

THE VIEW FROM BRUSSELS - USING EU LAW TO IMPROVE THE BREXIT DEAL ALONG THE LINES REQUESTED BY THE UK PARLIAMENT

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Legal Briefings - By **Eric White and Lode Van Den Hende**

The UK Parliament has rejected the negotiated withdrawal deal comprising a legally binding Withdrawal Agreement and a Political Declaration on future relations and has mandated the Government to seek an alternative to the most contested element – the Protocol on Ireland/Northern Ireland, commonly referred to as the backstop.

We have previously [commented](#) in the View from Brussels on how WTO arguments could be used in the negotiations to secure improvements in the text of the Withdrawal Agreement or the Political Declaration. The WTO provides a basic level of trade liberalisation and there is no need to accept such a level of trade freedom as a concession. The negotiations should have as their objective an enhanced level of trade liberalisation. We have also previously [observed](#) how many of the positions advanced by the EU as the consequences of a no-deal Brexit (partly to strengthen its own negotiating position) could be contested as inconsistent with the EU's WTO obligations.

In this View from Brussels we discuss how EU law could be used by the UK to improve the Withdrawal Agreement and Political Declaration along the lines recently requested by the UK Parliament.

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KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



ERIC WHITE
CONSULTANT,
BRUSSELS
+32 2 518 1826
eric.white@hsf.com



**LODE VAN DEN
HENDE**
PARTNER, BRUSSELS
+32 (0)2 518 1831
Lode.VanDenHende@hsf.com

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