

Brexit: Process and Impact on EU and Member States' law

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The course will consist in five sessions (each of 2 hours), in which we will explore the following topics. The course will be taught in the English language, but the professor also speaks fluently French, German, Italian, Spanish, Dutch, and he reads and understands Portuguese. If the class prefers, the course can be held in French.

1. From the Schuman Declaration of 9 May 1950 to Brexit: *Je t'aime, moi non plus*

The difficult story of the UK's relationship with the European Communities and European Union will be retraced in order to understand the reasons for participation in and for staying apart from European integration. The main steps to be understood are the negotiations between Jean Monnet's team and Clement Attlee's Labour Government in 1950-51, decade of negotiations to join the European Communities and the Referendum of 1975, Roy Jenkins' Presidency of the European Commission and Margaret Thatcher's turn in the 1980s, the negotiations of the Single European Act, the Maastricht Treaty and the Amsterdam treaty, those of the EU Charter of Fundamental Rights, Nice Treaty and Constitutional treaty, and eventually the promises of referendums from 2004 to 2016. The legal focus will be underlined: constraints of treaty negotiation and ratification; unanimity v. majority voting in the Council; participation in the EU judicial system.

2. Why Brexit? The main reasons for the UK's withdrawal will be examined with their legal dimension: "recovering sovereignty" of the UK legislator, recovering autonomy in trade agreements, recovering autonomy in migration law and policy, putting an end to the primacy of EU law. The implications of participation in v. withdrawal from the EU will be assessed especially in their legal dimension.

3. How Brexit? The legal framework of withdrawal will be examined based on art. 50 TEU on withdrawal of a member State. The negotiations between the UK government and the EU institutions will be studied in order to understand to what extent the procedures of art. 50 have constrained both sides, and to what extent there has been a margin of manoeuvre. The differences between a Brexit with withdrawal agreement and without withdrawal agreement will be explored. A central focus will be the issue of Ireland and the risks of a "hard border".

4. When Brexit ? The UK's constitutional law has had a deep impact on the calendar of Brexit, in the framework of art. 50 TEU. The constitutional rules and the role of UK courts, as well as the political situation in the House of Commons will be examined in order to understand the delays in withdrawal.

5. EU-UK Relations after Brexit The implementation of the Withdrawal agreement means that several issues will rise until at least 2028, which will impede a clear cut of UK law and courts from EU law and Courts. The negotiations for in view of the future relationship between the UK and the EU should start as soon as possible after withdrawal. The political and legal challenges that both sides are facing will be explored and discussed.

The relevant documentation is available on <https://www.consilium.europa.eu/en/policies/eu-uk-after-referendum/> and on <https://www.gov.uk/government/organisations/department-for-exiting-the-european-union>

This is a provisional syllabus of the Course, completed on 1 December 2019. It will be updated in January if needed to consider the evolution of the political situation in the UK

The course will be assessed by a written exam. It will probably consist in a commentary of a legal document relating to Brexit.

Professor Ziller's cv and publications list is to be found at <http://www-3.unipv.it/webdps/it/docente.php?id=ziller>