

## The Impact Of Brexit On A Series Of European Union Institutional Actors

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### Abstract

*The recent European Union 27 extension of the article 50 TEU ("Brexit flexextension") adopted at the end of October 2019 effective the 31st of January 2020, has the potential to affect both the UK and EU institutional actors. For some of them, such as the Court of Justice of the EU, the after effect of Brexit on the Court, as an EU institutional actor, will lead to the discovery of the fact that a series of fundamental legal changes will affect this relationship and, obviously, the UK citizens and others who are living there. This article highlights some aspects regarding the relationship between the two parts starting with the 31st of January 2020, meaning the transition period and afterwards the impact of CJEU case law and judgements. The Withdrawal of the United Kingdom from the EU calls into question the activity of the institutional actors of the Union, including the CJEU on which we will focus in this article and how this will change both the UK and EU economic and political climate, but one of the most important effects we appreciate it will be the economic impact. It is hard to only conclude this or whether this relationship will have some positive results or, on the contrary, it translates to the beginning of some legal uncertainties and problems for the citizens (e.g. mobility, citizenship, immigration policies), not only during any transitional period but also in the long term or not at all if there will be a no-deal Brexit.*

**Keywords:** *European Union Law, Court of Justice of the European Union, relation, changes, effects.*

**JEL Classification:** [K3 Other Substantive Areas of Law]

### 1. Introduction

The postponing of the exit of the United Kingdom of Great Britain and Northern Ireland from the European Union (EU) and the European Atomic Energy Community until, at the latest, the 31<sup>st</sup> of January 2020, is the latest episode of the Brexit phenomenon, which began in 2016 and is not yet completed.

Brexit poses a wide range of political and institutional challenges, which is why in this final stage of the extension of the term provided for in Article 50 (3) of the Treaty on European Union (TEU) also mentioning the implementation of a

new Withdrawal Agreement<sup>1</sup>, and the introduction by the British Government of the legislation necessary to achieve the ratification of the Agreement; therein it is stated the imperious necessity to ensure the normal functioning of the EU and its institutions, that the rights and obligations of the United Kingdom as a Member State of the Union will be the same, respecting the principle of loyal cooperation, facilitating the fulfilment of the Union's duties, without resorting to "any action that could jeopardize the attainment of the Union's objectives, in particular when participating in the Union's decision-making processes"<sup>2</sup>. Thus, the deadline for the UK's exit from the EU has been extended until the 31st of January 2020, but if the ratification procedures are completed and notified by November 2019, December 2019 or January 2020, we will witness the entry into force of the Agreement and the Withdrawal will take place on December the 1<sup>st</sup> 2019, January the 1<sup>st</sup> 2020 or February the 1<sup>st</sup> 2020, respectively.

The Withdrawal of the United Kingdom from the EU<sup>3</sup> has the potential to cause disruptions in the activity of the institutional actors of the Union, to change the British economic and political climate, to pose many questions, some of them with multiple answers, but also ones that, unfortunately, haven't been answered yet. Although the history of the United Kingdom's membership in the EU is emphasising the preeminence of the economic interest that determined the integration of the United Kingdom while the values that sustain the European construction were secondary, at present one may appreciate that precisely the economic impact will be one of the most important factors that will affect the UK after the moment of withdrawal.

During this period of uncertainty, the relationship between the United Kingdom and the EU Court of Justice will be subject to permanent challenges that we will try to approach schematically in order to assess the conditions under which the Court of Justice of the European Union (CJEU) will interact with the United Kingdom, how the rights of citizens will be affected, which will be the evolution of the cases with incidence in the field and, implicitly, the impact of case law in such situations.

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1 Decision (EU) 2019/1750 amending Decision (EU) 2019/2743 on signing on behalf of the European Union and the European Atomic Energy Community, the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the Community European Atomic Energy, published in the Official Journal of the European Union L274I of 28.10.2019, p. 1.

<sup>2</sup> Decision of the European Council adopted in agreement with the United Kingdom on the extension of the deadline pursuant to Article 50 (3) of the TEU, adopted in Brussels on 28 October 2019, available at <https://data.consilium.europa.eu/doc/document/XT-20024-2019-REV-2/ro/pdf>, p.5, accessed on 19.11.2019.

<sup>3</sup> The general elections of the United Kingdom in December 2019 confirm that the United Kingdom will leave the European Union on 31 January 2020.

## 2. Concise considerations regarding the Court of Justice of the European Union

As the European Union through its institutional framework seeks to promote its values, objectives, interests, its citizens and Member States, we begin by stating that one of its seven institutions, which form the European institutional framework, is the Court of Justice of the European Union, acting within the limits of the powers conferred upon it by the Treaties, in accordance with the procedures, conditions and purposes set out therein. Having as a starting point the statement according to which the Court of Justice of the European Union represents "a stable and solid pillar of the European project, working constantly to preserve and consolidate the fundamental values inherent in a Union of law, which cannot be subject to any form of concessions or compromise", we support the idea that its contribution "to restore confidence in the European construction for all its citizens" is extremely visible "through a quality, clear, effective and transparent justice".

Starting with the CJEU judgement of 15 July 1964 in the case of *Costa vs. Enel*, considered to be the premise of the development of European Community law as a system of independent law, which applies prior to the national law of the Member States, continuing with other cases with a strong impact<sup>4</sup>, as a whole, we can conclude that "one of the great merits of the Court was the cataloguing of the principle that treaties should not be interpreted rigidly, but must be viewed in the light of the integration and the objectives of the treaties themselves"<sup>5</sup>.

It is true that from the time of its establishment (1952) by the six signatory states of the European Coal and Steel Community (Belgium, Germany, France, Italy, Luxembourg and the Netherlands) and to date the CJEU has experienced a wide range of reforms that led to the permanent development of its activity<sup>6</sup>, but its main role is to analyse the legality of the normative acts of the institutions within the EU, to ensure a uniform interpretation and application of its law, but

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<sup>4</sup> E.g. Its judgement from the 5<sup>th</sup> of February 1963 in *Van Gend & Loos* establishing the directly applicable effect of European law on the Member States. According to this judgement „The Community constitutes a new legal order of international law, and for this reason states have limited their sovereign rights, even if in a limited number of areas, and the subjects of European law are not only the Member States, but also their nationals; whereas, therefore, independent of the law of the Member States, Community law not only creates obligations for individuals, but is also intended to confer rights that fall within their legal heritage; these rights are not conferred only when they are explicitly granted by the treaty, but also are derived as a result of obligations that the treaty imposes in a well-defined manner both on individuals and on Member States and Community institutions”.

<sup>5</sup> For further information: <https://www.europarl.europa.eu/factsheets/en/sheet/26/the-court-of-justice-of-the-european-union#>, accessed on 20.12.2019.

<sup>6</sup> Hence the creation by means of the Single European Act of the Court of First Instance and, later, by the specialized judicial chambers, namely the creation in 2005 of the Civil Service Tribunal of the European Union.

also to solve the various conflicts arising between the EU institutions, and between EU institutions and the member states or between/among the Member States themselves by applying the law of the EU.

Article 19 of the Treaty on European Union (TEU) provides the following: The CJEU ensures the right to interpret and apply the Treaties and the Member States establish the remedies necessary to ensure effective judicial protection in the areas governed by Union law. In paragraph 3, the following shall also be mentioned: "The Court of Justice of the European Union shall, in accordance with the Treaties: (a) rule on actions brought by a Member State, an institution or a natural or legal person; (b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions; (c) rule in other cases provided for in the Treaties". According to the CJEU's Rules of Procedure, its decisions are binding.

Aside from the provisions of the Treaties, the functioning of the CJEU is regulated by a Statute<sup>7</sup> and Rules of Procedure<sup>8</sup> which complement the ways it acts. The CJEU interacts with national courts exclusively through the preliminary reference procedure<sup>9</sup>, regarding the interpretation of the treaties, the validity and interpretation of acts adopted by the institutions, bodies, offices or agencies of the Union.

We believe that, in the daily life of the European Union citizens the Court plays an essential role, its judgements regarding all the 4 kinds of freedom of movement implemented by the EU, starting with:

✓ The free movement of goods <sup>10</sup> introducing the principle of mutual recognition, also known as "*the rule of the country of origin*", according to which if a good is put into circulation in a Member State legally, it should be admitted in any other Member State without any restrictions, even if the destination State has

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<sup>7</sup> Protocol no. 3 on the Statute of the Court of Justice of the European Union published in the Official Journal of the European Union 111 of April 25, 2019, p.1.

<sup>8</sup> Rules of Procedure of the Court of Justice of 25 September 2012 published in the Official Journal of the European Union 265 of 29.9.2012, as amended and supplemented, of 18 June 2013 (OJ L 173, 26.6.2013, p. 65), 19 July 2016 (OJ L 217, 12.8.2016, p.69) and April 9, 2019 (OJ L 111, 25.4.2019, p. 73).

<sup>9</sup> Article 267 of the Treaty on the Functioning of the European Union. Regarding these preliminary references, the Court of Justice has issued a number of Recommendations to the national courts, regarding the making of the preliminary references published in the Official Journal of the European Union C 380 of 08.11.2019, to ensure the effectiveness of this procedure. Thus it is considered necessary "to evoke its essential characteristics and to provide some clarifications that seek to clarify the provisions of the Rules of Procedure with regard in particular to the author, the subject and scope of the request for a preliminary ruling, and the form and content of such a request. These details, which are applicable to all requests for a preliminary ruling, are supplemented by provisions on requests for a preliminary ruling that require particular speed and with an annex summarizing all the elements that must be contained in a request for a preliminary ruling".

<sup>10</sup> Judgment of The Court in the case of "Cassis de Dijon" of 20 February 1979. Case 120/78, Rewe-Zentral AG v. Bundesmonopolverwaltung für Branntwein, Rec. 1979, p. 649.

stricter rules, however certain exceptions of general interest are admitted, if they are in accordance with Community law".[1]

✓ The free movement of persons<sup>11</sup> that „is particularly important, being considered to be fundamental in the realization of the single market, the outline and definition of the notion of citizenship of the Union, established by the Maastricht Treaty, but also a basic principle of the European Union." At the same time, the free movement of persons is one of the most appreciated rights of European citizens, having "an essential and significant value, on the one hand due to its quality of individual right for each citizen, but also from the point of view of the common general interest of the U.E. to give its citizens the widest possible mobility and the crossing of the borders in the simplest way".[2]

✓ The free movement of services<sup>12</sup> whose beneficiaries are natural persons (who are nationals) and legal entities that fall within the scope of European Union law. "Services" means, within the meaning of Article 57 (ex. article 50 TEC) of the Treaty on the Functioning of the European Union (TFEU) "services within the meaning of the Treaties where they are normally provided for remuneration, in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons. "Services" shall in particular include: (a) activities of industrial character; (b) activities of commercial character; (c) activities of craftsmen; (d) activities of the liberal professions".

✓ The free movement of capital provided for in art. 63 of the TFEU, by prohibiting any restriction between Member States and between Member States

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<sup>11</sup> See Judgment of The Court in the case of "Kraus" of March 31, 1993. Case C-19/92, Dieter Kraus v. Land Baden-Württemberg, JUDGMENT OF THE COURT in the case of "Bosman" of December 15, 1995. Case C-415/93, Union royale belge des société de football association ASBL and Others v Jean - Marc Bosman and Others, COURT JUDGMENT in the "Handballbund" case of May 8, 2003. Case C-438/00, Deutscher Handballbund eV v Maros Kolpak, COURT Judgement in the "Simutenkov Case" of April 12, 2005. Case C-265/03, Igor Simutenkov v Ministry of Education and Culture and Real Spanish Football Federation.

<sup>12</sup> Judgment of The Court in the case of "Cowan" of February 2, 1989. Case 186/87, Ian William Cowan v. Public Treasury, in which the Court ruled that the principle of non-discrimination must be interpreted as "prohibiting a Member State as regards persons whose Community law guarantees them the freedom to enter the territory of the respective state, especially as recipients of services, to subordinate the granting of a compensation from the state, destined to repair the damage caused, in the respective state, to the victim of an aggression that resulted in personal injury, provided that he is the holder of a residence permit or is a national of a country which has concluded a reciprocity agreement with that Member State. "This case concerns a dispute between the French public treasurer and a British national - Ian William Cowan and its purpose is to provide damages for covering the loss of the victim, following an attack, when leaving a subway station in Paris. As the French Treasury argued that Mr Cowan did not meet the conditions for obtaining such compensation as those who can benefit are only persons of French nationality or those who are of foreign nationality (nationals of a state with which France has concluded a reciprocity agreement in this respect or who are the holder of a residence permit.), disregarding the provisions of Article 7 of the Treaty establishing the equal treatment of persons who is in a situation governed by Community law and nationals of the Member State.

and third countries, including payments between Member States and between Member States and third countries.

Apart from the 4 kinds of freedom of movement implemented by the EU, additional implications deriving from these, such as those on equal treatment and social rights, fundamental rights, but also citizenship of the European Union should be considered, the Court of Justice of the European Union having ruled already in various cases, interpreting the European norms in the sense of observing the Community law and, later, the law of the European Union. Regarding the fundamental rights and citizenship of the Union, we support the idea that "The Court has made a significant contribution to improving standards for the protection of these rights", drawing inspiration "from the constitutional traditions common to the Member States and from international instruments for the protection of human rights, in particular the European Convention on Human Rights, to which the Member States have cooperated or acceded". Also, with the entry into force of the Lisbon Treaty, the CJEU applied and interpreted the Charter of Fundamental Rights of the European Union.

Brexit will bring about a unique situation for each of these kinds of freedom, which will have to be based on new functional pillars, by establishing a legal regulatory framework that supports and maintains a normal climate in the United Kingdom, but also in the European Union. Various rights of citizens that are currently valid or which are in the process of being obtained, starting with the right of residence and continuing with the right to equal treatment, the rights of workers and self-employed persons, the recognition of professional qualifications and social security must be analysed and attributed to the categories of persons to whom they apply and the conditions that need to be met must be mentioned, compared to the standards drawn up to now, assigned according to EU law.

### **3. The effects of brexit on the court of justice of the european union**

The withdrawal agreement of the United Kingdom of Great Britain and Northern Ireland, in its final version, is made in such a way as to allow a controlled and gradual exit from the European Union, regulating only the details of leaving the EU, not the long-term relationship between the United Kingdom and the EU. Alongside this agreement there is also a political statement on the future relationship between the United Kingdom and the EU, which mainly concerns the trade relationship between the two parties, with the intention of the United Kingdom to lay the foundations for a free trade agreement, eliminating customs duties and maintaining a competitive framework within fair parameters, including discussions on extending the transitional period until the end of 2020. It is recognized in the preamble to the Agreement that mutual protection should be provided for Union citizens and British nationals, respectively their family members, who have the right to free movement before the date set out in the

Agreement and that their rights under the agreement are enforceable and based on the principle of non-discrimination.

In regards to the subject of this article, we will focus mainly on the regulations of Part Six (Articles 158-185); our study deals with some of the institutional and final provisions concerning the jurisdiction of the CJEU on EU citizens, how to resolve cases and disputes, as well as other regulations regarding implementation of a series of measures. Of course, tangentially, we will analyse, more or less the regulations regarding citizens' rights before the end of the transitional period (articles 9-39), some details on the gradual elimination when it comes to the application of EU law at the end of the transitional period (articles 40-125) and some aspects regarding the application of substantial EU legislation in the transitional period (articles 126-132), a period between two and up to four years after Brexit.

The CJEU will have the power to rule on how the European rules will apply to the citizens of the EU living in the United Kingdom, based on requests from UK courts, for a period of four years after the end of the transitional period. Thereafter, the UK courts can refer CJEU cases only in certain situations which relate to EU citizens in the United Kingdom or which relate to the protocols on Northern Ireland (in part) and Cyprus. At the end of the transitional period, the CJEU will be competent to decide on how to interpret EU law if a dispute over the withdrawal agreement goes to arbitration. The CJEU will therefore have an indirect role in supporting the rights of EU citizens in the United Kingdom.

The regulations on the rights of citizens will be applicable mainly after the end of the transitional period, as the free movement of persons will continue during this period, EU law continuing to be enforced. It is recognized in the preamble to the Agreement that mutual protection should be provided for Union citizens and British nationals, respectively their family members, who have the right to free movement before the date set out in the Agreement and that their rights under the agreement are enforceable and based on the principle of non-discrimination.

In regards to the new cases brought before the Court of Justice of the European Union, a new situation arises where "The European Commission considers that the United Kingdom has failed to fulfil its obligations under the Treaties or under Part Four of this Agreement before the end of the transitional period". So, „The European Commission may refer the matter to the Court of Justice of the European Union within four years after the end of the transitional period, in accordance with the requirements of Article 258 TFEU or the second sub-paragraph of Article 108 (2) TFEU, as the case may be. These cases fall within the competence of the Court of Justice of the European Union"<sup>13</sup>.

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<sup>13</sup> Article 87 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community published in the Official Journal of the European Union C384 I, dated 12.11.2019, p. 45.

At the same time, if the United Kingdom either does not comply with a decision<sup>14</sup>, or does not confer legal effects on a decision<sup>15</sup> when it comes to the legal order of the United Kingdom, the European Commission may file an application with the Court of Justice of the European Union within four years from the date of that decision. The CJEU will have the power to rule on how the European rules will apply to the citizens of the EU living in the United Kingdom, based on requests from the UK courts. The binding and enforceable nature of judgements and ordinances in the United Kingdom and its territory is expressly regulated in Article 89 of the Agreement, and in the event that, following such a decision, the CJEU finds that the obligations assumed under the treaties are not fulfilled by the United Kingdom, the latter must take the necessary measures to comply. Thereafter, the UK courts can refer CJEU cases only in certain situations which relate to EU citizens in the United Kingdom or which relate to the protocols on Northern Ireland (in part) and Cyprus. In the case of preliminary references relating to EU citizens, the CJEU will no longer be able to issue a judgement but will have the exclusive possibility to decide on the interpretation of the Agreement<sup>16</sup>. Therefore, if, during the transitional period, the CJEU rules apply to the United Kingdom, after the end of this period, rules of jurisdiction for the CJEU are established, both in the case of pending causes at the end of the transitional period and in the case of those related to events occurring before the end of the transition period.

In regards to the right to intervene and to participate of the United Kingdom to (EU) proceedings, the latter may intervene and participate in the same way as the other Member States<sup>17</sup>, notifications being made at the same time and in the same way for "any case brought before the Court of Justice of the European Union by a court of a Member State in order to give a preliminary ruling." (Article 90 from the Agreement) Also, the United Kingdom can intervene in the following 3 situations, as follows:

"(a) in relation to cases which concern a failure to fulfil obligations under the Treaties, the United Kingdom being subject to the same obligations before the end of the transition period, and where such cases are brought before the Court of Justice of the European Union in accordance with Articles 258 TFEU before the

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<sup>14</sup> Referred to in Article 95 (1) of the Agreement.

<sup>15</sup> Addressed to a natural or legal person who is resident or established in the United Kingdom.

<sup>16</sup> According to the annual report on the judicial activity of the CJEU for 2018, in the period 2014-2018, the United Kingdom has introduced a total of 76 cases concerning preliminary references (2014 - 12 cases, 2015 - 16 cases, 2016 - 23 cases, 2017 - 11 cases, 2018 - 14 cases), available at [https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-05/\\_ra\\_2018\\_ro\\_web.pdf](https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-05/_ra_2018_ro_web.pdf), accessed November 20, 2019, p. 129.

<sup>17</sup> Until the decisions and orders issued by the CJEU in all the procedures and requests for preliminary rulings referred to in Article 86 become final.

end of the period referred to in Article 87(1) or, as the case may be, until the moment, after the end of that period, when the last judgement or order delivered by the Court of Justice of the European Union on the basis of Article 87(1) has become final;

(b) in relation to cases which concern acts or provisions of Union law which were applicable before the end of the transition period in the United Kingdom and it was relevant for it and which are brought before the Court of Justice of the European Union in accordance with Article 267 TFEU before the end of the period referred to in Article 87(1) or, as the case may be, until the moment, after the end of that period, when the last judgement or order delivered by the Court of Justice on the basis of Article 87(1) has become final; and also

(c) in relation to the cases referred to in Article 95(3)".

At the end of Chapter 1 of Title X - "Judicial and administrative procedures of the Union", it is stipulated that, in the event that a procedure is initiated before the CJEU, before the end of the transitional period, the lawyer in question has the right to continue to assist and represent the party involved, regardless of the procedural stage reached (CJEU or Tribunal).

Throughout the transition period, a significant part of the EU legislation will apply in the United Kingdom (e.g. with the exception of the right of initiative of European citizens, the right to vote), with the exception of the law on justice and home affairs, and the matter of the single currency. However, the United Kingdom will no longer be represented in any of the EU institutions or bodies, and will be consulted exceptionally only on some of the new EU measures. At the same time, there are situations in which some categories of persons to whom the legislation of the EU currently applies. (e.g. British citizens returning to the UK with family members from outside the EU or children in the UK in the exclusive care of a non EU parent) will no longer be legally protected by this agreement.

All this will be possible in the situation of a Brexit with an agreement, but in the situation of a Brexit without an agreement ("Hard Brexit"), the situation will be much more difficult, it will produce a series of fractures in all the fields to which Union law has been applied so far.

Another issue that will arise in everyday activity is cross-border cases (e.g. in the field of civil justice and judicial cooperation) which are currently subject to a number of EU regulations (e.g. Brussels I and II, the Rome I and II Regulation, the EU Regulation no. 1393/2007, the EU Regulation no. 4/2009 etc.), which due to its status as an EU member state, the United Kingdom currently applies and will no longer apply after losing the quality of member state and at the end of the transitional period. Starting from a uniform legislation characterized by legal certainty, by a simpler free access to justice, by simplified procedures that come to eliminate more cumbersome ones (e.g. the *exequatur* procedure), it will be obvious that if the same rules are not applied, it will lead to contradictory judgements from different courts, to creating a non-unitary practice and it will

have an extremely visible impact on the natural and legal persons who are parties to such cases of a cross-border nature. Of course, there will be a need to ensure a relationship based on mutual interest based on existing or future bilateral treaties, but this does not guarantee that in the beginning there won't be uncertain situation and even legislative gaps. In addition, because of its status as an EU member state, the United Kingdom was also a member of the 2005 Hague Convention<sup>18</sup> and the 2007 Lugano Convention<sup>19</sup> - the quality of member state in these conventions will also be lost<sup>20</sup>.

The role of the CJEU is also to provide the national courts with the guidance needed for a uniform, authoritarian, autonomous and consistent interpretation of EU law, a role that is absolutely indispensable in the UK's future relationship with the EU.

It is true that the Withdrawal Agreement and the EU law applicable to it will be constantly interpreted in the UK and the EU, and the British courts will be able to refer to the CJEU jurisprudence (e.g. citizens' rights), but let us not forget that we are talking about a limited period. Therefore, the role of the CJEU will, on the one hand, be limited throughout this transitional period<sup>21</sup>, so that later, it will be increasingly difficult or even impossible to intervene. In addition to these situations we can also mention the fact that the UK will no longer have participants in all EU institutions, starting with February the 1<sup>st</sup> 2020, including losing the right to appoint judges to the CJEU (1 judge at the Court of Justice and 2 judges at the EU Court).

#### 4. Conclusions

The EU Court of Justice is one of the institutional actors of the European Union, with an extremely important role in the EU - UK relationship (post Brexit), its involvement in this whole process being absolutely necessary to ensure stability in this unprecedented relationship.

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<sup>18</sup> *The Hague Convention on Forum Election Agreements* of June 30, 2005, ratified by the European Union and published in the Official Journal of the European Union L353 of December 10, 2014. It can be consulted in Romanian at the following web address: <https://op.europa.eu/en/publication-detail/-/publication/196d3251-fa6f-11e7-b8f5-01aa75ed71a1/language-ro>, accessed 20.11.2019.

<sup>19</sup> *Convention on Jurisdiction, Recognition and Enforcement of Judgements in Civil and Commercial Matters* of 30.10.2007 ratified by the European Union and published in the Official Journal of the European Union L 339 of 21.12.2007, pp. 3–41. It can be consulted in Romanian at the following web address: [https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:22007A1221\(03\)&from=RO](https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:22007A1221(03)&from=RO), accessed on the date dated 20.11.2019.

<sup>20</sup> Being signed by the EU on behalf of the Member States, the loss of EU membership will also cause the United Kingdom to cease to be a Member State of these conventions.

<sup>21</sup> Looking at the practice of the British courts, it can be seen that the application of EU law in the United Kingdom has raised controversial issues over time, even though the United Kingdom has always respected the obligation to apply this law.

Given the above, one can see the limited, but not negligible, impact that Brexit will have on the daily lives of UK and EU citizens and this aspect raises a myriad of questions that become the centre of discussions in the literature concerning this field, including the topic regarding the work of the Court of Justice of the European Union, which is one of the basic institutional actors of the EU that oversees the preservation and consolidation of the EU's fundamental values, as well as ensuring and respecting human rights.

Even though the economic, social and legal relationships built throughout the period of holding the status of member state in the case of the United Kingdom (1972 up to the present)<sup>22</sup> will change substantially as a result of the loss of EU member state status, the gravity and effects of this withdrawal cannot be objectively analysed at the moment, the transition period being the one that may, eventually, bring about and outline a part of these effects.

Finally, we conclude by stating that these are just some of the issues related to the impact of Brexit on one of the EU institutional actors and, implicitly, on the EU itself, issues under consideration in order to assess the otherwise controversial role of the CJEU in this whole situation regarding dispute resolution, but especially in terms of its continuing jurisdiction over the United Kingdom. We believe that, within the current year, 2020, the EU must address this situation in a balanced way, the process being initiated in 2016, having done everything possible to maintain a climate of trust and to establish a new partnership, and it should not disregard the other sensitive issues that it will be facing. Thus, both parties must find common solutions to global challenges as Michel Barnier states<sup>23</sup>, "The UK can leave the EU, but it does not leave Europe", and "from tackling climate change and promoting effective multilateralism, to defending states and combating those who choose violence instead of peaceful solutions", both the United Kingdom and the EU share common essential interests and values.

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<sup>22</sup> The United Kingdom signed the Order repealing the 1972 Act on the accession of the United Kingdom to the European Union, which was to enter into force on October 31, 2019, the date of officially leaving the EU. More information is available at the following web address: <https://www.gov.uk/government/news/brexit-secretary-signs-order-to-scrap-1972-brussels-act-ending-all-eu-law-in-the-uk>, accessed on 20.11.2019.

<sup>23</sup> Michel Barnier is a former vice-president of the European Commission, a former French minister of foreign affairs, but also the EU's chief negotiator for Brexit.