## Information report on the repercussions of the British referendum and on the follow-up negotiations

#### BREXIT: A CHALLENGE FOR THE EUROPEAN UNION

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#### INTRODUCTION

The school children of the countries of the European Union diligently learn the history of their respective nations. At a certain stage in their studies, these various histories come together in a history which is shared by all – the history of Europe and subsequently the history of the European Union. The Abbé de Saint-Pierre, Victor Hugo and Aristide Briand dreamed of it, Winston Churchill, in his time, called upon the continental states to establish it, without the United Kingdom, and then our founding fathers built it. Robert Schuman, Jean Monnet, Alcide De Gasperi, Paul-Henri Spaak, Joseph Bech, Johan Willem Beyen, Konrad Adenauer, Altiero Spinelli bequeathed to us an idea which was more philosophical than economic and which dealt more with civilization than with management. As Jean Monnet once said, it is through Europe that our states will become distinctly "free, strong, peaceful and prosperous". European school children can identify the history of their continent and of its institutions with regular steps in the deepening, the progress and the ambition of its construction.

Today, for the first time in its history, a people has decided that it would be better protected outside the European Union than inside. The European Union has to deal, for the first time in its history with the notion of contraction. The British vote in favour of the exit of the United Kingdom from the European Union can be seen as a backward step in the idea of European construction which started in the aftermath of the second world war. In reality, the requirements put forward by David Cameron, who was elected on a platform which imagined the holding of a referendum, were already in contradiction with the European political project, in particular as they went against its intrinsic political nature. There were three demands which would have led to a deep change in the character of the European Union: the fact that derogation in monetary matters would become a common rule, the reform of the notion of an ever closer union between the peoples of Europe and limitations on the free movement of people. Several Eurosceptic political forces understood the stakes and hoped that the continued membership of the United Kingdom in the Union would grant the legitimacy and the opportunity for them to request the same derogations for their own countries. In declaring, on January 23, 2013, that if he were reelected two years later, he would hold a referendum, on the future of the Union, the then Prime Minister, David Cameron, for internal political reasons, bears a heavy responsibility.

"Our belief was that it was preferable for the United Kingdom to continue to be a member of the European Union, but that European construction could continue without the UK if we know both how to deal with new challenges and to tackle old issues", declared Harlem Désir, the Secretary of State in Charge of European Affairs when questioned by the fact-finding mission.

The United Kingdom has always had an unusual position, "one foot in, one foot out", to the extent that the emergence of a pressing request for the reform of the European Union in the name of the reestablishment of national sovereignty seemed to be based on a certain irrationality. As the process of integration was pursued, especially in the most sensitive areas of sovereignty, the United Kingdom obtained derogations. The most obvious examples are those concerning justice and internal affairs, in which the United Kingdom only participates partially through the implementation of options (of participation or exemption) (1), and monetary union. The strengthening of the economic and monetary union since the financial crisis has not concerned the United Kingdom which was not involved in the reinforcement of the mechanisms dealing with economic and budgetary coordination. However, the United Kingdom has deeply contributed to the design of the European single market, which it will leave in several months.

In this respect, it is paradoxical to note that Prime Minister Theresa May, in a speech delivered on January 17, 2017, at Lancaster House, opted for an exit from the internal market which was, nonetheless, the motivation for membership of the EEC. This implies major risks for the British economy and its attractiveness, and yet she also called for close cooperation in the most political areas represented by internal security and defense. This surprising choice which has become clearer and clearer since June 23, 2016, does not imply renouncing access to the internal market. Indeed, the United Kingdom intends carrying out intensive and assertive negotiations in this area. The precise intentions of Mrs. May's government remain unclear.

Confronted with British negotiators who certainly see a form of dexterity in this attitude, the Union must demonstrate clarity and resolution which should engender cohesion amongst the peoples of Europe. We must, on our side, be clear about the method and the aims which we wish to propose and to implement. This was indeed the ambition of this fact-finding mission set up as of July 2016 by the Conference of Presidents of the French National Assembly: **to inform**, especially through interviews whose minutes are annexed to this report, **to identify the major issues** in the economic, political and strategic fields posed by the exit of the United Kingdom from the European Union, as well as those affecting our citizens and finally **to monitor** the drawing-up of the general framework of the French position.

As of today, February 2017, no negotiations have been undertaken as we await the notification of withdrawal of the United Kingdom and thus the work of our parliamentary mission cannot yet cover the "follow-up" dimension of the issue. Nonetheless, positions have been indicated and this report aims at providing an analysis of them and proposes recommendations.

<sup>(1)</sup> The situation of the United Kingdom concerning these policies is laid out in the second part of this report in order to clearly define the impact of exit upon such policies.

The twenty-seven member states have made known their shared viewpoint of the acceptable legal framework concerning the interests of the European Union. The United Kingdom, through its Prime Minister, has stated a certain number of avenues concerning the relationships it wishes after withdrawal. Article 50 of the Treaty on the European Union makes provision for, indeed in a quite imprecise way, the exit procedure for a member state. This article distinguishes the mechanisms for withdrawal from the definition of a future relationship. Indeed, the fact of withdrawing, in itself, raises numerous legal and practical questions which must be answered independently of possible transition measures towards any future status. This order must be respected but it does not mean that we cannot consider, as of now, the conditions in which we should examine the British requests and, in particular, the drawing-up of "red lines" concerning the negotiation as well as the mechanisms for the association of a non-member state of the importance of the United Kingdom, geographically situated beside the European Union.

The first red line, with multiple dimensions, is the conservation of our common heritage: The European Union. Indeed, it is necessary to frame the paradox of the British choice in the broader context of the crisis of the European project. As with all historic break-ups, Brexit is a symptom of a deeper trend, indeed a much more serious gap, i.e. that between the European Union and its citizens. The absence of a response to this major challenge would at best be a distinct failing and, at worst, a sign of contempt towards our peoples. The rise of populism and of national inwardness are signs of our collective failure to spark the flame, in the hearts of our citizens and in their everyday lives, of the philosophical project of the founding fathers of Europe. Europe should embody the very notion of the universal values which inspired its foundation and which convinced the other continents of its originality, its worth and its solidity. Having become, in many ways, a simple "accountancy" question, bereft of its human aspect, how can we not understand that, in such uncertain times, it can be called into question, as the accounts are not balanced?

The main question we must answer, even if the British had voted to remain in the Union, is: what kind of Europe do we want? The European Union is a teleological edifice which involves collective membership of a European "world" whose limits are blurred but which implies that each stage of construction calls into question this planned design. We need enormous creativity and determination to be up to the task, both of dealing with the withdrawal of the United Kingdom from the European Union and with picking up the thread of a forward-looking Europe, in order to make sense of an ideal that should be crystal clear: the ideal of a Europe made up of free women and men who live in peace, in freedom and diversity, in safe physical and material conditions which lead to the well-being of all and we must accept, in order to reach such a situation that we must relinquish a certain amount of national sovereignty. The peoples of Europe cannot expect their states, on their own, to manage the resources necessary to provide an answer to the new challenges posed by the digital economy, by ecological and energy transition and

by the huge questions which are posed and will be posed by the migration of populations fleeing war and poverty.

The choice made by the British people to withdraw from the Union must not be seen out of context, and it must not be regarded as a thunderstorm in a calm European sky. The alarm signals from the people have become more numerous in Europe, even in countries reputed to be most favorable to integration. Even if the very existence of the European Union is not the first target of such grassroots anger, the need for change is certainly shared. Not only should the exit of the United Kingdom not weaken the historic strength of the European edifice, but it should also incite our states and Europe to rediscover the road toward the trust of the people.

To quote Paul Valéry, almost a century ago and yet just yesterday: "An incredible shiver has shaken the bones of Europe. It has felt, to its very living marrow, that it no longer knew itself, that it has ceased to be what it recognized in itself, that it was about to fade away, that it has lost everything which it had acquired through bearable woes, provided by thousands of men of the highest caliber, through numerous geographical, ethnic and historical opportunities". All in search of the question: "Will Europe become what it is in reality, the little promontory of Asia?" (2)

This fact-finding mission has interviewed, at the French National Assembly, thirty people and has carried out four trips abroad (to London, Brussels, Berlin and Frankfort). The report which has resulted from this work does not have the aim of contributing to the reflection on the re-foundation of the European Union. However, its analysis of the issues concerning the upcoming negotiations and the recommendations which it puts forward concern the central question of the future of the European project. This analysis and these recommendations which the Mission puts forward, are also based on the conviction that the original project of the founding fathers is still sound and, furthermore, on the refusal to consider that the reply of the United Kingdom toward the current weakening of our Union is a solution for the future. It will be up to the new French National Assembly elected in the next general elections to take up and continue this work.

Whatever happens, our European future must depend only on us.

<sup>(2)</sup> in Variété, la Crise de l'esprit, 1919, first letter and second letter.

### CONCLUSION: THE RECOMMENDATIONS OF THE FACT-FINDING MISSION

Given the period during which the work of the mission was carried out, i.e. before the triggering of the procedure laid down in article 50 of the Treaty on the European Union, the current report has focused on setting down the context in which the negotiations shall be opening. In doing so, it has highlighted several points where vigilance is required and these have led the rapporteur-chair to formulate three types of recommendations.

# A first series of recommendations concerns the way to enter into the negotiations

### 1. To begin by the divorce negotiation in order to provide for an orderly exit:

When the British interlocutors state that certain sectors, especially that of financial services, will be at the heart of the negotiations, they display the desire to concentrate the negotiations from the beginning on the future status. However, this is neither the text of article 50 nor is it in the interest of the European Union. Care should be taken to ensure that the negotiations deal, first of all, with the aspects linked to the divorce itself, including the financial burden for the United Kingdom caused by its exit. The negotiating mandate granted to the European Commission must be perfectly clear on this point. The gaining of agreements on the numerous subjects mentioned in this report should be a precondition to any discussion on a future relationship.

2. To rapidly solve the question of the status of European citizens: among the exit mechanisms which will require transitional measures, the question of the rights of citizens should be the absolute priority. Firstly, the right to remain in their host country must be guaranteed without conditions for ex-patriots who have lived there for more than five years. Secondly, specific rights should be granted to citizens who do not fulfill this condition but who have resided in another state of the European Union before the decision was taken by the United Kingdom to withdraw from the European Union. The specific date to be used could be that of the triggering of the exit procedure but in any case could not be situated any time before June 23, 2016.

- 3. In a second phase, to negotiate the general outline of any future relationship using the existing instruments as a basis for negotiation: anticipatory, provisional measures concerning the future relationship should be discussed; this is the meaning of the expression included in article 50 and which states: "taking account of the framework for its future relationship". It goes without saying that we cannot enter a negotiation by proposing a solution which attempts to respond to the requests of the United Kingdom, which we can clearly see today, aim at obtaining competitive advantages whilst maintaining as much as possible of the current situation in the area of national interest, without suffering the constraints linked to being involved in other policies and not having to answer to a community legal system based on the sharing of sovereignty and supranational monitoring. Taking into account the importance of the United Kingdom in the world economy and politics, it goes without saying that a final agreement (if there should be one) will necessarily be made to measure. However, the European Union possesses instruments which are in line with its legal system and which should be used as the basis for a negotiation.
- 4. To allow the European Union to move forward: the twenty-seven member states must not enter into the negotiations considering that such negotiations constitute and dominate their European agenda. We know that a large part of our energy will be taken up by these negotiations. Nonetheless, the negotiations will be carried out by the Commission and we certainly have the possibility of making progress in the implementation of the Bratislava roadmap. Furthermore, this is essential for the credibility of the European Union and for the reestablishment of a link with its citizens. This can be carried out with the existing legislation: deepening of the internal market, especially the digital aspect, investment, energy policy, industrial policy, mobility, external management of borders, European defense: the withdrawal of the United Kingdom from the European Union must not suspend anything.

# A second series of recommendations concerns the actual approach to the negotiations

- 5. To ensure that the interest of the European Union prevails by maintaining cohesion: the cohesion of the twenty-seven member states will be the key to a good agreement for the European Union; it will therefore be essential to maintain the united approach which has been shown until now. Bilateral negotiations must be excluded and regular mechanisms for collaboration must be agreed upon. This will allow all the states to play their full role in the drawing-up of positions and to remain in touch with the negotiators.
- 6. To work and act in close collaboration with Germany: in order to foster such cohesion, the role of the Franco-German partnership will be fundamental. We do not, of course, exclude our partners but the relationship between our two countries, whose importance will automatically be strengthened in a European Union without the United Kingdom, will have the difficult task of

producing compromise positions which are acceptable to all and of doing this through a process of convincing and of cooperating with the countries to which they are closest. In this respect, we shall have to overcome the uncertainties which result from the planned elections in each of our countries; this is necessary on account of the long-standing nature of our links, the unusual character of the personal relations between our leaders, the depth of our sectorial cooperation and the consistency of our relationship.

- 7. To maintain the validity of our choice in favour of the European Union: no compromise should be reached which would provide the same advantages and clearly thus not greater advantages to the United Kingdom to those it had as a member of the European Union. Failing this, membership of the European Union would have no meaning. The future status should be based upon a balance of rights and obligations. It should also be stated that this is also a question of respect for the other non-member states with which the European Union has a special relationship.
- 8. To promote a global approach to the negotiations: as far as possible, the negotiations should not deal with issues sector by sector, as this could lead to the United Kingdom gaining competitive advantages even though it would neither be in an equivalent nor, by definition, better position than that which it holds today. This would also endanger our Union through the uncontrollable development of divisions between our member states and the different sectors of activity within our states. When the sectorial negotiations do take place, we must be careful to ensure the balance of rights and obligation for each sector but also to remember the overall relationship in this respect.
- 9. To demonstrate a respectful attitude toward the interest of European citizens: although Mrs. May's speech of January 17, 2017 used the weapon of fiscal dumping, the twenty-seven member states should avoid all forms of reprisals, threats and blackmail concerning Brexit. By respecting the choice made by the majority of voters in the United Kingdom and the interpretation which has been given to it by the British Government, we should remain concentrated on the most important thing: managing to organize this withdrawal in the most intelligent way. Brexit is not indeed, a zero-sum game. It is neither a game however, in which everyone can win. There will be losers. The superior interests of the peoples must prevail and especially as regards the avoidance of general impoverishment and the growth of security risks.
- 10. To maintain future perspectives for the European Union: beyond the desire to see the European Union move forward in the immediate future, our country should maintain, the whole way through the negotiations, the notion of the longer-term perspectives for the future of the European Union. We must be careful to ensure that the result of the negotiations does not weaken the progress of the European project but on the contrary, allows us to capitalize from a painful experience.

11. To conduct the negotiation within a limited time: the negotiation concerning the divorce should take place within a two-year time limit, unless there is a unanimous extension granted by the twenty-seven member states. Such an extension is not desirable. We must quickly clarify the situation for the citizens and for the economic actors and shorten as much as possible the period during which the United Kingdom would be negotiating with the Union, whilst, at the same time, continuing to participate in the drawing-up of its decisions. We must conclude the agreement on withdrawal before the 2019 European elections. If a transitional period towards a future partnership is necessary, then it must clearly mark a difference with the status of member and must be limited in time. This limitation on any transitional period will mean that the conclusion of an agreement on future relationships will occur within a reasonable time frame.

#### The final series of recommendations concerns parliamentary work

- 12. **To include French M.P.s:** the mission expresses the desire that a monitoring procedure of the negotiations should be set up during the next term of Parliament so that the French National Assembly might be provided with the necessary information so as to be in a position to monitor the Government. It will be a question for the next Assembly to decide upon the form that such a procedure would take, but it would be entirely incomprehensible that, in a period during which the democratic legitimacy of the European processes is called into question, the representatives of the nation be kept uninformed of the details of an historic event with such substantial repercussions.
- 13. To allow Parliament to express its opinion on the result of the negotiations: from a legal point of view, there is a difference between the withdrawal negotiations and the future relationship. The withdrawal is negotiated at a European level and an agreement must obtain the approbation of the European Parliament. An agreement with a third state, as it takes the form, in principle, of a mixed agreement, must be ratified by the European Parliament and by national parliaments. From a political point of view, the mission would like the French Parliament to be able to express its opinion on both agreements, and as regards the withdrawal agreement, this should be done through a debate followed by a vote. This is not only a question of principle, but of fully integrating the issue into the national public debate.
- 14. **To enhance European parliamentary diplomacy**: during this stage of the negotiations, in addition to governmental action, the role of parliamentarians can be particularly useful in following the process. The French National Assembly has developed strong ties with its European partners, including, of course, with the United Kingdom, and such dialogue, if it is strengthened, could be used, on the one hand, to help mutual understanding and to avoid possible misunderstandings or haggling and, on the other hand, develop the projects which we share on both a European and a bilateral level. Beyond the negotiations, the French National

Assembly should be at the forefront of the initiatives aimed at learning from Brexit and implementing reflection on the future of Europe.

The British emphasize the fact that they are not leaving Europe. Of course! We are also still attached to European values, to democracy, to our shared history, to our culture and to a certain conception of the world. We are their guardians and trustees. Let us find the right line which will allow us to, on the one hand, act on behalf of European citizens, for their liberty and for their economic and physical security, and, on the other hand, conserve the project of the European Union and give it a meaning in this destabilizing world, as well as showing that it is a tremendous asset in the journey to reach the well-being of peoples.

Geographically Europe has not changed, but the power of the European dream, whose engine is the improvement of the living conditions of the countries of a continent which thinks collectively about its own destiny, have raised serious doubts. It is, however, our bet that the European Union, as an historic and philosophical construction, is the political projection of a desire for popular solidarity whose relevance is still clear. In a world marked by the exponential growth in inequalities, by substantial changes in the labour market where technological developments redefine the idea of jobs, their loss and their automatization, by demographic upheavals which lead to migration, the answers to such challenges need more than confused temptations to indulge in isolation or attempts to have influence through localized intervention.

To think about the future of the relationships between the United Kingdom and the European Union, requires going beyond the contradiction of the result of the referendum of June 2016: even though the Brexit is generally presented as a statement of the will of workers, of families and of British citizens lacking protection, it specifically gave, within the British political class, a voice to those who support a movement toward what appears to be a programme of fiscal and social dumping. At the very heart of this contradiction lie our requirements and our vigilance: The European Union cannot be reduced to the fact of providing its supporters with a free exchange zone for services and for capital which is not governed by any fiscal, social or regulatory instruments.

The mistrust which is today felt concerning European institutions, is purely and simply the result of the political incoherence demonstrated by European representatives who, in committing themselves to a political path of social austerity measures, of budgetary measures and of the calling into question of public services, clash head-on with the true legitimacy of the Union to improve the social infrastructures by means of powerful and efficient interventions. "A word rightly placed, is worth a long and handsome speech" or so states an old proverb from the English provinces. Faced with the efficiency of the British negotiators who will propose an agenda which maintains their interests, the European Union should remember certain simple requirements which are the fruit of a shared popular political will.

Confronted with the risks of a European economic civil war, the fundamental humanism of our founding fathers must, once more, inspire our work and our projects. From the development of infrastructures to education, from the equality of health care to urban development, from transport to research, from protection against life risks to wage policy, the areas which will enrich the future and which will provide Europe with new life-blood, with new intensity and with new grandeur, are waiting for our commitment, for our labour and for our union.