Twitter Thread by Tony Connelly

Tony Connelly
@tconnellyRTE

After Michel Barnier's briefing of EU ambassadors this afternoon, here's where things stand:

2/ There is a basic deadline of Christmas Eve to get a deal. That will give the EU's legal services time to draw up a letter to send to the UK seeking provisional application of the treaty from Jan 1

3/ It's understood officials will need four days at a minimum to draft a letter seeking provisional application of the treaty (all this is on the basis that it is pretty much too late for the European Parliament to ratify the treaty on time for Jan 1)

4/ On the prospects for a deal: diplomats say they're not ruling out a deal by Christmas eve. Michel Barnier said there had been significant progress. Member states expect to convene a meeting of the Working Party (of Brexit coordinators) every day (except Christmas Day)

5/ Acc to one diplomat Barnier will publish the text once/if it's agreed, but before it's been legally scrubbed. Member states can approve the text via written procedure (sending a formal letter) as there are no Council meetings foreseen to do it in person between now and Dec 31

6/ There are still some issues around the level playing field and governance, areas the UK wants to change, or wants sunset clauses on. For example, London wants to limit the extent to which energy can be subject to the level playing field constraints

7/ Despite the cautious optimism that a deal can be done, fisheries remains a major problem. Member states say the UK offer of the EU handing over 35pc of the value of its catches does not count pelagic spieces and that's a serious problem

8/ The UK is proposing to hive off pelagics to the informal independent coastal state forum including Norway, Iceland, the Faroes etc. Problem for EU is boats would lose a stable outlook on access for pelagics + wd have to negotiate access annually

9/ Barnier told ambassadors the UK was still looking for a three year transition while the EU would accept 6 years, although some MS felt even that was not long enough

10/ The general feeling is that the UK offer does not give EU fishing communities stability and predictability - and it excludes the 6-12m zone. Also, acc to sources, the UK offer makes burden sharing difficult, eg Ireland + Denmark wd suffer disproportionately on pelagic stocks.

11/ Overall, member states believe fisheries is so sensitive and even non-coastal member states have not noticeably broken ranks on the issue (in Belgium, for example, fishing is a Flemish pursuit + the central govt can't afford to alienate Flemish nationalists on the issue)

12/ Barnier said the image of Brexit in Europe on Jan 1 would be angry protesting fishermen. How wd you explain to people we're going to give the UK interconnection rights in the North Sea to the EU grid + at the same time our boats aren't allowed to catch fish in UK waters?

13/ Other outstanding areas still not resolved: rules of origin for electric batteries; UK participation in Erasmus; and an EU demand for a non-discrimination clause...

14/ This wd mean that the UK cannot discriminate against any member state. It's been incorporated into social security cooperation, but not into the sphere of short term visas. This is a non-neogiable element for the EU, I'm told

15/ In particular there is a concern that, say, Romanian citizens would be given worse treatment compared to other member states when it came to short term visas.

16/ Council legal services told ambassadors that lawyer-linguists had been working "day and night" to try to get the draft text legally scrubbed and that even if the deal was done tonight MS would not get a watertight, legally scrubbed English text on time

17/ Officials refer to a non-legally scrubbed text as a "dirty" text (says here). The treaty wd need a special provision saying the 23 "authentic" legally-sound translated texts wd all be available in March / April and wd replace the "dirty" English text signed in the coming days

18/ Member states are getting increasingly frustrated that they cannot see a draft text yet. There will be a meeting of the Working Party tomorrow where member states will get a detailed outline of what's in the treaty (but no text) in a mtg which could last four hours

19/ And, wait for it, one official raised the possibility that the text is now 2,000 pages long, including annexes