



Brexit: European Commission recommends draft negotiating directives for next phase of the Article 50 negotiations

Brussels, 20 December 2017

Following the guidelines adopted by the European Council (Art 50) on 15 December, the European Commission has today sent a Recommendation to the Council (Art 50) to begin discussions on the next phase of the orderly withdrawal of the United Kingdom from the European Union.

The [draft negotiating directives](#), which supplement the negotiating directives from May 2017, set out additional details on possible transitional arrangements. These include, in particular, the following:

- There should be no "cherry picking": The United Kingdom will continue to participate in the Customs Union and the Single Market (with all four freedoms). The Union acquis should continue to apply in full to and in the United Kingdom as if it were a Member State. Any changes made to the acquis during this time should automatically apply to the United Kingdom.
- All existing Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures will apply, including the competence of the Court of Justice of the European Union.
- The United Kingdom will be a third country as of 30 March 2019. As a result, it will no longer be represented in Union institutions, agencies, bodies and offices.
- The transition period needs to be clearly defined and precisely limited in time. The Commission recommends that it should not last beyond 31 December 2020.

The Recommendation also recalls the need to translate into legal terms the results of the first phase of the negotiations, as outlined in the [Commission's Communication](#) and [Joint Report](#). It underlines that work needs to be completed on all withdrawal issues, including those not yet addressed in the first phase, such as the overall governance of the Withdrawal Agreement and substantive issues such as goods placed on the market before the United Kingdom's withdrawal from the EU.

Next steps: In line with the European Council's guidelines of 15 December, the General Affairs Council (Art 50) will adopt these additional negotiating directives on transitional arrangements in January 2018.

Background

On 8 December 2017, the European Commission recommended to the European Council (Art 50) to conclude that sufficient progress has been made in the first phase of the Article 50 negotiations with the UK. On 15 December, the leaders of the EU27 confirmed that sufficient progress had been achieved on citizen's rights, Ireland and the financial settlement, and adopted guidelines to move to the second phase of the negotiations. This also follows a resolution on 13 December by the European Parliament confirming that sufficient progress has been made.

The [European Council \(Art 50\) guidelines of 29 April 2017](#) as well as the general principles and the procedural arrangements for the conduct of the negotiations established in the [Council negotiating directives of 22 May 2017](#) continue to apply in their entirety to this phase of the negotiations.

For More Information

[European Commission Recommendation](#)

[European Council \(Art 50\) Guidelines, 15 December 2017](#)

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