Brexit: State of Play

NICVA, 2 October 2018

Prof David Phinnemore
## Article 50 Process – A Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>2017</td>
<td>29 March</td>
<td>Notification of Intention to Withdraw</td>
<td>2017</td>
<td>15 December</td>
<td>EUCO agrees ‘sufficient progress for move to second phase; adopts additional guidelines</td>
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<td></td>
<td>29 April</td>
<td>European Council (EUCO) adopts guidelines</td>
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<td></td>
<td>19 June</td>
<td>Withdrawal Negotiations start</td>
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<td></td>
<td>15 December</td>
<td>EUCO agrees ‘sufficient progress for move to second phase; adopts additional guidelines</td>
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<td>2018</td>
<td>29 January</td>
<td>Council Supplementary Negotiating Mandate</td>
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<td></td>
<td>February</td>
<td>Negotiations on transition arrangements start; draft Withdrawal Agreement (WA) published</td>
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<td></td>
<td>23 March</td>
<td>EUCO adopts ‘guidelines on the framework for the future EU-UK relationship’</td>
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<td></td>
<td>April</td>
<td>‘preliminary and preparatory discussions’ on framework for the future EU-UK relationship’ start</td>
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<td></td>
<td>October</td>
<td>WA to be concluded; political declaration on future framework for UK-EU relations to be adopted</td>
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<td></td>
<td>December</td>
<td>WA to be signed</td>
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<td>2019</td>
<td>January</td>
<td>WA ratification by European Parliament and UK Parliament begins</td>
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<td>29 March</td>
<td>UK Withdraws from the EU; transition period begins</td>
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<td>30 March</td>
<td>UK-EU Negotiations on future relationship start</td>
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<td>2020</td>
<td>31 December</td>
<td>Transition period ends</td>
<td></td>
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<td>2021</td>
<td>1 January</td>
<td>UK-EU ‘new strategic partnership’ to enter into force</td>
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Article 50 Negotiations – Phase Two (2018)

**Withdrawal**
- Commission and UK: completing work on withdrawal issues (financial settlement, citizens’ rights, Irish dimension, other issues); negotiating text of the Withdrawal Agreement

**Transition**
- Commission and UK ‘negotiate’ arrangements for transitional period of ‘around two years’; inclusion of terms of transition in Withdrawal Agreement

**Future UK-EU Relations**
- ‘preliminary and preparatory discussions’ with the aim of identifying an overall understanding of the framework for the future EU-UK relationship; political declaration on future framework to be included in Withdrawal Agreement

**Ireland and Northern Ireland Strand**

- Limited progress on Irish dimension

**European Council – June 2018**: ‘concern that no substantial progress has yet been achieved’

**European Council – October 2018**: Withdrawal Agreement to be agreed?
Preamble
Commitments from Joint Report

Common Regulatory Area
Establish an area without internal borders in which free movement of goods is ensured and North-South cooperation protected (Article 3)

Rights of Individuals
No diminution of rights, safeguards and equality of opportunity as set out 1998 Agreement; UK to facilitate work of human rights and equality bodies (Article 1)

Movement of People
Common Travel Area and associated rights to continue (Article 2)

Free Movement of Goods
Northern Ireland shall be considered to be part of the customs territory of the EU (Article 4)

Agriculture and Fisheries
EU law on (a) sanitary and phytosanitary rules and (b) production and marketing of agricultural and fisheries products to apply to Northern Ireland (Article 5)

Single Electricity Market
EU law governing wholesale electricity markets to apply to Northern Ireland (Article 6)

Environment
EU law or environmental protection concerning movement of goods to apply to NI (Article 7)

Other Areas of North-South Cooperation
Maintain conditions for continued cooperation, including in the areas of environment, health, agriculture, transport, education and tourism, as well as energy, telecommunications, broadcasting, inland fisheries, justice and security, higher education and sport (Article 8)

State Aid
EU law governing state aid to apply in respect of trade between NI and the EU (Article 9)

Specialised Committee
Establish a Specialised Committee to facilitate and implementation and application of Protocol (Article 10) including discussion of proposals from North-South Ministerial Council (Article 10)

Supervision and Enforcement
EU institutions and bodies – including Court of Justice – to have jurisdiction over Common Regulatory Area (Article 11)

Common Provisions
Application and implementation of Protocol; application of new EU law; representation in EU decision-shaping; risk assessments; personal data protection (Article 12)

Safeguards
Safeguards in cases of serious economic, societal or environmental difficulties (Article 13)

Protection of Financial Interests
counter fraud and any other illegal activities relating to EU and UK interests in Northern Ireland (Article 14)

Subsequent Agreement
Replacement in part or in full of Protocol by future agreement (Article 15)

Annexes
Lists of relevant EU law in three annexes to be integral part of the Protocol (Article 16)
• **Facilitated Customs Arrangement** that would remove the need for customs checks and controls as if in a combined customs territory, while enabling the UK to control tariffs for its own international trade and ensure businesses pay the right tariff;

• **common rulebook for manufactured goods**, alongside UK participation in EU agencies that facilitate goods being placed on the EU market;

• **common rulebook for agriculture, food and fisheries products**, encompassing rules that must be checked at the border, alongside equivalence for certain other rules, such as wider food policy; and

• robust domestic **market surveillance** and cooperation between the UK and the EU to ensure the rules are upheld in both markets.
**Deal or No Deal?**

**Timeline to a deal ...?**
- Tory Party Conference (30.09-03.10)
- European Council (18.10)
- Extraordinary European Council (17-18 November?)

**... and a ratified deal?**
- ‘meaningful vote’
- UK ratification
- European Parliament consent
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