

Information

## Brexit ... State of negotiations and after ?



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# 70 years of EU-UK relations



## 1946 : Speech by Winston Churchill on the 'United States of Europe'

In 1946, Winston Churchill calls for a 'United States of Europe' during a speech in Zurich. At a time when the division of Europe was taking shape and at the beginning of the Cold War, a united Europe was, according to him, the best way to protect the continent. However, the United Kingdom did not join the EU and this became the responsibility of France and Germany.

## 1950 : The United Kingdom refused to participate in the ECSC

In 1950, Robert Schuman laid the foundations for the construction of Europe and presented his plan for the creation of a European Coal and Steel Community. The United Kingdom refused to participate in this program, considering it an attack on their sovereignty and a risk to the advantageous trade relations they had with the Commonwealth.

## 1963 and 1967 : France opposes the integration of the United Kingdom in to the EEC

In 1963, and then in 1967, France rejected the first two applications made by the United Kingdom to join the European Economic Community (EEC). President Charles de Gaulle expressed his concern that the United Kingdom focused too heavily on relations with the United States and that a number of aspects of its economy, from working practices to agriculture, made Britain incompatible with Europe. Of particular concern was the potential impact on the Common Agricultural Policy (CAP).

## 1973 : The United Kingdom enters the EEC

In 1973, the United Kingdom's third application to join the EEC was accepted by the six European states, including France. The British public approved the integration of the UK in a referendum held in 1975. In spite of this, in 1975, British membership to the EEC was called in to question because of the socio-economic situation and the heightened tensions in Northern Ireland. After obtaining some concessions from, its European partners, the United Kingdom held a referendum. This time, Brexit was rejected with a comfortable majority, 67% saying yes to Europe.

## 1979 : Margaret Thatcher "wants her money back"

In the early days of her leadership, Margaret Thatcher entered in to a conflict with the European Union calling for a reduction in the UK's participation into the EU budget. This was the start of a long conflict between the two, concluding in 1984 with a victory for the 'Iron Lady'.

## 1992 : The United Kingdom approves the treaty of Maastricht, but refuses the single currency

In 1992, despite opposition from some of his party, conservative leader John Major approved the treaty of Maastricht. During the preliminary negotiations however, he managed to obtain a clause permitting him to avoid the single currency.

## 1997 : Tony Blair becomes Prime Minister and warms relations with Europe

In 1997, the arrival of a Labour Government under Tony Blair in the United Kingdom allowed for a significant warming of relations with the EU, in fact it some predicted that the UK would adopt the Euro. However, because of the UK's participation in the war in Iraq, the growth of the UK Independence Party (UKIP) and the rejection of the project of the European constitution this did not materialise.



# Brexit

Brexit is an abbreviation of British Exit, referring to the exit of the United Kingdom from the European Union.

During his election campaign for his second term as Prime Minister, David Cameron promised to organise, late in 2017, a referendum on whether to leave the European Union. The promise was maintained after a European council accepted the proposal in February 2016. The Government announced that the referendum would be held on June 23, 2016.

With 51.9% of the vote, the leave campaign prevailed on Election Day. The voter participation was above 72%, a record in the United Kingdom. David Cameron, who campaigned for remaining in the Union, chose to resign after the result. Replacing Cameron was former home secretary Theresa May, who is now leading discussions with the EU about the UK's exit.

Following the launch of Article 50 of the Treaty of the European Union on 29 March 2017, the United Kingdom and the 27 other EU Member States now have a two year period in order to prepare for the UK's exit.

Article 50 of the Treaty on European Union sets out the conditions for the voluntary exit of a member state. The member state that decides to withdraw shall notify its intention to the European Council. The Union then negotiates with the member state an agreement fixing the arrangements for the withdrawal. The Council then concludes by qualified majority, after approval of the European Parliament.

Until that date, the UK will remain a full member of the European Union.

## What are the issues?

The political consequences of Brexit for the European Union are difficult to predict. For some, the UK's exit is a catastrophe. The European Union loses one of its three great powers, one of the world's most important financial centers, its first diplomatic partner with the United States and one of the only member states that consistently maintains an army.

On the contrary, the UK's exit could help to unite the Union. The United Kingdom is historically one of the countries least in favour of European integration; Brexit may encourage other states to move forward. In parallel with the negotiations with the United Kingdom, the Twenty-Seven have also begun to reflect on the future of the European Union, which could lead to a number of institutional reforms.

Among the key negotiation points is the EU exit bill. The United Kingdom may have to pay up to 60 billion euros to the European budget, an amount that equates to the UK's commitments to the EU budget until the end of the the current cycle in 2020.



The negotiations also concern the free movement of people between the European Union and the United Kingdom. The UK maintains a strong commitment to limiting immigration. The future status of Europeans residing or working in the United Kingdom, as well as British people present in Europe, remains to be defined.

The question of free movement poses a particular problem in Ireland, which shares a land border with the United Kingdom. The introduction of a physical border between Ireland and Northern Ireland would cause significant barriers to trade, citizens and diplomacy between the two.

The status of the the UK's overseas territory in Spain, Gibraltar, was also discussed within the negotiations. The EU27 want Madrid to approve discussions before an agreement on Brexit can apply to the territory. Terms on this matter are yet to be agreed.

Much of the talks should focus on future trade relations between the two sides. This complicated project will define the new framework for trade in goods and services (including customs procedures and regulations on environmental, health and safety issues). Trade is a particularly important subject since almost half of UK exports are destined for the European Union.

Brexit has also caused a deterioration in the relationship between England and the pro-EU, Scottish government. Scottish Prime Minister Nicola Sturgeon announced on the 13 March 2017 that she would seek a vote in Scottish Parliament to hold a second vote on Scottish independence.

The economic consequences for the United Kingdom are unpredictable, and experts have predicted many possible outcomes. Despite the fall of the pound sterling in the months following the June 2016 referendum, the UK economy has not suffered any significant damage so far. The economic consequences will not be clear until the UK has left the EU.



The UK is France's fifth-largest export market and eighth-largest supplier, while France is Britain's fifth-largest customer and fifth-largest supplier. There is every reason for that intense, well-established trade to continue.

When it leaves the European Union, the UK will become a third country. The future of trade relations will depend on the framework of future relations between the United Kingdom and the European Union.



## The Steps

### 23rd June 2016 : Referendum

With 51% of the vote, the British people voted to leave the European Union.

### 1st October 2016 : Michel Barnier becomes Chief Negotiator

On 27 July 2016, Michel Barnier of France was appointed Chief Negotiator for the preparation and process of negotiations with the United Kingdom under Article 50 of the Treaty of the European Union. Michel Barnier was the European Commissioner for the Internal Market from 2010 to 2014. He is well known and little appreciated in the UK, because he undertook the regulation of financial markets and took part in implementing the banking union.

### 29th March 2017 : The UK submits article 50

On 29 March 2017, Tim Barrow, Permanent Representative of the United Kingdom to the European Union, presents the letter announcing the application of Article 50 to Donald Tusk, President of the European Council. This marks the starting point of the negotiation process, leading to the exit of the EU.

### 22nd May 2017 : Adoption of the European Commission negotiating mandate by the EU27

The General Affairs Council - composed of the European Affairs Ministers from the 27 Member States - adopts the negotiating mandate proposed by the European Commission on 3 May. The mandate is based on decisions voted for by the European Parliament on 5 April, and the discussions of the European Council during their extraordinary meeting on April 29.

### June - December 2017 : 1st phase of negotiations

Official negotiations began on June 19th and lead to several months of difficult talks. On the 8th of December the European Commission negotiators considered that the talks had resulted in "sufficient progress" on three key areas: the divorce bill (the sum to be settled by the UK at the time of its withdrawal from the EU), the status of European citizens residing in the United Kingdom, and the Irish border. The second phase of negotiations on the future relationship between the EU and the United Kingdom was then officially launched.

### January - October 2017 : Unsuccessful round of negotiations

Three rounds of negotiations (17-20 July, 28-31 August and 25-28 September) were unsuccessful despite the shift in Theresa May's Florence speech on 22 September, which promised "to honor her financial commitments" and to "take into account the judgments of the European Court of Justice". The fourth round of negotiations in October saw progress made on citizen's rights.

#### 11th September 2017 : "Repeal bill" British MPs approve the supremacy of European law

This Law is set to repeal the European Communities Act of 1972 and the supremacy of European law over British law. The Repeal Bill aims to convert European laws into national laws: concerning nearly 12,000 regulations. The repeal bill may controversially give the government freedom to modify texts without going through parliament and which could affect the the Brexit agreement without parliamentary approval.



## December 2017 - January 2018 : Moving towards an agreement on the arrangements of brexit

An agreement on the terms is announced on December 8, 2017 by Jean-Claude Juncker and Theresa May during a joint press conference. Also present at these final discussions were Michel Barnier and David Davis, chief negotiators for the European Commission and the British Government.

At this time, an agreement has been made on three difficult questions concerning Brexit. Firstly, concerning the divorce bill, the UK has agreed to pay the EU 50 billion euros. This sum will pay for the country's planned contributions to the common budget, as well as other London commitments, such as pensions for European civil servants. Secondly, full rights for European citizens living in the United Kingdom have been granted during the transition period. Finally, the two sides have agreed that Brexit will not lead to the reestablishment of a physical border between Ireland and Northern Ireland, regardless of whether the United Kingdom leaves the European internal market.

This agreement permits the second phase of the negotiations to begin. The second phase of negotiations will concern future relationships, notably commercial plans.

On 29 January 2018, the EU Council of Foreign Ministers decided to grant London a 21-month transition period from 30 March 2019 to 31 December 2020. This reduced period compared to the two-year period requested by Theresa May, corresponds to the end of the Union 2014-2020 financial framework, in which Britain is engaged.

## March 2018 : first draft agreement on Brexit terms

During the transition period from 30 March 2019 (the starting date of Brexit) to 31 December 2020, British and European citizens can move to the United Kingdom or another Member State, and enjoy the same rights as those who arrived before March 30 2019. During this period, the United Kingdom will have to respect the decisions of the European Court of Justice and the Euratom Treaty on nuclear power, but will no longer be able to participate in the decision-making process.



The UK will have only an advisory role on other matters such as fishing quotas, terrorism, or food security. The United Kingdom can start trade negotiations with other countries as soon as the transition period begins, but these commercial treaties will only enter into force after December 31 2020.

So far as the status of Northern Ireland is concerned, a consensus has yet to be reached. The draft agreement stipulates that if no solution is proposed Northern Ireland will remain in the customs union in order to maintain a frictionless border.



# What consequences for citizens?

## No change until March 2019<sup>1</sup>

Until the effective withdrawal of the United Kingdom from the European Union on 30 March 2019 (unless the European Council unanimously decides to extend the period), European Union law will continue to fully apply in the UK.

Until the UK leaves the EU, the result of the referendum of 23 June and the triggering of Article 50 do not change the current entry conditions for French nationals in the UK (a valid passport or national identity card is required).

Until the United Kingdom leaves the European Union, French nationals residing in the UK and British nationals residing in France will continue to have access to state-provided medical care. Similarly, French and British nationals visiting the other country will continue to benefit from coverage of costs of state-provided medical care under the European Health Insurance Card.

Until the actual day the UK leaves the EU, nothing will change for British students enrolled at French higher education or research institutions or for French students enrolled at British institutions. Higher education qualifications are recognised within the European Higher Education Area (EHEA) initiated by the Bologna Process. Therefore, the United Kingdom's withdrawal from the EU does not affect the rules defined within that framework, unless the UK elects to withdraw from that area, which extends beyond the European Union and covers 46 countries.

## Transition period (30 march 2019-31 december 2020)

During this transition period, the UK will retain all of the advantages and benefits of the single market, the customs union and European policies. It will therefore also have to comply with all European rules, just like other Member States. The rights of European citizens will therefore be maintained in the same way.

The March 2018 agreement also provides for European citizens arriving during this transition period to enjoy the same rights as those who arrived before Brexit in March 2019.

British nationals effectively lose European citizenship on 30 March 2019 even though some (non-political) rights will be maintained during the transition period. From this date, the right to vote in local elections will depend decisions made by Member States. The European Union does not have the power to give third country nationals the right to vote.

<sup>1</sup> <https://www.diplomatie.gouv.fr/fr/dossiers-pays/royaume-uni/sortie-du-royaume-uni-de-l-union-europeenne/article/cinq-cles-pour-comprendre-les-suites-du-referendum-britannique-sur-l-union>



## And after?

### Who will be covered by the Withdrawal Agreement?

EU citizens must be lawfully residing in the host state on the date of the UK's withdrawal, in accordance with EU law on free movement of EU citizens.

The conditions of residence are the same as those under current EU law. Decisions for obtaining permanent residence under the Withdrawal Agreement will be made under the exact same conditions set out in the Free Movement Directive. Articles 6 and 7 confer the right to reside in another EU member state for up to five years if citizens work or have sufficient financial resources and sickness insurance. Articles 16 – 18 confer the right of permanent residence to those who have resided legally for 5 years in a member state.

The Withdrawal Agreement does not require physical presence in the host state on the date of the UK's withdrawal – temporary absences that do not affect the right of residence are accepted.

### Questions and answers about the consequences of Brexit<sup>2</sup>

#### **I am British living and working in France. Do I have to keep working to retain my rights there?**

The Joint Report protects those EU citizens who were residing in a Member State other than that of their nationality in accordance with the conditions which EU free movement law attaches to the right of residence.

In essence, EU citizens meet these conditions if they:

- ✓ are workers or self-employed;
- ✓ have sufficient resources and sickness insurance;
- ✓ are family members of some other EU citizen who meets these conditions; or
- ✓ have already acquired right of permanent residence (that is no longer subject to any conditions).

It is possible to switch between these categories. You will keep your rights as long as you meet the conditions for at least one category.

stay

#### **I arrived in the UK two years ago and work in a local hospital. Can I stay after the UK leaves the EU?**

Yes. The agreement provides that you will be able to stay in the UK if you continue to work (or if you stop involuntarily working in accordance with Article 7(3) of the Free Movement Directive). Your residence rights in the UK will not be affected by Brexit: you will keep your residence under the conditions of EU free movement law as if it still applied, although you will need to make an application to the UK authorities for status. Once you have accumulated five years of legal residence in the UK, you will be able to apply for your residence status in the UK to be upgraded to a permanent one that offers more rights and better protection.

<sup>2</sup> Memo – European Commission (12 december 2017)



Work

**I arrived in the UK two years ago but did not find a job. I am currently out of money. Will I be able to stay on post-Brexit?**

The Joint Report protects those EU citizens who were residing in a Member State other than that of their nationality in accordance with the conditions which EU free movement law attaches to the right of residence. In essence, EU citizens meet these conditions if they:

- ✓ are workers or self-employed;
- ✓ have sufficient resources and sickness insurance;
- ✓ are family members of some other EU citizen who meets these conditions; or
- ✓ have already acquired right of permanent residence (that is no longer subject to any conditions).

Those EU citizens who do not meet these conditions at Brexit will have no legal entitlement to stay in the UK and their situation will depend on whether the UK authorities decide to treat them more favourably than required by the deal. For example, the UK authorities have indicated that they will not ask people who have sufficient resources, including students, for evidence of comprehensive sickness insurance.

**It is not fair that UK nationals will be land locked in the EU country where they resided on the date of the UK's withdrawal as the Joint Report does not include the right to intra-EU mobility after Brexit.**

It is fair to say that UK citizens are unlikely to be “landlocked”, although the extent to which they will be able to work, establish a business, study, claim benefits or get health care outside their host state has yet to be decided. Even if the final withdrawal agreement does not include a right of free movement across the EU 27 for UK citizens in the EU, there is detailed EU legislation dealing with rights of third country nationals to move within the EU.

Professional  
qualifications

**I have applied for recognition of my qualification. What will happen if I do not receive a decision before Brexit?**

If you have applied for recognition, before the specified date, to a competent authority of the Member State where you currently reside or, for frontier workers, where you work, the procedure for the recognition of those qualifications should be completed under the Union rules applicable before the specified date. This should guarantee the smooth completion of the procedure and a positive outcome, so long as your request was justified.



## family

**I am British and my dad works in Portugal. I live with him and go to a local school. Will I be allowed to stay in Portugal?**

Yes, you will be able to stay. The deal makes sure that all family members, irrespective of whether they are EU citizens or not, who were lawfully residing with an EU citizen in the UK or the EU27 at the date of the UK's withdrawal can stay under the same conditions that existed before Brexit.

**I live in the UK with my EU spouse. I was issued with an EU residence card. Can I stay post-Brexit?**

Yes, you can stay. The deal protects all those family members who have lawfully resided with an EU citizen in the UK before Brexit. They will be allowed to stay but will have to apply for a new UK status (special status) and a new UK residence document.

## retirement

**I am British and I work in Spain. I will soon reach my pension age. What will happen with my state pension rights after Brexit?**

Nothing will happen to your state pension and everything will be as now. You will be entitled to your pension under the same conditions as today, the amount will be calculated according to the same rule and you can even have it exported and uprated to another EU state should you decide to settle elsewhere.

**I worked all my life in the UK and have now retired in France. I am worried that my UK state pension will no longer be uprated after Brexit.**

The Joint Report makes it clear that all social security benefits, such as old age pension, will continue to be uprated in accordance with national rules.

## health

**I live and work in the UK. Today, I am able to get healthcare in a local hospital without any hassle. Will this change?**

There will be no change after Brexit.



## Useful sites

### Official Information

#### European Union

Europa

[https://ec.europa.eu/info/brexit\\_en](https://ec.europa.eu/info/brexit_en)

Task force and conduct of negotiations with the United Kingdom under Article 50 TEU

[https://ec.europa.eu/info/departments/taskforce-article-50-negotiations-united-kingdom\\_fr](https://ec.europa.eu/info/departments/taskforce-article-50-negotiations-united-kingdom_fr)

Agreement 19th March 2018

[https://ec.europa.eu/commission/sites/beta-political/files/draft\\_agreement\\_coloured.pdf](https://ec.europa.eu/commission/sites/beta-political/files/draft_agreement_coloured.pdf)

Representation of the European Commission in France

[https://ec.europa.eu/france/home\\_fr](https://ec.europa.eu/france/home_fr)

Representation of the European Commission in the UK

[https://ec.europa.eu/unitedkingdom/home\\_en](https://ec.europa.eu/unitedkingdom/home_en)

#### France

France Diplomatie

<https://www.diplomatie.gouv.fr/>

Relations France-Royaume-Uni (bilingue)

<https://www.diplomatie.gouv.fr/fr/dossiers-pays/royaume-uni/relations-bilaterales/>

French embassy in the UK

<https://uk.ambafrance.org/>

#### Royaume-Uni

Government : <https://eucitizensrights.campaign.gov.uk/>

Embassy of the UK in France: <https://www.gov.uk/world/organisations/british-embassy-paris.fr>

### Other useful sites

Toute l'Europe : <https://www.touteurope.eu/>



## The Europe Direct network: Europe near you!



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The Europe Direct service includes:

A website : [http://ec.europa.eu/europedirect/index\\_fr.htm](http://ec.europa.eu/europedirect/index_fr.htm)

A free telephone service : 00 800 6 7 8 9 10 11

Regional information services (47 in France), acting as intermediaries between the European Union and citizens at the local level.



Mission of Europe Direct centers:

1. To aid local citizens in obtaining information, advice, assistance and answers to their questions regarding EU institutions, legislation, policies, programs and funding opportunities.
2. To actively encourage local and regional debate on the European Union and its policies.
3. To enable European institutions to improve the dissemination of information adapted to local and regional needs.
4. To provide the public with a platform for providing feedback to European institutions in the form of questions, advice and suggestions.

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