

<https://www.thetimes.co.uk/edition/news/brexit-the-main-sticking-points-and-how-they-will-be-resolved-3ctqqkwq2>

Areas of disagreement

As the second round of Brexit talks begins today huge hurdles remain. These are in the key issues where progress has to be made in the initial areas of negotiation: citizens' rights, the Brexit divorce bill and the Irish border. These are the main sticking points.

Financial settlement

The EU wants Britain to agree the principles of its liabilities and financial "obligations" to the bloc after Brexit. The British refuse because they know it is their greatest area of negotiating strength and don't want to concede too much too soon. They want the financial settlement to be linked to a transition deal so that Britain would continue paying the EU in return for two or three years of access to the single market and customs union.

In addition the government is determined not to publish anything that it says could be used as an "algorithm" to calculate a total Brexit bill. This would be very difficult to sell domestically outside of a total deal on a new trade agreement.

The Irish border

Michel Barnier and the EU are critical of the UK position paper on Northern Ireland, which ruled out imposing a new customs border in the Irish Sea and in effect said that Northern Ireland should have the same customs relationship with the EU as the rest of the UK.

But again there is little incentive for the UK to go farther than its current position. The Irish border and its potential as a back-door smuggling route into Europe is a bigger problem for the EU than it is for the UK and the British want to use it as leverage in negotiations over a future customs deal, not let it be wrapped up now.

Enforcement of rights

The EU says that its citizens must be able to go to the European Court of Justice to enforce their rights under any agreement reached. Britain rejects this, saying that UK courts are perfectly capable of enforcing their rights under the agreement. They say there is no instance in history of one country demanding its courts have jurisdiction over another. The government describes it as akin to

“judicial imperialism”. Their recent position paper suggested some sort of international arbitration to deal with this problem and this is an area where some progress may be made this week.

Deporting criminals

The two sides cannot agree on the circumstances under which a UK or EU national could be expelled from their country of residence after Brexit. The EU is demanding that the current threshold remains in place. This has been established by ECJ case law and is hard to enforce in practice. The UK wants to make it easier to deport potential EU criminals under UK immigration rules as they apply to non-EU migrants living in Britain.

Future family members

The EU is demanding that its citizens living in Britain are able to marry non-EU citizens and bring them to live with them in the UK in perpetuity and without restriction. In contrast the UK believes they should be treated like UK citizens who can only bring family members to the country if they have the income to support them and the person coming in successfully passes a language test.

Healthcare

The European Commission is understood to have told British officials that the UK can no longer be part of a EU-wide scheme that allows all European citizens to claim free health care while on holiday, which is then paid for by their own member states. Britain wants to stay in the scheme on exit arguing that it is beneficial to all sides.

Freedom of movement

The EU is proposing that UK citizens living in another member state should only have residency rights in that state and not be able to move to live or work in another EU country. The UK says this is discriminatory as EU citizens living in Britain would have the right to work and live in all current 28 member states.