Danuta Hübner
Chair of the Committee on Constitutional Affairs, European Parliament

Contribution to the panel "The Future of Europe: The Withdrawal Agreement with the United Kingdom"

25th Summit of Chairs of EPP-affiliated Groups in National Parliaments

25 June 2017, European Parliament, Brussels

It is true that the whole Brexit process takes a lot of time and energy of some of us. Even if the EP is not in the front line of the negotiation process, from the very beginning we have been contributing to the preparatory process on the EU side, being as well an active, well-organized participant of the information flow process. The Constitutional Affairs Committee, which I am chairing, will, at the end of the process, recommend to the Plenary, within the consent procedure, to vote in favor of the Brexit deal or to reject it.

I would like to echo what has been said so far regarding the importance of the unity between the European institutions and among the Member States. We have built this unity since the referendum a year ago and I hope we will maintain it till the end of the process. I share also the view that there seems to be a rather limited awareness in London of the consequences of Brexit, in particular when it comes to the long term ones. In this respect, negotiations will be a learning process, both for the British public at large and the political circles.

Our group has expressed many times its regret regarding the decision taken by the United Kingdom to leave, while obviously respecting such decision. The feeling of regret has not appeased over time, and while aiming to maintaining good relations with the UK, we are respectful to the irreversible decision taken by the British people. Despite the uncertainty, unpredictability and complexities accompanying the negotiations of the withdrawal agreement, we, as EPP, will strive to ensure the accomplishment of this process, in an orderly way, and in the best interest of the Union and of its citizens.

We see Brexit as unprecedented political process, extremely complex legally and technically with strong political, economic and social repercussions. Its consequences are undeniable and unprecedented for both the European Union and, first of all, for the United Kingdom. But the entire extension of

repercussions is still largely unknown and unpredictable, embracing both short and long term issues. Some commentators have taken reactions to the referendum as Brexit consequences. This confusion has no justification.

Some people see Brexit as a window of opportunity for the EU to proceed with necessary reforms. It might be, indeed, an additional incentive but it is clear that what is at stake is the need of reforms, which the Union must embark upon with or without UK. It is good to remember that we have started the European integration process without the Britons and we will carry on without them.

I said above that negotiations will be a learning process. Without doubts they will be an eye opener in a sharp contrast to the pre referendum campaign but also to the recent electoral campaign. But negotiations will be first of all very difficult. And there is a down side risk that both parties can walk away from the negotiating table. Withdrawal without an agreement would be, however, the worst solution. It would have substantial negative economic consequences for the U.K. It would also be damaging to the Union. Our effort should go toward reducing damage and managing inevitable negative consequences of this process. We have to cope effectively with this challenge. While revoking article fifty is not impossible, we made it very clear in the April resolution that it would require unanimity and meeting conditions making the abuse of this procedure for the sake of negotiations results impossible.

Our group from the very beginning has seen the role of the European Parliament as significant. We have been fully aware that the responses we give to fundamental issues at stake will have impact on the life of millions of European Union citizens. Rights of European citizens have been put on the top of our Brexit agenda. We have also made it clear that our duty will be to ensure that the process and its outcomes respect the values and principles on which the Union is founded. We see the absolute need to defend the integrity and autonomy of the union legal order. This can only be achieved by avoiding any distortions to the constitutional system as designed by the Treaties. Treaties will be our boundaries throughout the process. We will act as an honest and constructive partner but only so long as the process remains within the framework and the spirit of the Treaties and the Charter of Fundamental Rights. The April Resolution carries a special meaning as it reflects our understanding of the constitutional nature of the European integration process. We will spare no efforts to ensure the development of the Union as a fair, credible and sustainable project based on the rule of law.

We work hand in hand with Michel Barnier fully sharing his approach to the transparency of the entire process. Indeed, the openness of the whole process on the Union side has been until now remarkable. The commitment to transparency is shared across the institutions. The EP has called for the negotiations to be carried on in the good faith and full transparency. Also, the Council has undertaken concrete action to enact specific guiding principles in this regard. What is not clear so far is whether the British approach to transparency will match our commitment.

I have mentioned that the European Parliament has been involved in the Brexit process from its very beginning and our plan is to continue this engagement through the whole negotiation period and within the framework of the so called negotiation cycle as proposed by Michel Barnier. We are involved at all political levels of the process. What is worth mentioning in this context is the unity in approach across all institutions and member states. This is true regarding priorities as well as all guiding fundamental principles to be followed throughout the whole process.

Taking seriously our role at the very end of the withdrawal, we have made considerable efforts in gathering reliable evidence. We do it not only through ensuring information flows from the EU side but as none of the other institutions opening the House to all stakeholders from the British side. This will allow us to provide right responses to issues at stake. Constitutional Affairs Committee has organized so far close to twenty hearings, open to experts, politicians, citizens' representatives, business communities from different areas affected by the Brexit. We have heard also representations of several national parliaments.

in this evidence gathering work, what has been brought with strength to our attention are the increasing difficulties faced by EU citizens in the U.K. in the context of the recognition and enjoyment of the residence as well as other associated rights. The number of petitions received by the EP regarding Brexit has grown enormously recently. 16% of all petitions received this year concern Brexit. They are submitted by individual citizens and businesses directly concerned by the loss of the status of EU citizenship and rights associated to this status, including free movement, access to labor market, family unity etc. After the June Summit there has been a press release by the British government providing more detail than Ms May's statement during the Summit. Both are worrying. Ms May declaration that nobody will be deported

was a shock to all of us.

The problems reported by those who share their worries with the European Parliament include onerous, exceptionally complex and complicated administrative procedures, restrictive interpretations of the applicable laws by national administration bodies in UK . This is the reality at the stage when the U.K. is still a member state of the EU, bound by the European law. The challenge for the Union is to ensure that rights of citizens are guaranteed. We also believe that this process can be a lesson regarding the evolution of the concept of the European citizenship and the protection of individuals, and how they can be reinforced and reflected in future reforms of the Union.

For us in the EP it is clear that the UK is a member state till it leaves, which is when the withdrawal agreement takes effect or when two years lapse. Till then all the rights and obligation of a member state have to be respected, the only exception being what is in the article 50(4) TEU. It is clear for us as well that the U.K. must respect its legal, financial, budgetary obligations. This of course includes the commitments under the current Multi-annual Financial Framework, falling due up to and after the date of the withdrawal. All European Institutions are fully in agreement in this regard.

Let me mention two more issues which are of major importance for the European Parliament and related to the withdrawal. What I have in mind is the participation of the UK in the European elections in spring 2019 and the decision of the European Council upon the EP proposal on the future composition of the EP. Here our major technical objective is to deliver legal certainty to the member states on time. Politically, however, these issues remain rather complex.

To conclude, let me once again underline that we see the huge gap between the EU position on the citizens' rights where we basically aim at maintaining the current system and the one of the UK where the objective is to find the solution within the immigration system and law. It is going to be a major challenge to find a solution shared by both sides and remaining within the Treaties. That might make assessing the advancement in negotiations as a sufficient progress this coming autumn a mission impossible. We will need the unity among all of us on the EU side to remain until the end of negotiations of both the withdrawal agreement and the one on the future relationship. In case of the latter, it might be a bigger challenge as the unanimity will be needed while national interest might be more diverse. Your role as national

parliamentarians of the EPP will be crucial in ensuring that this unity does not erode.