Prof Dr Jaap W. de Zwaan

em. Professor of the Law of the European Union

Erasmus University Rotterdam

and

former Professor of European Integration

The Hague University of Applied Sciences

The Netherlands

**e-mail**: dezwaan@law.eur.nl

**‘BREXIT’**

**STATE OF PLAY AND PERSPECTIVES**

**-Outline-**

**CONTENTS**

1. UK as an EU Member State
2. Referendum of 23 June 2016
3. Withdrawal as a phenomenon
4. Article 50 TEU
5. The essentials of the Internal Market
6. The negotiations: state of play
7. The UK White Paper of July 2018
8. Perspectives and options
9. British internal politics
10. Final remarks and further procedure

**AD 1: UK AS AN EU MEMBER STATE**

* In favour of economic cooperation
* Not in favour of political integration
* Fundamental derogations …..
  + Euro cooperation
  + Area of Freedom, Security and Justice
  + Schengen cooperation

**AD 2: REFERENDUM OF 23 JUNE 2016**

* Euroscepticism
* Sovereignty
* The working of the Internal Market
  + Free movement of Persons
  + Customs Union
* Brussels bureaucracy

**AD 3: WITHDRAWAL AS A PHENOMENON**

* EU cooperation process
  + it is about integration, goes (far) beyond ordinary cooperation
  + context as regards content
    - Economics (Internal Market) ‘plus’
    - EMU
    - Justice and Home Affairs
    - Foreign Policy and Defence
  + institutional context
    - Supranational procedures
    - A separate legal order
    - Role of the Court of Justice
* Withdrawal versus Accession

**AD 4: ARTICLE 50 TEU**

* The notification
* Modalities and deadlines
* Decision making
  + Withdrawal Agreement
  + Future Relations between United Kingdom and European Union
* The deadline of two years
* Extension of the deadline

**AD 5: THE ESSENTIALS OF THE INTERNAL MARKET**

* Definition and characteristics
* Components
  + The four fundamental freedoms
  + Customs Union
* Instruments
  + Free movement
  + Mutual recognition
  + Harmonisation of legislation
* Justification of restrictions to free movement
* The role of the Court of Justice

**AD 6: THE NEGOTIATIONS: STATE OF PLAY**

* Priorities EU
  + Citizens’ rights
  + Financial settlement
  + The Irish border
* Priorities UK
  + No internal market
  + No customs union
  + The Irish border
* The transition period
* Withdrawal Agreement
  + What has been agreed?
  + What has ‘more or less’ been agreed?
  + What has not been agreed?
* The EU offer: an Ambitious Partnership (Michel Barnier)

**AD 7: THE UK WHITE PAPER OF JULY 2018**

* An Economic Partnership and a Security Partnership
* A free trade area for goods
* A new facilitated customs arrangement
* Different arrangements for services
* A Mobility framework
* Looking for a New and Fair Balance
* An assessment

**AD 8: PERSPECTIVES AND OPTIONS**

* To be expected
  + Withdrawal Agreement
  + Political Declaration: future relationship between EU and UK
* The several options
* What in case of a Deal?
* What in case of a No-Deal?
  + WTO main principles
* Other alternatives?
* The further procedure

**AD 9: BRITISH INTERNAL POLITICS**

* Who has the last word?
  + Government, Parliament or the people ….?
* Recent opinion polls
* A second referendum?

**AD 10: FINAL REMARKS AND FURTHER PROCEDURE**

* Informal meeting Heads of State and Government, Salzburg, 20 September
* European Council 18 October
* Extra special meetings?

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**DOCUMENTATION**

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**- Brexit (General)**

https://europa.eu/newsroom/highlights/special-coverage/brexit\_en

**- Article 50 TEU**

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it. A qualified majority shall be defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49.

**-** [**European Council 23 March 2018 (Art. 50): Guidelines on the framework for the future EU-UK relationship**](http://www.consilium.europa.eu/en/press/press-releases/2018/03/23/european-council-art-50-guidelines-on-the-framework-for-the-future-eu-uk-relationship-23-march-2018/)

http://www.consilium.europa.eu/media/33458/23-euco-art50-guidelines.pdf

**- Draft Agreement on the Withdrawal (version 19 March 2018)**

https://ec.europa.eu/commission/sites/beta-political/files/draft\_agreement\_coloured.pdf

**- Conclusions European Council 29 June 2018**

http://www.consilium.europa.eu//media/35966/29-euco-art50-conclusions-en.pdf

- **UK Government 12 July 2018: The Future Relationship between the United Kingdom and the European Union**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/725288/The\_future\_relationship\_between\_the\_United\_Kingdom\_and\_the\_European\_Union.pdf

- C**ommunication Commission 19 July 2018: Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019**

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0556

# - 2 August 2018 Article Michel Barnier: An ambitious partnership with the UK after Brexit

https://ec.europa.eu/commission/news/ambitious-partnership-uk-after-brexit-2018-aug-02\_en

# -23 August 2018 UK Government: How to prepare if the UK leaves the EU with no deal, Guidance on how to prepare for Brexit if there's no deal

https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal

**-2 September 2018 Interview Michel Barnier with Frankfurter Allgemeine Zeitung ‘Der Termin für den Brexit steht’**

<http://www.faz.net/aktuell/politik/ausland/eu-chefverhandler-michel-barnier-im-gespraech-ueber-den-brexit-15766681.html>