



TEXTS ADOPTED

Provisional edition

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State of play of negotiations with the United Kingdom

European Parliament resolution of 3 October 2017 on the state of play of negotiations with the United Kingdom (2017/2847(RSP))

The European Parliament,

- having regard to its resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union¹,
 - 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 the Council Decision of 22 May 2017, which lays down 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 Commission position papers of 12 June 2017 on 'Essential Principles on Citizens' Rights' and 'Essential Principles on Financial Settlement' and of 20 September 2017 on 'Guiding principles for the Dialogue on Ireland/Northern Ireland',
 - having regard to the position papers of the United Kingdom Government on the issues pertaining to the United Kingdom's withdrawal from the European Union, and in particular that of 26 June 2017 on 'Safeguarding the position of EU citizens living in the UK and UK nationals living in the EU' and that of 16 August 2017 on 'Northern Ireland and Ireland',
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas there are currently around 3,2 million citizens of the remaining 27 Member States (EU-27) resident in the United Kingdom and 1,2 million citizens of the United Kingdom ('UK citizens') resident in the EU-27;
- B. whereas EU citizens who took up residence in another Member State did so on the basis of rights they enjoy under European Union law and on the understanding that they would continue to enjoy those rights throughout their lives;

¹ Texts adopted, P8_TA(2017)0102.

- C. whereas the European Parliament represents all EU citizens, including UK citizens, and will act to protect their interests throughout the whole process leading to the withdrawal of the United Kingdom from the European Union;
 - D. whereas, in the United Kingdom and also in some other Member States, recent administrative incidents have demonstrated that discrimination against citizens of the EU-27 in the United Kingdom and UK citizens in the EU-27 is already taking place and is having an impact on the daily lives of the citizens concerned, limiting the effective exercise of their rights;
 - E. whereas an orderly withdrawal of the United Kingdom from the European Union requires that the unique position and the special circumstances confronting the island of Ireland be addressed, that the Good Friday Agreement of 10 April 1998 be preserved in all its parts and that a ‘hardening’ of the border be avoided;
 - F. whereas the people of Northern Ireland who have exercised, or may exercise, their entitlement to Irish citizenship will enjoy EU citizenship and no obstacles or impediments should be put in place that would prevent them from fully exercising their rights in accordance with the Treaties;
 - G. whereas the European Union and the United Kingdom should both respect in full the financial obligations resulting from the whole period of the United Kingdom’s membership of the European Union;
 - H. whereas, in her speech in Florence on 22 September 2017, the Prime Minister of the United Kingdom offered some clarifications concerning citizens’ rights, the Ireland and Northern Ireland issue, the financial settlement, the need for a transitional period and prospects for future relations between the European Union and the United Kingdom;
1. Reiterates all the elements set out in its resolution of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union;
 2. Stresses that the Guidelines approved by the European Council on 29 April 2017 and the subsequent negotiating directives adopted by the Council on 22 May 2017 are in line with the European Parliament’s resolution of 5 April 2017; welcomes the fact that the European Union’s negotiator is working in full compliance with that mandate;
 3. Notes, in line with its resolution of 5 April 2017, that the Prime Minister of the United Kingdom proposed in her speech of 22 September 2017 a time-limited transitional period; points out that such a transition can only happen on the basis of the existing European Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures; underlines that such a transitional period, when the United Kingdom is no longer a Member State, can only be the continuation of the whole of the *acquis communautaire* which entails the full application of the four freedoms (free movement of citizens, capital, services and goods), and that this must take place without any limitation on the free movement of persons through the imposition of any new conditions; stresses that such a transitional period can only be envisaged under the full jurisdiction of the Court of Justice of the European Union (‘CJEU’); insists that such a transition period can only be agreed provided that a fully-fledged withdrawal agreement covering all the issues pertaining to the United Kingdom’s withdrawal is concluded;

Citizens' rights

4. Emphasises that the withdrawal agreement must incorporate the full set of rights citizens currently enjoy, such that there is no material change in their position, and that it must ensure reciprocity, equity, symmetry and non-discrimination for EU citizens in the United Kingdom and UK citizens in the European Union; underlines in particular that eligible EU national residents and children born after the United Kingdom's withdrawal should fall within the scope of the withdrawal agreement as family members and not as independent right holders, that future family members should continue to benefit from right of residence under the same provisions as current family members, that documents should be declaratory in line with EU law, that any burdensome administrative procedure should be avoided and that all benefits defined in EU legislation should be exportable;
5. Stresses in that regard that the withdrawal agreement should maintain the whole set of European Union rules on citizens' rights as defined in relevant European Union legislation, but is of the opinion that the United Kingdom's proposals set out in its position paper of 26 June 2017 fall short in that respect, not least as regards the proposal to create a new category of 'settled status' under United Kingdom immigration law; expresses its concern that these proposals, the slow process of the negotiations and the disclosed policy options on the future status of EU citizens are causing unnecessary hardship and anxiety for the citizens of the EU-27 living in the United Kingdom;
6. Expresses concern about regrettable administrative practices against EU citizens living in the United Kingdom; reminds the United Kingdom, moreover, that while it remains a Member State of the European Union, it must abide by, and enforce, European Union law and refrain from any administrative or other practices which result in obstacles and discrimination for citizens of the EU-27 resident in the United Kingdom, including in their workplace; expects that all other Member States, from their side, should ensure that UK citizens residing in the European Union are treated in full conformity with European Union law given that they remain EU citizens until the United Kingdom's withdrawal from the European Union;
7. Notes that the Prime Minister of the United Kingdom's speech of 22 September 2017 gave a commitment to ensuring that the rights of citizens of the EU-27 residing in the United Kingdom are given direct effect by means of the incorporation of the withdrawal agreement into United Kingdom law; underlines that this should be done in a manner that prevents it from being changed unilaterally, allows EU citizens to invoke the withdrawal agreement rights directly before United Kingdom courts and public administration, and gives it primacy over United Kingdom law; underlines that in order to guarantee the coherence and integrity of the EU legal order, the CJEU must remain the sole and competent authority for interpreting and enforcing European Union law and the withdrawal agreement; awaits concrete proposals from the United Kingdom in that regard;

Ireland and Northern Ireland

8. Stresses that the unique position and special circumstances confronting the island of Ireland must be addressed in the withdrawal agreement and this in a manner fully consistent with the Good Friday Agreement in all its parts, the agreed areas of cooperation, and with European Union law in order to ensure the continuity and stability of the Northern Ireland peace process;

9. Strongly believes that it is the responsibility of the UK Government to provide a unique, effective and workable solution that prevents a ‘hardening’ of the border, ensures full compliance with the Good Friday Agreement in all its parts, is in line with European Union law and fully ensures the integrity of the internal market and customs union; believes also that the United Kingdom must continue to contribute its fair share to the financial assistance supporting Northern Ireland/Ireland; regrets that the United Kingdom’s proposals, set out in its position paper on ‘Northern Ireland and Ireland’, fall short in that regard; notes on the other hand that in her speech of 22 September 2017 the Prime Minister of the United Kingdom excluded any physical infrastructure at the border, which presumes that the United Kingdom stays in the internal market and customs union or that Northern Ireland stays in some form in the internal market and customs union;
10. Reiterates that any solution found for the island of Ireland cannot serve to predetermine solutions in the context of the discussions relating to the future relationship between the European Union and the United Kingdom;

Financial settlement

11. Takes note of the declaration by the Prime Minister of the United Kingdom, in her speech of 22 September 2017, on the financial settlement, but awaits concrete proposals from the UK Government in that regard; underlines that, so far, the absence of any clear proposals has seriously impeded the negotiations and that substantial progress in that area is required before entering into discussions on other issues, including the framework for the future relationship between the European Union and the United Kingdom;
12. Reaffirms, in accordance with the Commission’s position paper of 12 June 2017 on ‘Essential Principles on Financial Settlement’, that the United Kingdom must respect in full its financial obligations made as a Member State of the European Union and insists that this issue must be fully settled in the withdrawal agreement; points in particular to financial obligations resulting from the multiannual financial framework and the Own Resources Decision of 2014¹, which include, independently from any transitional period, the European Union’s outstanding commitments, as well as its share of liabilities, including contingent liabilities, and the costs of withdrawal from the European Union, since it is out of the question that commitments taken by 28 Member States be honoured only by the remaining 27;

Progress of the negotiations

13. Recalls that, in line with the phased approach to negotiations that is crucial for an orderly withdrawal of the United Kingdom from the European Union, substantial progress on citizens’ rights, Ireland and Northern Ireland and the settlement of the United Kingdom’s financial obligations is necessary to start the negotiations on the framework for the future relationship between the European Union and the United Kingdom, and on the transitional phase;
14. Underlines that it is vital that the commitments undertaken by the Prime Minister of the United Kingdom in her speech of 22 September 2017 translate into tangible changes to the United Kingdom’s position and into concrete proposals accordingly, so as to speed up

¹ Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union (OJ L 168, 7.6.2014, p. 105).

work during the first phase of the negotiations and to make it possible that, in a second phase on a basis of mutual trust and sincere cooperation, talks can start on a new and close partnership in the framework of an association of the United Kingdom with the European Union;

15. Is of the opinion that in the fourth round of negotiations sufficient progress has not yet been made on citizens' rights, Ireland and Northern Ireland, and the settlement of the United Kingdom's financial obligations; calls on the European Council, unless there is a major breakthrough in line with this resolution in all three areas during the fifth negotiation round, to decide at its October 2017 meeting to postpone its assessment on whether sufficient progress has been made;

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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.