

Brexit: Global and Political Affairs Unit Briefing

11 April 2019

Summary

The EU has agreed to extend the Article 50 negotiating period until 31 October, terminable on ratification of the Withdrawal Agreement. This means the UK remains a member of the EU until that date, with the associated rights and responsibilities. If the Withdrawal Agreement has not been ratified by 22 May, which remains unlikely, the UK must hold European elections on 23 May. If it does not, the UK will leave the EU on June 1. Preparations are being made to hold elections on 23 May, but the Prime Minister has reiterated her intention to secure Parliamentary agreement to her divorce deal in advance of that date. The EU has stressed the Withdrawal Agreement is not open for renegotiation but changes to the Political Declaration on the future UK-EU relationship could be made. The Prime Minister's authority remains in question after she suffered another defeat in Parliament over her 30 June extension request, with over half of Conservative MPs failing to back her. Talks with the Official Opposition are ongoing but the possibility of reaching agreement remains low.

Background

The EU heads of state (European Council) last night agreed an extension to the Article 50 negotiating period until 31 October, terminable on the first day of the month following ratification of the Withdrawal Agreement (divorce deal). This was in response to the Prime Minister's request on 5 April to extend the negotiating period to 30 June. The EU reiterated that the Withdrawal Agreement is not open for renegotiation, and that the purpose of the extension is to secure its ratification, but suggested there may be changes to the Political Declaration on the future relationship between the UK and the EU. The European Council will review progress at its meeting in June.

The UK retains its current rights and obligations as an EU Members State, including holding European elections on 23 May. If we do not hold elections on that date, the UK will leave the EU on 1 June.

Acceptance of this extension, a compromise between the year-long extension proposed by Council President Donald Tusk and those EU heads of state pushing for a much shorter period, represents a huge about-turn on behalf of the Prime Minister. Just three weeks ago, she told MPs "as Prime Minister, I am not prepared to delay Brexit any further than 30 June". Calls for her to step down are growing, as confidence in her ability to govern diminishes.

Talks between the government and the Official Opposition (Labour) are ongoing, to find a compromise position or a series of proposals to put to Parliament. It is understood Jeremy Corbyn wants a closer future relationship with the EU, including but not limited to a permanent customs union, as well as guarantees that workers' rights and environmental standards will not be weakened. This latter guarantee is difficult to achieve, since the UK constitution is based on the principle that no Parliament can bind its successor. EU law in this area has taken precedence over domestic law whilst the UK has been a member of the EU.

It is not clear whether Corbyn will also ask for a confirmatory vote (second referendum) on any deal agreed. He is under considerable pressure to do so from within the Labour party, though he remains personally sceptical of the idea.

Reports suggest the government might use the legislation needed to implement any deal (the Withdrawal Agreement Bill) as the vehicle through which MPs could reach compromise. However, this would not directly address issues around the international agreement reached between the UK and the EU, nor the divisions over the way forward or the questions of enforceability of any guarantees on workers' rights/environmental standards.

On Monday, the EU (Withdrawal) Act 2019 came into force. This law, also known as the Cooper-Letwin Act after its principal authors Labour MP Yvette Cooper and Conservative MP Sir Oliver Letwin, was designed to require the Prime Minister to seek an extension to the Article 50 negotiating period. It resulted from MPs wanting to ensure the UK doesn't leave the EU without a deal.

In fact, the Prime Minister made her Article 50 extension request in advance of the Act coming into force. As a result of changes made to the Act in the House of Lords, the Prime Minister retains her (prerogative) power to negotiate the terms of an Article 50 extension with the EU, provided that it relates to an extension to 22 May 2019 at the earliest. She does not have to obtain Parliamentary approval to accept any counter-offer from the EU.

In line with the provisions of the Act, the House of Commons debated a motion seeking Parliamentary approval for an extension to the Article 50 period on Tuesday 9 April. MPs approved an extension request until 30 June, as per the Prime Minister's letter to European Council President Donald Tusk on Friday 5 April.

In another blow to the Prime Minister's authority, however, nearly 200 Conservative MPs (over half) failed to support the move, including a number of Cabinet members, despite being whipped to do so. The motion supporting a 30 June extension request passed as a result of Labour and other opposition party votes.

What is likely to happen now?

The six month extension provides a level of certainty to businesses and organisations up and down the country that the legal framework will remain the same during this period. Further extension remains possible, but likelihood of breaking the political impasse remains low. Unless agreement on a deal is reached before 22 May, which is unlikely, the UK must participate in the European elections on 23 May. If elections are not held, the UK will leave on 1 June, in all likelihood without a deal. Whilst this is unlikely (preparations are being made to hold the elections), it is not inconceivable, given the volatile political situation in the UK.

The chances of the Prime Minister and leader of the Opposition reaching agreement are low, given the deep divisions and mistrust on all sides of the House of Commons, the government's failure to move its negotiating 'red lines' and the time pressure having been eased as a result of the extension. If they do reach agreement, or if the House of Commons gives majority backing to one of the options that arise from the discussions, it is possible there will be further government resignations from Ministers wanting a looser future relationship with the EU, and the capacity for the Prime Minister to govern may be called into question. The increasing hostility of the government's confidence and supply partners, the Democratic Unionist Party, cast further doubt on its ability to govern.

The length of the Article 50 extension means it is possible Theresa May will step down as leader of the Conservative Party and Prime Minister in the coming weeks or months. A replacement would be selected by Conservative MPs. However, the Prime Minister cannot be forced to step aside by her own MPs before December, as she's protected for a year following the December 2018 attempt to oust her. A no confidence vote in the government would need the backing of a majority of MPs and would result in a General Election. It remains open to the government itself to call a General Election, a proposal that would need the backing of two thirds of MPs.

It is important to note that the Cooper-Letwin Act has not prevented the UK leaving without a deal, it just provides MPs with the authority to require the Prime Minister to request more negotiating time from the EU.

What will this mean for the University of Nottingham?

The Article 50 extension to October 31 provides some certainty about the legal framework within which the University will operate in the short term. However, the political situation remains highly volatile, and if European elections are not held on 23 May, the UK faces a cliff edge on 1 June.

What will the University of Nottingham be doing?

The University is continuing with Brexit preparations, including preparing for leaving without a deal on 1 June.

- *Preparing for No Deal*

Given no deal is still possible, the University is continuing its preparation for the UK leaving the EU without a deal, primarily via the No Deal Incident Management Team, chaired by Registrar Dr Paul Greatrix.

The team has been monitoring developments to manage University operations in the event of no deal, and has identified 'Brexit Contact' staff in each area of the University to manage local impacts. This includes ensuring the preparedness of our supply chains to continue to provide research materials, goods and services; continuity of travel arrangements to the continent and associated insurance issues; and contractual and legal issues in the event of a no deal scenario. The team is now moving to scenario planning and briefing colleagues across the University.

- *Communications*

To ensure Brexit Contacts and the wider University has clear and accessible information and advice in the event of 'No Deal', we will use the [Brexit Information Hub](#) on our webpages as the principle repository for information. The hub has dedicated sections for staff, students, and researchers and will be regularly updated as information becomes available. The hub will also host a Q&A section which will be updated with questions and answers as they arise.

In the event of a No Deal scenario, clearly, events may be fast-moving leading to questions from staff and students. We will provide briefings and updates via email cascades to Brexit Contacts, Heads of School and Professional Services departments. Students will receive relevant information via their fortnightly newsletter and social media channels. In all events, the same information will be presented on the Brexit Hub.

If you have a question or require advice, please study the Brexit Hub and its Q&A initially. Should you require further information, please get in touch with the relevant Key Contact listed below or email the EU-Task Force mailbox.

- Procurement enquiries: angela.porter@nottingham.ac.uk
- Staff Issues (inc Settled Status): hrbrexitadvice@nottingham.ac.uk
- Research & Innovation: matthew.rackley@nottingham.ac.uk

- *Reassurance and support for our EU staff*

The EU Settlement Scheme enables EU citizens to apply for either settled or pre-settled status (for those who've been here fewer than five years), allowing them to continue living in the UK post-Brexit. The University of Nottingham has 800 staff who are EU citizens. The scheme is now open and applications are free. People who have paid an application fee during the test phases will receive a refund. HR-related Brexit questions can be directed to hrbrexitadvice@nottingham.ac.uk.

The Vice-Chancellor hosted the University of Nottingham European Staff Celebration event on 19th March to celebrate the contributions of our European colleagues, recognising this is an extremely worrying time. Read more about the event [here](#).

- *Guaranteeing research funding*

Colleagues in the University's Research and Innovation department have registered all EU-funded current projects with UKRI so they can be covered by the UK government's underwrite, intended to keep projects running in the event of a no deal Brexit. Research and Innovation are also standing by to perform the financial and contractual management tasks that will facilitate the underwrite, should it come into play. Read more about the government underwrite [here](#).

- *Guaranteeing Erasmus+ after Brexit*

The University of Nottingham is proud to have one of the largest Erasmus+ student mobility programmes in the UK. The government has assured universities it is working on the basis of the UK remaining a participating country in the Erasmus+ programme. However, in the event of a 'No Deal' Brexit, the government has only confirmed it will underwrite the UK's participation in European based student mobility for the 2018/19 academic year. The Office for Global Engagement is in the process of registering with the government to claim this funding.

In the potential absence of government funding beyond 2018/19 (in the event of no deal), the University will continue to underwrite outgoing student mobility programmes to the EU and Erasmus+ partners for the next three years to 2021/22. More information [here](#).

- *Looking beyond Brexit*

The University's *EU Taskforce* provides strategic direction for the University to prepare for and navigate a post-Brexit environment. Chaired by Deputy Vice-Chancellor Andy Long, and reporting to the University Executive Board, it is modelling scenarios and developing approaches to ensure the University continues to thrive post-Brexit in terms of its student recruitment, research partnerships, funding and grants, and evolving its global outlook.

Further reading

Conclusions of the European Council meeting on 10/04/19
<https://data.consilium.europa.eu/doc/document/XT-20015-2019-INIT/en/pdf>

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