



## Press statement by Michel Barnier following the second round of future relationship negotiations with the United Kingdom

Brussels, 24 April 2020

*Seul le prononcé fait foi / check against delivery*

Ladies and gentlemen,

Hello to each and every one of you.

I am very happy to be able to interact with you, even if only virtually.

I hope that you and your friends and families are well, and I would like to thank you for your attention in these difficult times.

### **These are grave times indeed.**

The coronavirus crisis has already taken more than 100,000 lives in Europe, 170,000 around the world. Today, my thoughts go to all those who have lost someone dear to them, or who are in hospital – often in difficult conditions – and to all those affected by this virus.

Let me add here a personal note for Boris Johnson. All the best in your recovery, Prime Minister!

In these times of crisis, **our governments and the European institutions are naturally focusing their energy on the response to the crisis.** That is obviously the case of our own institution, the Commission, and of our President Ursula von der Leyen.

- Our first collective responsibility is to contain the virus, look after the sick and support our health workers.
- But we must also manage the economic and social fallout from the crisis. That was the aim of the European Council that took place yesterday, presided by Charles Michel.
- Finally, we need to prepare for the recovery, drawing lessons from what we are currently going through, both individually and collectively.

Those are our absolute priorities right now.

And in this context, **the negotiation that has occupied us this week may appear out of touch.** It has even been qualified as “surreal”.

And yet, I believe that **we have a duty to be realistic given the two very real deadlines that we are faced with and which have been set by law:**

- **30 June 2020:** Will we decide or not, before that date, and by joint decision with the British, to extend the transition period, according to the possibility that is foreseen in the Withdrawal Agreement?
- And, **31 December 2020** – the date of the ‘economic Brexit’, following the ‘political Brexit’ that took place at the beginning of this year: On this date, which will bring important and definite changes in many areas, will the United Kingdom leave the Single Market and Customs Union with or without an agreement with the EU?
- Finally, realism is also to think about whether, in the midst of the terrible economic crisis that is forecast due to the coronavirus crisis, **we will be able to reach an intelligent agreement that limits the shock that the UK’s departure from the Single Market and Customs Union will entail in any case.** It is only realistic to raise these questions and to remind ourselves of these deadlines.
- And I would add that, in parallel to the negotiation, we have taken another very real joint commitment: to make operational, by 31 December, the provisions of the Withdrawal Agreement, which are key to protecting the rights of some 4.5 million citizens and to ensuring peace and stability in Ireland and Northern Ireland.

Ladies and gentlemen,

In recent days, **the UK government has made clear that it would refuse any extension of the transition period.**

We take note of this choice. My recommendation is therefore that we work hard until June and **think carefully about our joint response** to this question of extension, taking into account the economic situation and the consequences of our decisions.

Right now though, the consequence of the United Kingdom's decision is that **the clock is ticking.**

We have just 8 months ahead of us to advance on three workstreams:

1. **Ensuring the proper implementation of the Withdrawal Agreement;**
2. **Preparing ourselves to the negative economic consequences that the end of the transition period will entail;**
3. **Negotiating a future partnership between the European Union and the United Kingdom** with a view to limiting those negative consequences.

Ladies and gentlemen,

More than ever, **we need to start to make progress together.** We need to advance in a constructive manner.

That is why it was important to resume negotiations this week, even via video link.

In fact, we held some **forty video conferences this week**, and I have to say, objectively, that it is not the same thing in terms of the quality of discussions and negotiations.

Nonetheless, we worked well and I would like to **thank the teams on both sides** for their availability, their professionalism and their constructive spirit. And David Frost in particular for his professionalism, frankness and determination.

The United Kingdom has announced its ambition to make substantial progress by June.

We share this objective.

But that means that **we need to make tangible progress before June if we are to reach an agreement that honours our economic interdependence and our geographic proximity** by the end of the year.

On 18 March, **we shared with the United Kingdom a full draft legal text for an ambitious economic and security partnership** – the full text of which is available online.

With this text, which is obviously not 'take it or leave it', we have proven that it is possible to put together a complete Treaty covering all areas of our future partnership within a limited timeframe, if there is the will to do so.

The United Kingdom has also sent us **text proposals on some areas.** I regret that I cannot share these with you, nor even with the Member States and the European Parliament. But of course I respect the UK's request for these to remain confidential.

Over the past weeks, our experts have multiplied their **technical discussions** to improve our understanding of each others' positions.

But now, if we want to make tangible progress, **we need to move beyond clarifications** and put more political dynamism into proposals aimed at building compromises.

Our aim for this second round – as for the next ones – was – and will continue to be – **to advance on all areas of the negotiation in parallel** – including the most difficult areas. That is the mandate that

the 27 Member States have given to me. It is also a clear request of the European Parliament.

However, my duty today, as negotiator, is to tell you the truth: **that goal – of achieving parallel progress on all areas – was only very partially achieved this week.**

- While, it is true, this round did enable us to identify areas where our positions are close – at least on the technical level.
- **But I regret that the United Kingdom refused to engage seriously on a number of fundamental issues** – issues that we did not pull out of our hat: they can be found quite precisely in the Political Declaration that we agreed with Boris Johnson. This document must be implemented seriously, precisely and objectively. I regret to say that this is not yet the case.

Ladies and gentlemen,

**We cannot accept to make selective progress on a limited set of issues only.**

**We need to make progress on all issues in parallel.**

We need to find solutions on the most difficult topics.

**The UK cannot refuse to extend the transition and, at the same time, slow down discussions on important areas.**

There are **four areas** in particular, on which the progress this week was disappointing.

1/ First: the **level playing field**.

The UK negotiators keep repeating that we are negotiating as **sovereign equals**.

As sovereigns, each side must be able to decide, with full sovereignty, on the conditions of access to our respective markets. That's fine.

But the reality of this negotiation is to **find the best possible relationship between a market of 66 million consumers on one side of the Channel and a market of 450 million consumers on the other.**

Our free trade agreement, with zero tariffs, zero quotas on all products, would mean **unprecedented access for the UK as a third country to this market of 450 million citizens.**

A market that is on the UK's doorstep.

**Our economic partnership would be broad and comprehensive**, encompassing trade in goods and services, including transport, fisheries and energy.

Our offer shows the **EU's level of ambition**.

But **we must be equally ambitious in guaranteeing high social and environmental standards.**

**We must be equally ambitious in preventing unfair trade distortions and unjustified competitive advantages**, for instance on state aid and relevant tax measures.

The UK this **week failed to engage substantially on these topics.**

It argued that our positions are too far apart to reach an agreement.

It also denounced the basic premise that economic interconnectedness and geographic proximity require robust guarantees.

Yet, again, this is what we agreed with Boris Johnson in our joint **Political Declaration**. This is what the UK Parliament approved after the December elections.

Let me remind you of what I said already – and what my mandate clearly states: **there will be no ambitious trade deal without an ambitious level playing field** on open and fair competition.

2/ The second point on which we remain very far apart is the **overall governance of our future partnership**.

- The EU proposed a **single framework** for the UK and the EU to manage jointly and efficiently

all areas of our future relationship.

- The UK continues to insist on a number of separate agreements, each with their **separate governance arrangements**.
- This leads to **duplication, inefficiencies** and a **lack of transparency** in the application and enforcement of the partnership, which is in nobody's interest.

In the single governance framework that we are proposing, there are **three important points for us that the UK currently refuses**:

- First, as a basis for our cooperation, **we need to refer to common values**, such as democracy, rule of law and human rights, counter-terrorism or the fight against climate change as an essential principle.

Those values are standard in all our international agreements.

- Second, our agreement must foresee the UK's continued adherence to the **European Convention on Human Rights**, which should be given effect in domestic law so that individuals can rely on it.

This is particularly important in the field of law enforcement and internal security.

- Third, the Partnership cannot deliver on the high level of ambition expressed in the Political Declaration without the UK recognising the role of the **European Court of Justice** when we use concepts of Union law – especially for the exchange of personal data.

3/ Of course, this is of particular importance when it comes to our future **police and judicial cooperation in criminal matters**. And this is our third concern after this second round.

We both want a close relationship here.

But we face problems:

- **The UK refuses to provide firm guarantees** – rather than vague principles – **on fundamental rights and individual freedoms**.
- It insists on **lowering current standards and deviating from agreed mechanisms of data protection**.
- This creates serious limitations for our future security partnership.

The UK chose to be a third country. As a consequence, it will not be treated as a Member State. We must take this fact as our starting point.

However, the partnership that we envisage is still **unprecedented for a non-Schengen third country** that rejects the free movement of people, both due to the number of fields covered and the closeness of cooperation proposed.

4/ Finally, we made no progress on **fisheries**.

On this essential topic, the UK has not put forward a legal text.

We have made no tangible progress despite the Political Declaration stating that we should make our best endeavours to reach an agreement by July. This is necessary to provide sufficient clarity for EU and UK fishermen, and also for all businesses linked to fisheries.

The EU will not agree to any future economic partnership that does not include a **balanced, sustainable and long-term solution on fisheries**. That should be crystal clear to the UK.

Ladies and gentlemen,

I have spoken several times about June.

Why?

Because **we agreed with Boris Johnson, in the Political Declaration, to hold a High Level Conference** in June to take stock of our progress in the negotiations.

- Before that, we have only **two rounds of negotiations** left; in the weeks of **11 May** and of **1 June**.

- We must use these two rounds **to make real, tangible progress across all areas**, including all those I have just raised.

June will also be an **occasion do take stock on what real progress the UK has made for the implementation of the Protocol on Ireland and Northern Ireland**.

Indeed, with just 8 months to go before the end of the transition period, it is **urgent to take the necessary measures** for the correct implementation of the Withdrawal Agreement.

The first meeting of the Joint Committee took place on 30 March, co-chaired by European Commission Vice-President Maroš Šefčovič and Michael Gove.

In follow-up to this meeting, the **Specialised Committee on the Protocol on Ireland/Northern Ireland** will take place next week on 30 April.

- We need clear evidence that the UK is advancing with the introduction of the agreed customs procedures for goods entering Northern Ireland from Great Britain.
- We need clear evidence that the UK will be able to carry out all necessary sanitary and phytosanitary controls, as well as other regulatory checks on goods entering Northern Ireland from outside the EU as of January 2021, in 8 months' time.

Indeed, I reminded David Frost again during this round that **the faithful and effective implementation of the Withdrawal Agreement is absolutely central to our ongoing negotiations**.

This is the line that we will hold together, with Maroš Šefčovič, in particular on Ireland and Northern Ireland, but also on citizens' rights – on both sides obviously.

Because **a new partnership can only be built on trust**. And this requires that already agreed commitments are applied correctly.

Ladies and gentlemen,

I have been open about the serious difficulties that lie ahead.

I still believe that **we can surmount them** in the coming months with political will, realism, and mutual respect.

And I would add that the current sanitary, economic and social crisis **adds to the duty that we have – Europeans and Brits – to build, in the coming months, an ambitious partnership between us**.

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*AS DELIVERED / COMME PRONONCÉ*

Mesdames et Messieurs,

Bonjour à chacune et à chacun d'entre vous.

Je suis **heureux de vous retrouver**, même virtuellement.

J'espère que vous et vos proches êtes en bonne forme.

Et je voudrais vous remercier pour votre attention en cette période si particulière.

**Nous vivons un moment grave.**

La crise sanitaire a déjà fait plus de 100 000 morts en Europe, 170 000 dans le monde.

Et aujourd'hui, mes premières pensées vont à celles et ceux qui ont perdu un être cher, à celles et ceux qui sont hospitalisés dans des conditions souvent difficiles, et à tous ceux qui sont touchés par ce virus.

Let me add here a personal note for Boris Johnson. All the best in your recovery, Prime Minister!

Dans cette période de crise, **l'énergie des gouvernements et des institutions européennes est naturellement concentrée sur la réponse à la crise**. C'est évidemment le cas de notre institution, la Commission européenne, et de notre présidente Ursula von der Leyen.

- Notre première responsabilité collective est de contenir le virus, de prendre en charge les malades et de soutenir les soignants.
- Mais aussi de gérer les conséquences économiques et sociales de la crise. C'était l'objectif du Conseil européen qui s'est réuni hier, présidé par Charles Michel.
- Enfin, nous devons préparer la reprise en tirant toutes les leçons de ce que nous sommes en train de vivre individuellement et collectivement.

Voilà la priorité absolue du moment.

Et dans ce contexte, **la négociation qui nous a occupés cette semaine peut paraître décalée**. Elle a même été qualifiée de « surréaliste ».

Je crois au contraire que **nous avons le devoir d'être réalistes face à deux échéances** qui sont bien réelles, et qui sont fixées juridiquement :

- **Le 30 juin** : est-ce que nous décidons ou non, avant cette date et conjointement avec les Britanniques, de prolonger la période de transition, comme nous en avons prévu la possibilité dans l'accord de retrait ?
- **Et le 31 décembre** – c'est le jour fixé pour le 'Brexit économique', suite au 'Brexit politique' qui a eu lieu au début de cette année : est-ce que, au moment de ce Brexit économique, qui apportera des changements importants et définitifs dans beaucoup de domaines, le Royaume-Uni quittera le marché unique et l'union douanière avec un accord ou sans accord avec l'Union européenne ?
- Et puis, le réalisme, c'est aussi de savoir, au milieu du choc économique terrible qui s'annonce en raison de la crise du coronavirus, si l'on trouve un **accord intelligent pour atténuer le choc que représentera dans tous les cas la sortie du Royaume-Uni du marché unique et de l'union douanière**. C'est être réaliste que de poser ces questions et de se rappeler ces échéances.
- Et j'ajoute, que parallèlement à la négociation, le 31 décembre représente une autre échéance : celle de la mise en œuvre opérationnelle de l'accord de retrait, qui concerne la protection des droits de 4,5 millions de citoyens et qui concerne la paix et la stabilité en Irlande et en Irlande du Nord.

Mesdames et Messieurs,

Au moment où je vous parle, **le gouvernement britannique nous a indiqué qu'il refuserait toute prolongation de la période de transition**.

Nous prenons acte de ce choix. Ma recommandation, c'est donc de travailler sérieusement d'ici au mois de juin, et **de bien réfléchir à notre réponse conjointe**, en tenant compte, dans les négociations, de la situation économique et des conséquences de cette décision.

Dans l'immédiat, la conséquence de la décision du Royaume-Uni est que **le temps presse**.

Nous avons huit mois devant nous pour mener trois chantiers.

1. **Nous assurer de la bonne mise en œuvre de l'accord de retrait,**
2. **Nous préparer aux conséquences économiques négatives à la fin de la période de transition**. Il y aura des conséquences.
3. **Négocier un futur partenariat entre l'Union européenne et le Royaume-Uni**, qui permettrait de limiter ces conséquences négatives.

Mesdames et Messieurs,

Plus que jamais, **nous devons commencer à faire des progrès ensemble**. Et nous devons maintenant avancer de manière constructive.

Il était donc important de reprendre cette semaine les négociations, même **à distance**.

Nous n'avons pu les reprendre que sous la forme d'une **quarantaine de vidéoconférences**, et je

veux objectivement dire que ce n'est pas la même chose pour la qualité des discussions et négociations.

Néanmoins, nous avons bien travaillé et je voudrais **remercier les équipes** des deux côtés pour leur disponibilité, leur professionnalisme, et pour leur esprit constructif. Et en particulier David Frost pour son professionnalisme, sa franchise et sa détermination.

Le Royaume-Uni a affirmé vouloir faire des progrès substantiels d'ici le mois de juin.

Nous partageons cet objectif et ce calendrier.

Mais cela signifie que **nous avons besoin de progrès tangibles avant le mois de juin**, si nous voulons trouver à la fin de l'année un accord à la hauteur de notre interdépendance économique et de notre proximité géographique.

Nous avons transmis au Royaume-Uni le 18 mars une **proposition de texte juridique complet en vue d'un partenariat ambitieux en matière économique et de sécurité**. Ce texte est disponible en ligne.

Avec ce texte, qui n'est évidemment pas à prendre ou à laisser par les Britanniques, nous avons fait la preuve qu'il est possible de réaliser un traité complet, sur l'ensemble des sujets de notre futur partenariat, dans un temps limité, s'il y a une volonté.

Le Royaume-Uni nous a également envoyé des **propositions de texte sur certains sujets**. Je regrette que nous ne puissions pas partager ces textes avec vous. Pas même avec les Etats membres et le Parlement européen, mais je respecte évidemment la demande britannique de confidentialité.

Ces dernières semaines, nous avons multiplié les **discussions techniques** pour bien comprendre nos positions respectives.

Mais désormais, si nous voulons des progrès tangibles, **il nous faut dépasser le stade des clarifications et provoquer avec plus de dynamisme politique des propositions qui construiront des compromis**.

Notre objectif pour ce deuxième *round*, comme pour les prochains, a été et sera d'**avancer en parallèle sur tous les sujets de la négociation**, y compris les plus difficiles. C'est le mandat que m'ont confié les 27 Etats membres. C'est aussi l'exigence du Parlement européen.

Ma responsabilité aujourd'hui comme négociateur est de dire la vérité : cette semaine, **cet objectif d'avancer sur tous les sujets en parallèle n'a été atteint que très partiellement**.

- Ce *round* nous a certes permis d'identifier des domaines sur lesquels nos positions sont proches, au moins sur le plan technique.
- Mais **je regrette que le Royaume-Uni n'ait pas voulu s'engager sérieusement sur un certain nombre de points fondamentaux**, que nous n'avons pas inventés : ils se trouvent écrits de manière assez précise dans la déclaration politique agréée avec Boris Johnson. Ce texte doit être sérieusement, précisément et objectivement mis en œuvre. Pour l'instant ce n'est pas le cas et je le regrette.

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Because **a new partnership can only be built on trust.** And this requires that already agreed commitments are applied correctly.

Mesdames et Messieurs,

Je vous ai dit avec franchise les difficultés sérieuses qui sont devant nous.

Je pense toujours que **nous pouvons les** surmonter dans les mois qui viennent avec de la volonté politique, avec du réalisme et avec du respect mutuel.

J'ajouterais que la crise sanitaire, économique et sociale nous crée, me semble-t-il, **une responsabilité supplémentaire – à nous Européens et aux Britanniques – pour bâtir dans les mois qui viennent un partenariat ambitieux entre nous.**

STATEMENT/20/739

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