Twitter Thread by Sam Lowe

Sam Lowe
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This is the UK's internal "who won the negotiations scorecard", apparently. (via

On rules of origin, suggests that compromise found on batteries and electric vehicles (woo!)

But I have questions about the cumulation "Win" ... as the UK opening position was much more expansive than written here, and win looks like what we knew EU was offering.

Rules of Origin	RoO similar to provisions in recent EU FTAs such as EU-Japan and CETA.	Appropriate rules of origin based on the standard preferential rules of origin of the Union and taking into account the Union's interest.	**MUTUAL COMPROMISE** – Provisions largely based on well-precedented EU proposals, with bespoke rules for batteries and electric vehicles that work for both sides, and bespoke rules for certain other UK priority sectors like aluminium and chocolate.
Cumulation	Cumulation between the UK and EU, allowing EU inputs and processing to be counted as UK input in UK products exported to the EU, and vice versa	Bilateral cumulation of materials only.	**UK WIN** – full bilateral cumulation of both materials and processing included, encouraging trade between both markets, including complex supply chains
Trade	A chapter that reaffirms	A handful of provisions	**UK WIN** – The UK's WTO

That's quite the spin, lads.

Government analysis of the deal

EU law / EU standards	The UK asked to use the tried and tested ways of preventing unfair competition of standard FTAs - i.e. use concepts based on international law.	The EU asked for an unprecedented level of alignment with their own regulatory framework: it wanted EU standards in the areas of social, environmental, tax, state aid and competition matters to serve as a point of reference.	**UK WIN -** The LPF provisions are not based on EU law. There is no concept of EU law in the Treaty.
Equivalence / The 'Rebalancing mechanism'	Wanted a tool to allow the Treaty to be reopened in the future and change LPF provisions if they prove too onerous	Wanted the ability to impose unilateral tariffs in the event the UK diverged too substantially from EU norms.	**UK WIN -** The UK rejected the EU's asks for an 'equivalence' mechanism, and instead secured a review and rebalancing clause which allows either side to initiate a formal review of the economic parts of the deal, including the level playing field provisions, and update the balance of the agreement over time. Any short-term rebalancing measures are strictly limited and proportionate and subject to the approval of an independent arbitration panel.
Subsidies	The UK was clear that it intended to establish its own regime of subsidy control. We asked for reciprocal transparency commitments and a right to request consultations on any subsidy that might be considered to harm each other's interests.	The EU wanted us to accept dynamic alignment with EU state aid policy and wanted the UK to adopt the same procedures that exist in the EU, particularly "ex ante" approval of subsidies by an independent body. . In addition, it wanted a unilateral right to impose remedial measures (eg tariffs) on the UK if it considered the UK granted inappropriate aid. This option would be available only to the EU, not to the UK.	**UK WIN -** The deal allows the UK to set up its own subsidy regime and not have to follow the EU's state aid regime or procedures (the UK can, if it wants, have an ex-post regime). However, the UK will have to ensure that its subsidy regime respects certain principles that are set out in the Treaty. The deal also allows both parties to adopt remedial measures on a reciprocal basis and with tight controls, including compensation for abuse of the mechanism.

Would that win be rejecting be the 'investor' category proposed ... in the UK's draft FTA text?

Mode IV	Mode IV provisions building on CETA and EU-Japan	Several elements less ambitious than EU-Japan (length of stay for several categories, no national treatment provisions for short-term business visitors, no investor category)	**MUTUAL COMPROMISE** – The agreement includes EU-JP elements that were not tabled by the EU, most notably on short-term business visitors. The agreement did not include an investor category, in line with the EU's proposal, which was incompatible with the UK's domestic immigration

This is simultaneously both incredibly useful AND hilarious.

As it seems to have been deleted, some screenshots:

09:01

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TABLE OF VICTORIES - nearly three times as many UK victories as EU ones

Number of key issues - 65

Total UK WIN - 28 = **43%**
Total EU WIN - 11 = **17%**
Total mutual compromise - 26 = **40%**

UK wins 2.5 times more victories than the EU.

	UK OPENING ASK	EU OPENING ASK	UK or EU WIN
		GOODS	
SPS	The Agreement should protect our high SPS standards while facilitating access to each party's market. It should ensure parties' SPS measures do not create unjustified barriers to trade in agri-food, through a regulatory equivalence mechanism, and preserve each party's autonomy over their own SPS regimes. Recognition of regionalisation and compartmentalisation. Co-operation on antimicrobial resistance and animal welfare.	Partnership should build on and go beyond the WTO Agreement on SPS measures. Recognition of the EU as a single entity, and regionalisation. The SPS provisions should respect Union rules and international standards. Regulatory harmonisation is preferred. Co-operation on animal welfare and antimicrobial resistance	**MUTUAL COMPROMISE** – both parties protect their SPS standards and right to regulate while being open to regular review of the SPS provisions.
Market Access	No tariffs, fees, charges and quantitative restrictions on trade in manufactured and agricultural goods between UK and EU, where goods meet relevant rules of origin	No tariffs, fees, charges having equivalent effect or quantitative restrictions across all sectors provided that a level playing field is ensured through robust commitments. All customs duties or taxes on exports or any measures of equivalent effect should be prohibited and no new ones should be introduced.	**MUTUAL COMPROMISE** - zero tariffs and zero quotas

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Liked by Dmitry Grozoubinski:
This is simultaneously both incredibly useful AND hilarious.

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Government analysis of the deal

Core rules on trade in services and investment	The agreement should include provisions on market access, national treatment, prohibition of performance requirements, local presence, senior managers and boards of directors, and MFN (if the deal is high ambition).	The agreement should include provisions on market access, national treatment, prohibition of performance requirements, senior managers and boards of directors, and MFN (if the deal is high ambition).	**MUTUAL COMPROMISE** – The agreement includes modern rules on trade in services and investment. This provides business with certainty and confidence about the operating environment for services supply and investment. The UK secured local presence; the EU secured a less ambitious outcome on senior managers and boards of directors.
Mode IV	Mode IV provisions building on CETA and EU-Japan	Several elements less ambitious than EU-Japan (length of stay for several categories, no national treatment provisions for short-term business visitors, no investor category)	**MUTUAL COMPROMISE** – The agreement includes EU-JP elements that were not tabled by the EU, most notably on short-term business visitors. The agreement did not include an investor category, in line with the EU's proposal, which was incompatible with the UK's domestic immigration policy.
MRPQ	A pathway to recognition with comprehensive coverage, while respecting regulatory autonomy.	Include a framework for negotiations on the conditions for the competent domestic authorities to recognise professional qualifications necessary to the pursuit of specific regulated professions, where in the Union's interest	**EU WIN** – The Agreement will establish a framework for qualification recognition, in line with CETA. On the plus side, the UK extracted concessions including (a) making clear in the agreement that other non-FTA routes exist for recognition and (b) introducing the possibility of opening up more tailored approaches.

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Wait - this link still works. All is well: https://t.co/6nn7vUftcw

Wait - no. That new version has had some of the hilarious stuff removed. Like this:

The deal that has been achieved meets every single one of the objectives first set out by Vote Leave back in 2016 when the campaign set out 'what leave looks like':

1. **Delivering on all the objectives set out by Vote Leave**

We end the supremacy of EU law and the European Court. We will be able to kick out those who make our laws.	We will be able to kick out those who make our laws. *EU law and ECJ is explicitly prohibited from the UK under this treaty.*
Europe yes, EU no. We have a new UK-EU Treaty based on free trade and friendly cooperation. There is a European free trade zone from Iceland to the Russian border and we will be part of it. We will take back the power to negotiate our own trade deals.	*There are no tariffs between the UK and the EU under this deal. We remain part of the free trade zone that stretches from Iceland to the Russian border.*
We spend our money on our priorities. Instead of sending £350 million per week to Brussels, we will spend it on our priorities like the NHS and schools.	*There will be no more payments to the EU save for drastically reduced amounts for very specific reasons that work for us (e.g. being part of Horizon).*
We take back control of migration policy, including the 1951 UN Convention on refugees, so we have a fairer and more humane policy, and we decide who comes into our country, on what terms, and who is removed.	*The Treaty makes clear that there is NO free movement of people. We will roll out the new Australian-style immigration system in the new year.*
We will regain our seat on international bodies where Brussels represents us, and use our greater international influence to push for greater international cooperation.	*This happened immediately after we left the EU on 31 January.*
We will build a new European institutional architecture that enables all countries, whether in or out of the EU or euro, to trade freely and cooperate in a friendly way.	*The new Treaty explicitly creates a free trade arrangement, while making sure that our relationship is based on international law NOT EU law.*
We will negotiate a new UK-EU Treaty and end the legal supremacy of EU law and the European Court before the 2020 election.	*A new UK-EU treaty has been agreed a few months later than originally envisaged because of the disastrous negotiations led by Theresa May.*

So ... I finally managed to work out how to save the original as a pdf.

Here's the original. It's great.

https://t.co/OuoWTTKWJB