

The Joint Report on the negotiations so far

The Report opens by stressing that both sides are pledged to the view that nothing is agreed until everything is agreed. The Report acknowledges that the detailed draft agreement on citizens rights and on a financial settlement are without prejudice to an agreement on a future relationship. The Prime Minister has stated that the payment of any money other than our contributions up to leaving date are contingent on a wider Agreement.

The UK has won some of the important arguments over citizens rights. It is important that EU citizens living in the UK are under UK law, just as UK citizens living in the rest of the EU will clearly remain under EU law. The UK has sought to avoid a situation where EU citizens living in the UK enjoy a special status which is governed by EU law and the European Court of Justice. There will be further debate about whether an eight year right for UK courts to seek guidance on EU law in this field dilutes the UK jurisdiction too much. The UK side stresses that individual cases over citizens rights in the UK will be governed by UK law and adjudicated by UK courts.

The complex clauses on the financial settlement do not set out detailed numbers or precise programmes. The main extra cost appears to be accepting the Union budget for 2019 and 2020 after we have left. Presumably this is envisaged as a transition period which still has to be defined and negotiated in subsequent exchanges. People will want to know what such UK generosity achieves in terms of the future relationship. The Prime Minister has previously made clear that there only need be a transition period if there is a good Agreement to transit to. The UK has made some general statements on so called RAL or financial items after 2020, and on contingent liabilities. It will need greater clarity of what these are and why the UK might make some ex gratia contribution, as there seems to be no legal liability for these sums.

The wording on Northern Ireland and the border with the Republic is general and about principles. It will fall to later talks to work out how the "detailed arrangements" will work. This, as the UK has often pointed out, needs decisions on the general arrangements for UK trade with the EU before anyone can finalise the border arrangements. There will be considerable debate about the meaning of this statement "In the absence of agreed solutions the UK will maintain full alignment with the rules of the internal market and customs union which now or in the future support North-south co-operation, the all island economy and the protection of the 1998 Agreement"