



Department  
for Exiting the  
European Union

# Other Separation Issues

---

[wab@dexeu.gov.uk](mailto:wab@dexeu.gov.uk)

**EU (Withdrawal Agreement) Bill**



## OVERVIEW

*The UK has agreed a new Brexit deal with the EU. The EU (Withdrawal Agreement) Bill will implement this new deal in UK law, and deliver Brexit by 31st January 2020.*

*The **Bill** will: take back control of our laws by reaffirming the sovereignty of Parliament; end vast annual payments to Brussels; protect the Union by ensuring we leave as one United Kingdom; protect the rights of EU citizens, **EEA EFTA** and Swiss nationals living in the UK; and secure an **implementation period** to give businesses certainty.*

The **other separation issues** are contained in Part Three of the **Withdrawal Agreement**. They set out what will happen to ongoing processes that operate under EU law, such as cases that are being considered by the European Court of Justice, at the end of the **implementation period**. They provide a smooth transition for individuals and businesses and need to be implemented in UK law through the EU (Withdrawal Agreement) Bill.

Our future economic and security relationship with the EU could include arrangements that supersede many of these **Withdrawal Agreement** provisions. These may then require new arrangements to be agreed and put in place to ensure a smooth transition from the **implementation period** to the future relationship.



The **other separation issues** all relate to areas currently governed by EU law. They cover:

- Goods placed on the market
- Ongoing customs procedures
- Ongoing VAT and Excise Duty matters
- Intellectual Property (including Geographical Indications)
- Ongoing police and judicial co-operation in criminal matters
- Ongoing judicial co-operation in civil and commercial matters
- Data and information processed or obtained before the end of the **implementation period** or on the basis of the **Withdrawal Agreement**
- Ongoing public procurement and similar procedures
- Euratom-related issues
- Union judicial and administrative procedures
- Administrative co-operation procedures between Member States and the UK
- Privileges and immunities
- Other issues relating to the functioning of the institutions, bodies, offices and agencies of the EU

Where a process in one of these areas has started, but is still ongoing at the end of the **implementation period**, the **Withdrawal Agreement** sets out the specific arrangements that should apply.

In many of these 13 areas, this means that EU law will continue to apply directly for processes that began before the end of the **implementation period** to allow them to finally conclude. These arrangements mean that there is consistency and greater certainty for individuals and businesses as we leave the EU.

In addition to this, there may need to be some technical changes to the **statute book**. These matters will be dealt with by **secondary legislation**. The **Bill** allows the Government to make relevant changes to the **statute book** when necessary. These arrangements mean that there is consistency and certainty for individuals and businesses as we leave the EU. For example, it will be clear which rules apply to a good that is circulating on the market between the UK and EU at the end of the **implementation period**, and how a court case that has begun before the European Court of Justice can conclude.

Where relevant, arrangements on the **other separation issues** have also been agreed with the **EEA EFTA** states as part of the **EEA EFTA Separation Agreement**.

## DEVOLUTION

Some parts of the **other separation issues** are in areas within the **devolved competence** of Scotland, Wales and Northern Ireland. **Devolved administrations** will have the ability to make changes to their own legislation where required.

## KEY TERMS

### BILL

A proposal for a new law or an amendment to an existing law that has been presented to Parliament for consideration. Once agreed and made into law, it becomes an Act.

### DEVOLVED ADMINISTRATIONS

These are the Scottish Government, the Welsh Government and the Northern Ireland Executive.

### DEVOLVED COMPETENCE

The areas in which the devolved legislatures are responsible for making laws ('legislative competence') or the devolved administrations are responsible for governing or making secondary legislation ('executive competence').

### EEA EFTA SEPARATION AGREEMENT

An international treaty between the UK and **EEA EFTA** countries (Norway, Iceland and Liechtenstein) that sets out the respective rights and obligations of all parties following the UK's withdrawal from the EEA.

## **EUROPEAN ECONOMIC AREA (EEA)**

The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market. See the EEA EFTA Separation Agreement factsheet for more detail.

## **EUROPEAN FREE TRADE ASSOCIATION (EFTA)**

The EFTA states are Switzerland, Norway, Liechtenstein and Iceland. See the EEA EFTA Separation Agreement factsheet for more detail.

## **IMPLEMENTATION PERIOD**

Time-limited period following the point at which the UK leaves the EU. During this period, EU law will continue to apply in the UK subject to the terms set out in the Withdrawal Agreement.

## **OTHER SEPARATION ISSUES**

This refers to 13 ongoing processes, such as ongoing judicial proceedings, which will continue under EU law, as a transitional measure after the end of the implementation period to ensure a smooth exit from the EU.

## **SECONDARY LEGISLATION**

Legal instruments (including regulations and orders) made under powers delegated to ministers or other office holders in Acts of Parliament. They have the force of law but can be disapplied by a court if they do not comply with the terms of their parent Act. Also called subordinate or delegated legislation.

## **STATUTE BOOK**

The body of legislation that has been enacted by Parliament or one of the devolved legislatures and has effect in the UK.

## **WITHDRAWAL AGREEMENT**

The international agreement between the UK and the EU that sets out the respective rights and obligations of both parties following the UK's withdrawal from the EU.



Department  
for Exiting the  
European Union

© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.  
To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications>.

v1.0