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Political rhetoric vs practical reality of ‘Taking Back Control’: is the UK’s agri-food sector ready to break free from EU standards in the global arena?

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ABSTRACT

In the vortex of the Brexit discourse, the phrase ‘taking back control’ emerged as a resonant mantra, encapsulating a desire for enhanced sovereignty and self-direction. Despite its widespread usage and political importance, the phrase’s practical implications remain underexplored in academic literature. This study introduces a novel analytical framework that conceptualises the notion of taking back control as an outcome of de-Europeanisation and aims to analyse its practical implications. It uses two case studies, Pathogen Resistance Treatment (PRT) or ‘chlorinated chicken’ and neonicotinoid pesticide bans, to investigate the intricate interplay between political aspirations and economic realities in the UK’s attempt to diverge from EU standards. It reveals that the process of ‘taking back control’ is not a straightforward assertion of sovereignty but is mediated by complex negotiations that consider the trade-offs between regulatory autonomy, market access, and environmental and health standards. The findings underscore the persistent influence of the EU on the UK’s regulatory landscape and the strategic considerations that underpin the UK’s approach to de-Europeanisation. This study contributes to the broader discourse on Brexit by offering empirical insights into the practical challenges and opportunities that the UK faces as it redefines its regulatory standards in the global political economy.

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KEYWORDS Agri-food governance; Brexit; Brussels effect; de-Europeanisation; taking back control

Introduction

The United Kingdom’s (UK) departure from the European Union (EU), commonly known as Brexit, represented a pivotal shift in the geopolitical

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landscape of the country. Throughout the Brexit discourse, the phrase ‘taking back control’ emerged as a resonant mantra, encapsulating a desire for enhanced sovereignty and self-direction (Gamble, 2018). Leading figures in the campaign wielded the phrase as a compelling narrative of regulatory autonomy and the ambition to redefine the UK’s global role. The current Prime Minister, Rishi Sunak, described Brexit as a ‘once-in-a-generation opportunity for our country “to take back control” of its destiny’ (Sunak, 2016). Boris Johnson, in the aftermath of the EU-UK TCA negotiations, announced: ‘We have “taken back control” ... We will be able to set our own standards, to innovate in the way that we want’ (UK Government, 2020). Despite the widespread usage and political significance of the phrase in shaping the narrative around Brexit, its practical implications remain largely underexplored in academic literature.

Recent scholars have used the concept of de-Europeanisation as a theoretical framework to examine the potential regulatory relationship between the UK and the EU post-Brexit (Armstrong, 2018; Burns *et al.*, 2019; Gravey & Jordan, 2023; Greer & Grant, 2023; Wolff & Piquet, 2022). However, many of these studies do not fully consider the range of factors that may influence the UK’s decision to dismantle EU regulations. External elements such as the ‘Brussels effect’ (Bradford, 2020; 2012) and other global standards often subtly influence these decisions but are not sufficiently incorporated into these analyses.

This article addresses these gaps in the literature by conceptualising ‘taking back control’ as an outcome of de-Europeanisation. The article presents an interconnected framework to explain the mechanism and the outcome of de-Europeanisation in the post-Brexit context. The first part of the framework builds on Copeland (2016), Burns *et al.* (2019), and Gravey and Jordan (2023) by incorporating the ‘Brussels Effect’ and global drivers as key determinants of decisions regarding de-Europeanisation. This integration offers a more holistic understanding of how internal and external factors interact, offering a novel perspective on the de-Europeanisation literature. The second part builds on Wolff and Piquet’s (2022) model by delineating between short-term and long-term decision-making processes and distinguishing between ‘passive’ and ‘active’ dismantling. This distinction is crucial for understanding the intent and extent of de-Europeanisation, as it acknowledges that the UK’s approach to diverging from EU regulations is not monolithic but varies across time and policy areas.

The article uses two contentious regulatory issues concerning the agri-food sector – pathogen resistance treatment (PRT) and neonicotinoid pesticide bans – to provide empirical insights into the challenges and opportunities facing the UK as it navigates its new regulatory landscape. The agri-food sector was selected due to its unique position, characterised by its significant economic contribution, its regulatory intensity, and its historical

entanglement with the EU (Daugbjerg & Swinbank, 2007). For instance, the Common Agricultural Policy (CAP) has long exemplified agricultural exceptionalism, granting the sector a unique status that intertwines economic, social, and environmental objectives (Daugbjerg & Swinbank, 2016). This entrenched position makes the agri-food sector a critical area for examining the practical implications of ‘taking back control’.

The article contributes to the academic discourse on Brexit and de-Europeanisation by introducing a new analytical framework that acknowledges the persistent influence of the EU on post-Brexit Britain and highlights the role of global ambitions in shaping the agri-food regulatory landscape. It also provides a fresh conceptualisation of the notion of ‘taking back control’, viewing it as an outcome of the de-Europeanisation process. This offers a new perspective to understand the practical implications and realities of this politically charged phrase. Lastly, the empirical analysis of two key regulatory issues in the agri-food sector offers practical insights into the challenges and opportunities that the UK faces as it attempts to redefine its regulatory standards post-Brexit.

De-Europeanisation, the Brussels effect, and the global political economy

De-Europeanisation has gained significant prominence in contemporary EU studies as the demand to reverse the domestic impacts of Europeanisation or to prevent the uploading or downloading of EU practices at the national level increases (Gravey & Jordan, 2016; Müller *et al.*, 2021). Early de-Europeanisation scholarship focused mainly on EU member states and candidate countries (Yilmaz, 2016). However, the Brexit referendum in 2016 sparked a surge in studies using de-Europeanisation to explain and understand the future relationship between the EU and the UK, its ‘former member’ (Burns *et al.*, 2019; Copeland, 2016; Gravey & Jordan, 2023; McGowan, 2023; Wolff & Piquet, 2022).

Copeland (2016) formulated the first analytical framework to elucidate the processes and outcomes of de-Europeanisation within the UK. He argued that the extent of centralisation and the level of public support were the primary determinants of de-Europeanisation in the UK. Burns *et al.* (2019) proposed an alternate analytical approach, using ‘policy dismantling’ to examine the factors that propel or hinder de-Europeanisation in the UK. They identified the ‘capacity’ to modify or innovate EU policies as a crucial determining factor. Gravey and Jordan (2023) refined Copeland’s (2016) and Burns *et al.*’s framework by introducing an additional factor – the level of centralisation. They posited that it would be more challenging to dismantle policy areas that are devolved, given their large veto points, compared to more centralised ones with fewer veto points.

Despite these advances, all the existing models consider only internal dynamics, prompting a revisit to Smith's (2021) question about whether de-Europeanisation is solely an internal process. This limitation is emphasised by the fact that although many studies recognise that 'Brexit does not signify the end of the EU's influence on British public policies' (Burns *et al.*, 2019; Gravey & Jordan, 2023; Wolff & Piquet, 2022, p. 513), they fail to incorporate this insight as an explanatory factor. The 'Brussels Effect' has emerged as a theoretical concept to elucidate the EU's unilateral power to influence non-member states and regulate global markets (Bradford, 2020, 2012).

According to Bradford (2020), the Brussels effect emerges because of the dynamic interplay among stringent EU regulations, market dynamics, and the vested interests of multinational firms in adopting such standards worldwide. The EU, through its rigorous regulatory frameworks, sets high standards that multinational companies find pragmatic to adopt universally, rather than maintaining different standards for different markets. This leads to a *de facto* global standardisation that aligns with EU regulations, thereby extending the EU's regulatory influence on non-member countries.

The concept of path dependency is also crucial in the post-Brexit regulatory landscape in understanding how the Brussels Effect might continue to influence the UK's regulatory frameworks. Pierson (2000) highlights that path dependency involves increasing returns, where the benefits of staying on a particular path rise over time, making alternative paths less attractive. Mahoney (2000) elaborates further on it by introducing 'critical junctures' – decisive moments that set a path, which becomes self-reinforcing, making change harder. This concept thus applies to the post-Brexit scenario, where the UK's longstanding integration into the EU's *Acquis Communautaire* has shaped its regulatory standards and the expectations of various stakeholders (Daugbjerg & Swinbank, 2007).

Also, the initial framing and narrative of the 'taking back control' was centred on securing regulatory autonomy and positioning the UK as a major independent player in the global economy. This also implies that, aside from the bilateral relations, the UK will also compete with the EU and the rest of the world in the global arena. This global competition involves complex trade negotiations, power play, and adjustment to multilateral agreements (Egan & Webber, 2023).

Moreover, much of the earlier research on post-Brexit relations between the UK and the EU emphasised a binary outcome, comprising disengagement and de-Europeanisation (Burns *et al.*, 2019; Copeland, 2016). However, Wolff and Piquet (2022) suggested that Brexit does not signify the end of Europeanisation but rather the commencement of a process that necessitates thorough examination. They introduced the new concepts of 'continued engagement' and 're-engagement' to account for the diversity of changes and continuities post-Brexit. While this approach provides valuable insights,

it does not sufficiently address the fluid and evolving nature of policy development that characterises the UK's post-Brexit journey. It also lacks the metrics to measure the extent of de-Europeanisation. This article addresses these gaps in the literature by introducing a new framework that effectively captures the temporal aspects and varying degrees of de-Europeanisation.

Refined analytical framework

This article develops an interconnected framework to represent de-Europeanisation as a process and an outcome. The first part of the framework represents the *explanans* detailing the independent variables that influence the de-Europeanisation process, and the second illustrating the *explanandum*, which is the outcome of these influences manifested in various 'take-back' scenarios. The framework comprises of four key *explanans* (independent variables): actor preferences, internal institutional factors, the Brussels effect, and global drivers and constraints.

Actor preferences in the model encompass the motivations and deterrents influencing policy actors' involvement in policy dismantling. The decision to align or dismantle EU regulations in the agri-food sector is contingent upon the perceived costs and benefits of various stakeholders. As Bauer and Knill (2012, p. 37) explain, 'these costs and benefits are subjective perceptions held by political actors rather than objective measures'. Furthermore, by adopting an actor-centred approach to policy formulation and implementation (Scharpf, 2018), the decision to dismantle will hinge upon the strength of the advocacy coalition among different stakeholder groups (Jenkins-Smith *et al.*, 2018).

Internal institutional factors within the framework encompass domestic institutional capacity, governance arrangements, norms and values that could affect the dismantling decision. Burns *et al.* (2019) assert that the absence or weakness of UK-level capacity can determine whether de-Europeanisation occurs or if the UK disengages from the EU. Gravey and Jordan (2023) also highlight the importance of governance arrangements in affecting dismantling decisions. For instance, they argue that devolving powers to devolved administrations may open up multiple routes for de-Europeanisation, because these regions may have different priorities and interests regarding EU policies and integration (Gravey & Jordan, 2023).

Additionally, incorporating the Brussels Effect (Bradford, 2020) into the framework enriches the analysis by recognising the EU's role as a global regulatory hegemon. It acknowledges the impact of EU regulations on non-EU countries and highlights its normative power in shaping international regulations. Particularly, in the context of Brexit, the decades of EU membership resulted in integrating numerous EU regulations into UK law, which has

created a degree of path dependency, making it challenging to disentangle from EU regulations completely (Burns *et al.*, 2019). Also, the new EU-UK bilateral agreements that govern the post-Brexit relationship include provisions to maintain a level playing field. These historical relationship and current arrangement make the UK more connected to the EU market, and as such, makes the Brussels effect crucial in this discussion.

Furthermore, the global drivers and constraints domain comprises a range of factors, including global standards set by international organisations and potential free trade arrangements with non-EU countries. International standards and regulations established by organisations such as the World Trade Organization (WTO) and Codex Alimentarius Commission significantly shape the global regulatory landscape. After Brexit, the UK has to negotiate its trade agreements with both the EU and other WTO members. Thus, the global rules and regulations set by the WTO, including sanitary and phytosanitary (SPS) measures, technical barriers to trade (TBT) arrangements and other dispute settlement mechanisms, act as both drivers and constraints shaping the UK's trade policies post-Brexit.

The second part builds on Wolff and Piquet's (2022) post-Brexit pathways to develop a five-tiered analytical framework (see Table 1) that incorporates temporal dimensions. The integration of temporal dynamics into policy analysis is well-established in the literature, recognising that policy outcomes can vary significantly over time (Howlett & Cashore, 2009). This recognition leads to the separation of short-term and long-term decision-making processes in the framework, acknowledging that immediate policy reactions may differ from long-term directions.

Additionally, unlike Wolff and Piquet's (2022) model's binary depiction of dismantling decisions, this framework makes a distinction between 'passive' and 'active' dismantling. This categorisation is derived from the policy dismantling literature, which distinguishes between different intensities and forms of policy change (Bauer *et al.* 2012) and helps to measure the intensity of de-Europeanisation. The longer-term decisions are categorised into 'future engagement' or no 'future engagement'. The *explanandum* is manifested in various take-back scenarios, categorised into five types:

1. **No Take-Back (No Dismantling, Future Engagement):** This category signifies a situation where there is no dismantling of existing EU-related policies and regulations. It involves continued participation in EU programs or initiatives and the maintenance of institutional structures related to EU policy implementation.
2. **Interim Take-Back (Passive Dismantling, Future Engagement):** Here, there is a passive dismantling of EU-related policies and regulations, which may involve a reduction in enforcement. However, there is an intention or commitment for future engagement, signifying that the changes

Table 1. Post-Brexit ‘Take-Back’ scenarios.

	(Short Term) Dismantling Type	Long Term (Future) Engagement	Expected Outcome
No Take-Back	No Dismantling	Future Engagement	• Continuation of EU policies and regulations within the short term. • Maintenance of the existing institutional structures related to EU policy implementation. • Expectation of future engagement with the EU.
Interim Take-Back	Passive Dismantling	Future Engagement	• Dismantling of some aspects of EU policies and regulations in the short term. • Maintenance of institutional structures related to EU policy implementation, but with less attention in the short term. • Anticipation of future engagement with the EU.
Arbitrary Take-Back	No Dismantling	No future engagement	• No dismantling of existing EU policies and regulations. • Maintenance of institutional structures related to EU policy implementation. • No anticipation of any future engagement with the EU.
Systematic Take-Back	Passive Dismantling	No future Engagement	• Dismantling of some aspects of EU policies and regulations in the short term. • Gradual erosion of institutional structures related to EU policy implementation. • No expectation of future engagement with the EU.
Complete Take-Back	Active Dismantling	No future Engagement	• Immediate dismantling of EU-related policies and regulations. • New policies are enacted that directly contradict or undermine previous EU-related policies. • No anticipation of future engagement with the EU

are temporary or transitional. Participation in EU programs and the preservation of institutional structures related to EU policy implementation are anticipated in the future.

3. **Arbitrary Take-Back (No Dismantling, No Future Engagement):** This category indicates that there is no active dismantling of EU-related policies and regulations. However, there is no intention or commitment to future engagement, suggesting that the existing state of affairs may persist.

4. **Systematic Take-Back (Passive Dismantling, No Future Engagement):**

Here, there is a passive dismantling of EU-related policies and regulations, such as a reduction in enforcement. Similar to the arbitrary take-over, there is no intent for future engagement and participation in EU programs and the erosion of institutional structures related to EU policy implementation is expected to continue.

5. **Complete Take-Back (Active Dismantling, No Future Engagement):**

This represents an active dismantling of EU-related policies and regulations, which may involve the repeal or substantial modification of these policies. There is also no commitment to future engagement. In addition to dismantling, this category may involve the withdrawal from EU programs or initiatives and the enactment of new policies that directly contradict or undermine previous EU-related policies.

Research methods

This research employs a case study methodology to delve into the complexities of the post-Brexit regulatory landscape within the agri-food sector. Adopting a case study approach is well-suited to this study as it enables the application and examination of the proposed analytical framework in a real-world context. The research uses two regulatory issues from the agri-food sector – PRT and neonicotinoid pesticides bans – as case studies. The agri-food sector was selected because of its economic significance to the UK and the global political economy. This sector's response to regulatory changes post-Brexit carries significant real-world implications, making it a critical area for the study. The sector has also been historically subject to intensive EU regulation (Daugbjerg & Swinbank, 2016; 2007) providing a rich context to analyse the effects of de-Europeanisation and regulatory autonomy.

The rationale for the selection of the two cases is grounded in the most-similar systems research design – a method used to study cases with similar characteristics but different outcomes. The selection of cases from the same sector but with different regulatory focuses (health and safety vs. environmental protection) enables analysis of whether the de-Europeanisation process varies by regulatory theme, despite similar sectoral contexts. This comparative analysis serves to critically assess the adaptability of the proposed analytical framework by delineating how a consistent set of independent variables interact within the same sector to engender divergent regulatory paths. Essentially, the cases contribute to the broader theme of this article by providing empirical evidence of how 'taking back control' manifests in specific regulatory areas and the factors influencing these outcomes.

The research utilised a combination of primary and secondary data. The primary data were collected through in-depth interviews with 15 key

experts and agri-food stakeholders (See Appendix 1) between April 2020 and September 2021. The interviewees were selected using a purposive sampling technique, targeting individuals from five main stakeholder groups: government departments and agencies, experts and academics, civil society organisations (CSOs) and non-governmental organisations (NGOs), and farmers' groups and associations. The secondary data included parliamentary inquiries, scientific papers, policy documents, newspaper reports, press releases, and blog posts of recognised organisations and individuals. These documents were accessed online through the UK's Public Information Online, and the official websites of government departments and other relevant organisations.

Case study I: the ban on pathogen reduction treatments (PRTs)

Pathogen Reduction Treatments (PRTs) are methods used to reduce bacterial contamination and infections on broiler carcasses (Berrang *et al.*, 2011). PRTs encompass a range of approaches, including physical methods like hot water application, post-pick spray washers, or chemicals such as acetic acid, chlorinated spray, or acid dip. Among the chemical PRTs, chlorine in the forms of sodium hypochlorite, calcium hypochlorite tablets, and chlorine dioxide emerged as the most widely utilised method in the poultry industry, particularly in the United States (US) and many other non-EU countries (Berrang *et al.*, 2011).

In 1997, the EU initiated a ban on chemical PRTs for both domestic and imported poultry. This decision was motivated by concerns surrounding food safety and consumer health. Regulation (EC.) No 853/2004 stipulates that 'food business operators shall not use any substance other than potable water ... to remove surface contamination from products of animal origin unless the Commission has approved the use of the substance'.

The US, a major exporter of poultry products, strongly opposed the EU's ban on chemical PRTs. The US argued that the ban lacked scientific evidence and violated international trade rules (Johnson, 2010; WTO, 2009). Consequently, the US challenged the ban through the WTO and employed retaliatory measures to persuade the EU to lift the ban (Johnson, 2010; WTO, 2009). The 'chlorinated chicken' issue has become more prominent in the post-Brexit UK-US trade discussion as the US urged the UK to remove the ban.

Actor preferences

The analysis of stakeholder perspectives in the UK reveals a strong and diverse coalition, including farmers' groups, distributors, consumer groups, and civil society organisations (CSOs). These stakeholders have formed an 'unusual alliance' to advocate for the ban, each bringing forth their unique perspectives and concerns. According to this alliance, allowing chemical

PRTs could lead to a neglect of good farming practices. They argue that some farmers may rely on chemical treatments for decontamination instead of implementing measures such as maintaining low flock density, routine health monitoring, and proper animal handling before slaughter. As expressed by A1, a policy advisor of one of the UK's consumer groups:

It is not only about food safety or public health but about the broader sustainability and good farming practices ... Relying on chemical treatments would divert attention away from sustainable practices.

UK consumer groups support the call to maintain existing farm-to-fork food safety approaches. In 2018, a survey by the consumer group 'Which?' showed that about 90 per cent of consumers wanted the UK government to retain the current food standards after Brexit (Which?, 2019). Most respondents expressed discomfort with importing food from countries with lower standards and specifically mentioned their aversion to chlorine-washed chicken. While acknowledging the potential bias in Which? survey towards more regulation-friendly respondents, it still captures important insights into consumer concern regarding food safety in the UK, given its status as the biggest independent consumer organisation in the country.

Another significant concern stakeholders raised is the potential disadvantage UK food producers face if imports of low-standard agri-food products, such as chlorinated chicken, are allowed. They argued that the current EU/UK regulatory regime, which emphasises a farm-to-fork approach, imposes additional regulatory costs on local farmers compared to imports that do not adhere to the same stringent standards. Therefore, they are concerned that signing trade deals that permit imports of lower-standard products would undermine UK food producers' competitiveness and compromise food security and consumer access to safe, nutritious, and affordable British food. Minette Batters, the President of the National Farmers' Union (NFU), articulated this viewpoint by stating:

This isn't just about chlorinated chicken. This is about a wider principle ... To sign up to a trade deal which results in opening our ports, shelves, and fridges to food which would be illegal to produce here would not only be morally bankrupt, it would be the work of the insane. (BBC News, 2020a)

Additionally, most leading UK supermarkets, including Tesco, ASDA, Co-Op, Aldi, and Waitrose pledged to ban chlorine-treated chicken from their shelves, irrespective of any post-Brexit deal with third countries. Giles Hurley, the Chief Executive of Aldi, stated, 'We will never compromise on the standards or specifications of our products, and that includes a commitment to never selling chlorinated chicken' (Aldi, 2020). This sentiment is echoed by Dave Lewis, the Chief Executive of Tesco, who emphasised that the company would respect consumer preferences and maintain its

standards (Financial Times, 2019). Similarly, James Bailey, the Chief Executive of Waitrose, endorses the need to maintain UK food safety standards and expressed their commitment to that goal, stating, '... any regression from the standards we have pioneered for the last 30 years would be an unacceptable backward step' (BBC News, 2020b).

Overall, the stakeholders' perspectives on the ban on chemical PRTs in the UK reveal a united front in support of maintaining high food safety standards and protecting the competitiveness of local farmers, which includes maintaining the ban on chemical PRTs. This consensus reflects a very strong actor coalition in favour of continued alignment with EU standards in this regime.

Internal institutional factors

As part of the EU integration project, a significant portion of food safety regulatory responsibilities, including risk assessment, were transferred from the Food Standards Agency (FSA) and the Department for Environment, Food and Rural Affairs (DEFRA) to the European Food Safety Authority (EFSA) (Asiamah, 2022). Consequently, there was no need to duplicate these functions within the UK. The reliance on the EU's regulatory science led to a substantial reduction in personnel and R&D funding for FSA. According to Asiamah (2022), FSA's research and development (R&D) expenditure witnessed a drastic decline from £18 million to £2 million between 2006 and 2016, indicating an 89 per cent decrease. Additionally, the staff size dwindled from 1400 to 1060 during the same period. Therefore, despite the government's efforts to strengthen the FSA and other domestic agencies to take back these responsibilities, it will be challenging to develop the necessary capacity to dismantle or deviate from the current EU food safety regulations, which necessitates extensive scientific risk assessment, especially in the short run.

Moreover, separate regulatory bodies, namely the Food Standards Agency (FSA) responsible for England, Wales, and Northern Ireland, and the Food Standards Scotland (FSS), operate independently, thereby creating multiple veto points in food safety governance within the UK. For instance, the Scottish government expressed its commitment to adhering to stringent food safety rules and threatened to defy any legislation that enables Westminster to unilaterally set food standards (Financial Times, 2020). Thus, if the rest of the UK decides to dismantle the ban, it will create internal regulatory divergence, possibly affecting the UK's internal market.

Overall, the challenges of rebuilding capacity, addressing regional differences, and ensuring regulatory coherence make it difficult for the UK to make significant changes to food safety regulations in the short term. Extensive scientific risk assessment is essential, and the presence of separate regulatory bodies adds complexity to the process. Therefore, it will require time,

resources, and careful planning for the UK to dismantle the ban on chemical PRT.

The Brussels effect

The analysis shows that the Brussels Effect will pose a significant constraint to dismantling the chemical PRT ban in the UK post-Brexit. First, the EU has established a strict regulatory framework for using PRTs, requiring compliance for domestic and imported products. Consequently, dismantling the ban would create complexities regarding border checks and customs controls, leading to delays in the movement of goods between the UK and the EU. As A5, an expert in agricultural policy and trade, explained:

... In terms of imports from the EU, that will be fine; where it becomes tricky is the export to the EU. The more the UK diverges from these stricter regulations, the more challenges it will face at the border.

Furthermore, the EU's larger market size is a strong incentive for UK actors to align with EU restrictions. The EU remains the single largest market for UK agriculture and food products, with over 54 per cent of the UK's agri-food exports going to the EU in 2022 (ONS, 2023). Therefore, sacrificing the trading relationship with the EU to other countries will not be economically beneficial to the UK. As A4, a trade policy expert, explained:

The EU is still a vast market, it is the closest market to the UK, so there is a huge incentive to stay harmonised to the extent that we can maintain the free trade relationships.

A representative from the Department of International Trade, A2, emphasised that:

... the key challenge is how we maintain good levels of trade with the EU, which is our biggest market. How much we trade with the US matters, but it is far less ... So, finding the balance to make sure our trade with the EU is not damaged will be the biggest thing.

In summary, the Brussels Effect, driven by the EU's stringent regulatory standards and the economic importance of the EU market to the UK, presents a significant constraint to the UK's ability to dismantle the chemical PRT ban. The challenges related to trade, border management, and maintaining harmonious standards with its largest trading partner underscore the complexities of this regulatory endeavour.

Global opportunities and constraints

The chemical PRT ban has become a contentious issue with major trading partners of the UK, including the USA, Canada, and Australia. For instance, the US perceives the ban as a protectionist measure and has expressed the desire for comprehensive market access for its agricultural

goods in the UK. As captured in its negotiating objectives, the US expressed the desire to:

... eliminate practices that unfairly decrease US market access opportunities or distort agricultural markets to the detriment of the United States, including non-tariff barriers that discriminate against US agricultural goods. (USTR, 2019)

The UK can also engage in trade with non-EU member countries under WTO terms. However, justifying the ban on chemical PRTs at the WTO could be challenging in trade disputes. The WTO rules, which aim to balance regulatory standards in international trade. Defending farming systems and animal welfare issues related to the ban on PRTs at the WTO may prove difficult for the UK.

The ongoing analysis shows that the UK's decision to maintain or dismantle the PRT ban is not only a matter of regulatory policy but a strategic power play in international trade. This power play is characterised by the desire to eliminate practices seen as barriers to market access and to ensure regulatory compatibility with the UK. The US, in particular, aimed to address non-tariff barriers that are viewed as discriminatory against its agricultural goods. By holding firm on the ban, the UK is asserting its regulatory autonomy and safeguarding its power in the global political economy.

Expected outcome: taking back control of the PRT regulations

The case study of chemical PRTs presents a clear illustration of the tension between global trade dynamics and local standards. While the UK has the sovereignty to deviate from EU regulations post-Brexit, domestic stakeholders show a strong preference for maintaining the high standards set by the EU. The collective stance against chemical PRTs suggests that any attempt to retract the ban will face significant opposition from these domestic actors. Their arguments are not merely based on food safety but on broader principles such as sustainable farming and moral obligations, which are also rooted in a cultural preference for EU-style regulation over the perceived US laissez-faire approaches.

Additionally, the UK's institutional capacity to adapt its regulatory framework post-Brexit faces considerable constraints. The analysis suggests that the downsizing of the departmental R&D budget and personnel led to a weakened infrastructure that would struggle to manage the complex science-based assessment needed to change existing regulations in the short term. It is worth stating that even though there have been considerable measures put in place since the Brexit referendum to revamp the UK's regulatory institutions, capacity and expertise are not built overnight. Additionally, the regional divergence, particularly Scotland's commitment to stringent standards, hints at potential internal market fragmentation, posing a challenge

to the uniformity of the UK's national policies. On balance, the analysis suggests that the UK lacks the capacity and institutional readiness to undertake a significant deviation from the current EU food safety regulations, particularly given the extensive scientific risk assessment required and the complexities of coordinating with separate regulatory bodies. That is, there will be a potential struggle to manage even an 'interim take-back'.

Moreover, the UK's economic reliance on the EU as a trading partner implies that any drastic take-back, leading to divergence from EU standards, could be economically damaging. There is a clear preference, reflected in the stakeholders' attitudes, to align with the EU to preserve market access. Meanwhile, the EU has a strict regulatory regime for food safety which requires UK businesses to comply in order to maintain access to the EU market. Thus, the significant trade relationship with the EU, its strict regulatory framework, and the potential difficulties with border controls serve as strong incentives for the UK to align with EU restrictions and not dismantle the ban.

Globally, the UK faces significant pressure, particularly from the US, to conform to different regulatory standards, which can be seen as an opportunity for the UK to assert its post-Brexit autonomy on the global stage. However, the UK seems to be prioritising its relationship with the EU and the interests of its domestic stakeholders. The analysis of the stakeholder preferences suggests that the social and economic benefits of maintaining the ban and gaining access to the EU market outweigh the opportunities the global market presents. Thus, the UK appears to be willing to navigate the complexities of international trade disputes to maintain its food safety standards and the EU market access.

The interplay of these factors suggests that, in the short term, the UK is unlikely to actively dismantle the ban on PRTs. The high consumer demand for maintaining current standards represents a social constraint on any form of dismantling in the short term. The pressure from major trading partners like the US to dismantle the ban can be viewed as an incentive for the UK to reconsider its ban on PRTs. However, this is balanced by the strong domestic opposition to such a move, creating a stand-off that would prevent the take-back process in the short run. In the long-term perspective, it appears that the UK is unlikely to undertake a drastic shift from its current stance on the PRT ban. The possibility for change remains contingent on shifts in any of the internal or external factors. For example, should new scientific evidence emerge that effectively addresses UK stakeholders' safety concerns regarding PRT, a change in policy could be considered.

Case study II: the ban on neonicotinoids

Neonicotinoids are among the world's most widely used group of insecticides, used to protect crops such as oil seed rape and cereals from pests

(Jeschke *et al.*, 2011). However, in 2012, studies began to emerge linking neonicotinoids to bee colony collapse disorder. Subsequently, the EFSA released a report confirming that bees were exposed to neonicotinoids through various previously unknown sources. As a result, the European Commission (EC) took action in 2013 by restricting the use of three neonicotinoids: imidacloprid, clothianidin, and thiamethoxam. In 2018, the restrictions were extended to ban the outdoor use of these substances completely.

However, while neonicotinoids are prohibited in the EU and the UK, they remain legal and widely used in many other countries, including major trading partners such as the US, Canada, Australia, and New Zealand (Asiamah, 2022). Consequently, concerns have arisen regarding the UK's stance on maintaining or dismantling the ban during trade negotiations with these countries to secure Free Trade Agreements (FTAs). This section analyses the drivers, constraints, and potential effects of dismantling the neonicotinoids ban after Brexit.

Actor preferences

The domestic stakeholders' perspectives on the neonicotinoid pesticide ban reflect two opposing actor coalitions. The first coalition consists primarily of environmental NGOs and consumer groups who advocate for retaining the ban and imposing further restrictions on other potentially harmful pesticides. They emphasise the need to transition towards a more sustainable and nature-friendly food system with reduced pesticide reliance. These groups argue that dismantling the ban would breach public trust as the evidence of pesticide impacts on the environment continues to mount. As expressed in a joint letter signed by Pesticide Action Network (PAN UK), Royal Society for the Protection of Birds (RSPB), and Wildlife and Countryside Link to the then-Secretary of State for the Environment, Food and Rural Affairs, Michael Gove:

... the UK's exit from the EU should not lead to any weakening of pesticide standards. It is imperative that we [the UK] use this unique opportunity to embed a more sustainable form of farming which is less reliant on pesticides. (PAN UK, 2019)

The second coalition, mainly comprising farmers and the agrochemical industry, opposes the ban and ongoing restrictions on pesticides. They argued that the current regulatory regime fails to consider socioeconomic factors such as food security and a healthy diet in decision-making. They expressed concerns about the lack of economically feasible alternatives to pesticides in the short term, which could lead to sustainability challenges like food and feed shortages. This coalition raised concerns about the potential importation of products from countries that still use neonicotinoids. They argued that such imports would put UK farmers at a competitive disadvantage. As explained by a representative of NFU Scotland representative:

... we [the UK] obviously import products from other countries which have been using it [neonicotinoids], and that is, to be honest, where the frustration comes. It is a disadvantage, it increases the cost of production, and we are undercut by cheaper imports from countries who are allowed to use that technology [neonicotinoids].

The diverse perspectives show that the decision to dismantle or maintain the ban will involve a complex interplay of political, scientific, and economic factors. Environmental NGOs and CSOs have political leverage since their concerns about environmental protection align with broader public sentiment on ecological issues. The agricultural sector, backed by the agrochemical industry, may also wield considerable political influence since politicians will not be willing to jeopardise productivity, the livelihood of farmers or increase food prices. The outcome will likely depend on the relative influence and effectiveness of the two opposing coalitions in shaping the policy narrative, and other domestic and external forces.

Domestic institutional factors

The integration of pesticide regulatory regimes during the UK's membership in the EU led to the creation of a two-tier system (Asiamah, 2022). Under this system, the EFSA was responsible for approving active substances, while the authorisation of pesticide products was overseen by the Chemicals Regulation Division (CRD) of the Health and Safety Executive (HSE). EFSA played a vital role as a central hub, facilitating data sharing and research collaboration between the HSE and other competent agencies. Therefore, severing ties with these EU networks and databases will result in significant gaps in data, affecting the ability to dismantle or deviate from the EU's pesticide regulations, including the ban on neonicotinoids. As A12, a representative of NFU Scotland argued:

EFSA has this huge cover of research and evaluation done to assess impacts of different products on different things, and we do not have access to that now. So, we are essentially starting from scratch ...

Following Brexit, the approval and authorisation of 'active substances' in pesticides now fall under the jurisdiction of the national regulator, HSE. This centralised regulatory framework grants decision-making authority primarily at the national level. Unlike other areas like food safety regulation, devolved administrations lack the power to deviate from national regulations regarding pesticide use. It is important to note that Northern Ireland will continue to align with EU regulations due to its unique status under the NI Protocol. However, in Great Britain, the absence of multiple veto points makes it relatively flexible for the UK government to pursue alternative regulatory paths.

Furthermore, the UK government, particularly the Conservative Party, has historically favoured market-based and voluntary approaches to pesticide regulation over strict statutory controls. This preference can be traced back

to the rejection of the 'Pesticides Bill' in 1972, which demonstrated a reluctance to impose stringent regulations on pesticide use (Asiamah, 2022). Instead, the government established voluntary initiatives such as the 'Pesticides Forum' and the 'Voluntary Initiative' to collaborate with farmers and industry in promoting sustainable pesticide use and addressing pesticide-related environmental harm. However, these voluntary initiatives have not effectively reduced pesticide usage, leading to a growing demand for stricter regulatory measures in the post-Brexit era (PAN UK, 2019).

The Brussels effect

Currently, the EU does not impose restrictions on importing goods from countries that use prohibited pesticides. However, it has strict maximum residue limits (MRLs) and import tolerance rates for such products. This framework means that the UK can still export products treated with neonicotinoids to the EU market, but it must comply with these stringent limits. Thus, any deviation from the EU's pesticide regulations could result in delays at the UK-EU border and impede the smooth flow of goods.

Moreover, the non-regression clause of the EU-UK TCA (Article 77) applies to the ban on neonicotinoids since it was already in effect before Brexit. Therefore, dismantling the ban may lead to trade restrictions, sanctions, or tariffs imposed by the EU. Additionally, the Level Playing Field (LPF) clause in the Agreement (Article 355) restricts the UK from significantly diverging to provide unfair advantages to its farmers. Also, due to the NI Protocol, NI farmers must adhere to the EU's regulatory regime. Consequently, the non-regression and LPF clauses of the UK-EU TCA and the NI Protocol serve as constraints preventing the UK from dismantling the ban within the short term.

Furthermore, the UK's decades of integration and alignment with EU policies and politics have incorporated some of the EU's approaches into domestic regulatory discourse. For instance, despite the UK government historically favouring market-based and voluntary approaches, strict legal restrictions were adopted gradually through the transposition of EU regulations and programs (Asiamah, 2022). Additionally, environmental NGOs, such as Greenpeace and Friends of the Earth, have maintained their relationships with their EU counterparts, enabling them to bring the EU's action plans into domestic discourse. Using EU environmental standards as a benchmark in domestic discourse enhances the EU's normative power in the UK post-Brexit.

The analysis suggests that the economic aspect of the Brussels Effect or the EU market power will be weaker in this case because it does not impose a direct requirement for exporters to comply with the neonicotinoid ban. However, other factors, such as the EU's normative power and the presence

of LPF and non-regression clauses, will continue to exert influence and constrain the UK's ability to dismantle the ban.

Global drivers and constraints

The EU's ban on neonicotinoids and its stringent import tolerance rate faced opposition from several countries, including the US, Brazil, Canada, and Australia. These countries have expressed their concerns at the WTO's Council for Trade, arguing that the EU's actions are inconsistent with WTO's TBT and SPS Agreements. They contend that the EU is deviating from science-based standards set by the international community by adopting a hazard-based approach to approving plant protection products. According to them:

... the international community has determined standards that follow the principle of evidence and science-based risk assessments ... However, the EU is diverging from those standards by incorporating a hazard-based ... This is creating a high degree of uncertainty with respect to how import tolerances will be considered and set for authorisation decisions in the EU. (WTO, 2019)

The UK continues facing similar opposition in its free trade arrangements with countries like the US and Australia. This opposition could hinder the UK's ability to establish favourable trade agreements. If the UK eases import restrictions on neonicotinoids, it will give other countries a competitive advantage over UK farmers. These countries will continue to use neonicotinoids while exporting their agricultural products to the UK, which will put domestic farmers at a disadvantage. Therefore, FTAs and global standards constrain the UK from maintaining its neonicotinoid ban and strict pesticide regime.

Moreover, the Organisation for Economic Co-operation and Development (OECD) plays a subtle role that could serve both as a driver and a constraint for the UK in dismantling the neonicotinoid ban and the UK's future engagement with the EU. First, the organisation's efforts to harmonise pesticide regulations across member countries (Sud, 2020) can act as a driver for dismantling the ban, especially since the US, Australia and Canada are all members. Conversely, the OECD's emphasis on sustainable development and environmental protection aligns with the precautionary principles underlying the EU's neonicotinoid ban, which may serve as a constraint against dismantling the ban (Sud, 2020).

Expected outcome: taking back control of the pesticides regulatory regime

The neonicotinoid case illustrates that post-Brexit pesticide regulatory decision-making will require an intricate juggling of conflicting interests

influenced by both domestic and external factors. Here, unlike the PRT case, which exhibits a unified actor coalition in favour of the ban, we see a classic case of competing interest groups. Environmental NGOs and consumer groups are up against farmers' groups and the agrochemical industry. This dichotomy represents a typical friction point in environmental policy – long-term sustainability versus short-term economic needs.

Furthermore, the transfer of regulatory authority from EFSA to HSE is a paradigmatic shift, offering both opportunities for bespoke policymaking and challenges in building sufficient regulatory capacity. The UK's newfound autonomy necessitates the construction of independent scientific assessment capabilities, previously undergirded by EFSA's expansive database and collaborative networks. This change raises concerns about the capacity of the UK's readiness to assume full responsibility for its pesticide regulation and underscores the importance of robust institutional frameworks for effective policy implementation.

Moreover, the Brussels effect is expected to be relatively weaker in this case because the EU does not impose the same restriction on exporting non-member countries. That is, the market power dimension of the Brussels effect will be limited in this instance. However, the Brussels Effect goes beyond just trade constraints – it also involves normative influence. The UK's policy and regulatory debates are still shaped by standards and expectations that were set during its time within the EU. The EU's stance on environmental protection and pesticide regulation remains a reference point, illustrating the 'normative' and the 'path dependency' aspect of the Brussels Effect. Additionally, the non-regression and level-playing field provisions embedded in the UK-EU TCA impose latent constraints, delineating the outer bounds of permissible regulatory divergence.

At the global level, the UK confronts the strategic imperative to navigate trade relationships with partners that maintain differing stances on pesticide regulation. The tension between adhering to a precautionary principle, emblematic of EU regulatory philosophy, and accommodating the risk-based approaches prevalent among other trading nations encapsulates a broader debate on the harmonisation of international standards. The UK's post-Brexit trade ambitions necessitate a delicate balancing act, reconciling its domestic policy preferences with the exigencies of the global market.

Consequently, the anticipated take-back in the context of the neonicotinoids ban is 'systematic', with the UK aiming to strike a balance between the competing domestic actors' interests and fulfilling international trade aspirations. In the short term, it is expected that the UK will adopt a 'passive dismantling' strategy. The UK is likely to maintain the ban but make some modifications and adjustments in its implementation or enforcement to try to appease both environmental lobby groups and the agri-food industry. We can already observe this trend in the government's successive

decisions to grant emergency authorisations for the use of neonicotinoids on sugar beet crops, initiated in 2021 and extended most recently into the 2024 planting season (UK Government, 2023a; 2023b). These derogations followed an application by the NFU and British Sugar on the grounds of protecting the sugar beet crop from potentially devastating yellows viruses (UK Government, 2023b), underscoring the influence of industry players and the current government's flexible regulatory approach.

All things being equal, it is expected that, over time, the UK will progressively diverge from the EU's stringent hazard-based framework for pesticide regulation. This shift is likely to favour a more flexible regulatory regime that blends voluntary measures with market-oriented solutions, thus reflecting a 'systematic take back' scenario. However, the long-term evolution is poised to be intricate and dynamic, shaped by both domestic and external factors. For example, should the EU expand its ban on neonicotinoids to include countries that export to the EU, this action would strengthen the Brussels Effect, and exert a stronger pull on the UK to realign with the EU's standards. Also, domestically, a potential change in government, such as a shift to the Labour party, which traditionally favours regulations, could impact the direction of the regulatory framework.

Discussions: breaking free from EU standards in the global arena

The analysis of the case studies reveals a stark dissonance between the political rhetoric of 'taking back control' and the complex realities on the ground. The study illustrates distinct scenarios of regulatory take-back that diverge from the all-or-nothing approach suggested by the political discourse. In the neonicotinoid case, the analysis forecasts a 'systematic take-back' where the UK dismantles certain EU regulations in the short term, with a gradual erosion of related institutional structures and no plans for future engagement with the EU. Conversely, the PRT case points to a 'no take-back' scenario, by which the UK continues to follow EU policies and regulations in the short term and maintaining existing institutional structures with an expectation of future engagement (see Table 2).

The Brussels Effect emerged as a major determinant of the type and extent of de-Europeanisation or take back. In the case of neonicotinoids, where the EU does not enforce direct export restrictions on non-member countries, the influence of the Brussels Effect was found to be relatively weaker. This diminished impact can be attributed to the lower economic repercussions of non-compliance, making it less compelling for domestic producers to align with EU standards. In contrast, for PRT, where the EU's ban impacts exports from non-member countries, the Brussels Effect was observed to be relatively stronger. The increased economic costs associated with non-compliance

Table 2. De-Europeanism process and take-back scenarios.

	Chemical PRT ban	Neonicotinoid ban
Actor preferences	- A unified coalition to support the ban (for the ban)	- Two Opposing Actor Coalitions (a balanced perspective) - Government Preference for voluntary and market-based regulatory approaches (Against the ban)
Internal institutional factors	- Relatively weaker domestic institutional capacity - Existence of Multiple Veto points.	- Relatively weaker domestic institutional capacity - Existence of Fewer Veto points.
The Brussels effect	- Very Strong (for the ban)	- Relatively Weaker (for the ban)
Global opportunities and constraints	- Opposition from major trading partners (against the ban)	- Opposition from major trading partners (against the ban)
Immediate decision	- No Dismantling	- Passive Dismantling
Long-term decision	- Future Engagement	- No Future Engagement
Expected outcome	- No Take-Back	- Systematic Take-Back

significantly influence domestic producers’ willingness to adhere to EU regulations. Consequently, the Brussels Effect plays a pivotal role in shaping regulatory compliance, driving domestic producers towards EU standards in areas where economic pressures are pronounced, while allowing for greater regulatory divergence in areas with lesser economic implications.

Moreover, the UK’s social and environmental standards, has been influenced by the standards set during the UK’s time within the EU, creating a baseline expectation among the UK public (FSA, 2021; Which?, 2019). This was evident in both cases studied, where there has been significant public concern. Such societal expectations act as a constraint on policymakers, creating a social check that limits the extent to which the UK can diverge from EU standards. This also implies that even predominantly domestic sectors, which are not directly tied to cross-border trade, such as hairdressing or optometry, are still subject to the Brussels Effect due to the expectations of standards that have been established over time.

Also, the EU’s capacity to face trade retaliations and assert its regulatory standards in the global market is a testament to its power as a regulatory hegemon. This is evident in the case of PRT, where, despite the pressure and sanctions from the US and other countries, the EU has been able to withstand and maintain the ban. The UK, in contrast, does not possess the same economic clout or market size to enforce its standards globally. This disparity in capacity underscores the challenges the UK faces in attempting to establish

independent regulatory frameworks that diverge significantly from those of the EU. Aligning with one of the existing regulatory superpowers, in this case, the EU, appears to be a more pragmatic approach for the UK, given its historical and current economic context.

Ultimately, the analysis suggests that the UK's agri-food sector is not fully ready to break free from EU regulatory orbits. While political aspirations for regulatory autonomy remain strong, practical considerations such as economic pressures, public expectations, institutional capacity, and regional divergence make a complete regulatory break both challenging and potentially undesirable. As such, the sector is likely to remain partially aligned with EU standards for the foreseeable future, particularly in areas where the economic and social costs of divergence are high. This approach reflects not a failure of the Brexit aspirations but a realistic adaptation to the complexities of the global political economy.

Conclusion: refining the understanding of de-Europeanisation post-Brexit

The process of de-Europeanisation, particularly in the context of Brexit, presents a complex tableau of regulatory, political, and economic shifts that challenge the simplistic narrative of sovereignty and control. This article contributes to the existing literature by reconceptualising de-Europeanisation not as a linear process of dismantling EU laws and norms but as a dynamic, multi-dimensional negotiation between the UK's strategic interests, domestic stakeholder preferences, and its position within the global regulatory environment.

The case of PRTs serves as an exemplary instance where the UK's decision-making is caught between domestic actors' preferences for high food safety standards and the external pressure to align with global trading partners, notably the US. Despite the political desire for regulatory divergence from the EU to facilitate new trade deals, the strong domestic coalition against the use of PRTs and the potential economic ramifications of diverging from EU standards illustrate a scenario where strategic alignment with the EU is preferred. This case exemplifies how domestic preferences and the relative cost of deviating from EU regulations can lead to a strategic decision to maintain alignment, despite the overarching political narrative of taking back control.

Conversely, the analysis of the neonicotinoid ban highlights a potential path towards strategic divergence, driven by the need to balance environmental protection with agricultural productivity and trade considerations. The UK's approach to neonicotinoids post-Brexit reflects a negotiation between environmental sustainability and the agricultural sector's needs, underscored by the broader context of international trade dynamics. Here,

the UK's strategic alignment or divergence is subject to the interplay of domestic preferences, the cost-benefit analysis of EU regulation adherence, and global regulatory trends, particularly in relation to trade agreements with countries that still permit neonicotinoids.

The article advances the understanding of de-Europeanisation by highlighting its temporal dimensions, distinguishing between short-term and long-term decision-making processes. This distinction allows for a more granular analysis of the immediate actions and longer-term outcomes of regulatory decisions, acknowledging that the impacts and objectives of these decisions may evolve over time. For instance, the short-term decision to grant emergency authorisations for the use of neonicotinoids, while maintaining the long-term goal of sustainable agriculture, illustrates the dynamic nature of de-Europeanisation as a process that involves ongoing negotiation and re-evaluation of priorities and strategies.

To conclude, the article posits that de-Europeanisation in the UK post-Brexit is characterised by strategic alignment or divergence, subject to the complex interplay of domestic preferences, institutional capabilities, and the evolving landscape of global regulations. This definition reflects the reality of the UK's negotiations to optimise its national interests in the face of competing pressures and opportunities. Future research should explore the implications of these findings for other regulatory policy areas such as genetically modified organism (GMO), financial services, and environmental protection. This expansion is vital for evaluating the framework's effectiveness across diverse sectors, thereby determining if the dynamics of de-Europeanisation identified in this study are sector-specific or indicative of wider post-Brexit shifts.

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Appendix 1. Summary of interview participants and dates of interview

Pseudo Name	Organisation/Expertise	Interview Date
A1	Policy Advisor, UK Consumer Group	10 April 2021
A2	Department of International Trade	10 October 2020
A3	Food Standards Agency	09 August 2020
A4	Trade Policy Expert	27 April 2021
A5	Trade and Agricultural Policy Expert	14 March 2021
A6	Chartered Institute of Environmental Health	10 March 2021
A7	Crop Protection Association	11 September 2021
A8	Agricultural Industries Confederation	15 September 2020
A9	Ulster Farmers Union	21 February 2021
A10	DEFRA	10 March 2021
A11	Agri-food and Bioscience Institute	08 August 2021
A12	NFU Scotland	17 February 2021
A13	Food Safety Expert	22 August 2020
A14	Trade and Regulatory Policy Expert	28 February 2021
A15	Trade and Regulatory Policy Expert	04 August 2020