

# BREXIT BRIEF

Brexit Brief Issue 101  
5 January 2021



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## Introduction

The Brief seeks to provide up-to-date information on the progress and content of the UK-EU negotiations, and bring together relevant statements and policy positions from key players in Ireland, the UK and the EU.

The Brief is part of a wider communications programme covering the work of the IIEA's UK Project Group – including commentaries, speeches, texts and event reports – which are highlighted on the Institute's website. ([www.iiea.com](http://www.iiea.com))

## Section One: State of Play

### 31 December 2020: 11 p.m.

At 11p.m. on 31 December 2020 (London time; midnight in Brussels) the Transition Period ended and the United Kingdom finally left the European Union after almost 48 years of membership.

The Prime Minister, Boris Johnson, addressed the matter his New Year Message:

*But as the sun rises tomorrow on 2021 we have the certainty of those vaccines. Pioneered in a UK that is also free to do things differently, and if necessary better, than our friends in the EU. Free to do trade deals around the world. And free to turbocharge our ambition to be a*

*science superpower. From biosciences to artificial intelligence, and with our world-leading battery and wind technology we will work with partners around the world, not just to tackle climate change but to create the millions of high skilled jobs this country will need not just this year – 2021 - as we bounce back from Covid, but in the years to come.*

*This is an amazing moment for this country. We have our freedom in our hands and it is up to us to make the most of it.*

### European Union (Future Relationship) Bill 2020

The European Union (Future Relationship) Bill, endorsing the Trade and Cooperation

Agreement, was introduced in the House of Commons on 30 December 2020. The Bill was taken through all stages – passed by a margin of 521 votes to 73 – and sent to the House of Lords where it was passed by 466 votes to 101 and given Royal Assent just before midnight.

Prime Minister Boris Johnson spoke on the Second Reading:

*The central purpose of this Bill is to accomplish something that the British people always knew in their hearts could be done, but which we were continually told was impossible, we were told we could not have our cake and eat it, do you remember how often we were told that Mr Speaker, namely that we could trade and cooperate with our European neighbours on the closest terms of friendship and goodwill, whilst retaining sovereign control of our laws and our national destiny. And that unifying thread runs through every clause of this Bill, it embodies our vision – shared with our European neighbours – of a new relationship between Britain and the EU as sovereign equals.*

*What we wanted was not a rupture but a resolution, a resolution of the old, tired, vexed question of Britain's political relations with Europe, which has bedevilled our post-War history. First, we stood aloof, then we became a half-hearted, sometimes obstructive member of the EU. Now, with this Bill, we are going to become a friendly neighbour – the best friend and ally the EU could have – working hand-in-glove whenever our values and interests coincide while fulfilling the sovereign wish of the British people to live under their own laws, made by their own elected Parliament. That is the historic resolution delivered by this Bill.*

The Labour Party voted in favour of the Bill, though it did so with reservations, as the Party Leader Sir Keir Starmer explained:

*This is a thin deal. It has many flaws—I will come to that in a moment. But a thin deal is better than no deal, and not implementing this deal would mean immediate tariffs and quotas with the EU, which will push up prices and drive businesses to the wall. It will mean huge gaps in security, a free-for-all on workers' rights and environmental protections, and less stability for the Northern Ireland protocol. Leaving without a deal would also show that the UK is not capable of agreeing the legal basis for our future relationship with our EU friends and partners. That matters, because I want Britain to be an outward-looking, optimistic and rules-based country—one that does deals, signs treaties and abides by them.*

## **Agreement Signing 30 December 2020**

The President of the European Council, Charles Michel, and the President of the European Commission, Ursula von der Leyen, signed the Trade and Cooperation Agreement in Brussels on 30 December 2020, following the formal approval of the text by EU Ambassadors on 28 December 2020 and agreement on its provisional application in advance of a vote in the European Parliament in January.

The Commission President tweeted: "Signing the trade and cooperation agreement on behalf of the EU with president von der Leyen. It will now be transferred to the UK to be signed by PM Boris Johnson. New chapter, new relationship."

The text was then flown to London by RAF to be signed by Prime Minister Boris Johnson at 10 Downing Street.

## **Trade and Cooperation Agreement, 24 December 2020**

On 24 December 2020, following intensive and difficult negotiations, the European Union and the United Kingdom reached agreement on the terms of their future cooperation.

The 1,200 page document – ‘Trade and Cooperation Agreement Between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.’ – was published in London and Brussels, together with the texts of a Nuclear Cooperation Agreement and an Agreement on Security, Procedures for Exchanging and Protecting Classified Information. (The UK authorities issued a 34 page Summary Explainer, the EU Task Force published an explanatory Brochure).

The Trade and Cooperation Agreement consists of three main pillars:

A Free Trade Agreement (a new economic and social partnership with the United Kingdom) covering not just trade in goods and services, but also a broad range of other areas in the EU’s interest, such as investment, competition, State aid, tax transparency, air and road transport, energy and sustainability, fisheries, data protection, and social security coordination. It provides for zero tariffs and zero quotas on all goods that comply with the appropriate rules of origin.

A new Partnership for Citizens’ Security establishing a new framework for law enforcement and judicial cooperation in

criminal and civil law matters, recognising the need for strong cooperation between national police and judicial authorities, in particular for fighting and prosecuting cross-border crime and terrorism and building new operational capabilities, taking account of the fact that the UK, as a non-EU member outside of the Schengen area, will not have the same facilities as before.

A Horizontal Agreement on Governance (a framework that stands the test of time) giving maximum legal certainty to businesses, consumers and citizens through a dedicated chapter on governance providing clarity on how the agreement will be operated and controlled. It also establishes a Joint Partnership Council, to make sure the Agreement is properly applied and interpreted. Binding enforcement and dispute settlement mechanisms will ensure that rights of businesses, consumers and individuals are respected.

The Withdrawal Agreement remains in place, protecting amongst other things the rights of EU citizens and UK nationals, the EU’s financial interests, and crucially, peace and stability on the island of Ireland. The full and timely implementation of this agreement has been a key priority for the European Union. Thanks to intensive discussions between the EU and the UK in the Joint Committee and the various Specialised Committees, the Withdrawal Agreement – and the Protocol on Ireland and Northern Ireland, in particular – was implemented on 1 January.

The Commission addressed the practical considerations arising from the late finalisation of the negotiations:

*The negotiations could only be finalised at a very late stage before the expiry of the transition period. Such late timing*

*should not jeopardise the European Parliament's right of democratic scrutiny, in accordance with the Treaties. In light of these exceptional circumstances, the Commission proposes to apply the Agreement on a provisional basis, for a limited period of time until 28 February 2021. The Commission will swiftly propose Council decisions on the signature and provisional application, and on the conclusion of the Agreement. The Council, acting by the unanimity of all 27 Member States, will then need to adopt a decision authorising the signature of the Agreement and its provisional application as of 1 January 2021. Once this process is concluded, the Trade and Cooperation Agreement between the EU and the UK can be formally signed. The European Parliament will then be asked to give its consent to the Agreement.*

The main text was accompanied by a set of Declarations – fifteen in all – covering issues such as Financial Services Regulatory Cooperation, Road Hauliers, Asylum and Returns, Law Enforcement and Judicial Cooperation in Criminal Matters, Participation in Union Programmes and Access to Programme Services and Vat/ Customs Duties Recovery in the Bailiwicks of Guernsey and Jersey.

## **Statement by Prime Minister Boris Johnson, 24 December 2020**

Prime Minister Boris Johnson issued a Statement on the outcome of the negotiations:

*And so I am very pleased that this afternoon that we have completed the biggest trade deal yet, worth £660 billion. A comprehensive Canada style free trade deal between the UK and the EU, a deal*

*that will protect jobs across this country. A deal that will allow UK goods and components to be sold without tariffs and without quotas in the EU market. A deal which will if anything should allow our companies and our exporters to do even more business with our European friends. And yet which achieves something that the people of this country instinctively knew was doable. But which they were told was impossible. We have taken back control of laws and our destiny. We have taken back control of every jot and tittle of our regulation. In a way that is complete and unfettered.*

*And so I say again directly to our EU friends and partners, I think this deal means a new stability and a new certainty in what has sometimes been a fractious and difficult relationship. We will be your friend, your ally, your supporter and indeed – never let it be forgotten – your number one market. Because although we have left the EU this country will remain culturally, emotionally, historically, strategically and geologically attached to Europe, not least through the four million EU nationals who have requested to settle in the UK over the last four years and who make an enormous contribution to our country and to our lives.*

## **Statement by the President of the European Commission, 24 December 2020**

The President of the European Commission, Ursula von der Leyen, addressed a Press Conference in Brussels on the outcome of the negotiations, calling it a “fair and balanced” deal, and a right and responsible outcome for both sides:

*Of course, this whole debate has always been about sovereignty. But we should cut through the soundbites and ask ourselves what sovereignty actually means in the 21st century. For me, it is about being able to seamlessly do work, travel, study and do business in 27 countries. It is about pooling our strength and speaking together in a world full of great powers. And in a time of crisis it is about pulling each other up – instead of trying to get back to your feet alone. The European Union shows how this works in practice. And no deal in the world can change reality or gravity in today's economy and today's world. We are one of the giants.*

*At the end of successful negotiations I normally feel joy. But today I only feel quiet satisfaction and, frankly speaking, relief. I know this is a difficult day for some. And to our friends in the United Kingdom I want to say: parting is such sweet sorrow. But to use a line from TS Eliot: What we call the beginning is often the end. And to make an end is to make a beginning. So to all Europeans I say: It is time to leave Brexit behind. Our future is made in Europe.*

## Statements by Chief Negotiators

The EU Chief Negotiator, Michel Barnier, told a Brussels Press Conference that, after four years of what he described as collective effort and EU unity, “the clock is no longer ticking”. The deal would, he said, preserve peace and stability on the island of Ireland; protect citizens and the Single Market; and build a new partnership with the UK. “Today is a day of relief. But tinged with some sadness. As we compare what came before, with what lies ahead.”

The UK Chief Negotiator, Lord David Frost, commented that the new Brexit deal marks “the beginning of a moment of national renewal.” He told reporters that “There’s no more role for the European Court of Justice, there’s no direct effect of EU laws, there’s no alignment of any kind, and we’re out of the single market and out of the customs union just as the manifesto said we would be. All choices are in our hands as a country and it’s up to us to decide how we use them and how we go forward in the future.”

## President of the European Council, 24 December 2020

Charles Michel, President of the European Council, offered his own perspective on the deal, saying that an agreement with the EU’s neighbour and ally was the best outcome: “Over the past years the EU has shown unity and determination in its negotiations with the UK. We will continue to uphold the same unity. These have been very challenging negotiations but the process is not over. Now is the time for the Council and the European Parliament to analyse the agreement reached at negotiators’ level, before they give their green lights.”

## European Parliament Response, 24 December 2020

The President of the European Parliament, David Sassoli, welcomed the reaching of agreement the future relationship between the EU and UK, noting that the Parliament will now scrutinise it in detail: “The Parliament thanks and congratulates the EU and UK negotiators for their intense efforts to reach, albeit at the last minute, this historic agreement. Although I still deeply regret the UK’s decision to leave the EU, I have always believed that a negotiated settlement is in the best interests

of both sides. This deal can now form the basis for us to build a new partnership.”

David McAllister MEP, the head of the Parliament’s UK Coordination Group and Chair of the Committee on Foreign Affairs added: “I would like to thank Michel Barnier for his patient and tireless work. This is the end of a long and difficult process four years after the British referendum. Many things will change for the UK, since it will no longer participate in our Single Market and Customs Union. The EU has achieved its main objective, namely to preserve our unique model of integration and stability as well as to protect the long-term interests of EU citizens and businesses.”

### **Statement by the First Minister of Scotland, 24 December 2020**

First Minister Nicola Sturgeon reacted sharply to the announcement of the Brexit deal, focusing in particular on the economic disruption for Scotland, which voted against Brexit:

*It beggars belief that in the midst of a pandemic and economic recession Scotland has been forced out of the EU Single Market and Customs Union with all the damage to jobs that will bring. A deal is better than no deal. But, just because, at the eleventh hour, the UK Government has decided to abandon the idea of a no-deal outcome, it should not distract from the fact that they have chosen a hard Brexit, stripping away so many of the benefits of EU membership.*

*People in Scotland voted overwhelmingly to remain in the EU, but their views have been ignored. This is a far harder Brexit than could have been imagined when the EU referendum took place, damaging and disrupting this nation’s economy*

*and society at the worst possible time. We are doing everything we can to mitigate against the consequences of the UK Government’s actions – but we cannot avert every negative outcome. Scotland did not vote for any of this and our position is clearer than ever. Scotland now has the right to choose its own future as an independent country and once more regain the benefits of EU membership.*

### **Statement by An Taoiseach, 24 December 2020**

The Taoiseach Micheál Martin responded by welcoming the conclusion of negotiations between the EU and the UK and expressing his hope that the outcome would now be approved by both sides:

*The Government will now consider the detail of the text very carefully. From what we have heard today, I believe that it represents a good compromise and a balanced outcome. There is no such thing as a ‘good Brexit’ for Ireland. But we have worked hard to minimise the negative consequences. I believe the agreement reached today is the least bad version of Brexit possible, given current circumstances. And today’s news, which will significantly lessen the negative economic impacts of Brexit, will come as a great relief to many. Today is, therefore, a better day than many that we have been through in 2020.*

### **Fishing Industry disappointed by Brexit deal**

The Taoiseach also commented that the Irish fishing industry, more than other sectors, will be disappointed by the EU-UK trade deal. The industry is dependent for more than 30 per

cent of its overall catch – and up to 60 per cent of some species, such as mackerel - on fishing in UK waters. The trade deal provides that the EU fishing industry, including Ireland, will cede 25 per cent of the value of the catch in British waters.

The Killybegs Fishermen’s Organisation has said that it will not accept the new deal which means that its “highly developed mackerel fishery stands to lose out dramatically – we will be seeking compensation to put right this grievous wrong.”

At the same time, British fishing interests expressed anger that promises made by the Leave side in the 2016 referendum campaign that they would regain of UK fishing waters by voting for Brexit had been broken and that they had been betrayed in order to win a wider deal..

## **Withdrawal Agreement Operational on 1 January 2021.**

The EU-UK Joint Committee met for the fifth time in 17 December 2020 to endorse the formal decisions and practical solutions related to the implementation of the Withdrawal Agreement which had been agreed in principle by the co-chairs, Chancellor of the Duchy of Lancaster Michael Gove and Commission Vice President Maros Sefcovic a week earlier. The Withdrawal Agreement and the Protocol on Ireland/Northern Ireland will be implemented on 1 January 2021.

Vice President Šefčovič in a Press Statement reported that “Today marks an important milestone. We have endorsed formal decisions and other practical solutions, ensuring that the Withdrawal Agreement is operational in time, as of 1 January 2021. This means that we have delivered on our overarching objective – to protect the Good Friday (Belfast) Agreement,

avoid a hard border on the island of Ireland, and maintain peace, stability and prosperity there. This was essential, given the limited time left until the transition period ends at the end of this year. Therefore, I want to thank Chancellor Gove for his personal dedication and solution-driven approach that helped us to reach this important milestone.”

## **Section Two: The Evolving Debate**

### **UK Preparing for the End of Transition Period**

A cross-party report, agreed unanimously by the House of Commons Committee on the Future Relationship with the European Union, assessing UK preparedness for the end of the transition period, warns of a potentially challenging start to 2021 as businesses, traders and citizens adjust to life outside the Single Market and Customs Union.

Commenting on the report, Committee chair Hilary Benn MP said:

*With just seven working days until the end of the transition period, significant concerns remain. The Government still cannot provide businesses, traders and citizens with certainty about what will happen in all the areas affected by the negotiations, but as we leave the rules of the Single Market and the Customs Union, firms exporting to the EU will face more red tape, unfamiliar forms and extra costs from 1 January whatever happens.*

*Some progress has been made. We welcome the agreement on the implementation of the Northern Ireland Protocol, for example. But we are worried*

*about the consequences of trucks not having the right paperwork, traffic disruption around ports, and the UK's security being affected by loss of access to EU law enforcement databases. It is also disappointing that an agreement on the Northern Ireland Protocol could not be reached before now and that some issues have been deferred.*

*At this late stage, the Government must be ready to implement contingency plans where necessary to mitigate the effects of any disruption. Failure to do so would mean the worst possible start to the new year for many people and businesses who are already experiencing the toughest of times.*

## **Dáil Debates Brexit Readiness, 17 December 2020**

Dáil Eireann discussed the country's readiness for the inevitable changes related to Brexit as the final deadline on 1 January 2021 approached. The Minister for Foreign Affairs Simon Coveney introduced the debate:

*It is now more than four years since the UK voted to leave the EU and the Government began in earnest to prepare for the changes coming our way. We have reviewed and refined our work as the changing circumstances required. In May this year, as it became clear that the transition period would not be extended, the Government intensified its readiness work to prepare for a very limited deal or, indeed, no deal at all.*

*We set all of the relevant issues out in September's Brexit readiness action plan. This is a valuable source of information and support for citizens and businesses. With a weather eye to what is ahead,*

*Budget 2021 allocates unprecedented resources to confronting the twin challenges of Covid-19 and Brexit. Some €340 million is allocated in the budget for Brexit-related supports. The Government will also establish a €3.4 billion recovery fund to stimulate increased domestic demand and employment in response to Covid-19 and Brexit.*

*Brexit brings many changes, but the most immediate and challenging arise from the UK leaving the Single Market and customs union. In simple terms, this means that the seamless trade we enjoy with the UK today will end in two weeks' time. All businesses, big and small, will be affected and if they do not prepare now, their trade will be disrupted, deliveries will be delayed and customers will be lost.*

## **Building a New Relationship**

Following the publication of the Agreement on Trade and Cooperation, Simon Coveney commented that "the border, the peace process, billions in tariffs and our place in the single market were all threatened by Brexit, these have all now been put to bed. There will still be some changes to the status quo on 1 January because of our nearest neighbour being outside the EU and Cabinet will also discuss supports for the most affected sectors. This weekend my feeling is one of relief but tinged with regret that the UK is going it alone. Ireland is now focused on building a new relationship with the UK outside of the EU. Personally, I hope talk of 'Brexit' will fade away."

## Section Three: Background Material and Further Reading

### Background Material

**GOV.UK** Minister's New Year's message: 31 December 2020. <https://www.gov.uk/government/news/prime-ministers-new-years-message-31-december-2020>

**GOV.UK** Prime Minister's opening statement to the House of Commons on the UK-EU deal: 30 December 2020. <https://www.gov.uk/government/speeches/prime-ministers--opening-statement-to-the-house-of-commons-on-the-uk-eu-deal-30-december-2020>

**House of Commons** Parliamentary Debate, 30 December 2020. <https://hansard.parliament.uk/commons/2020-12-16>

**GOV.UK** Agreements reached between the United Kingdom of Great Britain and Northern Ireland and the European Union, 24 December 2020. <https://www.gov.uk/government/publications/agreements-reached-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-the-european-union>

**EU Task Force** Trade and Cooperation Agreement Between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, 24 December 2020. [https://ec.europa.eu/info/sites/info/files/draft\\_eu-uk\\_trade\\_and\\_cooperation\\_agreement.pdf](https://ec.europa.eu/info/sites/info/files/draft_eu-uk_trade_and_cooperation_agreement.pdf)

**GOV.UK** UK-EU Trade and Cooperation Agreement: Summary, 24 December 2020. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/948093/TCA\\_SUMMARY\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/948093/TCA_SUMMARY_PDF.pdf)

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**European Commission** Proposal for a Regulation of the European Parliament and of the Council establishing the Brexit Adjustment Reserve, 25 December 2020. [https://ec.europa.eu/info/publications/brexit-adjustment-reserve\\_en](https://ec.europa.eu/info/publications/brexit-adjustment-reserve_en)

**European Commission** Getting ready for the end of the transition period, 26 December 2020. [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en)

**European Commission** Proposal for a Council Decision on the signing on behalf of the Union, and of the provisional application of the Trade and Cooperation Agreement, 25 December 2020. [https://ec.europa.eu/info/sites/info/files/brexit\\_files/info\\_site/com\\_2020\\_855\\_final\\_act\\_v1.pdf](https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/com_2020_855_final_act_v1.pdf)

**GOV.UK** Prime Minister's statement on EU negotiations: 24 December 2020. <https://www.gov.uk/government/speeches/prime-ministers-statement-on-eu-negotiations-24-december-2020>

**European Commission** Remarks by President Ursula von der Leyen at the press conference on the outcome of the EU-UK negotiations, 24 December 2020. [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_20\\_2534](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_2534)

**European Commission** Remarks by Chief Negotiator Michel Barnier at the press conference on the outcome of the EU-UK negotiations. [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_20\\_2533](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_2533)

**European Council** European Council President Charles Michel in the agreement on the future EU-UK relationship, 24 December 2020. <https://www.consilium.europa.eu/en/press/press-releases/2020/12/24/press-release-european-council-president-charles-michel-on-the-agreement>

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**European Parliament** Statement by the President of the European Parliament David Sassoli and the Head of the Parliament's UK Coordination Group David McAllister on the agreement reached on future EU-UK relations, 24 December 2020. <https://www.europarl.europa.eu/news/en/press-room/20201223IPR94601/>

**Merrion Street** Statement by An Taoiseach on Outcome of EU-UK negotiations, 24 December 2020. [https://merrionstreet.ie/en/news-room/news/statement\\_by\\_an\\_taoiseach\\_on\\_outcome\\_of\\_eu-uk\\_negotiations.html](https://merrionstreet.ie/en/news-room/news/statement_by_an_taoiseach_on_outcome_of_eu-uk_negotiations.html)

**Scottish Government** Brexit deal: Statement by First Minister Nicola Sturgeon, 24 December 2020. <https://www.gov.scot/publications/brexit-deal-statement-first-minister-nicola-sturgeon/>

**GOV.UK** Draft EU-UK Declarations, 24 December 2020. [https://ec.europa.eu/info/sites/info/files/draft\\_eu-uk\\_declarations.pdf](https://ec.europa.eu/info/sites/info/files/draft_eu-uk_declarations.pdf)

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**Dail Eireann** Brexit Readiness: Statement by the Minister for Foreign Affairs, 17 December 2020. <https://www.dfa.ie/news-and-media/speeches/speeches-archive/2020/december/dail-statements-on-brexit-readiness.php>

**European Commission** Press statement by Vice-President Sefcovic following the fifth ordinary meeting of the EU-UK Joint Committee, 17 December 2020. [https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT\\_20\\_2488](https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_2488)

**GOV.UK** Prime Minister's call with European Commission President Ursula von der Leyen: 17 December 2020. <https://www.gov.uk/government/news/prime-ministers-call-with-european-commission-president-ursula-von-der-leyen-17-december-2020>.

**European Commission** Brexit: Withdrawal Agreement to be fully operational on 1 January 2021, 17 December 2020. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_2478](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2478)

**European Commission** Questions & Answers: Joint Committee formally adopts a set of implementation measures related to the EU-UK Withdrawal Agreement, 17 December 2020. [https://www.ec.europa.eu/commission/presscorner/detail/en/QANDA\\_20\\_2472](https://www.ec.europa.eu/commission/presscorner/detail/en/QANDA_20_2472)

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The IIEA acknowledges the support of the Europe for Citizens Programme of the European Union



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