



Speech by Michel Barnier at the press conference following the third round of Article 50 negotiations with the United Kingdom

Brussels, 31 August 2017

Good afternoon ladies and gentlemen,

David Davis and I, together with our teams, have just finished the third round of negotiations. I would like to personally thank both teams, on both sides, for their commitment and competence.

When I welcomed David here on Monday, I said that I was concerned.

Time is passing quickly and with each day that goes by, we are getting closer to the United Kingdom's withdrawal, on 29 March 2019 at midnight.

The fundamental question for which we need an answer is whether on this day, the United Kingdom will leave the European Union in an orderly manner, with an agreement, or whether the United Kingdom will leave the European Union with no deal, the consequences of which we have already explained.

From our side, we believe that an agreement is the best outcome, as it is in our best common interest.

Ladies and gentlemen,

This week, we made some useful clarifications on a lot of points, for example, the status of frontier workers, the aggregation of social security rights, and pending legal proceedings before the Court of Justice, to name but three.

But we made no decisive progress on the main subjects, even though – and I want to say so – the discussion on Ireland was fruitful.

On this subject – which I continue to follow personally, as all other areas – we made real progress on the question of the Common Travel Area, on the basis of guarantees by the United Kingdom, and we clarified, in a constructive manner, what remains to be done, particularly with regards to North-South cooperation in the Good Friday Agreement.

But, I repeat again, time is passing quickly for us to reach a global agreement.

At the current speed, we are far from being able to recommend to the European Council that there has been sufficient progress in order to start discussions on the future relationship, while we are finalising the withdrawal agreement throughout 2018.

That is what I can say, from our side, about this round.

As I am here before you today, I would like to recall three points on the general framework on this negotiation that should be well understood – or better understood.

These negotiations are unusual and unprecedented

This is particularly true for the European Commission, which works with its expertise, under the authority of President Juncker, and within the framework of a mandate that was fixed from the beginning, from day one, by the 27 Heads of State or Government in the European Council under the presidency of Donald Tusk.

And, naturally, we work closely with the European Parliament, under the Presidency of Antonio Tajani, which was the first to adopt a resolution, with a very large majority. I recommend that nobody underestimates the role of the European Parliament.

It is this mandate, unanimously adopted by the 27 Heads of State or Government, which I am implementing scrupulously.

This mandate is clear and precise:

- It sets out the sequencing. It requires that work be done in the right order to succeed;
- It refers to the conditions for a transitional period if such a period is requested by the United

Kingdom;

- And it requires that the orderly withdrawal takes into account the future relationship, which I refer to as a new partnership.

Those who look for the slightest difference between what this European negotiating team is doing and what Member States want are wasting their time.

Secondly, as stipulated precisely in the *Guidelines of the European Council*, protecting the EU legal order and protecting the integrity of the Single Market are core principles of my mandate.

The UK decided to leave the European Union.

The UK government decided to leave the Single Market and the Customs Union.

We respect this sovereign decision.

But one thing is clear: The Single Market, the EU capacity to regulate, to supervise, to enforce our laws, must not and will not be undermined by Brexit.

The UK strongly contributed to the development of our single market which is the foundation of the EU. It understands well, very well, how it works.

The European Council guidelines state that the Union will preserve its autonomy of decision-making.

The UK wants to take back control, it wants to adopt its own standards and regulations.

But it also wants to have these standards recognised automatically in the EU. That is what UK papers ask for.

This is simply impossible. You cannot be outside the Single Market and shape its legal order.

Thirdly, the first phase of this negotiation is about creating trust.

Let me take two examples where we still need to build trust.

On citizens' rights

We have clarified a few points this week, but we need to go further to reassure citizens.

Over the summer, around one hundred EU and EEA citizens living lawfully in the UK received deportation letters.

The UK government quickly recognised that this was a mistake.

But this is not the first time that something like this has happened.

It reinforces the need to ensure that citizens' rights are directly enforceable in front of national jurisdictions, under the control of the European Court of justice, a point on which we disagree today.

On the financial settlement

EU taxpayers should not pay at 27 for the obligations undertaken at 28. This would not be fair.

In July, the UK recognised that it has obligations beyond the Brexit date.

But this week the UK explained that these obligations will be limited to their last payment to the EU budget before departure.

Yet we have joint obligations towards third countries. For example:

- We have guaranteed long-term loans to Ukraine, together.
- We jointly support development in Africa, the Caribbean and Pacific countries through the European Development Fund.

After this week, it is clear that the UK does not feel legally obliged to honour these obligations after departure.

We have also jointly committed to support innovative enterprises and green infrastructure in European regions until 2020. These are not recognised by the UK as legal obligations.

With such uncertainty, how can we build trust and start discussing a future relationship?

We need to address together these issues seriously and rigorously.

Ladies and gentlemen,

I was never under the illusion that these negotiations would be easy. I have always thought – and said before you at our first press conference together in November of last year – that this would be complex and that Brexit would have many social, human, technical, legal, financial and economic consequences.

But, as I have seen over the past three days, there is engagement on both sides, in both our delegations. I must say so. And that reinforces our determination.

My state of mind on behalf of the 27 is to reach an agreement.

Once again, time is passing very quickly, and if required, we are ready on our side – the 27 EU Member States and the European Institutions, to step up the pace of negotiations.

Bilingual version as delivered - version bilingue comme prononcée

Bonjour à chacune et chacun d'entre vous,

David Davis et moi-même, avec nos équipes, venons de terminer ce troisième round de négociation. Des équipes que je veux personnellement remercier, de part et d'autre, pour leur engagement et pour leur compétence.

Lundi, en accueillant David, j'ai dit "*I am concerned*", j'ai dit ma préoccupation.

Le temps passe vite et chaque jour qui passe nous rapproche de la date de départ du Royaume-Uni de l'Union européenne, le 29 mars 2019 à minuit.

La question fondamentale à laquelle nous devons apporter une réponse est de savoir si ce jour-là, le 29 mars 2019 à minuit, nous aurons bien organisé le retrait ordonné du Royaume-Uni ou si le Royaume-Uni quitte l'Union européenne sans accord, avec toutes les conséquences que nous avons déjà expliquées.

De notre côté, dans notre intérêt commun, nous pensons qu'un accord est la meilleure issue.

Mesdames et Messieurs,

Cette semaine, nous avons apporté des clarifications utiles sur beaucoup de points, par exemple le statut des travailleurs frontaliers, l'agrégation ou la totalisation des droits de sécurité sociale et les procédures en cours devant la Cour de justice, pour n'en citer que trois.

Mais nous n'avons enregistré aucun progrès décisif sur les sujets principaux, même si, je veux le dire, la discussion que nous avons eue sur l'Irlande a été fructueuse.

Sur ce sujet que je continue de suivre personnellement, comme d'ailleurs tous les autres, nous avons fait de vrais progrès sur la question du *Common Travel Area*, sur la base des garanties données par le Royaume-Uni, et nous avons clarifié le travail qui reste à faire, de manière constructive, notamment sur la coopération Nord-Sud dans le cadre du *Good Friday Agreement*.

Mais, je le redis, le temps presse pour parvenir comme nous le souhaitons à un accord global.

Au rythme actuel, nous sommes loin de constater des progrès suffisants pour pouvoir recommander au Conseil européen d'engager la discussion sur la future relation entre le Royaume-Uni et l'Union européenne, en même temps que nous finaliserons durant toute l'année de 2018 l'accord de retrait.

Voilà de notre côté ce que nous retenons de ce troisième round.

Je voudrais, puisque j'ai la chance de pouvoir m'exprimer devant vous aujourd'hui, rappeler trois points sur le cadre général de cette négociation qui doivent être bien compris et parfois mieux compris.

Cette négociation est inhabituelle et sans précédent.

C'est en particulier vrai pour la Commission européenne qui agit, avec toute l'expertise de ses services que je remercie, sous l'autorité du Président Juncker, dans le cadre d'un mandat qu'il lui a été fixé dès le début, dès le premier jour par les 27 chefs d'Etats et de gouvernement réunis en Conseil européen sous la présidence de Donald Tusk.

Et naturellement, nous travaillons en confiance avec le Parlement européen, son Président Antonio Tajani, le Parlement européen qui s'est exprimé en tout premier, à une très large majorité, en votant une résolution. Je recommande que personne ne sous-estime ce rôle du Parlement européen.

C'est ce mandat, adopté à l'unanimité par les 27 chefs d'Etat et de gouvernement que je mets

scrupuleusement en œuvre. Ce mandat est clair et précis:

- Il organise le *sequencing*. Il nous demande tout simplement de mettre les choses dans le bon ordre pour réussir.
- Il évoque clairement les conditions d'une période de transition si le Royaume-Uni la demande.
- Et il nous demande d'organiser ce retrait ordonné en tenant compte d'une future relation, ce que j'ai appelé moi-même dès le début "*the new partnership*", le nouveau partenariat.

Ceux qui chercheraient la moindre différence entre ce que fait cette équipe européenne de négociation et ce que veulent les 27 Etats membres perdraient leur temps.

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Mesdames et Messieurs,

Je n'ai jamais pensé que cette négociation serait facile. J'ai toujours su et dit devant vous, y compris le premier jour, en novembre l'année dernière, qu'elle serait complexe et que le Brexit aura beaucoup de conséquences sociales, humaines, techniques, juridiques, financières, économiques.

Mais il y a, j'ai constaté durant ces trois jours, de l'engagement de deux côtés, dans nos deux délégations. Je veux le dire. Et cela renforce notre détermination.

Mon état d'esprit au nom des 27 est d'aboutir à un accord.

Une fois encore, le temps passe vite, très vite, et s'il le faut pour réussir, nous sommes prêts du côté des 27 et du côté des institutions européennes à intensifier le rythme des négociations.

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