



**Jean-Claude JUNCKER**  
President of the European Commission

Rue de la Loi, 200  
B-1049 Brussels

Brussels, 13. 04. 2018  
Ares (2018) 1748390

*Dear Ms O'Reilly,*

*I would like to thank you for your letter of 23 February 2018 concerning stakeholder input in the negotiations regarding the withdrawal of the United Kingdom from the European Union and potential for further progress in transparency.*

*I appreciate your acknowledgement of the Commission's commitment to a high level of transparency in these negotiations. We have proactively published all draft negotiation positions, EU position papers, agendas for the negotiation rounds, EU/United Kingdom joint technical notes, the Joint Report on progress during phase 1 of negotiations and the draft Withdrawal Agreement clearly indicating which articles have now been agreed between the EU and United Kingdom negotiators.<sup>1</sup>*

*In addition, the European Commission's Chief Negotiator Michel Barnier and the members of the Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the Treaty on European Union (hereafter the Taskforce), have generally responded positively to meeting requests by business associations, trade unions, environmental and consumer organisations, university associations as well as non-governmental organisations that are registered in the EU Transparency Register. Such meetings keep these organisations informed of progress in the negotiations and also help the Taskforce to gather evidence of the EU-wide impact of the United Kingdom's withdrawal from the EU.*

*/..*

---

<sup>1</sup> [https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom\\_en](https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom_en)

*Ms Emily O'Reilly*  
*European Ombudsman*

*When visiting Member States, Michel Barnier regularly holds debates with public authorities, national parliaments and social partners. The Taskforce has also encouraged public interest-oriented associations to voice their concerns in order to ensure that stakeholders representing a wide range of views are listened to with regard to this important matter.*

*In parallel, the Commission is carrying out preparedness work at all levels and has published a number of so-called stakeholder notices with regard to the legal and practical implications of the United Kingdom's withdrawal from the EU on a wide range of sectors. These notices are directly accessible on the internet for all interested citizens and businesses.<sup>2</sup>*

*As stated in the Commission's Communication on the state of progress of the negotiations with the United Kingdom (8 December 2017) "the negotiations have been carried out with unprecedented transparency."<sup>3</sup>*

*Let me now address your proposals on additional transparency initiatives. As you rightly point out in your letter, the joint technical notes on citizens' rights provide a valuable source of information for EU citizens and United Kingdom nationals. They can be used also by national authorities to make sure citizens are made aware of their rights. The publication of such a joint technical note obviously required a clear written position from both the EU and the United Kingdom and consensus between the negotiators. Furthermore, we described the progress made on all issues during the first phase of negotiations in the Joint Report of 8 December 2017.*

*You propose that we now publish similar joint progress reports on all negotiation issues. Until recently, it was not been possible to find agreement for the publication of similar joint technical notes on all separation issues. In the meantime, the need for publishing tables summarising progress has been superseded by the Commission/United Kingdom joint colour-coded text of the draft Withdrawal Agreement (published on 19 March 2018). This text clearly indicates all areas of agreement, areas where further clarifications are needed, and issues on which discussions are ongoing on the text presented by the Union.<sup>4</sup>*

*With reference to your proposal to disclose the list of all stakeholder meetings held by the Taskforce, I would like to clarify that the Commission has disclosed the list of meetings in reply to requests filed on the basis of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents.<sup>5</sup> Minutes of*

---

<sup>2</sup> [https://ec.europa.eu/info/brexit/brexit-preparedness\\_en](https://ec.europa.eu/info/brexit/brexit-preparedness_en)

<sup>3</sup> [https://ec.europa.eu/commission/publications/communication-commission-european-council-article-50-state-progress-negotiations-united-kingdom-under-article-50-treaty-european-union\\_en](https://ec.europa.eu/commission/publications/communication-commission-european-council-article-50-state-progress-negotiations-united-kingdom-under-article-50-treaty-european-union_en)

<sup>4</sup> [https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community-0\\_en](https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community-0_en)

<sup>5</sup> Official Journal L145 of 31.05.2001, p.43.

*meetings cannot be published while negotiations are ongoing. Moreover, such meeting reports may contain sensitive information and commercial data, as well as personal data, disclosure of which is subject to exceptions laid down in the above mentioned Regulation. Finally, I would like to inform you that the Commission's representatives at these meetings have not shared any other documents with stakeholders than those already published on our website.*

*In relation to your request to add a personal page with the activities of the Deputy Chief Negotiator, I would like to inform you that the activities of the Deputy Chief Negotiator are mainly of an institutional nature, and are dominated by negotiations with the United Kingdom and exchanges and discussions with other EU institutions, Member States and Commission services.*

*With respect to your call for a consultation of a broader range of stakeholders to obtain adequate input for the framework of the future relationship, I would like to inform you that, in line with the European Council Guidelines of 20 October 2017, internal EU27 preparatory discussions on the framework of the future relationship have taken place. In this context, the Commission proactively published a range of slides setting out details on different negotiation topics for the framework of the future relationship (Governance, Fisheries, Aviation, Police & judicial cooperation in criminal matters, Security, Defence and Foreign Policy, Level-playing field, Services, International agreements and trade policy, Mobility, Transport, Regulatory cooperation).<sup>6</sup>*

*In line with the European Council Guidelines of 23 March 2018, the EU is planning to scope the framework of the future relationship with the United Kingdom. Given that this exercise will lead to a political declaration and not yet to actual negotiations, the Commission is reflecting on whether additional ways of organising stakeholder input are needed at this stage.*


*I would like to make a general observation related to the fact that the negotiations on the United Kingdom's withdrawal are of an unusual nature. The process is not about designing new policies but managing the disentanglement of the United Kingdom from the EU. Usually, the purpose of stakeholder consultation – together with impact assessments and evaluations – is to inform policy making. In the case of the United Kingdom's withdrawal from the EU, the scope for stakeholder input on the policy approach chosen is limited, since EU's approach for the framework of the future EU-United Kingdom relationship is being defined by European Council Guidelines. Such Guidelines have been adopted on several occasions and most recently on 23 March 2018.*

---

<sup>6</sup> [https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom\\_en](https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom_en)

*Moreover, by the very nature of the process, the end result of negotiations with the United Kingdom with regard to the withdrawal will lead to a situation whereby the United Kingdom will leave the European Union and will be able to benefit less than today from EU policies.*

*Finally, I am pleased to inform you that the Commission has already implemented your proposal to allow stakeholders to look into specific parts of the draft Withdrawal Agreement, including those that concern citizens' rights. The Commission published the whole text of the draft Withdrawal Agreement on 28 February 2018 and, since then, has received several position papers, in particular concerning the protection of citizens' and workers' rights. The Commission has also taken into account comments from the European Parliament and Member States. Subsequently, the Commission and United Kingdom negotiators worked intensively in the run up to the March European Council in order to identify the state of play on all issues as explained above and as clearly set out in the colour-coded draft Withdrawal Agreement of 19 March 2018.*

A handwritten signature in black ink, consisting of a long horizontal stroke with a vertical line crossing it near the left end.