

BREXIT: EU/UK PROGRESS REPORT

The EU/UK joint report on the progress of the Brexit negotiations, announced today, contains the following key points:

Citizens' rights

The overall objective of the Withdrawal Agreement on citizens' rights will be to provide reciprocal protection for EU and UK citizens, to enable the effective exercise of rights derived from EU law, where those citizens have exercised free movement rights by the time of the UK's withdrawal.

UK courts will have due regard to relevant decisions of the CJEU after the UK's withdrawal.

For litigation brought within eight years from the date of application of the citizens' rights provisions UK courts or tribunals will be able to ask the CJEU questions of interpretation of EU law.

Ireland and Northern Ireland

The Belfast/Good Friday Agreement of 1998 (1998 Agreement) must be protected.

The UK remains committed to protecting North-South cooperation and to its guarantee of avoiding a hard border between Ireland and Northern Ireland. The UK's intention is to achieve these objectives through the overall EU-UK relationship. Should this not be possible, the UK will propose specific solutions. In the absence of agreed solutions the UK will maintain full alignment with those rules of the EU Internal Market and the EU Customs Union which support North-South cooperation, the all-island economy and the protection of the 1998 Agreement.

In the absence of agreed solutions the UK will ensure that no new regulatory barriers develop between Northern Ireland and the rest of the UK, unless, consistent with the 1998 Agreement, the Northern Ireland Executive and Assembly agree that distinct arrangements are appropriate for Northern Ireland. The UK will continue to ensure unfettered access for Northern Ireland's businesses to the whole of the UK's internal market.

The UK and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories (Common Travel Area).

Financial Settlement

The EU and UK have agreed a methodology for the financial settlement, including:

- A list of components
- A set of principles for calculating the value of the financial settlement and payment modalities
- Arrangements for continued participation of the UK in the programmes of the current Multiannual Financial Framework (MFF) until their closure
- Financial and related arrangements for the European Investment Bank, the European Central Bank, EU trust funds, the Facility for Refugees in Turkey, Council agencies and the European Development Fund.

The UK will contribute to the implementation of the EU annual budgets for 2019 and 2020 as if it had remained in the EU. The UK will contribute its share of the financing of the budgetary commitments outstanding at the end of 2020. The UK will contribute its share of the financing of the EU's liabilities incurred before 31 December 2020.

Following withdrawal from the EU, the UK will continue to participate in the EU programmes financed by the MFF 2014-2020 until their closure. Entities located in the UK will be entitled to participate in such programmes. So, the eligibility to apply to participate in EU programmes and EU funding for UK participants and projects will be unaffected by the UK's withdrawal from the EU for the entire lifetime of the projects.

Other Separation Issues

Goods placed on the market under EU law before withdrawal may freely circulate on the markets of the UK and EU with no need for product modifications or re-labelling.

In general, rules on conflict of laws should continue to apply to contracts before the withdrawal date and non-contractual obligations where an event causing damage occurred before the withdrawal date.

Legal certainty will be provided on the circumstances under which EU law on jurisdiction, recognition and enforcement of judgements will continue to apply and judicial cooperation procedures will be finalised.

The CJEU will remain competent for UK judicial procedures registered at the CJEU on the UK's date of withdrawal and those procedures should continue to a binding judgment.

Way forward

Although the above positions are not currently binding, the EU has accepted that sufficient progress has been made in the negotiations to merit a move to negotiations on the framework for the UK's future relationship with the EU and transitional arrangements and more detailed discussion of the withdrawal arrangements.

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