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Statement by Michel Barnier following Round 4 of negotiations for a new partnership between the European Union and the United Kingdom

Brussels, 5 June 2020

Ladies and gentlemen,

I am happy to be with you again, virtually, at the end of this fourth round of negotiations.

Since the beginning of these negotiations, our objective has been to move forward – in parallel – on all topics of our future relationship – and there are many given that we are aiming for a very ambitious partnership.

To achieve this, as I told you at the end of our last round, we needed to make progress on four big sticking points, namely:

- Fisheries, and free and fair competition, the so-called 'level playing field' – two essential elements of the new economic partnership we want to build;
- Guarantees protecting people's fundamental rights and freedoms needed to underpin a close police and judicial cooperation in criminal matters;
- And finally, the governance of our future relationship.

We therefore decided, with David Frost and the UK delegation, to dedicate time to discussing those four points this week.

And I want to thank David Frost personally, but also the two negotiating teams for the mutual respect that they have shown, for the quality of their work in these difficult circumstances, and for their professionalism.

However, at the end of this week, my responsibility – under the authority of President Ursula von der Leyen – as Union negotiator, is to tell you the truth. And the truth is that there was no substantial progress.

- On fisheries, the United Kingdom did not show any real willingness to explore other approaches than zonal attachment on quota sharing. It also continues to condition access to its waters to an annual negotiation – which is technically impossible for us. Whereas the EU wants to build a more stable economic partnership.
- On the *level playing field*, we didn't make any progress on these rules of economic and commercial fair play, despite choosing to focus this week on issues that should have been more consensual, such as non-regression mechanisms on social and environmental standards, climate change, taxation or sustainable development.
- On the governance of our future relationship, we were unable to make progress on the issue of the single governance framework establishing legal linkages between our different areas of cooperation.
- Finally, on police and judicial cooperation in criminal matters, we had a slightly more constructive discussion on the question of commitment to the European Convention on Human Rights, although important questions remain as to how to reflect this commitment in our agreement.

On all these points, we are asking for nothing more than what is in the Political Declaration.

Ladies and gentlemen,

We can only take note that there has been no substantial progress since the beginning of these negotiations, and that we cannot continue like this forever.

Especially given the United Kingdom's continued refusal to extend the transition period.

- On our side, as President Ursula von der Leyen has said, we were always open to the possibility of a one- or two-year extension, as foreseen in the Withdrawal Agreement. Our door remains open.

- But if there is no joint decision on such an extension – as I understand this to be the case – the UK will leave the Single Market and the Customs Union in less than 7 months.
- Taking into account the time needed to ratify a deal, we would need a full legal text by 31 October at the latest, i.e. in less than 5 months.

We must use this time in the best possible way.

That is why I suggested, last week already, to David Frost, to accompany our negotiation rounds on all topics with more restricted formats so that we can concentrate on the more difficult issues.

I hope that this will help to inject new political dynamism in the 11 negotiating tables, which we hope will be able to meet physically again in the coming weeks and months, as this could help us gain in efficiency.

Of course, in the coming months, I will continue to work in full confidence and transparency with the Member States and the European Parliament.

Ladies and gentlemen,

To be clear: Our lack of progress in this negotiation is not due to our method, but to the substance.

We must stick to our commitments if we want to move forward!

We engaged in this negotiation on the basis of a joint Political Declaration that clearly sets out the terms of our future partnership.

- This document is available in all languages, including English. It is a good read, if I may say so.
- This declaration was negotiated with and approved by Prime Minister Johnson.
- It was approved by the leaders of the 27 Member States at the European Council in October 2019. It has the backing of the European Parliament.
- It is – and it will remain for us – the only valid reference, the only relevant precedent in this negotiation, as it was agreed by both sides.

Yet, *round after round*, our British counterparts seek to distance themselves from this common basis.

Let me give you four concrete examples, referring precisely to the text of the Political Declaration:

1. Prime Minister Johnson agreed, in paragraph 77 of the Political Declaration, that 'given our geographic proximity and economic interdependence', our future agreement must encompass robust commitments to prevent distortions of trade and unfair competitive advantages. This is what, together, we chose to call the 'level playing field'.
 - o In this paragraph, Prime Minister Johnson agreed to uphold the common high standards applicable in the Union and the UK at the end of the transition period in these areas: state aid, competition, social and employment standards, environment, climate change, and relevant tax matters.
 - o We are today very far from this objective.
2. Prime Minister Johnson agreed, in paragraph 66 of the Political Declaration on civil nuclear cooperation, to maintain our existing high standards of nuclear safety.
 - o We are very far from this objective.
3. Prime Minister Johnson agreed, in paragraph 82 of the Political Declaration that our agreement should cover anti-money laundering and counter terrorism financing.
 - o We are very far from this objective.
4. Prime Minister Johnson agreed, in paragraph 118 of the Political Declaration, to base our future relationship on an overarching institutional framework, with links between specific areas of cooperation.
 - o We are, once again, very far from this objective.

In all these areas – and many others – the UK continues to backtrack on the commitments it has undertaken in the Political Declaration.

Including on fisheries, where we committed to use our "best endeavours" to conclude and ratify a new agreement by 1st July 2020.

It seems clear that we will not reach this target considering how the negotiations in this area are going for the moment.

Even in the rare areas where we saw some movement this week, such as the European Convention on Human Rights, we still fall short of what we had agreed in the Political Declaration.

Finally, let me remind you that, since the beginning of these negotiations, the UK has refused to talk about our cooperation on foreign policy, development and defence, even though we agreed this with

Boris Johnson in the Political Declaration.

To tell the truth – as a former Minister for Foreign Affairs in my own country – I still don't understand why.

Ladies and gentlemen,

We cannot accept this backtracking on the Political Declaration.

And we will request the full respect of the Withdrawal Agreement.

On citizens' rights, we continue to be extremely vigilant.

There have been frequent exchanges of information between Vice-President Maroš Šefčovič and Michael Gove on this topic.

- Regarding EU citizens residing in the UK:

- o We are pleased to hear that 3.1 million EU citizens have already been granted residence status.
- o And we are carefully monitoring the situation of more vulnerable citizens that have difficulties applying digitally.
- o It is also important that EU citizens residing in the UK have access to social benefits in these difficult times.

- As for UK nationals residing in the EU:

- o In the 13 Member States that – like the UK – have chosen a constitutive system, we are working to ensure that procedures for applying for residence status are simple, easily accessible, and clearly communicated;
- o In the 14 Member States that have chosen a declaratory system, UK nationals will receive a physical document enabling them to prove their status.

We also continue to be extremely vigilant with regard to the correct implementation of the Protocol on Ireland and Northern Ireland.

- The UK Command Paper published on 20th May is useful.

- But there are still a lot of details to be settled if we want to move from aspiration to operation, in line with the legal Treaty.

- Furthermore, some of the objectives set out in this Command Paper – such as avoiding exit declarations on goods moving from Northern Ireland to Great Britain – are incompatible with the legal commitments accepted by the UK in the Protocol.

- So we really need to work more on the technical details.

Only a precise and rigorous implementation of the Withdrawal Agreement can create the confidence we need to build our future partnership.

The 27 Member States and the European Parliament have been very clear about this, including in our negotiating mandate.

Ladies and gentlemen,

In the coming days, the Commission will have the opportunity to take stock with the 27 Member States, the President of the European Council Charles Michel, as well as with the European Parliament, its President David Sassoli, and the coordination group chaired by David McAllister.

The month of June will also see the second meeting of the Joint Committee – on 12 June – and the High Level Meeting that we agreed to in the Political Declaration to take stock of these negotiations.

We still need to decide on the date and the modalities of this meeting. This is also the case for the next rounds – the first of which would probably take place towards the end of June or early July.

But it is clear that we are approaching a moment of truth: We expect the United Kingdom to respect its engagements – both when it comes to our, already ratified, Withdrawal Agreement, and to the precise content of the Political Declaration, which remains and will remain the basis and the framework for our negotiation.

If this is the case, and if we keep our mutual respect, our serenity and our determination, I have no doubt that we will find, in the course of the summer or by early autumn at the latest, a landing zone between the United Kingdom and the European Union. Then, finally, we will reach an agreement on our partnership for the future.

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