

A No Deal Brexit: impacts on rights, standards, governance and transparent law-making

As we move towards a vote in Parliament on the Withdrawal Agreement & the Political Declaration on the Future Relationship, the Alliance has scoped what a No Deal could mean for civil society. We have used core principles as a way of measuring and assessing the impacts of elements of a No Deal. These are:


1. Open & Accountable Lawmaking - *Legislating for Brexit must respect the democratic processes, including the devolved nature of the UK constitution. There must be clear limits and safeguards on executive power. There must be robust parliamentary scrutiny at all levels with appropriate levels of transparency and debate.*

2. A high standards UK, with rights, standards and funding to underpin them maintained- *Leaving the EU should not mean weaker standards, fewer rights or loss of funding. A UK framework for common standards must be mutually agreed between the four administrations to enable cross-border working and internal common market*

3. Leaving the EU should not create a governance gap - *EU institutions have a role in monitoring, oversight and ensuring compliance with the law as well as setting regulations. Where governance arrangements are changed as a result of leaving the EU, there must be clear powers and procedures for ensuring the law is properly implemented and enforced on an ongoing basis.*

Rights and Standards:

- The government has published technical notices of a no deal Brexit- almost half of which (50 of the 105) express an intention to unilaterally recognise EU standards and measures in the hope of minimising disruption in March 2019, at least for a time limited period. This recognition covers EU product authorisations in a number of goods categories: most plants and plant




products, medical devices and some car components. The UK has proposed introducing 'temporary permissions regimes' for various financial services, allowing EU firms to continue to trade in the UK for a period after Brexit. Among other things, the UK also plans to accept EU road haulage documentation, aviation safety standards, and data protection standards.

- But in some areas, the UK proposes to treat the EU like those from any third country straight away: the quality of blood or organs, vehicle insurance, and (almost all) civil legal measures.
- It is unclear when free movement of EU citizens to the UK will end if no specific Brexit deal is reached. Under the terms of the transition period agreed with the EU, it would end after December 2020, meaning any EU citizen arriving to live in the UK until then would be guaranteed the right to stay. But when asked in parliament on November 5 what would happen in the event of a no-deal the government was unable to answer whether free movement would immediately cease on March 30 2019.
- There are also major regulatory and enforcement gaps risking environmental protection or safety outcomes for which there is no legislative safety net so far according to Sustain.
- A 'no deal' Brexit that means British farmers and fishers will have to compete with imports could result in deregulation that weakens environmental, safety and animal welfare standards. British producers would need to find ways to stay competitive with overseas producers who may not be subject to such strict environmental, welfare and safety regulations. Existing regulatory standards would come under downward pressure as farmers have to look for immediate cost-saving opportunities.
- Infrastructure funding. As evidenced recently at the Health and Social Care Committee there is not enough cold-chain warehousing in the UK today to cover the stockpiles. Mike Thompson, Chief Executive, Association of the British Pharmaceutical Industry said " There is a request in to Government to support the building of additional cold-chain supply. There are enough ambient warehouses, we believe, but not enough cold chain"

Governance gap:

- No Deal Brexit will also leave significant gaps in governance in a range of areas. EU institutions have a role in monitoring, overseeing and ensuring compliance with the law as well as setting regulations but there will not be time to replace the infrastructure of these agencies if we crash out in March 2019. For example companies registered with REACH (European Union regulation concerning the Registration, Evaluation, Authorisation and restriction of Chemicals) would no longer be able to sell into the EEA market without transferring their registrations to an EEA-based organisation. Companies would therefore need to take action to preserve their EEA market access

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- British Food exports will have to be certified by UK bodies which in turn will have to be recognised by the EU in order to export them - expected 9 months or more to set up.
 - As ClientEarth reports, the no-deal papers published by the government over the past couple of months are severely lacking in detail regarding monitoring and enforcement. This is especially true for the devolved administrations because, at present, they will not fall under the jurisdiction of the proposed new statutory body.
 - The recent [British Medical Association's report](#) issues some stark and sobering warnings about the risks to our health service if there is a No Deal including negative impacts on workforce and immigration, Northern Ireland, access to medicines, reciprocal healthcare, professional qualifications and patient safety, access to medical radioisotopes, medical research and rare diseases.


Funding:

- The UK government has promised that EU Structural funds, EU regional development fund and Horizon 2020 will continue up until 2020 and will be replaced by the UK Shared Prosperity Fund. But so far very little detail has emerged, the no deal technical notices makes no mention of whether the Government plans to introduce the Shared Prosperity Fund immediately after 2020.

Open & Accountable lawmaking:

- Time is running out to pass all the Brexit bills between now and March 2019. If legislation is rushed, the likelihood of proper parliamentary scrutiny decreases
- Statutory Instruments (SIs) : parliamentary time will be very tight to get all the SIs through between March 2019- The Government have said on many occasions that they expect approximately 800 SIs to be laid to prepare the statute book for exit day. At the time of writing, 109 Brexit-related SIs have been laid, only 10 of which have completed their passage through Parliament.
- the [National Audit Office](#) found that by June 2018, the Department for Environment, Food and Rural Affairs had drafted only 33 of the 93 statutory instruments it requires by March 2019 to implement Brexit smoothly

Devolution: This briefing does not include impacts of no deal on the devolved nations as this will be the subject of a separate blog. However note that the recent



NICVA's press release expresses concern that the immediate requirement for a **'hard' border** on the island of Ireland with No Deal will create a focus for ongoing tension and division and "threatening our hard won peace and stability". Similarly the All Ireland trade union movement argues that if there is to be a Brexit it has to be as soft as possible - see here.