



Bruksela, dnia 9 marca 2018 r.

## KANCELARIA SENATU

Przedstawiciel Kancelarii Senatu  
przy Unii Europejskiej

### **Sprawozdanie nt. projektu rezolucji PE ws. Brexitu**

Przywódcy polityczni Parlamentu Europejskiego poparli w dniu 7 marca br. projekt rezolucji określającej możliwe ramy przyszłych stosunków UE-Zjednoczone Królestwo po Brexicie.

Umowa stowarzyszeniowa (ang. Association agreement) między UE a Wielką Brytanią mogłaby stanowić odpowiednie ramy dla przyszłych stosunków UE-Zjednoczone Królestwo, mówi projekt rezolucji zatwierdzony przez Konferencję Przewodniczących (przewodniczącego PE i liderów grup politycznych). Ramy te mogłyby opierać się na czterech filarach:

- stosunki handlowe i gospodarcze,
- polityka zagraniczna,
- bezpieczeństwo wewnętrzne
- i współpraca tematyczna, na przykład w zakresie transgranicznych projektów badawczych i innowacyjnych.

Posłowie twierdzą, że przyszłe stosunki UE-Zjednoczone Królestwo powinny obejmować spójne ramy zarządzania, z solidnym mechanizmem rozwiązywania sporów.

Wniosek, przygotowany przez Grupę Sterującą Parlamentu Europejskiego ds. Brexitu, podkreśla, że UE opiera się na wiążących wspólnych zasadach, wspólnych instytucjach i wspólnych mechanizmach nadzorczych, wykonawczych i sądowniczych. Nawet ściśle powiązane z UE państwa trzecie, posiadające identyczne prawodawstwo, nie mogą korzystać z takich samych praw, korzyści lub dostępu do rynku na takich samych zasadach, jak państwa członkowskie UE.

Jakiegolwiek ramy przyszłej współpracy będą musiały respektować integralność rynku wewnętrznego, unii celnej i czterech swobód, bez możliwości podejścia sektorowego. Powinny one zachować autonomię UE w zakresie podejmowania decyzji i porządku prawnego, w tym roli ETS.

W projekcie rezolucji posłowie z zadowoleniem przyjmują przygotowany przez Komisję projekt umowy o wyjściu Wielkiej Brytanii z UE z dnia 28 lutego br. i wyrażają poparcie dla zaproponowanych rozwiązań przejściowych. Podkreślają również znaczenie, jakie ma zapewnienie równego i sprawiedliwego traktowania obywateli UE mieszkających w Wielkiej Brytanii i obywateli brytyjskich mieszkających w UE.

Przewodniczący Parlamentu Europejskiego **Antonio Tajani** powiedział: „Jeśli chodzi o Parlament Europejski, zasady regulujące nasze przyszłe relacje są jasne: integralność jednolitego rynku musi zostać zachowana, państwo trzecie nie może być traktowane bardziej przychylnie niż państwo członkowskie UE i niezbędne są jasne reguły gry. Brexit nie rozwiąże wspólnych problemów, takich jak terroryzm i bezpieczeństwo, na przykład, dlatego ścisła współpraca w wielu obszarach będzie nadal przedmiotem wzajemnego zainteresowania”.

„Negocjacje w sprawie Brexitu weszły w decydującą fazę, ale istotne kwestie dotyczące praw obywateli pozostają nierozwiązane. Brak również propozycji rozwiązania dotyczącego utrzymania niewidocznej granicy z Irlandią (problemem jest kwestia granicy między Irlandią i brytyjską Irlandią Północną)<sup>1</sup>. Każdy rodzaj granicy zagroziłby osiągnięciom Porozumienia Wielkopiątkowego i nalegam, aby bezwzględnie tego uniknąć”.

„Jeśli chodzi o okres przejściowy, Parlament Europejski wyraźnie stwierdza, że nie będziemy akceptować porozumienia dyskryminującego obywateli europejskich przybywających do Wielkiej Brytanii w trakcie tego okresu. Acquis communautaire musi w pełni obowiązywać, w tym w zakresie praw obywateli”.

Koordynator PE ds. Brexitu, **Guy Verhofstadt**, dodał:

„W celu przełamania aktualnego impasu, uważam, że ważne jest, aby rząd brytyjski poważnie zastanowił się nad propozycją Parlamentu Europejskiego dotyczącą umowy stowarzyszeniowej, zgodnie z art. 217 Traktatu UE. Jestem przekonany, że da to zarówno UE, jak i Wielkiej Brytanii, perspektywę zawiązania trwałego, głębokiego i specjalnego partnerstwa na przyszłość.”

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<sup>1</sup> W sporze wokół Irlandii nie chodzi głównie o swobodne przemieszczanie się ludzi po całej wyspie (bo to jest dość łatwe do zagwarantowania), lecz o cła, towary, usługi oraz m.in. standardy bezpieczeństwa żywności, które – poza unijnym rynkiem wewnętrznym – powinny być kontrolowane przy eksporcie. Dublin tłumaczy, że nie chodzi o zwykłe dochody z handlu (ponad połowa irlandzkiej wołowiny jest teraz sprzedawana do Wlk. Brytanii), lecz o zachowanie ścisłej integracji gospodarczej całej wyspy, bo to podstawa pokojowej koegzystencji w Irlandii Płn.

„Czekamy na dalsze wyjaśnienia rządu brytyjskiego dotyczące praw obywateli, ponieważ wiele kwestii pozostaje nadal nierozwiązanych. Nie akceptujemy stanowiska negocjacyjnego Zjednoczonego Królestwa, które utrzymuje dyskryminację między obywatelami UE przybywającymi przed i po rozpoczęciu okresu przejściowego. Mamy nadzieję, że przedstawiciele brytyjskiego Ministerstwa Spraw Wewnętrznych przyjadą do Brukseli, aby przedstawić swoją propozycję systemu rejestracji dla obywateli UE w Wielkiej Brytanii, która będzie satysfakcjonująca.”

- **Kolejne kroki**

Posłowie przedyskutują projekt tekstu rezolucji z przewodniczącym Komisji Europejskiej Jean-Claude Junckerem i głównym negocjatorem ds. Brexitu Michelelem Barnierem w dniu 13 marca. Następnie przyjęty podczas sesji PE tekst rezolucji będzie stanowił wkład Parlamentu Europejskiego do dyskusji przed szczytem szefów państw i rządów UE, podczas którego przyjęte zostaną wytyczne Rady dotyczące negocjacji w sprawie przyszłych stosunków Wielkiej Brytanii z UE. Każda umowa o opuszczeniu UE i przyszła umowa stowarzyszeniowa będą musiały uzyskać aprobatę Parlamentu Europejskiego.

**Opracowała:**  
**Dr Magdalena Skulimowska**

**Załącznik:**

Projekt rezolucji PE ws. Brexitu:

<http://www.europarl.europa.eu/resources/library/media/20180307RES99232/20180307RES99232.pdf>

7.3.2018

## MOTION FOR A RESOLUTION

to wind up the debate on the framework of the future EU-UK relationship  
pursuant to Rule 123(2) of the Rules of Procedure  
on the framework of the future EU-UK relationship  
(2018/..... (RSP))

**Guy Verhofstadt**

Coordinator and Chair of the ALDE Group

**Manfred Weber**

Chair of the PPE Group

**Gianni Pittella**

Chair of the S&D Group

**Gabriele Zimmer**

Chair of the GUE/NGL Group

**Philippe Lamberts, Ska Keller**

Co-Chairs of the Verts/ALE Group

**Danuta Maria Hübner**

Chair of the Committee on Constitutional Affairs

**B8xxxx/2018**

**European Parliament resolution on the framework of the future EU-UK relationship (2018/xxx(RSP))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
  - having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 ('the Charter'), which was proclaimed on 12 December 2007 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,
  - having regard to its resolutions of 5 April 2017 and of 3 October 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union and its resolution of 13 December on the state of play of negotiations with the United Kingdom,
  - having regard to the European Council (Art. 50) Guidelines of 29 April 2017 following the United Kingdom's notification under Article 50 TEU and to the Annex to Council Decision of 22 May 2017 which lays down the directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union,
  - having regard to the Joint Report from the negotiators of the European Union and the United Kingdom Government of 8 December 2017 on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union, and to the European Commission Draft Withdrawal Agreement of 28 February 2018,
  - having regard to the European Council (Art. 50) Guidelines of 15 December 2017 and to the Annex to Council Decision of 29 January 2018 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 arrangements for its withdrawal from the European Union,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the purpose of negotiations between the European Union (EU) and the United Kingdom (UK) pursuant to Article 50 of the Treaty on European Union (TEU) is to provide for an orderly withdrawal of the UK from the EU;
- B. whereas Article 50 TEU states that the arrangements for the UK's withdrawal should take account of the framework for its future relationship with the Union;
- C. whereas sufficient progress having been achieved in December 2017 in the negotiations on separation issues, it is appropriate that negotiations can now deal with the framework of the EU-UK future relationship, provided that there is commensurate progress of negotiations on Commission's draft Withdrawal Agreement;

- D. whereas those negotiations can only begin once the EU's Chief Negotiator has a mandate to do so from EU institutions;
- E. whereas any agreement on a framework for a future relationship will be treated as integral to the overall withdrawal settlement and will inform the European Parliament's deliberations during its consent procedure;
- F. whereas it is in the interests of all parties that the framework for the future relationship be as detailed as possible;
- G. whereas the United Kingdom will become a third country after withdrawal whatever is agreed as the framework for its future relationship with the EU;
- H. whereas, in addition to the elements included in UK's notification of 29 March 2017 that it intends to withdraw from the European Union, the Prime Minister has delivered a number of speeches, in Lancaster House on 17 January 2017, Florence on 22 September 2017, Munich on 17 February 2018 and most recently in Mansion House on 2 March 2018; whereas she has not yet set out a consistent view on future EU-UK relations;
- I. whereas the UK and the EU will remain close neighbours and will continue to have many interests in common; whereas such a close relationship in the form of an association agreement between the EU and the UK could be considered an appropriate framework for the future relationship by which these common interests can be protected and promoted, including a new trade relationship;
- J. whereas the advantage of an association agreement for the future relations is that it provides a flexible framework allowing for varying degrees of cooperation across a wide variety of policy areas; whereas that cooperation will require both parties to maintain high standards and their international commitments in a number of policy areas;
- K. whereas it is crucial to safeguard EU agreements with third countries and international organisations, including the EEA agreement;
- L. whereas the EU and the UK, as a departing Member State, have an overriding obligation to ensure a comprehensive and reciprocal approach to protect the rights of EU citizens living in the UK and UK citizens living in the EU 27;
- M. whereas with the view to preserving the 1998 Good Friday Agreement in all its parts and the rights of people in Northern Ireland, the UK must keep to its commitments to ensure that there is no hardening of the border on the island of Ireland, either by means of detailed proposals to be put forward in negotiations on the framework of the future EU-UK relationship, by specific solutions for Northern Ireland or, by continued regulatory alignment with the EU acquis;
- N. whereas transitional arrangements involving the prolongation of the full EU acquis will be necessary to avoid a cliff-edge scenario when the UK leaves the EU, and to give the EU and UK negotiators the possibility to negotiate a future relationship agreement;

- O. whereas it is appropriate that the EU institutions and the Member States, together with public and private institutions, undertake work to prepare for all eventualities that may arise as a result of the negotiations;
- P. whereas unity of EU institutions and Member States is crucial in order to defend the interests of the Union and its citizens throughout the subsequent phases of negotiations, in particular as regards the framework for the future relationship, but also to ensure a successful and timely conclusion of those negotiations;
1. Recalls that Article 50(2) TEU states that the agreement setting out the arrangements for a Member State's withdrawal shall take into account the framework of its future relationship with the EU;
  2. Notes that such a framework for the future relationship should take the form of a political declaration associated with the withdrawal agreement; stresses that the contents of the declaration will be assessed by the European Parliament when it expresses its consent to the withdrawal agreement;
  3. Reiterates that an international agreement on the new relationship between the EU and the United Kingdom can only be formally negotiated once the UK has left the EU and is a third country; recalls that this agreement can only be concluded with the full involvement and final consent of the European Parliament;
  4. Recalls that the European Parliament will endorse a framework for the future EU-UK relationship only if it is in strict concordance with the following principles:
    - a third country must not have the same rights and benefits as a Member State of the European Union, or an EFTA/EEA Member,
    - protection of the integrity and the correct functioning of the internal market, the customs union and the four freedoms, without allowing for a sector-by-sector approach,
    - preservation of the autonomy of the EU's decision-making,
    - safeguarding the EU legal order and the role of the CJEU in this respect,
    - continued adherence to the democratic principles, human rights and fundamental freedoms, as defined in particular in the UN Universal Declaration of Human Rights, the European Convention on Human Rights and Fundamental Freedoms and its Protocols, the European Social Charter, the Rome Statute on the International Criminal Court and other international human rights treaties of the United Nations and the Council of Europe, and respect for the principle of the rule of law,
    - a level-playing field, in particular in relation to the United Kingdom's continued adherence to the standards provided by international obligations and the Union's legislation and policies in the fields of the fair and rules-based competition, including state aid, social and workers' rights, especially equivalent levels of social protection and safeguards against social dumping, environment, climate change, consumer protection, public health, sanitary and phytosanitary measures,

- animal health and welfare, taxation, including the fight against tax evasion and avoidance, money laundering, data protection and privacy, with a clear enforcement mechanism to ensure compliance,
- safeguarding EU agreements with third countries and international organisations, including the EEA agreement, and maintaining the overall balance of these relationships,
  - safeguarding of the financial stability of the EU and respect of its regulatory and supervisory regime and standards and their application,
  - a right balance of rights and obligations including, where appropriate, commensurate financial contributions;
5. Reiterates that an association agreement negotiated and agreed between the EU and United Kingdom post-UK withdrawal pursuant to Article 8 TEU and Article 217 TFEU could provide an appropriate framework for the future relationship, and secure a consistent governance framework, which should include a robust dispute resolution mechanism, avoiding the inflation of bilateral agreements and the shortcomings which characterise our relationship with Switzerland;
6. Proposes that this future relationship be based on the following four pillars:
- trade and economic relations
  - foreign policy, security cooperation and development cooperation;
  - internal security
  - thematic cooperation

### ***Framework for the future relationship***

7. Notes that, given the shared basis of common values between the EU and the UK, their close connections and current regulatory alignment, in virtually all fields, their geographic proximity, common history, including UK's membership to the EU for more than 40 years, and also UK's role as permanent member of the UN Security Council and member of NATO, the UK will continue to be an important partner for the EU in all four pillars below and it is in their mutual interest, to establish a partnership that ensures continued cooperation;
8. Nevertheless, notes that, as a third country, such cooperation with the United Kingdom can only take place in accordance with the principles outlined in paragraph 4; recalls that the EU has binding common rules, common institutions and common supervisory, enforcement and adjudicatory mechanisms and that third countries, even those with identical legislation or full regulatory alignment, are not able to enjoy similar benefits or market access as EU Member States, for instance in relation to the four freedoms and financial contributions from the EU budget;
9. Considers that the agreement on the future relationship should include specific provisions concerning the movement of citizens from the EU to the UK and from the



UK to the EU after the transition period, which should be at least commensurate to the degree of cooperation in the four pillars below;

10. Recalls that the European Parliament will have to approve any future EU-UK agreement; emphasises that the Parliament must be immediately and fully informed at all stages of the procedure in accordance with Articles 207, 217 and 218 TFEU and relevant case-law;
  - (i) *Trade and economic relations*
11. Reiterates that the UK's membership of the Internal Market and the Customs Union would be the best solution for both the UK and the EU27 and the only one which can guarantee continued frictionless trade and fully preserve the benefits of our economic relations; recalls that internal market participation requires full adherence to the four freedoms and incorporation of corresponding EU rules, a level playing field including through a competition and state aid regime, CJEU binding jurisprudence and contributions to the EU budget; notes that a customs union removes tariff barriers and some customs controls, but requires compliance with EU Trade Policy and a common external border; takes note that the UK government continues to exclude both, the Internal Market and the Customs union;
12. Notes that a Deep and Comprehensive Free Trade Area requires a binding convergence mechanism towards the EU *acquis* and a binding interpretation role of the CJEU and does not allow cherry-picking of sectors of the internal market;
13. Considers the current UK position only compatible with a trade agreement, pursuant to Article 207 TFEU, that could form the trade and economic pillar of an association agreement; stands ready to engage on the basis of the other abovementioned models, provided that the UK reconsiders its current red lines;
14. Recalls that all recent Free Trade Agreements (FTAs) are based on three main parts: market access, regulatory cooperation and rules; underlines that, on top of the principles set out in paragraph 4:
  - the level of access to the EU Market must correspond to the degree of continued convergence and alignment to the EU technical standards and rules, without any sector-by-sector approach and preserving the integrity of the Single market,
  - the EU autonomy in setting EU law and standards must be guaranteed, as well as the role of the CJEU as the sole interpreter of EU law,
  - a level playing field is ensured and EU standards are safeguarded, a race to the bottom avoided and regulatory arbitrage by market operators prevented,
  - rules of origin are to be based on EU standard preferential rules and the interests of EU producers,
  - reciprocal market access must be negotiated in full compliance with WTO rules including for goods, services, public procurement and where relevant foreign direct investment, and all modes of supply of services, including commitments on the movement of natural persons across borders (Mode 4), and be regulated in full respect of EU rules, in relation to the equal treatment principles, especially for workers;

- since regulatory divergence can become an obstacle to smooth trade relations and will impose significant burdens on importers and exporters alike, rules on regulatory cooperation and coherence should be negotiated, with a specific focus on SMEs, mindful of the voluntary nature of regulatory cooperation and the right to regulate in the public interest, while recalling that provisions on regulatory cooperation in a trade agreement cannot fully replicate the same frictionless trade as provided for by membership of the Single Market;
15. Stresses that this EU-UK agreement should safeguard the framework of existing commercial relationships between the EU and third countries and avoid any free-riding by ensuring consistency in keeping a tuned tariff and quota system and rules of origin for products vis-à-vis third countries;
  16. Underlines that under a FTA, market access for services is limited and always subject to exclusions, reservations and exceptions;
  17. Underlines that leaving the Single Market would lead to the UK losing passporting for financial services and the possibility to open branches in the EU subject to UK supervision; recalls that EU legislation foresees the possibility, in some areas, to consider third country rules as equivalent based on a proportional and risk based approach, and notes the ongoing legislative work and the upcoming Commission proposals in this area; stresses that decisions on equivalence are always of unilateral nature; also stresses that in order to safeguard financial stability and ensure the full respect of the EU regulatory regime and standards and their application, prudential carve-out and limitations in the cross-border provisions of financial services are a customary feature of FTAs;
  18. Underlines that a EU-UK agreement should include a robust dispute settlement mechanism as well as governance structures; emphasizes in this regard the competence of the CJEU for the interpretation of questions related to EU law;
  19. Recalls that the UK's current position and red lines would lead to customs checks and verification which would affect global supply chains and manufacturing processes, even if tariff barriers can be avoided; underlines the importance of high level of alignment between the Single EU VAT Area and the UK; believes that taxation matters should be integrated in any further agreement between UK and the EU to ensure a maximum level of cooperation between the EU and the UK and its dependent territories in the field of corporate taxation;
  20. Reiterates that, regarding food and agricultural products, access to the EU market is conditional to the strict respect of all EU law and standards, notably in the fields of food safety, GMOs, pesticides, geographical indications, animal welfare, labelling and traceability, sanitary and phytosanitary standards, human, animal and plant health;
- (ii) *Foreign policy, security cooperation and development cooperation*
21. Notes that on CFSP, the UK as a third country will not be able to participate in the EU's decision-making process and that EU common positions and actions can only be adopted by EU Member States; points out however that this does not exclude consultation mechanisms to allow the UK to align with EU foreign policy positions, joint actions, notably on human rights, nor multilateral cooperation, especially in the UN, OSCE and Council of Europe frameworks; supports coordination on sanctions

policy and implementation, including arms embargos and common positions on arms exports;

22. Stresses that such partnership could be made under the Framework Participation Agreement, which administers the role of third countries thereby making it possible for UK participation in civilian and military EU missions (with no lead role for the UK) and operations, programmes and projects, sharing of intelligence, training and exchange of military personnel and collaboration on armaments policy, including projects developed under PESCO; underlines that such participation should be without prejudice to and consistent with relevant EU positions, decisions and legislation, including on procurement and transfers in the field of defence; affirms that such cooperation is conditional on full compliance with international human rights law and international humanitarian law and EU fundamental rights;
23. Notes that any cooperation in the above areas that involves sharing of EU classified information, including on intelligence, is conditional on a security information agreement for the protection of EU classified information;
24. Notes that based on similar third-country arrangements UK could participate in Union programmes in support of defence and external security (such as the European Defence fund, Galileo and cyber-security programmes); is open to the possibility of the UK continuing to contribute to the EU's external financing instruments in pursuit of common objectives, especially in the common neighbourhood;
25. Notes that the UK is a major development cooperation and humanitarian aid actor and that EU-UK cooperation in these areas post-Brexit would be mutually beneficial;

*(iii) Internal security*

26. Stresses that it is in the mutual interest of the EU and the UK to establish a partnership that ensures continued security cooperation to face shared threats, especially terrorism and organised crime and avoids the disruption of information flows in this field; notes that third countries (outside the Schengen area) do not benefit from any privileged access to EU instruments, including databases, in this field nor can they take part in the priority setting, the development of the multiannual strategic goals or lead operational action plans in the context of the EU Policy Cycle;
27. Also notes that, in addition to the necessity of protecting, through transitional arrangements, ongoing procedures and investigations involving the UK, separate arrangements with the UK as a third country as regards judicial cooperation in criminal matters, including on extradition and mutual legal assistance will have to be found, instead of current arrangements such as the European Arrest Warrant;
28. Is of the view that future cooperation can be developed on the basis of non-Schengen third-country arrangements enabling exchange of security-relevant data and operational cooperation with EU bodies and mechanisms (such as Europol and Eurojust);
29. Stresses that such cooperation should provide legal certainty, must be based on safeguards with regard to fundamental rights as set out in the European Convention on Human Rights and provide a level of protection essentially equivalent to that of the Charter; stresses furthermore that it should fully respect EU data protection standards and rely on effective enforcement and dispute settlement; considers it necessary to find

a solution to regulate future EU-UK data exchange in the field of law enforcement, intelligence and counter-terrorism operations; underlines that an adequacy decision by the European Commission would be the preferred and securest option; recalls that in any case the UK must provide a level of data protection that is as robust as Union data protection rules;

(iv) *Thematic cooperation*

30. Underlines that the principles set out in paragraph 4 should also fully and unconditionally apply to the future cooperation with the UK in a number of areas of common interests; stresses that such agreements would need to respect a balance of rights and obligations commensurate to that of similar agreements with other third countries, but taking account of the geographical proximity and the close links between the EU and the UK;
31. Believes that, in light of the above principles and conditions, and in the interest of the passengers, air carriers, manufacturers and workers' unions, connectivity has to be ensured by means of an air transport agreement and aviation safety agreement; stresses however that the degree of market access is conditional on the level of regulatory convergence and alignment with EU acquis, and on the setting up of a solid dispute settlement and arbitration mechanism; does not exclude, moreover, future cooperation with the UK to support projects of common interest in the transport sector;
32. Could consider with respect to fisheries that a novel form of third country-type of bilateral partnership agreement be negotiated with the aim to maintain a high level of cooperation, coherence and convergence, ensuring a stable and continued mutual access to waters and resources in accordance with the CFP principles, policy and governance provisions, and sustainable management of shared stocks, this in order to restore and maintain populations of these stocks above levels which can produce the Maximum Sustainable Yield; underlines that the common management of shared stocks necessitates a continuation of the UK contribution to the scientific assessment of those stocks; stresses however that reciprocal market access for fishery products has to be negotiated as part of the future agreement, and that the level of access to the EU domestic market must be conditional on the level of access for EU vessels to the UK fishing grounds and their resources as well as on the level of cooperation in the management of shared stocks;
33. Underlines the value of cultural and educational cooperation, including learning and youth mobility, as well as the importance of cultural and creative industries, in helping the EU to deepen ties with neighboring countries and would welcome continued cooperation between the EU and the UK in those areas, including through relevant programmes, such as Erasmus or Creative Europe;
34. Could consider in relation to cooperation on research and innovation UK participation, as a third country, in the EU Research and Innovation Framework Programme and in the EU space programmes, without permitting net transfer from the EU budget to the UK, nor any decision making role for the UK;
35. Believes that the best option for environment, action against climate change, public health and food safety would be for the UK to remain fully aligned with current and future EU legislation including adherence to commitments and targets for 2030 already agreed under the EU's Clean Air package and Clean Energy package; however, should

this not be the case, calls for arrangements between the EU and the UK to ensure close cooperation and high standards on those issues and to deal with trans-boundary environmental issues; stresses that any cooperation with the EU agencies in those areas must be based on bilateral agreements;

36. Could consider similar third-country arrangements be made in the areas of energy, electronic communications, cybersecurity and ICT; is of the opinion, in relation to energy, that any such arrangements should respect the integrity of the internal energy market, contribute to energy security, sustainability and competitiveness and take account of interconnectors between the EU and the UK; expects the UK to comply with the highest nuclear safety, security and radiation protection standards, including for waste shipments and decommissioning;
37. Believes that the EU PEACE programme, which aims at reinforcing a peaceful and stable society by fostering reconciliation in Northern Ireland and the Border Region of Ireland, should be maintained with a continued participation of the UK;

(v) *Governance of the future agreement*

38. Points out that any future EU-UK agreement as a third country should include the establishment of a coherent and solid governance system as an overarching framework for the four pillars, covering the joint continuous supervision/management of the agreement, dispute settlement and enforcement mechanisms with respect to the interpretation and the application of the agreement's provisions;
39. Insists on the absolute necessity for this governance system to fully preserve the autonomy of the EU's decision-making and legal order, including the role of the CJEU as the sole interpreter of EU law;
40. Stresses that the design of governance arrangements should be commensurate to the nature, scope and depth of the future relation and take account of the level of interconnection, cooperation and proximity;
41. Agrees with the setting up a joint committee responsible for overseeing the implementation of the agreement, addressing divergences of interpretation and implementing agreed corrective measures in good faith and fully ensuring the EU's regulatory autonomy, including the legislative prerogatives of the European Parliament and the Council; underlines that the EU representatives in this committee should be subject to appropriate accountability mechanisms involving the European Parliament;
42. Considers that, for provisions based on EU law concepts, the governance arrangements should provide for referral to the CJEU; reiterates that for the application and interpretation of provisions of the agreement other than those relating to Union law, an alternative dispute settlement mechanism can only be envisaged if it offers equivalent guarantees of independence and impartiality to the CJEU;

(vi) *Level playing field*

43. Recalls that, the UK and its dependent territories should continue to respect and implement the standards under its international commitments, and the Union's legislation and policies particularly in the fields referred to in paragraph 4, in a way that

reflects the breadth and depth of the future relationship; notes the benefit of maintaining regulatory alignment based on the Union's legislation;

44. Notes that the breadth and depth of the agreement on a level-playing field will be essential in determining the extent of the overall future EU-UK relationship; recalls that the continued adherence of the UK to the European social model will play a key role in this;
45. Strongly believes that the UK should adhere to the evolving standards on taxation and anti-money laundering legislation within the Union acquis, including tax transparency, exchange of information on tax matters and anti-tax avoidance measures and should address the situation of its dependent territories and their non-compliance with EU good governance criteria and transparency requirements; insists that customs union access be made strictly conditional upon the alignment of the UK with the above-mentioned standards;
46. Reiterates the need to set up safeguards to ensure the maintenance of both high standards and a level playing in the fields of environmental protection, action against climate change, food safety and public health; underlines that access to justice and proper complaints mechanism must be ensured for citizens and NGO's with respect to the enforcement of labour and environmental standards;
47. Notes that as with the rest of the agreement, provisions on the level playing field will require robust governance structures to include appropriate management, supervision, dispute settlement and enforcement mechanism with sanctions and interim measures where necessary and with a requirement for both parties to establish, or where relevant maintain, independent institutions capable of effectively overseeing and enforcing implementation;

*(vii) Possible participation in EU programmes*

48. Stresses that the modalities for the UK's participation in EU actions and programmes will be the rules applicable to third countries outside the EEA; underlines that UK participation must be jointly agreed by the EU whilst respecting all relevant rules and mechanisms and conditions of participation, including in relation to financing, implementation, control and discharge and without permitting net transfer from the EU budget to the UK;
49. Recalls that, as a general rule, as a third country the UK cannot participate in or have access to EU agencies; notes however that this does not exclude cooperation in specific cases in a strictly regulated manner requiring compliance with all relevant rules and financial contributions; points out that the next MFF will need to incorporate the consequences of the future EU-UK relations;

***Withdrawal Agreement***

50. Welcomes the Commission's draft Withdrawal Agreement of 28 February 2018, which largely reflects Parliament's views; notes that it has been drafted on the basis of the mutually agreed Joint Report of 8 December 2017 and of EU positions on other separation issues;
51. Welcomes the institutional provisions and the dispute settlement mechanisms foreseen

in the draft Withdrawal Agreement, including the suspension of benefits during the transition period as foreseen in article 165 of the draft Withdrawal Agreement in case of the non-respect of commitments and provisions relating to the Withdrawal Agreement;

*(i) Citizens' rights*

52. Welcomes the general approach taken on citizens' rights in Part 2 of the European Commission's draft Withdrawal Treaty but reiterates that addressing all outstanding issues with regard to citizens' rights and making sure that the rights of EU citizens legally residing in the UK and of UK citizens legally residing in EU-27 are not affected by Brexit will be one of the key issues for Parliament's consent; supports the inclusion of the reference to future spouses; takes note of the provisions on the administrative procedures to acquire permanent resident status and insists on the need to enable families to initiate the procedure by means of a single form that is declaratory in nature and places the burden of proof on the UK authorities; underlines that the European Parliament will scrutinize that these procedures are effectively implemented and are simple, clear and free of charge; insists that future free movement rights across the whole EU for UK citizens currently resident in an EU-27 Member State is guaranteed, as well as voting rights in local elections for all citizens covered by the Withdrawal Agreement; also calls for the lifelong right for EU citizens covered by the Withdrawal Agreement to return to the UK, the protection against expulsion of disabled citizens and their carers, as well as of procedural rights related to expulsion as referred to in Directive 2004/38/EC and of rights of third country nationals as established in EU law;
53. Insists that during the transition period any EU citizens coming to the UK will enjoy the same rights as those having arrived before the start of the transition period; rejects in this context that the recent policy paper published by the UK Government maintains discriminations between EU citizens arrived before and after the start of the transition period;
54. Reiterates that many citizens of the UK have expressed strong opposition to losing the rights they currently enjoy pursuant to Article 20 or the treaty on the Functioning of the European Union; proposes that the EU27 examine how to mitigate this within the limits of EU primary law whilst fully respecting the principles of reciprocity, equity, symmetry and non discrimination; notes the recent referral to the CJEU of a case brought in a Dutch court concerning the preservation of EU citizenship rights for UK citizens after Brexit;

*(ii) Ireland and Northern Ireland*

55. Welcomes the Protocol on Ireland and Northern Ireland in the European Commission's draft Withdrawal Agreement which makes the backstop option outlined in the Joint Report of the 8th of December 2017 operational; emphasises that this provides a concrete solution to preserve the North-South cooperation and avoids a hard border between Northern Ireland and Ireland, which is necessary, in case no alternative is found be it through the overall EU-UK relationship or through specific solutions to be proposed by the UK, as referred to in paragraph 49 of the Joint Report;
56. Recalls the importance of the UK's commitment to ensure that there will be no diminution of rights, including social and democratic rights, safeguards and equality of opportunity as set out in the Good Friday Agreement, in line with the commitments of the Joint Report; insists on the transposition of all elements of the Common Travel Area

and on the free movement rights of EU citizens, as embedded in EU law and in the Good Friday Agreement;

*(iii) Transitional period*

57. Reiterates the principles contained in its 13 December Resolution, that after the withdrawal date the UK will no longer be part of the EU institutions and bodies and no longer contribute to decision-making, and that transition can only consist of the prolongation of the EU acquis, the continued application of existing EU regulatory, budgetary, supervisory, judicial and enforcement instruments and structures to the UK; fully supports the negotiating mandate laid down in the European Council negotiating guidelines, the Council negotiating directives and the recent Commission position paper on this issue;
58. Welcomes and expresses support for Part Four of the Draft Withdrawal Agreement on transitional arrangements; reiterates that all the rights conferred to citizens by Union law should be extended throughout the transition period; stresses that this applies also to EU citizens arriving in the UK during the transition period who should benefit from exactly the same rights especially concerning child allowances, family reunification and access to the judicial redress with the ECJ;
59. Recalls that any transitional arrangements must be fully compatible with WTO obligations in order not to disrupt trade relations with third countries;
60. Insists that any future trade agreements that the UK negotiates post-withdrawal with third countries may only come into force at the end of the period during which transitional arrangements apply;
61. Recalls that as from the date of the UK's withdrawal from the EU, the UK will no longer benefit from the international agreements concluded by the EU, or by the Member States acting on its behalf, or by the EU and the Member States acting jointly; takes note that, during a transition period, the UK will remain bound by the obligations stemming from these agreements; stresses that it is principally for the UK to seek arrangements with those third countries where an agreement is in place should it wish to maintain the effects of existing agreements as regards the UK and that the UK will not be able to participate in the governance structures and decision-making procedures provided for by these agreements;
62. Points out that, as part of the Withdrawal Agreement, the transitional arrangements can only be implemented once this agreement enters into force;

*(iv) Other separation issues*

63. Calls for an agreement to be found without delay on all separation provisions as set out in Part Three of the draft Withdrawal Agreement and urges that the UK come with a clear position, where it has already not done so, on all outstanding issues pertaining to its orderly withdrawal;

***Preparedness***

64. Underlines the importance of the work undertaken by the Commission and the Member



States at various levels in terms of awareness raising and preparedness; stresses that, given the uncertainties created by Brexit, not only the EU institutions, but also national authorities, economic operators and especially citizens have to be alerted and receive proper information in order to prepare adequately for all possible scenarios, including a no deal scenario; calls, in particular, for actions to be launched towards the greatest number of concerned sectors and people, including in the following areas:

- Continued and safe access to medicines for veterinary and human use, medical devices for patients, including a secure and consistent supply of radioisotopes,
- Financial services for economic operators,
- Readiness of SMEs and small operators, including agri-food producers and producers of fisheries products, trading with the UK, which could for the first time be confronted to export procedures and requirements, including sanitary and phytosanitary,
- Limitations and constraints that could stem from the new legal framework for the transport of passengers and goods and the impact on just-in-time parts of the food supply, processing and distribution chain,
- Capacity to ensure correct labelling, traceability and genuine origin of agricultural and fisheries products, to ensure food safety and animal welfare standards as well as accurate consumer information on food products,
- Data protection legal framework,
- The complete identification, by the Commission, of EU legislation requiring modification as a result of Brexit;

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65. Instructs its President to forward this resolution to the European Council, the Council of the European Union, the European Commission, the national parliaments and the Government of the United Kingdom.