

Brexit: Options for future EU-UK relations

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CASE STUDY

Optimity worked with a wide range of stakeholders across Europe to propose a solution that would deliver the highest level of healthcare for patients and families.

THE CHALLENGE

An analysis of the implications of the UK's relationship with the EU after Brexit in judicial cooperation and criminal matters.

Following the United Kingdom's decision to leave the European Union by the end of March 2019, negotiations on the future relationship between the UK and the EU began. One of the main questions of the negotiations was: What are the available options for future cooperation between the EU and the UK? Particularly, in the field of police and judicial cooperation in criminal matters. To try answer that question, the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs commissioned, at the request of the Civil Liberties, Justice and Home Affairs (LIBE), a study to examine the future judicial relationship of the EU and UK.

The study included an assessment of the EU legal tools for cooperation with the UK, as well as the development of options for their relationship in the future.

HOW WE HELPED

Optimity Advisors determined that any further relationship within this policy area would need to account for two fundamental challenges.

The first challenge related to the changing nature of the EU's cooperation with the UK, and the expectations surrounding Brexit, particularly on security. The second challenge specific to this policy area is the need for the EU to ensure that any cooperation mechanism is condition on the UK's human rights and data protection standards to be maintained. With these two challenges in mind, Optimity assessed the situation and developed practical options to deal with the challenge.



Optimity began with three key tasks in mind:

1. To detail the current state and an assessment of legal instruments of cooperation.
2. To develop options for cooperation regarding those legal instruments and ultimately,
3. To provide conclusions and recommendations.

Optimity Advisors undertook an extensive consultation that included Europol and Eurojust officials, representatives from the UK' Department for Exiting the European Union (DExEU) , European Commission's article 50 task force, and other stakeholders. To complement this, the Optimity team undertook research to identify relevant legal instruments and examine the EU and UK's vision for their relationship.

The data was analysed, synthesized and expanded upon in a workshop, led by experts Professor Steven Peers, Professor Jacqueline Hodgson and Professor Gert Vermeulen. Based on the discussions from the workshop, Optimity Advisors developed four policy recommendations.

RESULTS/IMPACT

Optimity Advisors provided policy recommendations and an evidence base from which officials and the public can use to make informed decisions.

Optimity Advisors' four recommendations were:

1. The European Parliament should pass a resolution for the negotiation of an agreement for continued cooperation that benefits the EU, where no default or fallback position is available.
2. The European Parliament should monitor the rights standards in the UK, including their application in police and judicial cooperation in criminal matters.
3. The European Parliament should make sure the personal data of citizens are protected following the UK withdrawal. To do this, Parliament should call on the European Commission to ensure that a robust set of data protection safeguards will be put in place.
4. During the negotiation of any agreement, Parliament should ensure a balance between the political expectation the changing relationship and the EU's needs of operational-level security.

These recommendations will ensure that a functioning, mutually-beneficial relationship will be maintained between the UK and the EU, following the UK's departure from the Union.



THANK YOU

There is always more to the story. For a more comprehensive discussion on this project or other Optimity Advisors' consulting services and solutions, please contact:

Dr. Niamh Lennox-Chhugani, Healthcare Lead

Niamh.Lennox-Chhugani@optimityadvisors.com

Quentin Liger, Senior Manager

Quentin.Liger@optimityadvisors.com

Mirja Gutheil, Principal

Mirja.Gutheil@optimityadvisors.com



Washington, D.C. • Berlin • Brussels • London • Los Angeles • Minneapolis • New England • New York • Zürich

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