

Kübek / Tams / Terhechte

EU-UK Trade and Cooperation Agreement

A Handbook



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edited by

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Preface

Brexit was a watershed in the relations between the United Kingdom and the European Union (EU). Few other events of recent years have prompted as much acrimonious debate and soulsearching, and few have been marked by such irreconcilable positions. This is true first and foremost for the internal British debate on Brexit, which initially juxtaposed two camps of “leave” and “remain”, only to move on to “hard” and “soft Brexit”. At the international level, the UK’s declaration of withdrawal of 29 March 2017 resulted in a lengthy stand-off between the UK and the EU, and much posturing. The *Withdrawal Agreement*, in force since 1 February 2020, sealed the United Kingdom’s exit and in that sense marked a point of no return. However, the *Withdrawal Agreement* did not define the future (post-Brexit) relations between the UK and the EU. These formed the subject of a further set of protracted negotiations, to which the parties came with very different visions of the “post-Brexit” landscape. In the *Trade and Cooperation Agreement* (TCA), finalised on 30 December 2020, they managed to reconcile these different visions, partly reaching genuine compromise, partly papering over on-going disagreements.

In force since 1 May 2021 (and previously, provisionally, from 1 January 2021), the TCA is the central legal text governing relations between the UK and the EU. In essence, it is an ambitious “free trade plus” agreement that regulates economic issues, but also addresses a wealth of non-trade aspects. It is also a complex “divorce settlement” that seeks to shape everyday British-European life in the post-Brexit era. Without a doubt, it is a central document: for “Remainers”, “Brexiters”, integrationists, EU lawyers, international lawyers — and for anyone concerned about UK-EU relations post-Brexit. A thorough examination of the regulatory structures, content and contentious issues of the TCA is of major conceptual and practical importance.

The present *TCA Handbook* seeks to provide such a thorough examination. It is intended as a guide to the often complex provisions of the agreement and as a roadmap to an unwieldy agreement. To meet those aims, it offers an analysis of the TCA’s individual chapters, matching the agreement’s broad scope, from trade to data protection (and covering much in between). In addition to analysing the agreement’s individual chapters, this *TCA Handbook* situates the new legal framework of UK-EU relations from the perspective of international law, European Union law and UK law.

The English version of this *TCA Handbook* draws on work done towards an earlier German-language version, published by Nomos in 2022. For the English-language edition, the work has been translated and updated, to reflect the UK’s and EU’s on-going quest to adapt to post-Brexit realities, among them the *Windsor Framework* agreed in late February 2023.

As editors, we would like to thank all contributors for their commitment and willingness to explain and critically assess the complex provisions of the TCA so soon after their adoption. A special word of thanks is due to our assistant editor, Pia Hüscher, for her invaluable support in putting this English-language edition together. At Nomos, Stefan Simonis, has supported the project from the beginning: we are grateful to him and his team, as well as to Matthias Knopik for his help in steering this edition through the editorial process.

Glasgow/Groningen/Lüneburg in December 2023

Gesa Kübek
Christian J. Tams
Jörg Philipp Terhechte

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