

24th April 2020



Michel Barnier Press Conference on Round 2 EU-UK Negotiations

The UK confirmed in this round of negotiations that it will reject any extension to the transition period, even though the agreement allows for the possibility of extension by 1 to 2 years. There is a lot of work to be done between now and the 30 June for the EU and UK to come up with a joint response that considers the consequences of that decision.

There are 8 months left to complete three areas of work simultaneously:

- 1) Ensure the withdrawal agreement is properly implemented
- 2) Preparation for the negative economic consequences that will come at the end of the transition period
- 3) Negotiate a future partnership

It is more important than ever that progress is made and of course there is now the added complication of the coronavirus. In this round of negotiations, over 40 conference calls took place throughout the week and Mr Barnier commented that it is not as easy to negotiate virtually as in person.

On the 18th March, the EU sent their proposal to the UK with their full legal mandate that the EU-27 agreed and sent ahead of the negotiations. The UK has still only sent certain proposals and the EU regret the rule of confidentiality that the UK have implemented on their legal text.

Michel Barnier said that the aim of this week's negotiations was to have parallel progress on all subjects, including the most difficult ones. However, these aims were only partially met this week.

The second round of negotiations enabled identification of areas where the EU and UK are getting closer to agreement, at least on a technical level. The UK however did not wish to commit seriously to a number of fundamental points. This is despite, as Mr Barnier pointed out, there being prior agreement in the political declaration within the Withdrawal Agreement and was agreed, line by line, with Prime Minister Boris Johnson and the House of Commons. Michel Barnier said that what is written "needs to be implemented in an objective legal way in the negotiations. This is not the case yet in a number of areas and it worries me." He also said that the negotiations will not make selective progress and that the UK cannot refuse to extend the transition but at the same time slow down discussions in important areas.

The four areas in which the progress was particularly disappointing this week were:

- 1) The level playing field
- 2) Overall governance of the future partnership
- 3) Police and judicial cooperation in criminal matters
- 4) Fisheries

The level playing field

UK negotiators repeat that they are "negotiating as sovereign equals", meaning each side must be able to decide on conditions of access to their respective markets. However, the reality of the situation is that they must find the best possible relationship between a market of 66 million consumers on one side and a market of 450 million on the other.

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A free-trade agreement with zero tariffs and quotas on all products would mean unprecedented access to the UK as a third country and to a market that is on the UK's doorstep geographically. The economic partnership, Mr Barnier said, will be broad and comprehensive, encompassing trade and services including transport and fisheries. The offer shows the EU's level of ambition, but Mr Barnier also said that the EU "must be equally ambitious in guaranteeing high social and high environmental standards as well as preventing unfair trade distortions and unjustified competitive advantages in areas such as state aid and relevant tax measures." He also said that this week the UK failed to "substantially engage" on these topics and argued that the positions are too far apart to reach an agreement and that there "will be no ambitious trade deal without an ambitious level playing field."

Overall governance of future partnership

The EU proposed a single framework for the EU and UK to manage jointly and efficiently in all areas of the future relationship. The UK continues to insist on a number of separate agreements, each with separate governance arrangements. However, Mr Barnier says that this will lead to duplication, inefficiencies and a lack of transparency in the partnership, which is in nobody's interest. In the single governance framework, there are three points that the UK refuses:

- 1) Need to refer to common values, such as democracy and human rights, counter-terrorism and the fight against climate change as standard issues in all international agreements
- 2) Agreements must foresee the UK's continued adherence to the European Convention on Human Rights in domestic law so that all individuals can rely on it
- 3) The partnership cannot deliver without the UK recognising the role of the European Court of Justice in the concept of law, in particular on the exchange of human data.

Police and judicial cooperation in criminal matters

The UK refuses to provide firm guarantees on fundamental rights and individual freedoms and insists on lowering current standards and deviating from agreed mechanisms of data protection that are already agreed, creating serious limitations for a secure future partnership.

Mr Barnier commented that the UK chose to be a third country and consequently it will not be treated as a member state. However, the envisaged partnership is still unprecedented for a non-Schengen third country that rejects the freedom of movement of people.

Fisheries

There was no progress on fisheries. On what is an essential topic, the UK is still yet to put forward a legal text. This is necessary to agree by July in order to provide clarity for EU and UK fishermen and for all businesses linked to fisheries. Mr Barnier said that "the EU will not agree to a future economic partnership that did not include a balanced, sustainable and long-term solution on fisheries."

Mr Barnier and Prime Minister Boris Johnson had agreed to a high-level conference in June to take stock of the progress of the negotiations. This leaves 2 weeks of negotiations between now and then and Mr Barnier commented that real progress will need to be made in all areas in these next two rounds. He also mentioned that June will provide an opportunity to take stock on what progress the UK has made on implementing the protocol between Northern Ireland and Ireland. The first meeting of the joint committee took place on the 30 March and following this, the **specialised committee on the protocol will meet on the 30 April**. Mr Barnier commented that the UK will need to provide evidence of advancing the introduction of the agreed customs procedures for goods entering Northern Ireland from January 2021.

Michel Barnier finished by saying that the current health, social and economic crisis upon us currently takes our responsibilities as European and UK citizens further to work and build a sustainable partnership.