



# Brexit: State of Play

NICVA, 2 October 2018

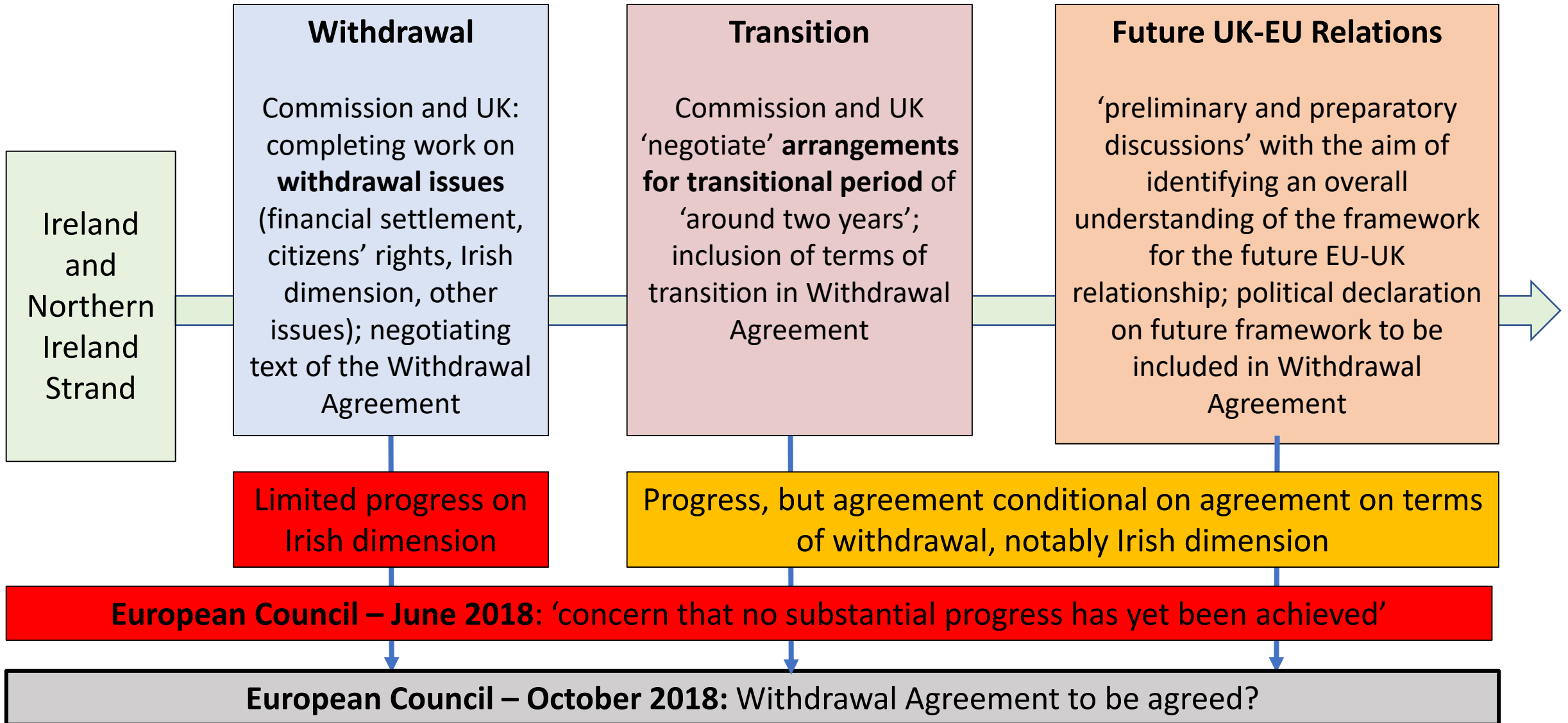


Prof David Phinnemore

# Article 50 Process – A Timeline

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

# Article 50 Negotiations – Phase Two (2018)



## Protocol on Ireland/ Northern Ireland

### Preamble

Commitments from Joint Report

### 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)

### Common Regulatory Area

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

### 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)

UK Position - UK wide

## UK White Paper – ‘Chequers’

- **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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