

Road Map of the ETUC on Negotiations on a New Partnership with the UK

Adopted at the Executive Committee meeting of 9-10 March 2020

The UK left the EU on 31 January 2020 and a transition period is in effect until 31 December, during which time little changes. The EU and the UK will spend this year negotiating the terms of a post-Brexit deal which will come into force on 1 January.

The negotiations on the future partnership between the EU and the UK will start the first week of March and will involve the work of several negotiation tables taking place in parallel. There will be negotiation rounds in Brussels and London at least once a month. The formulation of the different negotiation tables is set out in annex A in attachment of this document. There will be two tables of significant interest to us namely, the “Level Playing Field for open and fair competition” and “Mobility and Social Security Coordination”. However, other tables are bound to overlap into topics of key interest to working people and will be very relevant for particular sectors.

According to the revised Political Declaration of the Withdrawal agreement, a summit should take place in June so that the EU27 and the UK can assess the progress of the talks.

June is also the final month for Britain to request an extension of its transition period beyond 2020, something the British Prime Minister has pledged not to do.

Some progress towards securing the level playing field

At its extraordinary Executive Committee of 6 February 2020, the ETUC adopted a Statement on the draft EU negotiating mandate for a new partnership, we highlighted that securing a level playing field means non-regression as well as dynamic alignment. Our demands have been somewhat taken up in the EU mandate adopted on 25 February, specifically:

94. These commitments should prevent distortions of trade and unfair competitive advantages so as to ensure a sustainable and long-lasting relationship between the Parties. To that end, the envisaged agreement should uphold common high standards, and corresponding high standards over time with Union standards as a reference point, in the areas of State aid, competition, state-owned enterprises, social and employment standards, environmental standards, climate change, relevant tax matters and other regulatory measures and practices in these areas. In so doing, the agreement should rely on appropriate and relevant Union and international standards. It should include for each of those areas adequate mechanisms to ensure effective implementation domestically, enforcement and dispute settlement, including appropriate remedies. The Union should also have the possibility to apply autonomous, including interim, measures to react quickly to disruptions of the equal conditions of competition in relevant areas, with Union standards as a reference point.

Problematic approach from the UK on securing the level playing field

On 27 February the British Government presented its approach to the negotiations. The UK merely seeks to include unenforceable labour commitments, establishing cooperation provisions with the EU, not to be subject to the Agreement's dispute resolution mechanism. This falls short of the trade union and EU position, which foresees the application of sanctions through financial compensation or through proportionate and temporary measures, including suspension of the Agreement.

ETUC Engaging with the Negotiations

At the political level, the ETUC will continue its engagement with Michel Barnier, the EU chief negotiator and will also follow up on the different technical negotiating tables. The ETUC met with Barnier on 5 February and with Jordi Curell, DG Employment director on 26 February. This engagement will continue both at political and technical level with the European Commission.

Trade Union Leaders Workshop¹

The ETUC intends to organise a high-level workshop for union leaders in London to signal unity among all our affiliates. Hosted in the TUC premises it will demonstrate our combined support for the level playing field and will allow us to take stock of the initial rounds of negotiations, to discuss strategy of solidarity and to give the ETUC secretariat directions for the next steps. **The meeting foreseen on 22nd April in London is postponed**

Ad hoc Coordination Group

The ETUC, also intends to set up an "ad-hoc coordination group" to share information, follow and coordinate input into the negotiations. The Coordination group will be chaired by Esther Lynch, Deputy General Secretary and will meet at least once a month. The ad-hoc coordination group will share the work of developing inputs into the negotiations and for leading on the various topics, importantly for the sectors. It will be composed of ETUFs and will also include national affiliates, who are interested and available.

The objective of the ad-hoc coordination group will be to identify key issues that might affect workers and advocate for relevant protection. A key issue will be the definition and implementation of Level Playing Field provisions and their effective enforcement.

Affiliates are requested to

- Attend at the High-Level Workshop in London
- Nominate a contact person in their organisation who the ETUC can contact for information and who will be sent information on progress - please send to Daniele Basso (dbasso@etuc.org)
- ETUFs to nominate a lead topic and person on the topic who will be part of the standing coordination group.
- National affiliates to nominate a person from their organisation if they wish to participate in the ad-hoc coordination group.

¹ Following the measures linked to COVID 19, the decision was taken to postpone this meeting - if possible- during the ETUC Summer School.

ANNEX 1: TERMS OF REFERENCE ON THE UK-EU FUTURE RELATIONSHIP NEGOTIATIONS

The United Kingdom and the European Commission, representing the EU, agree that the following elements guide the negotiations on their future relationship, within the framework that is set out by the Political Declaration of 17 October 2019.

Negotiating Parties and Negotiating Groups

The European Commission leads the negotiations on behalf of the European Union. On the European Commission side, the negotiations are led by the Commission's Chief Negotiator who is the Head of the Task Force for Relations with the United Kingdom (UKTF). He is supported by a Deputy Chief Negotiator. Other representatives from the European Commission, the EEAS and the Council participate in the negotiation, as appropriate, including as Co-Leads on the EU-side.

On the UK side, the negotiations are led by the UK's Chief Negotiator who is the Head of Task Force Europe (TFE). Other public officials will participate in the negotiation as appropriate and may be designated as Deputy Chief Negotiators.

Negotiating groups work under the guidance of plenary negotiating sessions cochaired by the Chief Negotiators and/or Deputy Chief Negotiators. Each negotiating group is led by the relevant Lead or Co-lead Negotiators designated by each Party.

Negotiating groups are outlined in Annex A to these terms of reference. The two Parties may agree jointly as appropriate to merge, split up, or create additional negotiating groups, or to create subsets of negotiating groups. Each negotiating group is led by the relevant Lead or Co-Lead Negotiators designated by each party. negotiating groups may establish their own modalities, provided that they are in line with these overarching principles.

Timetable

Negotiating rounds:

- Full negotiating rounds will in principle take place every two to three weeks, unless agreed otherwise between the parties. Negotiation rounds will alternate between London and Brussels. Delegation lists for each full round will be exchanged prior to each round and lists can be updated as necessary during each round. An agenda for each full round will be established in advance and can be amended with the agreement of both parties. The parties will endeavour to exchange delegation lists and agree on the agenda for each negotiation round 5 working days in advance of the start of the relevant negotiation round.

- Each full round will "open" with an opening plenary session at Chief or Deputy Chief Negotiators' level to set the objectives of the round, and "close" with a stocktaking at the closing plenary session at Chief or Deputy Chief Negotiators' level, to assess the overall progress achieved and consider the focus of work at the next round.

- Each full round will consist of concurrent negotiations across negotiating groups as agreed between the parties in advance of the round.

- Informal discussions between the parties may occur, as necessary, between rounds.

- The first round will take place in Brussels in the week beginning 2 March 2020. Further timings for the initial rounds as far as mid-May have been agreed and are outlined in Annex B to these terms of reference.

- At the high-level meeting planned for June the parties will convene to take stock of progress, with the aim of agreeing actions to move forward in negotiations on the future relationship.

Documentation

When either party shares with the other negotiating positions, written documents (including draft texts, non-papers, requests and offers), joint documents, notes of meetings or supporting data and information:

- the sending party will endeavour to issue these documents at least 24 hours in advance of the relevant meetings;

- the receiving party will not share this material outside of negotiating teams without the consent of the other party. Unless explicitly indicated otherwise by the sending party, material received may nevertheless be shared to the extent necessary for each party to fulfil its institutional practice or constitutional obligations in the context of the negotiations, subject to appropriate confidentiality arrangements.

- each party may share joint documents to fulfil its institutional practice or constitutional obligations.

Documents will not be made public without the consent of the originator party, and in the case of joint documents without the consent of both parties.

Both parties will ensure the appropriate confidentiality arrangements are in place in respect of the above materials.

Language

Negotiations shall be conducted in English and in duly justified circumstances in French. Interpretation from and into French will be provided at the expense of the party using French.

In line with their obligations, the EU will translate the agreement from English into all other official EU languages and publish it in the Official Journal of the European Union.

Transparency

The UK and the EU will pursue negotiations transparently and, as necessary, will seek to agree any necessary public statements relating to the negotiations. This is without prejudice to the Parties reporting separately on the outcome of the rounds in accordance with their practices², including with regard to any written report that the Parties may wish to publish.

² The EU has published a set of principles regarding the transparency policy.

ANNEX 1A

Negotiating Groups - The establishment of these groups, and their titles, is in order to meet the practical needs of the negotiations and is without prejudice to the outcome of those negotiations³.

1. Trade in Goods
2. Trade in Services and Investment and other issues
3. Level Playing Field for open and fair competition
4. Transport
5. Energy and Civil Nuclear Cooperation
6. Fisheries
7. Mobility and Social Security Coordination
8. Law enforcement and judicial cooperation in criminal matters
9. Thematic Cooperation
10. Participation in Union Programmes
11. Horizontal arrangements and governance

ANNEX 1B

Negotiating Rounds - the parties agree to the following rounds with further rounds to be mutually agreed:

Rounds 2020	Start date	AM/PM	Finish date	AM/PM	Location
Round 1	Monday 2 March	PM	Thursday 5 March	AM	Brussels
Round 2	Wednesday 18 March	PM	Friday 20 March	PM	London
Round 3	Monday 6 April	AM	Wednesday 8 April	PM	Brussels
Round 4	Monday 27 April	PM	Thursday 30 April	PM	London
Round 5	Wednesday 13 May	AM	Saturday 16 May	AM	Brussels

³ The European Commission notes that the United Kingdom proposes not to include a negotiating group dedicated to "Cooperation on foreign policy, security and defence".