



Brexit Literature Update 12/2016

Following a relevant request by the Committee on Constitutional Affairs, the Policy Department on Citizens' Rights and Constitutional Affairs will be compiling, on a regular basis, a number of academic and scholarly materials related to the process of, and the negotiations on, withdrawal of the UK from the EU. Since the June referendum in the UK and its outcome, Brexit-related literature has grown significantly and it is going to expand further in the near future. Thus, this compilation is far from exhaustive; rather, it identifies some of the more useful articles, taking into account, in particular, the following elements:

- Scholarly rather than a journalistic publication,
- Originality and interest,
- Recent publication,
- Be of interest for the EU
- Constitutional or institutional relevance.

A. Institutional and Political Matters

Sara B. Hobolt: **The Brexit vote: a divided nation, a divided continent** (Journal of European Public Policy, Vol. 23 [9]. 2016).

<http://www.tandfonline.com/doi/full/10.1080/13501763.2016.1225785>

The article analyses the divide between winners and losers of globalisation as a key driver of the UK referendum and suggests that the Brexit vote poses a serious challenge to the political establishment across Europe.

Richard Gordon -Rowena Moffatt: **Brexit - the immediate legal consequences**. The Constitution Society.

<http://www.consoc.org.uk/wp-content/uploads/2016/05/Brexit-PDF.pdf>

Although written before the referendum, this report considers the main legal and constitutional consequences of the Leave vote and the implications on the specific area of citizenship rights following Brexit; focusing on the legal consequences of Brexit for the UK and the EU.

Werner Kirsch: **Brexit and the distribution of power in the Council of the EU**. CEPS Commentary. November 2016.

<http://aei.pitt.edu/82189/1/WKirschPowerBrexit.pdf>

An analysis of the relative weight of member states in the Council of Ministers following UK's withdrawal.

B: Future relationship

Christa Tobler: **One of Many Challenges after 'Brexit': The Institutional Framework of an Alternative Agreement – Lessons from Switzerland and Elsewhere?** (Maastricht Journal of European and Comparative Law, Vol. 23 [4]. July 2016).

<https://www.jurisquare.be/en/journal/mj/23-4/one-of-many-challenges-after-brexit-the-institutional-framework-of-an-alternative-agreement-lessons-/index.html>

The article examines the experience of the EU's legal arrangements with other partners, notably the EFTA states as well the current negotiations with Andorra, Monaco and San Marino, as a possible pattern for the negotiations of the future EU-UK relationship agreement.

Ulrich Schroeter - Heinrich Nemecek: **The (Unclear) Impact of Brexit on the United Kingdom's Membership in the European Economic Area**. European Business Law Review, Volume 27 (2016) Issue 7, pp. 921–958.

<http://www.kluwerlawonline.com/document.php?id=EULR2016042>

The article examines the relationship between UK's participation in the EU and the European Economic Area (EEA) and argues that a withdrawal from the EU will in fact not affect the UK's continuing EEA membership as long as the UK does not voluntarily choose to also withdraw from the EEA and examines the legal implications of UK's remaining in the EEA.

C: Domestic UK - Devolved Administrations Matters

Jonathan Tonge: The impact of the withdrawal from the European Union upon Northern Ireland (The Political Quarterly, Vol. 87 [3] July-September 2016)

<http://onlinelibrary.wiley.com/doi/10.1111/1467-923X.12288/epdf>

An analysis of the impact of Brexit on in Northern Ireland, and in particular on its consequences for the Good Friday Agreement.

D: Vested Rights - Citizenship

Steve Peers: Bargaining Chips No More: The Status of EU and UK citizens after Brexit (EU Law Analysis blog). December 2016.

<http://eulawanalysis.blogspot.be/2016/12/bargaining-chips-no-more-status-of-eu.html>

An analysis of the results of an inquiry into the status of EEA+ citizens in the UK after Brexit, set up by the NGO British Future (the inquiry can be found here: http://www.britishfuture.org/wp-content/uploads/2016/12/EUNationalsReport.Final_.Embargo12.12.16.pdf)

Sionaidh Douglas-Scott: What Happens to 'Acquired Rights' in the Event of a Brexit? (UK Constitutional Law Association)

<https://ukconstitutionallaw.org/2016/05/16/sionaidh-douglas-scott-what-happens-to-acquired-rights-in-the-event-of-a-brexit/>

The article, although written before the referendum, is interesting because it analyses the consequences of Brexit on vested rights both from the point of view of international law and of EU law.

Patricia Mindus: European Citizenship after Brexit (draft paper of a book chapter)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2842500

The paper investigates the developments in European Citizenship after Brexit, and the impact of Brexit on the content and the concept of citizenship of the Union.

E: Thematic Articles

Nicole Koenig: EU external action and Brexit: relaunch and reconnect (Jacques Delors Institute, Berlin. Policy paper 178. November 2016)

http://www.delorsinstitut.de/2015/wp-content/uploads/2016/11/20161122_BrexitExternalAction-Koenig-JDIB-Nov16.pdf

The paper looks into the development of the EU foreign and security policy after Brexit and suggests ways to enhance relevant EU policies and possible models of cooperation with the UK to the benefit of both sides.

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