

The UK's Exit from Euratom

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Something of an afterthought?

- No debate or discussion in referendum
- Still under consideration by BEIS in November 2016
- “Announced” by Explanatory Note in Withdrawal of Notification Bill, 26 January 2017



Referendum on the United Kingdom's membership of the European Union	
Vote only once by putting a cross <input checked="" type="checkbox"/> in the box next to your choice	
Should the United Kingdom remain a member of the European Union or leave the European Union?	
Remain a member of the European Union	<input type="checkbox"/>
Leave the European Union	<input type="checkbox"/>

Arguments on Article 50/106a

- Separate Treaties
- But common institutions
- Technically separate processes
- But untenable to remain in Euratom
- “Uniquely legally joined”



White Paper, February 2017

- Para. 8.31: Precise relationship with Euratom will be a matter for negotiations but is an important priority
- Clear aim of maintaining close and effective relationships for civil nuclear cooperation, safeguards, safety and trade



The United Kingdom's exit from and new partnership with the European Union

Continuity

- UK “remains committed to highest standards of nuclear safety, safeguards and support for industry and will aim for continuity of the operation and standards enjoyed under Euratom membership”

PUS for BEIS, 20 February 2017



IAEA as backstop?

- “If it is not possible to come to a conclusion involving some sort of relationship with Euratom, we will no doubt be able to reach one with the IAEA ...”

Secretary of State for
Exiting the EU, 2nd
reading of Exit Bill



Research

- Maintaining and building on fusion experience and seeking alternative routes into R&D projects (JET and ITER)

Minister for Universities, Science, Research and Innovation



Industry View

- NIA would prefer to remain in Euratom, but it is vital for transitional arrangements to allow for new arrangements with Euratom, member states and third countries
- Concerns voiced on possible new build impacts



The legal mechanics

- “Great Repeal Bill” (probably different title)
- Repeal of European Communities Act 1972
- Preservation of EU law as at date of leaving
- Enabling powers to amend legislation – “Henry VIII” clause: Parliamentary scrutiny and use of “Super-Affirmative Procedure”?



White Paper on the Bill

“The Great Repeal Bill will ensure that the whole body of existing EU environmental law continues to have effect in UK law. This will provide businesses and stakeholders with maximum certainty as we leave the EU. We will then have the opportunity, over time, to ensure our legislative framework is outcome driven and delivers on our overall commitment to improve the environment within a generation. The Government recognises the need to consult on future changes to the regulatory frameworks, including through parliamentary scrutiny.


Department
for Exiting the
European Union

Legislating for the
United Kingdom's withdrawal
from the European Union

Difficulties and issues

- Sheer volume of legislation
- Much legislation may not be applicable or may require amendment
- Status of CJEU judgments – proposed that past judgments have Supreme Court status
- Devolution issues and the “Sewel Convention”

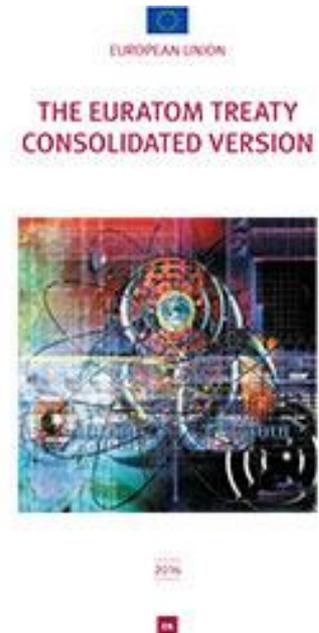


Distinguishing types of law

- Directly applicable: Treaty provisions
- Directly applicable: Regulations
- Directives transposed by primary legislation
- Directives transposed by secondary legislation under ECA 1972
- Principles: precautionary, polluter pays, etc

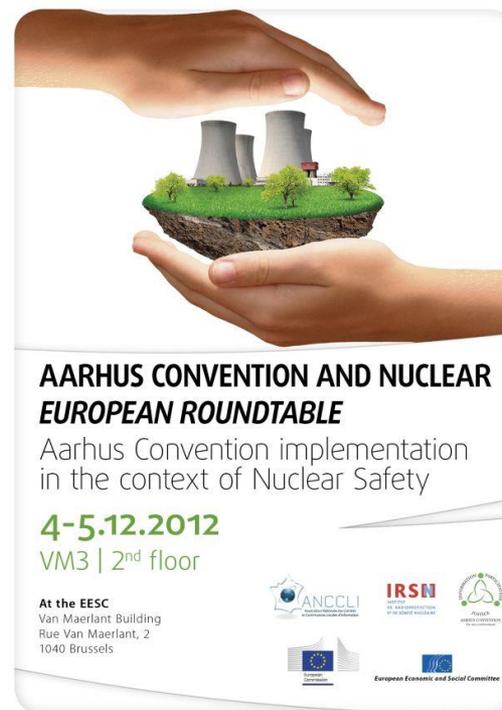
Euratom Treaty provisions

- Art 30: Basic Safety Standards
- Arts 35,36: Monitoring of levels of radioactivity and verification
- Art 37: Plans for disposal of radioactive waste
- Arts 52, 59: ESA rights
- Arts 77-83: Safeguards
- Arts 86-89: Special Fissile Materials
- Arts 101-103: External Relations



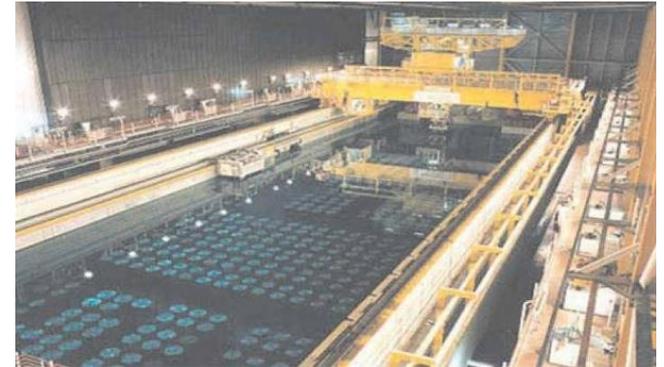
International obligations

- IAEA Treaties
- Other relevant treaties, e.g. OSPAR, Espoo, Aarhus
- However, will lack the legal force in UK courts that EU law had



Safeguards

- Probably a main area for concern because of relationship to trade in nuclear materials and fuel cycle activities
- UK has largest number of Euratom and joint inspections (after France) because of large scale industrial reprocessing
- Ongoing issue of B30 spent fuel pond at Sellafield



Research and Cooperation

- Future of JET project at Culham
- Participation in ongoing research under Horizon 2020, but on what terms?
- Constraints of Art. 7 of Horizon Regulation 1291/2013
- Participation in ENSREG (invited as observer under Art. 135?)



Questions and discussion



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