



TEXTS ADOPTED

Provisional edition

P8_TA-PROV(2017)0490

State of play of negotiations with the United Kingdom

European Parliament resolution of 13 December 2017 on the state of play of negotiations with the United Kingdom (2017/2964(RSP))

The European Parliament,

- having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union¹ and of 3 October 2017 on the state of play of negotiations with the United Kingdom²,
 - having regard to the European Council (Article 50) guidelines of 29 April 2017 following the United Kingdom's notification under Article 50 TEU and to the Annex to the Council Decision of 22 May 2017 which lays down the directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union,
 - having regard to the Joint Report from the negotiators of the European Union and the United Kingdom Government of 8 December 2017 on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the purpose of the negotiations between the European Union (EU) and the United Kingdom (UK) being undertaken pursuant to Article 50 of the Treaty on European Union (TEU) is to provide for an orderly withdrawal of the UK from the EU, taking into account the framework for the UK's future relationship with the Union once it is no longer a Member State;
- B. whereas achieving an orderly withdrawal requires that negotiations be strictly sequenced such that separation issues arising from the UK's impending withdrawal are dealt with in a first phase before negotiations can move on to a second phase;

¹ Texts adopted, P8_TA(2017)0102.

² Texts adopted, P8_TA(2017)0361.

- C. whereas the three most important separation issues by far concern the rights of EU citizens resident in the UK and UK citizens resident in the EU-27, the border between Ireland and Northern Ireland and the unique and special circumstances confronting the island of Ireland, and the settlement of the UK's financial obligations to the EU;
- D. whereas sufficient progress must be made on all three of these separation issues before negotiations can proceed to the second phase, and whereas this must be achieved as quickly as possible in order for there to be enough time for the second phase of the negotiations;
- E. whereas the Joint Report from the negotiators of the European Union and the United Kingdom Government indicates that sufficient progress has been achieved;
- F. whereas with regard to citizens' rights, the UK has:
- accepted that all EU citizens legally residing in the UK and UK nationals legally residing in an EU-27 Member State, and their respective family members at the time of withdrawal, will enjoy the full set of rights as established in EU law and interpreted by the Court of Justice of the European Union (CJEU), based on protections which will be set out in the Withdrawal Agreement,
 - accepted, in addition, that citizens' core family members and persons in a durable relationship with them currently residing outside the host state will be protected by the Withdrawal Agreement and that this will also be the case for children born in the future and outside the host state,
 - accepted that the continuation of citizens' rights will be guaranteed for a lifetime through a proportionate procedure, which will be subject to proper safeguards, in accordance with EU law concepts. This procedure and these safeguards will be set out in the Withdrawal Agreement,
 - accepted that administrative procedures will be transparent, smooth and streamlined, that forms will be short, simple and user-friendly, and that applications made by members of a family at the same time will be considered together,
 - accepted that all relevant rights based on EU law will be safeguarded and will be set out in detail in the Withdrawal Agreement,
 - accepted that all social security rights under EU law will be maintained. This includes the export of all exportable benefits,
 - accepted that the citizens' rights' provisions of the Withdrawal Agreement will be incorporated into a specific UK legal act so that these rights will have direct effect;
- G. whereas with regard to Ireland / Northern Ireland, the UK has made the requisite commitments to ensure that there is no hardening of the border, by means of regulatory alignment, including:
- if necessary, specific solutions for Northern Ireland,

- commitment to protecting the 1998 Agreement in all its parts,
 - ensuring that there is no diminution of rights for people in Northern Ireland;
- H. whereas with regard to the financial settlement, the UK has clarified adequately what financial obligations it will honour as a departing Member State;
- I. whereas this does not mean that all outstanding issues have been resolved, nor does it indicate what position Parliament will take when it comes to the consent procedure on a final withdrawal agreement;
- J. whereas the second phase of negotiations should, on the basis of sound and unambiguous principles, be dedicated to finalising the arrangements for the orderly withdrawal of the UK from the Union, including possible transitional arrangements needed for the UK's withdrawal; whereas in this context an overall understanding on the framework for the future relationship should be identified;
- K. whereas the UK and the EU will remain close neighbours and will continue to have many interests in common even though the UK will no longer be a Member State;
- L. whereas such a close relationship in the form of an association agreement between the EU and the UK could be considered an appropriate framework by which these common interests can be protected and promoted, including a new trade relationship;
- M. whereas the advantage of an association agreement is that it is a flexible instrument allowing for cooperation across a wide variety of policy areas;
- N. whereas transitional arrangements will be necessary to avoid a cliff-edge scenario when the UK leaves the EU, and to give the EU and UK negotiators the possibility to negotiate a future relationship agreement;
- O. whereas, whatever the outcome of the negotiations on the future relationship, there cannot be any trade-off between internal and external security, including defence cooperation, on the one hand, and the future economic relationship on the other hand;
- P. whereas comments such as those made by David Davis, calling the outcome of phase 1 of the negotiations a mere 'statement of intent', risk undermining the good faith that has been built during the negotiations;
1. Welcomes the joint progress report presented by the EU and UK negotiators, which concludes that sufficient progress has been achieved in negotiations for the Withdrawal Agreement, and congratulates the Union's negotiator on the conduct of the negotiations so far;
 2. Is of the opinion that the report allows for the negotiations to move on to the second phase and recommends that the European Council decide accordingly, but believes that negotiations must be conducted in good faith and is of the opinion that negotiations can only progress during the second phase if the UK Government also fully respects the commitments it made in the Joint Report and if these commitments are fully translated into the draft Withdrawal Agreement;
 3. Points out, however, that there are still outstanding issues with respect to providing for

an orderly withdrawal of the UK from the EU, which must be resolved before the Withdrawal Agreement can be finalised, and notes that, once finalised, the Withdrawal Agreement needs to be set out in a clear and unambiguous legal text; points out that these outstanding issues concern:

- extending coverage of citizens’ rights to future partners,
 - ensuring that the administrative procedure is light-touch, declaratory in nature and free of charge, placing the burden of proof on the UK authorities to challenge the declaration, and enabling families to initiate the procedure by means of a single form,
 - providing for the binding character of the CJEU decisions in relation to the interpretation of citizens’ rights provisions, as well as for the role of the future independent national authority (ombudsman) created to act on citizens’ complaints,
 - guaranteeing future free movement rights across the whole EU for UK citizens currently resident in an EU-27 Member State,
 - ensuring that the commitments made with respect to Northern Ireland / Ireland are fully enforceable;
4. Reserves, therefore, all its rights with respect to the final Withdrawal Agreement, to which it will need, in line with Article 50(2) of the TEU, to give its consent if that Agreement is to come into effect;

Framework for a future EU-UK relationship

5. Recalls that Article 50(2) of the TEU provides for the framework for the EU’s future relationship with the departing Member State to be taken into account by the Union when negotiating and concluding a withdrawal agreement;
6. Proposes that, should an overall understanding on this framework for the future relationship be agreed between the EU and the UK, this should take the form of a political declaration annexed to the Withdrawal Agreement;
7. Notes that the agreement setting out the new relationship between the EU and the UK, and based on the above framework, can only be formally negotiated once the UK has left the EU and is a third country;
8. Underlines that it will accept a framework for the future EU-UK relationship as part of the Withdrawal Agreement only if it is in strict concordance with the following principles:
- a third country that does not live up to the same obligations as a Member State cannot enjoy the same benefits as a Member State of the European Union or an EEA member,
 - protection of the integrity of the internal market and the four freedoms, without allowing for a sector-by-sector approach,

- autonomy of the EU’s decision-making,
 - safeguarding the EU legal order and the role of the CJEU,
 - the UK’s adherence to the standards provided by international obligations, including fundamental rights, and the Union’s legislation and policies in the fields of the environment, climate change, consumer protection, the fight against tax evasion and avoidance, fair competition, data protection and privacy, trade, and social and workers’ rights, especially safeguards against social dumping, with a clear enforcement mechanism to ensure compliance,
 - safeguarding of EU agreements with third countries and organisations, including the EEA Agreement,
 - safeguarding of the financial stability of the EU and compliance with its regulatory and supervisory regime and standards and their application,
 - a correct balance of rights and obligations, including commensurate financial contributions;
9. Calls for the framework for the future relationship, while remaining consistent with the above principles, to provide for as close a relationship as possible between the EU and the UK;
10. Reiterates that an association agreement negotiated and agreed between the EU and the UK post-UK withdrawal, pursuant to Article 217 of the Treaty on the Functioning of the European Union (TFEU), could provide an appropriate framework for the future relationship; proposes that such an agreement, in addition to its governance framework which should include a robust and independent dispute resolution mechanism, should cover the following four pillars:
- trade and economic relations,
 - thematic cooperation,
 - internal security,
 - foreign policy and security cooperation;
11. Recalls that many citizens of the UK have expressed strong opposition to losing the rights they currently enjoy pursuant to Article 20 of the TFEU; proposes that the EU-27 should examine how to mitigate this within the limits of Union primary law while fully complying with the principles of reciprocity, equity, symmetry and non-discrimination;

Transitional arrangements

12. Reiterates that transitional arrangements ensuring legal certainty and continuity can only be agreed if they contain the right balance of rights and obligations, are limited in time, not exceeding three years, and consist of the prolongation of the EU *acquis*, including rights of citizens, thereby requiring that the existing EU regulatory, budgetary, supervisory, judicial and enforcement instruments and structures continue to

apply to the UK; notes that the UK will no longer be part of the EU institutions and bodies;

13. Affirms that any changes to the EU *acquis* which take effect during the transitional period must apply automatically to the UK in accordance with the transitional arrangements agreed between the EU and the UK;
14. Insists that any future trade agreements that the UK negotiates post-withdrawal with third countries may only come into force at the end of the period during which transitional arrangements apply;
15. Points out that a transitional period as agreed as part of the Withdrawal Agreement between the EU and the UK can only start once that agreement is in place;

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16. Instructs its President to forward this resolution to the European Council, the Council, the Commission, the national parliaments and the Government of the United Kingdom.