



Brexit: State of Play

NICVA, 2 October 2018

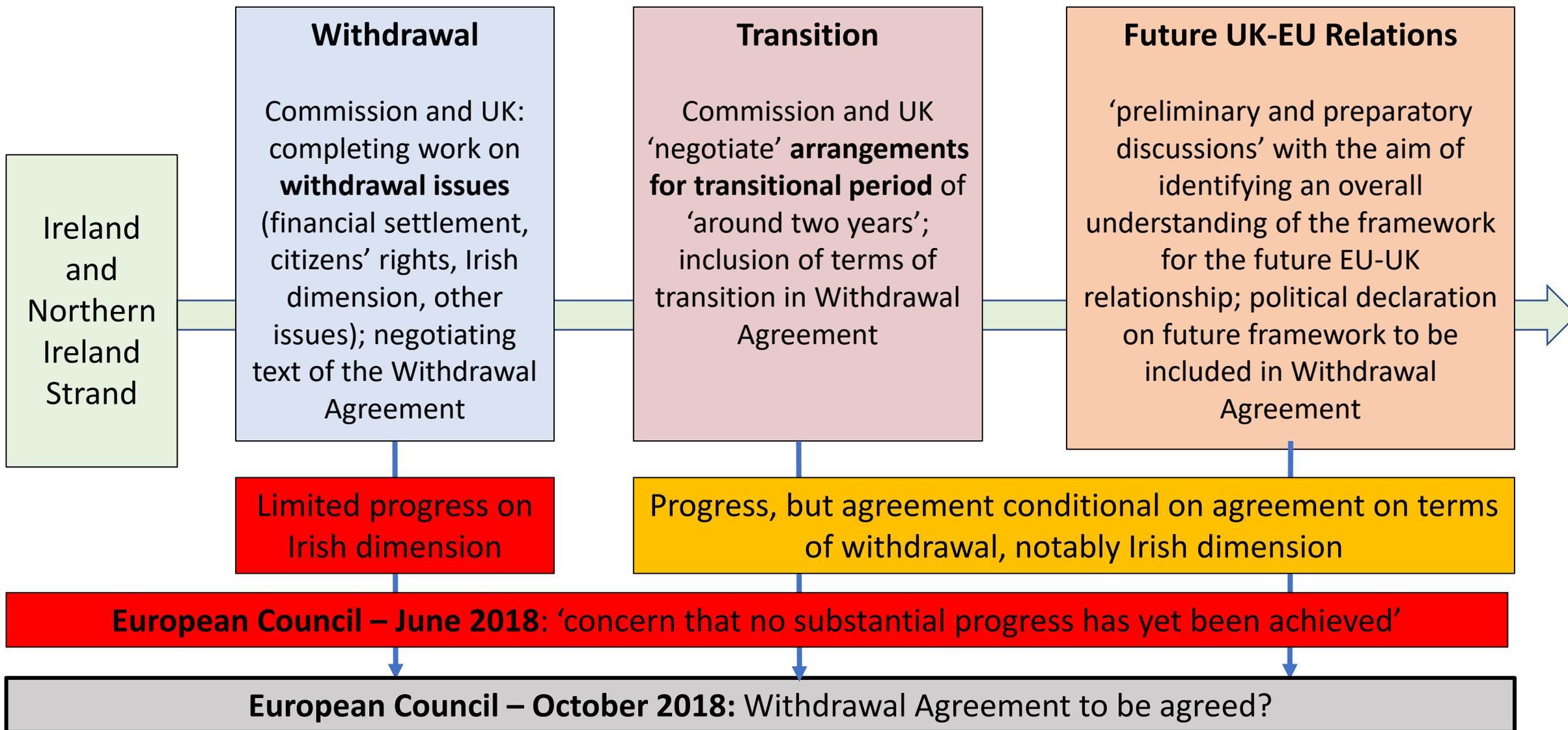


Prof David Phinnemore

Article 50 Process – A Timeline

2017	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
2018	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>	
2019	<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>	
2020	<i>31 December</i>	<i>Transition period ends</i>	
2021	<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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