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Possible models for the UK-EU relationship post 'Brexit'

1 Context

The paper is written within the context of the UK referendum decision to leave the European Union on the 23rd June 2016. In light of this decision the focus has now shifted to the UK's future relationship with the EU.

The exact nature of the relationship the UK and the EU will end up with remains unclear at this time and will be subject to potentially complex and protracted negotiations¹. This paper provides an overview of some of the most commonly cited potential alternatives open to the UK and EU and whilst the ultimate outcome may directly mirror one of these models or individual features within them, there could equally be potential for a bespoke UK-EU model.

For the purposes of this paper the focus is on how each of the potential relationship models impact on issues relating to the environment, agriculture and fisheries within the context of EU regulation and single market access. UK access to the single market will undoubtedly be a key focus in the forthcoming negotiations, but it needs to be recognised that the UK's current trade balance with the

https://www.cer.org.uk/insights/theresa-may-and-her-six-pack-difficult-deals

EU reveals it as a net importer (although Northern Ireland is a net exporter)². The expectation amongst some stakeholders of a reduction in regulation³ also needs to be set against the reality that many of the environmental, agricultural and fisheries regulations within the UK are actually international requirements that will remain regardless of the UK having left the EU, with notable examples including the OSPAR Convention⁴ that identifies and takes action to address threats to the marine environment and the OIE's Standards⁵ relating to animal health.

2 Key observations on potential models for UK-EU interaction

Looking at the features of potential models for UK and EU interaction post 'Brexit', as presented in table 1, a number of key observations stand out as follows:

- Any UK trade with the EU will require adherence to EU standards regardless of the model adopted. This could mean that any current regulations within the UK which specifically facilitate single market entry are unlikely to change, particularly if the regulation enables the meeting of standards for market access;
- Based on the available information, only the CETA and WTO arrangements would see an end to direct financial contributions to the EU's budget;
- The negotiation and adoption of a free trade agreement would not necessarily mean that all UK exports to the EU would be either free from tariffs or face reduced tariffs

 this would very much depend on the deal that was negotiated and based on the CETA model certain product lines or services may be totally excluded;
- The ability to directly influence EU laws or regulation would not be possible under any of the outlined models, outside of the current UK's EU membership. Only the European Economic Area (EEA) model as exemplified by Norway provides a formal right to consultation by the EU but there is no indication of influence;
- In terms of trade it seems likely that any of the models beyond the current EU membership model will make the process of exporting to the EU more complicated particularly with regards to tariffs. This does raise the question as to whether additional support will be available to local companies with a view to either maintaining or expanding their EU exports?

² http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2016/eti/2116.pdf

 $^{^{3} \ \}text{http}\underline{://www.britishchambers.org.uk/assets/downloads/EU\%20Factsheets/Business\%20Regulation.pdf}$

⁴ http://www.ospar.org/

⁵ http://www.oie.int/en/international-standard-setting/overview/

3 Potential UK-EU interaction models

Type of	Example	Financial Contribution		•	Influence over EU rules	
arrangement			Environment	Agriculture	Fisheries	and regulation
EU Membership	NI	As part of the UK, NI pays a 'membership fee' to the EU. UK contribution to the EU estimated to be £180 per capita ⁶ . This supports a number of EU policies and programmes including CAP, EU structural funds, and research and innovation. The UK receives funding from these programmes and a rebate on its net contribution. ⁷	All EU environmental laws apply. E.g. Waste Framework Directive, Water Framework Directive, Birds and Habitats Directives, Air Quality Directive, Climate and Energy Framework. (See NIAR 262-16 for more detail.)	All Common Agricultural Policy (CAP) rules apply which include cross compliance (environmental and animal welfare standards). Agricultural products must also meet a range of requirements relating to areas including food standards, traceability, and animal and plant disease. Full access to the EU single market – no tariffs or customs duties for any agricultural produce exported to the EU	All Common Fisheries Policy (CFP) rules apply which include TAC and quota provisions to manage stocks as well as fixing operational rules, reporting and enforcement activity. Fish and seafood must also meet a range of requirements relating to areas including food standards, traceability, and animal and plant disease Full access to the EU single market – no tariffs or customs duties for any fish or seafood produce exported to the EU	NI is represented as part of the UK in all of the EU institutions and negotiations which make decisions on EU law. This includes the European Commission which proposes and drafts laws, and the European Council and Parliament which approves laws.

⁶ http://www.cbi.org.uk/global-future/case_study06_norway.html

⁷ Institute for Government July 2016

Type of	Example	Financial		EU rules and single market access	;	Influence over EU rules
arrangement		Contribution	Environment	Agriculture	Fisheries	and regulation
European Economic Area (EEA)	Norway	Norway makes a significant contribution to the EU budget including research programmes and education. Contribution is estimated to be £100 per capita by the CBI ⁸ . It does not contribute to CAP funding ⁹	Most EU environment laws will apply ¹⁰ , with the exceptions to the following directives: • bathing water; • birds; • habitats; • shellfish waters; • fresh waters needing protection or improvement in order to support fish life; and • exchange of information on the quality of surface fresh water. ¹¹ Norway and Iceland have in fact adopted the EU REACH legislation independently.	Norway has its own agricultural rules as EEA agreement does not cover agriculture. CAP rules do not apply. Norway does co-operate with the EU and matches EU standards with an impact on agriculture such as environmental and consumer protection regulations in order to access the EU market. Article 19 of the EEA Agreement means that the EU and EEA members such as Norway are committed to 'achieving progressive liberalization of agricultural trade12'. Protocol 313 of the EEA Agreement determines processed agricultural products either not subject to tariff or reduced tariff	Norway has its own fisheries rules as EEA agreement does not cover fisheries. CFP rules do not apply although Norway does have agreements ¹⁶ with the EU enabling some access to Norwegian waters for EU fishing boats and which also allow the setting of Total Allowable Catch (TAC) levels for shared stocks – a key management tool Norway does co-operate with the EU and matches EU standards with an impact on fish and fish products such as environmental and consumer protection regulations in order to access the EU market. Protocol 9 ¹⁷ of the EEA Agreement determines those	EEA members have the right to be consulted on laws and regulations under the EEA agreement but there are limited channels for formal influence. Norway is not represented as a member with EU institutions. ²⁰

⁸ http://www.cbi.org.uk/global-future/case_study06_norway.html

⁹ Institute for Government July 2016

¹⁰ IEEP and http://www.efta.int/eea/eea-agreement/eea-basic-features

¹¹ EEA (2011) Agreement of European Economic Area http://www.efta.int/legal-texts/eea/annexes-to-the-agreement See Annex XX (page20) 13ca (a) i-vi

¹² http://www.efta.int/media/documents/legal-texts/eea/the-eea-agreement/Main%20Text%20of%20the%20Agreement/EEAagreement.pdf

http://www.efta.int/media/documents/legal-texts/eea/the-eea-agreement/Protocols%20to%20the%20Agreement/protocol3.pdf

http://ec.europa.eu/fisheries/cfp/international/agreements/norway/index_en.htm

http://www.efta.int/legal-texts/eea/protocols-to-the-agreement

²⁰ http://www.efta.int/media/documents/legal-texts/eea/the-eea-agreement/Main%20Text%20of%20the%20Agreement/EEAagreement.pdf

Type of	Example	Financial		EU rules and single market access	3	Influence over EU rules and regulation
arrangement		Contribution	Environment	Agriculture	Fisheries	
				when entering the EU market from Norway. According to the World Trade Organization (WTO), the simple average incurred by Norwegian agriculture exports into the EU was 15.1% (2013 data) ¹⁴ . However, it should be noted that, according WTO data, 42.8% of EU agricultural tariff lines applied to exports from Norway to the EU are duty free ¹⁵ .	fish and marine products either not subject to tariff or reduced tariff when entering the EU market from Norway. According to the World Trade Organization (WTO), the simple average incurred by Norwegian non-agricultural exports into the EU, including fish and fish products was 4.7% (2013 data) ¹⁸ .	
					However, it should be noted that, according WTO data, 98.6% of non-agricultural tariff lines applied to exports from Norway are duty free ¹⁹ .	
European Free Trade Agreement (EFTA)	Switzerland	EFTA membership does not require contributions to the EU budget. Switzerland contributes to the EU budget,	Switzerland's relationship with the EU is largely based on a wide range of sectoral agreements, ²⁴ of which around 100 exist. ²⁵ Some agreements include and are not limited to:	Switzerland has its own agricultural rules as a result of EFTA membership so no need to comply with the CAP rules.	Not applicable as Switzerland has no fisheries interests	Switzerland has no formal right to be consulted on EU laws and regulations and very limited informal influence over them. Switzerland is not

¹⁴ World Trade Organization, World Tariff Profiles 2015 (2015) p126 https://www.wto.org/english/res_e/booksp_e/tariff_profiles15_e.pdf

¹⁵ ibid

¹⁸ ibid

¹⁹ ibid

²⁴ http://eeas.europa.eu/switzerland/index_en.htm

http://ec.europa.eu/trade/policy/countries-and-regions/countries/switzerland/index_en.htm

Type of Example	Financial	EU rules and single market access			Influence over EU rules
arrangement	Contribution	Environment	Agriculture	Fisheries	and regulation
	estimated at £53 per capita ²¹ , to cover the costs of programmes it participates insuch as research programmes. ²² Through a Memorandum of Understanding with the EU in Environment and Agriculture, Switzerland contributes to areas including: energy efficiency, drinking water, wastewater, waste management, public transport, the remediation of industrial	Switzerland's membership of the European Environment Agency giving it a consultative role with the EEA Management Board and incorporation and access to EEA data collection. 26 Air Transport Agreement — this contains provisions on aircraft noise emissions. It includes membership of the European Aviation Safety Agency (EASA) which harmonises design standards in relation to environmental protection. 27 Switzerland is also in negotiations to join the EU ETS to be part of a bigger market. 28 Many areas of Switzerland's domestic environmental legislation have been harmonised with EU law, particularly those impacting Switzerland's access to the	EFTA membership prevents single market access for agricultural products. A Series Of Bi-lateral agreements ³¹ between Switzerland and EU do, however, facilitate trade in agricultural products between Switzerland and the EU by: Reducing customs duties: cheese, fruits and vegetables, horticulture, meat and wine; Reducing non-tariff barriers: e.g wine and spirits, organic agriculture, pest control and crop protection, fodder and seeds; Providing access for processed agricultural products such as chocolate on duty free basis.		represented as a member within EU institutions. ³⁴

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²¹ http://researchbriefings.files.parliament.uk/documents/RP13-42/RP13-42.pdf

 $^{^{\}rm 22}$ Institute for Government Table July 2016

²⁶ http://www.bafu.admin.ch/international/04742/10676/index.html?lang=en

²⁷ http://www.bafu.admin.ch/international/04742/10676/index.html?lang=en

²⁸ HOC Paper and http://www.bafu.admin.ch/international/04742/10676/index.html?lang=en

 $^{{}^{31} \ \}underline{\text{https://www.eda.admin.ch/content/dam/dea/en/documents/folien/Folien-Abkommen_en.pdf}}$

³⁴ Institute for Government July 2016

Type of	Example	Financial		Influence over EU rules		
arrangement		Contribution	Environment	Agriculture	Fisheries	and regulation
		sites, the reduction of harmful emissions, spatial planning, biodiversity and nature conservation. ²³	Single Market such as REACH, eco labelling and eco-design of products ²⁹ and shipments of waste to the EU. ³⁰	According to the WTO, EU tariffs applied to Swiss agricultural goods average at 15.4% (simple average, 2013 data). The average tariff applied to nonagricultural goods is 4.3% (simple average, 2013 data). According to the WTO, however, 38% of EU agricultural tariff lines and 94.6% of non-agricultural tariff lines applied to exports from Switzerland are duty free ³² . Swiss adoption of equivalent regulations in the areas of veterinary medicine, plant protection and organic agriculture also facilitates EU market access ³³ .		
Free Trade Agreement (FTA)	Canada – CETA agreement finalised but yet to be	None	In general FTAs do not come with the same level of obligation. ³⁵ The new CETA agreement, which is awaiting agreement by the EU Parliament and	Canada will continue to have its own agricultural rules. As a trade agreement the main implications on agriculture arising from CETA relate to market	Canada will continue to have its own fisheries rules As a trade agreement the main implications on agriculture arising from CETA relate to	Canada has no formal ability to influence EU laws or regulation and vice versa. ⁴²

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²³ http://www.bafu.admin.ch/international/04742/10676/index.html?lang=en

http://www.bafu.admin.ch/international/04742/10676/index.html?lang=en

³⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:I11022

³² World Trade Organisation, World Tariff Profiles 2015 (2015) p126 https://www.wto.org/english/res_e/booksp_e/tariff_profiles15_e.pdf

³³ https://www.eda.admin.ch/content/dam/dea/en/documents/fs/00-FS-Europapol-lang_en.pdf

³⁵ HM Government Alternatives to Membership; possible models for the UK outside the EU https://www.gov.uk/government/publications/alternatives-to-membership-possible-models-for-the-united-kingdom-outside-the-european-union P.5

⁴² http://ec.europa.eu/trade/policy/in-focus/ceta/questions-and-answers/index_en.htm

Type of	Example	Financial Contribution		Influence over EU rules		
arrangement			Environment	Agriculture	Fisheries	and regulation
	formally ratified		Council, ³⁶ consists of shared obligations between the EU and Canada and gives almost complete access to the Single Market (although financial and other services are a significant exception). Agreed EU and Canadian environmental and climate protection regulations are integrated into the agreement. Canadian producers can only export and sell products in the EU if they adhere to the EU regulations and vice versa. ³⁷ However, concerns have been raised on the lack of the EU 's precautionary principle written into the agreement and the impacts on the use of GMO products this may have in the EU. ³⁸ Concerns have also been raised on the potential import of carbon intensive tar sands (or oil sands) from Canada to be used as fuel. ³⁹	access for agricultural products. Upon ratification 94% of Canadian agricultural exports to the EU will be tariff free e.g. maple syrup tariff will drop from 8% to zero ⁴⁰ . The CETA deal on tariff reduction or elimination does, however, exclude 'sensitive' agricultural items such as chicken and turkey meat, eggs and egg products ⁴¹ Whilst tariffs are reduced or eliminated Canadian agricultural produce exported to the EU upon CETA ratification will still need to meet EU standards in areas including: • Food safety – eg hormone fed beef banned; • Food labelling; • Traceability.	market access for fish and sea food products. 95.5% of tariff lines for fish and seafood will be fixed at 0% when CETA is ratified and comes into force. Immediate tariff elimination includes: • live lobster – current duties at 8% • frozen lobster – current duties from 6% and 16% Whilst tariffs are reduced or eliminated Canadian seafood exported to the EU upon CETA ratification will still need to meet EU standards in areas including: • Food safety – eg hormone fed beef banned; • Food labelling; • Traceability.	

³⁶ http://ec.europa.eu/trade/policy/in-focus/ceta/questions-and-answers/index_en.htm

 $^{^{37} \ \}underline{\text{http://europa.eu/rapid/press-release_MEMO-16-2372_en.htm}} \ \text{and} \ \underline{\text{http://ec.europa.eu/trade/policy/in-focus/ceta/index_en.htm}}$

 $^{{\}color{red}^{38}} \ \underline{\text{https://www.euractiv.com/section/trade-society/news/ceta-and-ttip-threaten-the-eus-precautionary-principle/}$

³⁹ Tar sands are considered to be more carbon intensive than conventional oil. For more detail see: https://www.euractiv.com/section/trade-society/news/canada-tar-sands-will-not-be-labelled-dirty-after-all/

⁴⁰ http://www.agr.gc.ca/eng/industry-markets-and-trade/statistics-and-market-information/agriculture-and-food-market-information-by-region/europe/canada-european-union-comprehensive-economic-and-trade-agreement-ceta/?id=1438010928703

⁴¹ http://trade.ec.europa.eu/doclib/docs/2014/december/tradoc_152982.pdf

Type of	Example	Financial Contribution	EU rules and single market access			Influence over EU rules
arrangement			Environment	Agriculture	Fisheries	and regulation
World Trade Organization (WTO) - 164 members ⁴³	-	None	No implementation of EU rules ⁴⁴ . The EU is a member of the WTO, therefore the WTO sets the framework that the EU must comply with. ⁴⁵ However, any WTO exporters must comply with EU environmental rules and regulations which relate to accessing the single market.	WTO members have their own rules on agriculture. WTO arrangements are purely trade based. Reliance on WTO trading terms means that countries exporting to the EU adhere to fixed tariff levels. The simple average tariff charged by the EU to countries with Most Favoured Nation (MFN) status is 5.36%. This masks the complex range of tariffs in existence. For example, the average MFN tariff on agriculture products is 12.2%. There is also considerable variation of tariffs on specific products with the WTO identifying 6,526 tariff lines. In terms of agricultural products examples include the following:	WTO members have their own rules on agriculture. WTO arrangements are purely trade based. Reliance on WTO trading terms means that countries exporting to the EU adhere to fixed tariff levels. The simple average tariff charged by the EU to countries with Most Favoured Nation (MFN) status is 5.36%. This masks the complex range of tariffs in existence. For example, the average MFN tariff on non-agricultural goods is 4.2% average. There is also considerable variation of tariffs on specific products with the WTO identifying 6,526 tariff lines. In terms of fish and sea food examples include the following:	The WTO and its members have no formal ability to influence EU laws or regulations.

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⁴³ https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm

⁴⁴ HM Government Alternatives to Membership; possible models for the UK outside the EU https://www.gov.uk/government/publications/alternatives-to-membership-possible-models-for-the-united-kingdom-outside-the-european-union

⁴⁵ http://ec.europa.eu/trade/policy/eu-and-wto/index_en.htm

Type of	Example	Financial		;	Influence over EU rules	
arrangement		Contribution	Environment	Agriculture	Fisheries	and regulation
				 Milk and cream of a fat content by weight of > 1% but <= 6%, not concentrated nor containing added sugar or other sweetening matter – range of tariffs between €17.9 per 100/kg and €22.7 per 100/kg; Fresh or chilled potatoes – 6.7%; Live sheep - €80.5 per 100/kg; and Fresh or chilled bovine meat, boneless - 12.8 % + €303.4 per100 kg. 	Nephrops norvegicus (prawns) – 16%; Frozen cod – 12%; and Frozen cod fillets – 7.5%. WTO countries without an EU trade deal also need to adhere to standards for fish and sea food products exported to the EU in areas including: Food safety – e.g. hormone fed beef banned; Food labelling; Traceability.	
				WTO countries without an EU trade deal also need to adhere to standards for agricultural products exported to the EU in areas including: • Food safety – eg hormone fed beef banned; • Food labelling; • Traceability.		

Table 1: Key features of potential models for UK and EU interaction

Appendix 1 – glossary of acronyms utilised in this paper

The CAP has changed a lot since it was established in 1962, and continues to change today. The June 2013 reform is focused on three priorities: •viable food production; •sustainable management of natural resources; •balanced development of rural areas throughout the EU.
The Confederation of British Industry (CBI) is the UK's premier business organisation, providing a voice for firms at a regional, national and international level to policymakers.
The Comprehensive Economic and Trade Agreement (CETA) is an international treaty between the European Union and Canada. The negotiations have finished but before the agreement comes into force it must first be approved by the European Parliament and the governments of the EU's Member States. Once ratified and in force it will remove customs duties, end restrictions on access to public contracts, open-up the services market, offer predictable conditions for investors and help prevent illegal copying of EU innovations and traditional products.
The Common Fisheries Policy (CFP) is a set of rules for managing European fishing fleets and for conserving fish stocks. Designed to manage a common resource, it gives all European fishing fleets equal access to EU waters and fishing grounds and allows fishermen to compete fairly.
The European Aviation Safety Agency (EASA) is the centrepiece of the European Union's strategy for aviation safety. Its mission is to promote the highest common standards of safety and environmental protection in civil aviation. The Agency develops common safety and environmental rules at the European level. It monitors the implementation of standards through inspections in the Member States and provides the necessary technical expertise, training and research. The Agency works hand in hand with the national authorities which continue to carry out many operational tasks, such as certification of individual aircraft or licensing of pilots.
The European Economic Area (EEA) brings together the EU Member States and three of the EFTA States (Iceland, Liechtenstein and Norway). It was established by the EEA Agreement, an international agreement which enables these three EFTA States to participate fully in the Single Market. It covers the four freedoms, i.e. the free movement of goods, capital, services and persons, plus competition and state aid rules and horizontal areas related to the four freedoms (see point 4 for an overview of what is included in the EEA Agreement).
The objective of the EEA Agreement is to create a homogenous European Economic Area. All relevant EU legislation in the field of the Single Market is integrated into the EEA Agreement so that it applies throughout the whole of the EEA, ensuring uniform application of laws relating to the Single Market.
The European Free Trade Association (EFTA) was founded by the Stockholm Convention in 1960. The immediate aim of the Association was to provide a framework for the liberalisation of trade in goods amongst its Member States. At the same time, EFTA was established as an economic counterbalance to the more politically driven European Economic Community (EEC).
EFTA was founded by the following seven countries: Austria, Denmark, Norway, Portugal, Sweden, Switzerland and the United Kingdom. Finland joined in 1961, Iceland in 1970 and Liechtenstein in 1991. In 1973, the United Kingdom and Denmark left EFTA to join the EC. They were followed by Portugal in 1986 and by Austria, Finland and Sweden in 1995.

	Today the EFTA Member States are Iceland, Liechtenstein, Norway and Switzerland.
EU ETS	The EU Emission Trading System (ETS) is the cornerstone of the EU's strategy for fighting climate change. It is the first international trading system for CO2 emissions in the world and has been in operation since 2005. The EU ETS is a 'cap and trade' system, that is to say it caps the overall level of emissions allowed but, within that limit, allows participants in the system to buy and sell allowances as they require. These allowances are the common trading 'currency' at the heart of the system. One allowance gives the holder the right to emit one tonne of CO2 or the equivalent amount of another greenhouse gas. The cap on the total number of allowances creates scarcity in the market
European Environment Agency	The European Environment Agency (EEA) is an agency of the European Union that exists to provide sound, independent information on the environment. The EEA's mandate is: To help the Community and member countries make informed decisions about improving the environment, integrating environmental considerations into economic policies and moving towards sustainability To coordinate the European environment information and observation network (Eionet)
GMO	Genetically Modified Organisms (GMOs) are plants or animals who's genetic material has been modified artificially to give it a new property (e.g. a plant's resistance to a disease, insect or drought, a plant's tolerance to a herbicide, improving a food's quality or nutritional value, increased yield).
OIE	Office International des Epizooties (OIE) was created in 1924 by international agreement. In May 2003 the Office became the World Organisation for Animal Health but kept its historical acronym OIE. The OIE is the intergovernmental organisation responsible for improving animal health worldwide. Recognised as a reference organisation by the World Trade Organization (WTO) and in 2016 has a total of 180 Member Countries.
OSPAR	Oslo/Paris convention (for the Protection of the Marine Environment of the North-East Atlantic: in operation since 1998, OSPAR regulates standards on marine biodiversity, eutrophication, the release of hazardous and radioactive substances into the seas, the offshore oil and gas industry and baseline monitoring of environmental conditions
REACH	The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation of the EU entered into force on 1 June 2007. The regulation was adopted in order to improve the protection of human health and the environment from the risks that can be posed by chemicals, while enhancing the competitiveness of the EU chemicals industry. It also promotes alternative methods for the hazard assessment of substances in order to reduce the number of tests on animals. In practical terms REACH establishes procedures for collecting and assessing information on the properties and hazards of substances.
TAC	Within the EU's CFP Total Allowable Catches (TACs) or fishing opportunities, are catch limits (expressed in tonnes or numbers) that are set for most commercial fish stocks.
WTO	World Trade Organization: established in 1995 to replace the General Agreement on Tariffs and Trade, the WTO is an international organisation dealing with the rules of trade between nations.