
EU RULES OUT BREXIT RENEGOTIATION, AGAIN

13.12.2018

EU Observer (12 December 2018)

The EU is not preparing a legal document on the backstop, as requested by British prime minister Theresa May, for the EU summit starting on Thursday (13 December) - as EU officials are calling the political crisis unfolding in London a mess.

EU diplomats on Wednesday said that there has been not enough time, and it was unnecessary, to come up with a legally-binding text that could clarify positions on the so-called backstop on the Irish border that irks Brexiteers who have mounted a confidence vote against May in London.

However, they could issue a statement clarifying that the EU does not want to trap the UK under the bloc's authority, a key concern for hardline anti-May Brexiteers.

The vote on May's leadership will take place Wednesday night, as EU diplomats say they would now openly discuss the possibility of a no-deal scenario, something they have been shying away so far.

"Nobody would dare to even talk about the first sentence of such a text right now," a senior EU diplomat said, adding that no such a document would not be ready before Christmas.

May postponed a vote on the Brexit deal in the British parliament on Tuesday, which she expected to lose heavily.

She spent Tuesday instead capital-hopping, hoping to secure further guarantees from the EU27 that the backstop (keeping the UK aligned to the EU's customs union in case no trade deal is agreed), will not be used and would only be temporary.

While a detailed text is not expected, EU leaders could adopt a statement at the end of their Brexit discussions, according to a letter by EU council chief Donald Tusk.

EU officials and leaders have said throughout the week, that they are willing to help May, but they need to know what is going on in London.

"I cannot tell you what assurances leaders will give to May," another EU official said, emphasising that it is impossible to renegotiate the Brexit deal reached last month.

May will brief EU leaders on at the summit on Thursday evening.

The British premier is expected to tell leaders what are the internal developments in Britain linked to the ratification of the deal in London and on what sort of assurances she is looking for.

Later in the evening, the EU-27 will discuss what guarantees they are ready to offer without contradicting the Brexit deal already reached in November.

'Clear problem'

"It is clear UK ratification of Brexit treaty is a problem," the senior official acknowledged, but could not predict if EU leaders will offer assurances.

A key Brexiteer rallying cry concerns the backstop, which is an insurance policy, already agreed by UK negotiators and May in recent month. It is intended to ensure the currently-open border on the island of Ireland, in an effort to make sure there is no resurgence of sectarian strife there.

The backstop would entail keeping the UK aligned with the EU's customs union, a UK wide-solution based on London's request to avoid any constitutional concerns related to an earlier version that would have only kept Northern Ireland in the bloc's customs union.

"It is not true that the UK wants to put the UK in some sort of prison," a senior EU official said trying to quell speculation among British Brexiteers that the backstop will be used by the bloc to put the UK under EU authority forever.

"No-one among the 27 is against the UK," the official added.

'Not 1st, 2nd, or 3rd option'?

"We could highlight some elements of the political declaration on the future relationship between the UK and the EU," a second EU diplomat said, adding that the EU-27 could spell out to the UK that the backstop is "not the EU's preferred first or second, or third option".

"We would never want to end up there," the diplomat added, saying the EU sees the need for a clarification of the EU's intentions on the backstop. "You don't clarify intentions through legal instruments or protocols," the diplomat said.

Hardline Brexiteers within her Conservative party are currently attempting to topple May, and it remains to be seen if she survives this latest challenge in her fragile leadership.

She reportedly offered to resign before the next general election, making way for a new Tory leader, but only after Brexit in 2019, in an effort to calm the rebellion.

EU officials said the deal would be the same for any another UK prime minister as well. "This is the deal, we cannot envisage any other outcome," the second diplomat said.

Neverending Brexit

In a government crisis, a possible extension of Brexit negotiations beyond March 29 (when the UK will leave the bloc) could be requested by London, which the EU27 need to unanimously agree to.

But an EU diplomat said the extension cannot be dealt with at the two-day summit starting on Thursday.

The diplomat added that EU leaders would need to look at whether further talks would possibly bring any change, and under what condition they could agree to an extension it talks.

EU officials describe a nervous atmosphere over Brexit, saying the situation is increasingly tense around the issue.

"It is so messy and absurd that even the funny elements of this are actually tragic," said an EU diplomat on Brexit, adding "I still hope Beckett, Kafka and Havel are not those who will finish writing this piece".

While Brexit has been dominating Brussels in the last few days as the political crisis unfolded in London, EU leaders have a full agenda in the two days this week.

Migration, the eurozone budget, a first discussion on the next long-term EU budget, climate, disinformation, and Russian sanctions will also be discussed by EU leaders.

Kaynak/Source: