

Note on the Brexit phase one negotiation agreement

Summary

On 8 December 2017 it was announced that “sufficient progress” has been made in the Brexit talks to move on to discussions of a future trade relationship.¹ On 15 December the European Council officially adopted guidelines confirming this.²

Although there is the usual caveat that “nothing is agreed until everything is agreed”, we recognise and welcome progress that has been made in a number of areas which are important for higher education, including:

- Confirmation of the rights of EU citizens who have exercised free movement before the cut-off date, which will be the date of withdrawal.
- The financial settlement approach states that “the UK will continue to participate in EU programmes financed by the MFF 2014-2020 until their closure”, meaning UK will be eligible for participation in Horizon 2020 and Erasmus+ to the end of the programmes.
- Commitment to continued north-south cooperation in Ireland and upholding the Good Friday agreement.

Now that the talks can move on to the future relationship, we are urging the Government to ensure we can establish a deep and lasting relationship between the UK and the EU on science that builds on our existing research and innovation links.

Citizens' rights

The agreement provides “reciprocal protection for Union and UK citizens, to enable the effective exercise of rights derived from Union law and based on past life choices, where those citizens have exercised free movement rights by the specified date.”

The ‘specified date’ in terms of the change to citizens’ rights will be the time of the UK withdrawal. This means there would be no retrospective change of status for EU citizens who are already living in the UK.

The agreement sets a 5-year time limit (five consecutive years of absence) before acquired rights of permanent residency are lost. This is a positive development, particularly as time abroad for study, training, career development and research collaborations are central to academic career paths. This agreement would mean EU academics working in the UK could undertake specific periods of work overseas without risking their settled status.

The agreement includes a commitment that the application system for obtaining the status conferring rights will be smooth, streamlined and transparent, with two-years grace to submit applications, the host

¹ The full UK-EU joint report is here: https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf

² <http://www.consilium.europa.eu/media/32236/15-euco-art50-guidelines-en.pdf>

state working with applicants to help them prove eligibility, and a principle of 'evidential flexibility' applying. The UK Immigration Minister told a House of Lords Committee on 12 December that he expects the application process for settled status to consist of 6-8 questions on an online form.

The agreement confirms that it is the intent that those holding permanent residence documents will have the opportunity to convert this into the new status free of charge, subject to some checks:

"In order to obtain status under the Withdrawal Agreement by application, those already holding a permanent residence document issued under Union law at the specified date will have that document converted into the new document free of charge, subject only to verification of identity, a criminality and security check and confirmation of ongoing residence"

There is also a clear recognition of the need to give citizens as much certainty as possible and that domestic legislation will now be enacted to implement the agreement. We would encourage UK Ministers to move forwards as quickly as possible to offer EU citizens legal clarity to complement the political agreement which has been secured.

Financial settlement

The methodology of the financial settlement has been agreed (although not the final sum). The joint report is clear and very promising from our perspective on EU programmes:

"Following withdrawal from the Union, **the UK will continue to participate in the Union programmes financed by the MFF 2014-2020 until their closure** (excluding participation in financial operations which give rise to a contingent liability for which the UK is not liable as from the date of withdrawal). Entities located in the UK will be entitled to participate in such programmes. Participation in Union programmes will require the UK and UK beneficiaries to respect all relevant Union legal provisions including co-financing. Accordingly, the eligibility to apply to participate in Union programmes and Union funding for UK participants and projects will be unaffected by the UK's withdrawal from the Union for the entire lifetime of such projects."

Jo Johnson has confirmed the agreement means UK organisations and individuals **would have continued full access to programmes like Horizon 2020 for their duration** until the end of 2020.³ At the European Council meeting on 15 December Theresa May also confirmed the UK would still be involved in Erasmus+ until at least the end of 2020.⁴

This is positive news and means our universities can continue to benefit from the Horizon 2020 and Erasmus+ programmes and bid for funding.

Discussions on the UK's participation in future framework programmes are separate from the phase one talks. However, the joint report notes that the UK may wish to participate in some future programmes as a non-Member State.

As talks move into the next phase we encourage both sides to ensure we can secure an ambitious, far reaching agreement on science and research which builds on the collaborative links that have been established through EU programmes including Horizon 2020.

The agreement would also mean no immediate disruption to the operation of the EIB as our position in the EIB will be unwound over a period of 12 years starting at the end of 2019.

³ <https://twitter.com/JoJohnsonUK/status/939157605511041024>

⁴ <http://www.bbc.co.uk/news/uk-politics-42360849>

Ireland and Northern Ireland

The agreement has a strong focus on continued cooperation, upholding the Good Friday Agreement. This is something that is hugely important for continued north-south collaboration on research. The commitment to avoiding a hard border is also welcome, as follows:

“The United Kingdom remains committed to protecting North-South cooperation and to its guarantee of avoiding a hard border. Any future arrangements must be compatible with these overarching requirements. The United Kingdom's intention is to achieve these objectives through the overall EU-UK relationship. Should this not be possible, the United Kingdom will propose specific solutions to address the unique circumstances of the island of Ireland. In the absence of agreed solutions, the United Kingdom will maintain full alignment with those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement.”

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