

European Parliament Committee on Internal Market and Consumer Protection
Workshop on the consequences of Brexit

The Role and Powers of
the European Parliament
in the Brexit Process



Prof. Dr. iur. Peter-Tobias Stoll
Institute for International Law and European Law

pstoll@gwdg.de

Acknowledgement

This presentation partly draws from results of an



International Conference on the Role of the European Parliament in the Conclusion and Implementation of Agreements on International Economic Law Issues

organized jointly by

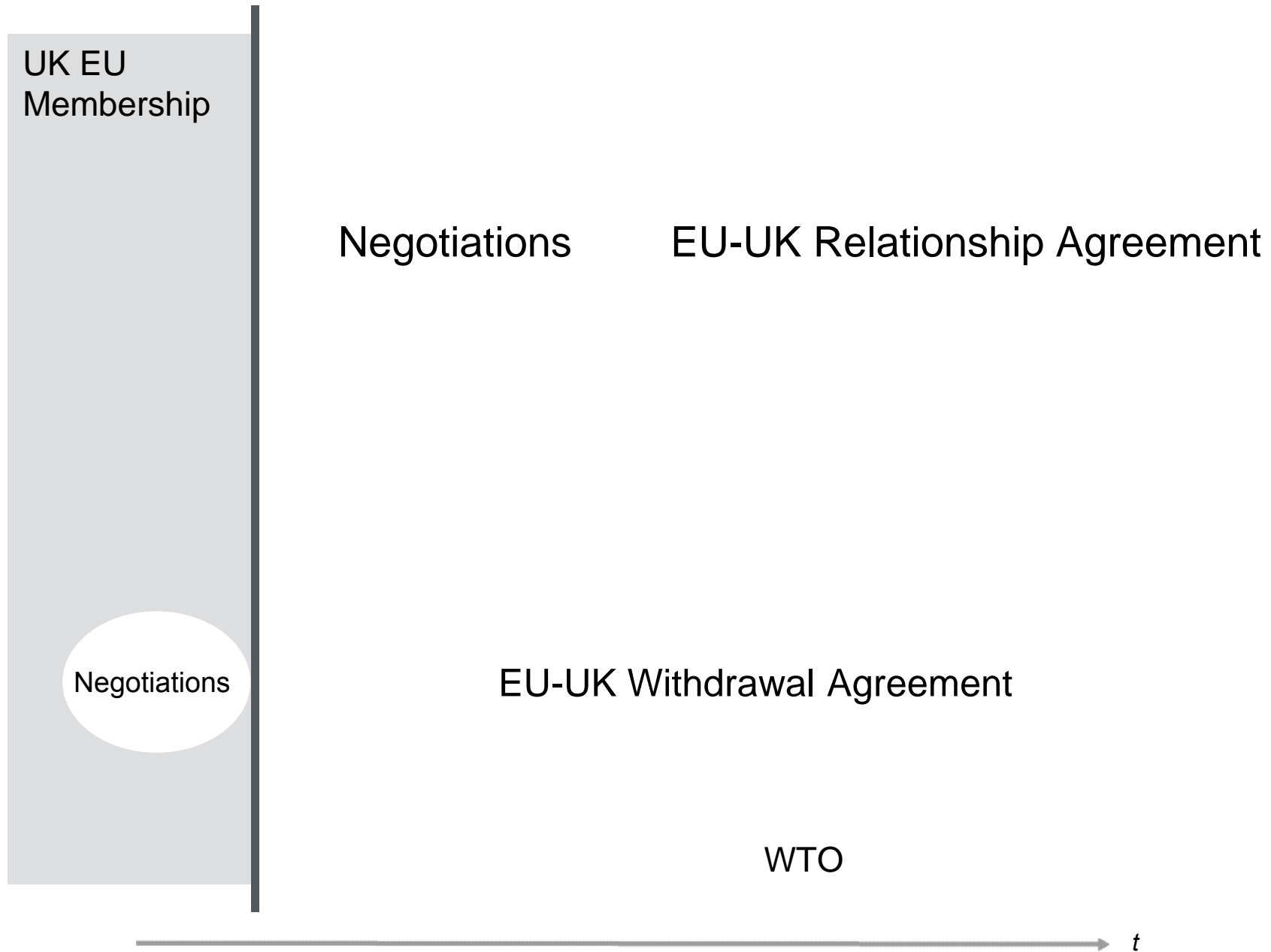
- the *European Parliament*, represented by the *Policy Department A: Economic and Scientific Policies*
- and the *Interest Group on International Economic Law* of the *European Society of International Law*

in Brussels on December 9, 2016.

Key issues

1. The *making* of Brexit agreement(s): A role for the EP aside from consent
2. The *operation* of agreements - a emerging area for parliamentary control?
3. Exploring and embedding *interparliamentary elements* in different stages of EU-UK relationship

Stages of the Brexit process



The role of the EP in international matters



Making of international agreements

- legitimacy through consent
- role in negotiations
 - receive information (denial to be justified)
 - express its point of view
- Request ECJ opinion

Operation of international agreements

- receive information
- may issue declarations

Interparliamentary activities

- informal and separate
 - Canada (no link to CETA)
- embedded in agreements
 - Joint Parliamentary Commissions etc.
 - EEA, EU-Turkey, EU-Ukraine etc.

The role of the EP in the operation of agreements

- **„Living agreements“ – very likely format for Brexit agreements**
 - further development of agreement by treaty bodies
 - who take decisions on amendments of Annexes / interpretations
 - which take effect without full ratification (*hence no EP consent*)
- **Role for Commission and Council**
 - EU positions in treaty bodies proposed by COM and adopted by Council
 - COM may be authorized by Council to approve modifications of agreement
- **Role for the European Parliament**
 - currently limited: will only be informed and may issue declarations
 - May raise concerns in view of the European principle of democracy / legitimacy
 - strengthening of role of EP in the operational context is therefore advisable
 - by interinstitutional arrangements
 - by establishing an interparliamentary body in the EU-UK agreements

In sum ...

1. The *making* of Brexit agreement(s): A role for the EP aside from consent
 - Good opportunities to get involved in the negotiation process
2. The *operation* of agreements - a emerging area for parliamentary control?
 - Principle of democracy: careful look at treaty provisions
 - EP involvement should be facilitated
3. Exploring and embedding *interparliamentary elements* in different stages of EU-UK relationship
 - Liaison with UK Parliament before Brexit?
 - Interparliamentary structures should become part of both agreements
 - This would help to strengthen the role of the EP in the operation of agreements