



Brussels, 22 January 2018
(OR. en)

XT 21004/18

LIMITE

BXT 5

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION supplementing the Council Decision of 22 May 2017 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out the arrangements for its withdrawal from the European Union

COUNCIL DECISION

of ...

supplementing the Council Decision of 22 May 2017

authorising the opening of negotiations

with the United Kingdom of Great Britain and Northern Ireland

for an agreement setting out the arrangements for its withdrawal from the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50 thereof, in conjunction with Article 218(3) of the Treaty on the Functioning of the European Union,

Having regard to the guidelines of the European Council,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 29 April 2017, the European Council adopted guidelines that define the framework for negotiations under Article 50 of the Treaty on European Union (TEU) and set out the overall principles that the Union will pursue throughout the negotiation.
- (2) On 22 May 2017, the Council authorised the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out the arrangements for its withdrawal from the European Union (the 'Withdrawal Agreement') and adopted directives for its negotiation.
- (3) The opening of negotiations took place on 19 June 2017.
- (4) On 3 October 2017, the European Parliament adopted a resolution on the state of play of the negotiations with the United Kingdom.
- (5) Noting the progress made until then, on 20 October 2017, the European Council called for work to continue with a view to consolidating the convergence achieved and pursuing negotiations in order to be able to move to the second phase of the negotiations as soon as possible. The European Council thus invited the Council together with the Union negotiator to start internal preparatory discussions, including on possible transitional arrangements.

- (6) On 8 December 2017, in its Communication on the state of progress of the negotiations with the United Kingdom under Article 50 of the Treaty on European Union, the Commission recommended to the European Council to conclude that sufficient progress had been made in the first phase of the negotiations on the orderly withdrawal of the United Kingdom from the Union, allowing the negotiations to proceed to their second phase. The Commission also stated that it stood ready to begin work immediately on transitional arrangements, should the European Council so decide.
- (7) The Commission's recommendation was based on the Joint Report of 8 December 2017 from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union.
- (8) On 13 December 2017, the European Parliament adopted a resolution on the state of play of negotiations with the United Kingdom.

- (9) In its guidelines of 15 December 2017, the European Council welcomed the progress achieved during the first phase of the negotiations and decided that it was sufficient to move to the second phase related to transition and the framework for the future relationship. The European Council called on the Commission as Union negotiator and the United Kingdom to complete the work on all withdrawal issues, including those not yet addressed in the first phase, in conformity with the European Council guidelines of 29 April 2017, and to consolidate the results obtained in particular by drafting the relevant parts of the Withdrawal Agreement. The European Council called on the Commission to put forward appropriate recommendations to that effect, and on the Council to adopt additional negotiating directives on transitional arrangements.
- (10) It is therefore necessary to supplement the negotiating directives set out in the Annex to the Council Decision of 22 May 2017¹.

¹ Council Decision of 22 May 2017 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for an agreement setting out the arrangements for its withdrawal from the European Union (XT 21016/17).

- (11) In accordance with Article 106a of the Treaty establishing the European Atomic Energy Community, Article 50 TEU applies to the European Atomic Energy Community.
- (12) In accordance with Article 50 TEU, the member of the European Council or the Council representing the withdrawing Member State is not to participate in the discussions of the European Council or Council or in decisions concerning it,

HAS ADOPTED THIS DECISION:

Article 1

The Commission shall conduct the negotiations, on behalf of the Union, for an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union and from the European Atomic Energy Community, taking account of the framework for its future relationship with the Union, in the light of the guidelines adopted by the European Council and in line with the negotiating directives set out in the Annex to the Council Decision of 22 May 2017, as supplemented by the negotiating directives set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President
