DRAFT MOTION FOR A RESOLUTION

to wind up the debate on the state of play of negotiations with the United Kingdom

pursuant to Rule 123(2) of the Rules of Procedure

on the state of play of negotiations with the United Kingdom (2017/........ (RSP))

Guy Verhofstadt
Coordinator and Chair of the ALDE Group

Manfred Weber
Chair of the PPE Group

Gianni Pittella
Chair of the S&D Group

Gabriele Zimmer
Chair of the GUE/NGL Group

Philippe Lamberts, Ska Keller
Co-Chairs of the Verts/ALE Group

Danuta Maria Hübner
Chair of the Committee on Constitutional Affairs
The European Parliament,

– having regard to its resolutions of 5 April 2017 and of 3 October 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union,

– having regard to the European Council (Art. 50) Guidelines of 29 April 2017 following the United Kingdom’s notification under Article 50 TEU and to the Annex to 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 of 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 and the United Kingdom being undertaken pursuant to Article 50 TEU is to provide for an orderly withdrawal of the United Kingdom from the European Union, taking into account of the framework for its future relationship with the Union once the United Kingdom is no longer a Member State;

B. whereas achieving an orderly withdrawal requires that negotiations are strictly sequenced such that separation issues arising from the United Kingdom’s impending withdrawal are dealt with in a first phase before negotiations can move on to a second phase;

C. whereas the three most important separation issues by far concern the rights of EU citizens resident in the United Kingdom 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 United Kingdom’s financial obligations to the European Union;

D. whereas there must be sufficient progress in all these three separation issues before negotiations can proceed to the second phase, and whereas this must be achieved as quickly as possible for there to be enough time for the second phase of the negotiations;

E. whereas the Joint Report of the European Commission and the UK Government indicates that sufficient progress has been achieved;

F. whereas the United Kingdom on citizens’ rights has:
accepted that all EU citizens legally residing in the UK, and UK nationals legally residing in an EU27 Member State, and their respective family members at the time of withdrawal, shall enjoy the full set of rights as established in EU law and interpreted by the CJEU, based on protections entailed in the Withdrawal Agreement,

accepted in addition, that core family members and persons in a durable relationship currently residing outside the host state shall be protected by the Withdrawal Agreement and that this is also the case for children born in the future and outside the host state,

accepted that 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 and that forms will be short, simple, user-friendly, and that applications made by families 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 shall be maintained. This includes export of all exportable benefits,

accepted that the citizens rights’ provisions of the Withdrawal Agreement should be incorporated into a specific UK legal act so that these rights will have direct effect;

G. whereas the United Kingdom has on the Ireland/Northern Ireland made the requisite commitments to ensure 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 the United Kingdom has on the financial settlement 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 indicates what position the 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 United Kingdom’s withdrawal; whereas in this context an overall understanding on the framework for the future relationship should be identified;
K. whereas the United Kingdom and the European Union will remain close neighbours and will continue to have many interests in common even though the United Kingdom will no longer be a Member State;

L. whereas such a close relationship in the form of an association agreement between the European Union and the United Kingdom 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 United Kingdom leaves the European Union and to give the European Union and United Kingdom 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;

1. Welcomes the joint progress report presented by the EU and UK negotiators that concludes that sufficient progress has been achieved in negotiations for the Withdrawal Agreement and congratulates the Union’s negotiator on the conduct so-far of the negotiations;

2. Is of the opinion that the report allows for the negotiations to move on to the second phase and recommends to the European Council to decide correspondingly;

3. Points out that there nevertheless remain outstanding issues with respect to providing for an orderly withdrawal of the United Kingdom from the EU that have to 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 the citizens’ rights to future partners,
   – ensuring that 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 of UK citizens currently resident in an EU 27 Member State in the whole EU,
– ensuring that the commitments made with respect to Northern Ireland / Ireland are fully enforceable;

4. Therefore reserves all its rights with respect to the final Withdrawal Agreement to which it will need, in line with Article 50(2) TEU, to give its consent if the Withdrawal Agreement is to come into effect;

Framework for a future EU-UK relationship

5. Recalls that Article 50(2) 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 United Kingdom, this takes 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 United Kingdom, and based on the above framework, can only be formally negotiated once the United Kingdom has left the European Union 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 cannot have the same benefits as a Member State of the European Union, or as 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,
   – United Kingdom’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, social and workers’ rights, especially safeguards against social dumping, and 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 respect of 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 consistent with the above
principles, to provide for as close as possible a relationship between the EU and the United Kingdom;

10. Reiterates that an association agreement negotiated and agreed between the EU and United Kingdom post-UK withdrawal pursuant to Article 217 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, 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 United Kingdom have expressed strong opposition to losing the rights they currently enjoy pursuant to Article 20 of the Treaty on the Functioning of the European Union; proposes that the EU-27 examine how to mitigate this within the limits of Union primary law whilst fully respecting 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 United Kingdom; notes, that the United Kingdom 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 United Kingdom in accordance with the transitional arrangements agreed between the EU and United Kingdom;

14. Insists that any future trade agreements that the United Kingdom negotiates post-withdrawal with third countries may only come into force at the end of the period in 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 the withdrawal agreement is in place;

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