

**6 June 2018**  
**University of Zurich**

# **Brexit, EMU Reform, and the Future of Europe**

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# Economic Governance in Europe

Comparative Paradoxes,  
Constitutional Challenges

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OXFORD STUDIES IN EUROPEAN LAW

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# The Law & Politics of Brexit

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# Plan de l'exposé

- 1) Past – UK Position in Europe**
- 2) Present – Brexit Negotiations**
- 3) Future – EU-UK Relations**
- 4) Future of Europe beyond Brexit**
- 5) Conclusion**

# 1) Past: The British Question

- **UK joined Common Market in 1973**
- **UK at odds as EU transforms since Maastricht Treaty 1992:**
  - opt-outs
  - opposition
  - re-negotiation

# 1) Past: Brexit

- **Referendum:** June 2016
- **Notification of withdrawal:** March 2017
- **Negotiations (phase 1):** 3 items:
  - citizens' rights;
  - border;
  - financial bill
- **Joint EU-UK report:** December 2017
- **Negotiations (phase 2)**

## 2) Present: Developments

- **Drafting of withdrawal agreement (including transition deal)**
  - > agreement: 19 March 2018
- **Negotiations on future EU-UK relations:**  
4 pillars: economic (goods + services?) + security + defense + thematic cooperation

## 2) Present: Challenges

- **Legal**
  - border Ireland/ Northern Ireland: 3 options
    - i) economic; ii) technical; iii) regulatory
- **Political**
  - electoral (in)stability + policy (un)certainty

## 3) Future EU-UK Relations

- **2019-2020:** UK inside Single Market and Custom Union (Norwegian/Swiss model)
- **Beyond 2020:** expectations for
  - UK: “Deep & Special Partnership”
  - EU: “As Close as Possible Partnership”
- > **New model of economic cooperation**



## 4) Future of Europe

- **EU reforms in response to euro-crisis**
  - > **new EMU constitutional architecture**
  - > **deeper Eurozone integration**
- **New constitutional reform proposals:**  
Commission WP + EP resolutions +  
Bratislava & Rome Declaration + Macron

## **4) The European Question**

- **Cleavages between EU 27:** - euro-crisis
  - migration crisis,
  - rule of law crisis
- **Teleological tension: what's the purpose of European integration?**
  - > **Market vs. Polity**

## **5) A Grand European Bargain?**

- **Constitutional differentiation between Political Union and Common Market**
- **Strategic model: Concentric circles**
  - **Inner circle: Eurozone (?)**
  - **Outer circle: rest-EU + UK + CH et al (?)**
- **Legal template: Fiscal Compact**

## 5) Conclusion

- **Future of UK-EU relations after Brexit & Future of Europe are deeply linked**
- **British question**
- **European question**
- **Europe of concentric circles to solve tension Polity vs. Market**



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