


# Brexit: where are we with just over two weeks to go?



Prof David Phinnemore (@DPhinnemore)

# Brexit... Transition and beyond

**Transition**  
(to 31 December 2020)

**Implementation  
of NI Protocol**

**Negotiations on post-transition  
UK-EU Relationship**

**1 January  
2021**

**Protocol enters  
fully into force**

**\*\*Deal\*\***

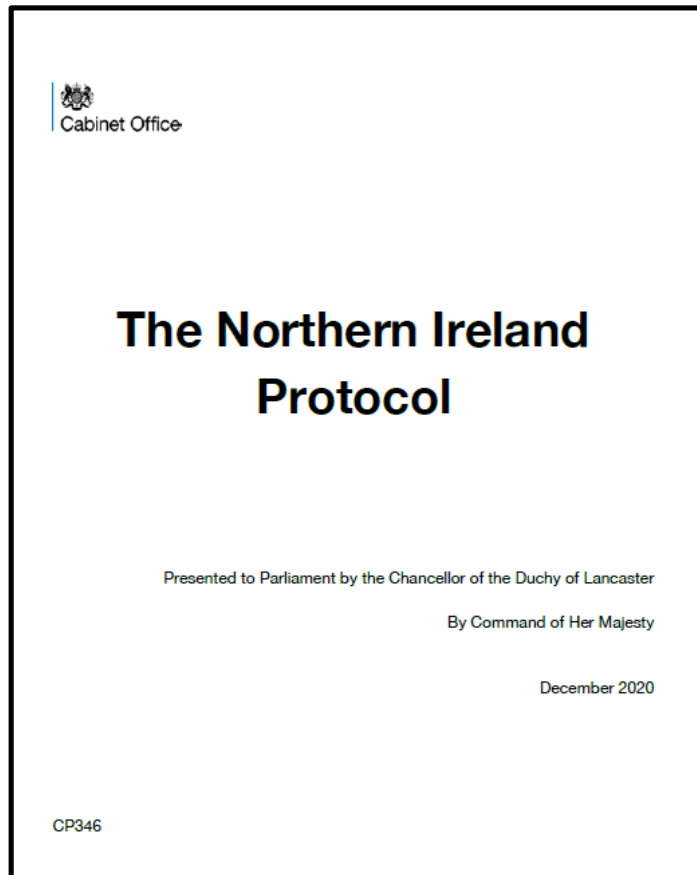
**UK-EU Free Trade  
Agreement**

**\*\*No Deal\*\***

**UK-EU trade on 'WTO'  
terms**

# Implementation of the Northern Ireland Protocol

## Agreements ‘in principle’ (8 December 2020)



### Joint Committee Decisions (draft)

- Tariffs and ‘not at risk’ goods (GB-NI)
- Permissible subsidies for agriculture/fisheries
- EU monitoring arrangements
- Errors and omissions

### UK Declarations... EU ‘takes note’

- Export declarations (NI-GB)
- Export Health Certificates(GB-NI)
- Prohibited/restricted products (GB-NI)

### EU Declaration... UK ‘takes note’

- Medicines
- State aid – Article 10(1) Protocol

# Negotiations on Future UK-EU Relationship

## Deal or No Deal?



**Brexit: EU holds breath as negotiators walk narrow path towards deal**

Doubts about Johnson's attentiveness as EU seeks greater London compromise for deal



# Deal... Ratification?

## What's in a 'Deal'?

tariff- and quota-free trade  
(including fish)  
aviation  
energy  
mobility and social security  
nuclear cooperation  
participation in EU  
programmes  
law enforcement  
judicial cooperation in  
criminal matters  
asylum and illegal  
immigration  
security of information  
data adequacy  
civil judicial cooperation

## Johnson - von der Leyen (13.12.20):

'We have accordingly mandated our negotiators to continue the talks and to see whether an agreement can even at this late stage be reached'

## Approval/Ratification

### European Union

- EU or 'mixed' agreement?
- **Commission: recommendation**
- **Council: signature**
- **European Parliament: consent**
- **Council: decision**
- Provisional application?
- Member state ratification?

### United Kingdom

- Cabinet: agreement
- Parliament: CRAG... to be bypassed
- Parliament:  
implementing legislation

**Or 'No Deal'?**

**TIME IS  
RUNNING  
OUT**



# What comes next for Northern Ireland?



**Katy Hayward** (@hayward\_katy)

# Movement of goods on 1 January

## NI to GB

- UKG claims in its [Command Paper](#) that there won't be export or exit summary declarations\* on NI
- The [UK Internal Market Bill](#) legislates for NI goods to be sold in GB



## GB to NI

- Customs, safety and security **declarations** will have to be made on all goods entering NI from GB
  - The [Trader Support Service](#) is to do this on the behalf of registered businesses
- A new **UK Trader Scheme** to allow tariff-free movement into NI goods staying in NI
  - This runs out in 2024 but can be modified or extended then with Joint Committee agreement
- A 12 month adaptation period for human and veterinary **medicines** moving GB to NI
  - This enables a phasing in of medicines regulations/adjustment of supply chains **until 31 December**
- UK to remain 'fully aligned to Union law' in two areas to enable adaptation periods
  - For 3 months on [SPS rules](#) (e.g. products of **animal origin**, plant products)
    - This will enable authorised traders (identified by DAERA) to use simplified official certificate in place of an Export Health Certificate (EHC) **until 31 March 2021**.
  - For 6 months on [meat products](#) (e.g. chilled meat, sausages)
    - These products will not be able to be moved GB-NI at all after **30 June 2021**.





# A lot done, a lot more to do\*...

- **End of transition period is a matter of days away...**
  - The *Trader Support Service* is yet to go live and there are lots of Qs about how it will function
  - Information on and rollout of the *UK Trader Scheme* needed ASAP
  - *Movement Assistance Scheme* for agrifood to be launched 'mid-December'
  - *Border Control Posts* need completing (interim facilities to be used from 1 January)
- **There are a lot of unknowns**
  - Movement of parcels, labelling etc. still remain to be addressed
- **There are new deadlines**
  - The adaptation periods are welcome but are tight, with no potential extensions
- **No Deal would still be a huge hit**
  - A No Deal will have an impact on GB-NI movement, including in supply chains
  - Although goods will still flow between NI and the EU as they do now...
  - There are an array of non-goods trade issues (inc. exchange of data, selling of services, transport, security) that would affect the island of Ireland

*\*Mainly, get a UK-EU deal*

# Travelling in the EU

## Travelling in the EU

- **MOVEMENT**
  - Freedom of movement for Irish passport holders
  - British passport holders will need to have at least 6 months left on their passports & will have to enter through 'non-EEA' lane; an 'ETIAS' to enter from end 2022
  - British citizens will need a visa to stay more than 3 months &/or to engage in paid work
- **DRIVING**
  - Will need a 'green card' for insurance, plus an international driving permit
- **HEALTH**
  - All 'eligible residents' in NI will be covered for the equivalent of EHICs
- **STUDY:**
  - Students in NI universities to continue to have access to Erasmus
  - Study visas may be required for British citizens

## Island of Ireland

- **EU26 WORKERS**
  - Should apply for settled status prior to 1 July
  - Frontier Worker Permit needed after 1 July 2021
  - NI employers who want to employ new EU workers after 1 January must apply for a sponsorship licence.
- **DRIVING**
  - Will need a 'Green card' for insurance to drive south
- **HEALTH**
  - The Treatment Abroad Scheme and the Cross Border Directive won't apply IRL to NI
- **MOBILE PHONES**
  - From 1 January, there will no longer be a cap on the price of calls and texts to and from the EU.
- **SERVICES**
  - In the event of no deal, the policy treatment for NI exporters to the EU reverts to Most Favoured Nation (MFN) policy settings. MFN policies are significantly more restrictive than current policies.
- **PET PASSPORTS to GB**



# Where next for the environment? 1 January and beyond



**Dr Viviane Gravey (@VGravey)**

# *What changes for the environment on 1 January 2021*

## **A regulatory status quo?**

Dual regulatory system for environmental rules of EU origin

- Most will be retained EU law (water, habitats protection...)
- Limited amount of directly applicable EU law listed in annex 2 of Protocol on Ireland and NI (chemicals, waste...)

## **In-between world of governance**

- ✓ End of jurisdiction of European Commission and Court of Justice  
\*, \*\*
- ✓ New domestic system, Office for Environment Protection \*\*\*

\* : except for rules in Protocol

\*\* : except for infringements which took place by 31<sup>st</sup> December 2020

\*\*\* : Ambition timing and remit of OEP still uncertain

# *What still needs to be done after 1 January*

Setting up the Office for Environment Protection in England and Northern Ireland

- ✓ On-going debates on the Environment Bill in Westminster – OEP falling short of ‘gold standard’ of environmental watchdog.
- ✓ \* New consultation \* out last week, open until 5 Feb on how OEP and transitional arrangements may work for Northern Ireland

Environmental Plans, Principles and  
Governance for Northern Ireland

Public Discussion Document

<https://www.daera-ni.gov.uk/consultations/environmental-plans-principles-and-governance>

# *Risks and opportunities in medium term*

What fell/is falling through the cracks

- ✓ retained EU law agreed in haste, opportunity for weakening ambition in practice
- ✓ Common Frameworks running behind schedule with limited time for stakeholder involvement

Managing intra-UK divergence and UK-EU divergence

- ✓ Ratchet, dynamic alignment or no deal?
- ✓ What role for NI in this? E.g. banning lead shots & the Protocol