

## TERMS OF REFERENCE ON THE UK-EU FUTURE RELATIONSHIP NEGOTIATIONS

1. 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

2. 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.
3. 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.
4. Negotiating groups work under the guidance of plenary negotiating sessions co-chaired 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.
5. 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

6. 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

7. 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.
8. 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.
9. Both parties will ensure the appropriate confidentiality arrangements are in place in respect of the above materials.

#### Language

10. 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.
11. 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

12. 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 practices<sup>1</sup>, including with regard to any written report that the Parties may wish to publish.

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<sup>1</sup> The EU has published a set of principles regarding the transparency policy.

## ANNEX A

**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 negotiations<sup>2</sup>.

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 B

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

<b>Rounds 2020</b>	Start date	AM/PM	Finish date	AM/PM	<b>Location</b>
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

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<sup>2</sup> The European Commission notes that the United Kingdom proposes not to include a negotiating group dedicated to "Cooperation on foreign policy, security and defence".