



GENERAL AFFAIRS Council (Article 50)

Monday 22 May in Brussels

Chair: Louis Grech, Deputy Prime Minister and Minister for European Affairs of Malta

Commission representatives: Commissioner Frans Timmermans and Michel Barnier, Brexit chief negotiator

The Council, meeting in an EU27 format, will adopt a decision **authorising the opening of Brexit negotiations** with the UK and nominating the **Commission as the EU negotiator**. Ministers will also adopt **negotiating directives**, a mandate that will guide the Commission during the talks.

Both texts will be based on a recommendation presented by the Commission on 3 May 2017 and will build on the guidelines adopted by the European Council (Art.50) on 29 April 2017. Their adoption will **allow the beginning 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).

Ministers will also begin **preparations for the European Council (Art.50)** of June 2017 by examining an annotated draft agenda.

Finally, the Council will adopt a decision to establish a **dedicated working party**, in an EU27 format, that will assist the Council and Coreper (Committee of Permanent Representatives) in all matters relating to the UK's withdrawal from the EU.

Ministers will then have a **general discussion on Brexit** over lunch with Commissioner Frans Timmermans, Commission's Brexit chief negotiator, Michel Barnier, and European Parliament Brexit lead representative, Guy Verhofstadt.

Press conference: +/- 12.00

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¹ This note has been drawn up under the responsibility of the press office.

Phased approach

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. When the European Council deems **sufficient progress** has been achieved in the first phase, 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 becomes a third country. However discussions on an overall understanding of that future relationship could start during a second phase of the negotiations.

Negotiating directives

The set of negotiating directives to be adopted at this stage is **intended for the first phase** of the negotiations. These negotiating directives are therefore expected to prioritise issues that have been identified as necessary for an orderly withdrawal of the UK.

They are expected to address, among other issues, **citizens' rights, the financial settlement and the situation in Ireland**, as well as other situations in which there is a risk of legal uncertainty as a consequence of Brexit. The document will spell out the EU positions for the Brexit negotiations in all these matters, on the basis of the guidelines adopted by the European Council on 29 April 2017.

Issues not covered will be addressed in other sets of negotiating directives later on. The negotiating directives may be **amended and supplemented** as necessary during the negotiations.

European Council guidelines

The European Council guidelines define the framework for negotiations and set out the **overall EU positions** and principles for the talks. In the guidelines, the European Council states that the EU27 will keep its unity and act as one during the negotiations.

Leaders reiterate their wish to have the UK as a **close partner** and that any future deal will need to be based on a **balance** of rights and obligations and ensure **a level playing field**. It is stressed that the **integrity of the single market** must be preserved, which means the four freedoms are indivisible and excludes any **cherry-picking**: a non-member cannot enjoy the same rights and benefits as a member.

The guidelines also set the **phased approach** for the negotiations and endorse the **institutional set up** agreed on 15 December 2016.

- Citizens rights

The guidelines consider the first priority agreeing **reciprocal guarantees** to safeguard the status and rights of EU and UK citizens, and their family members, that are affected by Brexit. Such guarantees must be effective, enforceable, non-discriminatory and comprehensive, including the right to acquire permanent residence after a continuous period of five years of legal residence. Citizens should be able to exercise their rights through smooth and simple administrative procedures.

- Legal vacuum and uncertainty

The impact on businesses and on those who take part in EU-funded programmes is also recognised. Negotiations should seek to prevent a legal vacuum once the withdrawal takes place and, to the extent possible, **address uncertainties**.

- Financial settlement

A **single financial settlement** should ensure that the EU and the UK respect the obligations resulting from the period of the UK membership. The settlement should cover all commitments as well as liabilities, including contingent liabilities.

- Ireland

The EU will continue to support and protect the Good Friday Agreement and the achievements, benefits and commitments of the **peace process**. Flexible and imaginative solutions will be required, including to **avoid a hard border**, while respecting the EU legal order.

- Cyprus

The EU should agree with the UK on arrangements as regards the **sovereign base areas of the UK in Cyprus** and recognise in that respect bilateral agreements and arrangements compatible with EU law, in particular to safeguard the rights and interests of EU **citizens** living or working there.

- Court proceedings

To ensure legal certainty, arrangements should be found for all court **procedures pending before the Court of Justice of the EU (ECJ)** on the date of withdrawal that involve the UK or persons in the UK. The ECJ should remain competent in these procedures. The same should apply to **administrative procedures** pending before the European Commission and EU agencies on the date of withdrawal that involve the UK or persons in the UK. In addition, arrangements should be foreseen for the possibility of administrative or court proceedings to be **initiated after the withdrawal** for facts that occurred before.

June European Council (Art 50)

The EU27 leaders are expected to meet again in June. Ministers will on Monday begin **preparations for the European Council (Art.50)** of June 2017 by examining an annotated draft agenda.

Annotated draft agenda ([21014/17](#))

Working party

The Council will adopt a decision to create a dedicated working party to assist the Council and Coreper (Committee of Permanent Representatives) on all matters related to Brexit. The creation of this working party on Article 50, which will meet in an EU27 format and have a permanent chair, was already agreed by the leaders in their statement of 15 December 2016.

The role of the Council (and its preparatory bodies) is to ensure that the negotiations are conducted in line with the European Council guidelines and the Council negotiating directives, as well as to provide continuous guidance to the EU negotiator.

Timeline

23 June 2016	UK referendum. UK citizens vote to leave the EU
29 June 2016	Informal meeting of EU27 heads of state or government Statement
15 December 2016	Informal meeting of EU27 heads of state or government Statement (including institutional set up for negotiations)
29 March 2017	UK formally notifies the European Council of its intention to leave the EU
29 April 2017	Special European Council (Art. 50): adoption of guidelines European Council (Art. 50) guidelines for Brexit negotiations
3 May 2017	Commission presents its recommendation Draft decision (Commission recommendation) Draft negotiating directives (Annex to the Commission recommendation)
22 May 2017	General Affairs Council (Art.50)

[Brexit - background information and full timeline](#)

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