



International  
Academy  
Europe Faculty

## ***Working with Europe and the EU – A New Context***

# 1.1

Practitioner training for UK civil servants  
organised by the European Institute of Public Administration  
(EIPA), Maastricht on behalf of  
the Foreign, Commonwealth and Development Office (FCDO)

Online, 28 - 30 March 2023



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## **Working with Europe and the EU – A New Context 28 – 30 March 2023**

### *Day 1*

How does the EU work, and how can the UK try to shape its policies?

*Edward Best, EIPA*

### *Day 2*

How will the new framework of UK-EU relations work?

*Alexander Tuerk, King's College London*

### *Day 3*

How can the UK and the EU work together on global issues?

*Wolfgang Koeth, EIPA*



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# Working with Europe and the EU – A New Context

28 – 30 March 2023

## Day 1

Introduction, review of essentials and framing questions

**Who does what in the EU institutional system?**

Group exercise and debriefing

**Case study**

**How can non-EU countries try to influence EU policies?**

**Workshop: How to work with the EU and Europe in practice**

## Framing questions (1)

- **SLIDO RANKING EXERCISE – SELECT 5 IN ORDER OF IMPORTANCE**
- **What are the UK's main interests and priorities ref. the EU?**
  - cooperation in security and defence
  - partnership in leading on climate action
  - joint defence of democratic values
  - controlling migration to the UK
  - competitive advantage for UK in new technologies
  - market access to the EU
  - ensuring UK benefits from international regulatory norms

slido



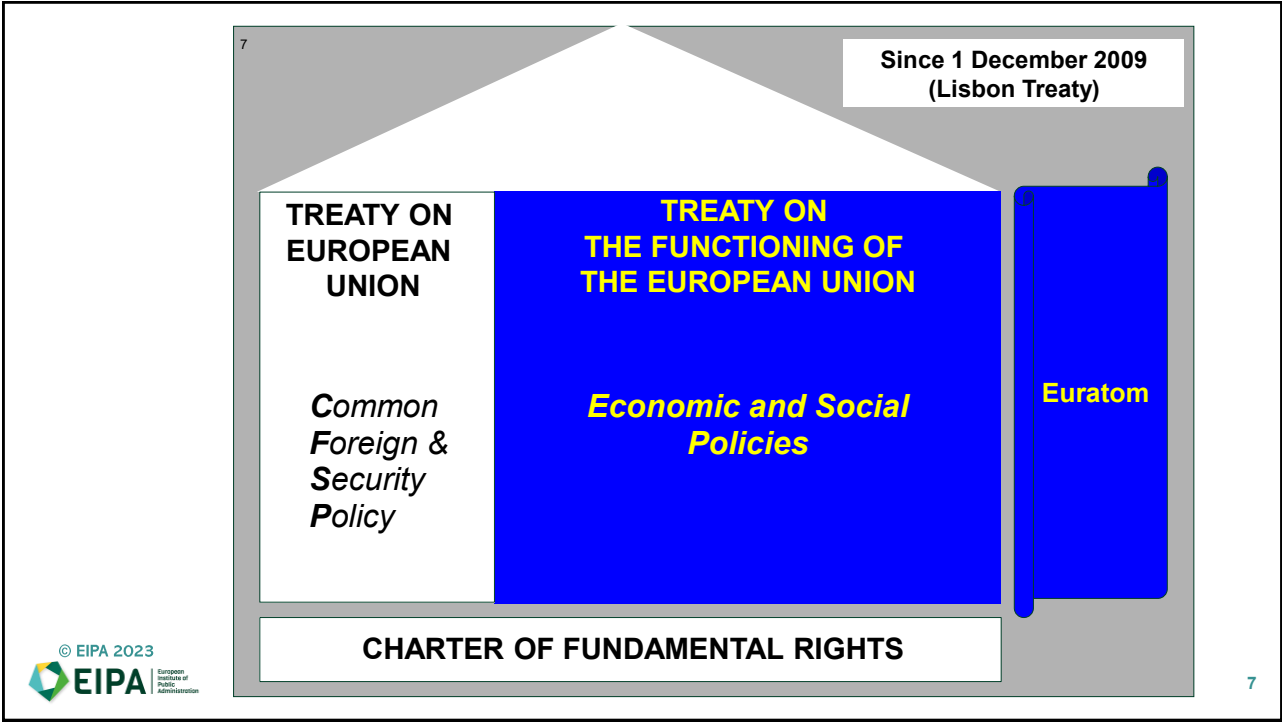
**What are the UK's main interests and priorities regarding the EU?**

① Start presenting to display the poll results on this slide.

5

## Framing questions (2)

- What are the UK's main interests and priorities ref. the EU?
- **What can the EU do?** *EU law and other modes of governance*



Competences: what can the EU do? (1)

European Union				Member States
Exclusive competences	Shared competences	Supporting competences	Coordination of national policies	Cooperation EU/ Member States
Only the EU can legislate and adopt binding acts.	If the EU is acting, Member States cannot.  Exceptions = 'parallel' competences	The EU cannot harmonise national laws. EU support does not affect national competence.	Member States shape their policies around common objectives and guidelines.	Member States agree to take joint actions and positions.

Exercise

NB – non-exhaustive list of policy areas

Exclusive EU COMPETENCE	Shared	'Parallel'	Supporting	Coordination of national policies	EU-MS cooperation

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<https://learning.eipa.eu/course/view.php?id=669>

Medicines									
Public Health	Employment								
Migration	Common Commercial Policy	Economic policy	Space						
Border assistance	Customs cooperation	Conflict prevention	Research	Environment	Competition				
Transport	Energy	Customs Union	Consular protection	Development cooperation	Sport	Education			

EU COMPETENCE

Exclusive	Shared	'Parallel'	Supporting	Coordination of national policies	EU-MS cooperation

## Exclusive competences

### Article 3 TFEU

- Customs union
- Competition rules for internal market
- Monetary policy
- Conservation of marine biological resources
- Common commercial policy



- International agreements\*

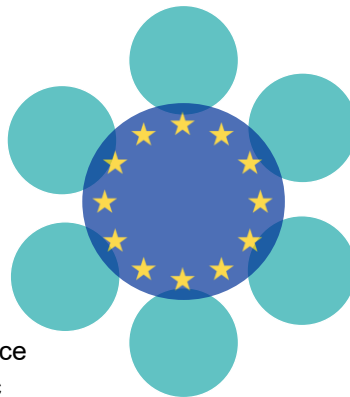
*\*when provided for in a legislative act, necessary to exercise internal competence, or if its conclusion may affect common rules*

## Shared competences

*While EU is acting,  
MS cannot act*

- Internal Market
- Social policy
- Economic, social and territorial cohesion
- Agriculture and fisheries
- Environment
- Consumer protection
- Transport
- Trans-European networks
- Energy
- Area of freedom, security and justice
- Common safety concerns in public health matters

### Article 4 TFEU

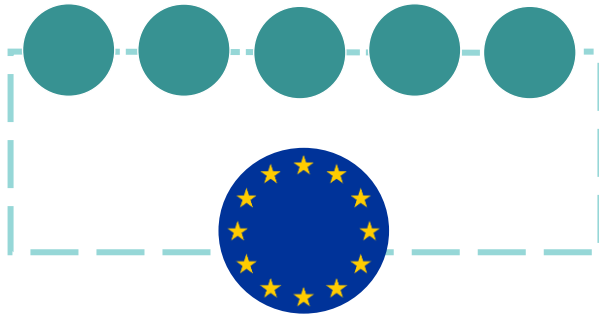


*EU & MS can act  
in parallel*

- Research
- Technological development
- Space
- Development policy
- Humanitarian aid

## Competences to support, coordinate or supplement

### Article 5 TFEU



- Protection and improvement of human health
- Industry
- Culture
- Tourism
- Education, training, youth, sport
- Civil protection
- Administrative cooperation

*no harmonisation of Member States' laws or regulations*

## The range of EU methods\*

### Rules

Binding supranational acts  
(**primacy** of EU law)

Range of hard (binding, detailed) to soft (flexible) commitments for MS

### Resources

Common budget to enable EU policies and support innovation and cohesion across EU

EU funds and programmes; often shared management and co-financing

### Recommendations

MS should shape their **national policies** to pursue common **EU objectives**

Annual cycle of reporting, review and **recommendation** (European Semester)

= '**policy coordination**'

***Packages and linkages***

***Mix of policy instruments***

## Policy coordination, convergence and reform

### **The European Semester**

Stability and Growth Pact (debt, deficit...)

Macroeconomic Imbalance Procedure

Employment Guidelines

Social Pillar

Structural Reform Support

**Recovery and Resilience Facility**

***Recommendations***

***Opinions***

***Guidelines***

***Incentives***

***Funding***

***Linkages and conditionalities***

## EU – Member State cooperation

Political commitment by Member States

main area = **Common Foreign and Security Policy**

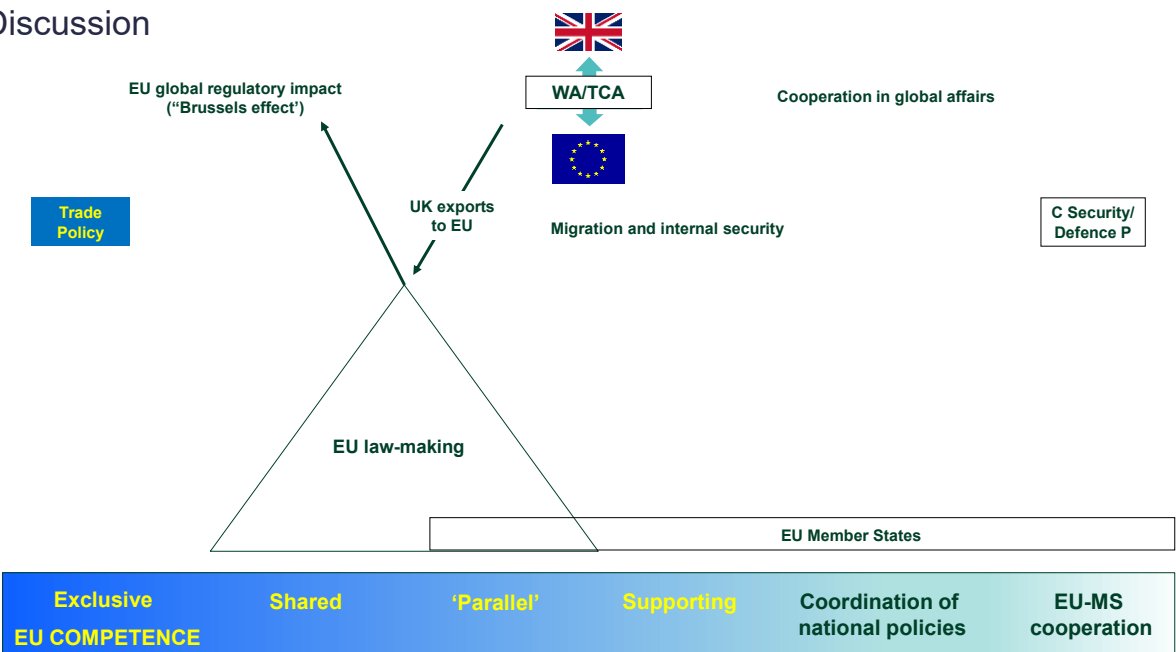
- 'The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action.'
- 'identification of questions of general interest' and 'ever-increasing degree of convergence of Member States' actions'
- Member States decide by unanimity
- no powers for the supranational institutions



### Framing questions (3)

- What are the UK's main interests and priorities ref. the EU?
- What can the EU do?
- **How do EU policies affect the UK?**

### Discussion



## External impact of EU policies

- **uploading European standards into international regimes**  
(‘vertical policy export’)

‘the EU will further engage in active regulatory cooperation, including in international norm setting organisations, by leveraging its financial and regulatory power to help shape global norms and standards.’

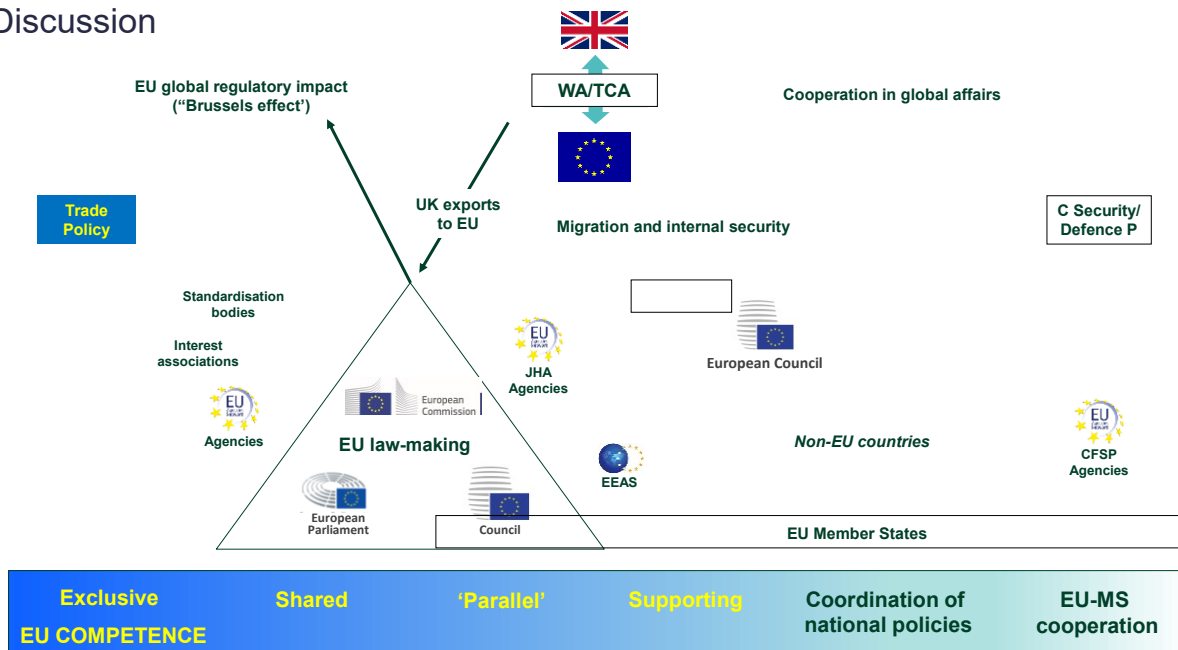
Joint Communication HR/Commission on strengthening the EU’s contribution to rules-based multilateralism, 17 February 2021

- **de facto (some de jure) global regulatory impact** (‘the Brussels effect’)

## Framing questions (4)

- What are the UK’s main interests and priorities ref. the EU?
- What can the EU actually do?
- How do EU policies affect the UK?
- **How can the UK try to shape EU policies?**
- **Which EU and other European actors are most relevant?**

## Discussion



## Framing questions (5)

- What are the UK's main interests and priorities ref. the EU?
- What can the EU actually do?
- How do EU policies affect the UK?
- How can the UK try to shape EU policies?
- Which EU and other European actors are most relevant?
- **How does the new UK-EU bilateral relationship work? = Day 2**
- **What scope is there for bilateral agreements with EU Member States?**

# External competences: general principles

- Parallelism between external and internal power
- Implied external powers doctrine
- Member States cannot conclude agreements with third countries that affect EU common rules

Art. 3(2) TFEU (ERTA Doctrine codified): *The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or in so far as its conclusion may affect common rules or alter their scope.*

# Parallelism: internal and external competences

Internal competence	Exclusive	Shared			Supporting
External competence	Explicit exclusive competence	EU has acted/ can affect common rules =  Implicit <b>exclusive competence</b>	EU has not acted/ cannot affect common rules =  <b>shared competence</b>	Parallel competence → cannot become exclusive	MS competence
Type of international agreement	EU-only. MS cannot act independently	EU-only. MS cannot act independently	Mixed or MS	Mixed or MS	MS or mixed

# Examples of bilateral agreements

Shared			Supporting
	EU has not acted/cannot affect common rules = <b>shared competence</b>	Parallel competence → cannot become exclusive	MS competence
	Mixed or MS	Mixed or MS	Mixed or MS

Dutch example  
(from:  
<https://verdragenbank.overheid.nl/nl>)

Energy: Agreement between NL and UK regarding exploitation of Sillimanite field  
  
Social security: Agreement on social security between NL and China

Development policy: Administrative arrangement NL-Bangladesh regarding Delta Plan

Culture: Agreement between NL and French-speaking community Belgium regarding coproduction of movies  
  
Education: Regional agreement regarding recognition of diplomas - Latin America

# Framing questions (6)

- What are the UK's main interests and priorities ref. the EU?
- What can the EU actually do?
- How do EU policies affect the UK?
- How can the UK try to shape EU policies?
- Which EU and other European actors are most relevant?
- How does the new UK-EU bilateral relationship work? – Day 2
- What scope is there for bilateral agreements with EU Member States?
- **How can the UK and the EU best work together in the world? = Day 3**

