1. Summary

1.1 On 8 December 2017 it was announced that “sufficient progress” has been made in the Brexit talks to move on to discussions of a future trade relationship.¹

1.2 Although there is the usual caveat that ‘nothing is agreed until everything is agreed’, there appears to be a number positive steps on our key asks, including:

- Confirmation of the rights of EU citizens who have exercised free movement before the cut-off date, which will be the date of withdrawal.

- The financial settlement approach states that “the UK will continue to participate in EU programmes financed by the MFF 2014-2020 until their closure”, meaning UK will be eligible for participation in Horizon 2020 and Erasmus+ to the end of the programmes.

- Commitment to continued north-south cooperation in Ireland and upholding the Good Friday agreement.

1.3 Now that the talks can move on to the future relationship, we are urging the Government to make research and innovation a priority.

2. Citizens’ rights

2.1 The agreement provides “reciprocal protection for Union and UK citizens, to enable the effective exercise of rights derived from Union law and based on past life choices, where those citizens have exercised free movement rights by the specified date.”

2.2 The ‘specified date’ in terms of the change to citizens’ rights will be the time of the UK withdrawal (para 8). This is what we have been pressing for as it means no retrospective change of status for EU citizens in the UK nor UK citizens in the EU.

2.3 The agreement sets a 5-year time limit (five consecutive years of absence) before acquired rights of permanent residency are lost (para 25). This is very positive and reflects the feedback we gave Jo Johnson’s High-Level Steering Group at its last meeting, where we highlighted that time abroad for study, training, career development and research collaborations are central to academic career paths and should not jeopardise their acquiring or retaining settled status.

2.4 We had highlighted a technical issue on the rights of children that could have depended on where they were born after the specified date. This now seems to have been resolved and will provide greater assurance for families (para 12b).

2.5 Commitment that the application system for obtaining status conferring rights will be smooth, streamlined and transparent, with 2-years grace to submit applications, the host state working with applicants to help them prove eligibility, and a principle of ‘evidential flexibility’ applying (para 16-17).

¹ The full UK-EU joint report is here: https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf
2.6 We asked for those holding permanent residence documents to have the opportunity of these being translated automatically into the new status. The agreement confirms that this is now the intent (para 23), subject to a couple of checks:

“In order to obtain status under the Withdrawal Agreement by application, those already holding a permanent residence document issued under Union law at the specified date will have that document converted into the new document free of charge, subject only to verification of identity, a criminality and security check and confirmation of ongoing residence”

2.7 There is also a clear recognition of the need to give citizens as much certainty as possible (para 33-36) and that domestic legislation will now be enacted to implement the agreement.

3. Financial settlement

3.1 The methodology of the financial settlement has been agreed (although not the final sum). Para 71 is clear and very promising from our perspective on EU programmes:

“Following withdrawal from the Union, the UK will continue to participate in the Union programmes financed by the MFF 2014-2020 until their closure (excluding participation in financial operations which give rise to a contingent liability for which the UK is not liable as from the date of withdrawal). Entities located in the UK will be entitled to participate in such programmes. Participation in Union programmes will require the UK and UK beneficiaries to respect all relevant Union legal provisions including co-financing. Accordingly, the eligibility to apply to participate in Union programmes and Union funding for UK participants and projects will be unaffected by the UK’s withdrawal from the Union for the entire lifetime of such projects.”

3.2 Jo Johnson has confirmed that UK organisations and individuals will have continued full access to Horizon 2020 for the duration of the programme, until the end of 20202. We also take this to mean that the UK will be eligible to participate in Erasmus+ to the end of the programme and are seeking confirmation.

3.3 This is positive news and means our universities can continue to benefit from the Horizon 2020 programme and bid for funding. It also allows more time for discussions around the UK’s participation in the next Framework Programme. We will work with members to communicate this message at home and to our EU partners and encourage continued levels of participation in the programme.

3.4 Para 73 adds that we may wish to participate in some future programmes as a non-Member State. Again, this is helpful for possible association to the next Framework Programme, and is similar to the wording used in some of the association agreements we’ve looked at over the last few months.

3.5 There is no immediate disruption to the operation of the EIB (para 74) as our position in the EIB will be unwound over a period of 12 years starting at the end of 2019 (para 76), although options are also kept open for possible future arrangements to be explored (para 80).

2 https://twitter.com/JoJohnsonUK/status/939157605511041024
4. Ireland and Northern Ireland

4.1 The agreement has a strong focus on continued cooperation, upholding the Good Friday Agreement. This is something we have flagged as important for continued north-south collaboration on research. The commitment to avoiding a hard border is also very welcome.

4.2 Para 40 notes:

The United Kingdom remains committed to protecting North-South cooperation and to its guarantee of avoiding a hard border. Any future arrangements must be compatible with these overarching requirements. The United Kingdom's intention is to achieve these objectives through the overall EU-UK relationship. Should this not be possible, the United Kingdom will propose specific solutions to address the unique circumstances of the island of Ireland. In the absence of agreed solutions, the United Kingdom will maintain full alignment with those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement.

5. Other issues

5.1 UK exit from Euratom is confirmed (para 89) although there is an agreement that we will develop a regime that is effectively equivalent to the existing Euratom arrangements.

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