Twitter Thread by Tony Connelly



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How significant were @vonderleyen's remarks to the European Parliament this morning?

One senior EU diplomat says takes note in particular of her opening words. "Frankly, I cannot tell you today if in the end there will be a deal."

2/ That this sentiment is being expressed by the European Commission President on Nov 25 with just over a month to Jan 1, is significant. In Brussels there are only two questions: will there be enough time to ratify any deal? Is @BorisJohnson prepared to take a big political step

3/ Yes, it takes two to tango, etc. But it's clear from Von der Leyen's comments that the EU is going to stand firm on the level playing field issue.

4/ “We are ready to be creative but we are not ready to put into question the integrity of the single market, the main safeguard of European prosperity and wealth" she told the EP.

5/ She repeated the demand for "robust mechanisms" to ensure competition is free and fair over time - ie, going back to the language of the Political Declaration. Also, the need "maintain common high standards now and in the future”. That's the "ratchet" or "evolution" clause

6/ So, there is no signalling at all that the EU is going to shift on these elements, which the UK has relentlessly been pushing back against. “We want to know what remedies are available if one side deviates in the future. Because trust is good, but law is better," says VDL

7/ That is saying, we are not going to rely on shared principles. Things have to be set down in law. Then a swipe at the Internal Market Bill. “Crucially in the light of recent experience a strong governance system is essential to ensure that what has been agreed is actually done

8/ Now for the timing bit.

9/ Last Friday the European Council secretariat told member states it could be possible to apply any deal provisionally from Jan 1 if there was no time for the EP to formally hold its consent vote in Dec - ie, giving more time for the negotiations

10/ There has been substantial push back on this by the EP. The Parliament can squeeze its procedures, yes, but it does not want to ratify the deal in January as an afterthought (officials say the Council was not recommending this, rather it was an option as a last resort)

11/ But there also are obligations on the Council (ie, representing member states) and the Commission which will eat up days in December...

12/ There is no sign that a breakthrough will happen this week. There has been no real movement on LPF, fisheries and governance. So things will run into next week.

13/ Say there's a breakthrough on Dec 4. That doesn't mean there's a full legal text the next day. The text has to be revised to ensure it's legally sound (what they call legal scrubbing). That can take several days. Then you have a master, revised text in English.

14/ Only at that point can official translations into 23 languages begin. While the legal scrubbing is done on the Council side, the translations are organised by the Commission. It's understood some translation may have begun on those parts of the text which are done + "stable"

15/ That only wins you so much time. The translation process will bring us up to mid December, if not beyond. Member states will then want to analyse it. The Dutch need to run it by their parliament, the Danes through their European Affairs Committee

16/ That means an EP consent vote (ratification) would only happen near the end of Dec (indeed, Michel Barnier told the College of Commissioners last week that the EP could vote on December 28 if need be). That's also contingent on the EP dropping the committee scrutiny phase

17/ In other words, for that timeline to succeed (and it's already breakneck) then next week has to be the cut off point. Officials have said repeatedly that Michel Barnier won't be the one to say, time's up. "They will go to the outer limits to get a deal," says on diplomat.

18/ But ultimately he will have to let member states and the European Parliament know that ratification before Dec 31 is no longer feasible.

19/ The other pressure relates to No Deal contingency plans. If there is No Deal, the only carry over contingency measures the EU will agree to will govern aviation, rail and road haulage.

20/ So far the Commission has resisted publishing those plans, despite growing unease among member states. The problem is, that any contingency measures allowing planes to keep flying is based on co-decision, meaning a process of negotiation between the Council and the Parliament

21/ Again, this takes time. So, all told, officials believe next week is really "it"

ENDS