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 and how 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. 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". 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.

3. **The Withdrawal agreement.** The [Withdrawal agreement of 24 January 2020](#) will be studied in three parts. 1. The provisions relating to settled citizens: maintaining acquired rights and judicial review involving the CJEU. 2. Settling the withdrawal – a special attention will be given to the CJEU. 3. Protocols on Ireland / Northern Ireland; relating to the Sovereign Base Areas in Cyprus; on Gibraltar.

4. **The [EU-UK Trade and Cooperation Agreement](#) -I.** The process of negotiations from 1 February to 24 December 2020 will be examined in order to understand the choices that have been made. The provisions relating to trade between the EU and the UK and the consequences of the choices made

will be studied, with a special emphasis on the free movement of goods and the lacunae of the provisions on free movement of labourers, freedom of establishment and free circulation of services.

5. **The [EU-UK Trade and Cooperation Agreement](#) -II.** The provisions on cooperation in other fields than free trade will be examined, with a special emphasis on police and judicial cooperation. The dispute resolution system will be examined, with special attention to the differences with the Withdrawal agreement with regard to the CJEU. A tentative overview of issues remaining to be settled will be undertaken.

The course will be assessed by a written exam. The exact form will be announced during the course.

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