



ERG: EU leader's reaction to the Article 50 letter

- Reported EU demands for the Article 50 “divorce deal” be concluded before trade talks begin (sequential negotiations) are in fact nuanced leaving the door open to parallel negotiations.
- EU “asks” focus on deals on ‘EU citizens’, ‘UK budget commitments’ and ‘Northern Ireland’.
- The President of the European Parliament Antonio Tajani wishes to see a security agreement with the UK prior to a trade deal.¹
- While the EU does advocate trade talks pre the Article 50 divorce settlement, the inclusion of the Northern Irish border in the list of EU “asks” means that trade talks pre the divorce deal are unavoidable.

Background to the UK/EU talks

The EU27 in the rump European Council will now decide its mandate to negotiate with the UK. The European Commission's Michel Barnier will then conduct technical talks. The European parliament has to give its consent at the end of the process.

The Article 50 agreement is decided by QMV, with the EP's consent. Trade agreements (art 207) are also QMV with the EP's consent unless they are a “mixed agreement” in which case they are decided by unanimity.

Donald Tusk: The President of the European Council:

- Stressed that the UK wants a “deep and special partnership” and “want[s] to remain committed partners and allies to our friends across the continent.”
- EU members “more determined and more united than before.”
- “There is nothing to win in this process and I am talking about both sides. In essence, this is about damage control.”
- “We already miss you. Thank you and goodbye.” Tusk will propose the European Council's draft negotiating guidelines tomorrow.” (i.e today)²³

Michel Barnier the European Commission's negotiator (on 22 March)

- Before any talks on a future trading relationship, he said, there must also be agreement on:
 - on citizens' rights
 - the Irish border

¹ This has not been described as the EU having its cake and eating it.

² Open Europe, 30 March 2017; <http://openeurope.org.uk/daily-shakeup/uk-begins-process-withdrawal-eu/>

³ Independent 29 March 2017; <http://www.independent.co.uk/news/uk/politics/brexit-article-50-donald-tusk-eu-president-we-miss-you-already-happy-day-brussels-a7655966.html>

- the financial settlement.⁴

Antonio Tajani: The President of the European Parliament:

- “citizens first”,
- “unilateral decision affecting the rights of EU citizens” living in the UK before Brexit is complete would be “illegal.” “Not reaching a deal on the rights of citizens means not reaching a deal at all.”
- “close cooperation on defence and intelligence should continue with the UK whether there is a deal [on trade] or not.”
- An “orderly exit” was an “absolute requirement” for any potential future UK-EU partnership. “This is not negotiable,”⁵

Note: This is seen as a reaction to the Prime Minister’s Article 50 letter that correctly pointed out that Justice and Home affairs cooperation in areas such as Europol, Eurojust etc require an EU/UK agreement.

Guy Verhofstadt, the European Parliament’s chief Brexit negotiator:

- “Security is far too important that we start to bargain it against an economic agreement.”
- “The Brexit agreement needs to fully respect the Good Friday agreement in all its aspects. We will never accept a hard border between Northern Ireland and the Irish republic”
- “We will never accept that behind our back the UK is starting trade negotiations with other countries before the withdrawal,” he said. “Until the withdrawal, the UK is a full member of the EU with all the rights and the obligations.”

Germany: Chancellor Angela Merkel:

- “In the [Brexit] negotiation, it must first become clear how we now break up this interconnection orderly. And that will also be about dealing with the many rights and obligation that are linked to [EU] membership so far. Only when these questions are clarified, we can subsequently – but hopefully soon anyway – talk about future relationship.”⁶

Note: This mercurial and characteristically opaque statement has been interpreted as a block on trade talks before the Article 50 talks are finished. It is in fact in as much as it has meaning it is far more nuanced.

German Foreign Minister Sigmar Gabriel

- Called on the UK and EU to stay friends as each will need each other even after Brexit. ⁷

French President François Hollande

⁴ Guardian 22 March 2017; <https://www.theguardian.com/politics/2017/mar/22/eus-chief-negotiator-sets-three-conditions-for-brexit-trade-talks-to-start>

⁵ Financial Times 30 March 2017; <https://www.ft.com/content/fb532c65-a15b-3a04-a09c-45e1ae641e5a>

⁶ Open Europe: <https://twitter.com/LondonerVince/status/847119292504133636>

⁷ Open Europe *ibid*.

- “the, President has indicated that one would initially need to engage in the discussion over the modalities of withdrawal, notably concerning the rights of citizens and the obligations stemming from the commitments made by the UK.”
- “On the basis of the progress thus achieved, we could open the discussions over the framework of the future relations between the UK and the EU, in accordance with the letter of Donald Tusk on behalf of the European Council.”⁸

Note: This seems to open the way for parallel talks

French Foreign Minister Jean-Marc Ayrault

- “After the negotiation of the separation, there will be another negotiation and that will be the organisation of the future relations between the 27 in the European Union and Great Britain.”

Note: By contrast this seems to be a demand for “sequential negotiations” rather than parallel/ concurrent negotiations.

Irish Taoiseach Enda Kenny

- Has called for the language of the Good Friday Agreement to be incorporated into the ground rules for the Brexit negotiations.⁹

Italian Prime Minister Paolo Gentiloni

- “Italy is working so that the shock of Brexit turns into an opportunity for a European awakening...Italy is approaching the negotiations of the coming months in a friendly spirit towards the UK.”¹⁰

Italian Europe Minister Sandro Gozi

- “No parallel negotiation” at least initially but leaved the door open to trade talks later.^{11,12}

Dutch Prime Minister Mark Rutte

- Important that “the best possible” relationship was established between the EU and Britain.

Czech Secretary of State for European Affairs Tomas Prouza

- “We would like to have a close relationship with the UK after Brexit and avoid erecting new barriers. But it’s primarily up to the UK.”

⁸ Open Europe; <https://twitter.com/LondonerVince/status/847399664680812544>

⁹ RTE, 30 November 2017; <https://www.rte.ie/news/brexit/2017/0330/863704-brexit/>

¹⁰ Governo Italiano 30 March 2017; <http://www.governo.it/articolo/brexit-dichiarazione-del-presidente-gentiloni/7061>

¹¹ <https://twitter.com/LondonerVince/status/847368415647907840>

¹² Eruonews 29 March 2017; <http://www.eunews.it/2017/03/30/gozi-prima-la-brexit-poi-il-nuovo-accordo-impossibile-un-negoziato-parallelo/81805>