

Practical considerations for lawyers  
in a post-Brexit landscape

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A very, very nasty divorce?



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The process for withdrawal

- **ARTICLE 50, TREATY ON EUROPEAN UNION**
  - Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements
- Treaties and all existing directly applicable EU law would cease to apply to the UK from when withdrawal arrangements come into force or failing that, within **2 years** of notification.



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## Contracts

- Help clients to “future proof” contracts
  - **Force Majeure** – Would EU Exit constitute a force majeure? List this as an event outside a party’s control to prevent a breach?
  - **Hardship clauses** – Permit a renegotiation of terms if agreement becomes unprofitable or commerciality of deal is substantially affected.
  - **Definition of EU** – Is there a definition of territorial application and will this therefore be affected?
  - **Currency clauses** – Brexit could create uncertainty around currency.



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## Litigation & Insolvency

- Choice of **law/jurisdiction**
  - Lugano/Brussels Conventions – cross-border application and enforcement
  - Cross border recognition of Insolvency Proceedings – implication of “COMI”
- **Enforcement** of Judgments
  - European Enforcement Orders
  - Cost
- Courts no longer bound by CJEU decisions



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## Employment & Immigration

- **Employee protection**
  - European Collective Redundancies Directive
  - TUPE
  - Working Time Directive
- Impact and application of **CJEU decisions**
- **Immigration** and free movement across EU



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## Regulation & Compliance

- Data Protection
- IPRs
- Competition



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