

1st LERU Brexit Seminar

13th and 14th October 2017 - University of Milan

The Implications of Brexit from a European and International Perspective

The League of European Research Universities (LERU) organises three seminars on the decision of the UK to withdraw from the European Union and the European Atomic Energy Community, notified by the United Kingdom on 29 March 2017. Negotiations pursuant to Article 50 TEU between the EU and UK have been already opened.

The first seminar will be held in Milan and it is intended to address the implication of the withdrawal from a Public (including Trade) and Private International Law perspective. Moreover, the Milan LERU Brexit Seminar aims also at developing an EU Law approach, tackling the procedural issues arising from the activation of Art. 50 TEU.

The second and third seminars will be jointly hosted by the Universities of Leuven and Edinburgh. They will focus on EU institutional and substantive law aspects of Brexit. The second seminar will be organized in Leuven at the end of November 2017. The third seminar will be organized in Edinburgh.

Aims and structure of the seminar

Beyond the tautological definition offered in the political debate, the precise meaning of 'Brexit' and of its implication are still to be understood. It is suggested that the first of the three LERU seminars will take into consideration, *inter alia*, the European Council (Art. 50) Guidelines for Brexit negotiations (29 April 2017), the Negotiating directives for Article 50 negotiations (22 May 2017), and the several positions papers published on the TF50 website, regarding central issues as, e.g., citizen's rights, financial settlement, cooperation in civil and commercial matters, etc.

Junior researchers affiliated to LERU universities are encouraged to send an outline for a paper covering *one of the topics* listed below for the four proposed panels. Other topics not included in the proposed list below are welcomed as long as they fall within the general scope of the Seminar.

Each panel will be chaired by a UNIMI expert from the Faculty of Law whereas other LERU Law Faculties will propose four discussants, one for each panel, among their most prominent scholars.

Panel I. EU Legal Issues:

- The structure of the negotiations and the relationship between the withdrawal agreement and the future EU-UK agreement;
- The Article 50 Task Force and its interaction with the Council, the European Council and the European Parliament;
- A severe test for the principle of loyal cooperation: UK's rights and obligations during the withdrawal procedure;
- British nationals within EU institutions, bodies, offices and agencies: their status and limits during and after the withdrawal;
- The enforceability of the withdrawal agreement;
- Transparency and the role of public opinion and national Parliaments in the negotiations;
- Internal adjustments in the composition of the EU institutions after the finalization of the withdrawal;
- The rights of the EU citizens and businesses in the UK and UK citizens businesses in the EU and in the EU Member States. How to guarantee these rights, what rights should and would be protected and enforced, and for how long?
- Financial Settlement: a 'single financial settlement' in respect to the Union budget, the European Investment Bank, the European Central Bank, the European Development Fund and other funds such as the Facility for Refugees in Turkey?
- The role of the Court of Justice of the EU during and after the withdrawal
- The UK Great Repeal Bill and the status of EU law in the UK after the withdrawal.

Panel II. Brexit and Public International Law:

- The fate of bilateral agreements between the UK and the EU Member States;
- The fate of mixed-agreements between the EU, its Member States and third countries;
- The fate of EU-only agreements concluded with third countries;
- The legal and political implications of Brexit for the UK's standing in multilateral organizations, particularly in the current framework of global governance institutions;
- The impact of Brexit on human rights. The envisaged replacement of the ECHR in the UK's legal order by virtue of a national act (the Human Rights Act or a British Bill of Rights) and its intended and unintended legal consequences on core rights of individuals;
- The Brexit bill and Law of Treaties;
- Brexit and the EU common foreign policy and defence. The cohesion of NATO and the problem of Europe's overall collective defence;
- Trade, aid and *sanctions*;

- The effect of Brexit on environmental and climate change laws: different post-Brexit options.

Panel III. Brexit and International Trade:

- The constraints posed by WTO membership on the UK's ability to negotiate new trade deals with third states after Brexit;
- The WTO model for the future EU-UK relationship: 'going alone' as a member of the WTO, the fallback option.
- The implications of Brexit for access to the common market;
- The impact of Brexit on tariff and trade in goods and services;
- Brexit, trade defence instruments, FTAs and the relationships with the WTO;
- Brexit and investment treaties;
- The WTO agreements and "mixed competence" agreements. Substantive UK's obligations after Brexit;
- The settlement of trade disputes and ISDS after Brexit;
- The international regulation of the UK-EU trade relationship;
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Panel IV. Brexit and Private International Law:

- The 'exportability' of the current EU regulations in a context not presided by the philosophy of "integration";
- Can EU regulations, as components of 'a legal system', have an independent life one from each other, and away from the systemic character of the *acquis communautaire*?
- Will the 1968 Brussels Convention, the 1980 Rome Convention, and the 1988 Lugano Convention revive after Brexit?
- The fate of judicial cooperation in civil and commercial matters between the United Kingdom and the EU27 post- Brexit;
- What role for CJEU in respect of essential procedural legislation concerning jurisdiction, applicable law and recognition and enforcement of foreign judgements?
- Brexit and the Hague PIL conventions concluded by the EU only;
- The post-Brexit fate of "mixed" PIL conventions;
- Bilateral agreements between the EU Member States and the UK;
- Brexit and choice-of-law rules under the Rome I and Rome II Regulations;
- Brexit and the treatment of UK Law in the context of the public policy exception and internationally mandatory rules;
- The UK's status under the Brussels I-bis regulation 1215/2012;
- Possible negotiation options in respect of EU instruments applicable to civil and commercial matters;
- Impacts of Brexit on PIL's rules in family matters;
- The impacts of Brexit on UK litigation and arbitration.

Information and deadlines

Panels I and II will take place on Friday, October 13th (14:30 – 16:00 / 16:15 – 17:45); panels III and IV on Saturday, October 14th (9:00 – 10:30 / 10:45 . 12:15).

Junior researchers affiliated to LERU universities may propose their papers by sending an **abstract (about 500 words) by September 10, 2017**, to the following email address: brexitseminar@unimi.it .

To the same e-mail address, they can ask for information.

The results of the selection will be communicated by September 15th, 2017.