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Dublin City University

DCU Brexit Institute

3rd Brexit Report

23 June 2020

4 Years Since the Brexit Referendum

5 Months since the UK Withdrawal

This report was edited by the Director and the Team of the DCU Brexit Institute — Federico Fabbrini, Ian Cooper, Katherine Martin and Giovanni Zaccorini — and graphically designed by Garvan Doherty.

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Part I: Brexit

Preface

23rd June 2020 marks the third anniversary of the establishment of the Brexit Institute at Dublin City University. The publication of a new annual report of the Brexit Institute is therefore a cause for celebration for the University, and for me personally.

At the same time, this is the first Brexit Institute annual report to be published after the withdrawal of the United Kingdom from the European Union on 31st January 2020. As such, this report has a special significance.

Since its creation, exactly a year after the UK's fateful 23rd June 2016 referendum, the DCU Brexit Institute has served as a leading forum to analyse the implications of Brexit from a research and policy perspective.

As Ireland's only, and Europe's first, centre specifically established to study the UK withdrawal from the EU, the Brexit Institute has positioned itself as a key observatory, shedding light on the dynamics shaping the Brexit process, and emphasizing their sectoral implications.

This has been particularly true in the past 12 months, as the UK struggled to find a path out of the EU. This fraught process featured a domestic constitutional crisis, a renegotiation with the EU, new general elections and eventually an 'orderly' withdrawal with a transition period.

Throughout this time, the DCU Brexit Institute has provided crucial insight on the Brexit process, organizing high-level events, engaging with policy-makers and business leaders, and producing a stream of scholarly and policy publications. In particular, I want to mention the important analysis of the withdrawal agreement contained in the newly published 'The Law & Politics of Brexit, Volume 2', edited by Prof Federico Fabbrini, with a Preface by Michel Barnier and published by Oxford University Press.

The DCU Brexit Institute has continued to fulfil its mission notwithstanding the challenges posed by the Covid-19 pandemic, which has profoundly disrupted the life of people and the work of academic establishments in Ireland, Europe and the world.

The successes of the Brexit Institute are due to Prof Fabbrini's leadership, the work of his team and the contributions of numerous colleagues from across DCU. Sincere thanks must also go to our external sponsors for their support and trust. In particular, I want to acknowledge Arthur Cox, AIB and Grant Thornton, as well as the Institute's international institutional partners. With their backing, the DCU Brexit Institute has a solid foundation to continue its important work into its fourth year.

Of course, the departure of the UK from the EU on 31 January 2020 did not bring to a close the Brexit process. A stand-still transition period has started and new negotiations between the parties have commenced in earnest to sort out the framework of their future relations.

It gives me pleasure therefore to know that, as DCU continues to develop under the leadership of my soon-to-be successor, Prof Daire Keogh, the Brexit Institute will remain a crucial asset for the University, and indeed the country, as it deepens our understanding of the still unfolding Brexit story.

Professor Brian MacCraith,
President, Dublin City University

Introduction

Four years ago – on 23 June 2016 – the people of the United Kingdom (UK) voted to leave the European Union (EU). Roughly five months ago – on 31 January 2020 – the UK eventually withdrew from the EU. This event, which brought to an end almost five decades of membership and close to three years of complicated negotiations, represents a milestone in the history of European integration, with important consequences for Ireland, the UK and the EU itself.

Three years ago – on 23 June 2017 – Dublin City University (DCU) created the Brexit Institute. Since then, as Ireland's only and Europe's first centre specifically established to analyze Brexit, the Institute has served as a crucial forum to shed light on the shifts and turns of the Brexit process and prospects. And this has never been truer than in the past year – as vividly shown by this report which celebrates the 3rd anniversary of the Brexit Institute.

As will be well known to readers of this annual report – which follows the ones previously published in 2018 and 2019 – the last steps taken by the UK on its way out of the EU were anything but smooth and linear. In fact, for most of the past 12 months (and despite the emergence of new, important other emergencies – notably the Covid-19 pandemic), Brexit represented an ongoing spectacle, acting like a magnet to capture peoples' attention across the globe.

In July 2019, after the resignation of Prime Minister Theresa May, the UK Conservative Party selected Boris Johnson as its new leader. A supporter of Brexit – chosen also for his ability to ward off an electoral threat from the Brexit Party (which had triumphed in the May 2019 European Parliament elections) – Prime Minister Johnson openly embraced a confrontational stance towards the EU, seeking a re-negotiation of the backstop, and starting preparations for a no-deal withdrawal.

However, facing strong opposition in Westminster, Johnson in September 2019 decided to prorogue Parliament – precipitating one of the most severe crises the UK had ever experienced. While the UK Supreme Court declared Johnson's action as null and void, Parliament responded by passing legislation, the Benn Act, which required a further extension of UK membership in the EU unless the UK had successfully renegotiated a new deal with the EU by 19 October 2019.

Despite these defeats, in October 2019, Prime Minister Johnson succeeded in his effort to rewrite parts of the draft withdrawal deal originally accepted by Prime Minister May in November 2018. Specifically, the UK and the EU agreed to revise the Irish Protocol to the Withdrawal Agreement, crafting a Northern-Ireland only backstop: this, to avoid a hard border in the island of Ireland, created de facto a border in the Irish sea – albeit requiring periodic consent by Stormont.

The deal negotiated by Prime Minister Johnson represented a significant departure from prior UK government positions on Northern Ireland, but it was a new deal nonetheless. Yet, on 19 October 2019 the UK Parliament – wary of Johnson's real intentions – refused to vote up or down the revised exit deal. This triggered the application of the Benn Act, which required the UK government to seek another, third extension of UK membership in the EU, until 31 January 2020.

While the European Council ultimately accepted a further 3-month postponement of Brexit to avoid a no deal, Prime Minister Johnson eventually managed to break the deadlock in Parliament and go to early elections, which took place on 12 December 2019. Not least due to the profound ambiguity of the Labour Party on the Brexit issue, the vote ultimately turned into a stunning success for the Tories, who had campaigned under the slogan 'Get Brexit Done'.

With Boris Johnson returned to 10 Downing Street at the helm of the largest Conservative majority since the days of Margaret Thatcher, the UK Government swiftly moved to put forward legislation implementing the withdrawal agreement negotiated with the EU, which was adopted by the UK Parliament with a comfortable majority of 124 votes. With the Brexit deal approved also by the European Parliament and the Council of the EU, therefore Brexit eventually became real.

On 31st January 2020 at midnight Brussels time the UK formally left the EU. And yet, the departure of the UK from the EU did not really mark the end of Brexit – far from it. For a starter, the withdrawal opened a stand-still transition period, due to last at least till 31 December 2020 (but potentially extendable for one or two more years) during which the UK remains part of the EU single market and customs union, while being outside the EU institutional framework.

Moreover, right after the withdrawal, negotiations began in earnest between the UK and the EU to sort out the framework of their future relations. In fact, a Political Declaration connected to the Withdrawal Agreement had outlined the landing zone that the parties were aiming to achieve after an orderly exit. However, details on the cooperation – ranging from trade issues, to security, foreign affairs and beyond – were left to a new round of talks, which started in March 2020.

While the parties put forward very different negotiating positions, which suggested tough talks lay ahead, the explosion of the Covid-19 pandemic further complicated the plans. In fact, both the EU Chief Brexit Negotiator Michel Barnier and the UK Prime Minister Boris Johnson contracted Covid-19 – with the latter hospitalized for lifesaving treatment. This delayed the negotiations on the new UK-EU relations, and raised additional socio-economic challenges on the Brexit path.

In fact, at the time when this report was going to press in late May 2020, it was not clear yet whether the UK or the EU would seek an extension of the transition period beyond 31 December 2020 – a stance the UK had explicitly excluded in legislation but that would appear sensible, given the economic costs of Covid-19. Nevertheless, it seems clear that major uncertainties still surround the Brexit saga, even after the UK has departed from the EU.

In this context, it is not surprising that in 2019/2020 – also thanks to the support and trust of our long-standing sponsors: Arthur Cox, AIB and Grant Thornton – the Brexit Institute has grown even further in its role and reputation as a leading forum for the analysis of Brexit. In fact, as underlined by this report, in the past 12 months the Brexit Institute has served as an indispensable compass for governments, business and civil society in navigating these difficult waters.

Notwithstanding the challenges posed by Covid-19, the Brexit Institute has continued to organize a number of high-level events, analyzing the implications of Brexit on key sectors of the economy. Moreover, the Institute has produced a steady stream of top publications. Finally, the Institute has also launched new strategic partnerships and won several major external research funds – expanding its remit towards the study of the future of Europe beyond Brexit.

This annual report is a testament of the achievements of the Brexit Institute in the past year. Reflecting the wealth of initiatives undertaken by the Brexit Institute, this year's report is structured in two parts. In particular, part I of this report covers several core activities undertaken by the Brexit Institute, and focusing specifically on Brexit and its impact on the economy, politics and society (while part II assesses the work of the Brexit Institute beyond Brexit).

To this end, Part I starts with a comment by Pierangelo Rosati exploring the implications of Brexit for fintech and the Irish economy. Subsequently John Quinn examines what Brexit means for data protection. Finally, Giovanni Zaccaroni explains the consequences for the banking industry. As in previous annual reports, contributions by these authors match events which the Institute organized on these topics – but represent original essays, written specifically for the purpose of this publication.

As always, final facts and figures – with statistics of the performance of the Brexit Institute during the past year – are attached at the end of the report. In this regard, let me draw your attention particularly on the impressive amount of publications delivered by the Institute, including a new volume of *"The Law & Politics of Brexit"* I edited on *"The Withdrawal Agreement"*, published by Oxford University Press, and with a Preface by Michel Barnier.

By being more than a think-tank – due to its grounding in a University – but also more than a traditional academic department – due to its engagement with governments, business and civil society at large – the Brexit Institute is an indispensable resource to understand Brexit. And as this continues, with new uncertainty on the transition period and the framework of future EU-UK relations, the Brexit Institute will remain a trusted authority to make sense of this unprecedented story.

Prof Federico Fabbrini,
Founding Director of Brexit Institute

Brexit and Fintech

On 16 September 2019 the Brexit Institute held an event on "**Brexit, the Irish Economy and the Future of European Fintech**" hosted by Dublin Airport Central. The event was opened by Brian MacCraith (President of DCU), Dalton Philips (Dublin Airport Central) and Federico Fabbrini (Director of the Brexit Institute). The keynote speech was given by Paschal Donohoe (Minister of Finance of Ireland). This was followed by a panel discussion moderated by Samantha McCaughren (Sunday Independent), featuring Mark Harris (AIB), Deborah Hutton (Evershed Sutherland), Lory Kehoe (Consensys) and Pierangelo Rosati (DCU).

After years of discussions and negotiations, the United Kingdom (UK) finally left the European Union (EU) on 31 January 2020. Even though this is clearly a big step for the UK and for those who voted to leave in 2016, it is more formal than substantial. In fact, most uncertainties regarding the economic relationship between the UK and the EU are still unresolved leaving businesses on both sides of the sea in the same limbo where they have been for the past three and a half years.

One of the key economic concerns of the UK government is to preserve the role of London as the financial hub of Europe. In 2018, the financial services industry in the UK employed approximately 1.1 million people and contributed more than £130 billion (6.9% of total economic output) to the UK GDP. Furthermore, the UK has also attracted a remarkable number of Financial Technology (fintech) start-ups in recent years thanks to a unique combination of an innovative regulatory regime, venture capital availability, and the presence of large financial players to partner with. Some of these start-ups have become global players (see, for example, Revolut) already but this market is expected to keep growing at an annual growth rate of 24.8% up to 2022, providing undeniable opportunities for a number of companies and for the UK economy.

In light of the figures just mentioned, it comes as no surprise that fintech and, more generally, financial services have been constant items on the agenda of the negotiations. However, with just a few months to go before the end of the transition period (31 December 2020), two key points related to the cross-border commercialisation of financial services and the future growth of the industry still remain unresolved: licensing and talent acquisition.

Financial providers based in any EU country are authorised to conduct the same business throughout the EU without the need for additional licenses. This is called *passporting* and it is designed to reduce barriers to internationalisation within the EU. UK firms had been able to leverage their passporting rights to access the entire EU market until January 2020 but now that the UK departure from the EU is official, things are about to change.

Once the transition period is over, cross-border financial trades will be based on equivalence arrangements. Under these agreements, foreign financial providers can access the EU market if their home country's regulatory arrangements are deemed equivalent to (or closely aligned with) those of the EU. However, equivalence is not the same as passporting and it represents a source of uncertainty that fintech companies, and financial services providers more generally, cannot ignore.

In this context, uncertainty is mostly related to two points. Firstly, equivalence has not been granted to the UK yet and the time to complete the assessment has varied significantly in the past; indeed, for some countries it took several years.

Given that the UK has been a member state until recently, the two regulatory regimes are likely to be closely aligned but equivalence cannot (and should not) be taken for granted until the assessment has been completed. Secondly, the equivalence can be revoked by the EU with a 30-day notice. This implies that equivalence per se will not end uncertainty as any future change in the UK or EU regulatory regimes could lead to a revocation of the equivalence assessment. This is clearly not sustainable in the long term. The UK has been trying to negotiate the development of a more structured processes for revoking equivalence, but this has led, so far, to a deadlock as the EU reiterates its position that equivalence can be withdrawn unilaterally. The negotiation is still ongoing and things may change in the near future. However, those financial providers with deep-enough pockets to afford it have applied for a license and moved part of their operations to another country within the EU.

With regard to talent acquisition, the UK immigration regime will play a critical role in shaping the future of the industry. Access to a skilled workforce is challenging in these innovative domains. The growing demand for fintech skills has been filled by attracting a significant number of workers from overseas. The UK government has been trying to increase the pipeline of UK graduates in this sector. However, this is unlikely to satisfy the growing demand and the future development of the fintechindustry heavily relies on a carefully planned immigration policy.

A number of countries have benefitted from the spill-over effect generated by the prolonged negotiation and uncertainty related to the UK withdrawal from the EU already – Ireland, Germany and France above all. While the outflow of capital and workers from the UK will probably continue to some extent, the UK is likely to remain a key financial hub in Europe and an attractive platform for start-ups thanks to the good trade relationship that it has with the US and other Asian fintech hubs like Singapore. In one way or another, some elements in the EU/UK fintech landscape are going to change and the extent of this change will heavily depend on the outcome of the current negotiations. The situation is still fluid and it is important that financial providers keep monitoring the situation closely and try to be agile in responding to the upcoming market and regulatory changes.

Pierangelo Rosati,
Assistant Professor in Business Analytics, DCU

Brexit and Data Protection

On 17 October 2019 the Brexit Institute hosted the event **"Brexit and Data Protection"** at the Talent Garden-DCU Alpha. This was also the occasion for the launch of the new MA Program in "Data Protection and Privacy Law." The event was opened by a keynote speech by Helen Dixon (Irish Data Protection Commissioner), who was introduced by Professor Federico Fabbrini (Director of the Brexit Institute). This was followed a panel discussion, moderated by Susan Daly (the Journal), featuring John Quinn (DCU), Mike Harris (Grant Thornton), Colin Rooney (Arthur Cox) and Prof. Tuomas Ojanen (University of Helsinki). The event was concluded by a keynote speech by Peter Hustinx (first European Data Protection Supervisor), followed by a reception.

After the UK's exit from the EU on 31 January 2020, the EU and UK are currently negotiating their future relationship during a transition period due to end on 31 December 2020. During this period, the UK will follow EU rules but once it ends the UK will no longer be subject to EU law or be bound by decisions of the EU institutions. In the data protection context, the General Data Protection Regulation (GDPR) regulates data protection within the EU and continues to apply in the UK until the transition period ends. At that point, data protection will be regulated solely by UK law and the GDPR, as an EU regulation, will no longer apply in the UK.

According to the Information Commissioner's Office (ICO) guidance on Brexit, the British government intends to incorporate the GDPR into UK law from the end of the transition period. According to the ICO, the current default position is that at the end of the transition period the GDPR will be brought into UK law as the "UK GDPR" and would operate alongside the existing legislative rules contained in the Data Protection Act 2018. Therefore, unless this position changes during the transition period, the rules set out in the GDPR for the protection of personal data, the rights of data subjects and the principle of consent will continue to apply in the UK. However, while there may be initial legal alignment at the end of the transition period, a divergence in data protection rules seems inevitable as the UK will no longer be subject to decisions of the two primary harmonising EU authorities on data protection: the Court of Justice of the European Union and the European Data Protection Board (EDPB).

Divergence on data protection principles and interpretations of the GDPR seems inevitable as different cases are heard in the different

jurisdictions and the different courts are guided by different constitutional frameworks. For example, post-Brexit, there will no longer be a fundamental right to data protection in the UK as provided for in Article 8 of the EU Charter of Fundamental Rights of the European Union. This may prove important when data protection principles must be balanced against other interests such as commercial interests or rights to freedom of expression and access to information. When the UK courts become the final arbiter of data protection law in the UK, it may result in a very different interpretation of the content of the GDPR compared to what emerges from Luxembourg.

Similarly, the EDPB and the ICO are likely to diverge in their supervisory and enforcement capacities as they respond to the different needs of their relative jurisdictions and as lines of communication between the bodies are greatly reduced. Under EU law, the EDPB can issue binding decisions where conflicts arise between supervisory authorities. Thus, the EDPB possesses a quasi-judicial function serving to harmonise the approach to data protection across the EU. Post-Brexit, the ICO will become the sole supervisory authority and is likely to diverge, in at least some contexts, from the decisions of the EDPB.

Perhaps the most important aspect of Brexit and data protection are the consequences for data transfers. The EU operates an adequacy framework which allows data to be freely transferred to jurisdictions outside the EU that have been deemed to have adequate levels of data protection by the European Commission. It is possible that an adequacy decision will be reached as part of the negotiations during the transition period. However, the fastest time the Commission has adopted an adequacy decision is 18 months with the process sometimes taking several years. The process requires a detailed inquiry into the extent of data protection in the country, an opinion from the EDPB, and approval from representatives of EU countries before the final approval by the Commission. Completing this process before the 31 December 2020 deadline will be challenging.

In the absence of an adequacy decision, data can only be transferred from the EU to the UK if appropriate safeguards are adopted by the data exporter or if specific derogations exist. The different safeguards outlined in the GDPR are: (i) Standard Contractual Clauses (ii) Binding Corporate Rules and (iii) a Code of Conduct. While these safeguards allow for data to be transferred without an adequacy decision, it would place an additional burden on persons and entities engaged in the transfer. Therefore, it is likely that the UK will be keen to secure recognition of the adequacy of its data protection framework so that data flows between the UK and the EU will not be affected by Brexit.

The UK's adoption of the "UK GDPR" will not necessitate that it will be deemed adequate. Membership of the EU provided the UK with effectively a presumption of compliance with the requirements of EU law on data protection. Leaving the EU removes this presumption and the standards of UK data protection law and the practices of the ICO will have to be verified as adequate by the Commission. The most likely obstruction to a finding of adequacy is the UK's Investigatory Powers Act 2016, which allows for broad interception and communications acquisition powers greatly limiting the privacy rights of individuals. The bulk-data collection allowed by the Act was considered to be unlawful by Advocate General Campos Sánchez-Bordona on 15 January 2020 in his Opinion in Case C-623/17 Privacy International and Joined Cases C-511/18 and C-512/18.

A decision on adequacy is likely to form an important part of the negotiations during the transition period. However, it remains unclear as to whether the Commission will be willing to grant such a decision. In addition to state surveillance concerns, the likelihood of future regulatory divergence between the UK and the EU is also likely to be an important consideration for the Commission. If no adequacy decision is arrived at, data transfers to the UK could become significantly more problematic.

John Quinn,
Assistant Professor of Law, DCU

Brexit and Banking

On 30 January 2020, the Brexit Institute held an event on **"Brexit and Banking"** hosted by AIB. The event was opened with welcoming remarks by Simon Scroope (AIB). The event featured a keynote speech by Sir Jonathan Faull (former Head of the European Commission DG FISMA), who was introduced by Federico Fabbrini (Director of the Brexit Institute). This was followed by a panel discussion chaired by Gavin McLoughlin (Newstalk) and featuring Volker Baas (GSK Stockmann), Dr Valia Babis (Legal Counsel, Bank of England), Brian Corr (Department of Finance), Hilary Gormley (AIB) and Dr Giovanni Zaccaroni (Brexit Institute).

The relationship between Brexit and banking is a complex one. Prior to the Brexit referendum, several voices were raised within the banking and financial sector on the possible consequences for the EU and UK financial markets. However, as often happened during the Brexit process, they remained unheard.

Banking is contextualised within the EU legislation regulating, in particular, free movement of services, with regulations on cross border payments falling within the narrower free movement of capital.
As a general matter the liberalization of services has lagged behind the other three of the "four freedoms" (goods, persons, capital). When the transition period ends, on 1 January 2021, the UK will begin a new phase in perfect alignment with EU rules. However, after that point it will start to elaborate its own position on banking and financial services, and hence to diverge from the EU position. A considerable part of the legislation regulating the banking sector is based on international standards (the Basel standards) which will continue to be applicable to the UK after Brexit. However, it is clear that the UK and EU have different approaches to the regulation of the banking sector. The UK approach – more pragmatic at first sight – is focused on outcomes, while the EU approach is focused on the rules themselves.

Now, the question is how the EU and the UK will negotiate their common future on banking and financial services. The banking sector, in particular, is governed by EU rules on free movement of services and of capital. The UK wants to forge a new approach to banking in as much as the EU wants to protect its position. As a consequence, regulation is likely to diverge. However, how much of this divergence will be actually implemented? That is a matter that, again, has to be negotiated. If before the 1st of January 2021 there is no agreement, the EU state-of-the-art will be the only regulation available. The EU and the UK have very different approaches to this situation, but they will have to depart from this starting point. Of course, banking regulation is very well integrated not only at supranational, but also at international level. This will make it easier for the sector to be regulated, if compared with other, more controversial sectors.

Banking and financial services are important but are also dependent on many other issues that will be at the heart of the negotiation (for instance, fishing, agriculture, and security). Nothing prevents the access to the EU banking and financial services market being used as a bargaining chip by the European Commission against the UK government, to obtain the relaxation of intransigent positions in other fields. It must be taken into account, as well, that the EU banking and financial landscape is very different from the UK banking landscape. Europeans have a multi-centred financial services sector with many EU capitals playing different roles in the financial market, while, of course, London itself is one of the financial giants of the world. In this sense, the bargaining power of the UK is still considerable, as there is a mutual interest for both parties to maintain the continuity of the status quo. This is different from what happens in other fields, such as free movement of persons.

The impact that Brexit is likely to have on the banking and financial sector is also positioned within the broader debate on the future of the economic and monetary union without the UK. Not being a Euro Member State, the UK has always been a great adversary of furthering political integration at the level of budgetary capacity of the EU institutions. Now that the UK is no longer part of the bloc, the EU Member States will have to show whether and to which extent they are committed to further integration of economic policies. It seems, from the signs that are coming from the Eurogroup and from the European Council, that a common European response to the challenges posed by a common economic policy is far from being achieved.

To this it must be added that, given that the current Covid-19 outbreak has diverted a considerable amount of energy and political attention away from Brexit, the challenge on trade negotiation will need to be met in record time. As is widely known, trade negotiations usually need years, not months, to be completed. The outcome will be certainly a mixed agreement, implying that the ratification process will be shared by the EU and its Member States. This means that the agreement will be ratified according to the constitutional rules of the EU countries involved, and this will considerably complicate the picture, as it will take further time. Eleven months for a comprehensive trade agreement would indeed be extraordinarily fast: that is why Brussels says that it will be most likely impossible to have an agreement within that timeframe. When the time of in-depth negotiations comes, it seems clear that goods will be easier to be dealt with rather than services; for this reason banks, which are after all service providers, should pay close attention to the negotiations in the months ahead.

Giovanni Zaccaroni,
Research Fellow, DCU Brexit Institute


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IRELAND
With the support of the Erasmus+ Programme of the European Union
BRIDGE
Brexit Research and Interchange on Differentiated Governance in Europe
Jean Monnet Network

Part II: Beyond Brexit

Preface

The withdrawal of the United Kingdom from the European Union on 31 January 2020 was a rupture in the progress of European integration. The implications of Brexit for the European project remain unclear, but that uncertainty emphasises the value which the DCU Brexit Institute brings to the exploration of that uncharted horizon.

Since the publication of its last report, in June 2019, the DCU Brexit Institute has expanded its research capacity significantly, by creating large consortia of international partners, funded by EU institutions and national governments to explore the Future of Europe beyond Brexit.

The Institute leads a major Jean Monnet Network entitled BRIDGE ('Brexit Research and Interchange on Differentiated Governance in Europe'). This project, funded by the EU Erasmus+ programme, brings together scholars from DCU, the University of Bolzano/Bozen, the University of Copenhagen, and the Central European University, to examine how the combination of Brexit, the Euro crisis, the migration 'crisis' and the rule of law crisis, will reshape European integration. In particular, this research will explore the dynamics of differentiated governance in the EU and its neighbours.

Significantly, too, the DCU Brexit Institute has also joined with the German-Italian Centre for European Excellence, at Villa Vigoni, in an ambitious research project sponsored by the Bundesministerium für Bildung und Forschung (BMBF), Germany's Federal Ministry of Education and Research. This project, which focuses on the future of EU governance, will explore the fragilities of the EU institutional architecture – as vividly exposed in the context of the multiple crises the EU has faced since Brexit – and develop policy avenues for EU reform in the context of a new EU institutional cycle.

Engagement has remained a hallmark of the DCU Brexit Institute, and the fruits of this research have been informed by, and disseminated through, an ambitious programme of events in Ireland and across the continent. I am very grateful to the director of the Institute, Prof Federico Fabbrini and his research team and I wish to acknowledge our institutional partners, Arthur Cox, Allied Irish Banks, and Grant Thornton. Their support has enabled the DCU Brexit Institute to become a leading centre of expertise on European affairs.

I congratulate the Institute on the achievements reflected in this, its third, annual report. As chair of the DCU Brexit Institute Advisory Board, and President-designate of DCU, I wish you every success for the year ahead and look forward to continued engagement with scholars and stakeholders.

Professor Daire Keogh,
Deputy President, Dublin City University

Introduction

The Brexit Institute at Dublin City University is Ireland's only and Europe's first centre specifically established to analyze the implications of Brexit from a research and a policy perspective. Since its establishment in 2017, the Brexit Institute has become a leading forum to analyze and debate the process of withdrawal of the United Kingdom (UK) from the European Union (EU).

However, the Brexit Institute has never been exclusively focused on Brexit only. Rather, its remit has always included the analysis of European affairs more broadly – and over the years it has significantly established itself as an authoritative voice in the debate on the Future of Europe. This has become particularly evident in the past 12 months, when a lot has happened in the EU, and a lot has been done by the Brexit Institute to make sense of it.

For the last year has been a remarkable one for the EU in many ways. While the UK was struggling to find its way out the EU – which eventually happened on 31 January 2020 – the EU had to weather a broad array of other legal, political and socio-economic crises, and went through a number of institutional transformations which are likely to shape profoundly the form and direction of European integration in the years ahead.

First, following the European Parliament (EP) elections in May 2019 – in which, remarkably, the UK still participated due to the postponement of Brexit – the EU entered a new institutional cycle, with the appointment of a new leadership team at the helm of the European Commission, European Council and European Central Bank designed to steer the EU ship forward at 27 after the first withdrawal in the history of European integration.

However, the process wherein the President of the European Commission was chosen – abandoning the Spitzenkandidaten logic used in 2014 in which the post would be given to the lead candidate of the party gaining the most EP seats – created profound tensions in the inter-institutional relations between the EP and the European Council, which ultimately led to the delayed entry into office of the new Commission (on 1st December, rather than on 1st November 2019).

Second, besides Brexit, the EU was faced with the recrudescence of old crises – as well as with the emergence of new crises – which profoundly tested the unity of its member states and the ability of its governance system to act. To begin with, like a déjà vu of the migration crisis, in February 2020 the EU faced new difficulties in handling a sudden influx of asylum seekers from war-torn regions, seeking to cross the border between Turkey and Greece.

Moreover, the EU struggled to address the ever-growing dynamic of rule of law and democracy backsliding which intensified in states like Hungary and Poland. While the European Court of Justice in 2019 and 2020 delivered a series of crucial rulings stopping national efforts to undermine the independence of the judiciary or the media, efforts to rein in rising authoritarianism were thwarted in the Council of the EU, where no progress was made on Article 7 proceedings.

At the same time, the EU had also to deal with the legacy of the euro-crisis, with patterns of economic divergence in different regions of the Eurozone. This situation significantly complicated efforts to complete Europe's Economic and Monetary Union (EMU), with proposals to introduce a fiscal capacity and a European deposit guarantee scheme which, despite nominal support from member states, have not yet been achieved due to unbridgeable national policy preferences.

In fact, all the above was exacerbated by a third dramatic development: namely the explosion of the coronavirus – a new, severe acute respiratory syndrome, known also by its medical acronym Covid-19, which has resulted in the largest pandemic the world has experienced, at least since the 1918 Spanish influenza. Originally emerging in China in late 2019, the virus spread across the globe, leading towards unprecedented governments' action in the effort to stop contagions.

Covid-19 turned out to be a major tsunami for the EU, deepening pre-existing cleavages between member states and accelerating ongoing constitutional dynamics of polarization. On the one hand, Covid-19 was exploited by illiberal democracies to further backslide on the rule of law and entrench their absolute power – with

Hungary adopting legislation in late March 2020 which allowed the government to rule indefinitely by decree. On the other hand, Covid-19 exposed divisions among EU member states on how to tackle the health emergency, and particularly how to reconstruct the EU economy. In fact, while the EU institutions cobbled together a response to the pandemic, in April 2020 member states in the European Council dithered and delayed the establishment of a Recovery and Reconstruction fund designed to pump money into a devastated EU and EMU economy.

At the time when this annual report was going to press, in late May 2020, an ambitious proposal had been put on the table by France and Germany to establish a Recovery Fund. However, it was not clear yet how member states would cope with Covid-19 – and whether therefore the pandemic would result in greater integration, or rather into new pathways towards formal or informal disintegration. What is clear however is that the future of Europe after Brexit remains a very much open process, which requires attentive analysis. In 2019/2020 the Brexit Institute consolidated its role as a privileged observatory on European affairs. In fact, while the European perspective had always been one of the most distinctive features of the Brexit Institute – as confirmed also by the recurrent requests I have received from the EP Constitutional Affairs Committee to write in depth studies about the EU's future – in the past 12 months the Institute won several major internationally-funded projects focusing on the future of Europe, and significantly pivoted its work in this direction.

First, in summer 2019 the Brexit Institute won a large grant from the European Union Erasmus+ programme as the lead team of a Jean Monnet Network project called BRIDGE (Brexit Research and Interchange on Differentiated Governance in Europe). The project, which also involves the Universities of Bolzano/Bozen, Copenhagen and Central European University, runs for 3 years and represents the largest grant funded in Ireland in 2019 under the Jean Monnet Activities.

BRIDGE – which was launched at a large conference held at the Brexit Institute in October 2019 – is designed to examine Brexit together with the other crises the EU has been facing, namely the euro-crisis, the migration crisis and the rule of law crisis. Its aim is to explore the interplay between these processes, and to reflect on how they shape the future of European integration, including dynamics of differentiated governance.

Second, in autumn 2019, the Brexit Institute also won another significant grant in partnership with the German Italian Centre for European Excellence at Villa Vigoni for another multi-annual research project sponsored by the Bundesministerium für Bildung und Forschung (BMBF), Germany's Federal Ministry of Education and Research, for a project focusing on the fragility of the EU institutional order and its reforms.

The project – which was launched at an event held in Dublin in December 2019, on the new EU institutional cycle – is designed to explore the future of EU governance in comparative perspective, with particular attention to paid questions of institutional design and the role of inter-governmental decision making, and as such presents several points of contact with BRIDGE, creating positive synergies and further maximizing the role of the Brexit Institute in this field.

Third and finally, the Brexit Institute has also added its voice on the debate about Covid-19. In this space, and leveraging the expertise of legal scholars working under the aegis of the DCU Law Research Centre, the Brexit Institute has explored the implications of measures adopted to respond to Covid-19 on the protection of human rights, including putting together applications for further research funding.

This annual report gives due recognition to funding successes, international initiatives and research output of the Brexit Institute with regard to the future of Europe, the new EU institutional cycle as well as Covid-19 – with gracious acknowledgment of the support of our public sponsors. In fact, as mentioned, the whole Part II of this report is precisely focused on the initiatives of the Brexit Institute beyond Brexit (while Part I assessed the work of the Institute specifically related to Brexit).

Part II starts with a contribution by Ian Cooper, who outlines the BRIDGE project and its intellectual framework. This is followed by a short piece from Matteo Scotto – our trusted counter-part at Villa Vigoni with whom the Brexit Institute manages the BMBF-sponsored project – where the topic of EU governance is addressed. Finally, Edoardo Celeste & Rebecca Schmidt assess the issue of Covid-19, and its impact for the EU, the UK and their future relations.

As always, final facts and figures are attached at the end of the report, this time giving specific information also on the international projects that the Brexit Institute, with its international team of researchers, has carried out over the past 12 months. In this regard, let me also draw your attention to the new website of the BRIDGE Network (bridgenetwork.eu), which includes a podcast series, as well as to a map of the locations around Europe where the Institute will hold its next BRIDGE events.

As the Brexit Institute moves into its fourth year of existence, therefore, it is in no shortage of plans! As an authoritative research and policy centre, with a natural European perspective, the Brexit Institute is increasingly projected beyond Brexit, and as such will continue to serve as a reliable partner and source of references for public authorities, private organizations and other academic entities world-wide to explore the future of Europe, beyond Brexit and Covid-19.

Prof Federico Fabbrini,
Founding Director of Brexit Institute

Brexit and Differentiated Governance

On 30-31 October 2019 the DCU Brexit Institute hosted the **BRIDGE Network Kickoff Conference**, in collaboration with the BRIDGE partner institutions the Free University of Bozen-Bolzano, the University of Copenhagen and Central European University. The Conference began on October 30 with a keynote speech by Ed Sibley (Deputy Governor of the Central Bank of Ireland). This was followed by four Seminars spread over two days. Seminar 1 was chaired by Gerry Kiely (Head of the European Commission Representation in Ireland), featuring Federico Fabbrini (DCU), Stefania Baroncelli (Bolzano), Helle Krunke (Copenhagen) and Renata Uitz (CEU). Seminar 2 was chaired by Maura Conway (DCU), featuring Ian Cooper (DCU), Orsolya Farkas (Bolzano) and Sune Klinge (Copenhagen). Seminar 3 was chaired by Ian Cooper (DCU) and featured Simon Drugda (Copenhagen), Anna Krisztián (EUI), Sose Mayilyan (DCU) and Magdalena Smieszek (CEU). Seminar 4 was chaired by Iain McMenamin (DCU) and featured Bruno de Witte (EUI), John Erik Fossum (ARENA, University of Oslo), Susan Rottman (Özyeğin) and Pier Domenico Tortola (Groningen). The Conference concluded with a high-level policy dialogue, moderated by Federico Fabbrini, featuring Ernst Hirsch Ballin (Professor of Law and former Minister of Justice of the Netherlands) and Julie Smith (Reader in European Politics and Member of the UK House of Lords).

Even prior to the health crisis that engulfed Europe in early 2020, the continent has for a decade been afflicted by one crisis after another. The euro-crisis, which peaked in the first half of the 2010s, came close to breaking apart the single currency. The wave of migration that peaked in the middle of the decade severely tested European solidarity and the Schengen system creating a zone of free movement without border controls. During the same decade the Rule of Law crisis erupted in Hungary and Poland, which saw democratic backsliding and attacks on judicial independence and independent civil society institutions, which in turn threatened the legal foundations of the EU. Finally, from 2016 onwards the EU was roiled by Brexit, which culminated in the UK's formal departure in January 2020, the first time a member states has ever left the bloc.

These four crises – the euro-crisis, migration, the Rule of Law crisis and Brexit – are the analytical focus of the Jean Monnet Network called BRIDGE (Brexit Research and Interchange on Differentiated Governance in Europe). The BRIDGE Network is a multidisciplinary group of researchers who aim to investigate the interconnection between Europe's crises, and to explore whether new forms of differentiated governance could provide a pathway to a post-crisis EU.

Why were these four crises chosen instead of, for example, the climate crisis, which arguably poses an even more urgent threat to the European way of life? The reason is that the climate crisis, like Covid-19, is a problem that is irreducibly global in scale. These four crises are, by contrast, genuinely European problems requiring European solutions. All four are to some extent endogenous (i.e. generated from within). While some may have been triggered by an outside event (e.g. the 2008 financial crisis in the USA, a sudden inflow of refugees from the Middle East), they became acute crises for the EU when they exposed internal weaknesses in the EU's governance structures. Furthermore, each of these crises posed or continues to pose a fundamental challenge to the political, economic, and legal order of the EU. The Euro-Crisis and Brexit raised the possibility of a contagion that could break apart the Union itself; and the other two crises threatened fundamental values – the Rule of Law, respect for human rights, and freedom of movement – on which the Union is founded.

It is a working hypothesis of the BRIDGE Network research programme that these four crises, which have unfolded contemporaneously, have influenced one another and therefore should be studied jointly. However, it is likely that the nature and extent of the mutual influence of these four crises varies considerably. Furthermore, to discover this variation is a matter for empirical research. If you imagine each crisis as a separate entity, which may influence and be influenced by each of the three others, then there are twelve possible avenues of influence. Breaking down the relationship between the four crises in this way provides a first sketch at a framework for analysis for the research agenda of the BRIDGE network.

BRIDGE is a multi- and inter-disciplinary research network that embraces methodoligical pluralism. It would be inappropriate and futile to make the members of the network conform to a single approach to the subject matter. Similarly, no attempt is made here to give a precise definition to the four crises which are under study, because to do so would in effect pre-empt the analysis of the researchers. Each "crisis" – and we recognize that the word itself is contested – is elastic, whether with respect to time (its start- and end-date), space (which countries are affected) and scope (the material extent of the policy fields affected). On the other hand, it is useful to set out an analytical framework that is open and flexible enough to accommodate the research contributions and help them to fit together in a coherent way. This will ensure that the members of the BRIDGE network will be asking similar questions, even if their research yields quite different answers.

These four interconnected crises have now been aggravated by the scale of the Covid-19 pandemic which hit Europe hard in the spring of 2020. In the Eurozone, the severe economic shock brought by Covid-19 prompted the European Central Bank, the Commission and the European Council to put together fairly massive economic rescue packages, but it remained uncertain whether these would be sufficient to rescue the European economy from the brink. Furthermore, the terrible North-South divide that had plagued the EU at the height of the euro-crisis over the question of whether to create a mutualized debt instrument, i.e. "Eurobonds," was renewed in the debate over "coronabonds" to finance the post-Covid-19 recovery. Meanwhile, the Schengen system of open borders, which had already been tested by the migration crisis, ceased to function altogether as the member states imposed restrictions on freedom of movement to contain the virus. Migrants crammed together in refugee camps, often in unsanitary conditions, remained particularly vulnerable to an outbreak of Covid-19. And the health crisis gave would-be autocrats an opportunity to erode the rule of law still further. So it was, for example, in Hungary, where the government used Covid-19 as an excuse to suspend parliament and to rule by decree indefinitely. And finally, Covid-19 severely disrupted the post-Brexit negotiations over the new future relationship between the UK and the EU when not only UK Prime Minister Boris Johnson but also the lead negotiators for the two sides, David Frost and Michel Barnier, were all sickened by the virus. This made it increasingly implausible that an agreement could be struck by the end of 2020 as planned.

The above indicates that particularly in the era of Covid-19, it is vital to research the intereconnection between Europe's four crises, all of which have been exacerbated by the public health crisis. This dynamic actually tends to confirm the working hypothesis of the BRIDGE network that crises have a tendency to influence and compound one another. Covid-19 has just superimposed an even more acute crisis on top of those already afflicting the EU.

Ian Cooper,
Research Fellow, DCU Brexit Institute

Brexit and the Future of Europe

On 12 December 2019, the Brexit Institute held an event on **"Brexit and the New EU Institutional Cycle"** hosted by Grant Thornton. It was organized in partnership with the German-Italian Centre for European Dialogue at Villa Vigoni, with the support of the European Parliament Information Office in Ireland. The event featured a keynote speech by Dr Hans–Gert Pöttering, former President of the European Parliament. This was followed by a panel discussion chaired by Gráinne Ní Aodha (The Journal) featuring Dr. Veronica Corcodel (DCU), Amb. Michele Valensise (President of Villa Vigoni, German-Italian Centre for European Dialogue and Former Secretary General of the Italian Ministry of Foreign Affairs), James Temple Smithson (Head of the European Parliament Information Office in Ireland) and Professor Joachim Fischer (University of Limerick).

The European Union (EU) has entered its new five-year institutional cycle at a time of great turbulence. Beyond the ongoing emergency of coronavirus, at the constitutional level, the EU is dealing with Brexit – the unprecedented process whereby the United Kingdom (UK) is leaving the EU – and facing a growing threat to its foundational values as a result of the authoritarian drift at play in a number of Central & Eastern European member states. At the policy level, the EU is still grappling with the legacy of the euro- and migration-crises, and the partial/idiosyncratic responses to them, which have produced deep divisions in the functioning of Europe's Economic & Monetary Union (EMU) and its Schengen zone. And at the political level the EU is witnessing the rise of populist political forces which are hostile to European integration – not just in peripheral nations, but also in core, founding member states.

A new multi-annual research project called "Fragile Orders: The Future of EU Governance in Comparative Perspective" has been jointly launched by Villa Vigoni and the DCU Brexit Institute. The purpose of the research project is to analyze to what extent the EU system of governance – that is, its mechanisms of decision-making – is fit for purpose, and thus able to tame the centrifugal tendencies at play in the EU. To this end, the project endeavors to study how the EU institutions, party system & constitutional structures impact on continental integration – by comparing the EU with other compound/federal/multinational polities.

While the intergovernmental challenges that the EU is facing are certainly specific, they are not unique. Rather, as a union of states and citizens, the EU is experiencing new dynamics which are also found in other federations or multi-national states. In particular, Switzerland, UK, Canada and the United States have not been immune from constitutional and political transitions that led to a new institutional balance. All these political systems had to face and are still today facing challenges which undermine their unity and integrity, by calling into question the distribution of competencies among different levels of government. Historically, the strongest centrifugal pulls had to be weathered by the United States: there, a civil war had to be fought to settle the question of whether component states can secede from the Union. Nevertheless, even in post-bellum America tensions between the federal government and the states, and between the states themselves, have remained legion. Moreover, centrifugal pulls have been at play in Switzerland as well: in 1848 the Swiss Constitution put an end to the Sonderbund War between Catholic Cantons (Sonderbund) and the Swiss Confederation formed by liberal and progressive Cantons. After a renovated constitutional settlement, Switzerland and the United States have followed two models integration: the former towards a confederation of Cantons, the latter towards a federal union.

Compared to Switzerland, UK, Canada and the United States, the EU is a much younger political system, which committed sixty years ago to building a peaceful and democratic union after decades of wars and violence on European soil. Between the signing of the Treaty of Rome in 1957 and the failure of the Treaty establishing a Constitution for Europe in 2005, there were very few moments that put the

European project really at risk. The consolidation of the European Economic Community, with the exception of the Empty Chair Crisis of 1965 followed by the Luxembourg Compromise of 1966, developed within a permissive consensus among the population. The major steps of European integration, namely the establishment of the Single Market, the introduction of a common currency and the Enlargement of 2004, received general approval both in Europe and outside the continent. It seemed that after the first era of internal reconciliation, the EU was heading towards a second era of deeper political unification by systematically shifting competencies to the EU level and by strengthening supranational institutions like the Commission and the European Parliament. Today, under new external pressures and threats, the EU has to find new forms of cooperation among its Member States in strategic policy areas in times when further supranationalization of competences is seen with skepticism by many national governments. On the contrary, most of the Member States have a preference for the intergovernmental method, where decisions are taken by consensus, the unanimity principle is respected and interests of all the actors are guaranteed. By taking inspiration from others and yet by finding our own way of integration, it is of utmost urgency that the EU find a new balance between what Luuk Van Middelaar calls the Europe of States, the Europe of Citizens and the Europe of Offices, in order to guarantee proper protection and progress for European citizens.

Our joint project has profound policy relevance. The EU is in the midst of a reflection about its future – a process started during the euro-crisis, catalyzed by the Commission White Paper on the future of Europe for the 60th anniversary of the Rome Treaty and recently relaunched by leaders like Emmanuel Macron. However, most reform proposals avoid the question of governance. Instead, if it is true that alternative governance arrangements have a bearing on the EU's ability to govern in crisis, governance reforms should be at the center of any reflection on the future of Europe, particularly as a result of the implications of Brexit. As such, the project would also develop policy proposals to improve EU governance by advancing innovative ideas, connecting to other initiatives to reform the EU, including the ongoing plan to set up a Conference on the Future of Europe.

Matteo Scotto,
Research Fellow, Villa Vigoni

Brexit and Covid-19

On 11 June 2020 the Brexit Institute hosted a live webinar on "**Brexit, Covid-19 and the Transition Period.**" The event was opened with by remarks of Stefaan De Rynck (European Commission Negotiating Task Force on EU-UK Relations), introduced by Federico Fabbrini (Director of the Brexit Institute). The event continued with a round-table discussion featuring Edoardo Celeste (DCU), Colin Hunt (CEO of AIB), Michael McAteer (Managing Partner of Grant Thornton) and Cian McCourt (Head of Corporate at Arthur Cox), moderated by Shona Murray (Euronews).

Recent satellite pictures of Europe depict a scenario never seen before. The busiest European airports have become quiet grass fields. Vibrant metropolises are unusually deserted and silent. However, human life has not ended. It is hidden. It pulses in our houses, and flows impetuously in the virtual world.

When individual mobility rights are restricted in the physical reality, our existence migrates to and flourishes in the digital space, in this way exposing us to the multiple threats that information and communication technologies may generate to our fundamental rights. This contribution will analyse this twofold effect of the outbreak of Covid-19, focusing in particular on the impact of containment measures imposed by EU member states on freedom of movement and on the risks of using mobile applications to combat the spread of the pandemic for the protection of our privacy and personal data.

The spread of Covid-19 led national governments in the EU to make unprecedented restrictions on freedom of movement, such as the reintroduction of border controls, suspension of international means of transportation, entry and exit bans, and broad travel warnings.

These measures affect a number of core principles of EU law. First and foremost, the free movement of persons, as enshrined in Article 3(2) TEU, the Schengen Agreement and the Free Movement Directive. Both Schengen and the Free Movement Directive allow restrictions under certain circumstances. In its Articles 25 and 28 the Schengen Borders Code permits the reintroduction of border controls in specific cases. Those cases usually relate to public security threats, though a public health emergency might be covered by these provisions as well. Nonetheless, any such measure must be applied as last resort, be strictly necessary and be proportionate. The Free Movement Directive directly allows for restrictions of the right of entry or residence based on public health considerations. Article 29 specifically foresees the case of an epidemic as defined by the WHO. However, here too, measures taken need to comply with further requirements under EU law, particularly EU fundamental rights; and current restrictions affect fundamental rights significantly. Specifically affected is the right to free movement as enshrined in Article 45 of the EU Charter of Fundamental Rights.

Linked to this are a significant number of other rights ranging from the right to family life (Articles 7 and 33), the right to seek asylum (Article 18) access to health care (Article 35) or non-discrimination (Article 21). Limitations of these fundamental rights are possible as long as they are provided for by law and respect the essence of these rights (Article 52). Importantly, limitations must also be proportionate, meaning that they must be appropriate to meet the intended aim and necessary, such that there is not a less intrusive measure available to achieve the intended outcome. In the beginning, strict measures seemed to be the only possibility to decrease the spread of the virus, protect healthcare systems from being overburdened and thus save countless lives. However, as the pandemic progresses and we learn more about the virus, an assessment regarding necessity and proportionality must be re-evaluated.

At the time of writing the future of the restrictions of freedom of movement remains as uncertain as the development of the pandemic itself. Countries have started easing some of the lockdown measures internally and as summer holidays approach, voices advocating for less restrained cross border travel grow louder. Some unique measures such as travel corridors and special security measures for tourists are discussed. Their feasibility and legality, however, remain uncertain.

The restriction of mobility rights has certainly been one of the main drivers pushing towards an increased use of digital technology during the Covid-19 pandemic. Even after the gradual lifting of mobility restrictions, technology will continue to play a significant role, not only as a source of information and means of communication, but even as an instrument to fight the spread of the virus. In the phase of relaxing containment measures, mobile applications offering contact tracing and warning functionalities can help limiting the transmission of the disease from individuals who have tested positive for Covid-19.

However, these apps are currently subject to intense debate in Europe due to their potential risks to individual privacy and data protection. In a nutshell, the main fears are related to the possibility that similar instruments can be used to track the position of individuals, to monitor their social interactions, to store sensitive health data, to reuse data for other purposes such as law enforcement, and as a justification to impose longer-term mass surveillance regimes.

At EU level, one can lament a certain delay in providing a coordinated and adequate response to similar conjectures. It was only on the 8th of April that the EU Commission announced the imminent creation of a common toolbox on the use of digital technology to combat the spread of Covid-19, stressing that a lack of coordination in the deployment of similar apps could also significantly impact the functioning of the single market.

On the 15th of April, the eHealth Network adopted a first series of recommendations to design contact tracing apps in the EU, followed a few days later by detailed guidelines from the Commission and from the European Data Protection Board. Reading these different documents together, the response of the EU to the fears of incumbent mass surveillance in Europe is clear. The GDPR and the ePrivacy Directive

prohibit the bulk collection, access and storage of health data and location data. What contact tracing apps can do is the processing of proximity data, i.e. information about the likelihood of virus transmission based on the epidemiological distance and duration of contact between two individuals. National health authorities should play a primary role, possibly as data controllers, in order to deprive private companies of the power to define the purpose and the means of data processing. Last, but certainly not least from an EU perspective, contact tracing apps should be interoperable, and thus able to properly work in a context where cross-border movements are resumed. Only in this way can digital technology be simultaneously at the service of public health, facilitating freedom of movement and respectful of the rights to privacy and data protection.

Edoardo Celeste,
Assistant Professor in Law, DCU

Rebecca Schmidt,
Assistant Professor in Law, DCU

DCU Brexit Institute Facts and Figures

People

Since 2017 the Brexit Instititute has had:

7 Researchers

3 Administrators

10 Interns

6 Visiting Researchers

Country of Origin:

Expertise:

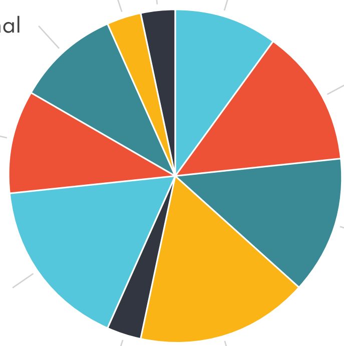
Law

Politics

Economics

Keynote Speakers

60



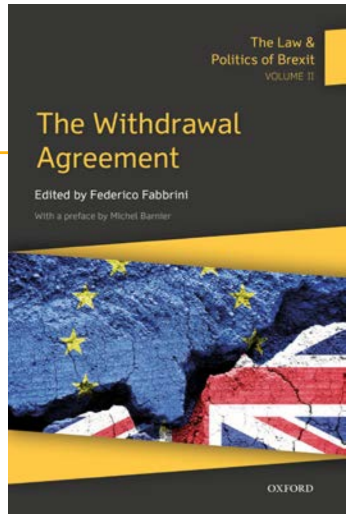
Events 2019/2020 6

Economic Sectors Covered 10

- Brexit and Agri-Food
- Brexit and Aviation
- Brexit and Financial Services
- Brexit and International Development Cooperation
- Brexit and Banking
- Brexit and Data Protection
- Brexit, Customs and Trade
- Brexit, Medicine and Public Health
- Brexit, Climate and Energy Policy
- Brexit and Fintech

Publications 2019/2020 160

1 Book



146 Blog Articles

1 Journal Special Issue

12 Working Papers

1 European Parliament Report

Media

Weekly appearances on print/online/radio/TV

In September 2019, the Brexit Institute had the following performance based on statistics provided by DCU Communications & Marketing.

2,141,067
Estimated readers

€141,530
PR Value

Social Media

Twitter

Average Twitter readership/views per month

September 2019	50,000
October 2019	85,000

Facebook

People reached/posted views in October 2019

230

Blog Reach/Website Reach

5000 website views per month

International Project

BRIDGE

Brexit Research and Interchange on Differentiated Governance in Europe

DCU Brexit Institute

CEU CENTRAL EUROPEAN UNIVERSITY

UNIVERSITY OF COPENHAGEN

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Università Liedia de Bulsan

With the support of the Erasmus+ Programme of the European Union

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BRIDGE (Brexit Research and Interchange on Differentiated Governance in Europe) is a three-year (2019-2022) Jean Monnet Network funded by the European Union's Erasmus+ programme. It brings together scholars from across Europe to share knowledge and ideas on how to address some of the toughest challenges facing the continent. Coordinated by the Brexit Institute at Dublin City University (Ireland), the consortium also includes the University of Copenhagen (Denmark), Central European University (Hungary) and the Free University of Bozen-Bolzano (Italy).

The primary aim of BRIDGE is to understand how one key challenge facing the EU – Brexit – is interconnected with other contemporaneous challenges – the Euro-crisis, Migration, and the Rule of Law crisis – in order to find common overarching solutions. It will explore the development of new forms of differentiated governance, which are authority structures that operate below the EU-level (governing some but not all EU member states) and above it (also involving associated non-EU-member-states, such as the post-Brexit UK).

BRIDGE facilitates a series of public events allowing scholars to share their research with one another and engage in broader debate about these issues with key decision-makers and the general public. The research findings of BRIDGE will be disseminated both through traditional academic publication channels (books, articles, working papers) and also new channels (blogs, podcasts, print and broadcast media, social media) to reach the widest possible audience. The consortium will also create a Massive Open Online Course (MOOC) on Governance in Post-Crisis Europe that will reach thousands of students.

The BRIDGE network will promote European integration by generating and disseminating knowledge of and solutions to the EU's most pressing problems.

BRIDGE Statistics

38 Blog Articles

11 Podcasts

3 Working Papers

5 Country Reports

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Social Media

Blog Reach/Website Reach

2000 website views per month

International Engagements

The Brexit Institute together with Villa Vigoni, German-Italian Centre for the European Dialogue, has won funding in 2019 for a multi-annual project funded by the Bundesministeriums für Bildung und Forschung (BMBF), Germany's Federal Ministry of Education and Research, to study the EU system of governance in comparative perspective. Villa Vigoni is a bilateral Italian-German institution jointly managed and financed by the German Ministry for Education and Research and the Italian Ministry for Foreign Affairs and International Cooperation.

VillaVigoni

Federal Ministry
of Education
and Research

International Prizes

Charlemagne Prize
ACADEMY

In November 2019, Prof. Federico Fabbrini, the founding director of the Brexit Institute, was awarded the Charlemagne Prize fellowship for research, in recognition of his work on the Conference on the future of Europe.

@dcu_brexit_inst
E: brexit.institute@dcu.ie
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