

The European Citizen Action Service

presents:

“5 Takeaways on Brexit: Outlining Possible Scenarios for a New UK-EU Relationship and their Impact on Citizens”

Who we are

★ Brussels-based NGO with over 25 years of existence

★ Mission:

- Empower citizens to exercise their rights in the EU
- Promoting open and inclusive decision-making process at EU level

★ How we do this?

- Training and capacity building
- Research, advocacy, events, etc.
- Information services to citizens - “Your Europe Advice”

Why this study

- ★ Many studies on economic & trade implications of Brexit
- ★ ... but few on actual implications for EU citizens' rights
- ★ Yet over 4 million citizens directly impacted
- ★ Joined efforts with other CSOs in summer 2016
 - European Disability Forum
 - EU Rights Clinic
 - New Europeans
 - & additional ad hoc partners & supporters

The overarching project

★ Timeframe: Dec 2016 – Aug 2017

★ Aims:

- **General awareness-raising** about Brexit options and their impact on citizens' rights
- **Information to professionals** providing advice to citizens
- **Campaigning and advocacy** for the best possible deal for citizens

★ Study is the starting point

5 Takeaways on Brexit: Outlining possible scenarios for a new EU-UK relationship

The structure

★ Part I: Brexit & citizens' rights

- Full EU membership (*baseline scenario*)
- Norway model (*EEA membership*)
- Switzerland model (*bilateral agreements*)
- Canada model (*FTA*)
- Turkey's model (*Association Agreement*)

★ Part II: Brexit & access to EU funding

Part I: Brexit & Citizens' rights

RIGHT TO ENTRY



★ **EU membership:** EU citizens only need a valid ID card/passport to enter an EU country & non-EU family members can obtain a visa for free with accelerated procedure

★ **Canada model:** FoM of people NOT foreseen in CETA. Right of entry subject to national immigration law & common rules on entry to Schengen area. Canadians exempted from visa for up to 90 days

★ **Turkey model:** EC-Turkey Association Agreement does not foresee a right of entry for Turkish nationals (visa requirement)

- No access
- Partial/voluntary/special arrangement
- Full access

RIGHT OF RESIDENCE



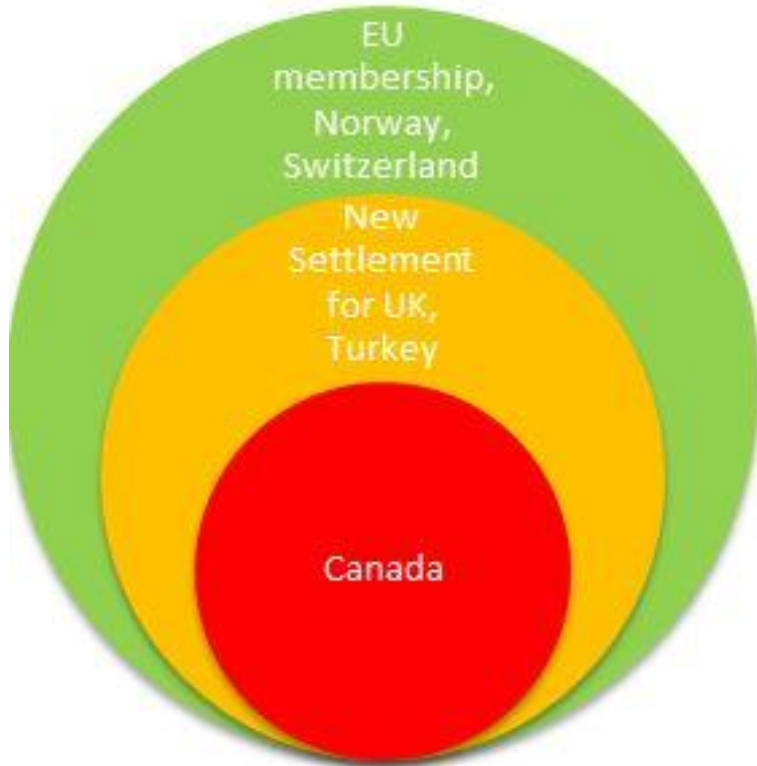
- ★ **EU Membership:** EU citizens & family members have the right to reside in other EU Member States
 - No requirements for residence < 3 months
 - Requirements for > 3 months & automatic right to permanent residence after 5 years
 - ★ In practice UK already applies restrictions (jobseekers & narrow approach to conditions attached to residence of economically inactive EU citizens)
 - ★ “safeguard measures” (Norway model) & no right of permanent residence (Switzerland model)
 - ★ **Canada model:** right of residence subject to national legislation. But CETA allows *temporary* transfers of key personnel, business visitors & investors
 - ★ **Turkey model:** gradual accumulation of residence & work-related rights for Turkish workers registered as belonging to the labour force of a MS & their family members
- unless they are family members of an EU citizen!
- also EU migration rules for researchers, students, seasonal or highly-skilled work

RIGHT TO WORK



- ★ **EU membership:** EU citizens & family members can look for a job in the EU under same conditions as country nationals & receive assistance by national employment office
- ★ In practice UK has already introduced restrictions ('minimum earnings threshold', restrictions on jobseekers)
- ★ **Canada model:** CETA does not guarantee a general right to work. But it allows corporate transfers & service provision by self-employed for limited time without work permit or prior approval
- ★ **Turkey model:** the right of Turkish nationals to move to an EU country to take up their first employment is governed by law of the host country, but gradual accumulation of EU rights

SOCIAL SECURITY



★ **EU membership:** EU has rules in place for the coordination (not harmonisation) of social security systems.

- First 3 months: MS not obliged to grant social assistance to jobseekers or unemployed
- >3 months: social assistance may be made conditional upon certain conditions
- Workers entitled to social assistance

★ **Turkey model:** measures under the Association Agreement have extended the benefit of EU rules on social security coordination to Turkish workers (not fully implemented)

★ **Canada model:** social security rights not guaranteed in CETA

→ But Regulation 1231/2010!

RIGHT TO DO BUSINESS, CONSUMER & PASSENGER RIGHTS



★ EU membership:

- freedom of establishment & provide services
- Consumer rights and passenger rights have a wider scope

★ Switzerland model:

- AFMP covers individuals who establish themselves as self-employed or provide services in CH. But companies not covered
- No general agreement on FoM of services (only in a limited manner)

★ **Canada model:** CETA only foresees the temporary stay of natural persons (not companies) for business purposes. Also some provisions on *temporary* cross-border provision of services, but sensitive sectors excluded

★ **Turkey model:** AA doesn't provide for the right of establishment or freedom to provide services. Chapters foreseen in the EU accession talks but not yet opened. Conditions determined by national law

★ In the area of consumer protection & passenger rights most rights guaranteed at EU level are NOT restricted to EU citizens

RIGHT TO NON-DISCRIMINATION



★ EU Membership:

- EUCFR ph discrimination based on any grounds
- Several EU instruments in place to combat discrimination (e.g. Directive 2000/78 on equal treatment in employment, gender equality Directives, etc.)

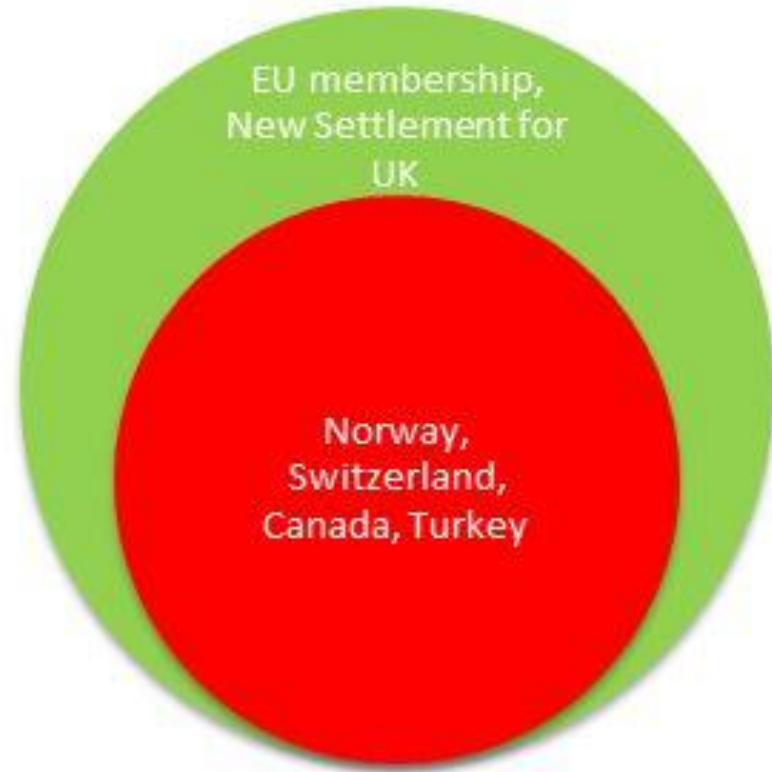
★ **Norway & Switzerland:** EUCFR does not apply but several provisions in EEA & AFMP ph discrimination (nationality). Norway also applies EU gender equality directives. Switzerland ratified ECHR

★ **Canada model:** No general provision ph discrimination in CETA. But some provisions on equal treatment & non-discrimination in limited fields

★ Turkey model:

- Association Agreement ph discrimination on nationality grounds and Turkish workers legally employed in EU benefit from equal treatment regarding work conditions
- Turkey has ratified ECHR, but legislation comparable to EU standards not yet adopted

VOTING & POLITICAL RIGHTS



- ★ Only EU citizens can vote and stand as candidates in EU and local elections in the EU country where they reside (art. 20 and 22 TFEU)
- ★ Only EU citizens can participate in an ECI (art. 11(4) TEU) or seek consular or diplomatic protection from another EU country abroad (art 23 TFEU)
- ★ All these rights would be lost outside the EU

ACCESS TO EU INSTITUTIONS



- ★ EU citizens can interact with EU institutions in various ways (art. 15 & 24 TFEU)
 - Right to petition the EP
 - to correspond with any EU institution and receive a response in the 24 EU languages
 - to request access to public documents
 - to file a complaint before EU ombudsman
- ★ These rights are not limited to EU citizens, but can be exercised by non-EU citizens residing in the EU (including natural & legal persons)

In conclusion

- ★ There is no 'best alternative' to EU membership for EU citizens in the UK and UK citizens in the EU after Brexit
- ★ A choice will have to be made during the negotiations about which rights to retain for the more than 4 million EU and UK citizens directly affected
- ★ Soft vs hard Brexit... or no deal?
- ★ Turkish model as a common denominator?
- ★ Whatever choices are made, they should be arrived at in close consultation with citizens, social partners and elected representatives and not driven only by governments

Part II: Brexit & access to EU funding

Some conclusions

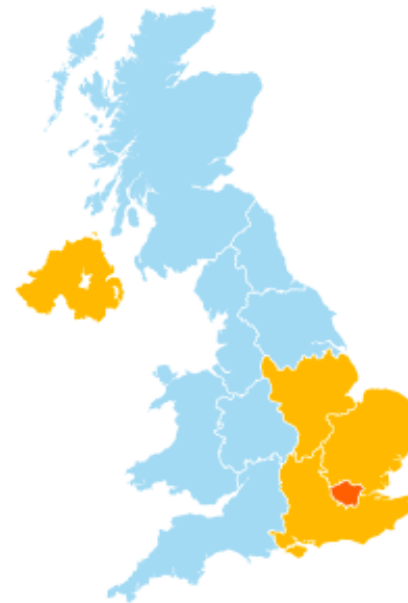
- ★ Brexit should not have dramatic consequences on access to EU public funds if UK agrees to continue to contribute to the EU budget
 - But NI among top affected regions!
 - 2014-2020 NI to receive 3,533 million EUR
- ★ Participation of UK-based entities in EU funding achieved through an all-encompassing agreement or bilateral agreements with the EU
- ★ Automatic exclusion from EU funds limited to MS: ESIF & CAP
- ★ But restrictions on FoM or its outright repeal, could mean that UK-based organisations would no longer be eligible under some other programmes in current terms

Demos' study

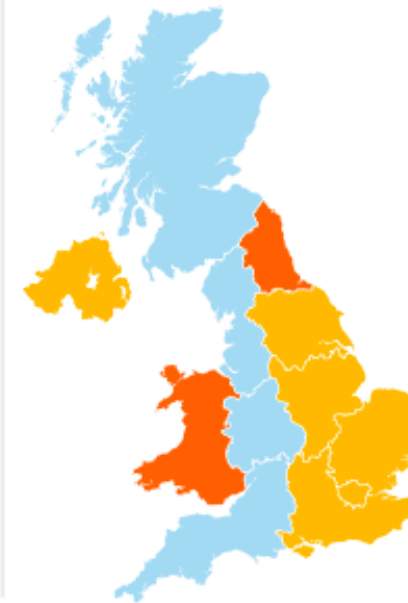
Wales and Northern Ireland are the regions most vulnerable to risks posed by Brexit, according to a new study by the thinktank Demos

Risk levels: ■ High ■ Medium ■ Low

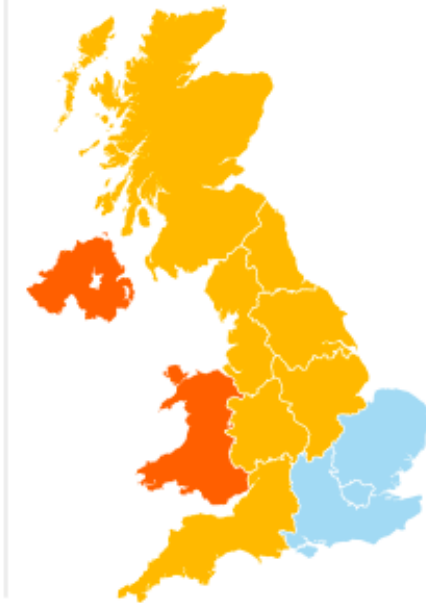
Loss of EU workers



Loss of exports of goods to the EU



Loss of EU funds



Guardian graphic | Source: Demos