



## STUDY PROGRAMME

European Interdisciplinary Studies, Natolin campus (Advanced Academic Master)

## YEAR

2020-2021

## COURSE TITLE

**From Member to Neighbour: Law and Politics of Brexit**

## SEMESTER

2

## COURSE PROFESSOR(S)

ŁAZOWSKI Adam & ROSIAK Przemysław Kamil

## ACADEMIC ASSISTANT(S)

Maryia Breskaya

## COURSE TYPE

Compact Seminar

## MAJOR(S)

EPAP

## ECTS CREDITS

no ECTS

## CONTACT HOURS

8

## INDIVIDUAL STUDY TIME

## TUTORIAL(S)

## COEFFICIENT

not applicable

## LANGUAGE(S)

EN

## COURSE OBJECTIVE

The objective of this Course is to familiarise the students with political and legal aspects of Brexit. It takes students on a historical journey going back to the origins of UK's accession to the European Communities and its solid track record of a difficult, yet rather loyal Member State. However, the centre of gravity of this course is on the withdrawal itself and post-Brexit relations between the European Union and the United Kingdom.

## COURSE LEARNING OUTCOMES

On successful completion of the course students will have demonstrated:

- ability to identify and analyse the political reasons behind Brexit
- familiarity with milestones of UK's membership in the European Union
- understanding of the main procedural parameters of Article 50 TEU
- familiarity with the Withdrawal Agreement and its institutional and substantive provisions
- understanding of the idiosyncrasies related to Northern Ireland/Ireland Protocol
- understanding of the key rules underpinning the post-Brexit transitional period
- knowledge of the main objectives for future EU-UK relations laid down in the Political Declaration and how they failed to materialise
- identify the main political and legal aspects of post-Brexit negotiations between the EU and the UK

## RECOMMENDED PREPARATION

Familiarity with P. Diamond, P. Nedergaard, B. Rosamond (eds), *The Routledge Handbook of the Politics of Brexit*, Abingdon and New York 2018

## TEACHING METHOD(S)

Interactive seminar

## ASSESSMENT METHOD AND CRITERIA

The compact seminar will be assessed on a 'pass/fail' basis through:

- an online multiple-choice test (80% of the mark) at the end of the final course session - 15 minutes to answer 7 questions, and
- overall attendance (20% of the mark).

The weighted average of both assessment elements needs to be equal or greater than 50% for a student to pass the compact seminar.

Each student is entitled to re-taking the test once. The re-take test would account for 80% of the mark whilst overall attendance would account for the remaining 20%.

Since compact seminars carry no ECTS credits, the final result will be present on the transcript, but will have no impact on the student's final average, nor on the overall grade, nor on attaining the diploma.

## COURSE CONTENTS

1. UK as a Member State: difficult but loyal
2. Brexit negotiations
3. Withdrawal Agreement: substance and institutional framework
4. Post-Brexit Relations between the EU and the UK
5. Impact of Brexit on the European Union
6. European Neighbourhood Policy after Brexit

## COURSE MATERIALS (readings and other learning resources/tools)

- K.A. Armstrong, *Brexit Time. Leaving the EU - Why, How and When?*, Cambridge 2017
- K.A. Armstrong, *After EU Membership: the United Kingdom in Transition*, EJLS (2019) Special Edition p. 59
- F. Baetens, *No deal is better than a bad deal? The fallacy of the WTO fall-back option as a post-Brexit safety net*, 55 CMLRev. (2018) Special Edition p. 133
- C. Barnard, S. Fraser Butlin, *Free movement vs. fair movement: Brexit and managed migration*, 55 CMLRev. (2018) (Special Edition) p. 203
- C. Barnard, E. Leinarte, *Brexit and Citizens' Rights*, EJLS (2019) Special Edition, p. 117
- A. Biondi, P. J. Birkinshaw, M. Kendrick (eds), *Brexit. The Legal Implications*, 2018
- P. Brinkshaw, A. Biondi (eds), *Britain Alone! The Implications and Consequences of United Kingdom Exit from the EU*, 2016
- P.J. Cardwell, *The End of Exceptionalism and a Strengthening of Coherence? Law and Legal Integration in the EU Post-Brexit*, 57 JCMS (2019) p. 1407
- H. D. Clarke, M. Goodwin, P. Whiteley (eds), *Brexit. Why Britain Voted to Leave the European Union*, Cambridge 2017

- C. Closa, Interpreting Article 50: Exit, Voice and...What about Loyalty?, in: C. Closa (ed.), *Secession from a Member State and Withdrawal from the European Union. Troubled Membership*, Cambridge 2017, p. 187
- P. Craig, Brexit, 'A Drama: The Interregnum', 36 YEL (2017) p. 3
- P. Craig, Brexit: a drama in six acts, 41 ELRev. (2016) p. 447
- P. Craig, Brexit a Drama: The Endgame – Part I, 45 ELRev. (2020) p. 163
- M. Cremona, The Withdrawal Agreement and the EU's International Agreements, 45 ELRev. (2020) p. 237
- A. Cuyvers, Wightman, Brexit, and the sovereign right to remain, 56 CMLRev.(2019) p. 1303
- J. Dammann, Revoking Brexit: Can Member States Rescind their Declaration of Withdrawal from the European Union?, 23 CJEL (2017) p. 265
- A. Dashwood, The Withdrawal Agreement: Common Provisions, Governance and Dispute Settlement, 45 ELRev. (2020) p. 183
- B. De Witte, An undivided Union? Differentiated integration in post-Brexit times, 55 CMLRev. (2018) (Special Edition) p. 227
- P. Diamond, P. Nedergaard, B. Rosamond (eds), *The Routledge Handbook of the Politics of Brexit*, Abingdon and New York 2018
- M. Dougan, An airbag for the crash test dummies? EU-UK negotiations for a post-withdrawal "status quo" transitional regime under Article 50 TEU, 55 CMLRev. (2018) (Special Edition) p. 57
- M. Dougan, So long, farewell, auf wiedersehen, goodbye: The UK'S withdrawal package, 57 CMLRev. (2020) p. 631
- M. Dougan (ed.), *The UK after Brexit. Legal and Policy Challenges*, Cambridge-Antwerp-Portland 2017
- P. Eeckhout, E. Frantziou, Brexit and Article 50 TEU: A constitutionalist reading, 54 CMLRev. (2017), p. 695
- F. Fabbrini, R. Schmidt, The composition of the European Parliament in Brexit times: changes and challenges, 44 ELRev. (2019) p. 711
- F. Fabbrini, R. Schmidt, The Extension of UK Membership in the EU: Causes and Consequences, ELJC (2019) (Special Edition) p. 87
- F. Fabbrini (ed.), *The Law & Politics of Brexit*, Oxford 2017
- F. Fabbrini (ed.), *The Law & Politics of Brexit: Volume II. The Withdrawal Agreement*, Oxford 2021
- R.J. Friel, Providing a constitutional framework for withdrawal from the EU: Article 59 of the draft European Constitution, 53 ICLQ (2004) p. 407
- D. Harvey, What role for the European Parliament under Article 50 TEU?, 42 ELRev. (2017) p. 585
- Ch. Hillion, Brexit means Br(EEA)xit: The UK withdrawal from the EU and its implications for the EEA, 55 CMLRev. (2018) p. 135
- Ch. Hillion, Withdrawal under Article 50 TEU: An integration-friendly process, 55 CMLRev. (2018) (Special Edition) p. 29
- Ch. Hillion, This Way, Please! A Legal Appraisal of the EU Withdrawal Clause, in: C. Closa (ed.), *Secession from a Member State and Withdrawal from the European Union. Troubled Membership*, Cambridge 2017, p. 215

- D. Kochenov, EU Citizenship and Withdrawals from the Union: How Inevitable Is the Radical Downgrading of Rights?, in: C. Closa (ed.), *Secession from a Member State and Withdrawal from the European Union. Troubled Membership*, Cambridge 2017, p. 257
- E. Josnes, The Negotiations: Hampered by the UK's Weak Strategy, *EJLS* (2019) (Special Edition), p. 23
- D. Kostakopoulou, *Scala Civium: Citizenship Templates Post-Brexit and the European Union's Duty to Protect EU Citizens*, 56 *JCMS* (2018) p. 854
- A. Łazowski, Be Careful What You Wish for: Procedural Parameters of EU Withdrawal, in: C. Closa (ed.), *Secession from a Member State and Withdrawal from the European Union. Troubled Membership*, Cambridge 2017, p. 234
- A. Łazowski, Exercises in Legal Acrobatics: Brexit Transitional Arrangements, 2 *European Papers* (2017) p. 845
- A. Łazowski, R. A. Wessel, The External Dimension of Withdrawal from the European Union, *Revue des Affaires européennes* 4/2016, p. 623
- B. Martill, U. Staiger (ed.), *Brexit and Beyond. Rethinking the Futures of Europe*, London 2018; K. O'Rourke, *A Short History of Brexit. From Brentry to Backstop*, London 2019
- A. Sari, Reversing a withdrawal notification under Article 50 TEU: can a Member State change its mind?, 42 *ELRev.* (2017) p. 451
- E. Spaventa, Mice or horses? British citizens in the EU 27 after Brexit as "former EU citizens", 44 *ELRev.* (2019) p. 589
- L. Van Middelaar, Brexit as the European Union's "Machiavellian" moment, 55 *CMLRev.* (2018) (Special Edition) p. 3
- M. Van den Brink, D. Kochenov, *Against Associate EU Citizenship*, 57 *JCMS* (2019) p. 1366
- Juan Santos Vara, Ramses A. Wessel (eds), *The Routledge Handbook on the International Dimension of Brexit*, Abingdon and New York 2021
- J. Vidmar, Unilateral Revocability in *Wightman*: Fixing Article 50 with Constitutional Tools, 15 *EUConst.* (2019) p. 359
- R. A. Wessel, Consequences of Brexit for international agreements concluded by the EU and its Member States, 55 *CMLRev.* (2018) (Special Edition) p. 101