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The EU referendum

UK in a Changing Europe (UKICE): You spent a lot of time working in the EU institutions during that period at the start of this century. Did you detect that UK attitudes to the EU were fundamentally changing?

Julian King (JK): At the start of the century, I was working on the Central European, Cyprus and Malta enlargement process, the accession negotiations, and the UK was one of the most active countries, playing a leadership role in shaping and then accelerating and delivering those negotiations. At that stage, on that range of issues, the UK was playing an absolutely central role in driving one of the EU's most important policies. When I contrast more recent years with that, then yes, the contrast is marked.

UKICE: But you had no sense of that change as you watched (David) Cameron's rise to power, and the tone of the debate in the Conservative Party?

JK: There was something that flowed out of the enlargement process that fed into domestic politics, not only in the UK, but particularly in the UK, and that was the set of arrangements on the movement of citizens from the new member states.

It has been commented elsewhere, the UK was, along with Sweden and, a little bit later, Ireland, one of the leading countries saying, 'Let's not lock citizens from the new member states out for seven years unnecessarily. Let's have a more flexible arrangement that might allow people to move around within the enlarged EU earlier than that'.

That was resisted by a number of countries, and in the end, the compromise, as you'll recall, was a kind of graduated, optional scheme, and the Blair government chose, along with one or two other countries, to use the possibilities of the quickest possible opening. That, at the time, was seen again as UK leadership. It had subsequent significant consequences on the domestic political debate around the UK's relationship with the EU.

At the same time as we were leading on enlargement, there were other things going on, particularly on the economic side, where there were increasing concerns. I don't think it's a coincidence that the Treasury and the economic parts at the centre of Whitehall took an increasing interest in, and increased their level of involvement in, EU affairs as that process went forward.

By the time Cameron was in No10, those economic issues were the driving policy concern for UK PLC in the EU. What did the euro mean? How was that going to work for general governance, and in particular, what would be the fallout for the City of the relative weight of the different decision-making fora? And what would be the fallout of the Larosière process, on recalibrating the regulation of financial services following the 2007/2008 crash?

UKICE: Were you surprised by the Bloomberg speech, by Cameron offering a referendum?

JK: I don't think I was, but only because I had some echoes of the discussions that were taking place in the lead-up to that, and of some of the work that Ed Llewellyn had been doing in thinking about those issues and how to handle them.

UKICE: On the Europe issue within the Civil Service itself, did you become aware of any gradual marginalisation of EU expertise within the Civil Service in those years?

JK: I think there were different processes going on. There was a clear shift to focus on the economic issues and economic governance and an increasing role, therefore, for the Treasury and the economic parts of the centre in Whitehall. That led to a certain shift away from the Foreign Office and from the Foreign Office's role, and that's all well documented.

I think it's a mistake to conflate that with marginalisation of EU experience, because there was plenty of EU experience within the Treasury and the economic parts at the centre of Whitehall. It's just that they had an increasing role, and people who worked on other aspects of Europe, notably from the Foreign Office, had less of a role on those economic governance issues.

You can see that in the top personnel decisions, and I think possibly more importantly, in the shift in focus and attention. Someone like Ivan (Rogers) would say, 'the correct prioritisation'. Others might say, 'the narrowing of perspective of HMG engagement on European issues during the Cameron years'.

UKICE: When you were running the Northern Ireland Office as Director General when Cameron was doing the Bloomberg speech, did you have any input on what the commitment to a referendum might mean for Northern Ireland?

JK: Not that I recall.

UKICE: You took up your post in Paris at the start of February 2016. Did the fact of the referendum get in the way of your day job at all? Did it impinge for those few months?

JK: It was quite a big feature, as you might imagine. The most striking thing about those early months in Paris for me was that I was arguing, with some conviction, that this was going to be okay; it was a big debate, but the experience that some other countries had of a negative outcome in a referendum shouldn't be read across into the UK debate, because this was a different kind of debate.

It wasn't a debate about whether you liked one form of text or another. It was a debate about the country's future and its future engagement with its near neighbours, friends, partners and allies. That that was a qualitatively different decision, and it would come out okay.

Some of the senior French people I was talking to appeared to accept that, but others said, 'You are kidding yourself. We've seen this story. We had one narrow miss and we had one loss, and these debates take on a momentum of their own'. In particular, I remember a conversation with (Laurent) Fabius, who had, of course, been a leading voice for the 'No' vote in the last French referendum, who said that you underestimate 'No' at your peril. He proved to be right, and the view that I was expressing obviously proved to be wrong.

UKICE: Were you briefed by London to put pressure on the French government, to actually make sure David Cameron could point to some meaningful concessions from the EU in his renegotiation?

JK: The Cameron negotiation process had essentially run its course. We did seek to – not just in Paris – persuade EU partners to portray the outcome of the negotiations positively, and say that they would follow up and support the measures agreed.

Indeed, as far as I recall, the French were happy to recognise the outcome of those negotiations, and I don't recall them going around poo-pooing them and saying it wasn't useful or hadn't been worth it. But the kinds of discussions we were having about the politics of referendums was much more what I said a few minutes ago: a warning and a caution based on their experience.

UKICE: Were you taken aback when François Hollande intervened and warned of the consequences for the UK if it left the EU, in terms of incoming immigration?

JK: The relationships between key figures in the French government and the UK at that time were focused on other issues. There was a lot of discussion around energy. As you might remember, there was a question about whether EDF were going to continue to be involved in various nuclear projects, and that took up a lot of time. More, in my recollection, than was spent talking about the intricacies of the referendum.

UKICE: Do you remember where you were on the night of the referendum?

JK: Yes. I had been having various conversations across the French government about the prospects, as I've described, and saw the first results with a group of French journalists who were interested in the evening. Of course, you're an hour ahead, in Paris. That ended in a friendly kind of way. Reasonably optimistic. I walked back to the residence, it was a glorious evening, took myself off to bed. And the next thing I remember is my phone going off.

It was my wife phoning from Brussels, where she was, saying, 'Are you watching this?' I had to admit that I wasn't watching it – I'd gone to bed. She said, 'Well, you'd better get up and turn the telly on'.

So, that is indeed what I did, and followed the rest of that night and early morning. Then, in the morning, I started receiving telephone calls from some of the journalists I'd seen from the previous evening and others across the French government and administration, saying, 'What the hell happens now?' I tried to explain to them as events unfolded in London.

There was then a need also to talk to staff. Simon McDonald obviously had an experience with staff in the FCO in London, but across the network, particularly in Europe, staff were personally affected by all of this and many of them had strong views on it. I should add, strong views going in all directions and different directions.

In Paris, we got the staff together later that day. When you bring them all together, it's 200-plus people, and for many of them, this was a deeply personal thing that was going to affect their personal lives.

They could see that, even if none of us could yet quite work out how it was

going to affect their lives, but there were people who had either devoted a lot of their life to bilateral, multilateral links across Europe or had family or other personal links, who were deeply affected by all of this.

We had to deal with an outpouring of deeply felt emotion as positively as we could and try and make sure that people were going to be able to continue to focus on managing the fallout and the consequences which started immediately in the days and weeks ahead.

Joining the European Commission

UK in a Changing Europe (UKICE): Simon McDonald told us that he suggested you to Jeremy Heywood as the right person to be the UK Official Chief Negotiator. Did you know about that?

Julian King (JK): No, not at the time. But I was, of course, approached about another role, because lots of things were happening very fast. One of the things that happened quickly – and it seemed to come as a surprise to some in London – was that Jonathan Hill handed in his resignation in the Commission.

He would say that shouldn't have been a surprise, because he discussed it. He thought it was difficult to have the role that he held in the Commission, a central financial services-related role, and he rightly and correctly predicted that people in the European Parliament would have very strong views on him maintaining that role, and would take action around it.

But that meant that there was a new problem, which was that the UK was still entitled to – and indeed needed to – appoint someone as Commissioner. So, there was some discussion, which I wasn't initially privy to, in Whitehall about how they might do this.

They realised that going with a politician was complicated, because that person would have been on one side or other of the debate, and if they had been advocating Leave, they could expect a pretty torrid time in the European Parliament. There was a lot of anger and emotion around at that time.

If they'd been on the Remain side, then they might have had some trouble with their colleagues back in London. So, they looked elsewhere, and there

was, apparently, a fairly small pool of non-politicians. And they came to me.

I was asked whether I would be willing to do this, and at first I said that I'd really only just got going in Paris. Then, over a period of some days, it was made clear to me that that really wasn't the required answer.

I don't hide also that it was a fascinating and unique proposition, so having discussed it with my wife, we said yes, we would have a go. The downsides were that I became the second shortest-serving British Ambassador in Paris. Only the Duke of Wellington served a shorter period.

The other downside, which, at the time, felt quite real, was that you might not get through the approval process. There was a lot of resistance. In Paris, for example, on the day after the referendum, I was on the 8 o'clock evening news being asked what was going on, and I was trying to explain. I was on with some French politicians, who were so angry that, literally, their spittle created rainbows in the arc lights of the studio. People were really very upset.

UKICE: Was there the suggestion that we shouldn't have a Commissioner at all?

JK: They were upset about the disruption that the referendum result was going to cause to Europe, and some in France were worried about knock-on consequences in their domestic politics. Don't forget that either.

UKICE: In your initial conversations on the 24 or 25 June with the French Government, how did they react? Did they have a worked-out position?

JK: They didn't have a fully worked-through position, but they'd done some contingency work. They may have done more contingency work than some in Whitehall, and had a sort of route map of how they were going to think through the issues in subsequent negotiations in order to make sure that they didn't end up disadvantaged, as they would see it, in key areas. That work, I know, kicked off very quickly.

But there was also, at a political level, some concern that this was going to boost Marine Le Pen and other voices who were negative about Europe. We lose sight of it a little bit now in retrospect, but at the time, there was real

concern in some European countries about knock-on consequences.

UKICE: When you said it wasn't clear whether you thought that you might not get confirmed at all as a European Commissioner, and indeed that some in the EU might think that the UK shouldn't have a Commissioner at all, if not you, then who would be acceptable?

JK: Having said, 'Okay, let's try and do this', I went to see the Commission, which, in practice, meant going to see Jean-Claude Juncker. It is, after all, up to the President of the Commission to say whether or not somebody suggested by a country is acceptable to them. So, I sat down with him and had a conversation that I still remember very clearly.

He said, 'There are people here in the institutions, and in particular in the European Parliament who say 'Well, it's their bed. They've made it. Why should they have a Commissioner?'

But he said, 'We're pretty clear that we don't want to go down that route'. Then he said, 'But you also need to understand there are quite a lot of people across the institutions, and particularly in Parliament, who think that if there's got to be a British Commissioner, then they should be locked in a cupboard and given nothing to do, or perhaps at the very best, they might be made responsible for building maintenance and the cleaning of lavatories'.

'But I'm not going to do that', said Juncker, 'because I am very positive about the United Kingdom and everything the United Kingdom has done over history for Europe'. He spoke about his father with some emotion, 'My family benefited from the UK's involvement at the end of the Second World War, and I'm not going to have anything to do with any process that doesn't respect the UK'.

'So', he said, 'the EPP (European People's Party) and the S&D (Socialists and Democrats) will get you through the European Parliament, and I will find a proper job for you to do'.

'Do you know anything about migration or security?', he asked. And I said I'd worked on security, including in Northern Ireland. 'We've got bombs going off all over Europe at the moment. We have a major terrorist problem, and we're

not on top of it, so would you be able to do some work around that?'

That's what happened: Juncker proposed me as Commissioner for the Security Union, and he and (Martin) Schulz at the time then rallied around, and the EPP and S&D machine basically took over and got me through the European Parliament.

UKICE: You were still in Paris as Mrs May started her premiership. Can you recall whether they were interested in what you were reporting from national capitals about how the EU might react, or how the EU might approach the negotiations?

JK: Mrs May came to Paris on one of her very first visits. She had a friendly meeting with (François) Hollande, as I recall, but the French were asking what she was going to do, and the British side didn't really have a completely worked-out set of answers.

To be fair, the French did recognise that this was very early days, but even at that point, they were saying things like, 'We respect the vote. We respect that you're now going to find a way of following up on that, but don't think you're going to be doing it at the expense of a long list of French concerns'.

UKICE: Quite a lot of people took the establishment of the Department for International Trade as an early signal that the UK was going to leave the customs union, or at the very least would be able to run its own independent trade policy. Was it seen as that in Paris? Were there briefings to posts on what the new architecture in Whitehall for running Brexit meant?

JK: Not that I can recall, but to be fair I had one foot out of the door. I was being told to get myself to Brussels, find some MEPs to lobby and get myself installed in this new role. When I got to Brussels, so we're talking about the late summer, I can remember quite intense conversations with people around Juncker, (Martin) Selmayr and others, trying to understand and read the runes.

There were a limited number of decisions. There was also a certain amount of rhetoric, some of which didn't shed a lot of light on what was going to happen.

The Commission were trying to understand what the different arrangements in

new departments meant at that point. For quite a long time afterwards, they couldn't quite understand the animus against the customs union, and we might come back to that in subsequent questions. But they really had a lot of problems understanding the animus against the customs union.

UKICE: You're sitting in the College of Commissioners, doing a very important job. Meanwhile Brexit is going on, but as the 27 rather than as the 28. Did they use you at all to interpret what was going on in the UK, in a slightly neutrally dispassionate way, or did they just put a Chinese wall around you and say, 'We just don't talk to Commissioner King at all about Brexit because it would be unfair to him and it's inappropriate for us'?

JK: There was a hiatus while I was trying to get myself through the European Parliament. Then, I arrived in the College, and I joined in the regular Brexit updates in the College – usually led by Michel Barnier– where there would be a discussion, more or less detailed, about how the process was going.

In the course of the more than three years that I was sat around that table, Juncker gave a very clear steer, which was that I was obviously not going to have anything directly to do with the negotiation. That wasn't going to work. How could I do that? And even if I did that, how would anybody understand it?

But within the College, when there was a discussion about the process, and sometimes when there were discussions about individual positions for the negotiations, he would, very decently, systematically come to me and my Irish colleague, Phil Hogan, to describe what we thought this meant, what the possible consequences of particular positions might be, the kinds of reactions they might elicit. He stuck to that throughout.

UKICE: When did you get your final confirmation?

JK: I was confirmed mid-September.

UKICE: So you were a full member of the Commission at the time of the Conservative Party Conference? I'm just wondering what your colleagues made of the Prime Minister's speeches then.

JK: The discussions in the College became more meaningful towards the latter

half of 2017, and then were quite substantive throughout 2018 and 2019. Right at the beginning, they were fairly general. It was really noting the statements that were made.

And if you'll remember, the EU had to get its house in order, so there was a big focus in those first months on agreeing the various guidelines, the negotiating framework, and that was the prime focus on the EU side, because they wanted to do that fast. That was motivated, obviously, by a desire to keep the EU side together.

Again, in retrospect, it's perhaps easy to overlook how much concern there was at the time about people going in different directions and not sticking together, but they also – at least Juncker, Selmayr and some of the people around the centre – understood that there was a huge opportunity if they could set the framework.

The kind of work that I've referred to already that was going on in Paris, to think about, 'Okay, so this is going to happen, so what are our interests and how do we preserve them?', was then mapped across the EU more generally and it was seen as a real imperative to get on with that, but also an opportunity while the UK side was trying to sort itself out.

The UK's EU Commissioner 2016-19

UK in a Changing Europe (UKICE): Throughout your tenure, did the fact that Brexit was going on in the background ever really impinge on your ability to do your job? Guy Verhofstadt, publicly, was unhappy about you being where you were. Did that get in the way at all?

Julian King (JK): It wasn't always easy at the beginning with the European Parliament. Guy Verhofstadt's ALDE group had voted against me. They were initially reluctant to work with me. But that changed over time, as we got to know each other, and driven by events.

There was a real problem on the security side. Bombs were going off all over Europe, and they really did need somebody to introduce some new impetus into the work that was going on at a European level to help and support the member states. At the end of 2016, and through 2017 in particular, we had a

raft of proposals that were going through that were designed to assist the member states' efforts in tackling terrorism. Then, during 2017, cyber security took off on both sides of the Atlantic, and everybody got very worried about cyber and hybrid threats, and democratic resilience to cyber interference and disinformation.

So, for all the wrong reasons, a series of attempts by the bad guys to disrupt European politics and European life meant that I had a full job, and that momentum carried me through those early periods when it was a bit odd having a Brit do this work. But people got over it.

Later on, towards the end, it got a bit more difficult again, if I'm honest. During 2019, when we were in various phases of extra time, there was still a lot of work to do, and fortunately, there was a track record of 2½ years to build upon, but it did get more awkward.

UKICE: Did Brexit impact the way you interacted with member state representatives?

JK: Not on core business. Fortunately, everybody was content to recognise that there was a portfolio job to do and important work to do, and we managed to build a corpus of work that got some buy-in. So that was the day job. Then, occasionally, if you were on a visit somewhere, you'd do that work, and then over a meal perhaps somebody would say to you, 'Brexit – so how's that all working out?', and you would have a separate discussion.

But it was largely compartmentalised, and it was clear that in the discussion about Brexit, it was my opinion, for whatever it was worth, and it wasn't mixed up with getting on with representing the Commission and working with the member states on the day job. I don't think it could have worked any other way.

In the College discussions, there were some exchanges where we were talking about the negotiations or policy positions, which were quite frank. Looking back on it, I think they probably had limited impact on how the process developed. But Juncker was content to have a frank discussion.

Particularly around Northern Ireland, I would express reservations about the

way the Commission was going about the negotiations – but I don't know that I managed to change the policy approach much.

UKICE: What were your reservations about the Commission approach? Obviously, the Commission was prioritising the interests of Ireland as a continuing member state and reflecting their concerns, but what did you think they were getting wrong?

Owen Paterson said that you were warning him that you thought that the Commission didn't really understand Unionist viewpoints, because it's talking to Ireland as a member state, but having a slightly one-dimensional view of what the issues were.

JK: I think that's a fair account of what I said to him when he asked. A lot of this comes out in (Michel) Barnier's diaries as well. Barnier had a pretty Manichaean view about Brexit. It was not only unwise and wrong; it was bad. If you didn't see that, then either you were fooling yourself or you were signing up to something that was bad for Europe as a whole.

That affected his relationship with some of the participants on the HMG side over time, but I think it particularly affected his relationship with some of the Northern Ireland Unionist politicians he met. Barnier made no secret of the fact that he didn't enjoy interacting with Northern Ireland Unionist politicians, that he didn't think they had a constructive point of view, and that he didn't think they respected the process or perhaps him.

That led to him having much warmer interactions with other political figures from Northern Ireland, in particular Sinn Féin, but not only, and really difficult relationships with representatives of Unionism.

At the same time, of course, there were structural issues, because there was no Northern Ireland Executive to give a shared input. So, the only way he could reach out to Northern Ireland political voices, which certainly I and others were encouraging him to do, was to meet the parties. But I don't think that experience led him to any greater sympathy or understanding of Unionist views, and I think if you read his diaries, that comes through.

He had, as he relates in his diaries, a sentimental relationship with Ireland,

echoing his hero de Gaulle's links with the country, and he appeared to sympathise with those who thought that the island might one day reunify.

He had difficulty understanding that there were people on the island of Ireland whose entire identity revolved around not accepting that. I'm afraid that did come through in some of the propositions and some of the outworkings of the discussions around handling Northern Ireland.

UKICE: A friend of mine in the French Embassy said to me a couple of weeks ago, 'You'd be surprised how many people in France think of Northern Ireland as your Algeria'. I thought it was a really revealing mark, actually.

JK: I never heard Barnier make such a remark, but I did hear it from other French people in Brussels.

UKICE: Going back to the negotiations themselves, when Theresa May triggered Article 50, she famously warned of the risks to defence and security cooperation if there wasn't a deal. Did you think that this was something that was, ultimately, damaging to the negotiations? What was the reaction to that on the EU side?

JK: As you'll remember, it was very quickly clarified on HMG's side that there was no such negative linkage and there was no threat. I certainly was happy to pick up on that in the internal discussions and to encourage the widespread view in Brussels and amongst member states' security authorities that there was every benefit to be had from finding ways of maintaining cooperation.

To flip it, if you like, and say, 'This isn't an area where you need to look at the negative. This is an area where you need to look at the positive. And if it is possible to evolve a relationship in the future that keeps, maintains as much as possible the security cooperation that would be to everybody's mutual benefit'.

That, fortunately, was the course that then was followed. Notably by, for example, Theresa May in her speech to the Munich Security Conference at the beginning of 2018, which was a powerful speech, I think, about the importance of a shared approach to European security.

We got some way, internally, in trying to get the Commission negotiating position to reflect the widespread view amongst member states' security experts that this was important and a way should be made to make it work.

That said, sometimes the Commission did things to undercut its own positions. Barnier, who'd done work in the past on the importance of building security links, put quite a lot of emphasis on it in the Political Declaration discussions, and was consequently frustrated and upset when the Johnson Government clarified that they weren't interested in that kind of cooperation.

At the same time, he was one of the advocates for taking a super-tough line on Galileo, when some of us inside the Commission were saying, 'Hold on a second. While we're saying that we want to cooperate on security, we're saying that we can't find an arrangement on Galileo because of concerns about the UK as a security partner. Don't you think that's a bit awkward, and shouldn't we be finding some way of managing this?'.

But I'm afraid we didn't get very far with that, and the industrial policy voices trumped the security voices.

UKICE: Throughout her time, Theresa May used some quite bold language on calling for a more ambitious model for security co-operation. Did it strike you, and did you say to London, that some of this was incompatible with her own red lines in terms of the role of the Court and so on?

JK: I didn't say anything to discourage Theresa May and her government from pursuing the line that she pursued, that was encapsulated in the Munich Security Conference speech, because I thought it was a good approach and that it was going to chime with a largely positive response across Europe. I thought that, if you could find positive momentum in this area, then it might help in some of the other problematic areas of the future relationship.

As things worked out, that didn't happen, but at the time, I thought it was credible to try and pursue that course. There were some complications around how some of the security agencies were going to work and the role of the ECJ. I didn't believe those were insoluble, and in fact in the end, under the Johnson administration, answers were found to many of those questions in that part of the TCA.

UKICE: What did you think of Theresa May's idea – I think she floated it in the Florence speech – of a separate security treaty, and why was the EU so opposed to that idea?

JK: I wasn't privy to all the internal debate in the UK about this, but on the EU's side, they were very clear that they didn't want to split off security, in part I think they wanted to try and keep an integrated approach across the board to governance issues. Again, we can forget now, but at the time, there was an enormous amount of effort going into the governance of the future relationship.

But I also think that there were some voices – I wouldn't want to exaggerate this – who didn't want to 'reward' the UK with a privileged security relationship while other things were not sorted out.

UKICE: To what extent did the EU worry about the security implications of a no deal outcome? Was that something that took up a lot of time?

JK: As you know, there was quite a lot of work done on the EU side about the contingencies of managing no deal. The priority given to that rose and fell at different times. But at the end of 2018, it was a high priority because there were people who were strongly of the view that no deal might well happen.

The Commission wrote a paper on managing the security implications, that paid more attention to the coherence of the EU position in the event of a no deal than it did to maintaining security links. The security voices at that stage were not the voices that were driving the EU planning.

UKICE: On Northern Ireland, you said you were concerned at the way some things ended up. We had the very fudgy language in the Joint Report, which was a bit of a 'let's live another day' compromise, if you like, kicking things forward. We then had the moment that the EU unveiled its text of the Northern Ireland protocol, and the Prime Minister instantly denounced it as 'something no British Prime Minister would ever sign up to'.

There are clearly big security issues about getting Northern Ireland right, as well as trade issues. What were your feelings, seeing this going on?

JK: When I arrived in the Commission, back in September 2016, I had a couple of conversations not with Juncker, but people around him, about Northern Ireland. They said, 'It's all very difficult' – this is the end of 2016 – 'We're going to have a real problem in managing all of this, and we're doing a survey of all of the arrangements that exist in border regions to see whether we can collect up examples, precedents, things that we could use to manage what's obviously going to be a very complicated border'.

I listened to them as they described things that happened with Norway, Switzerland, the Canary Islands and various other sets of arrangements, and tried to relate that for them to the geographic reality on the ground in Northern Ireland.

Then, those conversations just stopped. The next I heard was that there was, essentially, a working group based around the Legal Service looking at all of this and that, as far as they could see, the only way in which you could be sure about border management was to apply the acquis across the whole of the island of Ireland.

I wasn't involved in those discussions. I noted that there was a discussion going on with the UK, and they reached the agreement, as you say, on the Joint Report, which they seemed to be okay with. Then, a few weeks later, the Commission unveiled direct to the College – I hadn't seen it before – the text of the Protocol, at which point, I said, 'I don't think this is going to work. I think this is really problematic. It will look to some people like a Carthaginian peace. And we know how that ends'.

I didn't get much support. In the margins, I was told, 'If the UK will talk to us on some basis like this, then what are you cutting up for?' Shortly thereafter, of course, the UK clarified that it wasn't going to talk to the Commission on this basis, so the story moved on a bit.

Part of the problem of the situation in Northern Ireland today, I believe, goes back to the EU's initial proposal, and the underlying approach on the EU side. The EU was, if you like, extrapolating from the famous 'Paisley cows' and a single epidemiological zone, to propose that the only way you could manage this problem was to have a single regulatory zone across the whole of the island of Ireland. But within Northern Ireland, there was a very complicated

political agreement, balancing the respect of two different communities; across the island, there were two distinct jurisdictions; and under the Good Friday Agreement all-island affairs were managed in a joint way. So simply applying the EU acquis across that situation was very difficult. But that was the starting point and all the different iterations since then, one way or another, go back to that starting point.

UKICE: Was there a King version of ‘alternative arrangements’?

JK: No. You have to manage some form of confidence building around regulation, but I’m just saying that the starting point that the Commission set out didn’t help, subsequently, to build confidence across the different communities in Northern Ireland about how to manage that.

UKICE: How did the arrival of Boris Johnson change the tone of discussions over defence and security? Did that happen immediately?

JK: What happened immediately was that Johnson and (David) Frost clarified that they didn’t agree with those bits of the Political Declaration, and they didn’t want structured cooperation on foreign policy and international security, which, for Barnier and a number of others, had been bundled together with thinking about internal security. The arrangements would be different, but the idea was that you were having a security relationship.

Then on the internal security agenda, the Johnson Government made clear that their cross-cutting red lines applied. So, you weren’t going to have reference to EU law, and you weren’t going to have ECJ jurisdiction. That led to a bit of an intake of breath on the EU side as they tried to work out how that would work for continuing internal security cooperation.

In practice, the Commission had already been starting to think about that, because even under the Theresa May position, it was clear that you weren’t going to have the ECJ playing the kind of role across the agencies that had previously been the case. It was clear that you weren’t going to be able to simply roll forward the European Arrest Warrant as a piece of EU legislation.

So, the intake of breath and pause was more a reaction on the, as they saw it, distancing from the Political Declaration, which an enormous amount of work

had gone into, and then they picked up the work on internal security.

UKICE: Were you at all involved, formally or informally, in the negotiations of the Withdrawal Agreement?

JK: No. I was asked occasionally, informally, internally, about the relative priority to attach to different pieces of co-operation, and I was asked informally about some of the proposed governance arrangements, but I was never involved in any formal negotiations because that wasn't my role.

UKICE: Did Olly Robbins' team talk to you at all, or did the government try and use you as a way of bypassing the task force? Or Tim Barrow, in UKREP?

JK: These are people I'd grown up with in the Civil Service, who I knew personally. So, we would talk, but I was never used as a conduit for formal negotiation business. Again, I don't think it could have worked.

UKICE: Once we entered that period of extension after extension to the deadline, did that impinge on your ability to do your job, because, presumably, you didn't know how long you'd be doing it for?

JK: The two trickiest periods were right at the start and then at the end. The advantage towards the end was that there was a corpus of some years of work, so it was easier to make the distinction between my role as the Commissioner responsible for this area, and my origins.

Also, there was a rolling forward agenda, at least for the rest of the Juncker Commission, and in some areas extended well into the 2020s, particularly on cyber and resilience of critical digital infrastructure, but also the whole issue of disinformation/misinformation, and working with the big platforms on different forms of online harm. That work was in hand, and if I'd disappeared overnight, somebody else would have had to pick it up, but while I was there, I kept going.

On the morning of my very last day, seven or eight months into extra time, I chaired a meeting of the Commission with representatives of about 20 telecoms operators and suppliers across the EU on the question of 5G and how to assure the security of 5G supply. If there hadn't been that ongoing work programme, then I think, obviously, it would have been very different.

The UK-EU relationship after Brexit

UK in a Changing Europe (UKICE): Can you recall how you felt when you left the Berlaymont for the last time?

Julian King (JK): Well, I went to the pub, just across the road, and spent the evening with British journos, toasting the occasion.

UKICE: You then, obviously, had a spectator's seat as David Frost and Michel Barnier took forward the next stage of the negotiations on the Trade and Cooperation Agreement. As an obviously very well-informed but third-party observer, I wondered what you made of where they ended up on the security side of the TCA. Did you think that this, given both sides' red lines, was about as good as it could get?

JK: On foreign policy and international security, there's no structured arrangement. The internal security part is one of the positive parts of the TCA, given the framing. It was better than many had expected. It was better than I expected at various stages. They managed to save significant elements of co-operation.

There are obvious cross-cutting constraints that were always going to be there around respect for fundamental rights. But the way in which that is described is not the most extreme way that some on the EU side were talking about it while I was there, which was to tell the UK how they would have to implement in domestic law some of these constraints, which, again, I think was a sort of overreach.

There are, obviously, concerns about data adequacy, data protection, which continue, but that are framed in a way that is manageable for maintaining internal security cooperation. They managed to maintain a relationship with the key agencies that work in this area – Europol, Eurojust, the others – that is, frankly, as good as it was going to get. You were no longer a member state. You were a third country, but they've got a partnership that is as good as any other third country, and in fact combines some of the best elements of different third-country partnerships.

They preserved access to a number of key databases – not the Schengen Information System, but that was because of constraints on the EU side. And they managed to have the most important piece of legislation in this area, the European Arrest Warrant, reproduced in the framework of the TCA outside of EU law. Again, that was very positive as far as the practitioners were concerned. They were very worried that might get lost.

They left open the possibility of continuing and building up some of the very important informal networks for cooperation on cyber, for example. So, I thought it was a pretty good outcome, given the framing.

UKICE: On the Barnier attraction to have a formal foreign external security pillar, Barnier has made much of his disappointment that the UK didn't want that. David Frost, conversely, has said that the UK wants to go on co-operating, it just doesn't see the need for that to be a structure set out in the TCA. Do you think it makes a substantive difference?

JK: The attachment to having it formalised, to having a substantive framework for it, was in the Political Declaration, of course.

It came from that stage of the negotiations, where, as you'll remember, if you're in Barnier's shoes, in exchange for probably going further than you had felt comfortable with in the context of the Withdrawal Agreement to opening up possibilities of continued trading relations and a solution on Northern Ireland that wasn't your preferred solution, you balanced it with a Political Declaration that preserved some of the EU's key concerns and – Barnier wouldn't use these words – tied the UK into cooperation across a range of areas, including areas that were of interest to the EU.

Then, of course, Johnson and Frost step away from that, and that created a certain amount of upset, but fairly quickly, there was a coming to terms with the fact that Johnson and Frost were also saying that we don't need these trade arrangements either, because we're going to have a much purer relationship on that side.

UKICE: I'm intrigued as to what, substantively, the EU thinks it gains from these formal structures and having a sort of formal pillar about that in the TCA, as opposed to having a government does it because it's in its clear interest to

do it. Is it just a case of, 'We said it, so we want it', or is it, 'We think something really substantive has been lost by not having formal agreement'?

JK: I think that quite a lot of it was, 'Well, this was the plan'. I do think, because of the way the EU operates and the kind of beast it is, it does think in terms of formal and structured cooperation, and it just has more trouble thinking in terms of completely ad hoc cooperation.

It also thinks that, in the absence of a fully trusting relationship, you can never be sure what's going to happen, so perhaps it's better to have a structured framework.

UKICE: We've seen, throughout the Brexit negotiations, one of the things that the UK repeatedly thought it could do was get around the Commission and go to member states. Was there a sense from the EU perspective, and maybe from some of the smaller member states' perspectives, that this was a helpful way of ensuring the UK would deal more with the EU as an institution, as opposed to going around à la carte to capitals doing bilateral arrangements?

JK: There's some of that, but I think, while the UK was a full, participating member state, there was a degree of realism about how this works in practice on foreign policy issues, and to an extent on security issues.

The gap between what would have happened under a Political Declaration-type framework and what is happening now may not, in practice, be that large, but the difference is that the terms of that engagement are set more by the third country. In this case, the UK.

There'll be cooperation when the UK rocks up because it fancies a bit of cooperation. In another area where the EU might think, for a variety of reasons, it would be good to have cooperation, there are no ties that bind the UK into engaging on that. So, it's seen as more in the interests of the third party.

UKICE: One of the things David Frost repeatedly says is that the EU never really understood how big a change there was in the Johnson approach compared to the Theresa May approach, in terms of their limited view of the UK-EU relationship. Do you think that's fair? Did the EU not really quite figure out that this was a UK asking for a very different, much more distant sort of

relationship?

JK: Well, at each step, including under May, where it became clear that the UK was not interested in and didn't want a certain kind of relationship, I think the EU had to digest that. Because remember, of course, the EU basically operates with one gear on relationships with its neighbours, and that is the relationship will be governed by the EU's rules and terms. That's largely its learnt behaviour.

That's what happened during the series of enlargement processes. That's what happened in its relationship with countries that chose not to join and make up the European Free Trade Association (EFTA) and the European Economic Area (EEA). That's certainly the driver, until now, of its neighbourhood policy. So that's the learnt behaviour.

When it came up against a partner who was saying, 'We don't really want to engage on this or that or the other', it took a little while to digest that, and when the move was bigger, it took longer to digest. So, when Johnson and Frost arrived and said, 'We're not doing the Political Declaration, but don't worry, we don't want some of the other links you were talking about either', that took quite a long time for the EU side to digest.

But I think they have digested it and are now inclined to try and police the final Agreement quite fiercely. The problem now is when, as HMG, you come back and say, 'On this area, we'd quite like a little bit of flexibility or a certain amount of bespokeness', I'm afraid it's an uphill struggle to get a sympathetic hearing.

UKICE: Ivan Rogers used to say that he thought the EU had won a whole range of tactical battles, but hadn't really thought strategically about how it wanted to relate to a big neighbour that had decided it didn't want to be part of the cohesive club anymore.

I wonder, in your time in Brussels, whether you saw any sign of people thinking 'Is the line we're taking through these negotiations, and maybe even the line we're taking on Northern Ireland, conducive to ending up where we want to be with the UK over the next 5, 10, 15 years as the EU evolves?'

JK: I agree with Ivan on this. I didn't see very much that spoke either to a strategic vision of the long-term relationship, nor to a positive vision. The vision was – certainly through the Withdrawal Agreement negotiations, and it spilled over into the TCA negotiations – essentially defensive, driven by preserving the EU's interests and managing the balance between different interests within the EU.

The longer-term vision wasn't really discussed, and I think there are two main reasons for that. One, I've already referred to, is about how the EU thinks of itself, how it works and how, up until now, it has governed its relationships with its neighbourhood. And the UK didn't fit into that framework.

But the other, of course, was the UK, and sometimes its lack of clarity, shifting objectives, and sometimes when the objectives were clear and indeed when an agreement had been reached with the May government, it then being repudiated in Parliament. Part of the problem was dealing with the UK as a negotiating partner, and I think that's still, in some areas, the case.

UKICE: From your time in Brussels, with the UK already, if you like, in the departure lounge, did you see signs that the EU was already changing internally? There was a loss of what had been quite an influential UK voice in its internal debates, perhaps not so much on the security side, but more so on some of the economic debates and approach to regulation?

JK: While I was there, I can't immediately recall an occasion when somebody said, 'If the UK had been staying, we'd have done this differently'. That said, the Commission moved very quickly in 2016/17 to thinking about the EU interests and future policy direction in terms of the 27.

As you move forward – but this is after I left – and you look at the whole range of issues around the Recovery Fund and indeed the process for managing the recovery plans, I agree with those who have said that that debate would have been very different if the UK had still been there.

UKICE: There is a quote from François Hollande, straight after the referendum, saying that the EU needed to understand its shortcomings, and I think President Macron, a year or two later, said, 'If we'd had a referendum in France, the French might have voted 'No' as well'. Do you think that the EU

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actually took on board that to have a big member state decide to renounce the benefits of EU membership actually did require a bit of introspection, or has that been postponed?

JK: There was a period of introspection and concern right at the beginning, so that goes back to the questions we were talking about at the beginning of this discussion. We forget, perhaps, just how much concern there was in the summer of 2016 that others might follow, that this might be a leading indicator of further disruption. Again, I commend the Barnier diaries for getting a sense of that.

But as things moved on, that dissipated quite quickly, and you have people now, internally, in the EU, trying to recall a little bit of that uncertainty to try and stimulate a discussion about future reform. But they're not supported by the current leadership of the Commission. The Commission under (Ursula) Von der Leyen is: 'Full steam ahead. We're doing well. We've got a series of things right, including on vaccines, which we initially got wrong'.

There is a strong core message of confidence coming from the current leadership of the Commission that sits uneasily with an internal questioning debate that says, 'There's a need for us to look hard at ourselves so that we can reform for the better'. Whether that will change with the Conference on the Future of Europe, I don't know.

UKICE: In the future UK-EU relationship, are we, basically, going to see what we've seen in the last 6½ months – taking pot shots at each other – or do you think it's going to settle down a bit?

JK: The short answer is that ex-colleagues in the EU institutions do not anticipate any significant change in the overall nature of the relationship for as long as this generation of Conservative politicians are in power.