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The EU beyond Brexit: towards a New Democratic Foundation

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Introduction

Brexit shocked the EU. As the new reality of a Britain-less Europe gradually settles in, Brussels and the rest of the 27 capitals need to consider carefully their next steps, because the UK's decision to leave the Union can either be a breaking point or a wake-up call for the rest of the bloc. First and foremost, the EU-UK divorce is in urgent need of a sensible and realistic approach. Europe cannot afford to become discontent or resentful over Brexit, as this would only pour oil to the fire of centrifugal forces that are testing the limits of European integration. Then, the EU will inevitably have to learn to operate without London. Political decision-making and the legislative procedure itself inside the EU institutions will soon need a new *modus operandi*. For instance, in terms of economic and financial regulation, the UK has been the most liberal member-state, leading a small but significant bloc of countries that shared the British instinct for *laissez-faire* – such as the Netherlands and Nordic countries¹. But, most importantly, and in order to avoid a domino of 'exit' referenda, the EU will have to address several controversial issues that are fuelling Eurosceptic sentiments around the continent. Despite the setback, the only way forward for the EU is to take the unfortunate result of the UK referendum as a last chance for a democratic refoundation that will rejuvenate the European project.

The aim of this paper is first, to provide a review of publications dealing with the impact of Brexit on the EU. By definition, this review cannot be exhaustive. Therefore, some emphasis will be given on the possible repercussions of Brexit on EU politics, economics and security issues. This is an important step in trying to understand the potential implications of Brexit on the EU. This impact will also depend on the future shape of the UK-EU relationship to be negotiated in the next years following formal notice of the UK's intention withdraw. In this respect, the paper will also outline and briefly evaluate the pros and cons of the main scenarios or models for Europe's relationship with the UK, from the Swiss-style bilateral accords to an FTA-based approach. Other proposed models include the customs union (based on current EU-Turkey relationship) and the Norwegian style European Economic Area agreement.

Second, the paper will examine the state of play in EU politics after the 23rd of June. The aim is to outline the emerging attitude of major political actors towards the separation procedure. This outline will include an analysis of public statements and declarations as well as a more theoretical analysis of EU interests and aims in the negotiations with the UK. Already, one can discern a disagreement between those who are advocating for an amicable separation based on common economic interest and those who are in favor of a strict, unforgiving approach in order to avoid political contagion in the EU in the form of successive 'exit' referenda. This political cleavage is set to play a key role in negotiating the new UK-EU relationship in the following years.

Last but not least, the paper will end with a set of political recommendations for European Democrat parties advocating for a 'democratic refoundation' of Europe, as expressed by François Bayrou and Marielle de Sarnez. Overall, this is the underlining position of the paper: that the EU is obligated to use Brexit's aftershock as an opportunity to move towards

more efficient, legitimate and – most of all – more democratic European integration. Here, the modest ambition is to develop this argument and to foster discussion among European democrats.

Brexit Impacts

The right to withdraw was introduced with the Lisbon Treaty in 2004. (This is the by now well-known Article 50 TEU.) Legal experts have examined the possible constitutional effects of a hypothetical member-state withdrawal². Conceivably, from a legal point of view, there is little controversy as to the process and the institutional consequences of a member-state's withdrawal from the Union³. The same cannot be said about the economic or political implications of a member's withdrawal from the EU. Until David Cameron called the UK referendum on EU membership, a member's withdrawal was an extremely hypothetical scenario. On the road to the polls, analysts and experts were busy thinking about the possible effects of Brexit; the result of the referendum forced everyone to think harder.

By and large, the impact of Brexit depends on the future relationship with the EU. This new relationship will be a product of painstaking negotiations that will begin with the activation of Article 50. A large "after-Brexit" literature identifies five scenarios for the future of EU-UK relations⁴; Jean-Claude Piris of the Centre for European Reform raises this number to seven⁵ (see figure 1 for an overview).

None of these options comes for free, neither for the EU, nor for the UK. For the latter, every gain in political independence is met with economic loss. To put it simply, if the UK wants unobstructed, tariff-free access to the EU single market, then it will have to make some concessions in immigration policy. As said in an analysis of Brexit by the British firm Global Counsel, "what is most beneficial politically, in terms of policy independence, is also the most damaging economically"⁶. The Economist believes that a Norwegian-style, agreement in EFTA, would do the least damage to the UK economy⁷. This is also the most preferable option, for Richard Whitman of Chatham House: a relationship based on the European Economic Area (EEA) "would allow both sides to find their footing after the disruption of exit"⁸. Others, like the London based think tank Open Europe, would opt instead for a Free Trade Agreement. An FTA, Open Europe said, provides a high degree of flexibility⁹ (that EEA does not). In its "Brexit Guide", Open Europe said that despite being time consuming, "the best option would be for the UK to pursue a comprehensive bilateral free trade agreement, aimed at maintaining as much of the current market access as possible while also adopting a broader liberalisation agenda"¹⁰.

FTA	The UK could conclude its own FTA with the EU as a third country. This would give the UK access to the single market but at a considerable loss of independence in terms of market and common standards regulation.
Customs Union	The Customs Union ensures that there are no tariff barriers in EU-UK trade. The UK needs to adopt EU market regulations. Also, the UK has to conform

	with the Free Trade Agreements the EU is making without being able to influence these agreements.
European Economic Area	The UK has access to the single market but absolutely no control over EU legislation, which, nonetheless, must be incorporated in UK law. The UK still needs to contribute to the EU budget.
Bilateral Accords	The UK and the EU sign a set of bilateral accords that give the UK access to the common market in selected sectors. This is not a comprehensive agreement, but tailor-made to the circumstances.
WTO	The UK and the EU do not sign any agreement and decide to deal according to current WTO rules. The UK does not have to make political concessions in exchange for access in the single market, but will face EU external tariff barriers.

Figure 1 - Possible Scenarios for EU-UK relations after Brexit

Economy

There is little doubt that economic and political concerns will be together in driving negotiations forward. But, it is difficult to speculate about the real impact of Brexit until one of these models – or a different one, which will be designed especially for the UK – qualifies as the basis for negotiations. Considering that the beginning of the negotiations is nowhere at sight for the moment, this uncertainty feeds fear into the markets, which have already begun to feel the heat after the 23rd of June.

As was expected, twenty-four hours after the result was in, Brexit had wiped two trillion US dollars off global markets¹¹. The British FTSE 100 saw 120 billion pounds worth of value in stocks wiped off the board¹². Despite the fact that the markets are slowly recovering from that initial shock, the economists were right in predicting, at least that for the short- to medium-term, that Brexit will have negative consequences for the UK and European economies¹³. The next day of the referendum opened a period of extreme political and economic uncertainty, especially for Britain¹⁴.

In the longer run, according to analyses from Open Europe, PwC and Oxford Economics there will be a small negative Brexit impact on the UK economy, ranging from -0.5% to -1.5% of GDP in case the EU signs a free trade agreement with the UK¹⁵. A study from Capital Economics claimed that the Brexit will have a neutral effect on the UK economy; the latter has good prospects either inside or outside the EU¹⁶. A few older studies estimated that the UK economy might even flourish outside the EU. For instance, Minford et al, projected that excessive EU regulations are holding back the UK economy by 3.2–3.7% of GDP each year; Brexit could allow for greater flexibility of the UK economy, which will lead to an increase of foreign direct investments¹⁷.

For Europe, the economic projections do not look much better, but they will probably be less intense. In the European Union the most important fallout will be political¹⁸.

Nevertheless, the EU will still lose one-sixth of its current GDP and will probably lose its second place in the world economic rankings¹⁹. A Britain-less EU will still be an important trading bloc but a diminished one. This loss will not be felt the same by every member-state. In a section of an IMF report on the United Kingdom entitled 'Macroeconomic implications of the United Kingdom leaving the European Union', the IMF claimed that the EU countries with the tightest economic links with the UK (such as Ireland, the Netherlands and Cyprus) would sustain the most damage²⁰. Similar reports identified the same countries with having the highest exposure risk to Brexit aftershocks²¹. The CPB Netherlands Bureau for Economic Policy Analysis concurred this estimation for the Dutch economy²².

EU Politics

It is hard to make accurate economic predictions for what comes after such an unprecedented event of historical proportions. The Brexit implications for the whole EU will be far-reaching and overwhelmingly difficult to foresee. At some point, stock markets around the world will begin to recover; however, the political losses from the Brexit may prove deeper and more enduring²³. Therefore, any attempt for long-term calculations, economic or otherwise, should be taken with a pinch of salt. On the contrary, there are a few institutional features of a Britain-less EU that could already be considered. For instance, it is safe to assume that the 2019 elections for the European Parliament (EP) will not take place in the UK and hence the next EU legislature will not contain British Members of Parliament (MEPs).

Expect that the absence of 73 MEPs from the UK is going to upset the dynamics in the European Parliament across the political spectrum²⁴. The groups of the European Peoples' Party (EPP) and the Socialists & Democrats (S&D), along with the Alliance of Liberals and Democrats (ALDE) will be required to reach a new compromise between them that will outline the mainstream, pro-European bloc in the EP. Nevertheless, the likely breakdown of the European Conservatives and Reformists (ECR) and Europe of Freedom and Direct Democracy (EFDD) – led by British Conservatives and UKIP respectively – will affect even more profoundly the equilibrium in the far right end of the EP.

Evidently, compared to the ECR and the EFDD, led by British Conservatives and UKIP respectively, Marine Le Pen's ENF represents a far more radical Euro-skepticism. In the past, the unwillingness of UKIP to cooperate with FN has made it very difficult for Le Pen to reach the threshold of 25 MEPs from 7 Member-States and form a political group in the European Parliament²⁵. The absence of British MEPs in the next EU legislature will probably mean that the ENF will have an easier time reaching this threshold. And, for now, it is doubtful whether either the Polish Conservatives or Beppe Grillo's Cinque Stelle (junior partners in ECR and EFDD respectively) will be able to stand on their own or to find common ground and challenge Le Pen's momentum. It seems more likely that Le Pen will assume the leadership of a broader far right bloc in the European Parliament after Brexit.

European Security

It is safe to assume then that the loss of UK's soft and hard power will result in diminished international influence for the EU. The far right shifting gears in the European Parliament might just prove this hypothesis – in which case, it is not impossible to imagine that the EU will have an even more difficult time justifying a policy of confrontation with Russia in the Eastern Neighborhood. As Keir Gilles of the Chatham House pointed out "London may still take a firm stand on Russia after an EU exit. But Moscow can exploit divisions exposed by the vote"²⁶. John Herbst of the Atlantic Council went as far as to proclaim Brexit as a "big win for Russia's foreign policy"²⁷.

NATO will also feel the security implications of Brexit. London's position was more often than not aligned with those of Washington's and therefore, historically, the UK has been a valuable link between NATO and the EU. As the London based Centre for European Reform points out, "Once outside the EU, [the UK] will not be able to play that role"²⁸. Perhaps, the UK will move to closer military coordination with non-European, Commonwealth countries such as Canada and Australia²⁹. But still, without Britain, there would be much less capability available for EU military and peacekeeping operations³⁰. Rightly then, in a comment released before the latest NATO summit in Wales, the Danish Institute for International Studies claimed, "after Brexit the fragile nature of Western multilateral culture and commitment is more obvious than ever"³¹.

The bottom-line? The EU lost its leading military power three days before Federica Mogherini, the High Representative of the European Union for Foreign Affairs and Security Policy sent the new EU Global Strategy to the member-states, ahead of its unveiling in the European Council last June³². And it is difficult to fathom a global role for the EU without the integral participation of the UK³³.

EU Reactions

Brexit represents a historic event for the EU. Europe is different after the 23rd of June and it will be even more different after the divorce with the UK is a done deal. This is the first time that a member-state is leaving the Union and the consequences of this decision will be far-reaching on the economy, politics and security situation of both the UK and the EU. It is a matter of time to know how the economy will react in the long term, what kind of relationship will be negotiated, how the daily life of the EU institutions will be affected. The UK has not yet evoked the Article 50 and until then no official negotiations can take place. This uncertainty is a major part of the political reaction to the UK referendum results. The terms of the divorce are clear, but London, Brussels and the rest of the European capitals are keeping their cards close to their chests. So far, there is a consensus building up in the EU that access to the single market comes hand in hand with the four fundamental freedoms stipulated in EU law. But, there are still some dissenting voices and this is not a simple decision to take. In the background, Eurosceptic populists are making a lot of noise: Brexit has wet their appetites, either for the breakup of the European project altogether or for an overhaul of the EU according to their own alternative vision, which is very different

from the liberal democratic vision that has been underlining EU integration since the formation of the European Communities.

The Terms of the Divorce: Hard/Soft Brexit

Across the EU, Brexit was received as a negative event. European leaders received the results of the referendum with deep regret. Yet, they do not seem to be in unanimous agreement over the EU's stance after the referendum or what the next steps should be and what form the UK-EU relationship should take.

The British demand to have access to the EU single market and keep a high degree of independence on sensitive political issues, namely immigration and freedom of movement. This, in turn, is incompatible with EU law as stipulated in the Treaties and with the EU conduct so far in its negotiations with non-EU countries in Europe such as Switzerland and Norway³⁴. Here, the dilemma that the EU faces is clear. On the one hand, if the EU appears to be strict and unyielding to British demands, the economy of the whole continent is probably going to suffer. If the EU gives in, then it may open up a Pandora's box of similar demands from many countries in Europe, both members and non-members of the bloc. For this reason, Brexit is labeled a game-changer³⁵. In the end, something has got to give. If not, then the result will be a stalemate³⁶ that will prolong the period of political and economic uncertainty, with detrimental effects both for the UK and the EU.

From the beginning, these options were clear. A choice has to be taken regarding the terms of the EU-UK divorce and what the EU should do while this divorce was negotiated. This dilemma has formed into the debate of hard and soft Brexit.

At the core of this debate there is the binary issue of the access to the EU single market and the free movement of persons in the EU (one of the four fundamental freedoms of movement according to EU law, the others being capital, goods and services). The soft position says that the UK is too important and therefore some sort of a compromise should be reached, whereby UK access to the single market will be maintained but at the same time London will have the independence to impose restrictions on the free movement of persons on the island. The hard position, on the contrary, maintains that access to the single market is inextricably related to the acceptance of the four fundamental freedoms – and that these freedoms are indivisible. Considering also that detachment from the freedom of movement of persons (and thus independence to decide its own immigration policy) was one of the main demands of the Brexit vote, a deal between the UK and the EU does not seem very probable at the moment.

Indeed, a careful consideration of statements and events since last June, shows that there is an emerging consensus, coming up slowly but steadily across the EU for a hard Brexit and that the same position seems to be the preference of the UK as well.

Hard Brexit: an Emerging Consensus

The feeling in Brussels after the UK referendum was already in favor of a hard Brexit. The informal meeting of the 27 (already excluding the British Prime Minister) concluded with a

common statement that the EU was hoping to have the UK as a close partner in the future, but rejected the possibility of a special relationship. The UK was to be considered in the Brexit negotiations as a third country and its access to the EU single market would require that London accepted all four fundamental freedoms³⁷. In the coming days, individual leaders were even more straightforward in their statements.

From the side of the EU institutions, both presidents of the Commission and the European Parliament were in favor of a clean and quick divorce. Although Jean-Claude Juncker said the EU would pursue a "reasonable approach" in negotiating the separation, he continued that this would not be an "amicable divorce"³⁸.

Germany's Chancellor, Angela Merkel, seemed to prefer the divorce to take some time. She called the result 'a watershed moment for Europe' and, while she did not hide her regret at the outcome, she did caution against quick-tempered responses that could make matters worse. In another occasion, she said that the "negotiations must take place in a businesslike, good climate. Britain will remain a close partner, with which we are linked economically"³⁹. However, she made it abundantly clear that Britain will only have access to the single market if they accept free movement of labor: in a Bundestag meeting a few days after Brexit, Merkel said "Whoever wants to leave this family cannot expect to have no more obligations but to keep privileges"⁴⁰.

French President Francois Hollande had his own domestic reasons to ask for a swift and clean Brexit. French presidential elections are coming up in the first semester of 2017 and the nationalist Front National headed by Marine Le Pen will be looking to capitalize on the UK referendum result. She is already set to win the first round. This is probably why, in June 25, after an urgent meeting of the foreign ministers of the six founding EU members in Berlin, the French foreign minister also called for immediate Brexit negotiations. "We have to give a new sense to Europe", he said, "Otherwise populism will fill the gap". That meeting in Berlin also exposed a disagreement inside the German government with regards the timing of the Brexit negotiations: the German foreign minister, Frank-Walter Steinmeier, coming from the Social Democratic party, said that "[Brexit] should get under way as soon as possible so that we are not left in limbo but rather can concentrate on the future of Europe"⁴¹.

Italian Prime Minister, Matteo Renzi, said recently that it will be "impossible" for Brexit talks to result in a deal that gives Britons more rights than others outside the EU⁴². This was a clear signal that a hard Brexit is more preferable than a special relationship that would infringe on the free movement of persons inside the EU. Renzi is under pressure from his own upcoming referendum, which might refer to internal constitutional reforms, but may still be influenced by Brexit talks.

Austria, Belgium, Cyprus and the majority of member-states have all called, one way or the other, on the EU not to accept UK cherry-picking the benefits and obligations of EU membership. The Czech State Secretary for EU Affairs Tomas Prouza was against any

compromise of the free movement of labor and said that “There is no way whatsoever for the U.K. to have the cake and eat it”. For the Czech Republic “it’s the four freedoms or no freedoms”⁴³. Bulgaria, Romania and Poland will be looking to protect their citizens living and working the UK. Unless their interest in upholding the freedom of movement of persons in the EU is secured, they will be reluctant to allow Britain access to the single market. In this regard, Romanian President, Klaus Iohannis said that his country would have a very active role in the Brexit negotiations⁴⁴. Polish deputy foreign minister Konrad Szymanski is willing to hold Brexit negotiations under pressure of a veto, in order to secure a balanced deal that respects all four freedoms of movement⁴⁵.

Even Ireland, which stands much to lose by a hard Brexit, seems to be leaning towards a strict EU position on the negotiations with UK. In an interview on Bloomberg, Irish finance minister, Michael Noonan said, “the best possible position for Ireland is that the position after the settlement will be very close to what the situation was before”, but the UK cannot “have the advantages of the EU without the obligations”⁴⁶.

Softer positions were few and far in between coming mostly from the Netherlands, Denmark and Finland. Mark Rutte, the Dutch Prime Minister clearly had his country’s best interest in mind (i.e. Dutch economic interdependence with the UK), when addressing the European Parliament in Strasbourg he said that the EU would have to find a way to cooperate with the UK despite the regretful outcome of the referendum⁴⁷. Finish foreign minister Timo Soini, even though he is coming from the Eurosceptic True Finns party, he provided the most composed expression for the terms of a soft divorce. “The nation has had its say”, he said, “Any retaliation ... is out of the question”⁴⁸. However, none of them articulated any alternative to hard Brexit.

The Populist Reaction

Many EU leaders have sounded the alarm on populism. One of them was Jean-Claude Juncker the European Commission’s President, who in his 2016 State of the Union address he cautioned the European Parliament that the ‘galloping populism’ in Europe is a danger for the EU; Italy’s prolific Prime Minister Matteo Renzi raised the alarm level even more warning that populism is ‘the greatest danger for the EU and its ideals’.

Why all this alarmism? Populism is dramatically changing political life in Europe as it did in Latin America? No, not really. Not yet, at any rate. But then again populists are upping the ante everywhere in Europe. And if there were any doubts as to whether populism can cause serious damage to the European project, the Brexit event should be enough to dispel those doubts once and for all. In this respect, the Brexit is the most astute expression of discontent with EU integration, a momentous event in the history of Europe that has the potential to usher a new era of disintegration for the EU.

Apart from populist parties in France, Netherlands and Italy, none of the mainstream political parties in the EU has called for a referendum on EU membership in their respective countries. Nevertheless, with the rise of populism as a clear electoral trend in Europe, the domino effect of Brexit on other EU countries should not be underestimated⁴⁹.

Marine Le Pen, leader of the Front National (FN) in France was the first to salute the outcome of the UK referendum. She had already promised a referendum on EU membership to the French voters, so when Brexit carried the day she hailed the result as a 'victory for freedom' and she tweeted that it was time for France and all EU countries to have a referendum. Unsurprisingly, Le Pen was aligned with Russian politician and pundits such as Alexey Pushkov, Head of the Duma's Foreign Affairs Committee and Yulia Latynina, commentator for the Russian *Novaya Gazeta*, who described Brexit as a 'revolt against the ruling system and traditional politicians' and 'an uprising against Brussels'⁵⁰. The next day of the referendum, in an op-ed published in the *New York Times* (in both English and French), Marine Le Pen summoned the image of the EU as a 'prison' and a 'cage', citing this time Brexit as an act of revolt and the beginning of the 'inevitable peoples' spring'; more and more, Le Pen wrote, 'the destiny of the European Union resembles the destiny of the Soviet Union, which died from its own contradictions'⁵¹. Elsewhere, in an interview with the *Time Magazine*, Le Pen compared the result of the UK referendum with the fall of the Berlin Wall, invoking again the image of the collapsing Soviet Union⁵². In the aftermath of Brexit, Le Pen's comparison between the EU and the Soviet Union is an opportune and novel tactic. Its function is to update the threadbare argument that western liberalism is morally corrupt and to instill a sense of the EU's imminent collapse⁵³.

In the Netherlands, Geert Wilders, leader of the populist anti-immigration Freedom Party (VVD), and an ally of Marine Le Pen in the European Parliament, rejoiced on twitter with the result and said that it was "time for a Dutch referendum". Opinion polls in the Netherlands suggest that a majority of the population is in favor of a referendum on EU membership⁵⁴. Another ally of Marine Le Pen and Geert Wilders in Italy, the leader of Italy's right-wing Lega Nord (LN) hailed the "courage of UK citizens" and declared the result "a defeat of the EU blackmail". According to Matteo Salvini, it was Italy's turn to vote on EU membership – and there too, the public seems convinced that such a referendum is the right thing to do⁵⁵.

Other soft Eurosceptic leaders such Hungary's Victor Orbán and Poland's Jaroslaw Kaczynski, believe that Brexit is a fine opportunity for them to pressure for a regime change in the EU: in the occasion of a common appearance they pledged together to wage a "cultural counter-revolution" to reform the EU⁵⁶. Lest we forget, Brussels has criticized strongly Orbán for taking control of public broadcasters, eroding judicial independence and advocating the return of key industries (such as banks) under state control. He does not accept the populist label of course, but what he did admit in public was that "the new state [Fidesz is] constructing in Hungary is an illiberal state, a non-liberal state"⁵⁷. In his speech for a summer university student camp in 2014, Orbán said that his administration does not "make [liberalism] the central element of state organization, but instead includes a different, special, national approach". What is astonishing, shocking even, is that Orbán claimed that membership to the European Union is compatible with this different, special and national regime. Kaczynski looks up to Orban as a role model and Kaczynski too, is implementing constitutional and media reforms that increase government control of the judiciary and the public media. Brussels has launched an investigation to determine whether Warsaw's reforms are breaching EU regulations related to the "rule of law".

Consequently, Brexit does not necessarily mean that the EU will collapse. This is not the only danger. Although the possibility that another country is going to leave the EU is slim; it is more probable that from now on centrist politicians and pro-European forces will be on the defensive against populist, Eurosceptic and illiberal forces⁵⁸. This is the most dangerous impact of Brexit: it opens up lots of opportunity for dissent and opposition and thus it is a big win for populists everywhere in Europe, which could boost their popularity ahead of several national election in the EU in the next years.

A New Democratic Foundation

Despite the possible negative impact that the Brexit will have on the EU and UK economies as well as on the politics of the continent, it seems like a consensus is emerging that favors a hard Brexit. This will mean that the UK will probably have no special status vis-à-vis the EU and that trade will continue under WTO rules (see figure 2). For the time being, it looks like political consideration in the EU and the UK matter more than economic concerns. London is determined to use Brexit in order to gain political independence, while Brussels is looking to shield itself from populists and other centrifugal political forces. The interests of the member-states vary, but they converge when it comes to upholding the four fundamental EU freedoms. Does that mean that business can go on as usual after Brexit is final? This is highly unlikely. The Brexit has shown that change is urgently needed. The EU will need to reform in a meaningful way. The question is when and how.

FTA	The UK could conclude its own FTA with the EU as a third country. This would give the UK access to the single market but at a considerable loss of independence in terms of market and common standards regulation.
Customs Union	The Customs Union ensures that there are no tariff barriers in EU-UK trade. The UK needs to adopt EU market regulations. Also, the UK has to conform with the Free Trade Agreements the EU is making without being able to influence these agreements.
European Economic Area	The UK has access to the single market but absolutely no control over EU legislation, which, nonetheless, must be incorporated in UK law. The UK still needs to contribute to the EU budget.
Bilateral Accords	The UK and the EU sign a set of bilateral accords that give the UK access to the common market in selected sectors. This is not a comprehensive agreement, but tailor-made to the circumstances.
WTO	The UK and the EU do not sign any agreement and decide to deal according to current WTO rules. The UK does not have to make political concessions in exchange for access in the single market, but will face EU external tariff barriers.

Figure 2 - WTO as favourite Brexit Model

The Need to Reform: EU Legitimacy Crisis

Calls and proposals for EU reform were discussed even before Brexit. The need to reform now is even greater. Regardless of when and how the Brexit negotiations will conclude, the EU needs to start thinking about its own future. The EU needs to focus reform efforts on the effective governance of the Eurozone, the completion of the single market area and the establishment of a successful growth model⁵⁹. This is the only way to keep the European project running.

If something is clear from the Brexit event, is that there is a serious problem with the loss of EU legitimacy across Europe. Both in scale and in speed, the loss of EU legitimacy in the eyes of the public appears to have no parallel in the history of the bloc. It is not only the electoral wins that populists are achieving in the member-states. The public's disenchantment with the EU is clearly suggested in opinion polls across Europe. According to the latest statistics from the European Commission, trust in the EU has plunged in the past decade from a high 57% in 2007 to 33% in 2016⁶⁰. The positive image of EU has taken a similar hit losing 16 points, whereas negative image of the EU have risen by 13 points during the same period⁶¹. Negativity reached record highs in crisis-ridden countries such as Cyprus and Greece but also countries that fared much better such as Austria and the Czech Republic and of course the UK⁶². Especially in Greece a country coping with the seventh consecutive year of recession, Gallup found that more than one in three Greeks (35%) approved of Russia's leadership, while fewer than one in four (23%) approved of the EU's leadership⁶³. Recently, a survey of 10 large EU states by the Washington-based Pew Research Center noticed significant opposition in key European countries to an ever-closer EU⁶⁴. Public support for the EU plunged in France, where only 38 percent of respondents said they had a favorable view of the EU, down 17 points from last year. It fell by 16 points in Spain to 47 percent, by eight points in Germany to 50 percent, and by seven points in Britain to 44 percent. The irony? Even in the member-states with the highest public support for the EU, namely Hungary and Poland, people have elected two of the most Eurosceptic governments in the whole bloc of 28. Much of this disaffection with the EU, Pew claimed, could be traced back to the bloc's handling of the refugee crisis and the economy⁶⁵. Brexit was a gravely serious symptom of the legitimacy crisis that the EU is experiencing.

The result of the referendum was a rejection not only of immigration policies, but also of the EU performance and overall direction these past years⁶⁶. In response to these two crises, Brussels seemed convinced that the only practical option was to deepen European integration, somehow to come up with more Europe. Their reasoning was quite straightforward: the EU was lacking the power to deal with the common problems troubling its member-states. In a matter of a few years, the debt crisis gave rise to powerful EU institutions and surveillance mechanisms such as the European Financial Stability Facility; the European Stability Mechanism; the Six-Pack and Two-Pack; the European Semester; and the Fiscal Compact. On the migration front, the reaction was not different: there too, after a long-drawn succession of EU Summits, the European leaders negotiated a plan for refugee relocation and the creation of a European Border and Coast Guard. In more than

one way, decision-makers under pressure from critical and unforeseen circumstances decided not only to deepen EU integration, but also to accelerate the integration process.

The intentions were good, but in the words of the outgoing US President, “a well-intentioned Brussels often became too isolated from the normal push and pull of national politics. Too often, in capitals, decision-makers have forgotten that democracy needs to be driven by civic engagement from the bottom up, not governance by experts from the top down”⁶⁷. In this respect, the Brexit can be an window of opportunity for the “redefinition of the [...] the means in which competences are distributed and above all exercised between the national and European levels and the democratic scrutiny of EU decisions”⁶⁸. The EU is a voluntary political project and as it is dependent on support from the people.

The crises are still ongoing. It is possibly premature, if not outright imprudent, to write an obituary for the EU, as the Harvard historian John R. Gillingham has done⁶⁹. The reality however, is not encouraging. The Euro seems safe for now, but growth remains anemic. Schengen provisions were partially suspended, walls have been erected and selective border controls have been re-enacted. The refugee relocation plan was stillborn. The creation of European Coast Guard is still hanging and a resettlement agreement with Turkey is on balance. Europe is in urgent need for a new approach.

No doubt, the EU will have to become more effective in solving problems, more democratic when taking decisions and more resolute in becoming a force for good around the globe. What is at stake is nothing less than the survival of the European project⁷⁰. Indeed, this year and the next a lot are going to be decided: major EU countries will go through critical democratic elections. Italy will hold a constitutional referendum this autumn; French presidential elections are coming up next in April/May 2017; German federal elections later the same year.

Democrats all over Europe need to convince the citizens that the EU is a democratic project and that it is not only necessary but also vital for Europe’s prosperity.

Recommendations

- We do not need more Europe, nor less Europe – we need better Europe.
- A new democratic foundation means to redefine European governance in a way that is more transparent, more accountable and more effective. This is the only possible solution to the dramatic decline of support for the EU.
- Loss of public support for the EU is the greatest danger. Eurosceptics and populists are only exploiting the loss of support, they do not create it; the EU will need to move closer to the citizens and involve them in the decision-making. This means that the national parliaments and the European Parliament will have to be given prominent roles in the EU decision-making process.

- The EU is a democracy not a technocracy: Brussels and the other European capitals cannot go on pretending that nothing is happening. Brexit is an expression of a serious EU legitimacy crisis. It can be the opportunity to redefine the way decisions are taken in the EU or a breaking point for the European project.
- EU decisions need to be inclusive and transparent. Reforms should have been already underway concerning the transparency of decision-making in the EU Council and the Eurogroup.
- Policies, especially economic policies, are effective when they solve the real problems of the citizens in the member-states – not when they conform to some abstract logic.
- In the meantime, it is important to maintain a moderate and balanced, but honest position on Brexit. The UK will always be a close EU partner, but the four fundamental freedoms must be protected. The referendum result is no reason for bitterness and will have to be respected. Both sides can use some time to think the process through.

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Endnotes

¹ The impact of Brexit on the EU Centre for European Reform, June 2016; for the UK allies in the EU see in particular Simon Hix and Sara Hagemann, Does the UK win or lose in the Council of Ministers? LSE Blogs, available at <http://bit.ly/1HldHo3>

² See for example: Hofmeister, H. (2010), 'Should I stay or should I go?' – a critical analysis of the right to withdraw from the EU, *European Law Journal*, Vol. 16, No 15, 2010, pp. 589-603; Łazowski, A. (2012) Withdrawal from the European Union and alternatives to membership, *European Law Review*, pp. 523-540; Nicolaides, P. (2013), Withdrawal from the European Union: a typology of effects, *Maastricht Journal* Vol. 20, pp. 209-219

³ For a presentation of Article 50 TEU procedure see: European Parliament Research Service, Article 50 TEU: Withdrawal of a Member State from the EU, Briefing, February 2016

[http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI\(2016\)577971_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI(2016)577971_EN.pdf); and also Brexit: What happens next? House of Commons Library, June 2016

⁴ See for example Global Counsel Report, BREXIT: the impact on the UK and the EU, June 2015 available at <https://www.global-counsel.co.uk/analysis/special-report/brexit-impact-uk-and-eu>; or a similar analysis made by Norton Rose Fullbright, available at:

<http://www.nortonrosefulbright.com/knowledge/publications/136974/brexit-scenarios>;

⁵ Jean-Claude Piris, "If the UK votes to leave: The seven alternatives to EU membership", Centre for European Reform, January 2016. Available at:

http://www.cer.org.uk/sites/default/files/pb_piris_brexit_12jan16.pdf

⁶ Global Counsel, *Ibid.* p. 6

⁷ "Brexit's Fallout: Adrift", *The Economist*, 2 July 2016, available at:

<http://www.economist.com/news/leaders/21701479-leaderless-and-divided-britain-has-its-first-taste-life-unmoored-europe-adrift>

⁸ Richard G Whitman, The EEA: A Safe Harbour in the Brexit Storm, Chatham House, available at: <https://www.chathamhouse.org/expert/comment/eea-safe-harbour-brexit-storm#sthash.OSa5DVJH.dpuf>

⁹ Brexit guide: What next? Open Europe, June 2016

¹⁰ *Ibid.*

¹¹ "Brexit panic wipes \$2 trillion off world markets - as it happened", *The Guardian*, 24 June 2016, available at <https://www.theguardian.com/business/live/2016/jun/24/global-markets-ftse-pound-uk-leave-eu-brexit-live-updates>

¹² "FTSE 100 sees £120bn wiped off its value in worst day of losses since financial crisis", *Independent*, 24 June 2016, available at:

<http://www.independent.co.uk/news/business/news/ftse-100-eu-referendum-brexit-sterling-pound-bank-housebuilders-a7099951.html>

¹³ Andrew Lilico, "Of experts and 'experts': Economists and Brexit" Institute of Economic Affairs, July 2016; for a slightly different point of view, see Paul Johnson, "We economists must face the plain truth that the referendum showed our failings", *The Times*, 28 June 2016

¹⁴ Ben Bernanke, Economic Implications of Brexit, Brookings Institute, 28 June 2016

-
- ¹⁵ Oxford Economics, 'Assessing the economic implications of Brexit', March 2016; PwC, 'Leaving the EU: Implications for the UK economy', study commissioned by the Confederation of British Industry, March 2016; Open Europe, 'Where next? A liberal, free-market guide to Brexit', March 2016
- ¹⁶ Capital Economics, 'The economic impact of Brexit', study commissioned by Woodford Investment Management, February 2016
- ¹⁷ Minford P. et al, 'Should Britain leave the EU? An economic analysis of a troubled relationship', IEA, 2005; IoD, 'EU membership – what's the bottom line?', 2000
- ¹⁸ Ibid.
- ¹⁹ Will America win or lose from Brexit? Peterson Institute for International Economic, June 2016
- ²⁰ International Monetary Fund, "United Kingdom – Selected Issues", pp. 4-37, available at <https://www.imf.org/external/pubs/ft/scr/2016/cr16169.pdf>
- ²¹ Global Counsel, Ibid. p. 31
- ²² CPB Netherlands Bureau for Economic Policy Analysis, "Brexit Affect the Netherlands more than other Countries", CPB Policy Brief, 2017/07 available at: <https://www.cpb.nl/sites/default/files/omnidownload/CPB-Policy-Brief-2016-07-Brexit-costs-for-the-netherlands-arise-from-reduced-trade.pdf>
- ²³ Haass, Richard. "Political Losses From Brexit Will Be Deep and Enduring." CFR.org. Council on Foreign Relations, 24 June 2016. Web. 23 Sept. 2016.
- ²⁴ For an early assessment of Brexit on EU politics and the European Parliament in particular see: Chrissogelos, A. (2016), How Brexit will affect the balance of power in the European Parliament, EUROPP Blog, London School of Economics, available at <http://bit.ly/29dclH2>, last accessed on 29 June 2016
- ²⁵ "Nigel Farage rejects offer of Ukip tie to French far-right Front National", The Guardian, 18 April 2014 available at <http://www.theguardian.com/politics/2014/apr/18/nigel-farage-rejects-ukip-tie-french-front-national>; "Le Pen and Farage battle for partners to form group", Euractiv, 29 May 2014 available at <http://www.euractiv.com/section/eu-elections-2014/news/le-pen-and-farage-battle-for-partners-to-form-group>; "How Le Pen did it", Politico, 22 June 2015 available at <http://www.politico.eu/article/how-le-pen-did-it-fn-enf/>
- ²⁶ - Keir Giles, Britain's Leave Vote Is an Opening for Putin, Chatham House, 30 June 2016 available at <https://www.chathamhouse.org/expert/comment/britain-s-leave-vote-opening-putin#sthash.dxrNaS86.dpuf>
- ²⁷ JOHN E. HERBST, *Brexit is a Win for Putin*, Atlantic Council, JUNE 30, 2016
- ²⁸ NATO, the EU and Brexit: Joining forces? Centre for European Reform, July 2016
- ²⁹ ANDREAS UMLAND What Brexit Means for Ukraine, Atlantic Council, JUNE 27, 2016
- ³⁰ Center for European Reform, EUROPE AFTER BREXIT: UNLEASHED OR UNDONE? Policy brief Ian Bond, Sophia Besch, Agata Gostyńska-Jakubowska, Rem Korteweg, Camino Mortera-Martinez, Simon Tilford 15 April 2016
- ³¹ NATO after Brexit Danish Institute for International Studies, July 2016
- ³² "Federica Mogherini sends the EU Global Strategy to the Member States", EAAS press release, 26 June 2016
- ³³ Brexit: The global fall-out Friends of Europe, June 2016
- ³⁴ Centre for European Policy Studies, "A Fresh Start for the European Union after Brexit", June 2016
- ³⁵ Peter van Ham, Brexit: A wake up call for Europe. Clingendael Institute, 24 June 2016
- ³⁶ Britain must think in grander terms to reach new European settlement Open Europe, July 2016
- ³⁷ Informal meeting at 27 Brussels, 29 June 2016 Statement available at <http://www.consilium.europa.eu/en/meetings/european-council/2016/09/16-informal-meeting/>
- ³⁸ EU's Juncker says wants to begin negotiating British departure now, Reuters, 24 June 2016, available at <http://www.reuters.com/article/us-britain-eu-juncker-idUSKCN0ZA3CL>
- ³⁹ Germany's Merkel signals sober separation from EU 'partner' Britain, Reuters, 25 June 2016, available at <http://www.reuters.com/article/us-britain-eu-europe-idUSKCN0ZB09Q>
- ⁴⁰ "Britain can't 'cherry-pick' rules, says Merkel", The Times, 28 June 2016, available at <http://www.thetimes.co.uk/article/britain-cant-cherry-pick-rules-says-merkel-vgqtc7nojd>
- ⁴¹ Brexit: Angela Merkel pushes back on EU pressure for quick divorce, Financial Times, 25 June 2016, available at <https://www.ft.com/content/60678b42-3aa2-11e6-8716-a4a71e8140bo>
- ⁴² "Brexit: Italian PM Matteo Renzi warns UK over EU rights", BBC, 29 September 2016 available at <http://www.bbc.com/news/uk-politics-37502578>
- ⁴³ "U.K. Told It Has Zero Chance of Having, Eating Brexit Cake", Bloomberg, 20 September 2016, available at <http://www.bloomberg.com/news/articles/2016-09-20/u-k-told-it-has-zero-chance-of-having-brexit-cake-and-eating-it>

-
- ⁴⁴ The effects of the Brexit vote on Romania: President Iohannis calls emergency meeting at the Cotroceni Palace, Nineoclock.ro, 25 June 2016, available at <http://www.nineoclock.ro/the-effects-of-the-brexit-vote-on-romania-president-iohannis-calls-emergency-meeting-at-the-cotroceni-palace/>
- ⁴⁵ "Brexit Veto Talk Rises in EU's East on Concern Over Workers", Bloomberg, 19 September 2016, available at <http://www.bloomberg.com/news/articles/2016-09-19/brexit-talks-face-veto-pressure-as-poland-concerned-over-workers>
- ⁴⁶ "Dublin Calling for Bankers Weighing Brexit Move, Noonan Says", Bloomberg, 23 September 2016, available at <http://www.bloomberg.com/news/articles/2016-09-23/dublin-calling-for-bankers-weighing-brexit-move-noonan-says>
- ⁴⁷ Address by Prime Minister Mark Rutte of the Netherlands to the European Parliament in Strasbourg, 5 July 2016, available at <https://www.government.nl/documents/speeches/2016/07/05/address-by-prime-minister-mark-rutte-of-the-netherlands-to-the-european-parliament-in-strasbourg>
- ⁴⁸ Brexit: World reaction as UK votes to leave EU, BBC, 24 June 2016, available at <http://www.bbc.com/news/uk-politics-eu-referendum-36614643>
- ⁴⁹ Carnegie Europe, "Brexit's hangover" June 2016
- ⁵⁰ Translated and reviewed by EU East StratCom Task Force, Disinformation Digest, 1 July 2016 available at <http://us11.campaign-archive1.com/?u=cd23226ada1699a77000eb60b&id=gbaebd1caa&e=4bcffe6560>; Alexey Pushkov's Tweet available at https://twitter.com/Alexey_Pushkov/status/746442241145774080 Translated and reviewed by EU East StratCom Task Force, Disinformation Digest, 1 July 2016 available at <http://us11.campaign-archive1.com/?u=cd23226ada1699a77000eb60b&id=gbaebd1caa&e=4bcffe6560>; Original article in Russian available at <http://www.novayagazeta.ru/columns/73597.html>
- ⁵¹ 'Marine Le Pen: After Brexit, the People's Spring Is Inevitable', The New York Times, 28 June 2016 available at http://www.nytimes.com/2016/06/28/opinion/marine-le-pen-after-brexit-the-peoples-spring-is-inevitable.html?_r=0
- ⁵² "France's Marine Le Pen on Brexit: 'This Is the Beginning of the End of the European Union'", Time Magazine, 28 June 2016, available at <http://time.com/4386695/brexit-france-q-and-a-marine-le-pen-national-front/>
- ⁵³ See also Le Pen's interview on RT before the UK referendum: "EU is in process of collapsing on itself" – Marine Le Pen to RT", RT, 20 May 2016, available at <https://www.rt.com/news/343715-eu-collapsing-france-lepen/>
- ⁵⁴ Many Dutch would like a Nexit referendum, but most would vote to stay, DutchNews.nl, 6 June 2016, available at <http://www.dutchnews.nl/news/archives/2016/06/91467-2/>
- ⁵⁵ Brexit, Renzi: garantiremo stabilità, Mattarella: rilanciare la Ue, Corriere Della Sera, 24 June 2016, available at http://www.corriere.it/politica/16_giugno_24/salvini-esulta-all-uscita-gran-bretagna-dall-unione-europea-30736676-39cc-11e6-b0cd-400401d1dfdf.shtml
- ⁵⁶ Orban and Kaczynski vow 'cultural counter-revolution' to reform EU, Financial Times, 7 September 2016, available at <https://www.ft.com/content/e825f7f4-74a3-11e6-bf48-b372cdb1043a>; Polish, Hungarian 'horse thief' alliance alarms Brussels, Reuters, 15 September 2016, available at <http://www.reuters.com/article/us-eu-summit-poland-hungary-idUSKCN11LoAX>
- ⁵⁷ This and all subsequent Orbán quotes come from Prime Minister Viktor Orbán's Speech at the 25th Bálványos Summer Free University and Student Camp, July 30, 2014 - available in the official website of the Hungarian Government
- ⁵⁸ The impact of Brexit on the EU Centre for European Reform, June 2016
- ⁵⁹ See recommendations from Bruegel, Six lessons about 'real' people, Brexit, and the EU, June 2016
- ⁶⁰ Eurobarometer, Spring 2016 (First Results), p. 14
- ⁶¹ *ibid.* p. 15
- ⁶² *ibid.* p. 16
- ⁶³ Gallup poll 'More Greeks Approve of Russia's Leadership Than EU's' available from <http://www.gallup.com/poll/181460/greeks-approve-russia-leadership.aspx>
- ⁶⁴ Pew Research Center, Euroskepticism Beyond Brexit Significant opposition in key European countries to an ever closer EU, 7 June 2016 available at [file:///Users/antonios/Downloads/Pew-Research-Center-Brexit-Report-FINAL-June-7-2016%20\(1\).pdf](file:///Users/antonios/Downloads/Pew-Research-Center-Brexit-Report-FINAL-June-7-2016%20(1).pdf)
- ⁶⁵ *ibid.* p. 6
- ⁶⁶ Constanze Stelzenmüller, Does Brexit portend the end of European unity?, The Washington Post, June 25
- ⁶⁷ Address by President Obama to the 71st Session of the United Nations General Assembly, 20 September 2016, available at <https://www.whitehouse.gov/the-press-office/2016/09/20/address-president-obama-71st-session-united-nations-general-assembly>

⁶⁸ Managing a Successful UK-EU Divorce, Arousing the Desire for Union António Vitorino | President of the Jacques Delors Institute, 28 June 2016

⁶⁹ Gillingham, J.R. (2016), The EU: An Obituary, London: Verso Books

⁷⁰ Giovanni Grevi, Europe: a question of survival, European Policy Centre

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