



Biomedical Alliance in Europe

20 September 2019

Brexit and its consequences for healthcare and health research

On 23 June 2016, a small majority (52%) of the British population voted to leave the European Union in a referendum. More than three years later, negotiations on the 'Brexit' are still ongoing and the planned date for the UK's exit has been postponed to 31 October.

As negotiations for future cooperation have not been concluded, it is unclear what the future framework for cooperation will look like. No country has ever left the EU before; therefore, we can only make an educated guess at what the consequences of Brexit may be. However, the UK government released a prediction of potential effects and stakeholders have expressed concerns.

No-deal Brexit

The planned Brexit date is 31 October. If the UK and the EU do not reach an agreement by then, and they do not agree on an extension of the negotiations either, a no-deal Brexit occurs¹. This means that all existing agreements and frameworks for cooperation are abruptly ended and there are no rules governing e.g. import, export, the movement of people, the flow of data, market authorisation and social provisions².

Consequences for healthcare

- In the case of a hard Brexit, agreements on **cross border health care provision** will be suspended, in the sense that UK citizens will no longer be able to freely access healthcare in the EU and vice versa. This may particularly affect patients living in border areas (e.g. Northern-Ireland and the Republic of Ireland) but also UK citizens travelling or studying in the EU and EU citizens in the UK.
- According to the UK Government³, the controls on cross-border trade will be established on the first day of a no-deal Brexit. This can slow down the transportation of goods and may have an effect on the **availability of medicines**, particularly those with a short shelf life that cannot be stockpiled.
- The mutual **recognition of academic qualifications** may be impacted depending on the agreements.

¹ While UK Members of Parliament passed a law, which is supposed to block a no-deal Brexit scenario on 31 October, experts have claimed that it does not completely rule out a no-deal Brexit.

² See the UK Government's Yellowhammer document on potential consequences of a no-deal Brexit: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831199/20190802_Latest_Yellowhammer_Planning_assumptions_CD.L.pdf

³ See the UK Government's Yellowhammer document on potential consequences of a no-deal Brexit: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831199/20190802_Latest_Yellowhammer_Planning_assumptions_CD.L.pdf



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- The placing on the market of **medical devices** may also be affected, for example in the sense that the UK Notified bodies are no longer allowed to assess conformity of medical devices with EU medical devices regulations⁴.
- If there is no agreement on the **flow of data**, the exchange of personal data between the UK and the EU is disrupted. This can impact e.g. international research, clinical trials, registries and European Reference Networks.

Horizon Europe

- Some of the best universities of Europe are located in the United Kingdom and researchers participate actively in Horizon 2020 and IMI. Since Article 50 (two years before the proposed exit date was triggered), UK participation in IMI projects and Horizon Europe Consortia has already decreased⁵.
- Researchers on both sides of the canal stressed the benefit of continued UK participation in Horizon Europe projects. Research Commissioner Carlos Moedas also argued that he would fight for having the UK 'on board' for Horizon Europe⁶.
- Participation in Horizon Europe is open to non-EU member states under certain conditions. Nonetheless, the ongoing negotiations and the uncertainty on the future UK-Brexit relations make it hard to predict the exact scope of UK participation in Horizon Europe. Other aspects that may influence whether the UK will join as a third country are the extent of the financial contribution and whether it will have a say in defining priorities⁷.

European Reference Networks

- In 2018, a EURACTIV article claimed that UK participation in European Reference Networks (ERNs) may be impacted by Brexit⁸. ERNs play an important role in the care for rare diseases by providing a framework for international cooperation between EU countries in treating rare and complex diseases.
- The United Kingdom participates in 23 of 24 European Reference Networks (ERNs). Continued participation will support⁹ better care for rare disease patients in both the UK and the EU.

⁴ TUV SUD, How Brexit will impact manufacturers and importers of medical devices and In Vitro Diagnostics <https://www.tuvsud.com/en/e-ssentials-newsletter/healthcare-and-medical-devices-essentials/e-ssentials-1-2018/how-brexit-will-impact-manufacturers-and-importers-of-medical-devices-and-in-vitro-diagnostics>

⁵ Usman Kahn from the European Patients Forum argued at a European Parliament event on 12 September 2019 that

⁶ Science Business: 'Moedas: 'I will fight for having the UK on board' in Horizon Europe' <https://sciencebusiness.net/framework-programmes/news/moedas-i-will-fight-having-uk-board-horizon-europe>

⁷ ScienceBusiness: 'Conference report: what non-EU countries want from Horizon Europe' <https://sciencebusiness.net/framework-programmes/news/conference-report-what-non-eu-countries-want-horizon-europe>

⁸ EURACTIV: 'EU and UK patients with rare diseases in Brexit limbo' <https://www.euractiv.com/section/health-consumers/news/eu-and-uk-patients-with-rare-diseases-in-brexit-limbo/>

⁹ NHS: European Reference Networks, <https://www.england.nhs.uk/commissioning/spec-services/highly-spec-services/ern/>



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Next steps

The planned Brexit date is 31 October. It is unclear yet how negotiations will progress and whether there will be an extension of the negotiations, and for how long. While both EU member states and UK MPs would like to avoid a no-deal Brexit, it could in theory still occur.

Background

Negotiations for the UK's withdrawal started in March 2017 after former Prime-Minister Theresa May formally requested that the UK would leave the EU¹⁰. Originally, the United Kingdom was supposed to leave on 29 March 2019. However, negotiations were quite complex, and the two parties have failed to conclude a 'withdrawal agreement' up to now. The EU insisted that there should first be an agreement on the withdrawal or separation from the EU, before agreements on future cooperation are negotiated.

The issues complicating negotiations revolved around the amount of money that the UK will have to pay due to long standing commitments to contribute to EU funds, the future rights of EU and UK citizens living abroad and, most importantly, the status of the border with Ireland. To preserve the Good Friday agreements, a hard border between the UK and Ireland should be avoided. The UK leaving the EU internal market thus significantly complicates matters.

The former UK government and the EU negotiated a draft withdrawal agreement which was rejected by UK Members of Parliament. The major issue was the Irish 'Backstop', ensuring that there would not be visible or invisible barriers at the UK-Irish border by keeping the UK in the EU customs union and Northern-Ireland complying to some rules of the internal market. This backstop would come into effect if there would not be an agreement on the future relation by the end of the transition period. However, UK MPs did not consent as there was no set end date proposed and the UK would in fact remain within the customs union until an agreement is concluded.

¹⁰ For more background information on Brexit, see the BBC's Brexit guide <https://www.bbc.com/news/uk-politics-32810887>