

Barnier's blame game. EU-UK negotiations update

The fourth negotiating round between the UK and the EU has ended as expected, with both Michel Barnier and David Frost stating that no significant progress has been made.

As with earlier negotiating rounds, Barnier read out a lengthy statement on-stage before answering journalists' questions in a virtual press conference, whereas Frost simply issued a short written statement.

As expected, Barnier is blaming the UK for the lack of progress. It has been clear ever since the exchange of public letters between Frost and Barnier a fortnight ago that Barnier's propaganda narrative would be one of 'broken UK promises'. And sure enough, on Friday he claimed that the UK was 'backtracking' on the Political Declaration: 'We cannot and will not accept this backtracking on the Political Declaration'; 'All we are asking for is for the Political Declaration to be respected and complied with.'

The idea that the EU's demands are contained in the Political Declaration, and the UK is now going back on what it agreed to earlier, is of course nonsense. The Political Declaration is necessarily vague on details, because the hammering out of those details in negotiations had to wait – at the EU's insistence – for the transition period. Both the UK's and the EU's proposals, despite the wide gulf between them, are compatible with the broad-brush outlines and ambiguous terminology contained in the Political Declaration.

For example, the wording on the **level playing field** can equally well fit either the EU or the UK interpretation of what it should consist of. It refers to 'appropriate mechanisms' to 'prevent distortions of trade and unfair

competitive advantages' and uphold 'common high standards'. This is quite compatible with what the UK is asking for, i.e. the usual kind of level playing field arrangements contained in FTAs – including those the EU has signed with other third countries – that are defined relative to *international* standards.

Two British Brussels correspondents, Nick Gutteridge and Bruno Waterfield, attempted to call Barnier out on this, pointing out that the EU's demands on dynamic regulatory alignment on state aid rules are nowhere to be found in the Political Declaration. 'I don't need to be reminded of my mandate, I know it well, and I don't need to be reminded what's in the Political Declaration on this subject,' snapped Barnier.

On **fisheries**, Barnier criticised the UK's dogged commitment to the principle of 'zonal attachment', which would see quotas determined by the percentage of shared stocks located in their respective fishing waters (EEZs). This is the same principle that governs the EU's annual bilateral agreements with Norway, and would see UK fishermen get much higher quotas than under the EU's 'relative stability' principle.

Barnier once again rejected the UK's insistence on annual fisheries agreements – which again would bring the UK into line with EU fisheries arrangements with other third countries, notably Norway. Annual negotiations 'are not possible for us, not even technically possible,' claimed Barnier. It will be interesting to see if the 'technically impossible' becomes 'technically possible' the closer we get to 1 January 2021, when – as things stand – all EU access to the UK's EEZ will expire.

To Barnier's immense frustration, the UK is refusing to discuss **cooperation in defence or foreign policy**. 'The UK since the beginning does not want to talk about our co-operation on foreign policy, development and defence at all,' complained Barnier. 'And to tell the truth ... I still. Don't.

Understand. Why,' he added indignantly. (It's worth watching Veterans for Britain's video clip [here](#) for a full appreciation of Barnier's uncharacteristically bad-tempered tone).

There is of course a common sense, practical reason why the UK might not want to propose texts on defence and foreign policy. Given the limited time available to conclude a deal (something the EU never ceases to complain about, even though they willingly agreed to the current timescale), it makes sense to concentrate all energies on the 'core' agreement, i.e. an FTA. If defence and foreign policy cooperation were genuinely mutually beneficial (and genuinely cooperation rather than an attempt to bind the UK in to EU systems), this is something that could quite easily be agreed in a subsequent bilateral agreement. The fact that it is something that the EU wants and the UK does not should perhaps tell us something about whose interests it would serve.

The other comment of note from Barnier was a strange **veiled threat of a hard border in Ireland**, something which we were previously told the NI Protocol (the 'backstop') in the Withdrawal Agreement guaranteed would not happen. Barnier was responding to a question from an Irish journalist who cited an op ed by political commentator Newton Emerson in the *Irish Times*. Emerson had accused the EU of 'playing games' with the peace process with its maximalist position on checks between Northern Ireland and mainland Britain, which he claimed pose an economic threat to retailers in Northern Ireland. After much bluster and waffle, having just accused the UK of not always being cooperative on technical issues Barnier suddenly said, 'But you know what the alternative is if we fail. We would have a hard border on the island of Ireland.'

It was not clear what 'fail' referred to here – it could not refer to the failure to agree a deal on the future relationship because the backstop was intended as an 'insurance policy' against this very eventuality. The most natural interpretation is that Barnier meant *if the UK refused*

to implement the backstop in a way that the EU agreed with, namely the UK's current planned 'minimalist' approach – as contrasted with the 'maximalist' approach being demanded by the EU. In other words, Barnier appears to have admitted for the first time that the EU could compel the Republic of Ireland to put up a hard border between North and South. An idle threat maybe, but nevertheless it is quite the statement, and it is surprising (or some might say, not so surprising) that our media has not picked up on it.