

**THE BRITISH'S RELATIONS WITH THE EUROPEAN UNION
- IN THE CONTEXT OF BREXIT -**

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Abstract

We enrol our approach in the context of activating Article 50 of the Treaty of Lisbon, in which United Kingdom expressed its clear and firm intention to leave the European Union.

Britain's relations with the European Union have had a difficult path from the start. Since 1957, the UK refused to join the EU founding group, and later was twice refused its membership requests. The Common-Law leadership position offered to the UK, compared to other states, a privileged status, and yet this status did not bring the desired benefits to the six European states that created the EU.

In the context created by Brexit, the most important message is related to the lack of clarity and predictability in all areas of social life, both in the UK and within the European Union.

It is argued that, following the enlargement to the East of the EU, the British have witnessed a migration of East Europeans, which has led to employment and the creation of a real estate crisis. Withdrawal from the EU is just as spectacular and "original" as joining the European Community space.

Key words: *Brexit, European Union, United Kingdom*

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Invited to participate in the preparation of the Treaty of Rome (July 9, 1955 at the Intergovernmental Conference hosted by Val-Duchesse-Belgium Castle), Britain not only rejected the idea of joining the European Community, but also made known its position of free trade which was totally disagreeing with the new form of community life that had signed her "birth act" on the continent. The islands' economic visions, built on the free trade tradition, were strongly marked by the traditional economic relations within Commonwealth and the special side, privileged with the USA whose "brilliant second" seemed to be.

Taking into account these advantages, the British practical sense favoured a free trade area within the OECD (EFTA), which over time proved to be under the rhythm and benefits of the Communities on the continent. The fact that the EFTA States were engaged in strong trade relations with the Common Market was a factor contributing to better understanding the specificities of community life and the benefits offered. Thus, the United Kingdom has made its first accession (August 9, 1961) to the EEC. The option for the EU process has not stopped commercially advantageous trade with non-CEE countries on the free trade. The British also set a number of special conditions (a 12-year transition period, derogations for a range of products after the expiration of that term, etc.), which irritated especially France, whose president opposed energetically (Bibere, 1999). After six years, the attempt to join the EEC was resumed, with a new nomination officially announced on May 2, 1967, in a context that moderated the advanced conditions of the British. The momentum of the European process (with the maintenance of the pro-European current), combined with the weakening of the Free Trade Association, altered the optics of many who opposed Britain's accession to the European Community or were undecided, and this attempt is doomed to failure, among others (Fuerea, 2016), because at French leadership was still General de Gaulle. The same register also includes General Gaulle's decision to withdraw military units from NATO.

Thus, the seven-cent decade of the last century gave the European community construction a diverse political climate, marked by the double attempt of Britain's accession to the community, but also by other events: empty seat crises, oil crisis, economic fluctuations, etc. Only after 1970 the European policy is undergoing a process of recovery, which is still in the face of the economic difficulties (and not only) referred to above.

The first impetus of the revival was given by the Hague Summit (December 1, 1969). Two trends have emerged at this meeting: that of France, which insists on common policies, especially on agrarian policy, postponing the issue of the enlargement of the Community and that of Germany, which considers the membership of new members "an important condition for Europe to maintain its economic and technological level and to be able to raise its political prestige."

At the end of the meeting, in the communique drafted in record time, an important point was the enlargement of the Community. In this respect, accession conditions, adaptation and transition times for newcomers, community conditions and rules are established. And among the newcomers to the first wave is Britain with Denmark, Ireland and Norway. On January 22, 1972, the Accession Treaties with outstanding and

visible results are signed, especially with regard to industrial and agricultural products. With regard to Great Britain, negotiations have also been the subject of major trade-related areas such as the British monetary system and the instability of the British currency. In the British internal space, the enthusiasm and hopes of the new status were shaded by some reproaches, uneasiness and dissatisfaction over the fulfilment of the accession conditions. The dispute between domestic political forces was cut in the House of Commons, the community idea is gaining more and more ground, so the ratification process is triggered. Internal tensions are not entirely overwhelmed, the reproaches of the agricultural policy and the financial system of the EEC, being the main targets. Thus, the initial Euroscepticism and the discomfort invoked is increasing, which raises the issue of renegotiating the conditions of British retention in the Community.

Both the agricultural policy and the financial question are negotiating conditions, a compromise formula is adopted so that the UK obtains some of the privileges claimed in the field of imports and in the budget issue the disagreement was regulated by a complicated “mechanism correction”. That is why, since 1979, there have been pressures and threats to withdraw from the Communities, which brings into question the principle of Community financial solidarity. Again, a compromise formula (the Fontainebleau Compromise - June 26, 1984) has been used, so that since 1980 Britain has benefited from some reductions in its contribution to the financial sources of the EEC. In addition, in support of disadvantaged regions in the Community, Wales and the Northwest of United Kingdom have received additional financial support.

After this episode, the European process continues its course in a political, economic, legal, diverse climate, and the UK is broadly on this route.

It can also be seen that the “Europe of the Twelve” becomes the world’s largest trading power, an economic space with most buyers, the most powerful fleet, considerable industrial power and super-efficient agriculture (agricultural area doubled, from 65.6 million to 134.2 million). Within it, the United Kingdom had a privileged position at the time, it was equipped with a strong commercial fleet with the most advanced banking system in the world with North Sea oil, with an impact on the ongoing energy crisis. Notable are the flourishing relations with states from Commonwealth (such as Australia, New Zealand, Canada) or EFTA members, of which UK has escaped.

However, there were no moments of tension, at some explosive points, between the UK and France on land-use policy issues at the Brussels Summit - 2002. At other “key” moments of the European Community construction, the UK expressed reservations and even opposition. It is enough to remember the refusal to adopt the single currency (euro) and to join the Schengen area.

With regard to the single currency, the reason given was that the British economy is not yet sufficiently prepared to join the Eurozone without risk. This argument also found that the British currency has the stability and the force required to pursue the monetary policy.

Equally reluctant were the British in terms of accession to the Schengen Convention (Schengen Agreement - 1985). Although the Protocol annexed to the Amsterdam Treaty 1997 (1999) provided that the United Kingdom could assume the Schengen acquis in full or in part, after the unanimous vote of the States Parties to the Agreement, it limited itself to a selective and limited participation required by the Convention. In March 1999, the United Kingdom requested its participation in several areas covered by the provisions of the Schengen Agreement, namely: police and judicial cooperation in criminal matters, the fight against drugs and the Schengen Information System, the application was approved in 2000 (Fuerea, 2016).

Subsequently, other reasons were invoked that prompted the British to request derogations from the union regulations, which could not always be accepted. The United Kingdom’s relations with the EU have become increasingly tense, with a favourable momentum for Britain’s Eurosceptics, which eventually managed to end (51.89% of voters voted in favour of Britain’s exist from the EU), to lead the country towards the extreme solution - leaving the EU.

At home, the Euroscepticist current escapes from the economic and social spheres to contaminate the level of political life. In this way, the British have woken up to a dilemma: to remain in the EU, to renegotiate the country’s position or to leave the EU. The general perception was that the first solution was extremely complicated, difficult, with many unknowns and uncertainties, that is, it was difficult to achieve in practice. So, they defeated the supporters of the second option and the referendum held on June 23, 2016 finally solved the problem.

All these episodes have been consumed and led to the emergence of exit from the community bloc by activating Article 50 of the Treaty of Lisbon (2009). Until that time the European treaties have kept silent on the possibility of withdrawing a state from the Union and, for the first time, the Treaty of Lisbon, provides for the possibility of withdrawing the Member States. Voluntary withdrawal of a state is more preferable to its maintenance in the Union when it no longer shares the ideals of the Union and is no longer willing to comply with Community rules (Groza, 2008). It appears as a solution that allows for the continuation of the integration process between states that want to deepen integration and has the necessary means to do so.

The Treaty of Lisbon explicitly recognizes the right of States to withdraw from the EU as an expression of the flexibility and democratic character of European construction, but also as an alignment of the rule of law with reality (Groza, 2008).

Currently, the procedures for withdrawing from the EU are triggered, with the hope that relations with the EU will be based on a “serious, decent, respectful” partnership. This is the variant of a “Flexible Brexit” that would ensure the UK’s maintaining the country’s access to the Community market and some facilities for the free movement of European citizens. In the “Brexit tough” version, even the UK should almost totally separate from the community law order, a solution that is virtually impossible.

The consequences will not cease to appear and manifest itself in a chain of drama on economic, financial, political, social, legal, but above all geostrategic level. UK leaving can tune the destruction of the Union, giving courage to other Member States to take this step. In the opinion of some authors, this event was predictable for many years but was postponed by political and diplomatic mechanisms.

The Government of the United Kingdom could modify or repeal certain normative acts on migrant workers’ labour rights, the labour market, and the free movement of persons. In other news, UK is equally interested in protecting its economic interests as well as its citizens who live and work in the community space.

Also, EU representatives want this process to end as soon as possible, and in the proposed Reconciliation Agreement, they place first on guaranteeing the rights of European citizens. European citizens who are already in the UK or will come until March 30, 2019 will enjoy the same rights after the UK’s final exit from the EU. The same is true of British citizens currently living in another EU Member State. At the same time, European citizens arriving in the UK during the transition period (March 30, 2019 – December 31, 2020) will enjoy residence rights and work during this period. It is also worth mentioning that around 4.5 million Europeans live in the UK and 1.2 million British citizens residing in other Member States.

In an official document, the European Council reaffirms the European Union’s determination to have as close a partnership as possible with Britain in the future. Such a partnership should include trade and economic cooperation as well as other areas, in particular the fight against terrorism, foreign and security policy. However, the UK, by its positions, limits the depth of such a partnership, non-participation in the single market and customs union will lead to some impediments in the conclusion of trade agreements.

Reiterates the idea that any agreement with the UK will have to rely on a balance between rights and obligations, but a non-EU state cannot have the same rights and obligations. At the same time, the European Council recalls that the four freedoms are indivisible and that they can not only choose the right elements by participating in the single market.

After UK exist from the EU, a free trade agreement is to be concluded as long as there are there are sufficient guarantees for fair competition. This agreement will address the following issues: access to public procurement markets, investment, protection of intellectual property rights, trade in goods, services trade, and adequate customs cooperation.

An important aspect of the negotiations is the situation of Northern Ireland. The border in Northern Ireland is a virtual one, representing the solution to a decade-long conflict. If the UK leaves the customs union, the establishment of a physical frontier will be impossible to avoid in Northern Ireland, there is a will on both sides, but the practical solution must still be found. In this respect, the United Kingdom is committed to complying with the rules of the internal market and the customs union, which supports the cooperation between Ireland as a further EU Member State and Northern Ireland as part of the UK. Therefore, respecting the 1998 Agreement by establishing a common regulatory area covering the entire territory without frontiers in which free movement is ensured.

The British Prime Minister also wants the closest security relations with the EU, warning that interrupting or abandoning the existing forms of communication will reduce the continent’s security. On the other hand, the EU’s political leaders seek to maintain the closest possible security relationship with London, which is one of the world’s leading powers in the field of intelligence and crime prevention.

The European Union did not want and did not ask the separation from the UK, but this will happen so that the European institutions have an obligation to guarantee the rights of European citizens and the UK must fulfil all its obligations to the EU as laid down in the European Treaties.

CONCLUSIONS

Although attempting to delay the triggering of the EU exit process, waiting for a stronger moment for United Kingdom, the British Prime Minister (Theresa May) was pressed to announce the activation of Article 50 of the Treaty of Lisbon by the end of March 2017, a respected calendar otherwise. Also, the attempt by the British government to avoid the Parliament was, as you can see, defeated. There is a period of negotiations with the other EU Member States, after a laborious procedure, with quite a few unknowns, with heated spirits on the way out. In the current prime minister’s view, future relations should be based on a partnership that would allow access to the Community market, but with limited obligations (especially budgetary ones).

In this context, the United Kingdom will officially leave the European Union on March 29, 2019 and the transition period will take place between March 29, 2019 and December 31, 2020, with the role of establishing a partnership between the European Union and the UK. During the transition period, the UK will be able to negotiate and sign trade agreements. At the same time, European citizens will enjoy the right of residence and the right to work in the UK until the end of the transitional period.

Also noteworthy is that, during the transition period, the UK will have the same obligations but will lose its rights. It will have to contribute to the Union's budget, subject to the jurisdiction of the European Court of Justice, but after March 30, 2019, it will no longer have members in the European Parliament, European commissioner nor representatives in the leadership of the European institutions.

For now, it is not possible to estimate all the consequences of United Kingdom's exist form EU, but there are a number of risks that may arise. It is certain that the EU will remain weaker politically, socially and economic without one of the great powers of the world.

The framework for future relations between the EU and the UK should respect the integrity of the customs union, the internal market and the four freedoms and should preserve the EU's legal order without allowing a sectorial approach.

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