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BREXIT FROM THE REFERENCE DESK: UNDERSTANDING AND RESEARCHING THE BRITISH EXIT FROM THE EUROPEAN UNION

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ABSTRACT

The result of the British referendum on leaving the European Union came as a shock to many, and the legal, financial, and social implications of “Brexit” are being felt as far away as the United States and even Kentucky. This article presents a brief history of the UK’s role in the EU, an overview of issues that Brexit raises, and an outline of reliable free resources for librarians assisting users at all levels, from students to professionals, who are researching or working in this rapidly changing landscape.

INTRODUCTION

Following the unexpected vote to leave the European Union in the June 2016 British referendum, many have speculated about what will happen next. The command paper issued by the British Government in February 2017 presented few concrete statements about the details of the withdrawal process, although it did indicate that “wherever practical and appropriate, the same rules and laws will apply on the day after we leave the EU as they did before” (Prime Minister 9). This creates some breathing room for individuals and businesses who were

concerned about the potential for sudden and dramatic changes, but does not clarify the long-term results. The economic, social, political, and legal impact of the referendum is already becoming visible, and further upheaval seems unavoidable.

Even for Americans, the reality of a European Union that does not include the United Kingdom is likely to impact trade, finance, immigration, and employment interests in the region. Although it may all seem a long way away, it is worth remembering that the connection between our countries is quite close. For example, in 2016 the United States exported over 55 million dollars' worth of goods to the UK (*Trade*), and the US ranked as one of the "top five countries for entry visas issued to non-EU nationals" entering the UK (Donald). Kentuckians have reason to pay particular attention, since, as an August 2016 report from the Interim Joint Committee on Appropriations and Revenue in Kentucky pointed out, the "United Kingdom has traditionally been the Commonwealth's second-largest destination for exports" (33). Businesses with commercial interests in the UK will undoubtedly have questions in response to the unprecedented situation, while those in the academic sector have a unique opportunity to watch a potential turning point in European history as it unfolds.

In a situation where experienced international professionals, academics, and politicians seem uncertain about what will happen next, non-specialists and students are likely to have serious issues understanding the complexities and repercussions of the British exit from the EU. It is almost impossible to understand the complexities inherent in this situation without first understanding the UK's history with the EU. Armed with this understanding, any librarian will be able to employ the suggestions at the end of this article to find further information on the many issues related to Brexit and to advise individuals looking for insight into the rapidly changing situation.

HISTORY

A brief history of the relationship between the EU and the UK provides context for the current situation. As outlined in "The History of the European Union," the EU was established in 1951 by six founding member states in an effort to achieve a reliable peace following World War II. These countries signed a treaty to establish the European Coal and Steel Community, as a means of guarding against national control or stockpiling of the components necessary to construct weapons. Six years later, in 1957, the founding member states established the European Economic Community and expanded their cooperation into additional economic sectors. In 1973, twenty-two years after the founding of the original Community, the UK joined the organization ("History of the EU").

Throughout its time in the EU, the UK has remained somewhat removed from full inclusion. For instance, the UK has never fully joined the Schengen Area, a zone established by the Schengen Agreement of 1995, which allows for free movement of people between EU countries ("Schengen"). Similarly, the UK elected not to join those member states using a shared

currency when the Euro was introduced in 1999, and has continued to maintain a separate currency ever since.

IMPACT OF THE EU IN THE UK

Although the UK might not be as fully integrated into the EU as some countries, the impact of the EU has still been considerable. An excellent example of the EU's impact on the UK, and the difficulties involved in breaking that connection, can be seen in the microcosm of the legal sector. EU law supersedes British law in many areas, and many EU laws are directly binding across the UK. EU treaties and regulations, for example, are directly binding on all member states, while EU Court decisions are binding on the individual, group, or state addressed; issued directives point member states toward a result that must be achieved in a specified time period through whatever national measures are deemed necessary (European Commission 5). This approach results in varying methods for implementing EU law, with some EU laws being transposed or enacted through a British law that allows the country to meet an overall goal, while other EU laws never get duplicated in British legislation. In the case of EU laws with direct effect, later British laws often simply reference the original EU treaty or regulation.

The British Prime Minister has announced intentions to repeal much EU law in the UK, but this will be a complicated process (Caird). If the UK abandons EU law wholesale, then the loss of overarching legislation will cause confusing gaps in the national law. Meanwhile, some British legislation that was created to achieve goals set out by the EU, or British court decisions that hinge on a point of EU law, could have their validity called into question if the EU law is disregarded in future. The House of Commons Library has estimated that an average of 13% of British legislation is related to EU law (Miller 3), and that estimate does not take into account the impact of all EU laws with direct effect.

Laws impacted by or created under the EU cover a wide range of areas, including but not limited to: agriculture, environment, immigration, employment, trade, competition, and transport. Untangling all traces of the EU from the British legal system would be an understandably daunting task; many other sectors, such as business, finance, and agriculture, face similar situations when considering how to weed out EU characteristics.

QUESTIONS AROUND BREXIT

In addition to the complications created for the UK by a withdrawal from the EU, issues will also arise for the rest of the European Union. No member state has yet left the EU, and although the process for withdrawal is briefly outlined in Article 50 of the Treaty on European Union, the practicalities of the proceedings remain largely unknown. Various theories have been suggested and the British Government has begun working on the process, but the reality is that no one knows precisely how the process will unfold. Although the UK's withdrawal from the EU has been compared to Greenland's "withdrawal" in 1985, the scenarios are quite different, since Greenland was

included in the EU as a part of Denmark rather than as an independent member state (Poptcheva 3). Even within the UK there are questions about how the process can proceed, as was graphically highlighted in the Supreme Court decision that found that the British Government does not have the right to withdraw the country from the EU without Parliamentary consent (“Judgement” 34), an additional hurdle that the current Government was eager to avoid.

Clearly, the UK’s withdrawal from the EU will continue to be an ongoing issue for those working in or studying the region, and current information will change rapidly as this untested process is hammered out. While experienced researchers and those who specialize in foreign and international law or business undoubtedly have a host of British and European resources at their fingertips, anyone who is less experienced working in these jurisdictions may find diving into the middle of the flood of information about Brexit overwhelming. The following resources have been selected not only for their strong informative value, but also for their accessibility to non-specialists, and because they are all freely accessible online.

RESOURCES

News

For a general overview of the latest news related to the EU, EurActiv (www.euractiv.com/sections/uk-europe) provides excellent coverage of a range of issues, including the Brexit referendum. Articles are published promptly and cover current events from a variety of viewpoints, although the coverage admittedly leans toward the Euro-centric. For the perspective from within the UK, consider one or more of the British news sources, such as the BBC (www.bbc.com/news/politics/uk-leaves_the_eu), *The Guardian* (www.theguardian.com/uk-news/brexit-britain), or *The Telegraph* (www.telegraph.co.uk/brexit).

Politics

For more detailed insight into political concerns across the UK, perhaps for students or academics researching from a political science or historical point of view, the various regional Government and Parliamentary websites provide a range of official views from within the UK. For a list of links to these regional sites, see the University of Louisville Law Library’s research guide on Brexit (library.louisville.edu/current_issues/brexit).

It is worth noting that the UK was sharply divided over the referendum, causing unique problems in Northern Ireland and Scotland, where the majority of voters wished to remain in the EU. The marked difference in opinion over the referendum underscores historical tension and ongoing differences between the regions, and makes identifying a single national perspective on the issue difficult. The House of Commons Library research briefing on the referendum results (researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7639) provides a thorough breakdown of the voting trends.

EU Publications

The resources available through the EU Bookshop (bookshop.europa.eu) are extremely useful for practical commentary on a wide range of EU issues. Most of the titles are freely available to download in PDF or eBook format, and provide high-quality commentary. These resources span the entire age and knowledge range, with materials aimed at younger audiences for use in schools, side by side with specialist publications intended for legal, medical, business, and other professional audiences. Titles such as *How the European Union Works* provide a straightforward introduction perfect for high school or college students researching the various organizations and agencies within the EU, how they are structured, and how they work together to create legislation and make decisions. Titles related specifically to Brexit are grouped together in a tab on the home page, and range from a detailed overview of legal and procedural issues in *UK withdrawal from the European Union*, to more focused titles that support research into the impact on a particular sector, such as *Brexit implications for employment and social affairs*.

Laws

To find the primary legal documents produced by the EU, including the treaties governing membership and Article 50 of the Treaty on European Union, the best source is the EUR-Lex database (eur-lex.europa.eu). This is the official database for EU law, and is entirely free. The wide extent of material available on the database can make navigation difficult, and it may be necessary to use the advanced search options to find documents. For students, or anyone unfamiliar with the legal and technical jargon used in the legislation, the reader-friendly summaries that accompany many key pieces of legislation are extremely useful. A full list of Summaries of EU Legislation divided by topic is also available (eur-lex.europa.eu/browse/summaries.html). In researching Brexit, the National Transposition tab is also particularly useful, and provides an index of related national legislation where available. For example, EU directives specify a goal that all member states are required to achieve, and each member state is expected to implement measures to achieve that goal in their own nation. Using the National Transposition tab is the quickest way to identify any implementing legislation created in the UK, although a separate search of a British database is necessary to view the full text of the British law.

The British National Archive’s free database Legislation.gov (www.legislation.gov.uk) is an excellent resource to follow up on relevant British legislation identified on EUR-Lex or elsewhere. In addition to primary and secondary legislation, a great deal of supplementary material is also available under the ‘More Resources’ tab, including the transposition notes for British legislation that implements or enacts EU law.

FURTHER RESOURCES

These are only a few of the sources useful for initial research into the many issues surrounding Brexit. For a greater depth of research and additional materials, check the European

Documentation Center (www.cardiff.ac.uk/european-documentation-centre) at Cardiff University, whose European Sources Online (www.europeansources.info) service is particularly useful when looking for documents ranging from the history of the vote through potential actions in the coming years.

CONCLUSION

The above resources will prepare any librarian to assist a range of library users, from a student writing a research paper on British or EU politics and government, to a business or legal professional concerned with international trade, to even a private citizen

considering immigration for work, study, or marriage. By providing both British and European perspectives, and free points of access, these resources should help to make the flood of information about Brexit more navigable. The coming months and years will surely produce complex negotiations and complicated questions for many sectors of society, with the potential for lasting impact in both the UK and EU, and a widespread effect that will impact the US as well.

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