

European Council: The Article 50 meeting – Guidelines

There has been some confusion created by this slim document that came from the EU after the recent Council meeting. Some seem to think it was an agreed document with the UK, and that we should therefore take its positions as the likely outcome of the negotiations between the UK and the EU. It is, of course, just a statement of a bargaining position by the EU preparatory to the talks on transition and a future relationship. The UK's opening position will I assume be rather different!

That became clear in the Prime Minister's response to questions on her Statement yesterday following the EU Council meeting. She confirmed that

1. Nothing is agreed until everything is agreed
2. The UK will not make a formal offer of money unless and until there is an Agreement on everything else which the UK Parliament approves
3. There will need to be UK legislation to provide the powers to pay the money and to implement any Agreement
4. The UK is seeking a wide ranging partnership based on good access to the EU single market.

The EU document wants the UK to convert the draft partial Agreement so far into legally binding promises. It says if there is to be a 2 year transition the UK will have to obey all legal and financial commitments of a member of the EU. It is coy over what it might offer on trade and access to the single market over and above the access we will have anyway as a WTO partner. It suggests no deal on trade before we have left. It imagines we will spend two years accepting all EU law and decisions, without the benefit any more of a veto over some items and a vote in Council on others.

There would clearly need to be changes to this approach if there is to be any deal the UK could expect Parliament to accept. It remains the case that a zero for zero tariff deal on goods is greatly in the EU's interest, as is continued similar service access.

Any potential Agreement will be subject to ratification by both sides. This rightly includes the UK Parliament, as well as the Council and the EU Parliament. The EU will need to understand that a Deal does indeed have to be better than No Deal. No Deal gives us freedom to make our own laws, settle our own borders, sign our own trade deals and spend our own money. A wide ranging partnership could add to that, but only if the price of it does not damage the changes No Deal offers too much.