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## **Brexit and Regulation: Alignment with the EU Is Now a Practical Reality**

A major new report from the Constitution Society and the Federal Trust, released on 18 June, suggests that despite promises to “take back control” and diverge from EU rules, the UK is increasingly aligning with the European Union.

In *Brexit and Regulation*, experts Professor Catherine Barnard and Joël Reland chart UK regulatory policy since the 2016 referendum. They quickly demonstrate that in practice the EU and the United Kingdom are drawing closer together as a result of ongoing dependence on the EU market, capacity constraints and a lack of direction-setting in government and Whitehall. Regulators are frequently taking the path of least resistance and adopting EU standards to improve the flow of goods and services.

Despite early ambitions for widespread divergence and a sweeping overhaul of retained EU law, meaningful regulatory change has instead been limited, the report’s authors argue. Where changes have occurred, they have often been technical or symbolic.

*Brexit and Regulation* reveals shifting political attitudes and their impact on UK/EU regulatory arrangements. While early post-Brexit governments attempted to prioritise divergence, under Labour, alignment is seen as a pragmatic response to poor economic performance. Whether through active, voluntary measures like those contained in the Product Regulation and Metrology Act, or in so-called ‘dynamic alignment’, where the UK is formally subject to EU legislation in selected areas, the economic consequences of Brexit now appear to be pushing the government towards a closer relationship with Europe. With questions over the Labour Party’s future leadership, could the rate of this change increase further?

Commenting on the report, Director of the Constitution Society Professor Andrew Blick said:

*“Ambitions for Brexit included a radical reshaping of the UK’s regulatory environment. A bonfire of red tape was predicted by many. Brexit and Regulation demonstrates something quite different is happening, though. The reality of trade, geography and economic interdependence means that regulatory divergence has proven harder and less desirable than many had imagined. How the government deals with this reality, and the political pressures that come along with it, will shape the constitutional future of the United Kingdom for decades to come.”*

The experts conclude that in the 10 years since the UK voted to leave the EU, economic pressure to align with the European Union has driven government decision making over regulation. This, in turn, raises difficult questions about how much regulatory autonomy the UK is willing to cede in exchange for any future preferential access to the single market.

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*Brexit and Regulation* is available online from 07:00 GMT, 18 June 2026 at:  
<https://consoc.org.uk/publications/brexit-and-regulation/>

An embargoed copy of the report is attached to this email.

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