

# CONFERENCE U4U



# Brexit



April 2019



# EU Staff

## British nationals with no other EU nationality



Withdrawal date = 12/04/2019 in  
case of no deal or end of the  
transition period if WA is ratified

# Appointed civil servants

- British civil servants have been lawfully appointed, they will continue to hold their post.
- The AIPN will not make use of art 49 SR, except in case of conflict of interest or of breach of international obligations (Vienna convention...)

Art 49 'compulsory resignation' :  
makes an explicit reference to the loss  
of the citizenship mentioned in art.  
28(a) as a condition for appointment



# Vienna Convention

- British staff can no longer be employed in Delegations after the withdrawal of UK. They will be transferred to Headquarters.
- In accordance with the Staff Regulations (Article 1(2) of Annex X) and/or Article 8 of the Vienna Convention on Diplomatic Relations.



**Heads of Delegations and staff in management functions will return to HQ by 12 April 2019 (or 22 May).**

**All others will return by Sept 2019, unless the host State objects to the delay**

# TA or CA staff

- TA or CA British staff can no longer be employed by EU, after UK withdrawal
- However, the employer will, on a case by case basis, decide to apply an exception if in the interest of the service
- Exceptions will be **generously** granted



**Continuation of  
current contracts**

# TA or CA staff in Del

- British staff will return to HQ by Sept 2019

Article 1(2) of Annex X SR : only EU nationals may be recruited to serve in Delegations in third countries

CA might be recruited as local agents in Del, if the host country does not object

CA will then serve in HQ for a maximum of 4 years

- British SNE or seconded TA will return back to UK on date of the withdrawal



# Process for granting exceptions

- Precise & transparent criteria to be used
- Right to be heard
- The process will last at least 3 months (→ end of July i.e. of the school year; later, pupils will be ‘cat III’)

# Pensions & Sickness fund

- Pension rights and other allowances validly acquired are equally valid.
- Pensions costs borne by the EU budget irrespective of how this budget is financed by national contributions.
- Sickness fund : covered as long as you are a contributor



# Other

- Persons not under SR (Commissioner, MEP, CJUE judges...) will be dismissed

PA to a British MEP, whatever their nationality, will end their contract

- Parliamentary assistants will leave
- UK permanent representation will become a diplomatic mission to the EU

# European Schools

- UK will cease to be a party of the EE convention
- **With** the withdrawal agreement :
  - UK stays until the end of the school year that is ongoing at the end of the transition period
  - UK shall recognise the European Bac, for pupils graduated before 31/08/2021 and for pupils enrolled in secondary studies in a EE before 31/08/2021, who acquire a European baccalaureate after that date



# European Schools

Not applicable  
to Culham

- **Without a deal :**
  - UK will be bound by the EE Convention until 31 August 2020.
  - UK will recognize the European BAC if acquired before 31/08/2020

UK universities are free to  
accept the BAC later but it will  
no longer be automatic



# European Schools

- Seconded teachers will leave when UK ceases to be a party of the EE Convention
- Locally recruited teachers & support Staff : contracts will still be valid, however they will be subject to changes of residency rights



**The *English* sections will stay,  
depending on the population  
of children**

# Erasmus+

- On-going activities (decided before withdrawal date) : a draft regulation covers all of them (12 months maxi)
- Applications 2019 : UK commits to pay the share of UK organisations for all successful bids
- UK will try to reach agreement with the EU for UK organisations to continue participating in Erasmus+ and European Solidarity Corps projects. If unsuccessful, UK will try to negotiate bilateral arrangements



Erasmus Charter with UK universities &  
UK Nat. Agency be discontinued ?

# Detailed issues

- U4U maintains throughout the process a Q&A page : <https://u4unity.eu/brexit.htm>



## Questions and Answers : I am British, what will happen to my rights ?

I am still in activity, will I be entitled to a EU pension ?	Yes. The normal process still applies. If, according to the Staff regulations, you are entitled to a pension, then it will be served.
But I heard that if UK no longer contributes to the EU Budget, my pension will be in jeopardy.	Your pension is paid through the EU budget. Furthermore, <a href="#">as explained in this document</a> , pensions are a deferred salary. You accumulated your pension rights throughout your career and they cannot be stripped from you.  This is totally independent from any political arm-wrestling where UK will be asked to face its commitments regarding the guarantee about the pension fund.
I am a pensioner, is my EU pension in danger ?	No, as explained above.
I am a pensioner, will my fiscal situation change ?	No. The current rules will still apply. Your fiscal status is affected by your country of residence.
I am a pensioner living in EU but outside UK, are my residency rights threatened ?	Possibly yes. Your rights are linked to the country of residence. This is high on the negotiation agenda. Our country will uphold the residency rights.
I am a pensioner, is there any risk losing the benefit of the Sickness Fund ?	As long as you contribute to the Sickness Fund, you are covered. As is your family, as stipulated by article 13 of the Staff Regulations. Regarding your Accident insurance, you are covered by the Staff Regulations.

**There are still some unclear issues (fiscal, residency rights, European Health Insurance Card... )**



# EN as a working language

- Official languages are defined by Regulation 1 (1958) subsequently amended; EN is included
- EN is a *lingua franca* in EU and the world
- EN will still be used by EU



*“The Council of Ministers, acting unanimously, decide on the rules governing the use of languages by the European institutions. In other words, any change to the EU Institutions’ language regime is subject to a unanimous vote of the Council, including Ireland.”*



# The Brexit process

## What will happen now ?





# Brexit : three negotiations

These negotiations will address some issues relative to EU staff entitlements (pensions ...)

Art 50 is about severing the links between UK and EU, from the EU perspective. The final agreement, if any, will describe the legal and financial phasing out and list which legacy commitments will be kept or which participation to some common activities be maintained.

But these negotiations do not address changes to be made by UK to adapt its own policies and legal framework to its new environment.

## UK Withdrawal from the EU (art 50)

2017

2018

2019

Dec 2020 ?

**Transitional deal**

Transition deal is applicable

... Prolongation ?

**Political declaration**

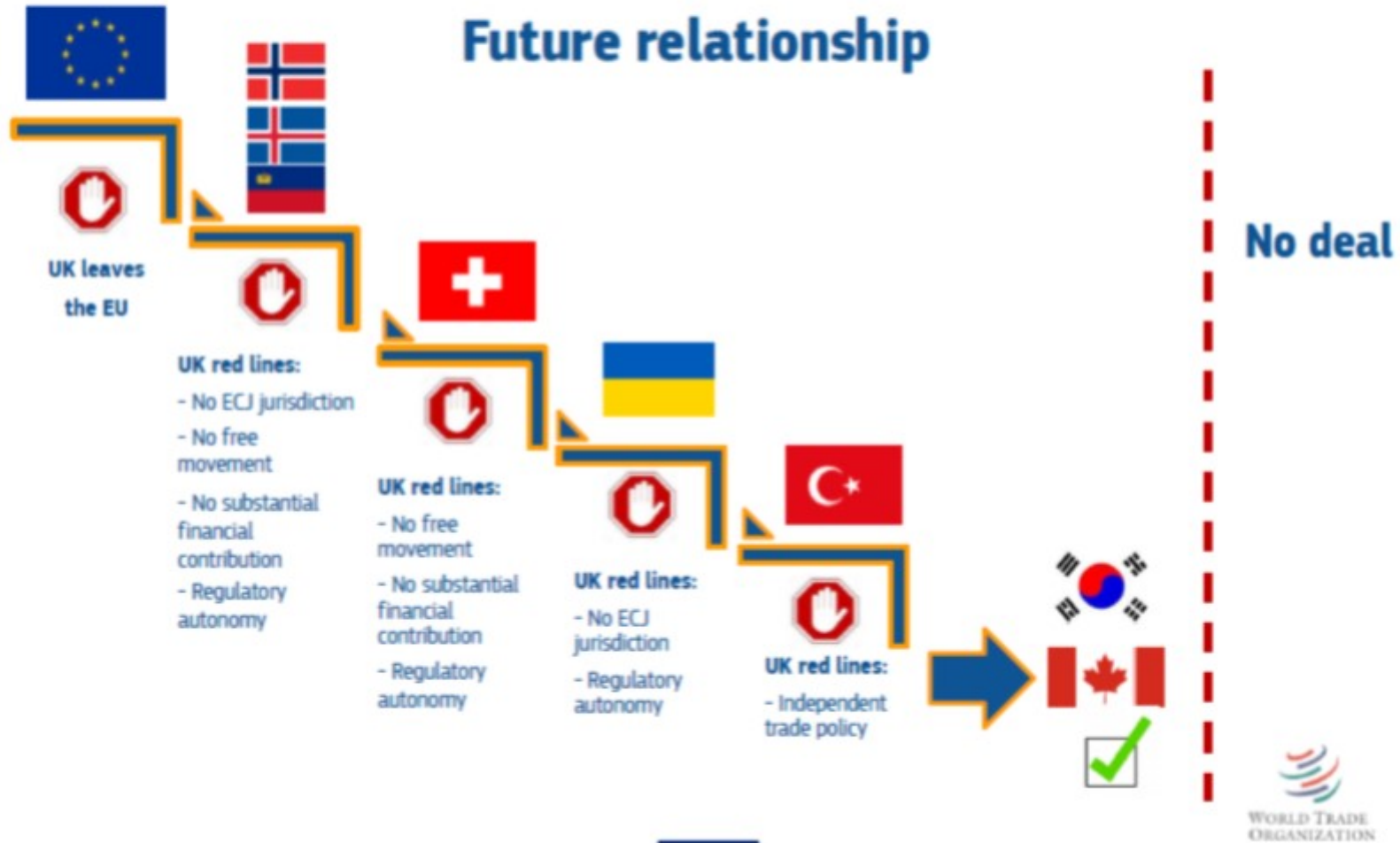
**Future relations between UK & EU**

Bespoke agreement, if any, allowing UK to access some EU areas (common market, custom union ?) but at a price (common EU rules, common court of justice, budget contribution ?). The transition deal is conditional upon there being a withdrawal agreement.

These negotiations may result in agreement (s) that will rule future relations between UK and the EU as a bloc, on trade, security, defence, ...

These negotiations may take several years.

## Future relationship



# Good Friday Agreement

- Signed in April 1998, contains :
  - a multi-party agreement by most of NI's political parties;
  - an international agreement between the British and Irish governments
  - The status and system of government of NI within UK
  - The relationship between NI and the RoI
  - The relationship between the RoI and the UK



New institutions,  
constitutional value

# Good Friday Agreement (2)

NI is part of the UK, and remains so until a majority of the people both of NI and of the RoI wish otherwise

Common objective of both parties:  
**Uphold GFA in all of its parts**

- Issues relating to sovereignty, **civil** and cultural **rights** (incl. the Convention on Human Rights, dual nationalities, **removing identity as a source of conflict**), decommissioning of weapons, demilitarisation, justice, and policing
- Consultation, co-operation and action in twelve areas of mutual interest (agriculture, EU programs...) : laced with references to EU law.



Problem for GFA if EU and UK laws diverge

Continuous convergence :  
no borders, soft, hard or  
with joint customs posts

# Other RoI/UK agreements

- Higher education : reciprocal rights for fees and grants

Continuation for school year starting Sept 2019

*Celtic Connection* for higher education?

- Research : shared academic programs
- Common Travel Area « arrangements »
- The right of an Irish citizen to settle and work in the U.K. without restriction pre-dates the E.U., Brexit *should have* no effect on immigration laws for the Irish Citizen.

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Settled status giving access to NHS

# The withdrawal agreement

- Citizens' rights to stay
- Separation issues, providing for an orderly withdrawal from Custom Union & Single Market, incl protocols for Gibraltar & Cyprus : circulation of goods, protection of intellectual property rights & geographical indications, winding down of police and judicial cooperation, use of data and information, issues related to Euratom, ...
- Transition period: the EU will treat the UK as if it were a Member State, with the exception of participation in the EU governance structures.
- Financial settlement : UK and the EU will honour all financial obligations undertaken while the UK was a member of the Union.
- Overall governance structure of the Withdrawal Agreement and common provisions (incl. CJUE primacy over interpretation of EU law).

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A legally binding  
international treaty

**And...**

# The backstop (Fallback)

- Avoiding a hard border – physical infrastructure, officials, checks – between Northern Ireland and the Republic of Ireland after Brexit.



- This is a temporary customs arrangement + “level playing field” conditions : UK could sign free trade deals (but not implement the parts of them relating to tariffs). The UK wide backstop will only be in place until the future customs arrangement can be introduced (UK cannot unilaterally end it).

Event limited,  
not time limited

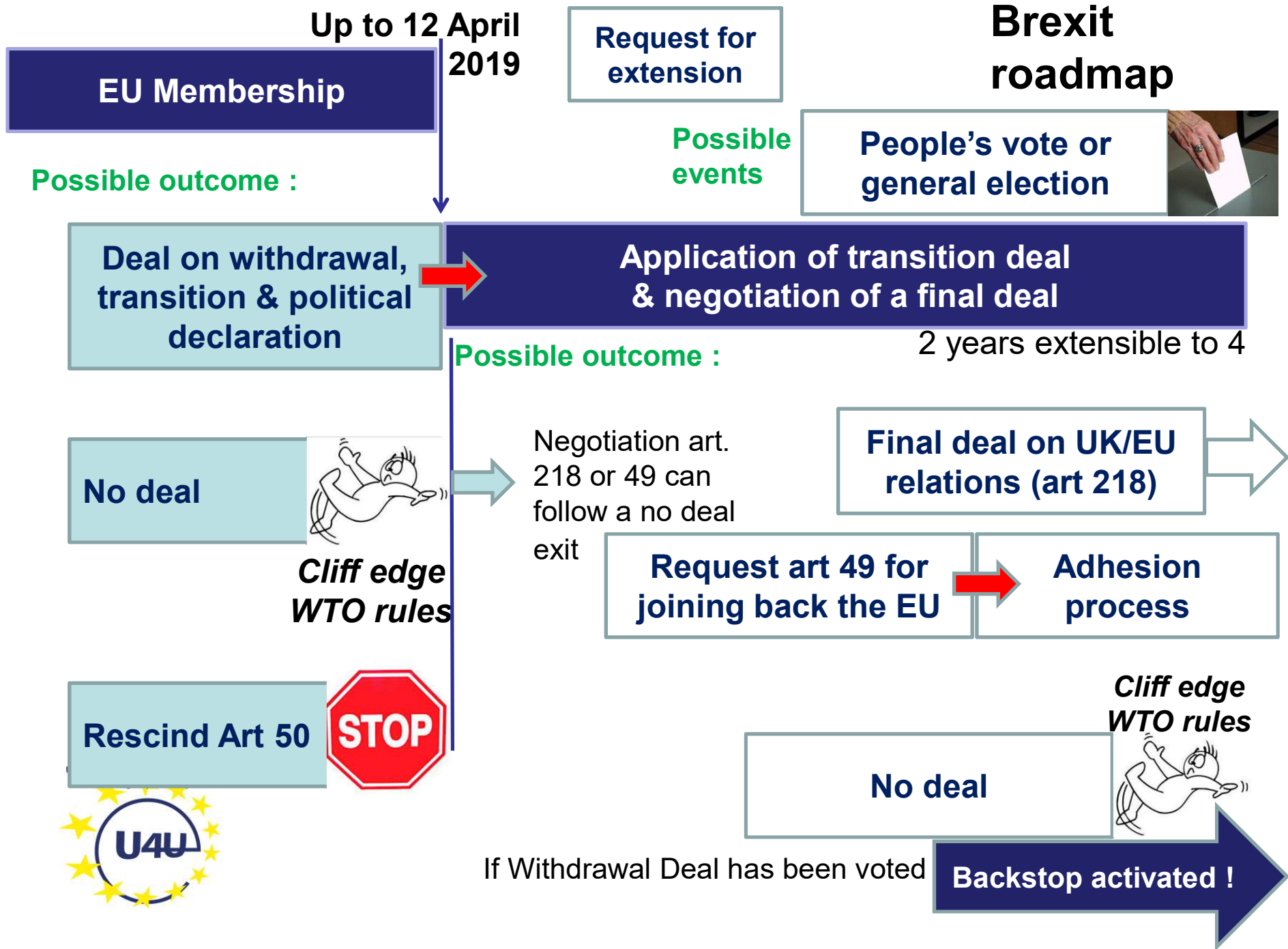
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# Negotiating in good faith ?

- An obligation under EU & international law
- Art 62 of the Vienna convention on treaties (1969): unilateral denunciation ?
- In the U.K., international treaties only have legal effect within U.K. domestic law to the extent that domestic law gives effect to them



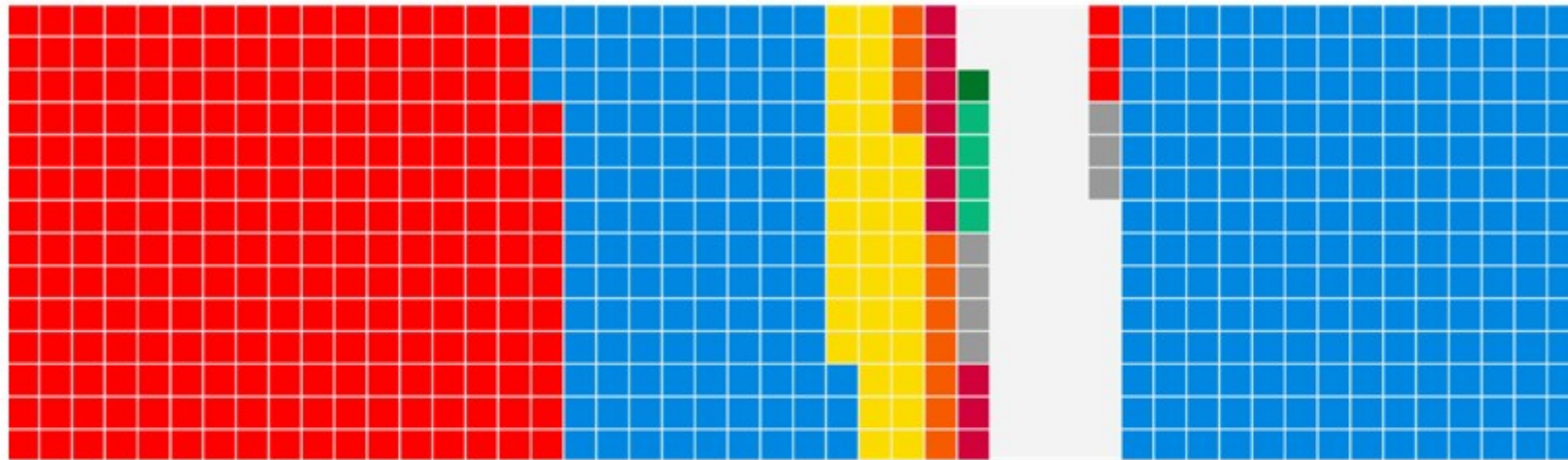


# REJET MASSIF DE L'ACCORD SUR LE BREXIT

15/01/2019

Contre (432)

Pour (202)



- Parti Conservateur
- Parti Unioniste Démocrate
- Parti Vert
- Parti Travailleiste
- Libéraux-Démocrates
- Plaid Cymru (Parti nationaliste gallois)
- Parti National Écossais
- Indépendants

**A coalition of discontents,  
not a gathering on a proposal...**

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*“There appears to be a majority in the Commons to oppose a no-deal but opposing a no-deal will not stop a no-deal from happening at the end of March. To stop ‘no deal’, a positive majority for another solution will need to emerge.”*

M. Barnier

# The options

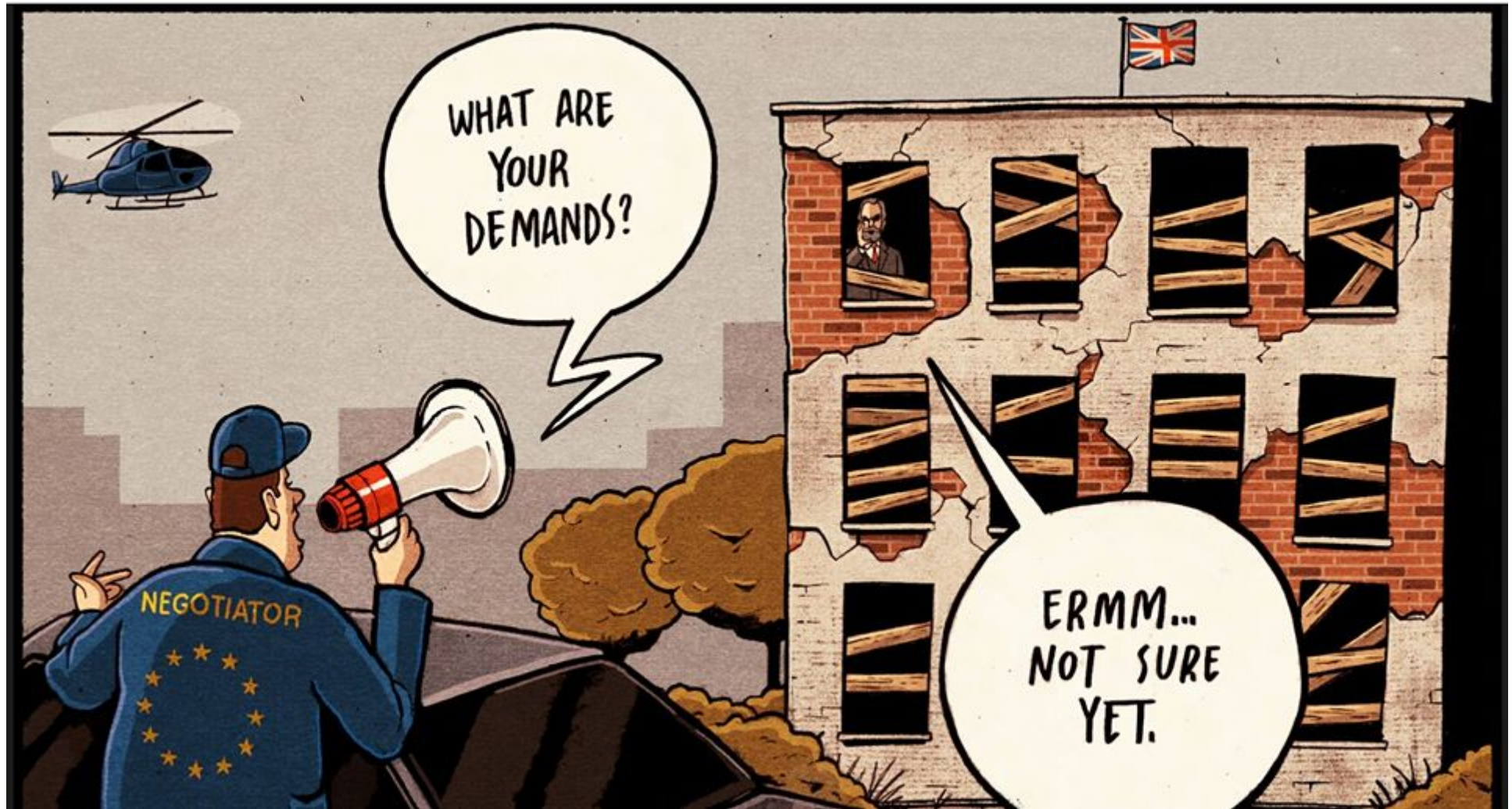
Some of these options  
can be combined

- **No Deal**
- **Renegotiate a new brand deal**
- ~~Table back the same deal with minor changes to the political declaration~~
- ~~Table back the same deal with a change to the backstop~~
- **Rescinding Art. 50**
- **Asking for postponing the delay of Art. 50 (again)**
- **General election**
- **Referendum (people's vote)**
- **Vote of no confidence**
- **Resignation of HM Government**

*Non bis in idem*  
during the same  
session



A law in UK is needed for the ratification of any deal, for revoking art 50 or for extending the delay (which is enshrined in UK law)



The conversation that never was...



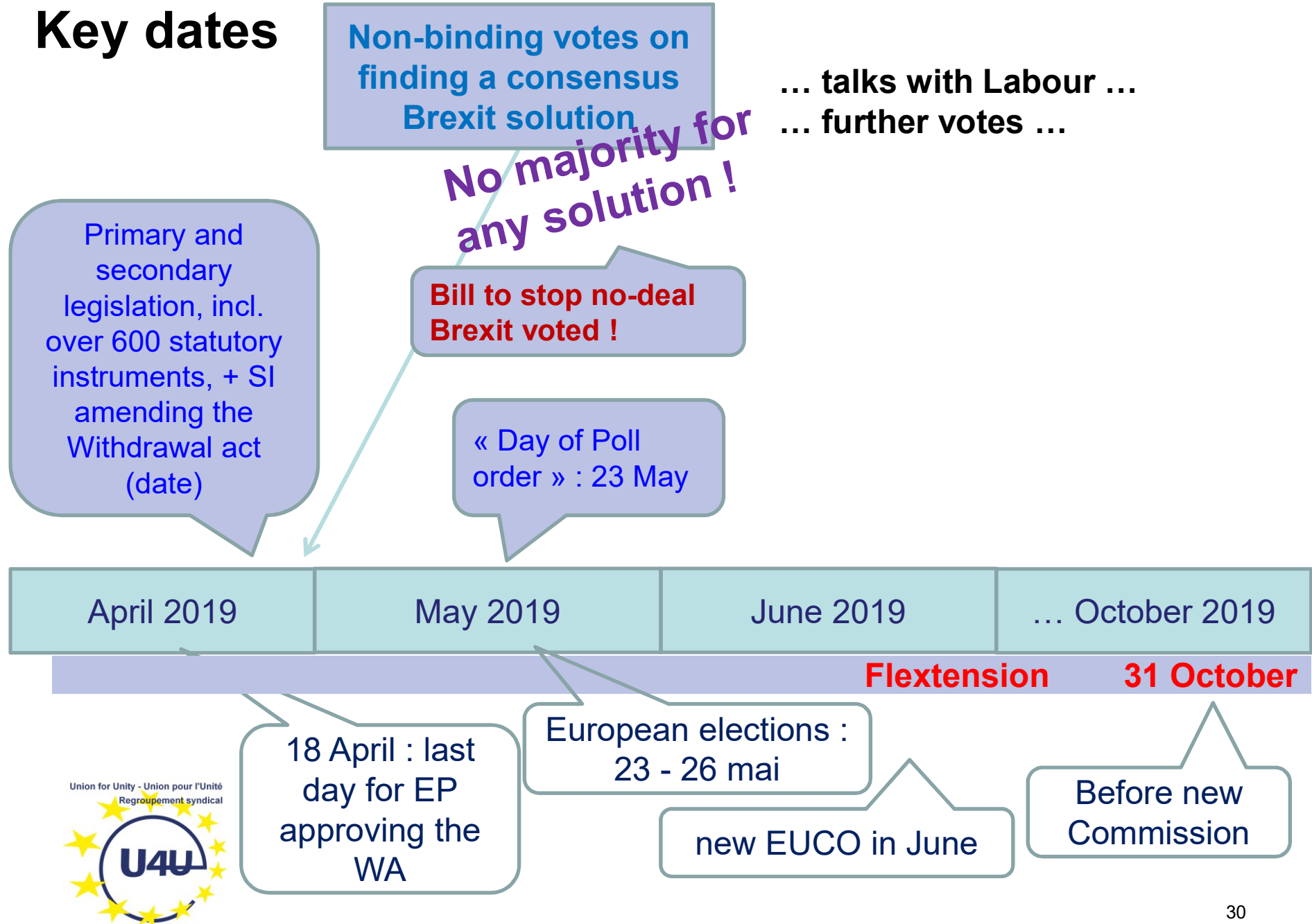
You cannot, it seems, kill that which does not live.



Ayes 286  
Noes 344

4?

# Key dates



# Flextension

- Should last only as long as necessary, no longer than 31 October 2019
- If no Eur elections in UK, withdrawal on 1 June 2019
- UK shall facilitate the achievement of the EU's tasks and not jeopardise the attainment of EU's objectives
- The 27 will continue to meet separately at all levels to discuss matters after UK withdrawal



No re-opening of the WA, no negotiations on future relationship ; however, political decl. open to changes

# Announcement : UK tariffs in case of no-deal

- 0% on 87% of imports
- excluding meat, dairy, underwear products, cars (tariff-free quota if short supply) ...
- Exclusions not applicable in NI
- Health checks NI/GB

*No consultation !*

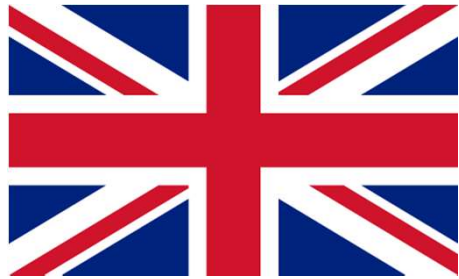
**Risks of smuggling !**

**Compliance with WTO ?  
Assessment of effects on UK economy ?**





# Contingency plans



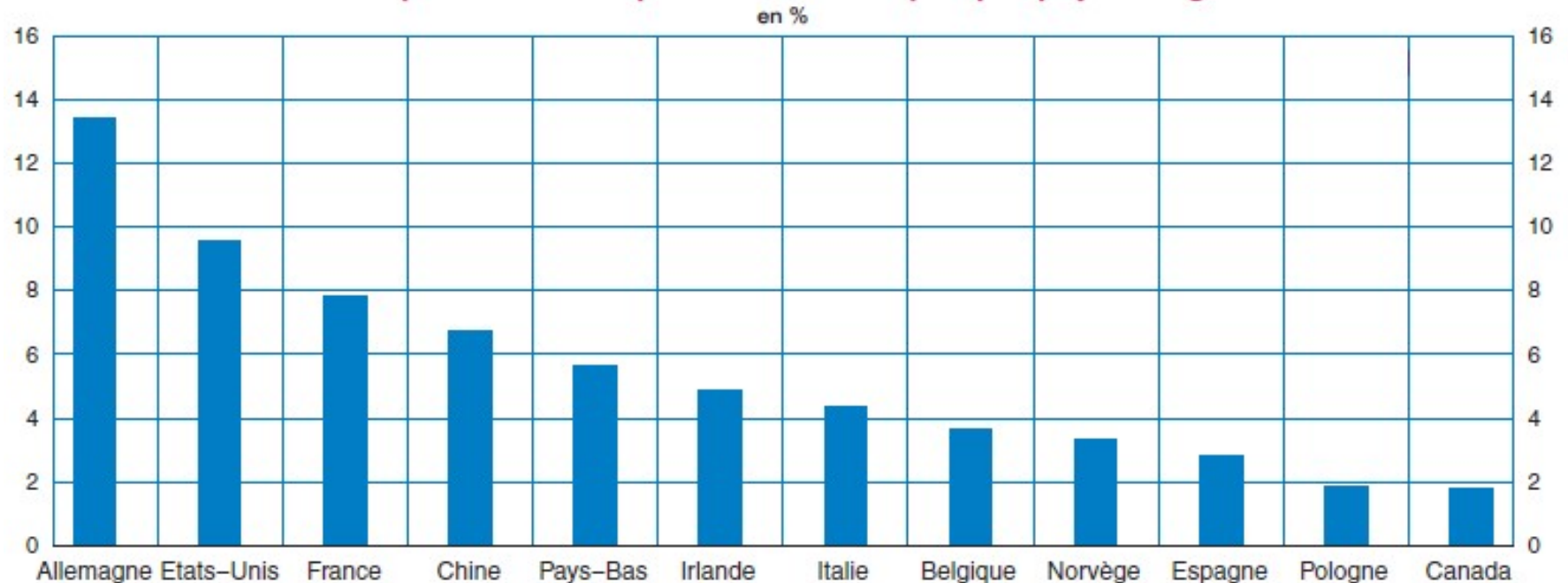
Yellowhammer

Are small  
undertakings  
ready ?



# The economic impact on EU

1 - Répartition des importations britanniques par pays d'origine



Lecture : En 2014, 13,4 % des importations britanniques provenaient d'Allemagne. Les pays représentés ici sont les 12 premiers exportateurs vers le Royaume-Uni en proportion des importations britanniques.

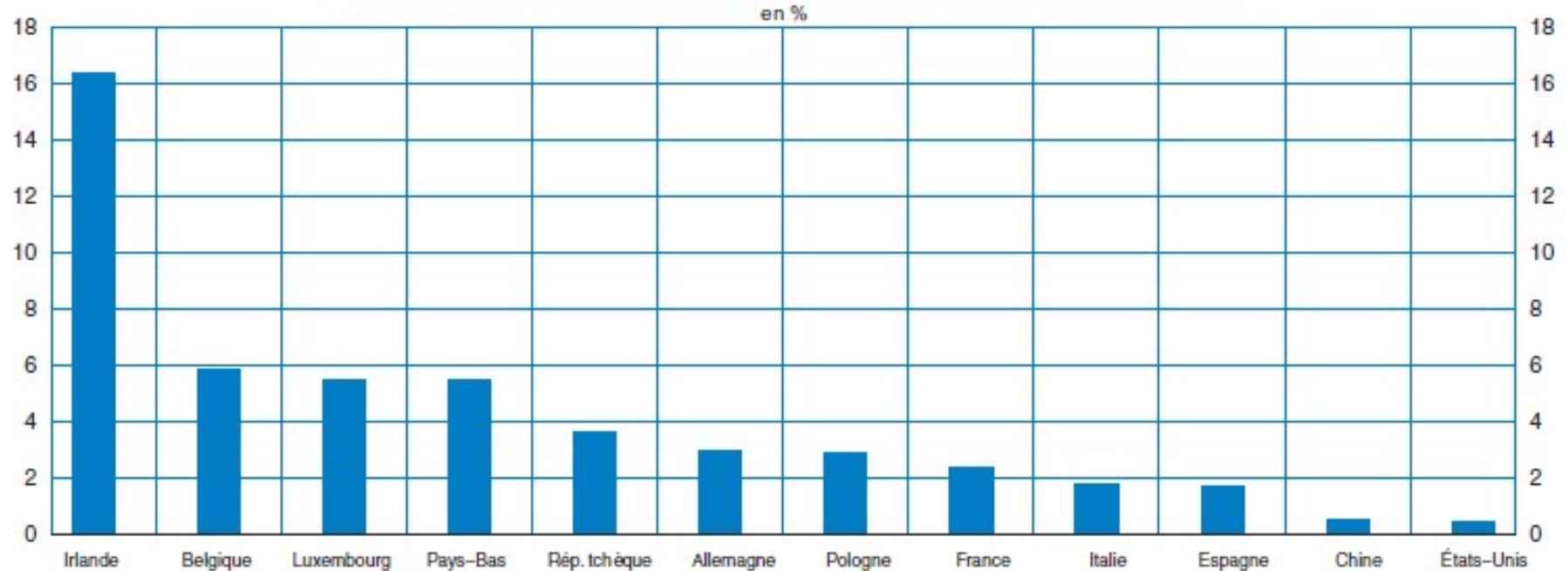


UK imports by origin in %

Source : INSEE

# The economic impact on EU

## 4 - Part des exportations vers le Royaume-Uni dans le PIB



Lecture : En 2014, les exportations irlandaises à destination du Royaume-Uni représentaient 16,4 % du PIB irlandais. Les 12 premiers pays en termes de poids des exportations vers le Royaume-Uni dans le PIB ont été représentés ici, à l'exception de la Suède (8<sup>e</sup>, 2,4 %) et de la Turquie (11<sup>e</sup>, 1,8 %), en ajoutant la Chine et les États-Unis.

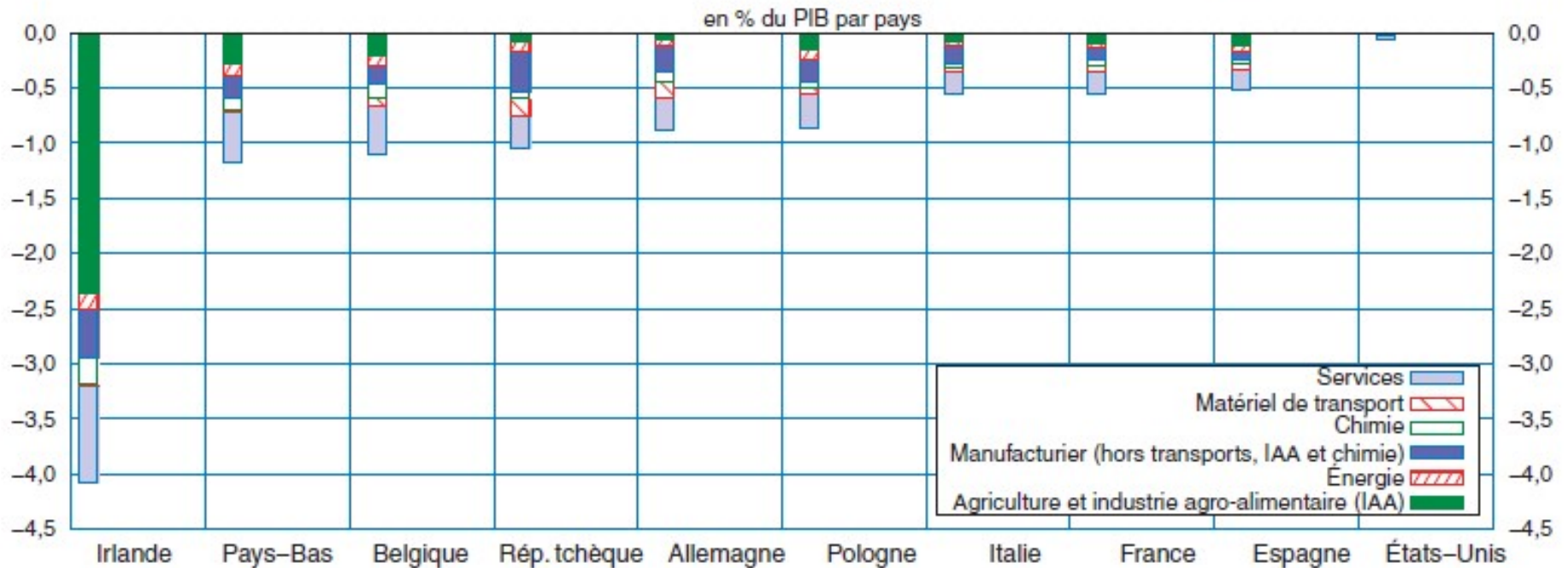
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GDP % of exports to UK

# The economic impact on EU

## 10 - Effets d'un *hard Brexit* sur le PIB des partenaires commerciaux du Royaume-Uni



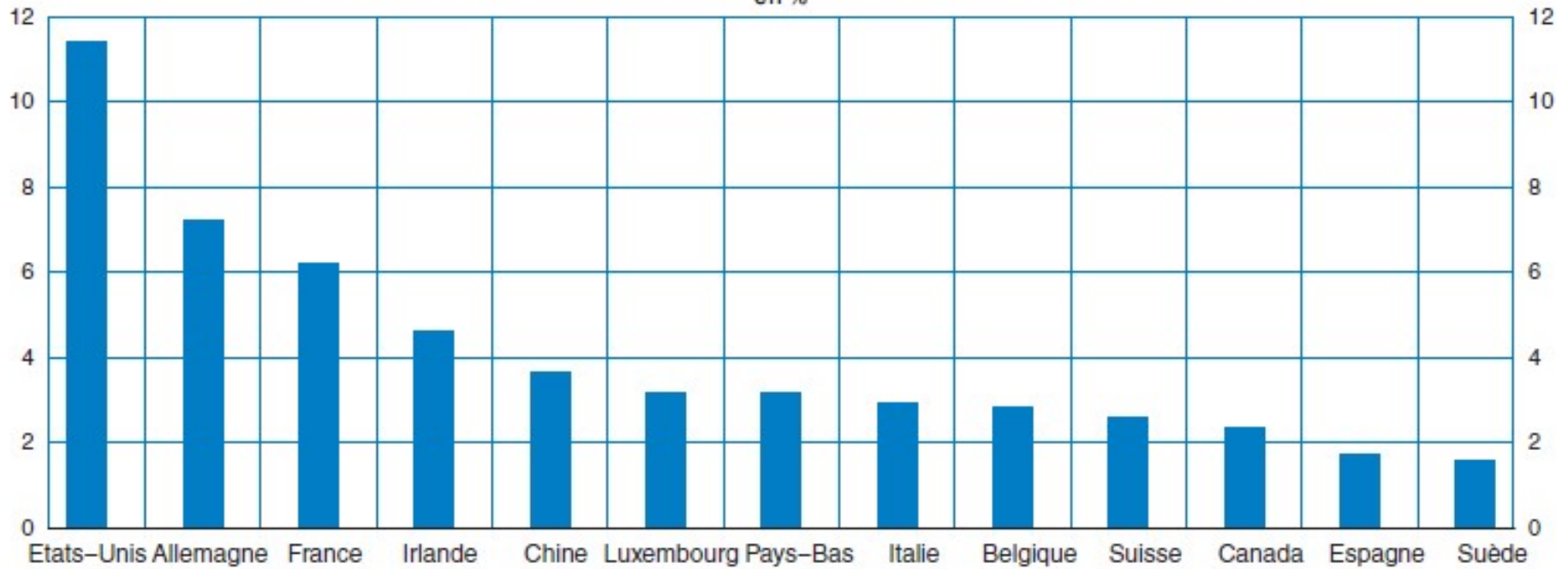
Lecture : en cas de *hard Brexit*, le PIB irlandais diminuerait 4,1 %, dont 2,4 points dans le secteur agro-alimentaire.



Impact of a hard Brexit on the GDP

# The economic impact on UK

3 - Répartition des exportations britanniques par pays destinataire  
en %



Lecture : en 2014, 11,4 % des exportations britanniques étaient à destination des États-Unis. Les pays représentés sont les 12 principaux destinataires des exportations britanniques.

UK exports by destination in %

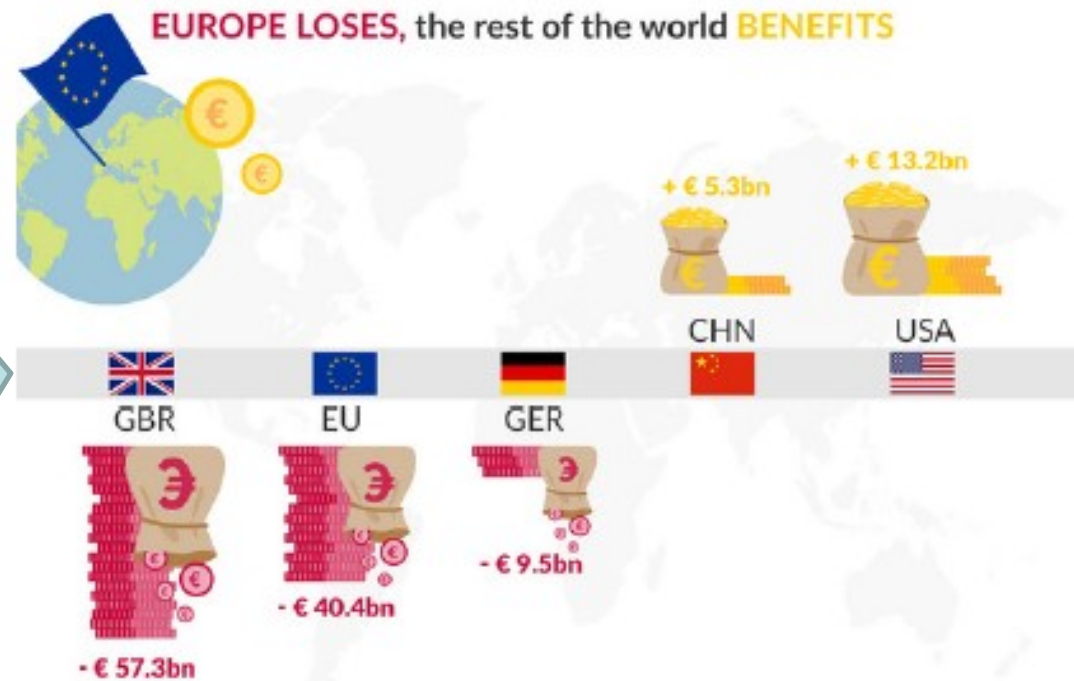
38,9 % of British exports to the EU



# The global economic impact

A hard Brexit could lead to annual welfare losses of 57 billion euros in the UK and about 40 billion euros in other EU countries. Productivity losses and markup increases drive the simulated effects. A soft Brexit would strongly mitigate these losses.

## Consequences of a hard Brexit\*



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\* Annual income losses and gains due to a hard Brexit, in 2016 prices.  
Figures based on a simulation model of the global economy from the study  
'Estimating the Impact of Brexit on European countries and regions'.

Source: Bertelsmann Stiftung

| BertelsmannStiftung



Pour en savoir plus :

<https://u4unity.eu/brexit.htm>

<https://europe-solidarity.eu/brexit1.htm>





# European Union

## Schengen Area

### Euro area

Austria	Belgium	Estonia	Finland
France	Germany	Greece	Italy
Latvia	Lithuania	Luxembourg	Malta
Netherlands	Portugal	Slovakia	Slovenia
Spain		Cyprus	Ireland

Liechtenstein	Switzerland
Norway	<b>European Free Trade Association</b>
Iceland	

### European Economic Area

Bulgaria	Croatia	Romania
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United Kingdom

Russia
Serbia
Albania

### European Customs Union

Andorra	Monaco	San Marino	Turkey
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