

Brexit:

Understanding what happens next

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What happens between now and 31 January?

- EU Withdrawal Agreement Bill
 - Report Stage, House of Lords 20 January 2020
 - 19/40 provisions affect devolution
 - No savings for environmental protections, workers' rights or child refugees
 - Lack of parliamentary oversight for process that is to follow
 - Holyrood withheld legislative consent
- Other legislation: Agriculture Bill, Fisheries Bill, Trade Bill, Immigration Bill, Financial Services Bill, Private International Law Bill
 - Still to do: Agriculture/fisheries, immigration, UK borders, Independent Monitoring Authority – citizens' rights, Trade Remedies Authority, public bodies e.g. office for environmental protection

The negotiations ahead

31 January	2020 Withdrawal at 11pm GMT
25 February?	EU agreement of negotiating mandate
1 March?	Start of negotiations – see Political Declaration
18-19 June	European Council; progress report, extension?
July	Agreement on financial services, fishing?
23-26 November	EP Plenary; deadline for trade deal ratification
31 December	Transition period ends
1 January 2021	Trade agreement enters into force

What needs to be done in 2020?

- 20/39 EU trade agreements rolled over
- 30,000 + civil servants, but +/- 6 months to negotiate?
- Devolved areas heavily affected, differing priorities (and politics of 3 devolved administrations)
- Reduced role for MPs

European Commission Preparedness Notices

- Climate action
- Communication networks, technology & content
- Competition law
- Employment and social affairs
- Energy
- Environment
- Chemicals Regulation
- Industrial security
- Data protection
- Company law
- Civil justice
- Consumer protection
- Plant protection
- GMOs
- Plant and animal feed
- Slaughterhouse operators
- Travel
- Financial services & capital markets
- Industrial products
- Public procurement
- Professional qualifications
- Explosives
- Fertilisers
- Detergents
- Cosmetic products
- Passenger rights
- Fisheries and aquaculture
- Transport (sea, road, air, rail)
- Health and safety (incl work, food, animals)
- Medicines
- Customs
- Taxation
- Intellectual property
- Cultural goods

EU citizens' rights - Setting the scene

- EU nationals make up 4% of the Scottish workforce
- Make a significant contribution to a range of sectors
- Entry and access to the labour market governed by free movement of workers:
 - Rights-based system
 - Day 1 right

Brexit and the transition period

- 31st January 2020: 'Brexit' day
- Transition period until 31st December 2020 (Withdrawal Agreement contains possibility of extension until 31st December 2021 or 31st December 2022)
- What will happen to EU workers already here during the transition period?
- Will businesses still be able to recruit EU workers during the transition period?
- Free movement will NOT end on 31st January 2020 but will continue during transition period

The EU Settlement Scheme

- EU citizens in the UK before the end of the transition period must apply for ‘settled’ or ‘pre-settled’ status before 30 June 2021 in order to remain in the UK
- ‘Pre-settled’ status = less than 5 years continuous residence
- ‘Settled’ status = 5+ years continuous residence

What will come after the transition period?

- Free trade agreements and labour mobility clauses
- Future policy intentions? Difficult to say but highly likely that immigration will be made more difficult
- Possible labour immigration routes:
 - Exceptional talent/contribution
 - Skilled workers
 - Sector-specific rules



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