



The Centre for
Cross Border Studies

Implications of UK Withdrawal from the EU

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Implications of UK Withdrawal from EU

- UK withdrawal from EU would trigger constitutional/ political crisis
- What is likelihood of withdrawal?
- Process of disengagement – minimum 18 months
- England – likely move towards greater insularity
- Irish state – likely move towards greater EU integration
- Scotland – likely renewed demands for independence
- Reconfiguration of alliances / relationships ????



European Court of Justice (ECJ)

- Pooling of sovereignty in the European Community
- a system of judicial oversight to ensure effectiveness of Single Market → European Court of Justice (ECJ)
- ECJ interprets the detailed application of the treaties and of legislation adopted under those treaties – which includes ***regulations, directives and decisions***



European Union legislation | Summaries of EU Legislation

eur-lex.europa.eu/browse/summaries.html?locale=en

Summary of EU Legislation

Summaries by topic

 Agriculture	 Audiovisual and media	 Budget	 Competition
 Consumers	 Culture	 Customs	 Development
 Economic and monetary affairs	 Education, training, youth, sport	 Employment and social policy	 Energy
 Enlargement	 Enterprise	 Environment and climate change	 External relations
 External trade	 Fight against fraud	 Food safety	 Foreign and security policy
 Humanitarian and development cooperation	 Human rights	 Information society	 Institutional affairs
 Internal market	 Justice, freedom and security	 Maritime Affairs And Fisheries	 Public Health
 Regional policy	 Research and innovation	 Taxation	 Transport

Navigation links:

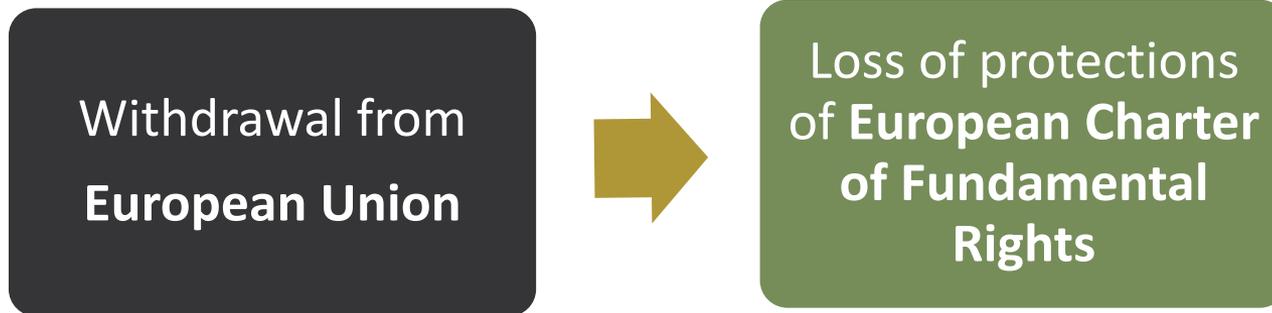
- Web service registration
- Guided Tour
- Statistics
- We'd like to hear from you

Windows taskbar: Internet Explorer, Word, Outlook, Chrome, Firefox, VLC, PowerPoint, Recycle Bin, File Explorer, Task Manager



EU law has primacy over national law when they are in conflict

European Court of Justice jurisdiction is confined to **EU matters under the Treaties** *and* it can interpret the **provisions of the European Convention on Human Rights as they apply to EU law**



The Charter applies to the **Institutions of the European Union**, and its **member states** *but only when the latter are implementing EU law.*



The Charter of Fundamental Rights of the European Union

- **enshrines certain political, social, and economic rights for European Union (EU) citizens and residents into EU law.**

- 1. Dignity:** the right to life, prohibits torture, slavery, the death penalty, eugenic practices, human cloning
- 2. Liberty,** personal integrity, privacy, protection of personal data, marriage, thought, religion, expression, assembly, education, work, property and asylum
- 3. Equality before the law:** prohibition of all discrimination including on basis of disability, age, sexual orientation, cultural, religious and linguistic diversity, rights of children and the elderly
- 4. Social and workers' rights:** fair working conditions, protection against unjustified dismissal, access to health care, social and housing assistance
- 5. Right to vote:** in election to the European Parliament and to move freely within the EU.
- 6. Justice:** the right to an effective remedy, a fair trial, to the presumption of innocence, the principle of legality, non-retroactivity and double jeopardy.



Northern Ireland Act 1998

- Acts of the Northern Ireland Assembly
 - Must be compatible with Convention rights
 - Must be compatible with Community law
 - Shall not modify the European Communities Act 1972 or the Human Rights Act 1998

- Article 12: “Reconsideration where reference made to ECJ”

“(3)In this section “reference for a preliminary ruling” means a **reference of a question to the European Court of Justice ...”**



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Council of Europe/ECHR

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

- Council of Europe: 47 countries of Europe.
 - Set up to promote democracy and protect human rights and the rule of law in Europe (Treaty of London, 1949)

- European Court of Human Rights
 - Ensures that contracting states observe their obligations under the European Convention on Human Rights (treaty securing civil and political rights)



Tory Minister for Justice Chris Grayling says Conservative government would withdraw from ECHR if parliament failed to secure right to veto Strasbourg court rulings

Withdrawal from the convention could place Britain in breach of its international obligations in the **1998 Good Friday agreement:**

- the two communities in Northern Ireland would be protected by safeguards that include “**the European Convention on Human Rights** and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe”.



European Court of Human Rights (Council of Europe)

