Brexit lessons from France's ten-day week

A curious incident in French history highlights the potential risks of diverging from European standards and regulatory requirements as the UK negotiates its way out of the European Union. Steve Brambley, Gambica's director of public affairs, outlines some of the possible pitfalls.

In 1793, the Revolutionary Calendar was adopted in France, in celebration of the establishment of the First Republic and the new "era of liberty". Free from the shackles of history and convention, the calendar introduced new names for the days of the week and for the months. But the changes were not only cosmetic, they were more fundamental; the week was now 10 days long, a month was three weeks, and then five or six complementary days followed to make up a solar year. In addition, a day was 10 hours long with 100 minutes in the hour and 100 seconds in a minute.

Clockmakers suddenly had to adapt their products to this new French standard – but only until 1795, when decimal time was abandoned. By 1801, the days of the week had reverted to the Gregorian Calendar and the whole thing was abolished by Napoleon in 1805.

Why do I mention this slice of history? For me, it's a great example of what can happen when a nation introduces a change in standard to a widely-accepted convention. Change can often be a good thing, but going it alone has its risks.

As we enter the period of negotiations between the UK and EU on the terms of exit, there are a number of themes that crop up regularly in our conversations with government representatives. One of those subjects is that of regulation and the standards that provide the basis for compliance.

On the one hand, we are often asked by government if we can identify any opportunity for removing or reducing regulation that was previously mandated by being part of the European Union. On the other hand, we find ourselves often making the point that any business that exports to the EU (or sells to UK customers that export to the EU) will need to continue to adhere to EU product regulations regardless of changes in UK law. There are also many other global regions, such as the Middle East or Africa, that specify CE marking as a requirement for their market.

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There are several risks related to any potential divergence of UK and EU regulation. Although the European Union (Withdrawal) Bill (formerly known by the unofficial title of the Great Repeal Bill) will bring all EU laws onto the UK books, this is only a one-time action. On Day 1 nothing has changed, but Day 2 could bring actions that cause a difference between the UK and the EU requirements.

It isn't only the risk that a UK government may remove or reduce our regulatory requirements. The EU could introduce new legislation or changes to existing legislation, some of which is planned several years ahead of introduction; there are currently measures that are being decided now but will not come in to force until after we have left the EU.

A common response is that manufacturers will simply produce to the "higher standard" and that this will be fine for all markets. As is often the case, it is more complex than that. In product regulation and standards, changes are often not simply to increase levels by 5%, but can be more fundamental. Think about left-hand drive vs right-hand drive cars, or three-pin vs two-pin plugs – you can't make a product that simply meets the higher requirement, you either make two versions of your product, or an adapter. Either of these options adds cost, complexity and inconvenience.

Businesses that have a major EU export market may decide not to make a version for the UK market. We may find it difficult to import products if we have a unique requirement to the rest of the world. Another potential scenario is that if a divergent EU regulation was considered more stringent than the UK, we could become a dumping ground for products that no longer comply with EU limits.

There is much to negotiate between the UK and the EU, so our position has been to call for a five-year transition period for product regulation to ensure there is no divergence in the period to 2024. From that point, any regulatory change in the UK or EU will need a case-by-case consultation, but the general position is to mirror product regulation to avoid a revolutionary calendar scenario.■

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