Resolution on the state of play of negotiations with the United Kingdom

2017/2964(RSP) - 13/12/2017 - Text adopted by Parliament, single reading

The European Parliament adopted, by 556 votes to 62, with 68 abstentions, a resolution on the state of play of negotiations with the United Kingdom.

The text adopted in plenary was tabled by the EPP, S&D, ALDE, GUE/NGL, Greens/EFA groups.

Parliament welcomed the joint progress report presented by the EU and UK negotiators. The resolution confirmed that sufficient progress has been made and that the negotiations may move on to the **second phase**.

However, negotiations can only progress during the second phase if the UK government fully respects the commitments it gave in the Joint Report and fully translates them into the draft Withdrawal Agreement.

Accepted 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;
- 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;
- 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;
- administrative procedures will be transparent, smooth and streamlined;
- all relevant rights based on EU law will be safeguarded and will be set out in detail in the Withdrawal Agreement;
- all social security rights under EU law will be maintained. This includes the export of all exportable benefits;
- 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;
- that 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.

Outstanding issues: once finalised, the Withdrawal Agreement needs to be set out in a clear **and unambiguous legal text**. The resolution noted **five outstanding issues** to be resolved in order to win Parliament's **consent** to the final agreement:

- 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;
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guaranteeing future **free movement rights across the whole EU** for UK citizens currently resident in an EU-27 Member State;
- the UK's commitments on Northern Ireland must be implemented.

Framework for a future EU-UK relationship: according to Parliament, the shape of future relations, to be discussed in the second phase, should be based on sound and unambiguous principles and could take the form of an EU-UK association agreement covering trade, internal security, and foreign policy.

Transitional arrangements: 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.