

Brexit: Council (Article 50) adopts negotiating directives on the transition period

The Council, meeting in EU27 format, adopted supplementing negotiating directives for the Brexit negotiations, which detail the EU27 position regarding a **transition period**. These negotiating directives provide the Commission, as the EU negotiator, with a mandate to start discussions with the United Kingdom on this matter.

EU ministers have given a clear mandate to the Commission on what is the type of transition period that we envisage: full EU acquis to be applied in the UK and no participation in the EU institutions and decision-making. The 27 adopted the text speedily today and we hope an agreement on this with the UK can also be closed swiftly.

Bulgarian Deputy Prime Minister Ekaterina Zaharieva

Duration of the transition period

The guidelines of the European Council (Article 50) of 15 December 2017 stated that transitional arrangements must be **clearly defined and precisely limited in time**. The proposed end date for the transition period in the negotiating directives is **31 December 2020**.

Application of EU acquis

According to the EU position, during the transition period **the whole of the EU acquis** will continue to apply to the UK as if it were a member state. **Changes to the acquis** adopted by EU institutions, bodies, offices and agencies during that period would also apply in the UK.

All existing EU regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures will also apply, including the competence of the Court of Justice of the European Union.

Concerning the area of freedom, security and justice, where the UK has a right to **opt in and opt out** of individual pieces of legislation, the current rules will apply for acts adopted during the transition by which the UK is bound before its withdrawal. However the UK will no longer be allowed to opt into new measures in this area other than those amending, replacing or building upon the ones he is bound before its withdrawal.

Trade policy and international deals

During the transition period, the UK will **remain bound by the obligations** stemming from the agreements concluded by the EU, while it will no longer participate in any bodies set up by those agreements.

As the UK will **continue to participate in the customs union and the single market (with all four freedoms) during the transition**, it will have to continue to comply with EU trade policy, to apply EU customs tariff and collect EU customs duties and to ensure all EU checks are being performed on the border. This also implies that during that period the UK **will not become bound by international agreements** in its own capacity in fields of competence of EU law, unless authorised to do so by the EU.

EU institutions and bodies

The UK, as already a third country, will **no longer participate in the institutions and the decision-making** of the EU.

The UK will no longer attend meetings of Commission experts groups, committees or other similar entities where member states are represented. **Exceptionally** on a case-by-case basis, the UK could however be invited to attend one of these meetings

without voting rights.

Specific **consultations** will be foreseen with regard to the **fixing of fishing opportunities** (total allowable catches) during the transition period, in full respect of the EU acquis.

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