

UK/CH : im gleichen europäischen Boot ?

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Panel 1. Brexit: quo vadis? The Options

Chair's introduction
Hervé Bribosia, Secretary General of ASE-VSE

Following the 23 June 2016 referendum for the Brexit, what are the options for the UK and EU in order to implement the exit of the UK and set new relations?

Panel 1 is therefore paving the way for panel 2 which is dealing with the potential impact of Brexit on the relations between the EU and Switzerland. Indeed, such impact may differ according to the option chosen in implementing the Brexit. This is particularly the case regarding the institutional aspects of the solution, as well as free movement of persons.

Where are we now?

The impression of chaos prevails. The UK is not prepared for Brexit...

Article 50 of the TEU requires that the intention to leave the Union has to be notified to the EU.

5 months later, the article 50 has still not been triggered. Why?

- The UK was not prepared at all to the idea, needs some time to get ready, to make up a strategy.
- New difficulties after the High Court ruled that the British Parliament had the right to approve or not such notification (the Brexit referendum is not legally binding). The UK government appealed against the Court ruling.
- The consequences of such notification are severe. The clock is then running. If no agreement is reached after 2 years, the treaties cease to apply (unless the 27 Member States agree unanimously to extend the time period). Such legal vacuum is not thinkable (status of EU citizens and firms in the UK, financial issue, etc.), but the pressure is there.

Paradox : the 2 years' time period in the Lisbon Treaty was meant to protect the leaving state.

The article 50 TEU notification is expected end of March 2017 (Theresa May). But some predict article 50 will not be triggered, or even that Brexit will never happen in the end.

The EU position is: no negotiation before the notification. But 2 days ago, David Davis (Brexit minister) met Michel Barnier and Guy Verhofstad. Just to reset the contact, and demonstrate mutual good will for common interest...

What options are we talking about ?

- Hard Brexit hard or soft Brexit ? What does it mean exactly?
- Multilateral solution (EFTA – EEA) ? or Bilateral ?
- Swiss model or continental partnership (Bruegel proposal)

The options also regard the articulation of the withdrawal agreement with the agreement to organize the new relations.

According to the European Commission there must be two different agreements, governed by two different procedures.

- First agreement: Withdrawal agreement including a transitional settlement (that cannot be permanent!). A qualified majority of the Member State in the EU Council suffices to conclude such an agreement.
- Second agreement: New association agreement. It is a mixed agreement to be concluded by unanimity of the 27 Member States, and then to be ratified by them according to the domestic (notably parliamentary) procedures, like any Treaty revision or new accessions (and like some EU-CH bilateral agreements, like free movement of people)

Presentation of the speakers

Camino Mortera-Martinez, Center for European Reform (think tank in London/Brussels) had to decline the invitation for health reasons. (Read a few lines of her paper)

Many thanks to Jack Williams, PH.D student in political philosophy – University of Zurich, and former researcher Fellow at the University of Bern, for accepting short notice invitation.

Christian Frommelt, Research Fellow at the Liechtenstein Institute, PhD Student at the Swiss Federal Institute of Technology Zurich (ETH). He is « the » expert of the Liechtenstein's relations with the EU, through the EEA. He just published in November an article on the Brexit effects on EEA and Liechtenstein. He will address: *Multilateral options : EFTA and EEA*

Cenni Najy is researcher at the think tank Foraus, also PH.D Student at the GSI of University of Geneva. He will address: *Bilateral options: from the Swiss model to a « continental partnership »*. Cenni is co-author of a Foraus paper in June 2016. According to that paper, the CH-EU bilateral model would not provide for a satisfactory model for the UK. Let us see whether this is still his thesis today. He will also address the Bruegel proposal for a continental partnership (which also seems to be a bilateral approach, although not explicit, and in spite of the possible creation of an outer circle).

After the 3 PH.D Students, Professor Sieglinde Gstöhl will comment the presentations of the speakers. She is professor at the College of Europe in Bruges, Director of Studies, EU International Relations and Diplomacy Studies Department. She holds a Ph.D. from the Graduate Institute in Geneva. She had professional experience in European affairs (e.g. in the EFTA Secretariat). She is an expert in EU's Neighborhood policy and the concept of differentiation in that policy.