



Council (Art 50) authorises the start of Brexit talks and adopts negotiating directives

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The Council, meeting in an EU27 format, adopted a decision authorising the **opening of Brexit negotiations** with the UK and formally nominating the Commission as EU negotiator. The Council also adopted **negotiating directives** for the talks.

Both texts are based on a recommendation presented by the Commission on 3 May 2017 and build on the guidelines adopted by the European Council (Art.50) on 29 April 2017. Their adoption allows for the start of negotiations with the UK following the notification of its intention to withdraw from the EU (under article 50 of the Treaty of the EU).

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"Today we have established the EU position on the key issues for the beginning of the talks. The rights of citizens are at the very top of our agenda and we aim for an ambitious solution, where those affected continue to enjoy their rights".

Louis Grech, Deputy Prime Minister of Malta and President of the Council

Negotiating directives and phased approach

This first set of negotiating directives is intended to guide the Commission for the first phase of the negotiations. They therefore prioritise issues that have been identified as **necessary for an orderly withdrawal** of the UK, including citizens' rights, the financial settlement and the situation of Ireland, as well as other matters in which there is a risk of legal uncertainty as a consequence of Brexit.

The first phase of the talks aims to provide as much **clarity and legal certainty** as possible and to settle the disentanglement of the UK from the EU. Once the European Council deems **sufficient progress** has been achieved, the negotiations will proceed to the next phase.

An agreement on a **future relationship** between the EU and the UK can only be concluded once the UK effectively leaves the EU and becomes a third country. However, discussions on an overall understanding of that

future relationship could start during a second phase of the negotiations.

The negotiating directives may be amended and supplemented during the negotiations.

Citizens' rights

The first priority for the negotiations is to agree on guarantees to **protect the rights** of EU and UK citizens, and their family members, that are affected by Brexit. The EU27 insist that such guarantees should be **reciprocal and based on equal treatment** among EU27 citizens and compared to UK citizens. This should cover, among others, the right to **permanent residence** after five years of legal residence, including if this period is incomplete on the date of withdrawal but is completed afterwards.

The negotiating directives specify that workers, self-employed persons, students and other inactive persons should be covered, as well as frontier workers and family members. Guarantees should protect residence rights and free movement, as well as all the rights attached to them (such as health care). All rights should be protected **for the lifetime** of the persons concerned.

Financial settlement

The EU27 agree there must be a single financial settlement and the **UK must honour its share of all the obligations undertaken while being a member**. The UK should also fully cover the **specific costs related to the withdrawal**, such as the relocation of EU agencies currently based in the UK. The agreement should include a calculation of the total amount and a schedule of payments, as well as further rules and arrangements to address specific issues.

The situation of Ireland

The EU is committed to continue to support **peace, stability and reconciliation** on the island of Ireland. Nothing in the UK withdrawal agreement should undermine the objectives and commitments of the **Good Friday Agreement**. Negotiations should aim to avoid a hard border, while respecting EU law. Issues such as the transit of goods will need to be addressed.

Goods placed on the market and procedures based on EU law




The negotiating directives also cover other issues where arrangements are needed to reduce uncertainty and avoid a legal vacuum. This includes addressing what will happen with procedures based on EU law and with goods already on the market. For instance, if a **product is already placed on the single market** before the withdrawal, it should be ensured that it can remain in the market afterwards.




Other matters where there may be a need to reduce uncertainty or avoid a legal vacuum, such as **services**, will be covered in future negotiating directives.

Next steps

The Commission will agree with the UK the dates for the first negotiating sessions. The first formal meeting between the EU and the UK negotiators is likely to take place in June.

- [Brexit: Negotiating directives - 22 May](#) 

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