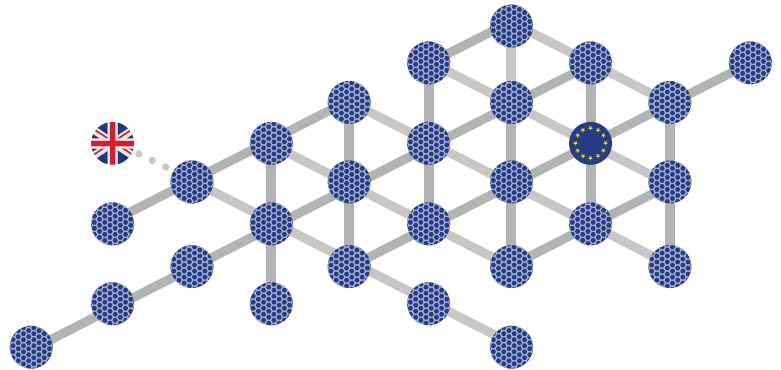




Will EU law apply post-Brexit?

Brexit Briefing Note



In light of the General Election result, it now appears virtually certain that the United Kingdom will leave the European Union on 31 January 2020. In this short note, we set out the key EU law implications of that event.

With effect from exit day (virtually certain to be 31 January 2020), the UK will cease to be a Member State of the European Union. As a result, the UK will cease to participate in the union's decision-making bodies: it will no longer be represented on the EU Council and its MEPs, along with the European Court judges and other officials appointed by it, will cease to hold office.

However, until the end of a transition period beginning on exit day and ending (unless extended by agreement) on 31 December 2020, EU law will continue to apply in relation to the UK as though it were still a Member State. This means that, until the end of the transition period:

- the UK will continue to be bound by EU law, and UK citizens, workers and businesses will continue to be entitled to rely on EU law in their dealings both with each other and with the UK authorities; and
- UK citizens, workers and businesses will continue to be entitled to rely on their EU law rights (notably their right to free movement) with regard to the remaining Member States.

Importantly, any new EU laws that come into effect during the transition period will, broadly speaking, apply in relation to the UK as they do in relation to the remaining Member States until the end of the transition period.

When the transition period ends, EU law will cease to apply in relation to the UK, with the exception of Northern Ireland. The impact of EU law in the UK after that point will depend upon the terms of trade agreed (or not) between the UK, as a 'Third Country', and the EU and whether, as part of such an agreement, the UK commits to observe particular aspects of the EU regulatory regime.

With effect from the end of the transition period, and irrespective of the terms of trade (if any) agreed between the UK and the EU, Northern Ireland will enter a special legal regime under which many provisions of EU law (in particular those which support the 'all-island' economy) will continue to apply subject to a periodic 'democratic consent' mechanism.

The end of the transition period will also trigger the application of various measures designed to protect the accrued rights of UK citizens in the EU (and vice versa) and to regulate the settlement of outstanding financial commitments.



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