

Brexit: Political Guidelines for EU's Position in Negotiations

Thomas Wahl



News

On 23 March 2018, the European Council [adopted guidelines](#) that set out the overall framework for the future relationship between the EU and the UK after Brexit. The European Council welcomes the [draft Withdrawal Agreement](#) presented by the Commission on 28 February 2018 and takes note of the [European Parliament resolution of 14 March 2018](#) on the framework of the future EU-UK relationship. The EU leaders call for intensified efforts regarding the remaining withdrawal issues and issues related to the territorial application of the Withdrawal Agreement, notably as regards Gibraltar, and they reiterate that “nothing is agreed until everything is agreed.”

The guidelines stress that the future partnership should include ambitious provisions on the movement of natural persons, based on full reciprocity and non-discrimination among Member States, and on related areas, such as the coordination of social security and recognition of professional qualifications. Furthermore, a balanced, ambitious, and wide-ranging free trade agreement should be initiated that entails sufficient guarantees for a “level playing field.” The European Council makes clear that such an agreement cannot, however, offer the same benefits to the UK as EU membership, and it cannot amount to participation in the Single Market or parts thereof.

Beside trade and economic cooperation, the guidelines also address other topics, including law enforcement and judicial cooperation in criminal matters. They “should constitute an important element of the future EU-UK relationship in the light of the geographic proximity and shared threats faced by the Union and the UK, taking into account that the UK will be a third country outside Schengen.” The future partnership in this field should cover the following elements:

- Effective exchanges of information;
- Support for operational cooperation between law enforcement authorities and judicial cooperation in criminal matters;
- Dispute settlement mechanisms.

Of interest is also the EU-27 position on the exchange of data. Several components of the future relations should include rules on data. The data protection level should be governed by Union law.

Whether the timetable to finalise the negotiations over the withdrawal agreement by the end of October 2018 is realistic remains doubtful, due to the very contradictory positions of the UK.

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