

4 May 2017

*Practice Group(s):*

*Public Policy and  
Law*

*Global Government  
Solutions*

## BREXIT: Moving from Politics to Law

*By Ignasi Guardans and Piers Coleman*

Yesterday the European Commission (EC) approved and made public:

- a) Its recommendation for a [Council Decision](#) “authorising the Commission to open negotiations on an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union”.

This text, once approved by the European Council (one Minister per Member State), will become the official and legal appointment of the EC to act as the single “Union Negotiator” with the UK regarding its withdrawal from the EU and (often forgotten) from the European Atomic Energy Community or EURATOM.

- b) An [Annex](#) to be approved with that Decision which includes the detailed and specific Directives for that negotiation. This précis sets forth in legal terms the negotiating objectives in several areas for the first phase of the negotiations including: the rights of EU citizens in the UK; financial settlement between the UK and the EU; continued cooperation in certain areas and fora; and a new dispute settlement mechanism. In some cases these can be read as “red lines”, while in others it just identifies the topics to be discussed (some of them have been little discussed in the media).

Only when “sufficient progress” has been achieved on this negotiation, as assessed by the European Council (27 Heads of State/Government), will the Union Negotiator receive new sets of negotiation directives to proceed with the second phase on the future relationship between the UK and the EU including some kind of Trade Agreement and the transitional arrangements or bridges towards that future.

BREXIT is and will remain a very political matter indeed. But it cannot be reduced to that. These documents are the very first that initiate the move from political discussions and debate, and statements to the media, into legal work on legal matters with legal consequences.

We are available if you would like any further clarification or want to begin engaging on these matters

---

### Contacts:

**Ignasi Guardans**

ignasi.guardans@klgates.com  
+32.(0)2.336.1949

**Piers Coleman**

piers.coleman@klgates.com  
+44.(0)20.7360.8206

**K&L Gates Brexit European Advisory Group**

For more information about our Brexit European Advisory Group or our 24-hour hotline, please [click here](#) or email [brexit@klgates.com](mailto:brexit@klgates.com).

## BREXIT: Moving from Politics to Law

# K&L GATES

Anchorage Austin Beijing Berlin Boston Brisbane Brussels Charleston Charlotte Chicago Dallas Doha Dubai  
Fort Worth Frankfurt Harrisburg Hong Kong Houston London Los Angeles Melbourne Miami Milan Munich Newark New York  
Orange County Palo Alto Paris Perth Pittsburgh Portland Raleigh Research Triangle Park San Francisco São Paulo Seattle  
Seoul Shanghai Singapore Sydney Taipei Tokyo Warsaw Washington, D.C. Wilmington

K&L Gates comprises approximately 2,000 lawyers globally who practice in fully integrated offices located on five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit [www.klgates.com](http://www.klgates.com).

This publication is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer.

© 2017 K&L Gates LLP. All Rights Reserved.