



A ROADMAP TO THE LEGAL ASPECTS OF BREXIT

An annotated guide to sources of information about the United Kingdom's decision to withdraw from the European Union

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I. Background

- [Brexit Glossary \(House of Commons Library, December 19, 2016\)](#), containing a list of commonly-used terms and acronyms that have needed clarification since the United Kingdom voted in the June 2016 EU referendum.

A. An overview of Brexit

- [Brexit: impact across policy areas \(House of Commons Library, August 26, 2016\)](#), looking at the current situation in a range of policy areas and considering what impact Brexit might have.
- [Brexit: The Immediate Legal Consequences \(Richard Gordon QC, R. Moffatt, The Constitution Society, May 20, 2016\)](#), presenting the thesis that identifying the immediate legal effects of Brexit can neither be avoided nor deferred and that, once identified they [need to be planned for well in advance of any exit from the EU](#).

See also:

- [Legal Aspects of Withdrawal from the EU: A Briefing Note \(P. Eleftheriadis et al., University of Oxford – Legal Research Paper Series, July 14, 2016\)](#)
- [What a British divorce from the EU would look like \(Financial Times, June 28, 2016\)](#) [subscription required]
- [Brexit: initial reflections \(A. Menon, J.-P. Salter, Chatham House, November 2016\)](#), casting an initial eye over the referendum and its outcome, and the historical relationship between the UK and the EU as well as its evolution until the referendum.
On the analysis of origins and events leading to Brexit, see also:
 - [Brexit: A Drama in Six Acts \(P. Craig, European Law Review, August 2016\)](#)
 - [How David Cameron lost his battle for Britain \(Financial Times, December 18, 2016\)](#) [subscription required]
 - [A Howl of Rage \(The New York Review of Books, August 18, 2016\)](#)
 - [Fences: A Brexit Diary \(The New York Review of Books, August 18, 2016\)](#)
- [European Public Law, Volume 22 \(2016\)](#), studying a wide range of various legal, constitutional and political issues revolving around Brexit. [subscription required]
See also:
 - [Brexit Supplement \(German Law Journal – Vol. 17, July 1, 2016\)](#)
- [Leaving the EU \(House of Commons Library, July 1, 2013\)](#), stating – three years before the referendum – that the full impact of a UK withdrawal is impossible to predict, but that from an assessment of the current EU role in a range of policy areas, it is possible to identify issues and estimate some of the impacts of removing the EU role in these areas.

- [Responsibility, *Voice and Exit: Britain Alone?* \(P. Craig, in A. Biondi and P. Birkinshaw \(eds\), *Britain Alone? The Implications and Consequences of the UK Exit from the EU* \[2015\]\)](#), on the concept of “responsibility” and the theme that conceptions of national constitutional responsibility are central to the discourse about voice and exit.

B. EU law

- [Legislating for Brexit: directly applicable EU law](#) (House of Commons Library, January 12, 2017), explaining what “directly applicable” EU law is (mainly EU Treaty obligations and EU regulations), how it applies in the UK, and how many EU regulations are in force.
See also:
 - [Legislating for Brexit: Statutory Instruments implementing EU law](#) (House of Commons Library, January 16, 2017)
 - [Legislating for Brexit: EU external agreements](#) (House of Commons Library, January 5, 2017)
 - [Legislating for Brexit: the Great Repeal Bill](#) (House of Commons Library, February 24, 2017)
- [Rights and obligations of European Union membership](#) (HM Government, April 14, 2016), setting out the main rights and obligations arising from the UK’s membership to the European Union.
See also:
 - [The European Union explained: How the European Union works](#) (European Commission, November 2014)
- [The EU and the Legal Sector](#) (The Law Society, October 2015), aiming to start a discussion about the potential impacts for the UK of remaining in a renegotiated EU or of an EU exit.
See also:
 - [Untangling Britain from Europe would cause constitutional ‘havoc’](#) (Financial Times, June 20, 2016) [subscription required]
- [Brexit and the EU Court](#) (House of Commons Library, November 14, 2016), looking – after the High Court ruling – at the questions of revocability of Article 50 notice and referral to the EU Court of Justice.
- [Brexit is not an escape from EU regulation](#) (London-Brussels One-Way or Return, February 14, 2016), on the reasons for EU regulation, and the question whether Brexit equals escape from it.
See also:
 - [If EU law is supreme, can Parliament be sovereign?](#) (M. Elliott, *Public Law for Everyone*, February 21, 2016)
 - [Brexit, sovereignty and the EU Court of Justice](#) (London-Brussels One-Way or Return, February 29, 2016)

- [*Referring Brexit to the Court of Justice of the European Union: Why Brexit should be left to the United Kingdom* \(O. Garner, European Law Blog, November 14, 2016\)](#)
- [*Brexit: can the ECJ get involved?* \(S. Peers, EU Law Analysis, November 3, 2016\)](#)
- [*The Supreme Court Should Not Refer to the EU Court of Justice on Article 50* \(M. Barczentewicz, UK Constitutional Law Association, November 11, 2016\)](#)

II. The Process of Brexiting

- [*The process of withdrawing from the European Union* \(House of Lords, European Union Committee, May 4, 2016\)](#), considering whether Article 50 is the only means of leaving the EU, and whether a decision to withdraw from the EU can be reversed.
- [*Brexit: some legal and constitutional issues and alternatives to EU membership* \(House of Commons Library, July 28, 2016\)](#), considering how the UK will leave the EU, some legal and constitutional issues, and possible alternatives to EU membership.
- [*The Constitutional Consequences of Brexit: Whitehall and Westminster* \(UCL Constitution Unit, April 21, 2016\)](#), focusing on the potential impact of Brexit upon the UK Government and Parliament.

A. Legal provisions

1. Article 50 TEU

- [*Brexit: how does the Article 50 process work?* \(House of Commons Library, January 16, 2017\)](#), looking at the process of withdrawing from the EU under Article 50 TEU – the legal mechanism by which the UK will leave the EU.
See also:
 - [*The invoking of Article 50* \(House of Lords, Select Committee on the Constitution, September 13, 2016\)](#)
- [*Brexit and Article 50 TEU: A Constitutional Reading* \(P. Eeckhout, E. Frantziou, UCL European Institute, December 22, 2016\)](#), arguing that the Article 50 withdrawal process needs to be compliant with EU constitutional law, which has significant implications for the nature of both the withdrawal process and future EU-UK relations; and suggesting that although the wording of Article 50 is unclear on the question of revocability, the Article 50 clock could technically be stopped.
See also:
 - [*Leaving the European Union, the Union way – A legal analysis of Article 50 TEU* \(C. Hillion, Swedish Institute for European Policy Studies, August 2016\)](#)
 - [*Member States' Right to a Decision on Withdrawal from the EU: A Legal Analysis \(Article 50\(1\) TEU\)* \(B. Kulpa, EU Law Analysis, January 19, 2016\)](#)
 - [*Brexit, Article 50 and the 'Joys' of a Flexible, Evolving, Un-codified Constitution* \(A. Young, UK Constitutional Law Association, July 1, 2016\)](#)
 - [*'Should I Stay or Should I Go?': A critical Analysis of the Right to Withdraw from the EU* \(H. Hofmeister, European Law Journal, Vol. 16, Issue 5, pp. 589-603, September 2010\)](#)

- [Leading EU experts advise that EU Notification of Withdrawal Bill does not disable Parliament's 'constitutional handbrake' on Brexit](#) (Bindsmans LLP, February 17, 2017)
- [In the Matter of Article 50 of the Treaty On European Union](#) (Sir D. Edward et al., February 10, 2017)
- [How Brexit Will Happen: A Brief Primer on European Union Law and Constitutional Law Questions Raised by Brexit](#) (H. Hestermeyer, [Journal of International Arbitration](#), October 17, 2016), aiming to explore the prescriptions of EU law with respect to a Member State's leaving the Union and some of its consequences, as well as the procedure to do so under UK constitutional law.
See also:
 - [What Role for the European Parliament](#) (D. Harvey, [EU Law Analysis](#), July 14, 2016)
- [Accession and Withdrawal in the Law of the European Union](#) (C. Hillion, [The Oxford Handbook of European Union Law](#), 2015), examining the procedures for acceding to and withdrawing from the European Union, and arguing that, while determined by (Member) states' decisions, accession and withdrawal are also driven by EU institutions, and by the canons of the EU legal order.
- [Don't Mention Divorce at the Wedding, Darling!: EU Accession and Withdrawal from Lisbon](#) (A. F. Tatham in [EU Law after Lisbon](#), A. Bondi, P. Eeckhout, S. Ripley, 2012), an analysis of both accession and withdrawal that considers briefly the historical context of each process before continuing to look at the relevant Article of the Treaty on European Union, post Lisbon, including the criteria and procedure for each issue, as well as providing a short commentary on them. [subscription required]
- [Triggering Article 50 TEU: A Legal Analysis](#) (E. Szyszczak, E. Lydgate, [UK Trade Policy Observatory](#), October 10, 2016), focusing in particular on the EU and international trade (rather than domestic and constitutional) dimensions of withdrawal, in order to provide clarity and highlight pitfalls affecting both the EU and the UK.
- [Withdrawal from the European Union: A Typology of Effects](#) (P. Nicolaidis, [Maastricht Journal](#), 2013), examining Article 50 TEU and developing a typology of the possible effects of the withdrawal of a Member State from the EU.
On the territories that left the European Communities, see:
 - [Exiting the EU? Algeria, Greenland and Saint Barthélemy experiences](#) (Nationalia, February 23, 2016)
 - [Brexit or the art of "doing a Greenland"](#) (D. Sarmiento, [Despite Our Differences Blog](#), July 2016)
- [The Withdrawal Clause of the Lisbon Treaty in the Light of EU Citizenship: Between Disintegration and Integration](#) (C. M. Rieder, [Fordham International Law Journal](#), Vol.

[37, Issue 1, 2013](#)), offering a pragmatic view with regard to the question as to whether the withdrawal clause of Article 50 should exist at all in the first place.

2. Vienna Convention on the Law of Treaties

- [Withdrawing Provisional Application of Treaties: Has the EU Made a Mistake? \(L. Bartels, Cambridge Journal of International and Comparative Law, Vol. 1, pp. 112-118 \[2012\]\)](#), considering two questions: 1. whether, under Article 25(1) of the VCLT, provisional application must be reciprocal, or whether it can be unilateral; and 2. the conditions under which provisional application may be withdrawn, and whether Article 25(2), which governs withdrawal, is perhaps too strict in certain cases.
See also:
 - [Brexit v UK in EU \(4\): Treaties \(C. Crawford, March 28, 2016\)](#)
 - [Would Europeans be free to stay in the UK after Brexit? \(The Guardian, June 22, 2016\)](#)

B. Negotiation

- [In 'Brexit' Speech, Theresa May Outlines Clean Break for U.K. \(S. Castle, S. Erlanger, New York Times, January 17, 2017\)](#), on Prime Minister Theresa May's speech outlining her priorities for the upcoming negotiations to leave the European Union, and confirming that the UK Government will seek a "hard Brexit".
See also:
 - [The government's negotiating objectives for exiting the EU: PM speech \(Full transcript, Gov.UK, January 17, 2017\)](#)
 - [Doing Brexit the hard way \(The Economist, January 21, 2017\)](#)
 - [Theresa May's Brexit Speech of 17 January 2017 – Decoding its clarity and ambiguity \(M. Emerson, Centre for European Policy Studies, January 25, 2017\)](#)
 - [The process for exiting the European Union and the Government's negotiating objectives \(House of Commons, Exiting the European Union Committee, January 14, 2017\)](#)
- [The United Kingdom's exit from and new partnership with the European Union White Paper \(HM Government, February 2, 2017\)](#), sketching details of Prime Minister Theresa May's 12-point principles for exiting the European Union and setting out the basis for priorities and the approach to forging a new strategic partnership with the EU.
See also:
 - [Four principles for the UK's Brexit trade negotiations \(T. Sampson, LSE Centre for Economic Performance, October 2016\)](#)
 - [Brexit: Negotiation Phases and Scenarios of a Drama in Three Acts \(V. Kreiling, L. M. Wolfstädter, S. Becker, Jacques Delors Institut, January 25, 2017\)](#)
 - [A well-managed Brexit is a priority for the entire EU \(K. Lannoo, Centre for European Policy Studies, February 3, 2017\)](#)
- [Brexit: A tale of two agreements? \(H. Flavie, S. Platon, European Law Blog, August 30, 2016\)](#), clarifying the distinction between the two post-Brexit agreements – the

withdrawal agreement and the agreement regarding the future relationship between the UK and the EU – and identifying the legal difficulties arising from their articulation.

- [The UK's contribution to the EU budget \(House of Commons Library, February 15, 2017\)](#), considering how much the UK contributes to the EU budget and how much it receives back, and discussing potential payments to the EU on or after Brexit.
See also:
 - [The €60 billion Brexit bill: How to disentangle Britain from the EU budget \(A. Barker, Centre for European Reform, February 6, 2017\)](#)
 - [Brexit and the EU budget: Threat of opportunity? \(J. Haas, E. Rubio, Jacques Delors Institut, January 16, 2017\)](#)
 - [The Impact of Brexit on the EU Budget: A non-catastrophic event \(J. Núñez Ferrer, D. Rinaldi, Centre for European Policy Studies, September 7, 2016\)](#)
- [How to Make a Transitional Brexit Arrangement \(P. Eleftheriadis, Oxford business Law Blog, February 15, 2017\)](#), on the important question for the UK economy of transition to the new trade regime after abandoning membership in the single market or of the common customs area.
See also:
 - [A Brexit Act in 19¾ pages \(Allen & Overy, August 30, 2016\)](#)
- ["Stop this DISASTER!" The key European players who want to block EU from punishing Britain \(Express, February 1, 2017\)](#), Senior politicians within the Belgian government publishing an extraordinary report calling for Brussels to pursue the continuation of free trade with the UK.
See also:
 - [Brexit High Level Group submits report to Prime Minister \(Belgian Government, Press release, January 31, 2017\)](#)
 - [Report of the Belgian Brexit High Level Group: Towards a Belgian Economic Brexit Strategy \(Belgian Brexit High Level Group, January 2017\) \(in French\)](#)
 - [Federation of Enterprises in Belgium Input to the interim report of the High Level Group on Brexit \(Federation of Enterprises in Belgium, January 20, 2017\)](#)

III. Internal UK Law and Brexit

A. The prerogative to implement Article 50

1. High Court proceedings

- a. Cases materials
 - [High Court of Justice \(Administrative Court\) – Santos & Miller v. Secretary of State for Exiting the European Union \(Full day 1 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, October 14, 2016\)](#)

- [High Court of Justice \(Administrative Court\) – Santos & Miller v. Secretary of State for Exiting the European Union \(Full day 2 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, October 20, 2016\)](#)
- [High Court of Justice \(Administrative Court\) – Santos & Miller v. Secretary of State for Exiting the European Union \(Full day 3 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, October 24, 2016\)](#)

b. Judgment

- [Judgment: R \(Miller\) -v- Secretary of State for Exiting the European Union \(November 3, 2016\)](#)

See also:

 - [Critical reflections on the High Court's judgment in R \(Miller\) v Secretary of State for Exiting the European Union \(M. Elliott, H. J. Hooper, UK Constitutional Law Association, November 7, 2016\)](#)
 - [Taking back control \(The Economist, November 6, 2016\)](#)
 - [In-Between the Lines of the High Court Brexit Judgment: EU Transnational Rights and their Safeguards \(F. Strumia, EU Law Analysis, November 6, 2016\)](#)
 - [The Brexit Case – an alternative view from Andrew Henshaw QC \(Brick Court Chambers, November 10, 2016\)](#)

See also:

 - [The Miller Case – an alternative analysis \(Sir Jeremy Lever KCMG QC, Monckton Chambers, November 16, 2016\)](#)
 - [Responding to Miller \(N. Barber, J. King, UK Constitutional Law Association, November 7, 2016\)](#)
 - [Why the High Court got the law wrong about Brexit \(C. Gardner, Head of Legal, November 4, 2016\)](#)
 - [Miller and the Art 50 notification: revocability is irrelevant \(London-Brussels One Way or Return, November 14, 2016\)](#)

On the (ir)revocability of Article 50, see also:

 - [The Irrevocability of an Article 50 Notification: Lex Specialis and the Irrelevance of the Purported Customary Right to Unilaterally Revoke \(J. Rylatt, UK Constitutional Law Association Blog, July 27, 2016\)](#)
 - [\(Un\)Crossing the Rubicon: Why the Supreme Court Should Not Refer a Question Regarding the Revocability of Article 50 to the ECJ \(A. Georgopoulos, UK Constitutional Law Association, November 17, 2016\)](#)
 - [Miller, Article 50 Revocability and the Question of Control \(F. de Cecco, UK Constitutional Law Association, November 17, 2016\)](#)

- [Brexit Live: Article 50 Supreme Court case \(BBC News, December 5-8, 2016\)](#)
- [Summary Judgment: R \(Miller\) -v- Secretary of State for Exiting the European Union](#)

2. Supreme Court proceedings

a. Cases materials

- [The Supreme Court: Article 50 'Brexit' Appeal, providing a range of information and updates on the case R v. Secretary of State for Exiting the European Union: case summaries, written arguments \('cases'\) of the parties and interveners, transcripts, etc.](#)
- [R \(on the application of Miller and Dos Santos\) v Secretary of State for Exiting the European Union \(Full day 1 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, December 6, 2016\)](#)
- [R \(on the application of Miller and Dos Santos\) v Secretary of State for Exiting the European Union \(Full day 2 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, December 7, 2016\)](#)
- [R \(on the application of Miller and Dos Santos\) v Secretary of State for Exiting the European Union \(Full day 3 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, December 12, 2016\)](#)
- [R \(on the application of Miller and Dos Santos\) v Secretary of State for Exiting the European Union \(Full day 4 transcript\)](#)
 - [Report of Proceedings \(R. Craig, UK Constitutional Law Association, December 14, 2016\)](#)

b. Judgment

- [Judgment: R \(on the application of Miller and another\) \(Respondents\) v Secretary of State for Exiting the European Union \(Appellant\) \(January 24, 2017\)](#)

See also:

- [Miller Supreme Court Case Summary \(R. Craig, UK Constitutional Law Association, January 26, 2017\)](#)
- [Miller: An Index of Report and Commentary \(R. Craig, UK Constitutional Law Association, January 25, 2017\)](#)
- ["So long \(as\) and farewell?" The United Kingdom Supreme Court in Miller \(O. Garner, European Law Blog, January 26, 2017\)](#)
- [Brexit and Parliament: A Second Capitulation or Sovereignty Regained? \(London-Brussels One-Way or Return, January 31, 2017\)](#)

- [*Brexit will require the consent of Parliament — but not of the devolved assemblies* \(The Economist, January 28, 2017\)](#)
- [**Summary Judgment: R \(Miller\) -v- Secretary of State for Exiting the European Union**](#)

B. The devolution issue

1. Overview

- [*The Union and devolution* \(House of Lords, Select Committee on the Constitution, May 25, 2016\)](#), warning that successive UK Governments have taken the Union for granted, without giving proper consideration to the cumulative impact of devolution on the UK as a whole.
See also:
 - [*Brexit: some legal and constitutional issues and alternatives to EU membership*, pp. 11-18 \(House of Commons Library, July 28, 2016\)](#)
 - [*Devolved External Affairs: The Impact of Brexit* \(R. Whitman, Chatham House, February 2017\)](#)
 - [*Brexit: Devolved Legislature Business* \(House of Commons Library, March 13, 2017\) \[updated every Monday\]](#)
- [*Brexit: Its Consequence for Devolution and the Union* \(R. Hazell, A. Renwick, UCL Constitution Unit, 2016\)](#), focusing on the potential impact of Brexit upon Devolution and the Union.
For a more global and thorough presentation of the devolution in the UK, see:
 - [*Devolution and the Future of the Union* \(UCL Constitution Unit, April 2015\)](#)
 - [*Brexit consequential: why the UK must involve the devolved governments in the process of leaving the EU* \(A. Paun, Institute for Government, June 24, 2016\)](#)
- [*A UK Exit from the EU: the End of the United Kingdom or a New Constitutional Dawn?* \(S. Douglas-Scott, Cambridge Journal of International and Comparative Law, March 5, 2015\)](#), considering the impact of a UK exit from the EU on the UK devolutionary settlement, as well as considering its effects on Ireland.
- [*Four-nation Brexit: How the UK and devolved governments should work together on leaving the EU* \(A. Paun, G. Miller, Institute for Government, October 2016\)](#), arguing that it is imperative that Scotland, Northern Ireland, Wales and England reach agreement on the UK's Brexit terms and negotiating strategy and outlining potential steps to prevent political spats from escalating into a full-blown constitutional crisis.

2. Scotland

- [*Scotland and Brexit: Brave Heart or Timorous Beastie?* \(S. Peers, EU Law Analysis, October 13, 2016\)](#), examining the legal issues arising from the implicit choice the Scottish government is offering the UK government – negotiate to ensure that

Scotland stays in the single market as a distinct part of the UK, or face another independence referendum.

See also:

- [*The implications of EU withdrawal for the devolution settlement* \(A. Page, Scottish Parliament Culture, Tourism, Europe and external Relations Committee, October 4, 2016\)](#)
- [*The spectre of Scoxit* \(The Economist, October 20, 2016\)](#)
- [*Scotland knows what it wants with the EU, while London seems still not to know* \(M. Emerson, Centre for European Policy Studies, December 24, 2016\)](#)
- [*Scotland's choice: Brexit with the UK, independence, or a special deal?* \(K. Hughes, Friends of Europe, November 29, 2016\)](#), looking at the political and constitutional challenges facing Scotland.
See also:
 - [*Scotland's Place in Europe* \(Scottish Government, December 2016\)](#)
 - [*Scotland's Brexit proposals: stand-off, independence or waiting game* \(K. Hughes, Friends of Europe, December 20, 2016\)](#), asking whether it is even possible for Scotland to be in the EU's single market when the rest of the UK is not, and looking at the real goal of the Scottish government's paper.
- [*Scotland's Place in Europe: Comments on the Scottish Government's new proposals* \(S. Peers, EU Law Analysis, December 20, 2016\)](#), revisiting the issue of the impact of Brexit on Scotland in the light of the publication by the Scottish government of its discussion paper 'Scotland's Place in Europe'.
See also:
 - [*Brexit Reflections – How could Scotland remain in the EU?* \(M. Keating, Economic & Social Research Council, July 8, 2016\)](#)
 - [*Brexit and Scotland* \(A. Smith, UK Trade Policy Observatory, December 21, 2016\)](#)
 - [*Scotland's plan to protect its place in European single market* \(N. Sturgeon, Financial Times, December 18, 2016\) \[subscription required\]](#)

3. Northern Ireland

- [*Brexit: UK-Irish relations* \(House of Lords, European Union Committee, December 12, 2016\)](#), reaching the conclusion that the importance of closer UK-Irish relations and stability in Northern Ireland transcend the referendum result, and are too important to put at risk as collateral damage of the Brexit decision.
See also:
 - [*Northern Ireland and the EU referendum* \(House of Commons, Northern Ireland Affairs Committee, May 26, 2016\)](#)
 - [*The impact of Brexit on Northern Ireland: A first look* \(Bruegel, December 22, 2016\)](#)
 - [*The implications of UK withdrawal for immigration policy and nationality law: Irish aspects* \(B. Ryan, Immigration Law Practitioners' Association, May 18, 2016\)](#)
 - [*The Common Travel Area Between Ireland and the UK* \(Migration Policy in Ireland Blog, June 5, 2012\)](#)
 - [*House of Commons, Northern Ireland Affairs Committee*](#)

- [*Brexit: A Special Status for Northern Ireland* \(A. Gilmore, The Institute of International and European Affairs, October 26, 2016\)](#), examining what the UK Government's veering towards a 'hard' Brexit might mean for the Northern Irish border, and discussing some possible solutions.
- [*After the referendum: establishing the best outcome for Northern Ireland* \(EU Debate NI, August 2016\)](#), providing a structured and detailed account of the June 23rd referendum results mean, what to expect, and what does Brexit mean for Northern Ireland.
See also:
 - [*Report on Visa Systems* \(British-Irish Parliamentary Assembly, Committee B \[European Affairs\], 2016\)](#)

IV. The Impact on International Trade

- [*The UK Trade Landscape After Brexit* \(E. Lydgate, J. Rollo, R. Wilkinson, UK Trade Policy Observatory, September 2016\)](#), discussing the challenges for the UK as it attempts to redefine and renegotiate its post-Brexit foreign trading relationships.
- [*UK trade policy and Brexit* \(Global Counsel, July 27, 2016\)](#), highlighting the fundamental change to the way that the UK makes and implements trade policy as one among the many implications of a UK exit from the EU.
- [*Negotiating Britain's new trade policy* \(J. Rollo, A. Winters, VoxEU, August 9, 2016\)](#), suggesting some strategies for the UK government in reconstituting its trade policy, and emphasizing the need for simplicity, cooperation, and maintaining the goodwill of trading partners.
- [*UK Trade Options beyond 2019: First Report of Session 2016-17* \(House of Commons International Trade Committee, March 7, 2017\)](#), identifying central issues on UK international trade after Brexit - the UK's relationship with the World Trade Organization (WTO), the proposed free-trade agreement (FTA) between the UK and the EU, and the implications of the UK trading with the EU under WTO rules only.

A. The UK-EU trade relationship

1. Trade with the EU

a. Overview

- [*Brexit: the options for trade* \(House of Lords, European Union Committee, December 13, 2016\)](#), considering the principal possible frameworks for trade after the Article 50 two-year period, namely joining the European Economic Area (EEA), a custom

union with the EU, a Free Trade Agreement (FTA) or trade based on World Trade Organization (WTO) rules.

See also:

- [*Brexit: trade aspects* \(House of Commons Library, January 30, 2017\)](#)
- [*Life after Brexit: What are the UK's options outside the European Union?* \(S. Dhingra, T. Sampson, LSE Centre for Economic Performance, February 2016\)](#), describing alternative post-Brexit futures for UK-EU relations and summarizing the economic and political consequences of each option.
See also:
 - [*The trade consequences of Brexit: how I see the situation* \(R. Abbott, European Centre for International Political Economy, December 2016\)](#)
- [*Brexit: future trade between the UK and EU in goods* \(UK Parliament, EU External Affairs Sub-Committee, 2016\)](#), investigating on the implications of Brexit for the UK's trade in goods with the EU, and taking evidence from key sectors in order to determine the implications of the different levels of market access the UK might negotiate with the EU.
See also:
 - [*Could leaving the EU make British chocolate taste bad?* \(BBC News, June 12, 2016\)](#)
- [*Splendid Isolation or Continued Cooperation? Options for a State after Withdrawal from the EU* \(H. Hofmeister, Columbia Journal of European Law, Vol. 21.2, pp. 249-287\)](#), answering to the question whether UK's links with the continent will automatically be severed upon withdrawal or if there is a possibility for continued cooperation.

b. Possible trade models

- [*Alternatives to membership: possible models for the United Kingdom outside the European Union* \(HM Government, March 2016\)](#), looking at the potential models for the UK's relationship with the EU if there were to be a vote to leave – specifically Norway, Switzerland, Canada and Turkey.
- [*If the UK votes to leave: The seven alternatives to EU membership* \(J.-C. Piris, Centre for European Reform, January 2016\)](#), sketching out the various legal options that the UK could follow after a decision to quit the EU in order to maintain access to some or all of the EU's market.
- [*The Norwegian Way: A case study for Britain's future relationship with the EU* \(J. Lindsell, Civitas, February 2015\)](#), holding that the Norwegian EFTA-EEA arrangement, while not ideal, is far more effective in addressing businesses' Brexit concerns than it has previously been given credit for.
On the Norwegian model, see also:
 - [*Norwegian model for the UK: oh really?* \(A. Łazowski, UK in a Changing Europe, March 30, 2016\)](#)
 - [*Norway's deal with the EU still holds lessons for Britain* \(The Economist, February 2, 2017\)](#)

- [Brexit: 5 things the UK can learn from the Swiss experience – a perspective from CMS Switzerland \(CMS, October 14, 2016\)](#), clarifying the scope and scale of the Swiss experience: a bilateral agreement with the EU.
- [RoOs and Rules: Why the EEA Is Not the Same as Membership of the Single Market \(P. Holmes, UK Trade Policy Observatory, October 5, 2016\)](#), summarizing two issues that a post-Brexit UK would face if it re-joined the European Economic Area (EEA): the concept of the EEA+EU as a ‘regulatory union’, and the Rules of Origin (RoOs).
See also:
 - [The case for the EEA option: Evolution, not revolution \(Adam Smith Institute, 2016\)](#)
 - [Brexit: will the UK remain in the EEA despite leaving the EU? \(S. James, Clifford Chance, December 1, 2016\)](#)
 - [Could the UK stay in the single market after leaving the EU? The planned case on Article 127 EEA \(S. Peers, EU Law Analysis, November 30, 2016\)](#)
- [In a nutshell: Brexit and the UK’s trading relations with the EU \(P. Ungphakorn, Trade β Blog, September 29, 2016\)](#), providing a summary of the four main options facing the UK for its trade relationship with the EU after Brexit and a clarification of their respective implications.

2. Tariffs

- [Brexit: Trading a new path \(Hogan Lovells, December 5, 2016\)](#), exploring what might lie ahead for both the UK and the rest of the EU as relationships and agreements are negotiated.
- [Potential post-Brexit tariff costs for EU-UK trade \(J. Potts, Civitas, October 2016\)](#), aiming to determine the potential tariff implications for both UK and EU exporters in the event a free trade deal has not been reached by the time the UK exits the EU.
See also:
 - [Mitigating the impact of tariffs on UK-EU Trade \(W. Norton, Civitas, January 2017\)](#)
- [The Hilton beef quota: a taste of what post-Brexit UK faces in the WTO \(P. Ungphakorn, Trade β Blog, August 10, 2016\)](#), elaborating on the “tariff-rate quotas”, one of the most difficult challenges facing the UK as it re-establishes its WTO membership.
See also:
 - [Oranges: a litmus test of UK post-Brexit tariff negotiations \(P. Ungphakorn, Trade β Blog, September 10, 2016\)](#)
 - [This EU tariff takes the biscuit \(P. Ungphakorn, Trade β Blog, August 18, 2016\)](#)
 - [A special deal for the car industry: how could it work? \(P. Holmes, UK Trade Policy Observatory\)](#)

- [What the Deals Might Look Like: Trade After Brexit](#) (The Wall Street Journal, June 24, 2016), providing an interactive graph detailing what trade and tariffs would look like under the different post-Brexit models.

3. Non-tariff issues (passporting etc.)

- [Post-Brexit trade may hinge on non-tariff barriers](#) (Financial Times, December 18, 2016), reminding that regulations and standards will be the difficult part of negotiations between the UK and the EU. [subscription required]
See also:
 - [Brexit Brief: Non-tariff barriers](#) (Institute for Government, 2017)
 - [EU 'worried English Champagne will flood into continent after Brexit'](#), (The Telegraph, February 15, 2017)
- [The curious absence of services trade](#) (I. Borchert, UK Trade Policy Observatory, December 14, 2016), on the importance that Brexit discussions do not ignore services trade, a key component of the UK's trading environment.
See also:
 - [Services trade in the UK: What is at stake?](#) (I. Borchert, UK Trade Policy Observatory, November 2016)

B. The UK's international trade agreements (including but not limited to FTAs)

- [Brexit and EU-UK trade relations with third states](#) (M. Gehring, EU Law Analysis, March 6, 2016), cautioning that the UK's membership in the WTO and all other mixed trade agreements could be in jeopardy if the UK exited without a successful transitional agreement with the EU.
- [Negotiating the UK's Post-Brexit Trade Arrangements](#) (P. Holmes, J. Rollo, A. Winters, National Institute Economic Review, November 2016), considering the agenda for UK trade negotiations over the post-Brexit period.
See also:
 - [Where should Britain strike its first post-Brexit trade deals?](#) (The Economist, February 4, 2017)
- [Brexit – Trade and Treaties](#) (J. Gladstone, Clifford Chance, November 25, 2016), analysing what free trade agreements encompass, what the WTO is and how it works; and what third-state agreements might involve.

1. With Europe

- [UK-EU Trade Relations Post Brexit: Too Many Red Lines?](#) (M. Gasiorek, P. Holmes, J. Rollo, UK Trade Policy Observatory, November 2016), focusing on the UK's future trading relations with the EU itself.
See also:

- [*Brexit and mixity – the implications for a UK free trade agreement with the EU* \(Brick Court Chambers, December 22, 2016\)](#)
- [*Europe is growing in importance as a UK trade partner* \(Prospect, November 16, 2016\)](#)
- [*Can the UK take over existing EU trade agreements?* \(BBC News Business, October 7, 2016\)](#)

2. With FTA partners

- [*The UK's Future Trade Relationships* \(C. Bates, Clifford Chance, October 24, 2016\)](#), arguing that to recreate something akin to the UK's current global network of preferential trade agreements, the UK will need to negotiate Free Trade Agreements (FTAs) with its other key trading partners.

See also:

- [*The EU's future trade policy starts to take shape: the Opinion on the EU/Singapore FTA* \(S. Peers, EU Law Analysis, December 21, 2016\)](#)
 - [*What might legal case over EU-Singapore trade deal mean for Brexit?* \(A. Shankar, Open Europe, December 20, 2016\)](#)
 - [*Starting Over on Tariffs: Post-Brexit Trade Agreement Partners for the United Kingdom* \(C. Bown, Peterson Institute for International Economics, July 12, 2016\)](#), examining specific questions facing UK trade negotiators on the importance of import tariffs in FTA negotiations.
 - [*The Canada-Europe Trade Agreement: Opportunities and Risks for the United Kingdom* \(Dentons, November 4, 2016\)](#), providing an analysis of the impact of Brexit on the CETA, authored by The Right Honourable Stephen Harper, P.C., Canada's former Prime Minister (2006-2015).
- See also:
- [*Life after Brexit: What happens to Canada's trade deal with Europe?* \(CBC News, June 24, 2016\)](#)
 - [*Ceta failure will undermine basis of EU trade policy* \(Financial Times, October 25, 2016\)](#) [subscription required]
 - [*CETA, Trump and Brexit: An Opportunity for Ireland and Canada* \(The Canadian Lawyer, November 28, 2016\)](#)

3. With all other partners

- [*Will TTIP survive Brexit?* \(Bruegel, July 27, 2016\)](#), addressing the concerns that the UK's decision to leave the EU may jeopardise future TTIP negotiations.

See also:

- [*The Transatlantic Trade and Investment Partnership* \(House of Commons Library, December 4, 2015\)](#)
- [*Brexit Clouds TTIP Negotiations But May Not Scupper Deal* \(M. Schneider-Petsinger, Chatham House, July 11, 2016\)](#)
- [*For a US Trade Deal, UK Should Secure Its Spot in TTIP After Brexit* \(M. Schneider-Petsinger, Chatham House, August 25, 2016\)](#)

- [*Japan's Message to the United Kingdom \(September 2016\)*](#), offering a detailed analysis of the areas of Brexit-related concern to the thousands of Japanese companies in the UK, and those aspects of the current business environment that these companies want to preserve in the forthcoming negotiations.
See also:
 - [*Japan Lays Out a Guide to Brexit \(Sir David Warren, Chatham House, September 6, 2016\)*](#)
 - [*Brexit revives stalled Japan-EU trade deal \(Politico, September 27, 2016\)*](#)
 - [*A hard Brexit is the last thing Japan wants \(K. Lannoo, Centre for European Policy Studies, December 7, 2016\)*](#)
 - [*Japanese banks warn of leaving London without Brexit clarity \(Financial Times, December 16, 2016\)*](#) [subscription required]

- [*The EU, Brexit and India – Adapting to changing landscapes \(Friends of Europe, December 5, 2016\)*](#), reporting on the growing necessity for both the UK and the EU to see India as one of their key partners.
See also:
 - [*Will India dash UK trade deal hopes? \(BBC, November 5, 2016\)*](#)
 - [*May's India trip shows the ultimate failure of the Brexit project \(Politics, November 7, 2016\)*](#)
 - [*May's trade ambitions hit Indian immigration impasse \(Politico, November 8, 2016\)*](#)

- [*China and Brexit: what's in it for us? \(F. Godement, A. Stanzel, European Council on Foreign Relations, September 9, 2016\)*](#), suggesting that most of the losses from Brexit will hit the EU or the UK, or both, while China will get most of the gains.
See also:
 - [*UK-China agreement on trade in services is no substitute for a UK-EU deal \(Bruegel, December 6, 2016\)*](#)
 - [*British government's vaunted China export deals don't add up \(FMT News, February 7, 2017\)*](#)

- [*Brexit and Asia: What impact has the UK's vote to leave the EU had on the APAC region? \(D. Cook, Berwin Leighton Paisner, February 2, 2017\)*](#), exploring the political impact that Brexit has on the UK's reputation among ASEAN countries and the economic impacts of Brexit on the wider APAC region, both in terms of trade relations and investment into the UK.

- [*Discussion Note: Brexit: Its Implications and Potential for the Commonwealth \(The Commonwealth Secretariat, September 20, 2016\)*](#), examining the various channels through which countries in the Commonwealth could be affected by Brexit and suggesting that there are varied implications for Commonwealth countries, which differ by region and by transmission mechanism.
See also:
 - [*Trade Hot Topics: Trade Implications of Brexit for Commonwealth Developing Countries \(C. Stevens, J. Kennan, The Commonwealth, August 18, 2016\)*](#)

- [Commonwealth Trade Policy Briefing: Brexit and Commonwealth Trade \(The Commonwealth, November 2016\)](#)
- [Trade Hot Topics: Post-Brexit UK-ACP Trading Arrangements: Some Reflections \(M. Razzaque, B. Vickers, November 4, 2016\)](#)

C. The role of the WTO

- [The World Trade Organization: A Safety Net for a post-Brexit UK Trade Policy? \(UK Trade Policy Observatory, July 1, 2016\)](#), exploring the nature WTO commitments and how they might impact the UK from the date of its exit from the EU.
 - [The “WTO option” for Brexit is far from straightforward \(The Economist, January 7, 2016\)](#)
 - [Brexit and the WTO option: Key questions about a looming challenge \(Financial Times, June 12, 2016\)](#) [subscription required]
- [Nothing simple about UK regaining WTO status post-Brexit \(P. Ungphakorn, ICTSD, June 27, 2016\)](#), warning about the complexity the UK would face to operate as an ordinary WTO member after it leaves the EU.

See also:

 - [Why the UK is already under WTO rules and why that matters for Brexit \(P. Ungphakorn, Trade β Blog, February 8, 2017\)](#)
 - [Second bite – how simple is the UK-WTO relationship post-Brexit? \(P. Ungphakorn, Trade β Blog, August 20, 2016\)](#)
 - [The Hilton beef quota: a taste of what post-Brexit UK faces in the WTO \(P. Ungphakorn, Trade β Blog, August 10, 2016\)](#)
 - [Can EU law really dictates World Trade Organization rules? \(P. Ungphakorn, Trade β Blog, December 1, 2016\)](#)
- [The UK’s Status in the WTO after Brexit \(L. Bartels, September 20, 2016\)](#), addressing the identification of the UK’s right to access to EU tariff rate quotas and arguing – contrary to the governing assumption – that, based on WTO law, GATT 1947 practice, and the rules of state succession, the position of the UK within the WTO will not change after it leaves the EU.

See also:

 - [Understanding the UK’s position in the WTO after Brexit \(Part I – The UK’s status and its schedules\) \(L. Bartels, ICTSD, September 26, 2016\)](#)
 - [Understanding the UK’s position in the WTO after Brexit \(Part II – The consequences\) \(L. Bartels, ICTSD, September 26, 2016\)](#)
 - [State Succession to International Intergovernmental Organizations under the International Public Law \(N. M. Vladoiu, International Journal of Law and Jurisprudence, Vol. I, Issue 1, January-June 2015, pp. 13-21\)](#)
- [Making Room for Britain at the World Trade Organization \(The Wall Street Journal, February 6, 2017\)](#), describing two potential conflicting views of the UK and 163 other WTO Members regarding how the UK should rearrange its WTO tariff schedule after Brexit.

See also:

- [*WTO rules means UK-EU divorce and new trade arrangement are not fully separable* \(V. Scarpetta, Open Europe, November 2, 2016\)](#)
- [*No deal' Brexit would mean £6bn in extra costs for UK exporters* \(The Guardian, February 20, 2017\)](#)
- [*Brexit, agriculture, the WTO, and uncertainty* \(P. Ungphakorn, Trade & Blog, December 1, 2016\)](#)
- [*UK Brexit and WTO farm support limits* \(L. Brink, CAP Reform Blog, July 13, 2016\)](#)

D. The economics of Brexit

- [*Brexit Beckons: Thinking ahead by leading economists* \(R. Baldwin, VoxEU, August 1, 2016\)](#), aiming to provide a means of moving forward for both the UK and the EU by discussing some key consensus topics (trade agreements; ex ante costs to the UK; labour markets; globalization etc.).
See also:
 - [*Brexit Is a Bad Trade* \(C. Bown, Peterson Institute for International Economics, June 3, 2016\)](#)
 - [*Brexit: An Impossibly Complex Task for the UK's New Trade Negotiators?* \(C. Bown, Peterson Institute for International Economics, September 7, 2016\)](#)
 - [*Is the UK's role in the European supply chain at risk?* \(Bruegel, December 20, 2016\)](#)
 - [*Brexit and the regions: a lighter shade* \(A. Winters, UK Trade Policy Observatory\)](#)
- [*The Economic Impact of Brexit-induced Reductions in Migration* \(J. Portes, G. Forte, National Institute of Economic and Social Research, December 7, 2016\)](#), analyzing the impact of Brexit on migration flows to the UK in both the short and long term, and providing plausible, empirically-based estimates of the likely impacts on growth, employment and wages.

V. Immigration & Free Movement of Persons

- [*Brexit: UK-EU movement of people* \(House of Lords, European Union Committee, March 6, 2017\)](#), examining possible arrangements for migration of EU citizens to the UK after the UK has ceased to be a member of the EU, with a view to identifying the main choices available to the Government and their likely implications – including for UK citizens wishing to move to the EU in future.
See also:
 - [*Brexit: what impact on those currently exercising free movements rights?* \(House of Commons Library, January 19, 2017\)](#)
- [*What free movement means to Europe and why it matters for Britain* \(C. Mortera-Martinez, C. Odendahl, Center for European Reform, January 2017\)](#), analyzing the historical and political impact of free movement in the EU, examining the possible outcome of the negotiations with the UK on the issue, and also suggesting future EU policies on the matter.
See also:

- [*Immigration, Free Movement and the EU Referendum* \(J. Portes, National Institute Economic Review, May 2016\)](#)
- [*Labour mobility after Brexit* \(Bruegel, December 2, 2016\)](#)
- [*Brexit and immigration: Raising the drawbridge* \(The Economist, August 25, 2016\)](#)
- [*Beyond Free Movement? Six Possible Futures for the UK's EU Migration Policy* \(Institute for Public Policy Research, July 2016\)](#), identifying and exploring the six main options on free movement that the UK government could pursue.
- [*Policy Primer: The UK, EU Citizenship and Free Movement of Persons* \(The Migration Observatory, May 1, 2014\)](#), detailing movement and residence in all Member States for EU citizens as a defining feature of EU citizenship.
- [*Brexit and UK immigration and asylum policy: a reading list* \(House of Commons Library, August 2, 2016\)](#), collating commentaries on the implications of the EU referendum vote for future UK immigration and asylum policy.

VI. Acquired Rights Issues

- [*Brexit: acquired rights* \(House of Lords, European Union Committee, December 14, 2016\)](#), analyzing what will happen to the EU rights upon which EU citizens and UK nationals rely when the UK leaves the EU, and recommending that if certain EU rights are to be safeguarded on the UK's withdrawal from the EU, they should be safeguarded in the withdrawal agreement itself.
- [*What Happens to 'Acquired Rights' in the Event of a Brexit?* \(S. Douglas-Scott, UK Constitutional Law Association, May 16, 2016\)](#), aiming to clarify the determination of the acquired rights of UK citizens living in other EU Member States and equally of EU citizens living in the UK.

A. EU citizens in the UK and future UK policy on immigrants from the EU

- [*What would happen to EU nationals living or planning to visit or live in the UK after a UK exit from the EU?* \(H. Wray, EU Law Analysis, July 17, 2014\)](#), reflecting on what life would be after Brexit for the 2.3 million EU citizens already living in the UK and for those who might wish to come in the future.
See also:
 - [*Brexit and the illusion of immigration control* \(London-Brussels One-Way or Return, January 16, 2016\)](#)
 - [*Could EU citizens living in the UK claim 'acquired rights' if there is a full Brexit?* \(Tim Eicke QC, LexisPSL, March 11, 2016\)](#)

B. UK citizens post-Brexit access to the EU

- [*What happens to British expatriates if the UK leaves the EU?* \(S. Peers, EU Law Analysis, May 9, 2014\)](#), discussing what would happen to the nearly 2.5 million UK citizens

living in other EU Member States, and presenting different scenarios following the UK's withdrawal.

See also:

- [Goodbye, cruel world: visas for holidays after Brexit? \(S. Peers, EU Law Analysis, April 26, 2016\)](#)

C. Acquired rights into the future

- [EU Citizenship and Withdrawals from the Union: How Inevitable Is the Radical Downgrading of Rights? \(D. Kochenov, LSE 'Europe in Question', June 2016\)](#), reviewing the possible impact that the law and practice of EU citizenship can have on the conduct of Brexit negotiations.
- [Bargaining Chips No More: The Status of EU and UK citizens after Brexit \(S. Peers, EU Law Analysis, December 11, 2016\)](#), inquiring on what should happen regarding EU citizens in the UK as well as to UK citizens in the EU, and discussing the idea of 'associate citizenship'.
See also:
 - [Brexit: Could UK get 'associate EU citizenship' \(BBC, November 17, 2016\)](#)
- [European Citizenship after Brexit \(P. Mindus \[draft\], September 29, 2016\)](#), investigating European citizenship after Brexit, and the impact of Brexit on the content and the concept of EU citizenship.

VII. Impact on Human Rights

- [The human rights implications of Brexit \(House of Commons, House of Lords, Joint Committee on Human Rights, December 19, 2016\)](#), considering the impact of Brexit on EU and UK nationals and the extent to which individual rights currently protected in EU law are likely to be protected under the ECHR.
See also:
 - [Brexit: UK can't deport millions of EU nationals, report warns \(The Guardian, December 19, 2016\)](#)
 - [Brexit and the Future of Human Rights Law in the UK \(S. Peers, EU Law Analysis, December 15, 2016\)](#)
 - [Brexit: What It Means for Human Rights \(Freshfields Bruckhaus Deringer, July 6, 2016\)](#)
 - [Workers' rights from Europe: the impact of Brexit \(Michael Ford QC, TUC, March 10, 2016\)](#)
- [The implications of Brexit for fundamental rights protection in the UK \(J. Murkens, S. Trotter, LSE European Institute, March 2016\)](#), discussing the state and fate of fundamental rights under EU law and the EU Charter of Fundamental Rights, the ECHR and the Human Rights Act 1998, and domestic rights protection – in the light of the debate as to the UK's continuing membership of the EU.
See also:

- [*The Real Record of the EU Charter of Fundamental Rights* \(P. Eeckhout, UK Constitutional Law Association, May 6, 2016\)](#)
- [*The Application of the EU Charter of Fundamental Rights in the UK: a state of confusion* \(House of Commons, European Scrutiny Committee, April 2, 2014\)](#)
- [*The UK, the EU and a British Bill of Rights* \(House of Lords, European Union Committee, May 9, 2016\)](#), assessing the UK Government that a British Bill of Rights is necessary and considering its likely impact on different legal areas.
For more information on the British Bill of Rights, see also:
 - [*Brexit and a British Bill of Rights: four scenarios for human rights* \(UK in a Changing Europe, May 2016\)](#)
 - [*Misunderstanding Brexit – Scrapping The Human Rights Act For A British Bill Of Rights* \(Forbes, August 23, 2016\)](#)
- [*Theresa May’s case for withdrawing from the ECHR: Politically astute, legally dubious, constitutionally naïve* \(M. Elliott, Public Law for Everyone, April 26, 2016\)](#), engaging with Prime Minister May’s intention to maintain the UK in the EU while withdrawing from the ECHR.

VIII. Effect on Environment, Energy, and Climate Change

- [*Brexit: environment and climate change* \(House of Lords, European Union Committee, February 14, 2017\)](#), shedding light on the likely impact of Brexit on UK environment and climate change policy, and highlighting what action will need to be taken to manage the issues that arise.
See also:
 - [*The energy revolution and future challenges for UK energy and climate change policy* \(House of Commons, Energy and Climate Change Committee, October 15, 2016\)](#)

A. Effect of Brexit on UK environmental protection

- [*Brexit – the Implications for UK Environmental Policy and Regulation* \(Institute for European Environmental Policy, March 2016\)](#), exploring the options that might be pursued outside the EU and the potential impact on environment and climate policy.
See also:
 - [*The potential policy and environmental consequences for the UK of a departure from the European Union* \(Institute for European Environmental Policy, March 2016\)](#)
 - [*Review of the Balance of Competences between the United Kingdom and the European Union: Environment and Climate Change* \(HM Government, February 2014\)](#)
- [*The EU Referendum and the UK Environment: the Future Under a ‘Hard’ or ‘Soft’ Brexit* \(C. Bruns, A. Jordan, V. Gravey, UK in a Changing Europe, 2016\)](#), reviewing various questions associated with the effect of Brexit on UK environment policies, systems of decision making and environmental quality.

- [*Brexit: What next for UK fisheries?* \(House of Commons Library, July 27, 2016\)](#), on the possible implications of Brexit for fisheries and the high level of uncertainty bearing on this issue.

See also:

- [*The effect of Brexit on agriculture and fisheries in South West England* \(House of Commons Library, October 14, 2016\)](#)

B. Energy

- [*UK Unplugged? The Impacts of Brexit on Energy and Climate Policy* \(Chatham House, May 26, 2016\)](#), addressing the likely impacts on the longer-term cost, sustainability and security of the UK's energy sector, as well as the wider regulatory and investment effects.

- [*Brexit and energy: cost, security and climate policy implications* \(UCL European Institute, May 2016\)](#), analysing the implications of Brexit for the UK's energy sector and remarking that leaving the EU would greatly reduce the UK's influence in shaping European energy and climate change policy.

See also:

- [*The impact of Brexit on the UK Energy Market* \(Addleshaw Goddard LLP, October 21, 2016\)](#)

- [*Brexit Versus Euratom: What the "No" Vote Could Mean for UK Membership in the European Nuclear Peace Treaty* \(M. Bruneau, A. L. Hamilton, McDermott Will & Emery, July 19, 2016\)](#), considering what the effect that Brexit could have on the UK's membership to the European Atomic Energy Community (Euratom).

See also:

- [*The UK Brexits Euratom: Legal Framework and Future Developments* \(S. Peers, EU Law Analysis, January 30, 2017\)](#)
- [*Brexit goes nuclear: The consequences of leaving Euratom* \(Bruegel, February 21, 2017\)](#)

C. Climate change

- [*Brexit and climate policy: Political choices will determine the future of EU-UK cooperation* \(M. Elkerbout, Centre for European Policy Studies, July 15, 2016\)](#), looking at the possible implications of Brexit at various levels: at the level of the United Nations, the EU level and the implications for the UK.

- [*Brexit: Why a vote to leave the EU is bad news for the climate* \(Climate Home, June 20, 2016\)](#), reporting leaving the EU would hit low carbon investment and the UK's influence at international negotiations.

- [*Brexit and climate change* \(J. Curry, Climate Etc., June 25, 2016\)](#), offering some speculations on Brexit and climate change.

IX. Impact on Banking and Financial Services

- [*Brexit and financial services* \(House of Commons Library, August 1, 2016\)](#), bringing together responses from financial organisations about the impact of the vote to leave the EU due to the substantial degree of inter-linkage between the ‘City’ and the EU economies.
See also:
 - [*Brexit: financial services* \(House of Lords, European Union Committee, December 15, 2016\)](#)
- [*Brexit: the United-Kingdom and EU financial services* \(European Parliament, Briefing, December 9, 2016\)](#), describing the prominent role of the UK in the single market for financial services, and highlighting which activities rely today on passporting for their daily business with the other 27 Member States.
See also:
 - [*Making the best of Brexit for the EU27 financial system* \(Bruegel Policy Brief, February 8, 2017\)](#)
 - [*EU Financial Market Access after Brexit* \(K. Lannoo, Centre for European Policy Studies, September 29, 2016\)](#)
 - [*What will happen to the Capital Markets Union After Brexit?* \(P. Ständer, Jacques Delors Institut, December 19, 2016\)](#)
 - [*European Union, Financial regulation, Banking Union, Capital Markets Union and the UK* \(L. Quaglia, Policy Network, Sheffield Political Economy Research Institute, January 2017\)](#)
- [*The impact of Brexit on the City and the British economic model* \(Policy Network, July 18, 2016\)](#), focusing on two aspects of the impact of Brexit on the City: the tensions between the City and democratic politics, and the challenges for the future of the City posed by the vote for Britain to leave the EU.
See also:
 - [*The City Will Decline – and We Will Be the Poorer for It* \(N. Véron, Peterson Institute for International Economics, August 18, 2016\)](#)
 - [*Brexit and the City: From Big Bang to Brexit* \(The Economist, October 27, 2016\)](#)
 - [*Stealing London’s financial crown would bring both benefits and responsibilities* \(Bruegel, November 17, 2016\)](#)
 - [*An equivalence deal on Brexit may be the best the City can get* \(Financial Times, December 11, 2016\) \[subscription required\]](#)
 - [*What do EU capital markets look like post-Brexit?* \(New Financial, September 2016\)](#)
- [*Brexit and the industry* \(TheCityUK, September 2016\)](#), containing information on the new UK Government and changes in Government machinery, as well as an overview of the UK’s economic position since the referendum.
- [*The impact of the UK’s exit from the EU on the UK-based financial services sector* \(Oliver Wyman, October 2016\)](#), analyzing Brexit’s potential impact on the UK-based financial services sector.

See also:

- [How to ensure UK and the European financial services continue to thrive after Brexit \(S. Booth, Open Europe, October 17, 2016\)](#)
- [Banks could move assets out of UK by 2017 if 'EU passport' is lost \(The Guardian, October 17, 2016\)](#)
- [The impact of Brexit on the UK-based service sector \(TheCityUK, December 20, 2016\)](#)
- [The "EU Brexit" implication on a single banking license and other aspects of financial markets regulation in the UK \(N. Mugarura, International Journal of Law and Management, 2016\)](#), providing a review of the implication of Brexit on financial markets regulations in the EU and UK.
- [Policy Uncertainty and International Financial Markets: The Case of Brexit \(A. belke, I. Dubova, T. Osowski, Centre for European Policy Studies, November 2016\)](#), assessing the impact of the uncertainty caused by Brexit on both the UK and international markets, and showing that Brexit-induced policy uncertainty will continue to cause instability in key financial markets and has the potential to damage the real economy in both the UK and other European countries, even in the medium run.

X. Other Issues

A. Business

- [A practitioner's guide to Brexit \(TheCityUK, March 9, 2016\)](#), addressing the practical questions businesses need to be aware of in the event of a Brexit, and considering the UK's post-Brexit trading arrangements with other countries and three current alternatives to the UK's EU membership from the perspective of the financial and related professional services industry.

1. Impact on UK-based companies

- [A Quick Brexit or a Delayed Departure? Here's Where It Gets Tricky for Businesses \(C. Bown, Peterson Institute for International Economics, July 7, 2016\)](#), advocating that, in the case of Brexit, a combination of trade and regulatory policy uncertainty means potential setbacks for companies in the UK.

See also:

- [Fears EU Brexit delays will spur bank exodus to Eurozone \(Financial Times, December 18, 2016\)](#) [subscription required]
- [Brexit: Product Regulation and Safety – Further Musings on the Possible Effects on Importers of Goods into the European Union \(Jones Day, December 16, 2016\)](#)
- [The Death of British Business \(The New York Review of Books, October 18, 2016\)](#), reporting the damage that Brexit has and will continue to inflict on the UK economy, that has become overwhelmingly dependent on foreign enterprise and foreign capital.

See also:

- [*Brexit and business: British companies may find it harder than expected to unravel the EU's red tape* \(The Economist, December 15, 2016\)](#)
- [*Brexit: employment law* \(House of Commons Library, November 10, 2016\)](#), discussing the interaction between UK and EU employment law, the potential consequences of Brexit and the Government's position on the issue.
See also:
 - [*Workers' rights from Europe: the impact of Brexit* \(Michael Ford QC, advice to the TUC, April 7, 2016\)](#)

2. Impact on US businesses

- [*How Brexit is expected to impact US industries* \(Grant Thornton, 2016\)](#), focusing at the important issues that are likely to affect U.S. companies, as well as at impacts on specific industries.
See also:
 - [*Brexit implications for US Businesses* \(D. Gent, Bird & Bird, July 19, 2016\)](#)
 - [*How Will the Exit of the United Kingdom from the European Union Affect U.S. Corporations Doing Business in the UK?* \(Vedder Price, June 23, 2016\)](#)
 - [*Brexit Big Winner? It Could Be New York City* \(Foreign Policy, October 18, 2016\)](#)
- [*The Future of UK-EU Relations: Priorities of the U.S. Business Community* \(U.S. Chamber of Commerce, October 18, 2016\)](#), elaborating on the concerns of U.S.-headquartered companies investing in the UK.
- [*Populist Political Wave in the UK and in the U.S.* \(P. Welfens, American Institute for Contemporary German Studies, December 12, 2016\)](#), elaborating on Brexit and President Trump's economic policy.
See also:
 - [*President Trump and Brexit* \(A. Winters, UK Trade Policy Observatory, November 9, 2016\)](#)

3. Competition law

- [*Consequences of Brexit for competition law and policy* \(J. Vickers, Oxford review of Economic Policy / British Academy Conference on 'The Economic Consequences of Brexit, December 7, 2016\)](#), discussing what would happen to the UK competition policy if the UK leaves the EEA regarding mergers and markets on the one hand, and antitrust on the other hand.
See also:
 - [*Brexit and EU Competition Policy* \(R. Wilsh, Journal of European Competition Law & Practice, May 9, 2016\)](#) [subscription required]
 - [*UK Competition Policy and Brexit – Time for a Reset* \(O. Bretz, Competition Policy International, July 2016\)](#)
 - [*Gaining or losing the competitive edge? Implications for competition law enforcement* \(Allen & Overy, March 2016\)](#)

- [*Brexit and Competition Law: What to Expect* \(J. Ratliff, C. O'Daly, Wilmer Hale, September 15, 2016\)](#)
- [*Competition law damages actions in England for violation of Articles 101 and 102 after Brexit: Part 1* \(Daniel Jowell QC, Brick Court Chambers, September 23, 2016\)](#), on whether it will still be possible, if there is a “hard Brexit”, to bring actions before the UK courts seeking damages for breaches of Articles 101 and 102 TFEU.
See also:
 - [*Competition law damages actions in England for violation of Articles 101 and 102 after Brexit: Part 2* \(Daniel Jowell QC, Brick Court Chambers, September 26, 2016\)](#)
 - [*Competition law damages actions in England for violation of Articles 101 and 102 after Brexit: Part 3* \(Daniel Jowell QC, Brick Court Chambers, September 26, 2016\)](#)
- [*UK Competition Policy Post-Brexit: In the Public Interest?* \(B. Lyons, D. Reader, A. Stephen, Centre for Competition Policy, November 4, 2016\)](#), providing an analysis of the UK’s future competition policy following its withdrawal from the EU, and focusing on whether the UK should make greater use of public interest tests, or allow antitrust rules to diverge from those of the EU.
See also:
 - [*Brexit, Here We Come \(or Go\)* \(Antitrust Law Blog, June 24, 2016\)](#)
 - [*What will cartel enforcement look like post-Brexit?* \(M. O’Kane, N. Querée, Kluwer Competition Law Blog, June 27, 2016\)](#)

B. Arbitration and Litigation

- [*Consequences of “Brexit” on International Dispute Resolution: Special Issue of Journal of International Arbitration* \(Kluwer Arbitration Blog, October 21, 2016\)](#), addressing the impact of Brexit on international dispute resolution and providing references to studies on various related issues. [subscription required]
See also:
 - [*Towards the Uncertainties of a hard Brexit: An Opportunity for International Arbitration* \(G. Croisant, Kluwer Arbitration Blog, January 27, 2017\)](#)
 - [*Brexit—the future of state-to-state, investor-state and domestic dispute resolution* \(A. Cannon et al., Herbert Smith Freehills LLP, March 2, 2017\)](#)
- [*Why Brexit is Not Bad News For UK-Based Arbitration and Litigation* \(Dechert LLP, December 15, 2016\)](#), contrasting the general uncertainties of Brexit with the clearer picture and more positive outlook of its impact on UK-based arbitration and litigation.
See also:
 - [*Brexit: Potential Implications for International Arbitration in London* \(T. Laurendeau, J. Sharpe, Shearman & Sterling LLP, October 18, 2016\)](#)
 - [*Why Brexit May Be Good for UK Investors Abroad* \(M. Burgstaller, A. Zarowna, Kluwer Arbitration Blog, October 24, 2016\)](#)

C. Privacy & data protection

- [Brexit and data protection](#) (House of Commons Library, December 15, 2016), discussing the current reform of EU data protection law, the interaction with UK law, and the potential consequences of Brexit in this area.
See also:
 - [Data regulation: Britain faces data privacy confusion after Brexit](#) (Financial Times, July 6, 2016) [subscription required]
 - [Post-Brexit Data Security Considerations](#) (K. K. Dort, Bloomberg Law: Privacy & Data Security, December 14, 2016)
 - [Transparency, trust and progressive data protection](#) (E. Denham, UK Information Commissioner, Speech, September 29, 2016)
 - [Data retention and national law: the ECJ ruling in Joined Cases C-203/15 and C-698/15 Tele2 and Watson \(Grand Chamber\)](#) (L. Woods, EU Law Analysis, December 21, 2016)
 - [Implications of the EU's Data Retention Ruling](#) (Lawfare Blog, December 22, 2016)
- [The EU General Data Protection Ruling](#) (Allen & Overy, 2016), on the new data protection framework provided by the General Data Protection Regulation (GDPR) and will apply starting May 25, 2018.
See also:
 - [Chapter 13: Cross-Border Data Transfers – Unlocking the EU General Data Protection Regulation](#) (White & Case, July 22, 2016)
 - [U.S.-EU Data Privacy: From Safe Harbor to Privacy Shield](#) (M. Weiss, K. Archick, Congressional Research Service, May 19, 2016)
 - [EU General Data Protection Regulation, Frequently Asked Questions](#) (EUGDPR.org)

D. Universities & Students

- [The determinants of international demand for UK higher education](#) (Final Report for the Higher Education Policy Institute and Kaplan International Pathways, January 2017), showing that UK universities could lose students while gaining financially from Brexit, but any new restrictions on international students could cost the UK economy an additional £2 billion a year.
See also:
 - [Funding support for EU students](#) (UK Government, Department for Education, Press release, October 11, 2016)
 - [Higher Education and Research Bill](#) (House of Commons, November 21, 2016)
- [The impact of Brexit on UK tertiary education and R&D](#) (Bruegel, February 14, 2017), looking at the impact of Brexit on UK's education and research and development sector in terms of students and staff, as well as funding.
On the impact of Brexit on paediatric research, see also:
 - [The challenge of Brexit for paediatric research](#) (M. Turner, S. Collen, NHS Confederation, February 15, 2017)

- [What Does Brexit Mean for Students \(TopUniversities, December 19, 2016\)](#), exposing implications of Brexit on various students-related issues students (funding, visa, etc.).
 - [Universities and Brexit: A first-class mess \(The Economist, July 21, 2016\)](#)
 - [Oxbridge set for Brexit boost from student fees \(Financial Times, January 12, 2017\)](#) [subscription required]
 - [Brexit fears may see 15% of UK university staff leave, group warns \(The Guardian, September 25, 2016\)](#)
 - [Oxford academics warning of Brexit 'disaster' \(BBC News, January 11, 2007\)](#)

E. State aids

- [Brexit: UK funding from the EU \(House of Commons Library, December 29, 2016\)](#), looking at the funding received by the UK from EU institutions and considering the implications of Brexit on the EU as a source of funding for regional development, agriculture support, research and innovation and other areas.
- [Brexit: Implications for State Aid/Control of Subsidies \(Wilmer Hale, November 22, 2016\)](#), explaining key differences between EU State aid rules and the WTO anti-subsidy regime – in the light of the UK's choice to leave the EU.
- [Together forever? How State aid law will affect the UK even after Brexit \(F. Schöningh, Kluwer Competition Law Blog, July 2, 2016\)](#), asking whether the end of EU membership also bring to an end the application of State aid provisions.
See also:
 - [Brexit and state aid \(J. Branton, Local Government Lawyer, June 16, 2016\)](#)
 - [George Osborne: Brexit government likely to keep controversial state aid rules \(New Statesman, November 3, 2016\)](#)
- [The Impact of Possible Migration Scenarios After 'Brexit' on the State Pension System \(National Institute of Economic and Social Research, June 2, 2016\)](#), exploring the impacts of changes in migration flows – in particular, those resulting from possible migration policy changes after Brexit – on the finances of the UK state pension system.
On the impact of Brexit on pensions, see also:
 - [Brexit and state pensions \(House of Commons Library, February 7, 2017\)](#)
 - [The Brexit bill: uncertainties in the estimate of EU pension and sickness insurance liabilities \(Bruegel, February 17, 2017\)](#)

F. Ireland

- [Brexit: UK-Irish relations \(House of Lords, European Union Committee, December 12, 2016\)](#), reaching the conclusion that the importance of closer UK-Irish relations and stability in Northern Ireland transcend the referendum result, and are too important to put at risk as collateral damage of the Brexit decision.
- [Getting Ireland Brexit ready \(Republic of Ireland, Department of Finance, October 2016\)](#), providing an overview of how Brexit may impact on the Irish economy as

well as the policy responses to Brexit that have been introduced in the Irish Budget 2017 to enable exposed sectors of Ireland's economy to remain competitive, and to protect the public finances.

See also:

- [*Business Critical Changes to Irish-UK Trade Rules: How Should Irish Agri-Food Producers Plan for Brexit?* \(McCann Fitzgerald, September 22, 2016\)](#)
- [*Hard Brexit: What Would It Mean For Irish Agri-Food Producers?* \(McCann Fitzgerald, December 6, 2016\)](#)
- [*Irish preparations for border checks bring home the reality of Brexit* \(New Statesman, February 12, 2017\)](#)

G. Gibraltar

- [*Brexit: Gibraltar* \(House of Lords, European Union Committee, March 1, 2017\)](#), seeking to highlight the key challenges posed by Brexit to Gibraltar, including its service-based economy, its land border with Spain, and for Gibraltar's future relationship with the EU.

See also:

- [*Rocked by Brexit vote, Gibraltar lays plan for new kind of EU relationship* \(The Guardian, October 22, 2016\)](#)
- [*Brexit: Gibraltar – EU Committee launches short inquiry* \(House of Lords, EU Select Committee, December 8, 2016\)](#)
- [*Gibraltar puts a brave face on Brexit* \(Financial Times, February 1, 2017\) \[subscription required\]](#)

- [*Brexit Advisory Newsletter 1* \(Isolas, September 2016\)](#) and [*Brexit Advisory Newsletter 2* \(Isolas, November 2016\)](#), detailing the potential implications that Brexit could have in areas likely to most affect Gibraltar.

See also:

- [*Spain, Gibraltar and Brexit: Rock out* \(The Economist, July 13, 2016\)](#)
- [*Democracy, Sovereignty, Brexit and Gibraltar* \(J. Trinidad, July 6, 2016\)](#)
- [*Brexit or no Brexit – Gibraltar can be your solution* \(Isolas, October 12, 2016\)](#)
- [*Funds in Gibraltar Post-Brexit* \(Isolas, July 2016\)](#)

XI. The Future of the EU

- [*The exit option: How contagious could Brexit be?* \(Global Counsel, August 1, 2016\)](#), focusing on political actors in the EU who will take inspiration from the UK's choice to leave and assessing the prospect of others following the UK towards the exit door.

See also:

- [*Brexit: The Consequences for the EU's Political System* \(O. Patel, C. Reh, UCL Constitution Unit, 2016\)](#)
- [*The impact of Brexit on the EU* \(C. Grant, Centre for European Reform, June 24, 2016\)](#)
- [*Brexit: the impact on the UK and the EU* \(Global Counsel, June 2015\)](#)
- [*Which Europe Now?* \(The New York review of Books, August 18, 2016\)](#)

- [*Brexit: The Consequences for Other EU Member States* \(O. Patel, A. Renwick, UCL Constitution Unit, 2016\)](#)
- [*EU economic governance after Brexit* \(L. Quaglia, W. Schelkle, Policy Network, November 29 2016\)](#), providing insights on how fragmented political and economic interests, both internationally and intra-nationally, have been shaping EU economic policy making in the wake of the global financial crisis, the Eurozone crisis and the UK's referendum on EU membership.
See also:
 - [*Britain's special status in Europe* \(A. Duff, Policy Network, March 3, 2016\)](#)
 - [*Brexit and the Distribution of Power in the Council of the EU* \(W. Kirsch, Centre for European Policy Studies, November 25, 2016\)](#)
- [*Brexit: the Economic and Political Impact of a Possible Withdrawal of Great Britain's from the European Union* \(S. Moagar-Poladian et al., Global Economic Observer, 2015\)](#), arguing that Great Britain's withdrawal from the European Union would not only change the internal political climate, but it could have important political repercussions within the EU and also on its relations with other European Community's countries, as well as stimulates the other EU Member States to re-evaluate the terms and conditions of their membership.
See also:
 - [*The \(Uncertain\) Impact of Brexit on the United Kingdom's Membership in the European Economic Area* \(U. Schroeter, H. Nemecek, European Business Law Review, 2016\) \[subscription required\]](#)
 - [*Impact of Brexit on the EU budget* \(A. Matthews, CAP reform, September 10, 2016\)](#)
 - [*After the UK's EU referendum: redefining relations between the "two Europes"* \(T. Chopin, J.-F. Jamet, Fondation Robert Schuman, July 5, 2016\)](#)
- [*Brexit and Europe's Future – A Game Theoretical Approach* \(M. Diermeier, H. Goecke, M. Hüther, Cologne Institute for Economic Research, December 2016\)](#), examining the questions of how UK-EU relations should be conducted and what long and short-term advantages can be obtained.
See also:
 - [*After Brexit* \(A. Duff, Policy Network, October 2016\)](#)
 - [*The Elements of a New EU-UK Relationship*, \(J. T. Lang, Institute of International and European Affairs, July 12, 2016\)](#)
- [*Brexit and Beyond: How the United Kingdom Might Leave the European Union* \(UK in a Changing Europe, 2016\)](#), providing of what might transpire from the modalities of triggering Article 50 and how, given the nature of British and European politics, the structure of the British state, and the legal frameworks within which both sides must operate.
- [*EU external action and Brexit: Relaunch and reconnect* \(N. Koenig, Jacques Delors Institut – Berlin, December 1, 2016\)](#), analysing the consequences of Brexit in the

fields of diplomacy, development and crisis management, and showing that both sides are likely to lose in terms of global influence and power.

- [*The UK and EU Foreign, Security and Defence Policy After Brexit: Integrated, Associated or Detached?* \(R. Whitman, National Institute Economic Review, November 2016\)](#), assessing how the future EU-UK foreign and security policy relationship might be organized post-Brexit.

XII. Conclusion

- [*Brexit Brief Issue: March 2017* \(A. Gilmore, The Institute of International and European Affairs, March 6, 2017\)](#), covering developments in the on-going debate in the United Kingdom – and between the UK and the other EU Member States – on the UK’s negotiations over its membership of the Union. [updated every month by the IIEA]
- [*The United Kingdom’s exit from and new partnership with the European Union White Paper* \(HM Government, February 2, 2017\)](#), outlining details of Prime Minister Theresa May’s 12-point principles for exiting the European Union and setting out the basis for priorities and the approach to forging a new strategic partnership with the EU. See also:
 - [*As Bad as it Gets: the White Paper on Brexit* \(S. Peers, EU Law Analysis, February 3, 2017\)](#)
- [*The process of Brexit: what comes next?* \(A. Renwick, UCL European Institute, January 2017\)](#), setting out the process through which the United Kingdom will pursue its withdrawal from the European Union, after Theresa May set out her objectives in her 17 January speech and the government reiterated these in a White Paper on 2 February, and asking whether the government will be able to secure these goals, how it will seek to do so, and what might hold it back.



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