State of the debate on the future of Europe
Inter-parliamentary committee meeting - Brussels, 10 October 2018

Purpose
The European Parliament’s Committee on Constitutional Affairs is holding an Interparliamentary Committee Meeting (ICM) on 10 October 2018, to look into the state of the debate on the future of Europe. Members of national parliaments will participate in discussions on this issue together with experts and EU institutional representatives including, among others, Constitutional Affairs Committee Chair Danuta Hübner, Juliane Bogner-Strauß, on behalf of the Austrian Council Presidency, Commissioner Věra Jourová and the Chairs on EU affairs of the Austrian Parliament, Christian Buchmann and Reinhold Lopatka.

Inside
This publication contains supporting analyses provided by the European Parliament’s Policy Departments to support committees in their work related to the issues that are being dealt with by this meeting. Scan the QR codes or click on the titles for access.

Publications
The impact of the UK withdrawal on EU integration - June 2018
This study examines the potential effects of the UK’s withdrawal from the EU. It looks into the UK’s role in pushing forward and /or blocking integration in five areas: the internal market; social policy; freedom, security and justice; the Eurozone; and foreign, security and defence. The report shows that in some areas the UK has delayed or blocked European integration, making it more of an awkward partner in integration than most other Member States have been. The UK’s opposition to European integration stems from the UK’s domestic politics, where, in contrast with the situation in other Member States, British politicians have rarely, if ever, pursued anything more than a transactional approach to EU membership. The UK’s departure could be an opportunity for the remaining EU to integrate further. However, it should not be overlooked that, often, the UK’s delaying and blocking tactics have been bypassed.

The institutional consequences of a ‘bespoke’ agreement with the UK based on a ‘distant’ cooperation model - June 2018
This study examines the impact for the European Union’s legal system and institutions of a “bespoke” agreement based on a “distant” cooperation model (with the EU/Ukraine and the EU/Canada agreements as main illustrations). The analysis of these agreements’ main characteristics reveals that even “distant” cooperation already has quite impressive consequences. Whether a multi-tier Europe develops or not, such considerations confirm the strong EU need for a positive outcome for the EU too. There are naturally important immediate economic benefits involved. However, many other strategic interests are concerned: the general evolution of EU trade policy, the organisation and rationalisation of new supple forms of cooperation in Europe, the preservation of internal security and defence cooperation with the UK after Brexit. These should be taken into better consideration during the Brexit negotiations.
The state of the debate on the future of the Europe

The institutional consequences of a ‘bespoke’ agreement with the UK based on a ‘close’ cooperation model - May 2018

This study considers the governance and institutional aspects of a potential agreement on the future economic relationship between the EU and the UK based on a “close cooperation” model. Close cooperation agreements involve a strong ambition for economic integration, based in practice upon a high degree of alignment by the third country to the relevant Union acquis. Although the UK’s circumstances may well be unique, there are few grounds to believe that the formal terms for an EU-UK close cooperation agreement should be radically different from the experience gained and lessons learnt from comparable relationships between the EU and other third countries. The special situation of the UK would be more likely to manifest itself empirically, through the practical operation and tangible outputs of the governance and institutional structures and processes established under any close cooperation agreement.

The institutional consequences of a ‘hard Brexit’ - May 2018

Since the notification of the UK decision to withdraw from the EU in March 2017, the EU and the UK have made progress on the terms of an orderly withdrawal of the UK from the EU. Nevertheless, negotiations are stalled on a number of important issues and therefore, it cannot be excluded that on 29 March 2019, the UK may leave the EU without a withdrawal agreement, transition deal and framework for future relations. This in-depth analysis considers the institutional, budgetary and policy implications that a so-called “hard Brexit” would pose on the EU. It analyses from a legal perspective how a withdrawal of the UK from the EU without a withdrawal treaty, transition deal and framework on future relations would affect each specific EU institution, the EU budget for the remaining years of the current MFF, and the EU policies in the crucial fields of trade, security and justice. While the study does not endorse a hard Brexit, it provides guidelines for the EU to be prepared in case such scenario were to materialise.

The settlement of disputes arising from the UK’s withdrawal from the European Union - November 2017

The United Kingdom’s withdrawal from the EU will in all likelihood lead to the conclusion of two agreements: the Withdrawal Agreement and the Future Relationship Agreement. The application of these agreements will undoubtedly lead to disputes between the parties, many of which can derive from their enforcement in the domestic legal order. This study looks at the possible options available to settle such disputes and examines the most convenient jurisdiction for the EU in each case. It examines in particular the continued involvement of the Court of Justice of the European Union in the new context of the EU-UK relations and, based on its case-law and previous international agreements, presents the various governance possibilities for these agreements. In any case, the aim of this analysis is to remember the conditions imposed by the EU legal system and formulate suggestions with the aim of permitting the achievement of global agreement.

Brexit and Ireland – legal, political and economic considerations - November 2017

The future trade relationship between the EU and the UK will be very important for both parts of the island of Ireland. That relationship, whether it is simply the result of EU-UK relations or a relationship specially devised for the Irish circumstances, does not depend on the nature of the “border” between the two parts of Ireland, and no border, visible or invisible, can create a satisfactory result if the economic arrangements are unsound. The future economic prosperity of Northern Ireland depends on three future UK policies even more than on EU-UK trade arrangements: the UK’s future agricultural policy, its policy on bilateral trade arrangements with third countries, and the willingness of the UK government to continue to make large fiscal transfers to Northern Ireland. This study describes the legal, political and economic relations of the two parts of Ireland and the United Kingdom, and possible arrangements for dealing with “Brexit”.

The role of cities in the EU institutional framework - October 2017

Because of the expansion of the European Union’s competences and activities over the last decades, local authorities have gained a crucial role in helping shape and in implementing EU policies in areas as different as social cohesion, environment, migration and asylum. This study examines the current EU institutional and practical framework for the participation of cities in EU policy-making and evaluates the level of political and institutional representation and participation of cities (and associations of cities) in EU policy-making and institutional framework. It also identifies – in addition to the formal arrangements of representation and participation – informal channels through which cities contribute to the shaping of EU policies and legislation. It also puts forward a number of policy recommendations with a view to ensuring a coherent European urban policy with a strong and co-ordinated participation of cities.
The role of national parliaments in the EU after Lisbon: potentialities and challenges - March 2017

The Treaty of Lisbon provided a legal recognition of the democratic significance of national parliaments. It mentions national parliaments on several occasions related to their information rights, their participation in the procedures of revision of the treaty, their control over the field of Freedom, Security and Justice and their possibility to cooperate with each other and with the European Parliament. This study assesses the implementation of the Treaty of Lisbon provisions on national parliaments as well as other related developments since 2009. The issues that are specifically investigated include the treaty provisions regarding national parliaments, the Early Warning Mechanism, dialogue between national parliaments and the European Commission, the extending networks of inter-parliamentary cooperation, the parliamentary dimension of the budgetary and economic coordination and the challenges raised by the on-going developments of the European legislative procedure.

Subsidiarity as a means to enhance cooperation between EU institutions and national parliaments - March 2017

The Treaty of Lisbon has entrusted national parliaments with the responsibility to monitor the respect of the principle of subsidiarity in new EU legislative proposals adopted in areas of non-exclusive EU competence (the so-called Early Warning System). This briefing finds that the creation of the Early Warning System in the Lisbon Treaty has contributed to the enhancement of the cooperation between EU institutions and national parliaments. The European Commission has been the primary interlocutor of parliaments in this framework, although the European Parliament also receives and follows-up on national parliaments’ reasoned opinions. Despite positive developments visible both at EU and at national level, important challenges remain in particular in relation to the limited scope offered by the Early Warning System for more political engagement. Parliaments are eager to play a role in EU affairs, but they want this role to be positive rather than negative as currently foreseen by the Treaties.

The legisprudential role of national parliaments in the EU - March 2017

Some of the key findings included in this briefing can be summarised as follows: the national parliaments’ contribution to the law-making process at European level should focus on the overall rationality of the draft legislative proposals. The Early Warning Mechanism must not be limited to considerations regarding the breach of the principle of subsidiarity, but also encompass the principle of conferral and the principle of proportionality. The so-called “green card” would be a significant way to channel the impetus and knowledge of national parliaments into the legislative procedure at European level. National parliaments could be able to require the competent EU organs the presentation of proposals on certain policy issues or the review of existing legislation. The so-called “red card” would strengthen the role of national parliaments concerning the control of compliance with the principle of subsidiarity review and would transform them in the main guardians of such a principle.

Referendums on EU matters - January 2017

This study analyses the political and legal dynamics behind referendums on EU-related matters. It argues that we have entered a period of increasing political uncertainty with regard to the European project and that this new political configuration will both affect and be affected by the politics of EU-related referendums. Such referendums have long been a risky endeavour and this has been accentuated in the wake of the Great Recession with its negative ramifications for public opinion in the European Union. To date there have been 60 referendums on EU-related matters making the referendum a key feature of the European integration process since the 1970s. It is clear that they are here to stay and will continue to be central to the EU’s future as they are deployed to determine the number of Member States within the EU, its geographical reach, its constitutional evolution and adherence to EU policies. Only now, they have become an even riskier endeavour.

Implementation of the Lisbon Treaty - Improving functioning of the EU: Foreign Affairs, update - June 2016

Foreign affairs, as a field of EU action, is among the policy fields most affected by the Lisbon treaty and poses specific challenges from a constitutional and institutional perspective. The Union’s external powers are broad, encompassing not only foreign policy in the traditional sense, but also development cooperation and sectoral policies such as trade, transport, energy and environment. This updated and expanded report provides aims to provide an in-depth analysis of the changes in the constitutional and institutional framework for foreign affairs policy- and decision-making brought about by the Lisbon Treaty. It assesses the implementation of those changes, including obstacles to, and potential for further improving, effective implementation in the light of the existing challenges. It looks into matters of competence and mixed agreements, the role of the ECJ in foreign affairs, and discusses possible future changes to the current constitutional framework.
How the European Union works - Fact Sheets on the EU, updated regularly

The decision to pool the coal and steel industries of six European countries, brought into force by the Treaty of Paris in 1951, marked the first step towards European integration. The European Union now has its own legislature and executive, as well as an independent judiciary and a central bank. These are supported and complemented by a set of institutions and bodies, the powers conferred on which derive from the founding Treaties. The Union’s powers have evolved considerably over the years through the successive Treaties, as have its decision-making procedures, which Parliament and the Council now follow when legislating on most EU policies. The Union also has its own budget with which to achieve its objectives. The Lisbon Treaty gave Parliament an equal say with the Council to decide on the entire EU budget and the multiannual financial framework.

Citizens: fundamental rights, security and justice - Fact Sheets on the EU, updated regularly

EU citizens have the right to travel, live and work throughout the EU. An effective system has been put in place and is constantly evolving in order to fully implement these rights. The Charter of Fundamental Rights brings together all the rights of the individual, grouping them around several major principles: human dignity, fundamental freedoms, equality, solidarity, citizens’ rights and justice. All citizens have the right to petition Parliament on any matter in a field for which the EU has competence. The European Citizens’ Initiative enables citizens to promote the adoption of laws deemed necessary for the purpose of implementing the Treaties. The Lisbon Treaty introduced several new features to the area of freedom, security and justice, including a more efficient and democratic decision-making procedure, increased powers for the EU Court of Justice, and a new role for national parliaments.

The EU’s external relations - Fact Sheets on the EU, updated regularly

The European Union’s action on the international scene is guided by the principles that inspired its own creation, development and enlargement, and which are also embedded in the United Nations Charter and international law. The promotion of human rights and democracy is a key aspect. The Union also highlights its strategic interests and objectives through its international action. It will continue to broaden and enhance its political and trade relations with other countries and regions of the world, including by holding regular summits with its strategic partners such as the United States, Japan, Canada, Russia, India and China. It also supports development, cooperation and political dialogue with countries in the Mediterranean, the Middle East, Asia, Latin America, Eastern Europe, central Asia and the western Balkans.

Other sources

Europeans Parliament
Future of Europe debates

European Commission
Future of Europe

European Council
Reflection on the future

Policy Departments

The policy departments provide high-level independent expertise, analysis and advice at the request of committees and other parliamentary bodies. Their expertise covers all areas of Parliamentary activity. They deliver policy analysis in a wide variety of formats, feeding directly into the legislative work of committees or members’ delegations. They also organise events, including workshops and expert panels to enhance Parliament’s analytical capacity and develop common approaches.

Fact Sheets on the EU

Available in 23 languages, the Fact Sheets give an overview of European integration and of Parliament’s contribution to the process. They cover five themes: the EU at work; Economy, science and quality of life; Cohesion, growth and jobs; Fundamental rights, security and justice; and the EU’s external relations.

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