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Britain and the European Union

UK in a Changing Europe (UKICE): When did you start thinking that a referendum would have to happen? David Cameron claims it was inevitable, did you ever think that?

Jonathan Faull (JF): Well, the pressure for having one was pretty constant throughout the 2010s, but it had been there for many years and had been resisted by successive Governments so that, perhaps, complacency set in and people assumed that a way was going to be found to relieve the pressure.

The 2015 election was obviously the turning point, with Cameron elected with an outright majority and having made the promise. From then on, I thought that he would find it very difficult to wriggle out of his promise and there would have to be a referendum.

UKICE: Did your colleagues in Brussels take the possibility of a referendum, and of a referendum going as they saw it the wrong way, seriously?

JF: Certainly, because of all the experience with referendums in other member states, and much more pro-European member states at that: France, the Netherlands, Ireland. Denmark too, which was more like the UK. Then, you throw into the mix the German post-war abhorrence of the very notion of a referendum, which sounds totalitarian to them, and consider all the changes that Germany has been through without having one.

If there was to be a referendum, the likelihood that it might go wrong was certainly not ignored. Nevertheless, many people saw Cameron's confident optimism and thought that he would either wriggle out of it or would win it. Britain is a very hard country to understand from the outside. Even though my continental colleagues speak good English, read *The Economist,* the *FT* and *The Guardian* and watch the BBC and follow UK in a Changing Europe on Twitter, that doesn't mean they understand this amazingly complicated, asymmetrically devolved, thoroughly divided country.

People find it particularly hard to understand the constitutional structure of the country, which they too often think is basically England anyway. Rarely do they venture beyond London. People from countries where there are neat constitutional structures, or even complicated ones such as Belgium, find the UK's constitution hard to fathom. The Brits can't do it, let alone foreigners.

So the thought of this mysterious country, with its famously Eurosceptical press and divided political class on Europe, having a referendum – yes, of course, that worried people.

UKICE: One of the things people say about the UK is that we don't understand that when the EU talks about migration they're talking about something different to free movement. Do you think, in the EU, people understood the problems, particularly for David Cameron, of his failure to hit the immigration targets and the fact that free movement was seen as such a problem in the UK after 2004?

JF: Some of them did, the Dutch and the Danes had some similarities. The French had a major concern about posted workers from other member states, strongly opposed by the left and the trade unions. That actually was EU free

movement. Don't forget, all the other countries, apart from Sweden and Ireland, used the seven-year delay for free movement.

So yes and no. Yes, they understood that it was a political problem. No, for several reasons that come to mind. Firstly, the UK economy was doing pretty well, better than many of the others, with low unemployment, so 'What's the problem?' Everybody noticed, of course, because they travelled to London, that the service economy was manned and womaned by people who were obviously not British.

Plus, a big point in the renegotiation phase before the referendum – not that people noticed this very much – the focus of the British negotiators was a lot more about the euro and the governance of financial services. Don't forget, this was a government dominated by Cameron and Osborne, who had just been through the euro crisis and banking union experience. The real and, I think, not illegitimate concern was how a country outside the euro with a big financial services centre in its capital city coped with an EU which is bound to concentrate more and more on governance of the euro.

The view in the Treasury, and spread across Whitehall was, 'The euro is now the European project.'

People said 'We're not part of it and we warned these people not to do it but they did it anyway. We warned them not to expand it and they expanded it. They've stuck to it throughout the financial crisis. They looked over the abyss and drew back, they didn't throw any members out. Even populists, who got near power, stopped talking about redenominating everything into their national currencies, so the euro is here to stay. They've got to make it work, it's a half-completed project and the completion of the project means thoroughgoing, serious and comprehensive economic, social and fiscal policy coordination, if not actual integration. We will not be part of that, don't want to suffer from it, so we must be protected.'

That was Cameron and Osborne's formative experience of dealing with the EU. Cameron with the aborted treaty, his 'veto', and Osborne as Chancellor during the financial crisis.

UKICE: When you were DG of Justice and Home Affairs did anyone have a

conversation about the fact that because we were, in a sense, acting more European than other member states by not having transitional arrangements for the accession states? It might be perceived that we were bearing a burden because of this. Was there any recognition of that, particularly as the eurozone crisis hit and we became an employer of last resort for a currency we weren't in?

JF: Not really. There was a sense that the UK had, under Thatcher and then Blair, deregulated its labour markets and gone for a low wage service economy, which sucked in people. Plus it had the English language and various other factors which attracted people from other member states. That was what the British had chosen to do. The economic results weren't bad. There were all sorts of social problems but unemployment remained low and there was no obvious displacement of British citizens from the labour market. There was displacement within it, of course, but not from it altogether.

So, frankly, no. In my period in Justice and Home Affairs, the focus was on terrorism. Reform of asylum policy was also important. Migration from the rest of the world was the big issue, plus the toxic combination of security and migration.

UKICE: Going back to the euro, both David Cameron and Ivan Rogers were of the opinion that our position in the EU but outside the eurozone was pretty unsustainable. There was a structural problem there. Do you agree with that?

JF: No. I respect that argument but I do not agree. Ivan, Jon Cunliffe and David Cameron believed it strongly. I accept that it would have taken very hard work to sustain the UK in a Single Market where the euro became the dominant policy driver for the 19 at least. I think that hard work was doable and desirable. It was done in the banking union legislation, where it achieved good results. It was worth doing and worth winning the battle.

So I don't agree. I don't think there was a fatalistic, determined outcome against British interests. I think David Cameron genuinely believed so, it's in his autobiography as well. He took the view there was bound to be another crisis at some stage – maybe the one we're about to have, by the way – which would test all that we had done to destruction, and the UK would be structurally at a disadvantage in that crisis. I see the argument but I do not accept it as

justifying Brexit.

UKICE: Before we get into the nitty-gritty of the renegotiation, some people have suggested that Britain had burned some of its bridges already. We'd alienated the Germans, in particular, by leaving the European People's Party (EPP). We'd annoyed the other member states in 2011 with our so-called veto. We'd behaved the way we had over Juncker's appointment. Was there much goodwill towards us before this process started?

JF: All those things were true, and others as well, but people had got used to the UK being awkward and difficult. There was a moment of hope with Blair and a couple of uplifting, even visionary speeches. Then, clearly, Blair couldn't deliver. If Blair couldn't deliver, his successors weren't going to.

Leaving the EPP annoyed the hell out of the EPP and of Angela Merkel and was, maybe still is, being paid for. But the UK had a tidy bunch of allies behind it who were keeping quiet but very happy for the UK to take the flack: the Nordics, the Dutch, plus the non-euros. In everything we did, we had the chutzpah to do it because we were a big member state with attitude, but there were others behind us.

The renegotiation

UK in a Changing Europe (UKICE): Can you just outline to us what your role was within the Commission when it came to the renegotiation?

Jonathan Faull (JF): Essentially, on a much smaller scale, doing what Barnier's people are doing now. Running, on behalf of the Commission, the negotiation and reporting to Juncker, which involved regular contact with him and his close advisors.

We were obviously plugged into the rest of the Commission but pretty autonomous from it. I didn't report formally to any other Commissioner. I kept other Commissioners informed and I attended all the meetings of Directors-General, who were my colleagues. So I kept everybody informed. We had endless rounds of negotiations with the British, with reporting mechanisms back to the member states. I went to Coreper [Committee of Permanent Representatives] regularly, and to parliamentary committees, and I went

around Europe talking to governments as well to test what was likely to fly.

UKICE: Just thinking comparatively, in that phase the EU hadn't discovered the advantages of complete delegation. In a sense, member states were a lot more involved in that process than they have been in the subsequent process. Is that true, do you think?

JF: No. I don't know the details of the reporting mechanisms now, but would be surprised if they were very different.

UKICE: Ultimately, of course, it came down to negotiating at European Council.

JF: When I finally got to the European Council, the deals had been done. I imagine that it's pretty similar now, albeit on a different scale. Yes, prime ministers didn't get involved very much but their sherpas and advisors did, certainly their ambassadors in Brussels did. There was the same pretty strong desire to let Brussels run the show by not opening separate bilateral negotiation channels, although there were some. The British tried to open more as well.

The stakes were different as well. What was my mission? My objective was to get an agreement which enabled Mr Cameron to win the referendum. Everybody wanted the UK to stay.

UKICE: Was there a sense of an EU position in advance – an equivalent of the EU mandate we have now – that this is where we will go to keep the UK in, where we can accommodate David Cameron's demands, but actually this is a bridge too far or that's a bridge too far? What are your perceptions on the differences between the renegotiation and the negotiations we've seen both under Article 50 as a departing member state and now with a departed member state?

JF: Well there was no formal mandate, that's the big difference, but it's actually a difference of procedure rather than of substance. We worked very closely with the European Council leadership, Tusk and his Cabinet, and the Council Legal Service was present at all our discussions. I spent a lot of time talking to the Council people who, in turn, spent a lot of time talking to

ambassadors of the member states. I had regular meetings with the ambassadors of all the member states, both bilaterally and multilaterally in COREPER.

We pressed Cameron to write the letter. That was, in a way, a sort of prequel to the Article 50 notification process. The British were reluctant to start with to set out in writing precisely what they wanted. We said, ‘We can’t renegotiate a settlement for the UK until you tell us precisely what you want.’ For a while they said, ‘Yes, but you know what we want. Read the speeches, look at the manifesto.’ We said, and we held to that, ‘We won’t start proper negotiations until you have sent a formal letter setting out what you want to renegotiate.’ Then Cameron wrote to Tusk with the four categories which became the structure of the negotiation.

Plus, and I think this is a very important point, among the fateful steps taken in this long saga, the decision by Cameron after 2015 to have a referendum quickly meant that there wasn’t going to be treaty change. The scope of what was renegotiable became a legal issue. The lawyers suddenly assumed even more importance than they would have otherwise because at every turn in the road the question was, ‘Can this be done under the existing treaties or is a treaty change necessary to achieve that? In which case, we can’t do it in anything like your timeframe.’

The British told us that some vague promise of future treaty change wasn’t going to be convincing enough for the voters in the referendum. So we were dealing with issues which could be solved within the current legal framework set by the treaty.

One or two things could be agreed and enshrined in the treaties later. For example, the wording on ever closer union, it was said, would be introduced in the treaty the next time it’s amended. But, generally speaking, we were talking about things that could be done within the existing law.

UKICE: Was there a discussion with the UK team about the fact that if they were prepared to play it a bit longer there might be more robust changes available than if they just felt this was something they just had to get out of the way by 2017?

JF:Yes I imagine it had been discussed, but it had already been settled in London by the time we got around to talking about it. You remember Cameron had said, ‘We’ve got to stop banging on about Europe.’ The metaphor was all about lancing boils and abscesses. So it was all surgery, and they wanted it out of the way. The Europeans wanted it out of the way as well.

UKICE: It’s keyhole rather than open heart if you’re doing it without treaty change, that’s the fundamental difference.

JF: Yes it is.

UKICE: With the gift of hindsight, do you think the British could have approached this differently and got a different outcome?

JF: It’s the big question. I think, all along, there are these fateful decisions, forks in the road, which were taken without perhaps a full understanding of the consequences: the insistence on setting out the British position early, the insistence on notification under Article 50 before any discussion could take place and the rush to notify under Article 50 by May.

You could understand why both she and Brussels said we must get Article 50 started. She, because she had to show the rather sceptical party behind her that she believed in Brexit and was going to deliver it decisively. Brussels because Article 50 was the prescribed legal framework and the Commission didn’t want the member states to start parallel negotiations with London over its head.

All of that meant that we lurched into the two-year deadline without any serious debate in Europe or in the UK about what we wanted the future relationship to be.

The other fateful path taken was the EU position that we can’t talk about the future relationship until we have secured withdrawal under Article 50, which has some legal backing but I don’t think was absolutely necessary and, politically, probably was a mistake.

UKICE: To go back to the renegotiation, specifically, and to turn that question on its head, on the EU side was there ever a sense, ‘We could, and should,

have done more given what happened.’ Subsequent to the referendum, was there a sense, ‘We could’ve been more flexible?’

JF: Of course there was. We searched our souls. What more could we have done? The big issue in retrospect was the emergency brake on numbers. I don’t want to give the impression the British were so obsessed with the euro/non-euro thing that migration wasn’t a hot issue. Of course it was a hot issue, and I mean migration in the British sense, free movement.

Pretty quickly the issue of an emergency brake or a quota system emerged as key. There were great legal debates about that. It seemed highly likely that you couldn’t do that under the treaty as it stands. Some lawyers thought that, even if the treaty was changed, this was so inconsistent with the fundamental structures of the EU that it wasn’t even certain that the Court of Justice would’ve accepted it anyway.

I think that goes quite far – the European Court of Justice doesn’t throw out treaties easily. The Court of Justice was pernickety about the EEA and things like that, usually more about the legal order and its own prerogatives than policy matters.

The other thing was a simple, fundamental legal point, but one that I made endlessly, that free movement of workers or people in the EU is a right. It’s not an unconditional right – in fact, the UK had imposed fewer conditions than other member states in the way it applied free movement rules.

A rights system, albeit a conditional rights system, is unworkable with a quota because if you set a quota at 100 and number 101 meets all the conditions then the right has to be granted. It’s an entitlement, but I repeat, not an unconditional entitlement. So, we said ‘No we can’t have a simple emergency brake.’ We fell back on this, I think, well-constructed social security phase-in system. Of course, it lacked popular appeal unless explained enthusiastically and David Cameron barely used it in the referendum campaign.

UKICE: You wrote a letter to the FT in response to Nick Clegg in which you talked about the fact that the UK had achieved far more than most people realised when it came to an emergency brake. Can you just explain that?

JF: I don't remember the letter. If it was about the four-year phase in of social security entitlement, the way it went was as follows. The UK has, unlike most other member states, two particular characteristics. One is a non-contributory social security system based largely on status, not on contributions.

Secondly, for domestic political reasons, entirely a matter for the UK, successive governments had widened the gap between unemployment benefit and in-work benefit. Why? To encourage people to work and to encourage employers to take people on.

So it was always said that – hypothetically, but no doubt there were many real cases like this – if you are working in London on the minimum wage and have a certain number of children, the minimum wage the day you start work and move from unemployment is doubled – your take-home pay can be increased by 100%.

In addition to all the other attractions of the UK, particularly in the low-wage service economy, there was this social security system. The debate in the UK had shifted in the ten previous years from, 'These people are coming into the country, signing on the dole within 50 yards of the port of Dover, and they're scrounging on our social security.' That was the tabloid vision of workers from other member states. Then people realised: 'Hang on a minute, they're not scrounging, they're actually working.' Then it became, 'They're taking away our jobs.' Answer from Brussels, 'They are not obviously taking away jobs, look at your better unemployment figures.'

If you like, the sophisticated version of this was, 'The operation of the British social security system is such that people who have very short-term links to the British labour market and economy get the full whack of social security from day one.' We came up with the idea of phasing in the entitlement over four years.

A lot of lawyers said we'd gone too far. A lot of eurosceptics said the European court would have thrown it out if it had ever happened. It was basically discriminatory. Yes, it seemed discriminatory, but since it was based on objectively different situations it was not. That was the argument.

UKICE: Did you or the UK do any sort of modelling of what impact that might

have been on the pull factor of the UK? Was it actually expected to make a significant difference to numbers?

JF: It was very hard, particularly in the time pressure, to get good data and to do modelling. The British did some. The Department for Work and Pensions did some. So did we.

The referendum

UK in a Changing Europe (UKICE): Moving onto the referendum itself, as you watched from Brussels, what were your impressions of the campaign and of how Cameron went about it in particular? Did you have a sense that his wasn't a winning strategy?

Jonathan Faull (JF): A sense during it, no. Obviously, it wasn't. The first thing to say is that we were told to stay out of it, which we did. I had mental lists – I probably even had written lists – of commissioners and other European figures who I thought might have made a positive contribution, but we were all asked to stay away. Juncker has now said that that's his biggest regret. I don't know whether he meant for himself or for others. I'm not sure that a Juncker intervention would've been helpful. Obama's wasn't, and Obama and Juncker are rather different political figures, or were in the British psyche at the time.

Cameron was confident and self-confident. He was the man who had won the Scottish referendum, had won the single transferrable vote referendum, had won two elections, and he has – had, anyway – a rather breezy confident style.

Until purdah started, the people I was talking to were reasonably confident. There was some, not surprise but some regret that Cameron made the judgement that he couldn't characterise the agreement as having transformed the relationship between the UK and the EU, so he didn't use that argument. Nor did he deliver the sort of lyrical pro-European speech that people are used to making around here, which would probably not have gone down well in the UK at all.

There was a sense that he undersold the European Union and its achievements and was using the fear factor, much as he'd done with

Scotland. The fear of a dangerous world outside argument had won in Scotland, and that was largely what he was using in the UK for the EU as well.

We were frustrated because, obviously, lots of lies were told, which we desperately wanted to rebut and argue back at. We had been asked not to, so we didn't do much. The Commission's London office – I spoke to them every day – ran a good, low-key fact-finding, rebuttal operation, but it didn't have much impact.

UKICE: What was it like for British staff in the Commission watching this? Was there a lot of interest, did people just assume it was going to be fine and so reacted belatedly?

JF: No, no. If I've given the impression that everybody thought it was going to be fine, I want to correct that. We were told, by officials and by Cameron when we spoke to him personally – and we could see opinion polls – that it was tight and tightening significantly towards the end. Nothing should be taken for granted, and Britain was known to have a volatile electorate on European issues.

Plus, the Conservative Party had split between Johnson and Gove on the one side and Cameron on the other. Plus the Labour Party was manifestly ambivalent, and that was a source of great frustration. So nobody took anything for granted, and British staff were very, very, worried as time went by.

I also saw myself as having a sort of pastoral role for the Brits. If that sounds pompous, I apologise. With British staff in the institution, we had mass meetings and we had regular meetings of representatives of each DG, which I chaired, to talk about what was happening and what was going on. These are all people who had family and friends back at home, all over the country. Things were getting through about what was actually happening on the ground.

UKICE: Did you watch the results?

JF: Not all night.

UKICE: So you didn't have a mass gathering?

JF: No. There was a big journalists' drinks party. I can't remember who organised it now, Bruno Waterfield? I can't remember, somebody did. In a pub in the EU neighbourhood in Brussels in the early evening before the polls closed, so I popped in there. People were exchanging tips, 'Watch out for this area, watch out for that constituency.' A lot of focus on the north east of England. A lot of continental journalists also soaking up information asking 'How do we read what's going to happen now?'

Then I went home. It was an extraordinarily stormy night with electrical storms, a yellow sky, it was all very Shakespearian. I went home, watched a bit of TV then listened to a bit more radio, and went to bed at 2:00 or 3:00 when it was pretty clear what was happening. I woke up to have it confirmed.

UKICE: Were there meetings the following day with British staff then?

JF: I went into the office early. We watched Cameron resign in my office, on television, just with my team. Was there a mass meeting of British staff that very day? I honestly can't remember, there was one pretty soon.

The Brexit negotiations

UK in a Changing Europe (UKICE): You got this result that you'd been assured wouldn't happen, by a Prime Minister who has just announced that he's gone. I'm intrigued as to what thinking was going on in the Commission about how the EU needed to react and, also, what it expected the UK Government to do.

The story in the UK, of course, is that the EU always expects that if a referendum goes the wrong way there's then a bit of a conspiracy between that Government and the EU to correct the people. I don't know whether there was any expectation of the UK coming back to say, 'Oh my, this isn't what we expected, how are we going to deal with that' or quite what the thinking was going on there.

Jonathan Faull (JF): No, there was no expectation of that. Nobody said, 'Oh God, we better have another European Council and an emergency protocol and get the British to change their mind.' It was, on the contrary, 'Okay, they've decided, Article 50 is there.' The decision was taken very quickly,

perhaps too hastily, the mantra was 'No negotiation without notification, Article 50 must be triggered. Then we will sit down and talk to them, whoever is the British Government. Whoever the British Prime Minister may be, we will negotiate withdrawal.' It was very quickly accepted that the UK would leave.

Later on, when the second referendum campaign, the People's Vote, started up, with all the litigation in the Supreme Court and when the remain forces regrouped in a different way and Parliament began playing the role it did, then people thought, 'Maybe something extraordinary is going to happen here?' A lot of my friends and colleagues got quite excited about the People's Vote. I must say I never did. I didn't think it would happen and I wasn't at all sure that Remain would win it if it happened, so I didn't devote much effort to it even when I left the Commission.

UKICE: Could the UK have handled the negotiations after the referendum better and got a better, or different, outcome?

JF: Of course, yes, it could have been handled differently. Different people would've done different things. Obviously the 2017 election was another fateful step, particularly in relation to Northern Ireland.

The focus on Northern Ireland came far too late, despite warnings from me and others way back that people should start thinking very carefully about what would happen in Northern Ireland, particularly if different parts of the UK voted differently. I wouldn't say we'd thought all that through fully. We'd certainly realised that was going to be an important issue, but that was domestic British politics. I had a view as a citizen but I was still in the European Commission for some of this time.

So, yes, things could've been done differently. You could have had parallel track negotiations on the future relationship, you could've delayed Article 50 until the UK had done what Theresa May said she would do when she became Prime Minister, which was to consult widely among the nations of the kingdom and the Opposition parties. You could've had royal commissions. You could've had a national debate about the future relationship, which we have sort of had in a typically British way through two election campaigns but never had in a very satisfactory way.

UKICE: Did perceptions on the EU side change between the referendum in June and the Tory party conference that October? Did the intervening events act as a wake up call to the EU that things weren't going to go where they might have expected but were going to be a lot tougher and the British side was going to take a far harder position?

JF: First of all, I think there was a lot of good will for Theresa May when she started. People didn't know her very well but the justice and home affairs world did because she'd been Home Secretary for a long time. She'd negotiated all the Protocol 36 stuff. She had been a sort of traditional sceptic in the good sense of the word, not believing in a lot of euro guff but actually doing business and seeing the European Union could help the UK achieve some of what it wanted to do.

In a way, I think William Hague went through the same process as Foreign Secretary. I've seen other ministers over the years do the same. 'It's maddening and all this jargon is awful and all this federal fluffy language is silly but actually, once you see the machinery working, it can be helpful and we have some influence over it.'

Those who had worked with her in the Justice and Home Affairs Council, the Interior Ministry people, had some respect for May: serious, sensible, pragmatic – the things traditionally associated with the British Conservative Party. Scepticism in the sense of, 'You Europeans, you come with solutions, I want to talk about the problems first. What are we trying to do here? What's the problem we're trying to solve? Don't create a new agency because you think it's a good idea to have another agency, I want to know what the problem is.' There's grudging respect for that. Brits within the institutions play that role as well.

So there was some hope that May would pilot the UK through this difficult period. The problem started with 'Brexit means Brexit' and a 'Red, White, and Blue Brexit.' As people began to ask: 'What does it mean? What exactly do these people want? What sort of relationship do they want to have?'

There was hope, initially, that the UK would stay in the Single Market and the customs union. The European Economic Area is not quite the right fit, but that sort of close relationship. May used the word 'frictionless', people like

frictionless because they don't like friction. So, yes, there was a bit of optimism.

UKICE: Would there have been a possibility of doing, if the UK had played it differently, a more bespoke version, different to the EEA reflecting the UK's bigger size and wider range of interests? Rather than, 'Here are the binary choices. Here is the staircase, choose your step and take the consequences.'

JF: I'm reluctant to criticise my former colleagues, but I do think so, and I can explain why. I do think they, too readily, fell back on the staircase and precedents, 'Here's one model, here's another model.' Why do they do it? Because that's the way Brussels works. Once something has been done, you don't have to go through the agony of arguing for it again and you can use it again. It's a precedent. It shuts civil servants up, 'Your bosses agreed to this once, so we're going to do it again.'

Secondly, the European Union has a messianic vision of the rest of Europe. The rest of Europe hasn't yet seen the light but is going to see the light. These are Christian democrats or social democrats, this is Christianity and Marxism. There is a deterministic view of history. 'Everybody is going to come to Brussels. They haven't got it yet, they're the wrong side of the iron curtain, they're still fascist dictatorships or they're too small like Andorra or San Marino. The ultimate destiny of all European peoples is in the European Union. They'll get it.' It's biblical.

It may be potty but I think people very deeply believe that. It really is Brussels' religion. The UK breaks the mould. It's not surprising that countries which haven't joined the euro are called pre-ins.

You've probably heard me saying this before. It's like Christian art showing the synagogue blindfolded. These people don't get it. Jesus arose in their midst and these stubborn, stiff-necked people still don't get it. The Brits are a bit Jewish in that sense.

So Brussels operates on pre-set categories, and the UK is very hard to fit into any of them. Why not the EEA? Because the EEA is a very delicate balance of relations with rich, modest, humble countries. The Norwegians put up with it. The UK would never put up with it. The Norwegians and the European Free

Trade Association [EFTA] countries in the EEA wouldn't want the UK in EFTA. Talk about a bull in a china shop.

I think, frankly, the Brussels machine was wrong in not saying, 'We need something new, so we have to build something from scratch, we've never had an ex-member state before and we know the UK is different because of its different history and different attitudes to European integration. We've got to start from scratch and we need time for that.' We never had time because we lurched from one deadline to another.

The UK didn't have a debate itself about what it wanted, so the Europeans fell back on the rather comfortable position, 'We're waiting for the British.' Endlessly, they said that. 'When the British are ready, we'll react.' Nobody in continental Europe has thought very much about what relationship they want with the UK.

UKICE: 'No negotiation without notification' rather stops any informal conversations about, 'Where could this all land that might work for all of us?'

JF: I know. Plus, the British hoped that Angela Merkel was going to ride to the rescue, which is still out there, or the German car manufacturers. They've thought that all along. Cameron certainly thought it.

UKICE: Why does the U.K. keep getting Germany wrong?

JF: A deep-rooted culture of war movies. Who speaks German? Who studies German politics? It's like the old *New Yorker* cartoon, abroad is France and America. In so far as anybody bothers with any notion of foreign languages these days, it's a smattering of French. At least Thatcher had the wits about her to call in those German experts to Chequers to have a discussion about reunification.

So I think, broadly speaking, neglect of Germany, it's a complicated place. We don't really understand federal states, and it is one. Merkel is hard to read because she decides late and she allows her officials to go around flying kites before she decides. I think there's also a misunderstanding of the dynamics of the Franco-German relationship because the British think the Germans must be in charge because they're the economic powerhouse and the French

obviously aren't. Yet, it's a much more equal relationship because of German *Vergangenheitsbewältigung (*coming to terms with the past). The Germans have actually done it, we haven't, the French haven't and the Austrians haven't for that matter.

UKICE: What were you making in Brussels of the moves in the UK – the people they put in the negotiating team, the creation of the Department of Exiting the EU alongside the Department for International Trade, the rising tension between the May entourage in Number 10 and Ivan Rogers leading to that quite dramatic resignation in the run up to Article 50? How is that interpreted in Brussels?

JF: People thought that May, as I said, was basically pragmatic, decent, sensible, had been a lukewarm Remainer. Indeed, there is a whole Theresa May chapter in the renegotiation agreement, a Home Office section, not for her but negotiated by her officials. It's stuff that I knew well, of course, as well, but it didn't break through the surface of the general political debate.

Was it necessary to create an individual department of government to mirror the Article 50 task force? I don't know. It could have been done through the Foreign Office. It could have been done, essentially, from the Cabinet Office I suppose. We can talk about the personalities of the successive DExEU secretaries and negotiators. Did it make a huge difference? Would a different structure, a different set of people, have changed things? Probably not.

I think much more fateful were the timing decisions and the structuring of agendas about what should be discussed first and the 2017 election which gave the DUP prominence and so on.

UKICE: You've talked a bit about sequencing – that was supposed to be the 'row of the summer'. Was that a very early sign that the UK was actually a bit of a patsy and would just acquiesce in the end because the UK didn't insist that these things were done in parallel?

JF: I was outside by then. Yes, I think Brussels prevailed, essentially, in imposing the sequencing and the agenda. David Davis talked tough and didn't deliver. That must have been registered, yes.

UKICE: One of the things you said earlier was that the EU hasn't really thought about the relationship it wants with Britain. They just used a template. Do you think any member states have sat down and thought, long-term, about what is an important relationship and, ultimately, where they would like that to land?

JF: Bits and pieces. I think this is a point as well on machinery of government. I think there is no structure that lends itself to that sort of reflection. In Brussels, it's not the External Action Service, it's not any particular Directorate-General, it's a combination of all of those things.

From the member states, it's a mixture of economics, security, strategy. In Paris, Berlin or The Hague there will be half a dozen ministries with a very keen interest in bits of the relationship with the UK.

In a centralised system, you would expect the French to have some sort of vision. UN Security Council member, the French and the British think of themselves as alike in many ways. Plus, the French would think of the opportunity to rewrite the Brussels economic agenda, trade, competition, without the pesky Brits. You'd expect the French to have a vision. If you talk to senior French diplomats, they've thought about it and they're quite fluent in describing bits of it. Elsewhere, I don't think they've done it at all. Maybe they've done it in Berlin, I haven't been there for a while, but I don't have the impression they do.

UKICE: It might have happened in Dublin more than anywhere else.

JF: Yes. For Dublin this is all existential and it has changed the whole concept of Irish independence in a way. The Irish have thought very hard about what it means for them and, having made their decision to throw their lot in with Europe and the EU, what that means for various other bits of what modern Irishness means.

UKICE: Were you tempted to hang around in the European Commission just to be more involved in this Brexit negotiation process as it went forward?

JF: I don't think I would've been involved in the Brexit negotiation process, so the short answer to that is no. I made up my mind, pretty quickly, that I should leave. I wasn't far off retirement age. I had a very warm and friendly discussion with President Juncker about jobs I might do. He was very gracious and generous, but I couldn't see any serious future for myself in the organisation so I thought it was best to move on.

Reflections on the UK in Europe

UK in a Changing Europe (UKICE): You've had a long and distinguished career as a senior Brit in the European Commission. Were there turning points in the relationship? What are the highlights and lowlights in terms of UK-EU relations?

JF: There were ups and downs all the time. There was the 1983 election. There were elections where a party wanting to leave the EEC wasn't far off winning. Then there were all the crises over the years.

It was never a comfortable relationship, but it is true that certainly from 2010 onwards it was obviously becoming more serious. UKIP's successes in the European elections, sustained media campaigns, the notion that the euro was a game-changer for everybody. As I said earlier, a thoroughly plausible notion. It was, and could have continued to be, sustainable but it was getting more and more difficult.

UKICE: Did you notice a change in tone on the part of your political interlocutors, particularly from the Conservative Party post-2010? Was there a hardening?

JF: I went to parliamentary committees, I talked to people, I was pretty close to the successive permanent representatives in Brussels, so I had a good feed of information about the mood in the country, in the Conservative and Labour Parties. People were always courteous and quite open and frank about it. I encouraged people to be honest with me about what they thought the problems were, and I wasn't blind to problems on the European side either.

'Hardening' is not quite the right word but there was a sense of a new dynamic emerging, yes.

UKICE: One of the comments about Mrs May's negotiating style was that one of the reasons she didn't really get what this negotiation would be like was because she only had experience of doing the rather different justice and home affairs style of negotiation where she thought she'd been really quite good. So she was rather misled as to what negotiating with the EU was really like.

Do you think that's a reasonable point to make? If she'd done a different portfolio where you were having to do things by qualified majority vote she'd have realised that it's going to be a bit different?

JF: It's possible. I've no direct evidence. Her advisors should have filled in the gaps. It's true, she had a specific experience of working with the EU. I don't think she'd ever done any foreign affairs job in government.

Home secretaries are notoriously short-lived, she's the great counterexample. When I was in Justice and Home Affairs, I dealt with several home secretaries. And I worked for four years for Leon Brittan when he was a commissioner here. He'd been home secretary. I heard a little bit about the challenges of the job in those days too.

She had a lot of credit for having done a very difficult job with considerable calm and success. Is that the right schooling for European affairs? No, not really. David Cameron had, essentially, not done very much before he became prime minister. People come to power in the British system with all sorts of ministerial and backgrounds.

Boris Johnson would seem thoroughly well qualified to deal with Europe, having been partly brought up in Brussels, having been a journalist in the European Commission press room – I remember him from those days –and he speaks foreign languages.

That's why advisors are important. I would hope that, as Prime Minister, Theresa May listened to people who knew about different facets of the European process, ones that she hadn't come across. It is a complicated system. Nothing beats personal experience of it, knowing, really, how it works but you can't do everything. It has, as we know, a bunch of complex decision-making procedures and, indeed, institutional frameworks which nobody can know all about, so you have to listen to people who do.