



FedEE Global

The Federation of International Employers
La Federación de Empresarios Internacionales

Head office: Adam House, 7-10 Adam Street,
The Strand, London WC2N 6AA, UK
Tel: (0044) (0)20 7520 9035
Tel: (+357) 222 56381
<http://www.fedee.com>
Membershipservices@fedee.com

SPECIAL FEDEE BRIEFING PAPER THE NEW PROPOSED BREXIT DEAL

BREXIT WITHDRAWAL AGREEMENT

- Entry into force: 30 March 2019.
- The Joint Committee may, before 1 July 2020, adopt a single decision extending the transition period up to 31 December 2020

*HOST State: In respect of Union citizens, the United Kingdom. In respect of UK nationals and their family members, the Member State they reside in.

Rights of Workers

Workers and frontier workers in the host State shall enjoy the rights guaranteed by The Treaty on the Functioning of the European Union (TFEU):

1. the right not to be discriminated against on grounds of nationality as regards employment
2. to pursue an activity (in accordance with rules applicable to the nationals)
3. the right to assistance by the employment offices as offered to nationals;
4. equal treatment in employment, dismissal and in case of unemployment, reinstatement or reemployment;
5. the right to social and tax advantages and collective rights;
6. the right for their children being admitted to general education under the same conditions as other nationals.
7. Self-employed persons: have the right to pursue activities as self-employed persons and set up undertakings under the conditions laid down by the host State for its own nationals

Right of exit and of entry

1. Union citizens/UK Nationals/Respective **family will have the right to leave and enter the State with a valid passport or national identity card** (and with a valid passport in the case of family members who are not Union citizens).
2. Five years after the end of the transition period, the host State may decide no longer to accept national ID cards.
3. No exit/entry visa shall be required of holders of valid documents. After the end of the transition period, the host State shall grant persons every facility to obtain the necessary visas, free of charge.

Right of permanent residence

1. Union citizens/UK Nationals **who have resided legally for a continuous period of 5 years shall have the right to reside permanently.** The right of permanent residence shall be lost only through absence from the host State for a period exceeding 5 consecutive years.

2. **Those who resided legally for a period of less than 5 years, will have the right to acquire the right to permanent residence, once they have completed the 5 year period.**

PROTOCOL ON IRELAND/NORTHERN IRELAND

- Irish citizens in Northern Ireland, by virtue of their Union citizenship, **will continue to enjoy, exercise and have access to rights, opportunities and benefits that come with citizenship of the Union** for the people of Northern Ireland who choose to assert their right to Irish citizenship.
- This Protocol sets out arrangements to maintain the necessary conditions for continued North-South cooperation and **avoid a hard border and protect the 1998 Agreement in all its dimensions.**
- The United Kingdom shall ensure **that no reduction of rights, safeguards and equality of opportunity as set out in that part of the 1998 Agreement results from its withdrawal from the Union.**

PROTOCOL ON GIBRALTAR

- Spain and the United Kingdom shall closely cooperate with a view to preparing the effective implementation on citizens' rights, which fully applies, inter alia, to frontier workers residing in Gibraltar or in Spain.
- Spain and the United Kingdom shall establish a coordinating committee for regular discussion to monitor matters relating to employment and labour conditions.
- Union law on air transport which did not apply to the Gibraltar airport before 30 March 2019 shall only become applicable to the Gibraltar airport from the date established by the Joint Committee.

POLITICAL DECLARATION

MOBILITY: Noting that the United Kingdom has decided that the principle of free movement of persons between the Union and the United Kingdom will no longer apply, the Parties should establish mobility arrangements that will be based on non-discrimination. In this context, the Parties aim to provide, through their domestic laws, for visa-free travel for short-term visits.

OFFICIAL LEGAL ADVICE TO UKG: This was initially withheld from the UK Parliament and is only controversial because of that fact. It says nothing that is not obvious from the agreement itself – such as the need to continue making contributions to the EU budget until such time as the UK has separated itself from the EU in all but a simple trade deal. There cannot, in practice, ever be a final legal resolution of the Irish border question so long as there is a land border through the island of Ireland and a hard border is not workable or acceptable.

NEXT STEP: UK Parliamentary vote on December 11th 2018.

Outcome likely to be a defeat for the proposal.

Copyright: The Federation of International Employers ([FedEE](#)) December 5th 2018.