

Šmejkal, Václav (ed.) European Union after Brexit. Legal and Institutional Aspects of European Integration. Prague: Wolters Kluwer, 2018, 240 p.

The withdrawal of the UK from the European Union is a topic that is discussed and written about from various points of view. At present, considering the immense legal and political complexity, both internal and international at the Union level, the real possibility that Brexit will not be realized after all is discussed. However, despite the hardly predictable outcome of this process, the European Union, either after or without Brexit, will always be different. Questions and possible considerations about the way the EU will look after another turning point of its historical development, which will hopefully be of evolutionary, rather than of the revolutionary nature, is presented by a group of experts from the Faculty of Law of Charles University in the collective monograph “European Union after Brexit. Legal and Institutional Aspects of European Integration”. With a certain amount of risk for predictions of all kinds, the authors concentrated on the perspective focused at legal and institutional aspects of not only the withdrawal of the UK from the EU, but also of further development of European integration without one of its current key players. But one thing is obvious already. If the UK really withdraws, especially smaller EU countries like the Czech Republic will miss its often rational approach to solving countless European issues, focused on the needs of the member states.

Formally, the collective monograph contains a total of 240 pages of text and its contents is internally divided into three parts (Brexit and Its Legal and Institutional Impacts on the EU as a Whole, Brexit and the Future status and Rights of EU Citizens, Brexit and the Future of the Economic and Monetary Union of the EU). It includes a total of 12 chapters and one summary conclusion.

The first part (Brexit and Its Legal and Institutional Impacts on the EU as a Whole) addresses the institutional and budgetary aspects of the post-Brexit reform of the European Union, European constitutionalism, the impact of Brexit on the legal aspects of the EU’s external relations (treaties), in particular the impacts on the common trade policy, common foreign and security policy, and police and judicial cooperation in criminal matters. The second part (Brexit and the Future status and Rights of EU Citizens) is introduced with two considerations – firstly, whether and how will Brexit influence free movement of persons within the EU, in particular relevant acts of secondary legislation (e.g. the Services in the Internal Market Directive or the Directive concerning the posting of workers in the framework of the provision of services), then the question is brought up whether the withdrawal of the UK cannot be interpreted as an open road (opportunity) to social Europe. This section also discusses in detail the European Citizens’ Initiative and its current reform and also the EU’s relationship with the international protection of human rights, i.e. the division of powers between the EU and the member states in the implementation of international human rights obligations; there are conceptual and practical problems in implementing shared responsibility presented here, especially with regard to the subsidiarity principle.

The largest part of the presented monograph is Part Three (Brexit and the Future of the Economic and Monetary Union of the EU), which is knowledgeably discusses the future set-up of Economic and Monetary Union, and also the reform of the euro area institutionalization. Above all, it briefly, yet quite controversially, discusses the tax system, namely the impact of Brexit on direct or indirect taxes, on the international tax community and the international co-operation in tax administration, and also the breach of the European financial centre (“City of London”) and the related relocation of some major insurance companies and banks. This “economic” part is concluded with a consideration on the possible impact of Brexit, when it comes to the supervision over the financial system. It addresses the general issues, the basic models and recent developments in the supervision arrangements as well as the Union supervisory bodies and their organization, as well as possible involvement of the United Kingdom into this supervisory activity.

All sub-chapters are then summarized in the conclusion. The most important thoughts are summarized in the Conclusion, which also includes an addendum entitled “Where is the European Union heading after Brexit?”

I regard the submitted monograph as an excellent and courageous act. The authors, mostly experienced practitioners and theorists, address very serious themes, analysing them with great erudition. This expert monograph can be recommended to the widest legal community; it will be appreciated by both undergraduate and postgraduate students, but above all, public and private sector employees, even if Brexit does not take place in the end.

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