



Below are a few responses to Frequently Asked Questions about the future of relations between the United Kingdom and the European Union *

Where are we in the UK's withdrawal procedure from the European Union?

On Wednesday 29th March 2017 the British Prime Minister, Theresa May, notified the European Council through a letter delivered to the President of the European Council, Donald Tusk, of the UK's intention to withdraw from the European Union, otherwise referred to as activating Article 50 of the Treaty on the European Union (TEU).

Theresa May set out her vision for the upcoming negotiations with the other 27 Member States in the letter. The key points which she highlighted are that:

- the UK is leaving the European Union but not Europe and the people of the UK want to remain “committed friends and allies” of the EU;
- it is desirable to create as little disruption as possible with the UK's departure;
- the Act of Parliament - the European Communities Act 1972 - will be repealed and legislation will be put on place to convert the existing EU law into UK law, with the details outlined in a [White Paper on ‘legislating for the United Kingdom's withdrawal from the European Union’](#);
- a “deep and special partnership” is required in the fields of both economic and security cooperation;
- the UK does not seek membership of the Single Market, UK companies wishing to trade with the EU will however need to align with EU rules;
- the UK wishes to strike an early deal about the rights of British citizens living in the EU and EU citizens living in the UK;
- the UK considers that the terms of its future partnership with the EU should be agreed alongside the terms of its departure, (in contrast to the position of the European Council which has clearly stated that the departure conditions need to be agreed before the future relationship framework can be discussed);
- the UK proposes a “bold and ambitious Free Trade Agreement” (FTA) between the UK and the EU, notably covering crucial sectors such as financial services and network industries;
- no return to a hard border between the UK and the Republic of Ireland;
- the UK is confident that the withdrawal agreement and the future partnership agreement can be negotiated in the time period foreseen in the Treaty (2 years).

The full letter can be read [here](#).

The European Council released a statement ([click here](#)) having received Theresa May's letter, which highlighted that the priority will indeed be to “minimise the uncertainty caused by the decision of the United Kingdom for our citizens, businesses and Member States” and the first step will be to focus on the arrangements for “an orderly withdrawal”.

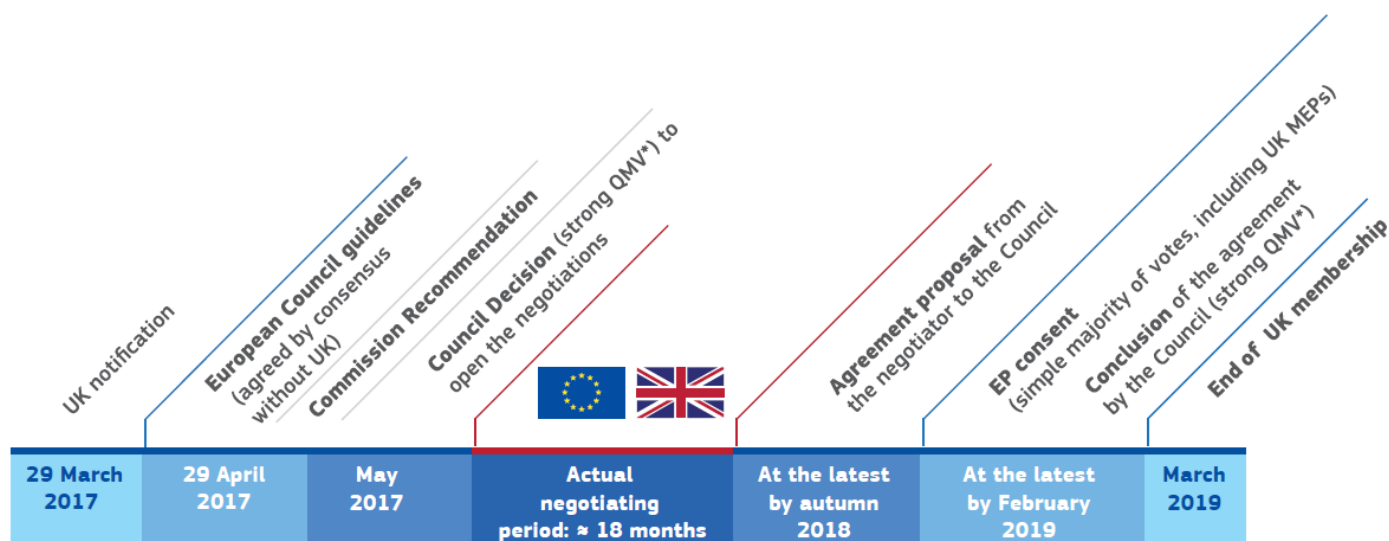
It is clear that the two sides have different opinions about the order in which the issues need to be discussed. The European Council's statement is perfectly in line with the position of Michel Barnier, Chief Negotiator for the Task Force on Article 50 negotiations with the UK, that the withdrawal agreement must be agreed before the future relationship can be discussed

- for further information [see his speech at the Committee of the Regions on 22 March](#).

Although Theresa May's tone was much more conciliatory in the letter than in the speech she made at Lancaster House on 17th January, and the subsequent White Paper which was published (see below), some elements remain conflictual. For example, Free Trade Agreements normally do not include trade in services and yet her letter talks of an FTA in crucial sectors such as financial services.

Now that article 50 TEU has been activated, the negotiations between London and Brussels should last 2 years, in line with §3 of article 50 TEU (unless the European Council, in agreement with the Member State concerned, unanimously decide to extend this period).

*Timeline of the negotiations as presented by the European Commission
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* **Strong QMV** = 72% of the 27 Member States, i.e. 20 Member States representing 65 % of the EU 27 population.

What steps over recent months led up to Theresa May's letter announcing the UK's notification to leave the EU?

In order to respect the deadline which Theresa May imposed herself of activating Article 50 by the end of March 2017, the British government tabled a very short resolution in the House of Commons called *European Union (Notification of Withdrawal) Bill*. After a first vote, and the text then having been examined in committee, the bill was adopted on 8th February with 494 votes in favour and 122 against.

The bill was then sent to the House of Lords where the Conservatives do not have an absolute majority. The Lords have shown themselves to be somewhat more recalcitrant. On 1st March the House of Lords adopted an amendment intending to guarantee the automatic right for the three million European citizens currently living in the UK to remain once Brexit takes place. This amendment was adopted by 358 votes in favour, 256 against. A second amendment was adopted calling for the British Parliament to have a meaningful vote on any Brexit deal with 366 votes in favour and 268 votes against.

This vote did not call into question the government's bill, but delayed the legislative process by a few days as the bill then needed to once again be discussed by the House of Commons. The British Parliament's lower house voted against these amendments. The text was then resent to the House of Lords who accepted their defeat and passed the bill on 13th March.

"Hard Brexit" or "soft Brexit"? Theresa May's Lancaster House speech

In her Lancaster House speech on 17th January, the British Prime Minister spoke in favour of a "hard Brexit": "*we seek a new and equal partnership (...) Not partial membership of the European Union, associate membership of the European Union, or anything that leaves us half-in, half-out.*" She did however assure that Britain wants to remain "*the best friend and neighbour to our European partners*" and that "*it remains in Britain's national interest that the EU should succeed.*"

Laying out her vision for Brexit, Theresa May intends to leave the Single Market and to "*pursue a bold and ambitious Free Trade Agreement with the European Union*", as well as a new agreement concerning the Customs Union. This was surprising as this is not the position that was laid out in the Conservative manifesto for the 2015 general elections.

She underlined the importance of being able to control immigration, one of the major reasons for the referendum result of last June. Favouring a phased approach, with the final agreement being vote on by both houses of the Parliament, Theresa May wants to be incisive in the negotiations. She warned her European partners against a punitive agreement.

This speech has been received by her European partners with a certain feeling of relief, as it allows the horizon for the upcoming Brexit and the negotiations to be clarified. Berlin welcomed the fact that there is "*finally a bit of clarity*", Brussels, through the European Council President Donald Tusk stated that it is a "*sad process (...) but at least a more realistic announcement*" and Paris called for a rapid negotiating process. However, the tone is set, it will be tough.

The British government's White Paper *The United Kingdom's exit from and new partnership with the European Union*, a detailed its first outline of a plan for its withdrawal from the EU?

On 2nd February 2017 the British government published [a White Paper, *The United Kingdom's exit from and new partnership with the European Union*](#), laying out 12 objectives for the UK's withdrawal:

- 1) Certainty;
- 2) Control of our own laws;
- 3) Strengthen the Union;
- 4) Maintain the Common Travel Area with Ireland;
- 5) Control of immigration;
- 6) Rights for EU nationals in Britain, and British nationals in the EU;
- 7) Protect workers' rights;
- 8) Free trade with European markets;
- 9) New trade agreements with other countries;
- 10) The best place for science and innovation;
- 11) Co-operation in the fight against crime and terrorism;
- 12) A smooth, orderly Brexit.

In the White Paper the government asserted its desire to reduce the current uncertainties surrounding the negotiations on Britain's exit of the EU and to provide reassurances for businesses and investors. As much information as possible will be supplied, as long as it does not impede the process. However the White Paper does not fix any specific methods (rather it lays out objectives). The situation remains very unclear, which is harmful for the strategies of businesses but also those of universities and all other types of partnerships, British citizens living abroad and EU citizens living in the UK, etc.

What did the British Supreme Court decide on 24th January?

On the 24th January 2017 the British Supreme Court's judgement stated that an "*Act of Parliament is required to authorise ministers to give Notice of the decision of the UK to withdraw from the European Union*". It considers that "*Withdrawal makes a fundamental change to the UK's constitutional arrangements, by cutting off the source of EU law*" and that "*UK domestic law will change as a result of the UK ceasing to be party to the EU treaties*" and that "*the UK constitution requires such changes to be effected by Parliamentary legislation.*" Hence the Supreme Court confirmed the decision delivered the 3rd November 2016 by the High Court and rejected the Government's appeal.

It is worth noting that the devolved governments of Scotland, Northern Ireland and Wales had decided to join the appeal procedure, claiming that their respective parliaments should also be consulted in the Brexit procedure. However the Supreme Court judged that "*Relations with the EU and other foreign affairs matters are reserved to UK Government and parliament, not to the devolved institutions*", much to the disappointment of the nationalists.

In a press release, the British government phlegmatically reacted, assuring that "*the British people voted to leave the EU, and the government will deliver on their verdict – triggering Article 50, as planned, by the end of March. Today's ruling does nothing to change that.*"

After the Supreme Court ruling the British government tabled its *European Union (Notification of Withdrawal) Bill*.

Must the Brexit deal include the United Kingdom respecting its financial obligations to the Union?

The White Paper published in February briefly touches on this issue (point 8.51), stating that the UK "*will not be required to make vast contributions to the EU budget*" and will renegotiate "*an appropriate contribution*" to some specific European programmes.

Whereas, according to the Chief Negotiator responsible for the Commission Working Group in charge of negotiations with the UK, Michel Barnier, the UK will need to pay an amount currently estimated at between 40 and 60 billion euros in order to balance various budget lines and ongoing programmes. At this time it is not possible to calculate the precise amount which will be due.

As an outline, this amount is calculated taking the following elements into account:

- British citizens, researchers, businesses are currently benefitting from programmes financed by the EU which run over a period of multiple years. Thus it would be logical to find an agreement which covers these costs;
- there are costs related to the pensions of European civil servants;
- there are a number of financial guarantees linked to loans undertaken by the European Investment Bank (very long-term loans) and if there are defaults on these loans then the UK must participate, just as other Member States must.

This is not a question of punishing the UK, but rather of taking a pragmatic approach and finding an agreement concerning the commitments undertaken by the UK as a member of the EU.

In Theresa May's letter of 29th March 2017 she referred to the Lancaster House speech and the subsequent White Paper as laying out the "UK's objectives for our future partnership" and did not broach the issue of the UK's financial obligations to the Union specifically. She did however state that "*We will of course continue to fulfil our responsibilities as a member state while we remain a member of the European Union, and the legislation we propose will not come into effect until we leave*".

What will be the consequences for European citizens?

Brexit will greatly impact the free movement of workers and more generally the free movement of people, fundamental freedoms upon which the EU is based.

In her speech on the 17th January Theresa May clearly stated her desire to put an end to the free movement of European workers. An article published on the 26th February in the [The Telegraph](#) announced that when Theresa May would activate Article 50 TEU at the end of March, she would announce the end of the free movement for new European workers.

However in her letter of the 29th March 2017, she only assesses that the protection of the interests of the British and European citizens must be a priority.

Will Brexit lead to a new referendum on independence in Scotland?

This is looking increasingly likely. On 20th December 2016, Nicola Sturgeon, the Scottish First Minister, presented [her plan](#) to confront Brexit, with a three stage strategy:

1. demanding that the UK remains in the Single Market;
2. failing that to demand differentiated solutions for Scotland, while remaining an integral part of the UK;
3. reconsidering the sharing of competences between the Parliaments of Westminster and Scotland, concerning the repatriation of competencies formerly allocated to Brussels.

Finally, if no agreement is found which is acceptable to Scotland, the plan clearly states that “*the option of a referendum on independence will be available if we conclude that Scotland’s interests cannot be protected by other means.*”

In early 2017 the Scottish government declared, it was “*very seriously*” considering once again consulting the Scottish people on this issue.

On 28th March 2017 the Scottish Parliament voted in favour of holding a second referendum on independence (69 Members of the Scottish Parliament in favour, 59 against). This gives Nicola Sturgeon the authority to negotiate a new referendum with Westminster. Theresa May’s response to the vote was that “now is not the time” and she would prevent a new referendum taking place. The Scottish secretary, David Mundell, went further and stated that the UK government would block a new referendum until the early 2020s.

To recap, in September 2014 the Scottish people rejected secession by 55%, but the nationalists of the Scottish National Party (SNP), the largest party in the Scottish Parliament, claim that Brexit changes the context. Furthermore, 62% of Scots voted in favour of the UK remaining in the EU.

What will be the consequences for British-Irish relations?

The Good Friday Agreement brought an end to three decades of civil war, which killed 3500 people between 1969 and 1998. A delicate balance was found at the border between these two countries, which is today put at risk because of Brexit. The UK wishes to put an end to the free movement of people and to leave the Single Market and the Customs Union, thus restoring a hard border. In the referendum on 23rd June 2016, the majority of Northern Ireland voted in favour of the UK remaining in the EU with 56% of the votes.

The European Commission President, Jean Claude Juncker, is opposed to the return of any kind of “*physical border*”. “*We agreed with the British government and the British government agree with us; there should not be a return to the hard border of the past and indeed there won’t be*” assured Enda Kenny, the Irish Prime Minister. He did however qualify this as “*a political challenge*”.

The White Paper of 2nd February 2017 dedicates a whole chapter to this issue and affirms that the particularity of the Irish situation will be treated as a special issue during the negotiations. The British government insists that it wishes to protect the links between the two countries, both economic and social, and to protect citizens’ rights. In particular, citizens of the Republic of Northern Ireland will continue to be able to be British, Irish, or both, and then to choose their nationality accordingly.

Theresa May’s letter of 29th March 2017 reiterates that attention must be paid to the “UK’s unique relationship with the Republic of Ireland and the importance of the peace process in Northern Ireland”.

In July 2016, Enda Kenny mentioned the possibility of an Irish reunification referendum. During his speech at the MacGill University Summer School, which brought together the country’s main political decision makers, he suggested that the clause of the Good Friday Agreement concerning a border poll could be activated. This clause recognises the right of the two countries “*by agreement by the two parts respectively and without external impediment, to exercise their right to self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if it is their wish*” (article 1.2).

Furthermore, many Irish people are worried about the economic consequences of Brexit because their economy is by far the one which is most dependent on Great Britain within the whole EU, especially in the border region with Northern Ireland in the counties of Lough and Monaghan, which focus primarily on agriculture and agribusiness.

Finding a solution will be complicated.

Will the United Kingdom remain a member of the WTO?

According to the White Paper of 2nd February 2017, the UK is a full member of the WTO. In reality, the UK is a member because it is a member of the EU. No-one knows if it will benefit from all the advantages which the EU has successfully negotiated, nor whether the partners, both European and non-European, will accept that they keep them.

What are the geopolitical consequences of T. May’s chosen approach to Brexit?

Theresa May appears to favour a partnership with the United States. In spite of demonstrations, as well as protests from her European neighbours, she was the first foreign leader to visit Donald Trump at the end of January 2017. Considering the United States as “*our closest ally*”, she foresees signing a Free Trade Agreement between the two countries and invited

Donald Trump to the UK for a state visit during 2017. When Donald Trump received Theresa May in the White House he said that “*Brexit will be a wonderful thing for your country*”.

Furthermore, one of the primary consequences of Brexit is the withdrawal of the UK from the jurisdiction of the European Court of Justice. Multiple successive British governments have frequently criticised judgements of the European Court of Justice or of the European Court of Human Rights (notably on the right of prisoners to vote). They refuse to accept sovereign decisions of the Westminster Parliament being called into question by the European courts, which, according to them, lack democratic legitimacy. This objection is a challenge to the rule of law, of which the ECJ is one of the primary guardians in Europe.

In Theresa May’s letter to the European Council she underlines that “UK companies will, as they trade within the EU, have to align with rules agreed by institutions of which we are no longer a part” as well as “We should prioritise how we manage the evolution of our regulatory frameworks... and how we resolve disputes”. This represents an evolution in her position since the January’s Lancaster House speech.