

# The Civil Society Brexit Project

## Explainer: Brexit Transition

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3. The transition period timetable
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\*\*The transition period is sometimes also called the implementation period.\*\*

The UK left the EU on 31st January 2020. A transition period was part of the Withdrawal Agreement between the UK and EU, and will last until at least 31 December 2020. This period gives time to negotiate a new future relationship between the UK and the EU.

### 1. What will change during the transition period?

During the transition period:

- **Change!** The UK is no longer a member of EU institutions. This means that there are no UK MEPs, no UK commissioner and UK ministers no longer attend meetings of the European Council. During this period, the UK will be a 'rules-taker' rather than 'rules-maker'.
- **No change!** There is no change to free movement or EU citizens' rights. Significantly this means that EU citizens living here should still be offered jobs, leases and healthcare on exactly the same basis as before. However, to remain living in the UK after the transition period, EU or EEA citizens should apply for settled status or pre-settled status by June 2021.
- **No change!** The UK will not be able to amend EU-derived rights legislation, such as the Equality Act or workers' rights laid down in UK secondary legislation, in a way that would be incompatible with EU law. This means there can be no deregulation in this regard during the transition period.
- **No change!** The UK continues to be subject to European Court of Justice rulings, is party to the single market and the customs union, will continue to be treated as part of EU trade deals with other countries, and is part of security cooperation.
- **Change!** The laws of some countries such as Germany, mean that they cannot extradite to non-EU member states - so they can no longer extradite to the UK unless another agreement is put in place.

If you know an EU or EEA citizen living in Scotland, they can find information about settled status here:  
<https://www.civilsocietybrexit.scot/resources/immigration-and-eu-citizens/>

## **2. What needs to happen for the UK to be ready for the end of the transition period?**

### **1. Westminster and Holyrood need to pass a considerable amount of Brexit-related primary legislation**

The Queen's Speech in December 2020 outlined that the following Brexit UK legislation would be introduced: Agriculture Bill; Fisheries Bill; Trade Bill; Immigration Bill; Private International Law Bill; Financial Services Bill; Employment Bill.

Some of this Westminster legislation will impact on devolved areas, and so the Scottish Parliament will be asked to give legislative consent. In addition, the Scottish Government has said that it will introduce a new Continuity Bill to ensure that the Parliament has processes to easily keep pace with the EU, and to keep the role of environmental principles and effective and proportionate environmental governance after EU exit.

### **2. Details of post-transition arrangements will be passed through a huge amount of secondary legislation**

The Withdrawal Agreement Act, and other drafts Bills, enable the UK Government to put through many Brexit implementation details in secondary legislation. Some of this legislation will be debated by MPs, whilst others will not. A special Brexit-related sifting committee has been set up to check that the UK Government's choice of level of MP scrutiny of each piece of legislation is appropriate.

### **3. Policy arrangements and new regulatory bodies needed across a vast array of areas**

Details of many of these are within EU preparedness notices and readiness notices across a wide range of areas affected by leaving the EU - these include things like: data protection; detergents; consumer rights; plant and animal feed; cultural goods; medicines; passenger rights, amongst many more. The EU also includes over 40 agencies in addition to the core institutions like the European Commission - it is yet unclear to what extent the UK will be part of, or cooperate with, these agencies in the future.

#### 4. Negotiating the UK's future relationship with the EU.

This will be the major priority for the transition period, with agreement needed to cover trade arrangements, security, financial services, data protection, law enforcement and judicial cooperation, fisheries, and more. The EU favours many of these areas being included in one agreement between the UK and EU, whilst the UK wants a number of different agreements covering specific areas.

#### 5. Trade deals with non-EU countries

The UK has begun negotiating new trade deals with non-EU countries such as the United States. However, these cannot be entered into until the end of the transition period.

\*\* The transition end date of 31st December was in Theresa May's original withdrawal agreement - back then, this would have allowed 21 months for trade negotiations. However, because the UK did not leave the EU until 31st January 2020, this now only allows 11 months for the transition period.

### 3. The transition period timetable

March - June 2020	Negotiations for the future relationship between the UK and EU, each lasting a week: <ul style="list-style-type: none"> <li>• Week commencing 20 April</li> <li>• Week commencing 11 May</li> <li>• Week commencing 1 June</li> </ul>
18 - 19 June	European Council meeting
30 June 2020	Legal deadline for agreeing any extension to the transition period Agreement on financial services equivalence and financial settlement
23 - 26 November	European Parliament Plenary Deadline for a trade deal to have been agreed in order for it to be presented to the European Parliament and ratified by the end of the year.
31 December	Transition period ends
1 January 2021	Trade agreement enters into force

## 4. Could there be an extension to the transition period?

The Withdrawal Agreement included provision for extension of the transition period for up to two years, until end of 2022 - however, the UK's EU Withdrawal Agreement Act 2020 ruled this out, stating that UK Ministers cannot agree to any extension.

Given that the coronavirus crisis has affected negotiations considerably, there are now increased calls for an extension. To enable this to happen, the UK would need to pass a new law to enable Ministers to agree to it (overturning the prohibition in the EU Withdrawal Agreement Act 2020), and it would need to be agreed to by the UK-EU Joint Committee by 30 June 2020.

## 5. Further reading

- Scottish Parliament Post-Brexit Hub  
<https://scottishparliamentinformationcentre.org/>
- Institute for Government Brexit Transition Period  
<https://www.instituteforgovernment.org.uk/explainers/brexit-transition-period>
- House of Commons Library -Brexit: the next steps  
<https://commonslibrary.parliament.uk/brexit/negotiations/brexit-next-steps-the-transition-period/>