*Co-creating EU policy: the emergence of collective power EU*
         **Brigid Laffan** (European University Institute)

Paper Prepared for Presentation at EUSA Conference, Miami, **20TH May Panel Session Seven. First Draft-not for citation.**

## Introduction

It is widely accepted that the European Union (EU) was confronted with multiple crises since the onset of the global financial crisis in 2008. Crisis or emergency politics came to dominate the Union as it struggled to respond to a succession of challenges, some deemed existential to one or other of its regimes and even the entire polity. There were those who argued that the Union lived in a world of ‘permacrisis’ that would endure. The prospect of disintegration received sustained political and scholarly attention. Nevertheless, during this period the EU became more resilient and managed to weather the storms, with greater or lesser effectiveness. The EU demonstrated that it represented a robust political order, sufficiently legitimate to deepen its policy and institutional capacity in the face of crisis. Central to this robustness, notwithstanding the depth of the challenges, was the ability of the Union to collectively muster sufficient capacity to address the crises and prevent systemic breakdown. The argument in this paper is that from Brexit onwards, the EU’s capacity to deploy collective power strengthened. Collective power was evident in the response to Brexit, the pandemic and again in reaction to Putin’s war in Ukraine. Analysing all three crises is beyond the scope of this paper. The focus here is on the response to Brexit which was characterised by the co-creation of a strategy by the member states and EU institutions acting collectively. Two dimensions of the Union’s response are analysed, namely framing and the creation of institutional capacity. Before embarking on an exploration of the Brexit case, it is necessary to unpack what is meant by collective power and capacity.

## Collective Power

Power in one of the most central and contested concepts in political science and the wider social sciences. It is a concept with many faces and foci both normative and empirical. Amongst scholars there has never been agreement on a single unified concept of power. One of the most important distinctions in the literature is between its distributive and collective dimensions (Hagen, 2010). The distinction was central to a scholarly debate between Dahl (1957) for whom power was a relational concept and Talcott Parsons who argued that a focus on the distributive aspects of power under played collective power (1963). The literature distinguishes analytically between ‘power over’ and ‘power to’ (Pansardi, 2010, 73). The former is a relational concept, a form of social power whereas ‘power to’ is a form of outcome power, the power to act and exercise agency (Dowding, 1991, 48). Allen defines ‘power over’ as the ability of an actor or a set of actors to constrain choices available to another actor or set of actors in a non-trivial way’ (Allen, 1999, 123). The ‘power to’ relates to the ability to act or what Parsons called the power ‘to get things done’ (Parsons, 1963, 232). Attention to the EU’s power to get things done enables us to probe the exercise of collective power by a complex compound polity consisting of the whole and the parts. It takes us beyond the weakness and incompleteness of the EU and what Keleman and McNamara identify as its uneven political development characterised by incomplete crisis prone institutions. For Keleman and McNamara, ‘the EU’s unusually uneven and unstable institutional architecture is a product of the fact that Europe’s political development has been pushed forward only gradually, by processes of market integration, without the pressure of war or perceived immediate military threat’ (Kelemen & McNamara, 2021). Adopting a state building lens, these scholars argue that ‘the most complete political development, marked by political consolidation at the center of a polity and robust institutional development’ occurs when the logics of war and marking making together influence state building (Kelemen & McNamara, 2021). Notwithstanding the uneven political development of the EU, its institutions have not been so crisis prone that they failed to respond and the intensity of the EU’s response is not adequately captured by ‘failing forward’ as a theoretical framework or empirical explanation (Jones, Keleman, Meunier, 2021). Probing how the EU develops its capacity for collective action and its response to crises, ‘power to’, reveals the resilience and robustness of the EU not weakness.

There is also merit in exploring collective power as a macro concept when addressing the nature of the beast, the nature of the EU as a polity. The concept of Collective Power Europe (CPE) takes our analytical lens beyond Market Power Europe (MPE) and Normative Power Europe (NPE). The strongest component of EU power has always been its *Market Power*, that large single market that produced the Brussels Effect (Bradford, 2020). Damero highlights the centrality of the single market to EU power, arguing that the EU ‘may be best understood as a market power Europe that exercises its power through the externalization of economic and social market-related policies and regulatory measures’ (Damero, 2012). Pelkmans writing in 2016, concludes that ‘the internal market has remained the foundation for by far the larger part of substantive EU activities’ (Pelkmans, 2016, 1096). It is a major structural component of the EU’s trade policy and a magnetic attraction for the neighbourhood. The conceptualisation of the EU as a normative power, as a uniquely distinctive international actor, dominated the literature on the EU role in the world from the early 2000s onwards. Manners coined the concept Normative Power Europe (NPE) which for him was characterised by the ‘ability to shape concepts of ’normal” in international relations’. For Manners, the EU had the ability to change ‘the norms, standards and prescriptions of world politics away from bounded expectations of state-centricity’ (Manners, 2002).  With its emphasis on ‘soft power’’, NPE captured a crucial aspect of the EU in the post-Cold War world. It was however based on a rejection of realist approaches to IR and underplayed geo-politics and power.

Neither Normative Power or Market Power Europe is sufficient for Europe as it faces a world of weakening multilateralism, Great Power competition and a deeply hostile Russia on its doorstep. Nor do these concepts adequately capture changes in the EU polity from the global financial crisis onwards but especially from 2016. Collective Power Europe (CPE) provides an overarching concept that captures those changes and helps us identify where Europe needs to go if it is to become a more rounded, more complete international actor capable of exercising hard and soft power and translating that into smart power as defined by Joseph Nye (Nye 2009). Collective Power Europe (CPE) builds on the concept of the EU as a compound polity consisting of the whole and the parts. It is a power but not in the traditional sense of ‘power over’, command power, rather the power ‘to’, to amass resources, instruments and affect outcomes. This is not to suggest that the EU is devoid of command power. Rather the ‘power to’ provides an analytical lens that facilitates us in probing the nature of the EU following a decade of crises. CPE does not represent classical state capacity but rather the power to harness the whole and the parts in the pursuit of shared goals. Brexit is one such case of the EU’s deployment of collective power. The EU’s response was a demonstration of the Union’s collective capacity. In the case of Brexit the EU demonstrated a ‘power to’ collectively frame what Brexit meant and to create institutional, knowledge and process capacity. The focus in this paper is on framing and the emergence of a dedicated institutional ecology.

## Brexit: Framing

A remarkable feature of the EU’s response to Brexit was the speed with which the Union framed Brexit. EU political actors were compelled to develop an understanding of and interpret what Brexit meant and how they should react. On the 24th of June, 2016, the day after the referendum, Donald Tusk, the European Council President, made a statement followed that afternoon by a statement from the four presidents representing the EU collective-European Council, European Commission and European parliament in addition to the Presidency, the Netherlands. This was followed by a meeting of the Sherpas with the EU institutional leadership on Sunday 19 June and an informal European Council of the 27 on the 29th of June. This flurry of meetings framed Brexit in a way that persisted for the entire exit process. The first element of the EU’s Brexit frame was unity. All three statements signalled that the EU would respond in a united manner involving all 27 member states. The European Council in its 29th of June Statement said, ‘We are determined to remain united’ (European Council 27, Statement, 2016). The assertion of unity at the outset was declaratory but unity was prioritised and facilitated so that it became a practice norm during the entire exit process. The second element of the frame was a commitment to the EU as the framework for a shared future to meet ‘the challenges of the 21st century’ (European Council 27, Statement, 2016). The UK might opt to leave but the remaining member states were committed to its continuation. The third element was a reference to the UK as a third country, no longer an ordinary member state. This transformed Brexit from an endogenous shock to an exogenous one. The fourth element was an emphasis on what membership entailed, especially a balance between ‘rights and obligations’ and that access to the single market required acceptance of all four freedoms (European Council 27, Statement 2016). The fifth and final element was the exit process itself.

The EU placed a premium on an orderly exit to be achieved through the available legal framework Article 50, TEU which provided the road map for the departure of the UK. The EU then added a process sting to its response, namely that the EU would not enter into any pre-negotiations with the UK. This became known as ‘no negotiations without notification’ (NNWN). This precluded any testing of possible negotiation outcomes. Having framed Brexit with speed and on a collective basis, the Union set about creating the institutional capacity to manage the loss of a large and significant member state.

## Brexit: Institutional Capacity

The Union’s collective institutions were mobilised, harnessed and organised in response to the shock of Brexit. They were core to the development of the EU27’s governing capacity in relation to Brexit. By adapting and expanding existing institutional arrangements, the EU created a tailor-made ‘institutional ecology’ for handling the UK’s exit. This became the arena within which individual and collective actors interpreted what Brexit meant and what goals should be pursued by the Union in relation to the departure of the UK. A distinctive constellation of political and official actors embedded in the key institutions became the exit managers. These individuals engaged in a highly charged social process of analysis, interpretation, and bricolage to prepare for Brexit and accomplish an orderly departure. The actors did not display the ‘intersecting rivalries-national, political, personal and institutional (between the Parliament, the Commission, and the Council)’ that frequently characterize EU policy making (Desmet & Stourton, 2019, 7). The institutions were not constraints that determined the goals and behaviours of the actors involved. Rather the institutions were transformed into a source of collective power and were proactively harnessed in the service of EU27.

 The overriding reason initially for the creation of a dedicated institutional capacity was to prevent Brexit from seeping into all policy fields and disrupting the normal policy making of the Union. Brexit was defined as a specific, time-bound task with associated processes that had to be carved out from the Union’s governance structures. This created a ‘cordon sanitaire’ within and across the institutions which served to reinforce the idea and practice of the UK as a third country in the making. The Union’s institutional leaders were conscious that UK politicians and officials would continue to attend prime ministerial, ministerial and working party meetings until they departed the Union. Given that, the EU27 wanted to ensure that the UK could not use its presence in EU policy making to influence Brexit outcomes. One senior official, suggested in an interview, that there was a determination that Brexit would not ‘pollute’ the rest of EU business (Interview 4, Council Official 30 March 2021). The EU’s institutional leaders wanted to build boundaries around this disintegrative development because from their perspective, Brexit was a negative event with no redeeming benefits. Article 50 created train tracks for an exiting state and the EU was determined to shunt the UK onto those tracks and keep it there.

Temporary organizational settings have not received extensive attention in the scholarly literature on public policy and public administration. However, their typical characteristics are worth drawing out as it reveals how the Union organised for Brexit and the effects of those choices made in the period immediately after the referendum. According to Lundin and Soderholm (1995), when analysing temporary organizations, attention should be paid to the four ‘Ts’ – task, time, team, and transition. For these scholars, organising for action is the overarching theoretical framework that links the four ‘Ts’ (Lundin & Soderholm, 1995, 438). The focus on action and related analytical categories provides us with the tools to analyse the emergence and evolution of the EU’s dedicated Brexit institutional ecology. In this paper, the tasks, role of time, and the dedicated teams are the focus of analysis. The key elements are:

* **Task**: Temporary organisational settings are usually created to achieve a specific task or tasks beyond the ordinary routines of public policy making. They are purposeful and engage in goal-oriented action. Their mandate and the subsequent understandings of the tasks and goals to be achieved that are developed within the temporary institutional settings matter. So too does the goodness of fit between the temporary organisation and its permanent institutional setting. Organising for Brexit was novel and not likely to be a repetitive task or at least that was the hope of the EU. The overarching task of the specially created institutional nodes, to borrow a political slogan from the UK, was to get Brexit done.
* **Time**: By definition, temporary organisational settings are time bound. They are not designed to become permanent features of the macro-institution but are limited to the time needed to achieve specific tasks. Time played a central role in the dynamic of Brexit from the outset. Because of the emphasis on action, specific time horizons introduced an element of urgency into the work. In the case of Brexit, temporality was built into the mandate as the Treaty specified the time to reach agreement although there were opportunities to extend time horizons by agreement.
* **Team**: Temporary institutions need to amass human capital, the individual officials, who constitute the team in these temporary organisational settings. In addition, decisions were taken on who would lead these teams and how these teams would interact with the wider organisational environment. Because of the temporary nature of each institutional node, officials who become part of the dedicated node understood that this was not a permanent commitment but a once off time bound assignment. Each team was built up through the engagement and commitment of individual actors drawn together for the purpose of achieving the tasks mandated by their institutional leadership. Given the number of years involved in the Brexit process, there was turnover at all levels although many officials remained for the duration of the entire process. A characteristic of the teams who worked on Brexit was their conviction that their work mattered; that how the EU responded to Brexit would have long lasting consequences for the polity. This was summed up by one interviewee in the following way: ‘I mean we were really feeling that we had a mission and that we had to deliver’ and we had ‘a deep, deep conviction that we had to do this right’ (Interview SR). Instrumental and normative goals were intertwined and provided a motivating framework for those involved. A *esprit de corps* characterised by an overwhelming commitment to protecting the EU evolved within and across the dedicated institutional nodes.

Brexit was governed collectively by the EU27. The dedicated institutional nodes were the Council Task Force (which later morphed into the Article 50 Working Party), the Commission Article 50 Task Force (which was later transformed into the Task Force for Relations with the United Kingdom), and the European Parliament’s Brexit Steering Group (which was followed by the UK Coordination Group). The transition from the institutional nodes that managed the UK’s withdrawal from the EU to those on the future relationship displayed considerable continuity, albeit with some change of personnel and purpose as the objectives of the withdrawal phase were different to the future relationship. The temporary institutional nodes in the Council and Commission appeared very quickly following the referendum in June 2016, whereas the EP’s Brexit Steering Group dates from April 2017. The Court of Justice of the European Union (CJEU) did not develop a unit to manage Brexit. Rather the President of the CJEU appointed a lawyer to track what was happening on Brexit and to engage with the Council and Commission.

We begin the analysis in the Council as it was the first institution to create a Task Force.

**The Council**

The Council was the first EU institution to create a dedicated institutional node under the leadership of Didier Seeuws, the former Chef de Cabinet of European Council President, Herman Von Rompuy. A Belgian and lawyer by training, Didier Seeuws had the experience to manage this novel task given his command of technical detail and his experience of the European Council in action. He was comfortable within the institutional milieu, had crisis management experience and knew the Sherpas who assist their leaders on European Council business. The Secretary General of the Council, Jeppe Tranholm-Mikkelsen, asked Didier Seeuws two days before the referendum, if in the unlikely event of a vote to leave, would he lead a taskforce to organise for Brexit. The Secretary General was concerned that Brexit would seep into the normal work of the Council and be disruptive. The need for the EU, especially the European Council, to respond collectively was an additional motivation. Following the outcome of the referendum and as the worst fears materialised, Didier Seeuws found himself having to set up a new institutional node from scratch within the Council. He remained with the Brexit dossier until the first of February 2021 and so was a central player throughout the entire process.

The Council Task Force began as a small team drawn from the Council Secretariat, that is from within the house. There was a determination to staff the unit with EU level rather than national officials who were volunteered for secondment by several member states. The decision to staff the Task Force with ‘in house’ Council officials reveals a reflex in the Brussels system that Brexit had to be managed by creating a collective European response into which member state preferences would be inserted rather than allowing national interests spill over and dominate the collective reaction. This was reinforced by the decision that the Council’s Article 50 Working Party would be chaired by Didier Seeuws himself, and not the rotating Council Presidency, thus facilitating institutional continuity, coherence, and shared knowledge. The early appointment of a Council Task Force in the week following the vote, led to press speculation about the role of the Commission in the negotiations; it was suggested that the Council was attempting to take over and lead the negotiations. Fears that some in the Commission may have harboured quickly dissipated as the creation of the Council Task Force was essentially driven by internal dynamics in the Council. In the immediate aftermath of the vote, the concern was to protect the working of the Council from Brexit contamination. Jim Cloos, who was the senior Council official preparing European Council meetings during this period, reported that ‘as far as my daily work was concerned, I was not dealing with Brexit. We had created this special task force precisely for that purpose’ (Cloos, 2021). The Brexit dossier was effectively corralled.

The tasks undertaken in the Council Task Force during its early phase involved making sense of what had happened, planning the political and organisational response in the context of a departing state, and assessing what all of this would mean for the operation of the Council as a core EU institution. The Council had a deep understanding and institutional memory of multiple accession processes, given the number of states that joined the Union over many decades. But the withdrawal of a member state was unprecedented. In its early days, the focus of the Council Task Force was on preparing the Union’s political response via the President of the European Council and how the EU should organise to manage the exit of a member state. The European Council was the major player in responding to the dramatic events of 23rd June and its informal meeting on 29th June, was prepared by the President’s cabinet, especially his chef de cabinet, Piotr Serafin, and key officials from the Council Secretariat. The European Council statement was worked on at a meeting of Sherpas on Sunday 26th of June. The principle or perhaps mantra established by the European Council that there would be No Negotiation without Notification (NNWN) afforded the Council considerable reflection time to prepare for negotiations as the UK did not formally notify its decision to leave until 29th March 2017.

This reflection period, from Autumn 2016 to February 2017, was used by the Council Task Force to develop the principles that would guide the negotiations with the UK on the Withdrawal Agreement (WA). The Negotiation Guidelines issued on the 29th of April 2017, known as the Bible, established a set of principles and political objectives that endured throughout the entire negotiations. The shared principles were the bedrock that guided EU positions and actions and crucially maintained EU unity. In a multilevel compound polity characterised by deep diversity, principles facilitated and supported convergence across the member states on preferences and interests. Unity began as an EU ambition but was honed overtime into a practice norm. This relied on an extraordinary pedagogical and deliberative effort underpinned by a distinctive governance model characterised by intensive intra-and inter-institutional cooperation, collaboration, and communication.

The governance model that emerged within the Council Task Force and between the Council and the Commission was central to the effectiveness of the EU. According to a Council official, the Task Force was ‘the life insurance for the Commission. Because that was actually the main usefulness of the task force during the negotiations, meaning that the Council never lost the unity of the Member States’ (Interview 4, Council Official, 30 March 2021). The organisation of the Council in this dedicated manner meant that the member states took ownership of the negotiating guidelines not just when they were initially drafted but as they were translated by the Commission negotiators into tangible positions and goals. The Art 50 Working Party and later the Working Party on the UK constituted a permanent feedback loop for the Commission as the negotiations progressed. It has been described as a ‘very iterative process, which was very lengthy, with permanent feedback loops’ (Interview 1, Council Official, 30 March 2021). Meetings of the working party frequently lasted for whole days involving intense engagement on Commission position papers, teasing out why the EU was adopting this or that position. This lent stability to the goals pursued by the EU in the negotiations as the relevant actors interacted continuously with one another.

Member state participation in the Council Article 50 Working Group was drawn from the Permanent Representations in Brussels who assigned officials to represent their member state on the working group, coordinated domestic positions and acted as the conduit between the national capitals and Brussels. The Brexit officials worked closely with their ambassadors who were also heavily engaged with the dossier. Officials from the Brussels based Permanent Representations were augmented on occasion by experts from the national capitals. However, there was a cohort of member state officials located in Brussels who worked intensively within the Council system on Brexit for the duration of the negotiations. The *esprit de corps* that characterised the institutional nodes radiated out to the member state representations in Brussels and back to the capitals. The intensity of engagement is captured by the following quote from an official involved in the Council management of the process: ‘We went through these positions for hours and hours and hours. We argued back and forth with the Commission so that the Member States really understood why we take such and such a position’ (Interview 4, Council Official, 30 March, 2021).

The key substantive task of the Council Task Force was to elaborate the guidelines for the negotiations. As the guidelines had to be agreed by the European Council, the drafting was central to the talks and had to reflect the collective views of the 27 member states. Unusually for the EU, the Council and the Commission task forces collaborated on the guidelines although institutional responsibility lay with the Council TF. According to one participant, the working relationship ‘was very very close’ (Interview 5, Commission Official, 28 April 2021). The first draft was concluded by the Council Task Force at the request of the Council Secretary General before Christmas 2016 but then Council officials worked with the Sherpas in two discussion rounds augmented by a significant number of bilaterals with individual Sherpas. The objective was to go through the text so that the rationale and thinking behind the Guidelines was agreed and the Sherpas could in turn brief their leaders individually. By the time the Guidelines were formally adopted in April 2017, they had gone through several iterations and were fine tuned. The original text which was an internal Council document emerged from the iterative process of deliberation with the member states largely intact. This reveals a collective top-down response to Brexit rather than a process that was led from the bottom-up by the national capitals. EU’s preferences were arrived at collectively because of the homework done by the dedicated institutional nodes and the intense engagement with the member states at each step of the way. As one participant in the negotiations concluded: ‘Member States wanted to be led on this’ (Interview 4, Council Official 30 March 2021). The Council TF was renamed in preparation for the talks on the future relationship but the working method within the Council and across the institutions did not change.

**The Commission**

The Commission’s ‘Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 TEU’ (TF50) formally began its work on 1 October 2016. The TF50 was described by one of its senior officials as ‘’an island within the Commission’ that processed all material relating to Brexit (Interview 4, Commission Official, 29 September 2021). The appointment of Michel Barnier was announced on the 27th of July by President Jean-Claude Juncker. President Juncker did not want a technocrat, but a political heavy weight to run the negotiations as this was a battle for the ‘soul and politics of the EU’ (Interview 2, Commission Official, 10 December 2020). Michel Barnier, even though he was a candidate at the EPP hustings against President Juncker, spent a number of years as a Special Advisor to the Commission President working on PESCO. President Juncker felt that he could trust Michel Barnier, that he knew how the Commission worked and that he would be loyal to the Commission in undertaking his mandate. The choice was regarded as an inspired choice as Michel Barnier was French, a large member state and close UK neighbour. He was an experienced EU Commissioner having held major portfolios and was at home in the Berlaymont. Although appointed at the level of Director General, Michel Barnier was a seasoned politician, not an official, who was at ease when engaging with the European Council and Council of Ministers. Michel Barnier became the public face of the EU on Brexit, a veritable Mr. Brexit and has left an insiders account of his Brexit years in the form of a diary (Barnier, 2021). Speaking at the time of his appointment, on 27 July 2016, President Juncker highlighted why M. Barnier was an appropriate choice for the EU’s Chief Negotiator:

I am very glad that my friend Michel Barnier accepted this important and challenging task. I wanted an experienced politician for this difficult job. Michel is a skilled negotiator with rich experience in major policy areas relevant to the negotiations, namely as Minister for Foreign Affairs and for Agriculture, and as Member of the Commission, in charge of Regional Policy, Institutional Reforms and of Internal Market and Services. He has an extensive network of contacts in the capitals of all EU Member States and in the European Parliament, which I consider a valuable asset for this function. Michel will have access to all Commission resources necessary to perform his tasks (Juncker, 2016).

Michel Barnier led the TF50 under the authority of the Commission President with an administrative attachment to the Secretariat General (SG). From the beginning, TF50 was at the heart of the Commission underpinned by the authority of the President and closely linked to him, his cabinet and the powerful Secretariat General (SG). Martin Selmayr, both in his role as chef de cabinet to President Juncker and later as Secretary General of the Commission, maintained a close watch on the negotiations. TF50, as a temporary organization, was not seen as a competitor by the core policy Directorates General (DGs) and did not experience any push back from them. Because of the nature of its mandate and President Juncker’s fiat, TF50 could call on the knowledge and resources of the DGs and expect their full cooperation. Michel Barnier established a process of continuous engagement with a dedicated group of Directors General (DGs) without having to go through their Commissioners. The special status of TF50 in the Berlaymont was reinforced by the fact that access to its offices required passing through closed doors on the 5th floor accessible only with special badges. Unusually in the Commission, the flags of all the member states were prominently displayed in the corridors, a symbol that TF50 was working for the EU collective and not just the Commission.

The Task Force had to be established from scratch and a team assembled. It was described by one of its members as a very large cabinet, not like a DG, as it was organised around a politician. Even before Michel Barnier formally re-joined the Commission in early October 2016, he began to proactively recruit a multi-national multi-disciplinary team of officials. His commitment was to amass a formidable team of professionals dedicated to the task at hand. Stephanie Riso, a French Commission official and Georg Riekeles, a Norwegian Commission official, were among the very early recruits. Stephanie Riso, an economist, worked in the Cabinet of Commissioner Ollie Rhen, when Michel Barnier was Commissioner for Financial Services. She engaged intensively with the Barnier Cabinet then and was recommended as someone who would bring considerable expertise to the Brexit file. Moreover, just before she joined TF50, Stephanie Riso worked on the Multiannual Financial Framework (MFF) in DG Budget, a critical issue in the Brexit withdrawal negotiations. Georg Riekeles was a member of the Barnier cabinet when he was Commissioner for Financial Services but also worked for him in France when he was Minister for Agriculture.

At the end of August 2016, Michel Barnier met with Stephanie Riso and Georg Riekeles in the Berlaymont to plan and organize the new unit, TF50. All of those involved in the early days saw TF50 as a start-up to be developed and nurtured into a living system. There was an initial discussion about the structure of the unit, recruitment of further staff and the substantive issues that would have to be addressed. This initial discussion formed the basis of a meeting between President Juncker, Martin Selmayr, and Michel Barnier on the presidential floor, the 13th floor. The most consequential outcome of that meeting was the decision to ask Sabine Weyand to assume the role of Deputy Head of TF50. Sabine Weyand came to the task force from DG Trade where she was co-negotiator on TTIP and CETA, and thus had crucial expertise in EU trade policy, a vital strand in the Brexit negotiations. Sabine Weyand had built up a formidable reputation as a negotiator and was well known within the Commission given previous roles in the SG and in several cabinets. Michel Barnier worked with her when he was Internal Market Commissioner when she acted as the Commission’s representative on COREPER 1. She sat side by side with Commissioner Barnier at the Competitiveness Council and was a major source of knowledge and advice to him. Her role in the cabinet of Pascal Lamy would also have brought her into Michel Barnier’s orbit as the cabinets of the two French Commissioners worked closely together. Sabine Weyand joined the TF50 on its first day, 1 October 2016 and played a central role in the design of TF50, in building the team and planning the work streams. Michel Barnier described her as a ‘brilliant woman, as adept politically as she is technically’ (Barnier, 2021, 18). The organigramme of TF50 (see Figure 1 below) identifies the core leadership team, its basic organizational structure, and the division of responsibility within the unit. The apex consisted of the Chief Negotiator, Michel Barnier, his deputy Sabine Weyand, Nina Obermaier, an advisor to the deputy and Stephanie Riso who was the senior official in charge of three sub-units, namely, relations with think tanks and communications (Stefaan de Rynck), inter-institutional affairs (Georg Riekeles), and Legal Affairs (Eugenia Dumitriu-Segnana). Nina Obermaier came to TF50 from the European External Action Service (EEAS) where she had responsibility for relations with Switzerland amongst other dossiers. Stefaan de Rynck worked with Michel Barnier as his spokesperson in the Prodi Commission and again in Financial Affairs. In addition, there were four units in TF50 responsible for substantive areas, notably, cross-cutting policies and level playing field, internal market and sectoral policies, budgets, spending commitments and programmes, and international agreements and customs, all led by a senior Commission official with relevant expertise and experience. In early November 2016, TF 50 consisted of no more than 10 people but that expanded over time to just over 50.

**Figure 1** European Commission Task Force for negotiations with UK under Article 50 (TF50)[[1]](#footnote-1)



TF50 was faced with a blank sheet of paper governed by a short treaty article, Article 50. Brexit had to be analysed and transformed from a political earthquake into manageable process and substance. Michel Barnier emphasized the task ahead in the following manner: ‘The work will be legally complex, politically sensitive, and will have important consequences for our economies and for our people on both sides of the Channel’ (Barnier, 2016).

The key organizational tasks facing the new unit in autumn 2016 were four-fold. The first which had already begun was to amass the necessary human resources from across the Commission to create a professional and competent team and to mould that team into a functioning unit. The second was a political imperative which was core to how Michel Barnier would manage Brexit, namely, a series of meetings in national capitals to gather intelligence on member state concerns. The tour of capitals was vital to understanding what the member states had in mind and how they would align. From the perspective of TF50, it was a device to maintain unity, reduce uncertainty and limit surprises during the talks. Michel Barnier took his EU wide role seriously and did not see himself as representing the Commission but the collective. The first round of condensed visits to the capitals which were completed by the end of January 2017 provided TF50 with a matrix of member state interests that they would fashion into the common concerns of the EU. The third task was the necessary coordination with the institutions, notably the Council and the European Parliament. The structuring of continuous interinstitutional engagement kept all actors on track throughout the negotiations. The fourth was analysis and assessment of what Brexit meant for the EU. From the outset there was a robust stream of political work supported by meticulous technical preparations.

In sum, TF50 was responsible for coordinating the Commission’s work on all strategic, operational, legal, policy and financial issues related to the UK’s exit from the Union. According to one interviewee ‘everything on the UK came to us and the DGs were very happy’ (Interview 3, Commission Official, 26 March 2021), which underlines the cross sectoral nature of Brexit. All four tasks evolved in tandem especially the political and technical workstreams. In response to Brexit, the notoriously fragmented and segmented European Commission created a one stop shop, led by a senior political figure and staffed by high quality officials who saw themselves as working for Europe on this contentious dossier. Michel Barnier, borrowing from Georges Pompidou, sought to build up what he called a ‘collective morale’ to guide his team’s actions and asked members of TF50 to be ‘amicable pros’ (Barnier, 2021, 21). For him, that meant being professional and competent to reflect the historic and serious task ahead but also ‘amicable within the team, amicable with the other Commission departments, and amicable with the outside world’ (Barnier, 2021, 21). TF50 was an institutional node in mission mode, dedicated to the collective interests of the European Union.

The first substantive task of TF50 was to screen the entire *acquis* in conjunction with the Commission DGs to map what the consequences of Brexit might be across all aspects of EU policy. This was a mammoth task given the size and complexity of the *acquis* but a necessary one so that the EU could enter into the negotiations knowing that it had done its homework and that its positions were well articulated and understood. The exercise was in many ways a rediscovery of the single market, the customs union and the complex interdependence that characterizes EU membership. The undertaking was a matter of sifting and assessing what goals the EU should pursue in the up-coming negotiations across different policy fields and what future relationship the EU wanted with the UK.

Once the initial screening of the *acquis* was completed, TF50 began to engage with the Council, the European Parliament and member states on a series of substantive subjects. Just as the Council Task Force engaged actively in pedagogy, so too did TF50. In autumn 2016 and early 2017 there were seven seminars on different topics involving officials from the member states, other EU institutions and MEPs. The purpose of the seminars was to develop a common understanding of the legal, technical, and financial aspects of all of the issues. PowerPoint presentations, outlining the topics under discussion, were openly shared on the Commission website, accessible to the press, the public, and to UK officials. An official, not from the Commission who was present at the seminars, concluded that TF50 had arrived at a clear sense of what needed to be included in the divorce settlement down to arcane subjects such as nuclear waste and goods that were on the market at the time of withdrawal. This official’s perspective was that ‘in terms of the scope of the issues that needed to be dealt with as part of the withdrawal process, I think the Commission had a pretty clear idea, pretty early on... what these seminars were designed to inform us and the Member States about. When they designed those seven seminars, they were covering all the bases’ (Interview 1, EP Official, 30 November 2020). The Commission acted as the Union’s key knowledge institution in the Brexit process because it possessed the most extensive expertise on the key issues across its DGs that was garnered and coordinated by TF50.

There was one Brexit related task that was not incorporated into the work of TF50, the complex exercise of preparing for a no-deal Brexit. Following the near breakdown of talks in December 2017 on the question of Northern Ireland, the Commission began to take the possibility seriously that any Withdrawal Agreement might not be ratified by the UK, hence opening the way for a no-deal exit. Within the Commission, the decision was to locate no-deal preparations in the Secretariat General to ensure that TF50 would concentrate on the negotiations. Moreover, preparations for no-deal involved detailed complex work that was different to the work stream involved in the talks. The Commission published a series of no-deal preparedness notices from spring 2018 onwards and outlined a series of unilateral temporary measures it would take in relation to flights, financial services, road haulage and other areas that required an immediate response. By autumn 2019, the no-deal work stream involved 19 legislative acts, 63 non-legislative measures and 100 communications (EU Commission, 2019). Following the TF50 playbook, the Commission held seminars with the member states to ensure that all stakeholders were singing from the same hymn sheet. The message to the UK was that it would become a third country overnight and that the EU would not engage in any negotiations designed to mitigate the impact of a no-deal exit. In the event of no-deal, President Juncker signalled to the UK, that it would in any event have to address the three key separation issues before the EU would come back to the table.

TF50 remained in place until it was replaced by a ‘Taskforce for relations with the United Kingdom’ (UKTF), announced on 19 October 2019 with Michel Barnier remaining at its head. The UKTF was augmented by the addition of the Brexit Preparedness Unit which moved from the SG to the UKTF. There was considerable continuity from TF50 to UKTF but also major changes in key actors. In June 2019, Sabine Weyand who had masterminded the withdrawal negotiations moved to become Director General of DG Trade, one of the most powerful Commission DGs. During the Brexit Withdrawal Negotiations, she had demonstrated her ability to bridge the technical and political in a highly effective manner: ‘She’s not a fonctionnaire’ said former European Development Commissioner Louis Michel, with whom Sabine Weyand worked as chief of Cabinet, ‘She is a technical expert, a manager, knows all the dossiers. But she also has got a strong political perspective’ (Michel, Politico, June 26, 2019). Sabine Weyand was replaced as Deputy of the Task Force by Clara Martinez Alberola, who was Deputy Head, and later Head of Cabinet to President Juncker. Given the salience of Brexit, she was already immersed in the dossier in the Cabinet but took on this operational role for the negotiations on the future relationship. Stephanie Riso moved from TF50 to become Deputy Head of Cabinet to President von der Leyen when she took up office on December 1, 2019. Paulina Dejmek Hack took over the unit for Strategy and Coordination in UKTF; she was a senior official who had been in the Juncker cabinet and had earlier worked with Michel Barnier when he was Commissioner from 2009 to 2014.

**Figure 2** The European Commission’s Task Force for Relations with the UK (TFUK)



TFUK had a broader remit than TF50 because the withdrawal process concentrated on a few discrete areas whereas the future relationship was all encompassing. TFUK was also responsible for the negotiations on the future relationship and the management of the Withdrawal Agreement (WA). There were six units addressing the substantive issues in the negotiations, that had been flagged in the Political Declaration (see Figure 2 above). The included two horizontal teams, namely, ‘Coordination, Planning and Administrative Support’ and ‘Legal and Inter-Institutional Affairs’ and four teams covering substantive issues. One of these, ‘Citizens, Union Programmes and Ireland/Northern Ireland’ was responsible for aspects of the WA and the negotiations on the UK’s involvement in Union programmes. The other three units covered economics, security, external relations, climate and energy. TFUK was much larger than TF50 because of the breath of the negotiations and at its height had approximately 70 staff. The heads of units took charge of a negotiating table with the UK together with someone from the relevant DG. TFUK was disbanded on March 1, 2021, following the conclusion of the TCA negotiations and its subsequent ratification.

**The European Parliament**

The European Parliament (EP) had to give its consent to the WA and the treaty on the future relationship which made the EP a central actor in the politics of Brexit. It would not play a formal role in negotiations but would have the final say. With this in mind, Michel Barnier was determined to maintain close relations with the EP throughout the negotiations. Brexit also mattered to the EP as an institution as it was about to lose its 73 UK MEPs. The EP met the week after the Brexit Referendum and issued the first of many resolutions on the 28th of June 2016. In the resolution, it drew attention to the importance of its consent and argued that the EP ‘must be fully involved at all stages of the various procedures concerning the withdrawal agreement and any future relationship’ (EP, 2016). The manner of its engagement had yet to be decided.

There was considerable discussion within the parliament on how best to organize for Brexit. The parliament’s committees are the engine room of the EP, drafting reports and developing EP resolutions but it was felt that Brexit required a novel format. The EP President Martin Schulz thought the parliament needed to appoint a high-ranking MEP to shadow Michel Barnier in the Commission. He consulted with the members of the Conference of Presidents (CoP), representing the leaders of the EP’s political groups and the highest political authority within the parliament. President Schulz clearly favoured Guy Verhofstadt who had withdrawn earlier from the EP presidency race in his favour. The CoP duly appointed Guy Verhofstadt as Brexit Coordinator, a Brexit point man, in early September 2016 supported by the Deputy Director General and a small cohort of EP officials. By appointing one of their own to act as coordinator, the CoP was highlighting the salience of Brexit. Guy Verhofstadt was frequently referred to as the EP’s Brexit negotiator, with a remit to report to the CoP at regular intervals. The appointment of Verhofstadt underlines the determination of the EP to be a player in the negotiations because he was regarded as ‘head and shoulders above everybody else. Just in terms of his experience, as a former Prime Minister's, a former member of the European Council’ (Interview NL). Earlier in 2016, Verhofstadt had represented the EP in the inter-institutional agreement negotiations on Better Law Making, adopted by the European Parliament on 9 March 2016. Thus, he had recent experience of engaging at the goal face of interinstitutional relations. Very quickly Guy Verhofstadt becomes Mr. Brexit in the European Parliament. His two immediate objectives were to assert the role of the EP in the negotiations and to get the EP working on the substantive issues relating to Brexit.

Once the UK notified the EU of its intention to exit on the 29 March 2017, the EP created a structure to shadow the taskforces of the Commissioner and the Council. The Conference of Presidents (CoP) established a Brexit Steering Group on April 6, 2017. The Group ceased to exist on 31 January 2020 when the UK formally exited the Union. The Brexit Group had six members chaired by the EP’s Brexit coordinator, Guy Verhofstadt. The other five members were all leading parliamentarians, namely, Elmar Brok, Roberto Gualtieri, Danuta Hübner, Philippe Lamberts, Antonio Tajani and Gabriele Zimmer. Following the 2019 EP elections, Elmar Brok, Roberto Gaultieri and Gabriele Zimmer were replaced by Pedro Silvia Pereira and Martin Schirdewan.

The EP was not part of the negotiating apparatus per se but was informed and consulted every step of the way. Guy Verhofstadt was determined that the Brexit negotiations would not follow the logics and routines of third country negotiations whereby the Commission negotiates and reports to a Council Working Party with the EP coming in once the negotiations ended. The consent provision was the EP’s calling card in the negotiations. Guy Verhofsadt effectively said to the other institutions: 'If you keep us out. Well, then we'll organize our own relations and negotiations with the UK Government. If you don't involve us ... well, then you can't stop us talking to the UK Government in parallel' (Interview 1, 30 November 2020). One of the first things Guy Verhofstadt did was to commission the Parliament’s powerful committees to do a stock taking of the likely impact of Brexit across the policy range, which resulted in multiple reports. By December 2016, the European Council agreed that the parliament would be involved in the Sherpa process, preparing European Council meetings, and would be briefed before and after General Affairs Council meetings (GAC), which was not the norm. A proactive approach inserted the parliament into the Brexit process and Guy Verhofstadt, became the point man on Brexit, engaging with the other institutions and meeting with multiple stakeholders.

The EP was ready in April 2017 in the immediate aftermath of notification with its second resolution on Brexit, drafted by the Verhofstadt team with political input from Elmar Brock (EPP), Roberto Gaultieri (Socialists), and Philippe Lamberts (Greens). Richard Corbett, a UK Labour MEP, was also involved in the final drafting meeting. This group morphed into the Brexit Steering Group with the addition of Polish MEP Danuta Hübner, Chair of the powerful AFCO committee, that would have to steer the final agreement through the parliament and a member of the GUE group.

The Steering Group consisted of high-profile powerful MEPs within their own groups and in the parliament who had many years working together in AFCO or other EP committees. The EP could not establish a task force akin to the Commission’s TF50 and the Council’s Task Force UK as it could not formally discriminate against the UK MEP’s. According to an EP official, the parliament had to ‘devise a kind of Article 50 Parliament without saying it’ (Interview NL). They did this by establishing the EP’s aims and principles for the negotiations which any group wanting to be part of the Brexit Steering Group would have to sign up to. This effectively excluded the ECR involving the British Conservatives and the Farage group (members of the EFDD and later independents) as they would never sign up to EP resolutions on Brexit.

The Brexit Steering Group ceased to operate once the UK left the EU on 31 January 2020, having ratified the Withdrawal Agreement just two days earlier on 29 January. A two hour ‘fly on the wall documentary’ of the role of the European Parliament, *Behind Closed Doors*, filmed by Lode Desmet captures the key actors in action and provides insight into the interinstitutional and interpersonal dynamics. The focus was predominantly on the EP as Guy Verhofstadt had agreed to the making of this documentary in his office. One of those working with Verhofstadt concluded that the documentary offered ‘the feel of what was going on at the time when we were following the negotiations for the withdrawal agreement’ (Interview NL).

The Steering Group was replaced by the UK Coordination Group (UKCG) which was chaired by the Chair of the Foreign Affairs Committee (AFET), MEP David McAllister. This marked a departure from the sui generis nature of the Brexit Steering Group under Guy Verhofstadt. By 2019 there was disquiet within the EP about the BSG, especially its power and authority (Bressenalli et al, 2021). Many in the EP concluded that ‘The complete absence of the EP’s formal preparation of plenary votes through committees was noted and regretted. Several actors felt excluded from the Brexit process’(Bressenalli et al 2021). For the negotiations on the future relationship, the EP reverted to the parliament’s powerful committees to shadow the negotiations in addition to one representative per political grouping, including those that had been excluded from the BSG. The task of UKCG was to coordinate the work of the EP on the negotiations and to monitor the work of the Chief Negotiator. The centre of gravity in the EP moved from the CoP to the committees. By then the principle of involving the EP closely in the process was well established. The UKCG had two main interlocuters in the system, Michel Barnier on the future relationship negotiations and Commission Vice-President Maroš Šefčovič, who co-chaired the EU-UK Joint Committee responsible for the implementation of the Withdrawal Agreement.

## Conclusions

The EU was determined that it would prevent the UK’s exit from becoming the first of a series of departures and a cause of systemic disintegration. The dominant reflex was to protect the polity, the single market and the meaning of membership. Membership had to matter. It did so by building up its capacity and robustness and exercising collective power. In this paper, the Union’s exercise of ‘power to’ collective frame and draw on its institutional and knowledge capacity is analysed. This was manifest in the EU’s speedy framing of Brexit and the creation of a distinctive sui generis institutional ecology in the Council, Commission and Parliament to organise for Brexit. The Council and Commission task forces and the EP’s BSG and later UKCG acted as the organizational core of Brexit related activities within their institutions. The political and official staff in the three institutional nodes constituted formidable teams united in a shared goal of protecting the EU as a powerful member state left. They were task oriented and driven by time constraints and the rhythm of negotiations. The management of intra- and inter-institutional relations was central to their mission. The three institutional nodes had to manage dynamics within their own institution and with the other EU institutions. The leaders of the Brexit units focused on fleshing out what Brexit meant, on the substantive issues to be addressed in the withdrawal phase and the future relationship, and on ensuring that relations across all the institutions worked in a smooth, collaborative and orderly manner.

## References

Allen, A (1999) *The power of feminist theory: domination, resistance, solidarity.* Boulder, CO: Westview Press

Barnier M (2016) Introductory Comments Press Briefing, 6 December, <https://ec.europa.eu/info/news/introductory-comments-michel-barnier-2016-dec-06_en> accessed 12 May

Barnier M (2021), *My Secret Brexit Diary*, Cambridge: Policy Press

Bressanelli E, Chelotti N & Lehmann W Managing Disintegration: How the European Parliament Responded and Adapted to Brexit, *Politics and Governance*, 9:1,16-26

Cloos J (2021) Witness Statement, UK in a Changing Europe, June 30 <https://ukandeu.ac.uk/brexit-witness-archive/jim-cloos/> accessed 12 May 2022

Dahl R (1957), The Concept of Power, *Behavioural Science*, 2:3, 201-215

Damro C (2012) Market Power Europe *Journal of European Public Policy*, 19:5, 682-699

Dowding, K.M. (1996) *Power*, Buckingham: Open University Press.

European Council (2016) Statement, Informal Meeting at 27, 29 June, <https://www.consilium.europa.eu/en/press/press-releases/2016/06/29/27ms-informal-meeting-statement/>

European Commission (2019), Brexit Preparedness, 31 October [https://ec.europa.eu/commission/presscorner/detail/en/IP\_19\_5509 accessed 12 May 2022](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5509%20accessed%2012%20May%202022)

European Parliament (2017) Resolution 28 June on the decision to leave the EU resulting from the UK referendum, 2016/2800 RSP <https://www.europarl.europa.eu/doceo/document/TA-8-2016-0294_EN.html> accessed 12 May 2022

|  |
| --- |
|  |

## Hagen, R (2010) Collective Power: Reception and prospect of a scientific concept, in Osheng W., ed, *Transference: Interdisciplinary Communication*, CAS, Oslo

Jones E., Kelemen R. D., & Meunier S. (2021) ‘Failing Forward? Crises and Patterns of European Integration, *Journal of European Public Policy*, 28:10, 1519-36

Juncker J C (2016) Appointment of Michel Barnier as Chief Negotiator, 27 July <https://ec.europa.eu/commission/presscorner/detail/it/IP_16_2652> accessed 12 May 2022

## Kelemen D.K., & McNamara (2021) State-building and the European Union: Market, War and Europe’s Uneven Political Development, *Comparative Political Studies*, 0:1-29

Lundin R. & Söderholm A. (1995) A Theory of the Temporary Organization, *Journal of Scandinavian Management* 11:4, 437-55

Manners I. (2002) Normative Power Europe: A Contradiction in Terms*? Journal of Common Market Studies*, 40:2, 239

Michel L (2019) Interview *Politico*, June 26

Nye J. (2009) Get Smart: Combining Hard and Soft Power *Foreign Affairs* 88:4, 160-16

## Pansardi P. (2012) *Power to* and *power over*: two distinct concepts of power? *Journal of Political Power*, 5:1, 73-89.

Parsons T. (1963) On the Concept of Political Power, *Proceedings of the American Philosophical Society*, 107:3, 232-62.

Pelkmans J. (2016) Why the single market remains the EU’s core business, *West European Politics*, 39:5, 1095-1113.

Stourton E. & Desmet L. (2019), *Blind Man’s Brexit: How the EU Took Control of Brexit*, London: Simon & Schuster.

## Interviews

Interview (1) EP Official 30 November 2020

Interview (2) Commission Official 10 December 2020

Interview (3) Commission Official 26 March 2021

Interview (4) Council Official 30 March 2021

Interview (5) Commission Official 28 April 2021

1. Source: <https://ec.europa.eu/info/sites/default/files/organisation_charts/organisation-chart-tf50_en.pdf>, accessed 14 March 2022. [↑](#footnote-ref-1)