universalization of the ICC Rome Statute - art. 767; and
- fight against terrorism - art. 768;
- cyber-security - art. 703;
- promotion of climate action - art. 764 of the TCA.

The establishment of these dialogues and ensuing cooperation in these fields with the UK would follow the established practice applied by the EU with other third countries:

¹ This has been particularly the case for the recent coordination of EU and UK human rights sanctions regimes, coordination of positions in the Human Right Council, the OSCE, and in other international formats related to cyber-security and counter-terrorism.

1. The EEAS, in cooperation with relevant Commission DGs where appropriate, would present the proposed scope and objectives of a given dialogue to the relevant Council preparatory bodies. While the thematic Council WPs would focus on the technical discussions on a given subject, the WPUK would maintain its horizontal oversight of the developments of the sectorial dialogues. Where appropriate and taking into account established practice², the EEAS could propose draft Terms of Reference (ToR) for the given dialogue, outlining the scope in terms of issues it should address, its format and frequency.
2. Once the EEAS proposed approach for a given dialogue has been discussed and endorsed by MS in the relevant Council preparatory bodies, contacts would then be established with the UK, with a view to finding agreement on the launch of the given dialogue.
3. Once an agreement has been found with the UK on the establishment and parameters of a certain dialogue, both the Council thematic and UK WPs would be consulted and kept informed on the preparation and outcome of the given dialogues.
4. PSC would at all times maintain a strategic overview of the EU-UK cooperation in the field of foreign and security policy.

Based on MS feedback to the approach proposed in this non-paper, the earliest possible timeline for the launch of these dialogues would be early autumn 2021, depending on the broader EU-UK relationship and on feedback from the UK on each of the domains covered by the dialogues.

Other areas of possible EU-UK foreign and security policy cooperation not covered by the TCA

There is arguably a number of additional policy areas not covered by the TCA, where both the EU and the UK share an interest in enhancing their cooperation to maximize the impact and effectiveness of their actions. Also in this case, cooperation with the UK would have to be informed by the state of the broader EU-UK relationship. In this context, two issues appear of particular relevance in the short term:

- In the field of **sanctions**, *ad hoc* and pragmatic cooperation has already started between the EU and the UK. MS have been regularly consulted and informed about the scope of this cooperation. Any further structuring of this cooperation will be informed by the ongoing reflection in the RELEX Counsellors Group on cooperation on sanctions with a selected number of third countries;
- On **consular cooperation**, the EU could consider cooperating with the UK in a way similar to the one established by the EU with a number of selected like-minded countries. This cooperation has taken place mostly in the field, and has resulted in the development of **Joint Consular Crisis Preparedness Frameworks (JCCPF)** for specific third countries. JCCPFs have allowed EU Delegations, EU Member State Embassies and Embassies of relevant like-minded countries to pool resources and intelligence in the preparation of possible consular crises requiring extraordinary protection or evacuation of their citizens in a given third country. The inclusion of the UK in this exercise would not require any formal negotiation with London, but would simply consist of **inviting the UK to Local Consular Cooperation meetings**, chaired by the local Presidency and facilitated by the EEAS, in a given third country **where appropriate**. Given the consular presence and means the UK can rely upon in a number of third countries where neither the EU nor its MS are represented or are only scarcely present, EU MS would have a clear interest in cooperating with the UK in this policy area.

² Draft Terms of Reference are for instance traditionally prepared when establishing EU political dialogues with third countries on cyber issues, but not for counter-terrorism or non-proliferation & disarmament.