UK IN A CHANGING EUROPE

WHITEHALL IN BRUSSELS:

THE UK PERMANENT REPRESENTATION TO THE EU

MATT BEVINGTON

FOREWORD

The UK has left the European Union but the two sides, as neighbours, partners and competitors, will need to continue to work with each other. How this happens matters. The UK Permanent Represeenation to the European Union was, during the UK's membership, a crucial cog in the machinery both of UK-EU interaction and of coordination within Whitehall. Renamed the UK Mission to the EU it will continue to play a vital role.

I'd like to thank Matt Bevington for producing this report for us, and to recommend it to you as an invaluable summary both of how the UK interacted with the EU in the past, and what role UKMiss might play in those interactions going forward.

More broadly, as Matt has now left UKICE to work elsewhere, this serves as an opportunity to thank him for all his work for us over the last few years. He will be sadly missed. In addition, thanks are due to Jill Rutter for editing and checking over the report, and Navjyot Lehl for handling design issues.

I hope you find what follows interesting and useful.

Anand Menon

10 March 2021

CONTENTS

Foreword **2**

Introduction **4**

The Permanent Representation to the EU **5**

Size 6

Culture 7

Structure 8

Senior officials **13**

Permanent Representative 13

Deputy Permanent Representative 17

EU Sherpa 19

Negotiation **24**

Tactics 25

Personalities and experience 27

Engaging with Whitehall **31**

Explaining Europe 31

A changing EU 34

Influencing policy 34

Influencing at EU level **38**

The British approach 38

European Parliament 40

Bureaucratic positions 43

Brexit **46**

The renegotiation 48

After the referendum 50

The UK Mission to the EU **55**

Conclusion **58**

INTRODUCTION

The UK has left the EU, but a close and important relationship between the two is inevitable and needs to be maintained.

Geographical proximity, historical connections and the deep economic and social ties between the UK and the EU mean that the EU will continue to be a major influence on the UK, and vice versa. The newly-minted Trade and Cooperation Agreement (TCA) ensures that the regulatory environments of both parties remain enmeshed and reactive to one another. Consequently, Brussels will continue to loom large over much of the UK's autonomy.

There are also many practical questions as to how relations will be managed in future. The withdrawal agreement, and especially the Northern Ireland protocol, will necessitate intense continued interaction in the EU-UK Joint Committee, to which the TCA adds a further complex set of governance arrangements. Moreover, as the TCA is far from being just a trade agreement, discussions will continue across a whole range of issues, from fisheries to police cooperation, to customs and social security.

Managing this morass of committees, review dates and discussions requires some form of central coordination within the UK Government. It will require the mobilisation of all the UK's EU expertise, including that in embassies in EU national capitals but especially of the UK Mission to the EU (UKMis) in Brussels. Having a diplomatic mission that can provide London with an accurate and nuanced insight into EU institutional dynamics will continue to be vital. Nothing can replicate the familiarity of grinding day-to-day interactions. This report also demonstrates that the close integration of the UK mission into the Whitehall policymaking system is vital, if the UK is to be effective in pursuing its interests in the EU.

This report has three main purposes: (1) to provide an account of how the UK's mission to the EU developed in the decade leading up to the UK's exit from the EU; (2) to assess the performance of the UK as a member state in dealing with the EU; and (3) to draw some tentative conclusions about how the UK can improve its engagement with the EU in future. It reveals some enduring problems at the heart of the British Government's approach to the EU, including a lack of understanding of how the EU functions, a lack of appreciation of the value of the UK mission and an insular political culture. Now that the UK is no longer a member state, all of these are at risk of worsening, making the UK's future relations with the EU more fractious and less productive than they need to be.

Except where specified as coming from other sources in the text, the quotes from former permanent representatives, deputies, officials and politicians in this report come from interviews conducted with them in summer 2020.

THE PERMANENT REPRESENTATION TO THE EU

The UK Permanent Representation to the EU (UKRep) was the UK's diplomatic mission to the bloc when it was a member state. Its job was to negotiate on behalf of the UK with other EU member states, to explain and advocate UK policy positions and to promote UK interests across all areas of EU policy. Its officials, who were drawn from across domestic departments in Whitehall, represented the UK in meetings in the EU Council and other EU institutions, and gathered information on policy and political developments at the EU level to feed back to their departmental counterparts in London. In short, it was the eyes, ears and mouthpiece of the UK Government in the EU.

The origins of UKRep date back to 1952, when the UK Delegation to the High Authority of the European Coal and Steel Community in Luxembourg was set up by Prime Minister Anthony Eden. This developed into the UK Delegation to the Communities following the Treaty of Rome in 1958, becoming the permanent representation on the UK's accession in 1973. Following the UK's exit from the EU in January 2020, the UKRep became the UK Mission to the EU (UKMis), with the Permanent Representative becoming first the Ambassador in 2020 and now the Head of Mission.

Like other UK delegations to multilateral organisations, UKRep operated as part of the then Foreign and Commonwealth Office (FCO, now the Foreign, Commonwealth and Development Office — FCDO). However, although some staff in the representation came from the Foreign Office — mostly to deal with EU foreign affairs issues — the majority of officials were loaned or seconded from domestic Whitehall departments. As a former UK Permanent Representative explains, "The great thing . . . was that the whole of Whitehall was represented there." UKRep was best seen not as a Foreign Office department but as 'Whitehall in Brussels'.

In November 2019, shortly before the UK's exit from the EU, UKRep was staffed by civil servants drawn from more than 20 domestic departments (in January 2021, this had fallen to 12). The reason for so many domestic officials was the need for their particular expertise: EU law ultimately became domestic law. As a former UK Permanent Representative explains, "The people I needed were domestic policy experts who were really across the dossiers for their department." Combining

knowledge of domestic policy and policy-making processes with EU proposals was what was required.

Historically, UKRep sat at the heart of EU policy coordination in Whitehall, alongside the (variously named) Europe Unit within the Cabinet Office, which led the coordination system for EU policy in the UK, and the Europe Directorate within the Foreign Office, as well as the Treasury and the PM's office. A crucial relationship in this system was between the permanent representative based in Brussels and the prime minister's EU adviser, or Sherpa, based in the Cabinet Office in London. These two individuals were at the centre of policy formation in the UK system on EU matters. The permanent representative advised on the negotiability of policy positions at EU level, whereas the sherpa had an overview of priorities in Whitehall, including those of the prime minister.

This system changed with the creation of the Department for Exiting the EU (DExEU) after the 2016 referendum. This new department initially took on coordinating responsibilities for EU policy that was previously held by the Cabinet Office and, initially, had overall responsibility for conducting the Brexit negotiations. UKRep then reported mainly to DExEU (although it continued to report to the Foreign Office on EU foreign policy). In September 2017, Brexit negotiations were transferred to the Cabinet Office, when the most senior official in DExEU, the Permanent Secretary Olly Robbins, moved to that department. From then, on matters relating to EU-exit negotiations, UKRep reported into the negotiating team in the Cabinet Office, whereas on day-to-day non-Brexit EU policy it continued to report to DExEU until that department was abolished in January 2020 when the UK left the EU.

SIZE

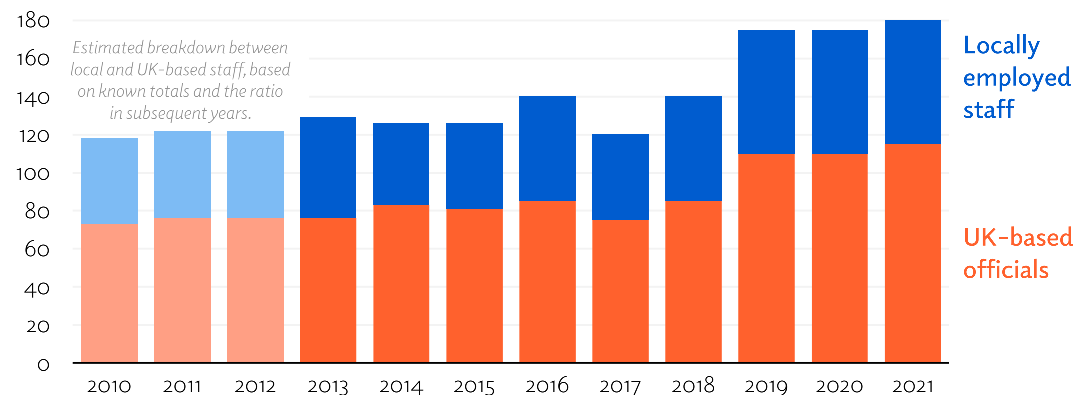
When the UK left the EU, the permanent representation consisted of around 175 full-time employees: two-thirds (around 110) were officials from Whitehall departments and the rest were locally employed staff (mostly, but not all, working in administrative or logistical roles). One respect in which UKRep was unusual among member states was in encouraging the development of locally employed staff, mostly Belgians, into policy roles.

Before the EU referendum, UKRep had only 120 full-time employees. This had been planned to increase temporarily to help manage the UK's scheduled presidency of the EU in the second half of 2017. However, after the referendum, the UK withdrew from the presidency, and some of this planned expansion was cancelled. Some 22 job offers to work at UKRep were withdrawn, and eight roles supporting the presidency from the Foreign Office in London were transferred to DExEU.

Nevertheless, owing to the demands of the Brexit process, UKRep soon expanded rapidly. By January 2021, the newly-formed UK Mission to the EU was almost a third bigger than it had been before the referendum. This coincided with large expansions across several other Brexit-heavy departments, including the Cabinet Office (which almost trebled in size between March 2016 and March 2020), the Treasury (+77%) and the Department for Environment, Food and Rural Affairs (+48%).

The Permanent Representation has grown substantially in recent years

Full-time employees at the UK Permanent Representation to the EU (up to 2020) or UK Mission to the EU (from 2021).



Source: Foreign, Commonwealth and Development Office; UK Mission to the EU.
Note: Figures are for March of the given year, except for 2021 where Janaury figures are used.

CULTURE

In terms of increasing employee diversity, UKRep had made reasonable strides in recent years. The male-female ratio of all staff went from 60:40 in 2015 to 50:50 in 2019. In terms of ethnicity, staff from Black, Asian and minority ethnic backgrounds rose from 4% to 9% over the same period.

Although most of the permanent representatives and deputies interviewed for this report were satisfied with UKRep's ability to attract talent from Whitehall, there were persistent concerns about officials being overlooked by domestic departments and falling behind their peers in terms of career progression when they sought to return. As a former UK Permanent Representative describes, "The example question they [potential recruits] always asked of me when I was trying to recruit them was, 'Will I be forgotten?'" As much as senior officials tried to reassure staff, there was no guarantee they would return on promotion.

This was a particular problem if managers in domestic departments did not, as was often the case, have a good understanding of UKRep's work. As another former Permanent Representative explained, one of the main disadvantages UKRep officials faced was a lack of managerial experience: "I was trying to argue, actually,

if you can persuade other member states to do what they don't want to do but you want them to do, that is a management skill." Nevertheless, their equivalents in Whitehall would have more directly transferable management skills for other roles.

There were practical issues that made UKRep less attractive than it could have been to potential applicants. A recent former UK Permanent Representative describes the practical human resources support offered to staff in UKRep as "pretty appalling":

> "We had examples of people moving out and being in temporary accommodation, with their kids four or five miles away in schools, but no car because they hadn't managed to get one across yet, with the wife taking an hour's worth of bus journeys when living in the flat below was another couple that had a car and was driving their kids to the same school every day. Those connections were just not made."

The same former Permanent Representative also recounts difficulties accessing even basic services:

> "I couldn't get a password to go onto the intranet for months, which meant I couldn't do all of my moving stuff and get my permissions. In the end, a friendly FCO official's wife lent me her FCO login and I skulked around on the intranet masquerading as her."

These relatively trivial issues seemed to confirm that the Foreign Office was not able to deal well with the complexity of the permanent representation on human resource management issues. By most accounts, HR support from the Foreign Office had not improved much even by the time the UK left the EU, although local support did.

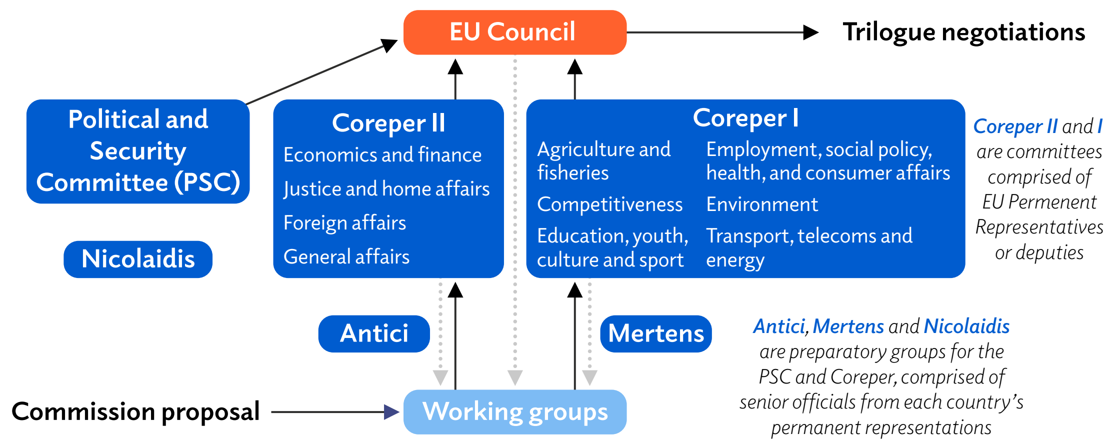
STRUCTURE

The structure of UKRep broadly mirrored that of the EU Council's decision-making structure, reflecting the fact that its work was driven predominantly by the Council calendar and its processes. The EU Council system can be thought of as an elaborate filtering process for EU policy (see chart below). Ordinary legislative proposals are fed in from the Commission at the bottom and pass through the Council system, before EU governments reach a collective position, which is then discussed with the European Parliament in trilogue negotiations.

The EU Council system filters the Commission's policy proposals, before entering trilogue negotiations

UK IN A CHANGING EUROPE

Structure of the EU Council system.



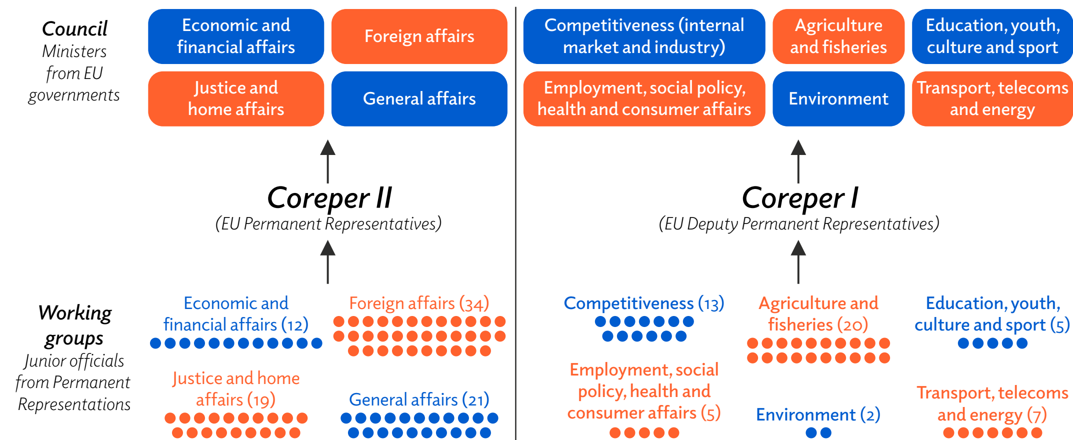
Source: General Secretariat of the EU Council.

There are three main levels in the Council system: working groups (peopled by junior officials from permanent representations), Coreper (meetings of EU Permanent representatives and deputies) and the Council itself (meetings of EU government ministers). There are over 130 working groups in the Council system. These deal with specific topics under the umbrella of each of the ten Council formats. Coreper (from the French *Comité des répresentants permanents*) is divided into two committees: Coreper II, where EU permanent representatives meet, and Coreper I of deputy permanent representatives. Each Coreper is responsible for preparing the work of the different Councils above them: counterintuitively, Coreper II deals with economic and financial, foreign and justice and home affairs, and generally the most salient political issues of the day; and Coreper I deals with the rest. Each Coreper also has its own preparatory group: for Coreper II it is called the 'Antici group' and for Coreper I it is called the 'Mertens group' (each named after its first chair). A senior official in a permanent representation is known as the 'Antici' or 'Mertens' and is their country's representative at these preparatory meetings. Finally, Council meetings are normally attended by a minister from the department that leads on the main business of the Council format. At the pinnacle of this structure sits the meeting of EU leaders at European Council meetings.

There are three broad levels in the EU Council structure

UK IN A CHANGING EUROPE

Detailed structure of EU Council, Committees of EU Permanent Representatives (Coreper), and working groups, January 2021.



Source: General Secretariat of the EU Council.

UKRep was divided into two 'sides of the house', as its officials described it, reflecting the division of responsibilities between Coreper II and Coreper I. Under the permanent representative sat teams working on economic and financial affairs, and justice and home affairs, as well as the political section. Under the deputy permanent representative were the agriculture, industry and social affairs teams.

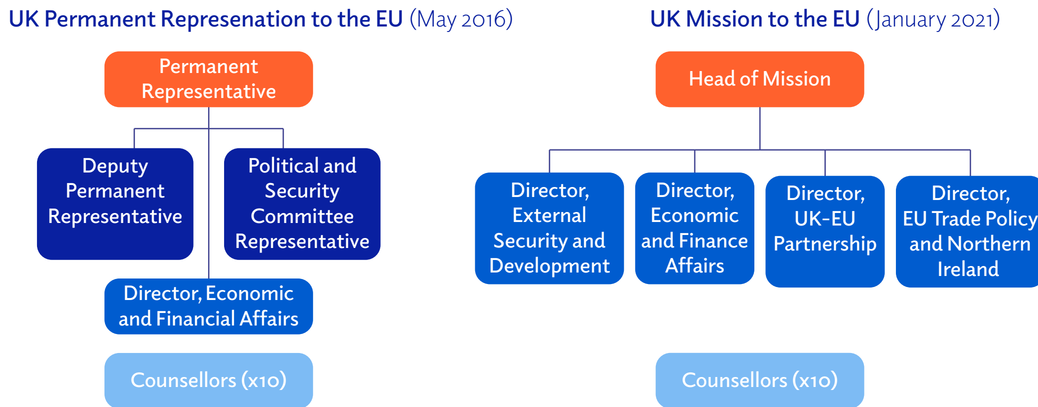
There is also a structure called the Political and Security Committee (PSC), which coordinates EU positions on major international events and crises. In the British system, the civil servants in this part of UKRep mostly came from the Foreign Office, but like all parts of the Representation it was a cross-departmental team, including officials from the Ministry of Defence. Like Coreper, the PSC also has a preparatory group known as the 'Nicolaidis'. The PSC ambassador role, as the position was termed, was a forming ground for some of the UK's most senior diplomats, not least the recent permanent representative turned first Ambassador to the EU, Sir Tim Barrow, and Julian Braithwaite, the UK's outgoing Ambassador to the World Trade Organisation. Under the PSC ambassador sat two teams, working on foreign affairs and defence, and trade and development issues.

Although these structures had remained largely static over the past decade, before the UK left the EU UKRep had begun to change. Notably, senior structures were redesigned and downgraded. Before the referendum, in May 2016, UKRep had a Permanent Representative at Permanent Secretary level, supported by the Deputy Permanent Representative and PSC ambassador at Director level, with just one director post, covering economic and financial affairs (see chart below). Since leaving the EU, the Head of Mission is now at the lower Director-General level, the deputy role has been abolished and the PSC ambassador has been downgraded to an equivalent director-level role. Alongside additional director-level posts

for the UK-EU Partnership, and EU Trade and Northern Ireland, as well as the existing Director for Economic and Financial Affairs, these now form the layer of senior management below the Head of Mission.

The new UK Mission to the EU has adapted its structure

Structure of the UK Permanent Representation to the EU and the UK Mission to the EU, May 2016 and January 2021.



Source: UK Government web archive, UKRep - Our Governance; UK Mission to the EU website - Our Governance.

Although there was a hierarchy between permanent representatives and their deputies, it was much less steep than in other UK overseas missions. Partly, this was because deputy permanent representatives had a large degree of responsibility and autonomy. As a former UK Deputy Permanent Representative describes the relationship:

> "We operated within two silos and, because of that, we had to put in place structures to make sure communication happened across the piece. There would be times when I would have to be briefed on an issue because the expertise was on that side of the house. You'd have a transport dossier that might have some JHA [Justice and Home Affairs] element to it and vice versa. We tried not to be too siloed, but the fundamental structure was silos. We would have a formal meeting every week, just a catch-up thing."

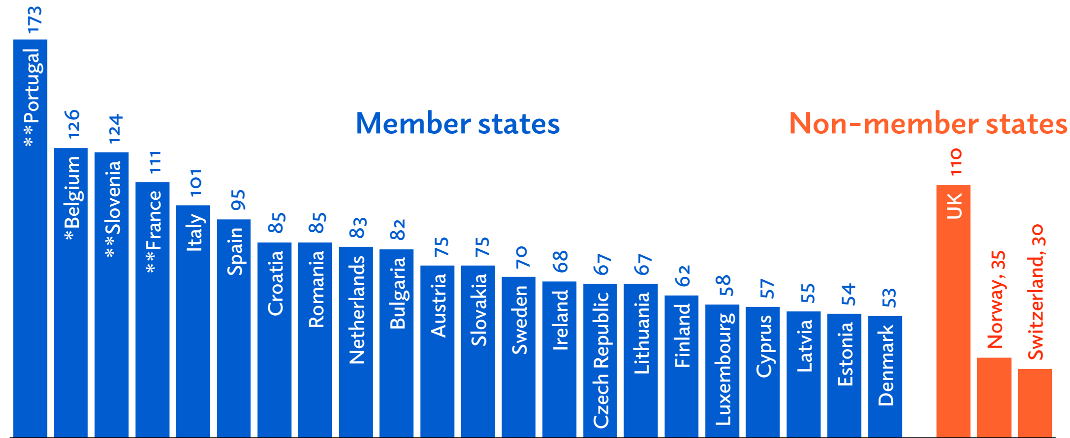
All permanent representations have similar staff structures, reflecting the areas of competence afforded to the EU institutions in the treaties. Each has teams dealing with the major EU policy areas. All member states send officials to the same working groups, Coreper meetings and Council meetings, and therefore require similar expertise. That said, there is variation in the diplomatic rank given to officials in different representations, depending on their administrative systems.

Permanent representations also vary in size. As the chart below shows, they can range from as few as 50 policy officials and diplomats to more than 100 when

managing EU presidencies. On average, permanent representations have around 80 such officials. UKRep was one of the larger representations.

The UK Mission to the EU remains large for a non-member

Estimate of the number of policy officials and diplomats at selected EU Permanent Representations and Missions to the EU, January 2021.



Source: EU Permanent Representations; UK, Norway and Swiss missions to the EU.
**Includes around 50 officials from Belgium's regional governments. **Temporarily inflated due to current or upcoming EU presidency.*

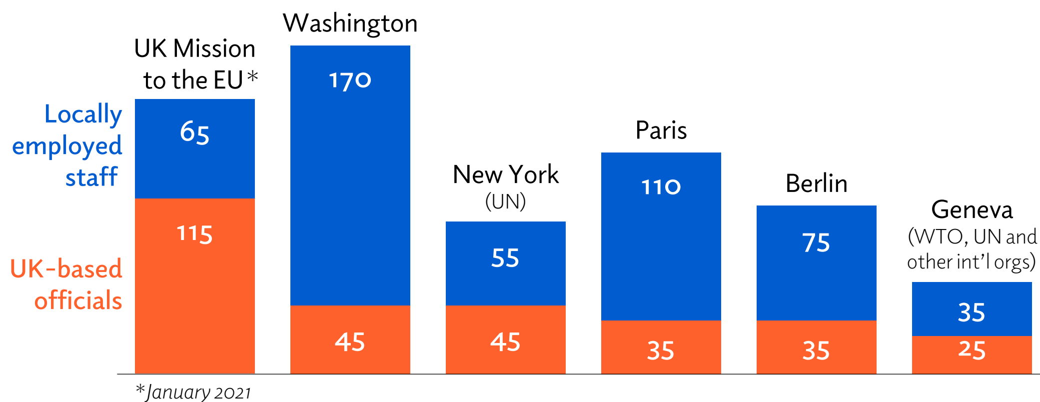
The data also show that some smaller member states have disproportionately large representations: the Belgian representation, for instance, is substantially bigger than those of other similar-sized member states because it has a large cohort of around 50 officials from its regional governments. That even the smallest member states maintain at least 50 policy officials and diplomats demonstrates that there is a need to have at least this minimum level to satisfy the demands of membership. The figures for Norway and Switzerland also show that the personnel demands of close relations with the EU are substantial.

SENIOR OFFICIALS

UKRep was — and the UK Mission to the EU continues to be — one of the UK's most important overseas diplomatic missions, with more than twice as many UK-based officials as the UK embassy in Washington, DC. As in Washington (and Paris previously), the head of UKRep was an appointment at the permanent-secretary level, the most senior level in the civil service. Before the UK left the EU in January 2020, the deputy permanent representative was at director-general level, on a par with the UK ambassadors in Beijing, Berlin and Tokyo. Due to the demands of EU membership, it had vastly more policy staff and senior civil servants than any other UK overseas mission.

The UK sends more officials to the EU than anywhere else

Staff numbers at major UK overseas missions, March 2020.



Source: Foreign, Commonwealth and Development Office.
Note: Numbers are midpoint estimates of a range.

PERMANENT REPRESENTATIVE

The permanent representative was the head of UKRep. In tandem with the EU sherpa (see below), this individual was one of the UK's key officials working on EU policy and the Government's lead negotiator on the biggest EU issues in Coreper II. The permanent representative would escort prime ministers to European Council meetings and were central in ensuring strong links between domestic departments and UKRep, often travelling back to London on Fridays to meet with EU policy colleagues in Whitehall, notably at meetings jointly chaired with the EU sherpa in the Cabinet Office. When the UK system functioned well, the permanent representative was centrally involved in all aspects of major EU policy formation.

The UK had 13 permanent representatives during its membership of the EU from 1973 to 2020, all of whom were men (see chart below). Until 2012, the permanent representative had always been a career diplomat. This was despite the original intention for the role to be rotated between the Foreign Office and domestic departments, alongside the head of the Europe Unit in the Cabinet Office.

In 2012, David Cameron was the first to appoint a non-Foreign Office official — Jon Cunliffe — as permanent representative. This was both a reversion to the original intention to rotate the role and a break with convention. Cunliffe's appointment caused consternation in the FCO ("a sharp intake of breath", as one senior Whitehall official puts it). According to a former Cameron advisor, this decision stemmed from a long-standing distrust of the Foreign Office within Number 10 (which can be traced back to Tony Blair and even before) the fact that "Cameron liked Treasury officials", and that the most salient issues in the EU during this period were economic and financial, which suited civil servants with a Treasury background. In addition, the appointment of Ivan Rogers as Cameron's EU sherpa in 2012 (replacing Cunliffe when he went to Brussels) marked a 'Treasury takeover' of the key EU policy roles in government at a time when economic and financial issues were high on the EU agenda, following the global financial crisis and the ensuing eurozone crisis.

Rogers had been recruited back from the private sector by the then Cabinet Secretary, Jeremy Heywood. As Rogers recounts:

> "Jeremy [Heywood] was on the phone to me when I was at Barclay's Capital saying, "Jon is about to go, I think you really should apply for this job [EU sherpa]." Then I said, 'We are in a world where, with the exception of Jon and me, who have you got?'"

In the early part of the 2010s, and even before, the UK was down to the barest minimum number of senior officials with the necessary experience and expertise to fill the most senior EU policy positions. In his book *Collateral Damage*[1], former UK Permanent Representative Kim Darroch explains that, when he became the EU sherpa, 'I was the only credible candidate on the scene'. As a former UK Permanent Representative argues, succession planning was much more effective in other EU countries:

> "You ought to know for the next 15 years who your brightest and best are who are likely to end up in this job someday. Europe works like that

1 Kim Darroch. 2020. Collateral Damage: Britain, America and Europe in the Age of Trump. London: William Collins.

> more than domestic Whitehall. You can probably name the pipeline in the German system of who is going to be the Sherpa or the Permanent Representative for the next 15 or 20 years."

When Jon Cunliffe left UKRep in 2013, not only was Ivan Rogers the obvious candidate to take over, he was one of the only candidates qualified to do so. But it would be wrong to assume any better succession planning in the Treasury. Rogers, after all, had left the civil service entirely before taking up the EU sherpa role.

The elevation of non-Foreign Office officials to permanent representative also partly reflected a decline in interest in EU issues within the Foreign Office. As a former minister in David Cameron's governments argues:

> "The Foreign Office had got very lazy about succession planning. They were not consciously developing a cadre of people who would be natural candidates with a range of experience and skills for those top jobs, for the permanent representation, for prime minister's Foreign Affairs Advisor or the old Europe job that Jon [Cunliffe] and Ivan [Rogers] held, or for NSA [National Security Advisor] even. I think the end of the old system of specialisation within the Foreign Office played its part."

This point is echoed by a senior Whitehall official: "There wasn't really an outstanding FCO Europe candidate for quite a long period. Once Kim [Darroch] had moved on, there wasn't an obvious replacement."

The caricatured image of the Foreign Office is that it is stuffed with Europhiles who idolise the EU. Yet there appeared to be dwindling interest in EU work within the department as the EU's competences expanded to encompass more domestic policy and as other priorities, such as security, took precedence. As a senior official describes:

> "Doing EU work was not very popular in the FCO. It's never as glamorous as conflict-y stuff. People appreciated that EU work was really hard, and because they didn't really want to do it themselves they were even more glad that somebody else was doing it."

Within the UK diplomatic system, Brussels was not seen as vital a career step as other diplomatic postings. Compared to smaller EU member states, where Brussels is often the premier diplomatic post, in the UK greater prestige is attached to the likes of Washington, DC, New York (at the UN) or bilateral posts such as Paris and increasingly Beijing. As former UK Permanent Representative Kim Darroch notes in *Collateral Damage*, becoming an EU specialist in Brussels 'had the reputation

around the corridors of being a sixty-hour-a-week grind, mostly spent in airless conference rooms negotiating the widgets directive. So there wasn't much of a queue at the door for this particular career path.'

The appointment of Cunliffe as permanent representative also allowed Cameron to demonstrate publicly a shift in approach on EU policy through his personnel decisions. As a senior Whitehall official explains, "The permanent representation had always been accused by some of being soft on Europe. That's partly why David Cameron put Treasury folks in charge of it: to show it wasn't.... It was a way of demonstrating his [Cameron's] Eurosceptic-ish credentials."

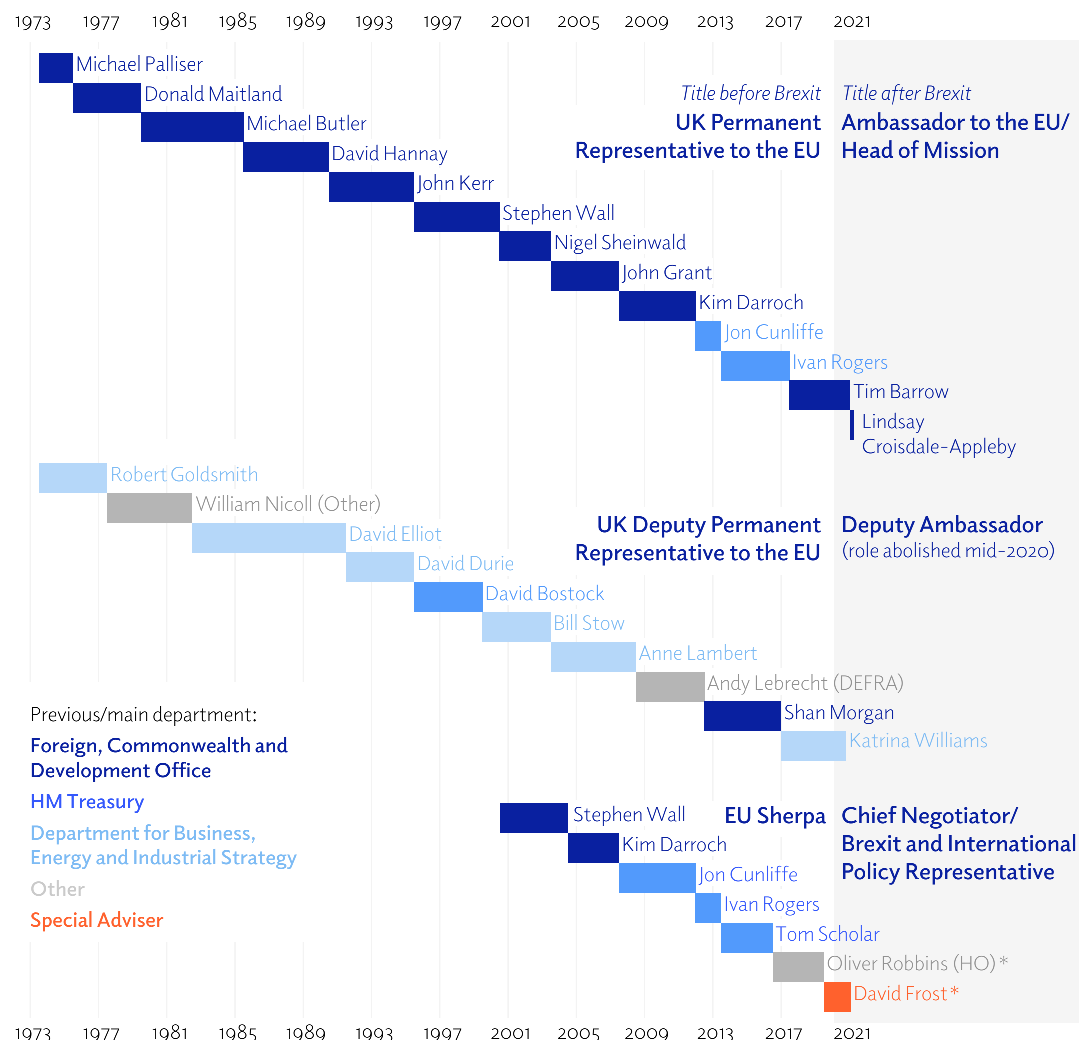
The choice of Jon Cunliffe also reflected the fact that he was highly qualified. He had been a director-general and then permanent secretary for EU (as well as international finance) issues, and other matters, at the Treasury (2005-2007) before becoming Gordon Brown's Europe advisor as head of the Europe and Global Issues Secretariat (EGIS) in the Cabinet Office (2007-2011). Cunliffe was tempted away from the permanent representation prematurely when he became Deputy Governor of the Bank of England after just 22 months in post. His exit led to Rogers becoming permanent representative, having previously succeeded Cunliffe to become head of EGIS and David Cameron's Europe sherpa in 2012.

The appointment of Sir Tim Barrow as the UK's final permanent representative in 2017 marked a return to the Foreign Office. Barrow had previously served as a first secretary and the UK's ambassador on the Political and Security Committee (PSC) in UKRep before returning to lead the mission, having also been the UK's ambassador to Ukraine and to Russia. But Barrow not only had very different career experience to his two predecessors, he was also a notably different character. As a former cabinet minister in Theresa May's government describes the difference between Rogers and Barrow: "Tim gets the political motivations and knows how to deal with politicians rather better than Ivan [Rogers] does. He was a better political diplomat than Ivan." The flipside of having Treasury officials employed to deliver forthright messages to the EU was perhaps that forthright messages also came back in the other direction.

Top UK government roles on EU policy have mostly been held by Foreign Office and Treasury officials

UK Permanent Representatives to the EU, Deputy Permanent Representatives to the EU, and EU Sherpas, 1973 to 2021.

UK IN A CHANGING EUROPE



Unlike their predecessors, Olly Robbins and David Frost did not do the 'secretariat' half of the job of co-ordinating day-to-day business, as they were leading the exit negotiations. Although David Frost previously worked on EU issues in various government departments, as well as in UKRep and as UK Ambassador to Denmark, he was appointed from outside government as a special advisor to Boris Johnson, first when Mr Johnson was Foreign Secretary and then when the latter took over as Prime Minister.

Sources: Kassim (2001); gov.uk/government/people; Civil Service Yearbook.
Note: Transitions between post-holders are shown as taking place on 1 July in the year of the transition, or in some cases 1 January.

DEPUTY PERMANENT REPRESENTATIVE

As with the permanent representative, the deputy's primary role was as a negotiator for the UK Government. The deputy sat on Coreper I. This role was typically seen as less glamorous than the permanent representative because Coreper I covers policy areas generally further down the political agenda. Nor did deputies attend European Councils, although they frequently accompanied ministers to other regular Councils. Deputy permanent representatives would also stay in close touch with the departments relevant to the Councils that they covered.

The UK had ten deputy permanent representatives during its membership of the EU. Although the first six were men, following the appointment of Anne Lambert in 2003, three of the last four were women. Deputies tended to stick around longer than permanent representatives, each averaging four years and eight months in the role, compared to three years and seven months for permanent representatives. This is partly because permanent representatives with a Foreign Office background tended to be offered more prestigious jobs after their posting to Brussels.

To complement the permanent representative, the deputy usually originated from a domestic Whitehall department that dealt with a substantial amount of EU-relevant policy. As the chart above shows, there was greater variation in the originating department of deputy permanent representatives than for permanent representatives. Most frequently, the deputy came from the Department for Business, Energy and Industrial Strategy (BEIS), and its predecessors, but officials from the Treasury and the Department for Environment, Food and Rural Affairs (DEFRA) have also held the role. Shan Morgan, appointed from 2012 to 2016, was the only deputy permanent representative drawn from the Foreign Office, which would have compensated for the fact that the permanent representative role was held by former Treasury officials in the same period.

The insistence that the deputy emanate from a domestic department was different to the normal practice in other member states. As a former UK Deputy Permanent Representative describes the typical approach across member states, "The majority of the deputy permanent representatives are career diplomats." In systems such as the Irish one, for instance, this was partly because, as a former Irish Permanent Representative explains, "The Department of Foreign Affairs is perceived by other departments as being relatively neutral between them."

In the British system, as another former UK Deputy Permanent Representative argues, coming from a domestic department was seen as essential preparation:

> "It's knowing how the Whitehall machine works because the sorts of issues that Coreper deputies are responsible for tend to be much more Whitehall policy focused. Foreign Office people often found it hard, I think, to get jobs on my side of the house because they didn't bring that expertise in those sorts of areas."

It was less about being an expert on every topic in Coreper I and more about understanding the domestic system and the pressures bearing down on departments at home.

Another former Deputy Permanent Representative also notes the negotiating

advantages of having experience working in domestic departments, rather than having come only from a diplomatic background:

> "I found that being able to deploy my background in a number of departments that are relevant to Coreper I, and in policy-making in those departments, was really helpful. Being able to sit there and say, 'Do you know what? From my experience, I think if we do this legislation this way, it won't be capable of being implemented,' was quite powerful."

This hands-on experience of implementing policy domestically meant British officials brought a practical perspective to EU-level talks. As the same official concludes, "The best EU negotiators are the ones who don't spend all their time doing negotiations."

Just as the permanent representative role was unlike any other head of an overseas mission, the deputy role, too, had no counterpart in a bilateral embassy. Their negotiating function took up most of their time. As a former UK Permanent Representative explains: "It's certainly not like having a Deputy Head of Mission in a bilateral post who is very much the subordinate of the ambassador. It was not like that in the Permanent Representation at all."

In the day-to-day working practices of a deputy, they operated with a large degree of autonomy. As a former UK Deputy Permanent Representative explains:

> "Your workload and everything was driven by the Coreper agendas. [The Permanent Representative] was pursuing his workload and I was pursuing my workload, and they would come together occasionally at European Councils, for example, if something shot up the political agenda. We would be aware of what things were going on but, basically, I was responsible for my Coreper and my Councils, and he [the Permanent Representative] was responsible for his Coreper and his Councils. It was completely separate in terms of reporting. I had three Counsellors who reported to me; [the Permanent Representative] had three who reported to him."

EU SHERPA

The prime minister's EU sherpa was their main advisor on EU policy, historically based either in Number 10 or the Cabinet Office. Although this was not a position in UKRep, it would be impossible to account properly for the functioning of the UK's EU policy system without also discussing this role.

The modern incarnation of the position has its origins in Tony Blair's first term in office (1997-2001). He had originally created a Europe advisor post in Number 10, filled by a different person to the long-standing head of the European Secretariat in the Cabinet Office. The secretariat role involved coordinating positions on day-to-day EU policy across government, whereas the EU advisor role involved providing strategic advice to the prime minister on EU issues. In 2000, these roles were fused to form a single secretariat-advisor position, based in Number 10.

Stephen Wall returned from being permanent representative in Brussels to take up this new position. As he has noted elsewhere, 'strictly speaking, the job I went back to in London was a job at a level below. . . . It was less satisfactory coordinating policy in Whitehall than actually negotiating it for real in Brussels.' This move began a period, from 2000 to 2007, in which the two big EU jobs — the EU sherpa and the permanent representative — were both held by Foreign Office officials. Stephen Wall (2000-2004) and Kim Darroch (2004-2007) were the EU sherpas while Nigel Sheinwald (2000-2003) and John Grant (2003-2007) were the permanent representatives.

When Gordon Brown became prime minister in 2007, Jon Cunliffe was appointed as EU sherpa and Kim Darroch moved to become the UK's permanent representative in Brussels. The European Secretariat in the Cabinet Office was reformed into the European and Global Issues Secretariat (EGIS). This was for two main reasons: first, to enable it to provide better support to the prime minister across his wider international economic agenda. As a former senior official in EGIS describes: "It was just impossible to deliver the policies that [Gordon] Brown wanted without some back up." Second, EGIS brought relevant EU and non-EU economic issues under one roof instead of being spread between different secretariats. As the same official explains:

> "He [Gordon Brown] didn't really distinguish between the trade discussions in the EU and the trade discussions at the WTO or on climate change at one place or another. To him, these were broad global issues and he wanted to influence them with all the leaders."

This reform coincided with a shift at EU level. The main preparatory work for meetings of EU leaders began to be done by the EU sherpas across member states and not the permanent representatives in Coreper II. It is difficult to pinpoint precisely when this shift took place, and when the sherpa superseded the permanent representative as the main 'fixer'. However, the role did take on explicit importance during the 2007 German presidency, when agreement was reached on calling the intergovernmental conference (IGC) that led to the Lisbon Treaty.

German Chancellor Angela Merkel requested that the other 26 EU member states nominate a sherpa (or 'focal point', as they were also called), and a deputy, who would lead consultations prior to the calling of an IGC. In the UK, the sherpa was Kim Darroch and the deputy was Shan Morgan, then EU director in the Foreign Office. Sherpas certainly existed in the EU before this point and were an established feature of the G7/8, but they have since become central to the EU. After the scarring experience of the failed Constitutional Treaty, which was rejected in referenda in France and the Netherlands in 2005, the increasing importance of the sherpa network was driven partly by a desire among EU leaders to have greater political control over major decisions at the EU level. As a former UK Sherpa explains:

> "The most important business when preparing European Councils is done by the sherpas, who go out to Brussels to do it personally, physically, and there is a network of sherpas. All of that really dates from the early century, and increased once you got a permanent President of the European Council [in 2009]."

As a result, in the UK system, as in many across the EU, the sherpa began to take a more predominant role in the EU policy system. Their importance is due to several factors: first, their proximity — both physical and in policy terms — to the prime minister; second, their position at the centre of the UK coordination system; and, third, their connections with other EU sherpas in other national capitals, as part of the EU sherpa network. Combined, this gave the sherpa a rounded view of a prime minister's thinking, the priorities and concerns of domestic departments in Whitehall, and a good sense of the thinking in other national capitals. As a former UK Permanent Representative describes:

> "Sherpas are, by definition, closer to their bosses than permanent representatives. There are some permanent representatives who demonstrated that they were as thick as thieves with the sherpa and knew their leader's instincts. There were others who were just not really at the races with where their sherpa was, and you knew you needed to nab the sherpa if you wanted to get a clear view on what their position was."

In the UK system, there was less established departmental ownership of the modern sherpa role compared to the permanent representative. Although it would go through the necessary appointment procedures, the choice of sherpa would ultimately need to be a personal appointment by the prime minister of someone they trusted and had a close working relationship with. The fusing of the

secretariat-advisor positions seemed to decouple the position from the historical trade-off between departments. After that, in different periods, both positions were held simultaneously by Foreign Office and Treasury officials simultaneously. The traditional rotation between departments had largely fallen away by the time the UK left the EU.

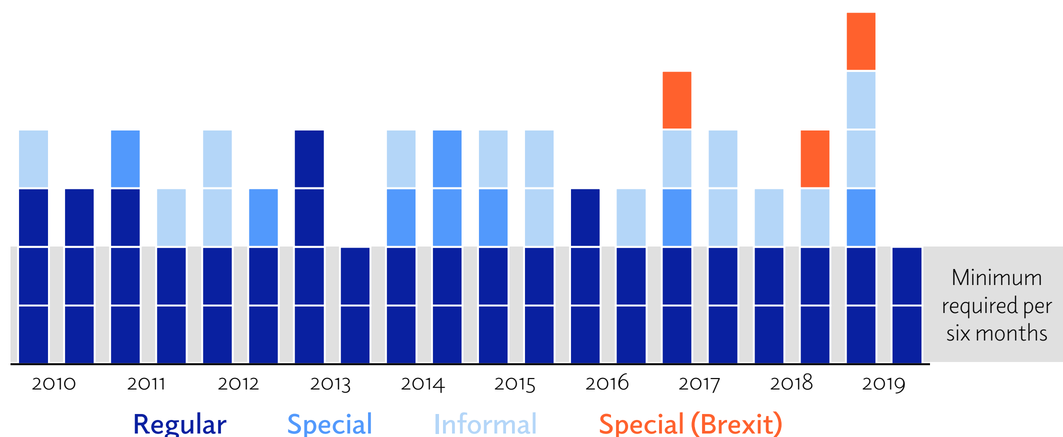
The rise of the sherpa class, and their management of European Council meetings of EU leaders, posed a threat to Foreign Office influence over EU policy. The European Council became an official EU institution with the Lisbon Treaty in 2009 and has risen inexorably in importance since. As a former UK Permanent Representative explains: "The European Council has developed its powers enormously. In every jurisdiction, it sucked power into the centre and away from the Foreign Office."

Meetings of the European Council are scheduled to take place quarterly, but leaders have rarely stuck to just four meetings a year, holding as many as six in the first half of 2019 alone (partly as a result of recent successive crises: eurozone, migration and Brexit). In an age in which sherpas have their own contacts in the offices of prime ministers (and presidents) across the EU, and instant communication can take place directly between them, there is a profound question about the role foreign affairs departments play when senior relationships and information are no longer their monopoly.

European council meetings are happening more frequently

Number of European Council meetings per six months.

UK IN A CHANGING EUROPE



Source: consilium.europa.eu/en/meetings/calendar; Petya Alexandrova, Agenda-setting in the European Council, Dec 2014 - Jun 2017.

These developments have had repercussions for the position of permanent representatives. Before the Lisbon Treaty, European Council meetings were managed by a trio of the prime minister, foreign secretary and permanent representative. As a former UK Deputy Permanent Representative explains:

> "Until you had a permanent President of the European Council, you had a team of three. Whereas [Herman] Van Rompuy said, 'No, it's not going to work like that. It's going to be a team of one.' So Heads of Government are there on their own. That created a completely different dynamic."

As a result, permanent representatives were increasingly at a remove from the central action on EU policy. This made it even more important for UKRep to engage effectively with Whitehall in order to influence the British approach at these summits. For instance, as a former senior official in UKRep explains of Jon Cunliffe's approach, "He wouldn't wait until Cameron came out. He would go to his meeting three or four days before the Council and brief him on that." Although UKRep maintained firm control over day-to-day EU policy, on the biggest issues power had shifted to the centre of government.

NEGOTIATION

UKRep's primary function was negotiation. One attraction of working for UKRep was the degree of responsibility afforded to relatively junior officials compared to equivalent roles in Whitehall. Desk officers would quickly find themselves negotiating in working groups. Ultimately, the policy agreed there would work its way through the system, and eventually become domestic law in 28 EU member states. No other domestic or foreign posting allowed civil servants such influence and impact. This was one of the reasons why, despite the many frustrations, officials still wanted to work for the mission.

In most bilateral overseas missions, negotiation was nothing like as deep or routine as it was in the EU. Even compared to other multilateral settings, such as the UK missions to the UN and the World Trade Organisation, where negotiations do take place frequently, EU-level negotiations were much more demanding.

UKRep afforded even relatively junior officials the opportunity to be involved in negotiations. Another former UK Permanent Representative describes the basic dynamic of the negotiating process:

> "The negotiating was all done by an excellent desk officer at the working group level, but when political crunches arose or things which went beyond the purely technical level, which needed semi-political or purely political interventions and clarity about what the negotiating positions were of a member state, that came up to Coreper."

By the time issues reached ministerial level in the Council, they had already gone through a comprehensive series of negotiations at lower levels in the Council structure.

One of the main negotiating difficulties for UK officials in Brussels was the lack of understanding of EU decision-making processes in many domestic departments. The particular dynamics of negotiations in Coreper were even less familiar in Whitehall. This sometimes meant that negotiating instructions were not simply unachievable but entirely divorced from the pertinent issues being negotiated. This made for sensitive discussions between permanent and deputy permanent representatives and domestic departments. One of UKRep's most important functions was to advise on negotiating positions and try to ensure they were relevant and achievable.

Even then, negotiating instructions needed flexibility. Although a permanent

or deputy permanent representative could (and sometimes did) simply read out their instructions and stick rigidly to their mandate in meetings, it was not an effective strategy. As former Irish Permanent Representative Bobby McDonagh has written, 'Simply reading out instructions as drafted would in almost all cases have minimal impact in advancing the interests which the instructions are designed to promote.' The permanent and deputy permanent representatives were crucial in relaying to domestic departments (sometimes even in real time) how their instructions were landing in the reality of a negotiation, where the debate was heading and the key decisions that needed to be made.

TACTICS

The overall British approach to negotiations was to take each dossier on its merits (and demerits) and not, as a matter of routine, to trade one policy off against another as part of a broader strategy. In part, this stemmed from the UK's ambition to shape 'any EU activity or proposal', rather than take a more selective approach of defending and promoting core interests. There were few issues the UK simply did not care about and was therefore willing to trade as a bargaining chip.

Nevertheless, cross-trades were made on occasion. This could usually only be done at the level of the prime minister, who had the authority to prioritise between competing departmental interests. As a former senior official in UKRep recounts regarding the EU budget, "We did some things where Cameron just said, 'If that is what the Germans need they can have it, but the bottom line is she [Merkel] is going to be with me in the room when it comes to it [on the budget].'" Some issues were clearly more important than others, and the budget was the UK priority above all else. As Cameron argues in his book *For the Record*,[2] reflecting on the fiscal compact summit: 'I wasn't wrong to attempt to deal with Merkel to get British safeguards — after all, two years later we would, together, drive through a deal to cut the EU budget that very few other countries wanted.' But this approach was not typical.

Another former senior official at UKRep recalls a similar process on a separate occasion:

> "There were two dossiers in which we and the French were opposed. One was energy regulation and the other was the Working Time Directive. We were blocking something they wanted on energy and they were causing problems for us on Working Time. The two negotiations were coming to a head on consecutive days. Basically, London and Paris got

2 David Cameron. 2019. For the Record. London: William Collins.

> together and said, 'Can we do a deal between the two?' So that's what we did.[3]"

Although trading policy issues was an unusual British approach, there were other tactics and techniques that British officials were known to use more frequently. An important example was the use of smaller allies. As a former senior official in the European Commission recalls:

> "One thing that used to irritate but was done effectively if you're looking at it from a British point of view was they were very good at sweet-talking a smaller member state to take up their position. They flattered them into the being the stalking horse, but, of course, those who thought about it could see that this member state normally wouldn't have that expertise. My great recollection was being so surprised that Malta had such fantastic knowledge of chemicals on the REACH legislation."

The UK would provide the expertise, advice and information, which may ordinarily be beyond the administrative capacity of a smaller member state, to be able to pursue a favourable approach to a policy. This would give the smaller member state the prestige of leading on a dossier, while allowing the UK to keep its powder dry and save its political capital for other priorities.

Another important tactic was to build up good will with counterparts in order to be able to draw on their support on subsequent dossiers. As a former UK Permanent Representative recalls:

> "I spent a lot of my time in Coreper on stuff where I had not been given clear instructions finding ways to do favours to other permanent representatives where I could call in those favours later. So you suddenly become bosom pals of the Slovakian on something that really counts to them, on the Russian sanction process, where I pulled their chestnuts out of the fire. They did not forget that."

Even if the UK did not have a stake in a negotiation the talks could still be used to prepare the ground for bigger negotiations that were to come up later. British negotiators would often seek to play an active role, even if they had no pressing offensive or defensive interests. There were wins to be extracted from meetings, even if these were only favours that could be called in later.

---

3 At the time these would have been the responsibility of different departments, whereas now they both fall under the remit of the Department for Business, Energy and industrial Strategy (BEIS).

PERSONALITIES AND EXPERIENCE

How permanent and deputy permanent representatives approached negotiations in the EU was largely left to the discretion of the individual. Although all officials would negotiate according to their instructions from Whitehall, how they sought to achieve negotiating aims was largely down to their experience, personality and judgement. As a former senior official in the UK Permanent Representation explains:

> "There are inevitably different negotiating styles and Permanent Representatives have to develop their own view of what works best for them, depending on where they think their comparative advantages are. It's a repeating game. So you need to be wary of being too brutal to people you are, sooner or later, going to need assistance from in other fields. You need to have capital in the bank on which you can draw when you really need it. The judgement about what really matters most has to come from the top but to be an effective Permanent Representative you need an instinctive grasp of what is really first order and what is second order."

The importance of personality is demonstrated most clearly by two successive UK permanent representatives: Kim Darroch (2007-2011) and Jon Cunliffe (2011-2012). A former senior official in the Irish Permanent Representation describes Darroch as "very effective at putting across his case in a very reasonable and moderate sounding way, but, no more than many of us, he wasn't necessarily across all of the detail all the time." By contrast, Cunliffe was known for being focused on the detail of technical negotiations, especially on financial issues, but also more direct in manner. The same former official at the Irish Permanent Representation adds of Cunliffe, "He used to quite often introduce what he wanted to say in Coreper by saying he wasn't a diplomat, or excuse himself for speaking frankly." It was partly this direct approach that got Cunliffe the job, alongside a perception at the political level that Foreign Office officials were not vigorous enough in defending and promoting UK positions. Whether personality or originating department was the decisive factor that determined a negotiating style is probably a chicken and egg debate, with officials attracted to positions and departments that suited their personalities.

A permanent representative's effectiveness also came down to the individual's network of contacts, which was largely determined by their career experience. As a former senior official in UKRep describes of Jon Cunliffe, "He tended to have a very small network of very high-level contacts, both in Brussels and in capitals, whom he pursued and talked to relentlessly." By contrast, another UK Permanent

Representative explains: "I have got a network of people inside the Commission and the Council who are basically old friends who I have known for 20 or 25 years. I could always exploit that because people know me and trust me." Networks were developed while individuals were in post, but already having a wide set of contacts throughout the institutions and in national capitals was a distinct advantage.

One thing that appeared crucial was the ability of an official, and especially a permanent representative, to be a reliable predictor of their government's position. As a former UK Permanent Representative explains:

> "You judge quite rapidly, 'Is this person just reading out instructions and doing the job but not remotely in the loop? Or are they a reliable bellwether of what their capital is thinking and why they are thinking it, and probably influencing that capital?'"

As negotiators, part of their value was in reliably speaking for their government to allow positions to form in relation other countries that would stick. It would be pointless striking a compromise with a permanent representative only to have a leader, or their sherpa, settle on a different position later on. An effective negotiator must understand thoroughly the priorities and objectives of the governments for which they speak in order to allow the working out potential mutually acceptable positions, or areas of agreement.

British officials learned on the job as well. They often changed their views of the EU as a result of being part of the Council system. As a former Irish Permanent Representative said of the Coreper, "The institution has quite a strong acculturating effect". Partly, this is because, as a former UK Permanent Representative explains, "You physically have to spend a lot of time in Coreper." Another former UK Permanent Representative admits frankly:

> "You do change your view. I changed my view of how the whole thing worked when I was in the permanent representation because you are inside the belly of the beast and you have an institutional function. Lots of things strike you when you are in the representation about how this thing really works."

One of the reasons for this is that, as the same individual suggests, officials very quickly become "wildly out of date", if they are not working in close quarters with and in the EU institutions. This effect is even more exaggerated at the political level, where engagement with and knowledge of EU functioning is often much less than at the official level in the British system. Many of the prejudices and preconceptions that coloured assessments of the EU within the British

governmental system often did not accord with the reality of how it worked in practice.

The effectiveness of ministers negotiating in the Council also varied greatly. Personalities made a huge difference, and more so than their political persuasion or attitude towards the EU. As a former UK Deputy Permanent Representative describes, "Some ministers just got how you did Brussels and were successful at influencing, and some did it through gritted teeth. It's individual personalities. Some people didn't like doing it and some people loved it." There was no clear correlation that pro-European ministers were more effective than eurosceptic ones. Some regarded it as a chore to be avoided or dealt with as quickly as possible while others relished the opportunity to meet their counterparts and build networks.

As with officials, there were few set procedures or protocols when preparing for Council meetings. Some ministers would arrive the night before, receive briefings from UKRep, have dinner or breakfast with EU interlocutors and then spend time in and around Councils building relationships. Others, if they turned up at all (rather than send a junior minister or an official from the representation), would travel on the day, arrive just in time for meetings and leave at the earliest opportunity. A former minister in David Cameron's government, who officials regarded as an effective operator in the EU, describes how he went about Council meetings:

> "I would always have a list of people that I needed to try and buttonhole; in particular, ministers. I would always try and get into the Council room before it started formally, go round the table glad-handing, saying hello and shaking hands. It just helped a bit. Then you might grab one or two ministers and have a prearranged chat in the margins over a coffee during the day."

Unfortunately, this kind of approach was far from universal and was very often left to the personal preferences of individual secretaries of state.

There are understandable reasons why ministerial attention was often limited, the most obvious of which were the demands that the UK Parliament places on ministers. As a former Cabinet minister in Theresa May's government explains:

> "There's always been this difficulty about getting enough face time with foreigners by senior ministers — not just European foreigners but all foreigners — that's partly Parliament and it's partly because we don't have official state secretaries. Everybody's a legislator as well as a minister in our system."

Of course, the UK is not the only country that could have done better. As a former Irish Permanent Representative says, "I'd like to have seen more ministers with the mobile phone numbers of their EU counterparts on them and phoning them on a more casual basis." There is always more that every member state can do in this respect and the UK appeared to compensate somewhat for failings at the political level with well-connected officials in UKRep. Nevertheless, there is no adequate replacement for well-developed relationships at the political level.

ENGAGING WITH WHITEHALL

From desk officers up to the permanent representative, officials in UKRep constantly had to engage with departments in Whitehall. It was critical to understand what domestic departments wanted to achieve, in order to advise effectively how these ambitions could best be accomplished at EU level. Representation officials would engage directly with the lead Whitehall department on whatever dossier they were dealing with.

Some officials in other permanent representations thought that the domestic demands on UK officials in Brussels were substantially greater than in many other member states. As a former Irish Permanent Representative argues, “British permanent representatives had a somewhat tougher time than others because of the expectations at home.” Unlike British permanent representatives, who often travelled back to London for weekly meetings, the same former Irish Permanent Representative explains, “We didn’t return that often. We were more informal in our approach. We didn’t have that tight, weekly coordination but we had coordination committees at home and, sometimes, the Permanent Representative would go back for them.”

EXPLAINING EUROPE

A central function of UKRep was advising ministers, their special advisors and civil servants in domestic departments on EU policy. The representation’s staff had valuable insights into the perspectives and likely approaches of other member states based on their daily interactions.

Officials in the representation had an unmatched understanding of likely negotiating dynamics. As a former UK Permanent Representative describes:

> “The permanent representative sees the whole thing because it is all coming through the Coreper framework. You can see the interplay between issues and you can see what everybody wants on individual dossiers, and so you are best placed to examine the whole thing.”

There is no substitute for this direct experience. As a former Deputy Permanent Representative explains:

> “Having been in the room, you just know in your gut what’s going to happen next. And you won’t get that from a course, which will tell you

how the thing works, but it won't tell you how people behave within that system in quite the same way."

Sending negotiating advice back to Whitehall was often about highlighting to domestic departments the likely direction of negotiations and the key trade-offs that were possible. Another former UK Permanent Representation describes how they would explain the dynamics of qualified majority voting (QMV)[4] dossiers to domestic departments:

> "I would say to them, 'If you want me to deliver the maximum possible of your negotiating mandate I can get you more in the room, but I have to be able to move on these things. If I am outside the qualified majority anyway and the presidency concludes I am a complete lost cause, then everything we want will go for a button. If I am in the room visibly trying hard and prepared to rally to the qualified majority, I can get you quite a lot of what you want, but I cannot get you all of it.'"

What made this advice so crucial was Whitehall's apparent lack of knowledge of EU systems, negotiations and the legislative process, as well as a domestic political culture that was instinctively hostile to compromise. As a former UK Permanent Representative concludes, "We are institutionally illiterate across our system in how the Union really operates."

The interaction between a permanent representative and Whitehall departments was highly dynamic and is characterised in this commentary from a former UK Permanent Representative:

> "I tried to be as scrupulous as I could be about telling the top of Whitehall and telling ministers where I thought our negotiating ambitions were going. You tried to do that in advance because the cynical way — lots of my colleagues did it and I have done it on occasion — was to think, 'Well, they will find out the reality by what happens in Coreper, and by then the game has moved on. What they put in their letters is completely irrelevant to where this negotiation has reached and the decisions they are going to have to take when they get to the Council.' I tried not to do that because you lost faith.
>
> Or you could say to Whitehall and to the key department, 'We are not

---

4 Qualified majority voting (QMV) is a form of decision making in the EU Council whereby the support of a large majority of member states, accounting for their population size, is sufficient for proposals to be agreed. Crucially, individual member states do not have a veto when QMV is used.

> going to be able to deliver A, B and C, but we could get X, Y and Z. I am under acute pressure. It is a QMV [qualified majority vote] dossier. You are now so far outside the mainstream on this issue you are going to have to think of what price.' This was the most difficult point to get through. I would say to them, 'If you want me to deliver the maximum possible of your negotiating mandate I can get you more in the room, but I have to be able to move on these things.' Sometimes you had to go right up to the Prime Minister, the Chancellor or the Foreign Secretary on key dossiers and say, 'You have to sort this because if they [departments] go on like this we are going to lose virtually everything we have gained over the last two to three years in this negotiation.'"

Staff at UKRep also gathered intelligence from the wider networks that they had built up, not just with officials from other member states but within the other institutions (most importantly, the European Commission and the Parliament) and with external interest groups. As a former minister in the Cameron governments describes, "One of the really good things about the permanent representation was that they had a very lively sense of the internal politics of the institutions and the politics between the institutions." They were able to advise on the likely direction of travel of legislation throughout its progression through the institutions.

The thinning out of EU expertise in government in recent years made intelligence from the permanent representation even more valuable. A decline in EU expertise across Whitehall, and especially at more senior levels in the civil service, reduced regular engagement with EU issues. This was a self-reinforcing pattern whereby limited exposure to the EU meant senior officials failed to recognise the need to prioritise the development of EU expertise within their departments. As a former UK Permanent Representative describes of some permanent secretaries:

> "They were a bit bemused, befuddled and also a bit frightened by European processes, and they found it a world they did not know, could not think much about because it was not, in their view, central to the delivery of departmental objectives, and so it was ghettoised in domestic departments."

The permanent representative and the deputy spent more time with senior politicians than they did with senior civil servants. As a former Deputy Permanent Representative explains, "I would see more of ministers than I would of directors and directors-general, who usually didn't come to Brussels for a Council." This

contributed to an endemic underappreciation of EU processes and UKRep's role in pursuing departmental objectives.

A CHANGING EU

A fact that was consistently underappreciated in Whitehall was the extent to which the EU itself had changed in recent years. Much of this had not percolated through to the official and political consciousness in Westminster.

The fact that the EU was no longer the cosy club of nine that the UK had joined but of one of 28 meant that negotiations had become unwieldy. As one former UK Permanent Representative describes, "You do a tour de table and you're still sitting there two hours later." The working culture in the Council had changed substantially as a result, especially after the 'big bang' expansion of 2004 when ten new member states joined. As a former UK Deputy Permanent Representative describes the change:

> "There used to be a lot that was done by rhetoric and floral interventions in meetings. That has now been pared back very much now. The numbers make a big difference. Discussions around the table have become less predictable, because you've got a wider range of views; they're actually more interesting in many ways."

In basic terms, there is now a larger number of influential actors involved in law-making, both in the Council and the European Parliament. Moreover, Council discussions have changed on most issues from being the main event to being the prelude to trilogues with the Parliament and Commission.

INFLUENCING POLICY

Just as — if not more — important for UKRep was making its voice heard in Whitehall. In the past, it had gained a reputation for appearing to suggest that it knew best what the policy should be and getting the backs up of people in Whitehall. As a former UK Permanent Representative describes:

> "What I thought the permanent representation did not do well was liaise with Whitehall. I said, 'I don't want to see any telegram going out of the representation with the words 'seen from here' in it.' The representation got itself in the position of, 'Well, we are here to understand Europe and explain to you what Europe will or will not do.' And it tended to give this atmosphere of, 'Well, you may think that's your policy, but seen from here that would never fly.'"

Such language only fuelled suspicions that UKRep was unable and even unwilling to pursue policies that would ruffle feathers in Brussels or that they failed to appreciate domestic political pressures, which were not necessarily evident from Brussels. A former UK Deputy Permanent Representative reiterates this point:

> "When you're sitting in Brussels, you're quite separate from the political buffeting that goes on in Whitehall. And you must never fall into the trap of saying, 'Oh for goodness sake, why can't London get its act together on a particular point?' Because London has pressures that you really need to understand and empathise with."

But there were still ways to influence Whitehall effectively. As a former UK Permanent Representative argues:

> "If you think the policy could be achieved in another way, you have to inject that upstream right at the beginning of the policy discussion. And you won't do that if the policy people in Whitehall either don't trust you or don't know you and don't think you have something to contribute."

This pointed to a problem when officials in Whitehall failed fully to appreciate the contribution that the permanent representation could make to policy development as opposed to simply being regarded as negotiators. As a former UK Permanent Representative explains:

> "I thought we [UKRep] should view ourselves as, essentially, a delivery arm, and a negotiating arm of domestic Whitehall. We had to persuade domestic Whitehall that they would deliver their departmental objectives better if they got the permanent representation arm right and they understand what is coming down the pipe in the European Union and then negotiate effectively."

Its base in Brussels meant that UKRep was easy to leave out from internal Whitehall discussions. Ensuring it was visible and present was a persistent preoccupation of permanent representatives and deputies. Domestic engagement served both to flag upcoming issues on the EU agenda to Whitehall departments and also pick up intelligence about domestic concerns.

However, the perceived unimportance of EU issues in some domestic departments meant that the representation was fighting an uphill battle to

get attention at senior official level. As one former Permanent Representative describes:

> "With the exception of DEFRA and one or two other departments, the EU was fairly rarefied and ghettoised in the key departments. That is true even inside the Foreign Office. There are whole tracts of the Foreign Office who do not know or like the European Union, and do not know what is happening in the European Union on business which was core to them. But they were no more at ease in dealing with European Union processes than domestic departments."

Periodic efforts were made to improve the representation's presence in Whitehall. According to a former senior official, when Jon Cunliffe took over, he attempted to scale up domestic engagement substantially. Desk officers were encouraged to visit their counterparts in London at least every six weeks and counsellors every four weeks. Cunliffe himself tried to spend at least one or two days a week in Whitehall. This was aimed at building relationships and trust between domestic departments and UKRep, but also to allow representation officials to demonstrate that they had valuable expertise to contribute to the policymaking process. According to one former UK Permanent Representative, Whitehall relationship-building was done better on the Coreper I side of the house.

The deputy would undertake regular visits home to build relationships with domestic departments, though often less frequently than permanent representatives. As a former UK Deputy Permanent Representative describes:

> "I would have visits to London specifically for that purpose. Probably once a presidency [once every six months]. Then, I would spend a whole day meeting people who mattered in Transport, DEFRA, BEIS and others. That was just about keeping in touch."

These visits were mainly about engaging with senior officials in relevant departments, who would rarely visit Brussels. As a former UK Deputy Permanent Representative says:

> "My day-to-day conversations and my team's conversations tended to be at Deputy Director level and below, so the purpose of those visits was often to talk to the DGs [Directors-General] and the Directors just to make sure that they were aware of what was going on and were plugged into what mattered, and pick up from them what might be coming up."

All in all, engaging with Whitehall was perhaps the most important function of UKRep in the British system, but also the most challenging. Officials faced the dual difficulty of explaining the importance of EU business to domestic departments and how the representation could help achieve their objectives.

INFLUENCING AT EU LEVEL

As with all British embassies, the UK permanent representation not only negotiated but also gathered intelligence and lobbied for UK interests. According to non-UK officials, the UK seemed relatively effective. As a former Irish Permanent Representative concludes, "The British were good at networking at an official level with institutions." This assertion is supported by a former senior official in the Commission, who explains of British officials, "very early on they would pick up signs, and they were very good at being well-connected".

Influence in the EU is always relative. The influence of a small member state may be substantial for its size, but still be much less than a larger member state. Equally, success at EU level means different things to different governments. As a former UK Deputy Permanent Representative explains:

> "Nobody was really bad at it. Some of the countries, particularly some of the newer member states, would effectively delegate to their Deputy Permanent Representative a lot of the decision-making responsibility on dossiers that obviously weren't a priority for them in a way that never happened in London and I'm sure never happened in Paris or Berlin either."

Although protecting and promoting core interests might be sufficient for some, others — including the UK when it was a member state — have much greater ambition to influence all EU policies and proposals.

THE BRITISH APPROACH

The UK's approach to the EU was often attributed to the fact that it joined late, at which point many of the features that would come to be persistently problematic for UK governments — the budget, the Common Agricultural Policy and the Common Fisheries Policy — were already established.

There are differing views as to the extent to which being a latecomer affected the UK's influence. For some, the UK appeared not to have the same intangible connections as the founding member states. As a former UK Permanent Representative explains, "Most of our continental partners, particularly those who were the original six, had a political, cultural and historical hinterland that we simply didn't share." Partly this was a language issue, as British politicians do not habitually speak foreign languages. Perhaps as a result, many British politicians were less willing to dedicate the necessary time to being visible and building connections in the EU institutions.

Yet the large EU expansion in 2004 changed its working culture, especially in the Council, in the UK's (and Ireland's) favour. It cemented the use of English as the main working language. The sheer number of people around the table also meant that discussions had to become more businesslike and alliances were much more fluid. As a former Irish Permanent Representative explains of the so-called Franco-German motor:

> "It's not effective because France and Germany agree on a lot of things. It's effective because they disagree on so much. They often come at issues from opposite ends of the spectrum, so when they agree on something that often embraces pretty well the whole spectrum of views."

The eurozone is far from a cohesive bloc, nor are the smaller regional groups, such as the Benelux countries (who were, after all, three of the original six). As another former Irish Permanent Representative explains, "I never had a sense of a permanent inner core other than beyond the Franco-German relationship." Worries on the part of British politicians about being excluded or discriminated against, though genuine, were likely overdone.

Ultimately, any UK sense of being an outsider was the result of the UK's own decisions not to join the euro, to stay outside of Schengen and to opt out of justice and home affairs issues (before opting partially back in). As a former UK Permanent Representative describes, "For 10 or 15 years, we had been moving further from the core." This reflected a deeper sense that the UK was not unconditionally committed to the EU in the way that, say, France or Spain are.

For most EU countries, there is rarely any doubt that the EU is where they see their future, whereas for the UK there was often a concern that the project might be advancing too quickly or in ways that would make membership unsustainable. As a former UK Permanent Representative explains:

> "You sensed all the time that for British prime ministers Europe was becoming more difficult, and more adversarial, domestically. No British Prime Minister ever comes back from a Council saying, 'I went in asking for X, I came out with a compromise, but it's a good compromise.' It's defeat. You either get defeated in Brussels or you smash everybody else."

In that sense, the real success of the British eurosceptic movement was in altering the domestic political landscape to the point that successive British governments pursued policies at EU level that had the potential to further marginalise them among their EU counterparts.

EUROPEAN PARLIAMENT

The European Parliament had become progressively more important throughout the 1990s, eventually gaining co-legislator status with the Council. The Lisbon Treaty more than doubled the number of areas where co-decision between the Council and Parliament applied. In little more than a decade, it had gone from a marginal player to being central in many areas. This meant that a favourable outcome from negotiations in the Council on ordinary legislative issues was merely half-time at best. The most effective member states have strategies for influencing all three legislative institutions (Commission, Council, Parliament) and have their eye on the long game, not just talks among governments in the Council.

The European Parliament was systematically underappreciated in the UK. As a former Deputy Permanent Representative describes of the British approach:

> "The two major British political parties were never very good at doing the Parliament. They never really worked with their MEPs as the Germans do to such great effect, for example."

This criticism comes up time and again when speaking to former officials. The UK's fixation on the Council and its failure to recognise the growing importance of the Parliament left a major hole in its ability to influence EU legislation.

The problem was mostly, though not exclusively, at the political level. Officials at UKRep did make efforts with the Parliament, having only a small team dedicated solely to the institution, as all permanent representations have. As a former UK Permanent Representative explains:

> "I addressed all three political groups and went to see them very early on. I tried to get some in Whitehall and some of the ministers to reach out to the MEPs more. What they [MEPs] wanted was a channel of communication. They wanted to be able to advise on policy. Remember we were doing a lot of financial services stuff in ECON [the European Parliament's Committee on Economic and Monetary Affairs], we had people who were the rapporteurs of committees and, yes, they kind of had links to ministers, but they just felt they weren't linked to the UK political process really."

Deputies and other officials also lobbied the European Parliament. As a former UK Deputy Permanent Representative describes:

> "Each desk officer would talk to MEPs about their own dossier. We had a Parliament section of about four people, who would track the Parliament and give advice to London and to us. Both [the permanent representative] and I also went to Strasbourg once a presidency just to talk with MEPs and be visible. If dossiers were getting really difficult, both [the permanent representative] and I would, as necessary, go in and talk to MEPs — not just British ones, incidentally — and try to influence their thinking."

MEPs were voting directly on legislation that would, in effect, become UK domestic law. Rapporteurs or committee chairs, who largely shape European Parliament positions and negotiate with the Council on its behalf, had even more influence. These were serious lawmakers who developed the content of legislation that would ultimately apply in the UK. Yet the abiding view in Westminster was that they were second-class elected representatives.

This lack of appreciation by the British of the Parliament's increasing power was perhaps best exemplified by the election of Jean-Claude Juncker as president of the European Commission in 2014. There was an informal agreement among European political party families to select the next Commission President using the so-called *Spitzenkanditaten* process. The aim of the process was to create a democratic link between the out come of the parliamentary elections and the selection of the Commission President. Previously, presidents had been chosen behind closed doors by EU leaders. A former Permanent Representative describes the British incredulity that the Spitzenkandidaten process would be followed through: "The UK establishment just laughed because a position like that would never be settled by European Parliament elections. But it was, because the power had shifted."

A totemic issue for British MEPs was the revocation of their Westminster parliamentary passes with the advent of devolution. This signalled that they were not considered remotely equal to their domestic counterparts. This view of MEPs has been a longstanding feature of the British political system and not helped, again, by its outdated understanding of the European Parliament's role in the EU legislature. Stephen Wall, the UK's Permanent Representative (1995-2000) and subsequently Tony Blair's EU sherpa, recounts:

> "When Margaret Thatcher was Prime Minister and we had the presidency in '86, at the end of the British presidency the European Parliament passed a motion of censure on the British for their conduct

> of the presidency and it was only passed because the Conservative MEPs were absent from the vote because they were rehearsing their Christmas pantomime."

This shambolic image of British MEPs, which bled over into perceptions of the Parliament more generally, has powerful political currency in the UK but only contributes to a misleading perception that the institution can largely be ignored. It ought to go without saying that the European Parliament of 1986 is a vastly different organisation to that today.

The failure to appreciate the importance of the European Parliament was not only a lost opportunity but, when it came to things like the renegotiation under David Cameron, an issue of crucial importance. As Ivan Rogers recalls, "They [MEPs] would have junked the whole package on the renegotiation had I not been down in Strasbourg and done the whole lot of the key players, in sequence, and then a plenary session with all of them." Yet this crucial lobbying, which was also done by other permanent representatives and officials on different occasions, was conducted out of sight and thus went unappreciated back in Westminster.

The lack of political appreciation for the European Parliament was exemplified most clearly by David Cameron's decision to take the Conservatives out of the centre-right European People's Party (EPP) group before he became Prime Minister. This was a decision taken for internal party reasons, but it had major ramifications for government influence later. As one former UK Permanent Representative puts it, "We were living in a world with bats but couldn't hear what they said. We couldn't read those signals that were happening." The UK Government was simply not aware of major policy decisions because it was outside arguably the most influential network in the EU: the EPP. This came back to bite the Government in 2011. As Ivan Rogers describes the run-up to the fiscal compact debacle: "They basically went round him [Cameron] and a couple of days before the Council met, agreed, between Merkel and Sarkozy, at an EPP Heads meeting in Marseilles, essentially to bypass the UK." The best the UK could expect was, as a former minister in Cameron's Government describes, that the Conservatives would sometimes be invited to 'EPP plus friends' meetings, but these were not where major policy decisions were taken.

As a result of an out-of-date and underdeveloped sense of how the EU functioned, parts of the UK effort in Brussels were badly misdirected. The UK continued

to fixate on the Council and Coreper, despite its relative importance having diminished. As a former Permanent Representative describes:

> "The whole system was angled towards the great negotiation in Coreper, which had stopped being a great negotiation... The reality was that when you reached that glorious compromise in Council it was just the start of the end-game negotiation that really mattered — the trilogue — and in the trilogue your influence was much diminished. The compromises you did were reopened and washed away and the Council was weak compared to the Parliament."

Part of this approach was down to the basic resource demands of the Council structure, which meant UKRep staff spent a lot of time in negotiations with other governments. Nor was it practically possible for senior officials to miss Coreper. As a former Permanent Representative commented, "It is a very bad thing if your ambassador is not there and you are just represented by the Antici all the time." There was a similar expectation that senior politicians would attend Councils, at least the most important ones. As a former UK Deputy Permanent Representative explains, "Take Agriculture. We would always advise the Secretary of State, 'You must come yourself,' because for every other member state it was the Secretary of State equivalent. If we sent a junior minister, that would send a signal that would be noticed."

BUREAUCRATIC POSITIONS

It was not just the European Parliament that was underappreciated by British politicians. The same applied to the appointment of British officials into bureaucratic positions within the EU institutions. Other countries made more systematic efforts. As a former minister in the coalition Government recounts:

> "I was told that Angela Merkel would ring [Jose Manuel] Barroso[5] to pressure him for her candidate to be appointed for a position right down to Deputy Director-General level. No British Prime Minister would dream of doing that.... I can remember we had a go when the Secretary-General of the Council became vacant at one stage and I think Secretary-General of the Commission may have been up. I remember I was really trying to persuade [David] Cameron that we should be going for one of

5 José Manuel Barroso was the President of the European Commission for two terms, from 2004 to 2014.

> these. David just didn't see the significance of those roles, he said 'Those are bureaucratic roles. They shouldn't be mattering to us. They're not political.' Okay, tell that to [Martin] Selmayr.[6]"

Even when the UK did manage to get its people in influential positions, it failed to take advantage. As a former senior official in UK Rep explains:

> "As recently as 2014, in the Juncker Commission, we managed to get more Brits into cabinets — and we had a huge exercise in the Permanent Representation, with the Cabinet Office — than any other nationality except the Germans. The trouble is, did we then talk to any of those Brits and use them in terms of domestic policy formulation? No, of course not."

Nevertheless, the UK was effective in other respects, especially when it came to the content of EU legislative proposals and the working culture in the Commission. As a former senior official in the Commission describes:

> "The British substantially influenced the development of the Better Regulation culture in the Commission. Now the Commission spends two to three years in consulting, refining, doing impact assessments, etc. You have to do the work, and that was a big shift brought about very largely through British pressure."

The same official reiterates that "The thing that the EU will miss the most, and always valued, apart from the politics, was the professionalism and the expertise of the British Civil Service." The political theatrics of British euroscepticism did much to damage the Government's reputation in Brussels and EU capitals. However, the practical scepticism applied to policy and legislation was greatly valued and left a legacy in how the Commission continues to operate.

A similar story comes out of the Council. As a former Irish Permanent Representative explains:

> "Coreper will be the poorer for not having the UK. I think Europe was richer for having the UK's intellectual input. The British input has always been constructive and based on very firm analysis. The British

6 Martin Selmayr was head of cabinet to Jean-Claude Juncker – President of the European Commission in 2014-19 – and subsequently Secretary-General of the European Commission in 2018-19.

were always amongst the best and their system was possibly the best. We'll be weaker for not having the element of pragmatism, and in the area of trade and business, and getting rid of red tape and so on. Britain was the leader on all of that."

BREXIT

The pre-referendum period laid much of the groundwork for how the Brexit process was to play out after. The approach of the Cameron Government to many big EU issues appeared to the EU to be 'opposition for opposition's sake', mainly to demonstrate domestically that a firm line was being taken on EU issues. As a former senior official in the Commission describes:

> "Before every European Council, he [Cameron] would find some fight with the EU as he got on the Eurostar to go to Brussels. So in the two and a half hours between departing and arriving, the media would've gone crazy, and then he would march in and have this big fight. It was much more media-driven, I think, than substance-driven. I saw it as a, kind of, evaporation of British pragmatism."

Cameron's opposition to Jean-Claude Juncker's nomination as European Commission president was seen a case in point. Only the UK and Hungarian Prime Minister Viktor Orbán opposed the nomination. As a former Irish Permanent Representative explains: "You shouldn't get yourself offside on something like that. Britain was going to need Juncker, whether they stayed in the European Union or not. Juncker was not difficult when it came to the Brexit negotiations." The attempted veto of the fiscal compact in 2011 also did much to damage Cameron's reputation among EU leaders and generated bad feeling within the institutions.

For the British, these concerns were genuine. In both instances, the UK was resisting being carried into further integration unwillingly. In the case of Juncker, he was regarded as a federalist who would drive the Union in a direction that the UK would find even more uncomfortable. There was a combination of signalling to his domestic eurosceptic audience within the Conservative party and a principled belief on the part of David Cameron. Ultimately, he would conclude that the existing settlement for the UK was unsustainable.

There was, of course, politics at play as well. A senior official in the Council recalls a tale of Cameron trying to capitalise on issues to demonstrate his eurosceptic credentials:

> "The decision to build [the Europa Building] had been taken at the beginning of the '90s. The financing had all been settled. It was actually delivered almost on time and the cost was not exceeded. My Secretary General at the time, who was one of the most austere people

> I've ever seen, said, 'We'll do a brochure because this will be their [EU leaders'] building.' So we did a brochure about the new building, which was not yet finished, and we put it on the table of all the leaders. And then Cameron went into one of those ridiculous things and said, "This luxury spending taxpayers' money, I will tell those guys." He went out and that became a big storm."

The same former Commission official also notes a shift even in Cameron's demeanour compared to previous Prime Ministers:

> "What was very noticeable with Cameron was a big distancing, even physically at the table. When the prime ministers had their dinners, he would sit back and be first on his Blackberry, but he would only intervene when it was something, either international policy or directly relevant to the UK. Whereas previously, there would usually be more of an active British position on everything, but you could feel that gap growing."

As Cameron notes in his book, *For the Record*, part of this apparent distancing was him liaising with his team outside the room and keeping them informed about ongoing discussions. He writes, 'I used technology to keep my team abreast of what was happening. A BlackBerry Messenger group for all my key officials was set up before any meeting started. If new documents were tabled I could get messages back to the team.' Nevertheless, the impression received was that he had withdrawn during debates.

There were also constructed efforts on behalf of some Conservative ministers and their advisors to disrupt the UK's EU policy. As a former UK Permanent Representative describes: "[Dominic] Cummings at one stage took it upon himself to get Michael [Gove] to write blocking every single write around[7] on every subject on European business." There were also attempts to ensure that the UK lost on votes in the Council to have it on record in the event of any referendum. As a former UK Permanent Representative explains:

> "I frequently had discussions with people who were saying, 'You must just stand firm and say no, and if necessary be outvoted.' They wanted to do it on the record because they wanted to win the referendum off the back of the argument that we were frequently defeated in the room."

7 The write around process is correspondence between government departments to reach a collective position on policy.

THE RENEGOTIATION

The UK's renegotiation of its terms of membership had been on the political agenda since David Cameron's 2013 Bloomberg speech, in which he pledged to negotiate 'a new settlement in which Britain can be comfortable' and hold an in-out referendum on the outcome. Following the overall majority won by the Conservatives in the 2015 general election, the renegotiation was placed front and centre on the political agenda.

UKRep's involvement in the renegotiation began as early as 2014, when the Conservatives were devising their manifesto. A senior official in the representation at that time recalls:

> "We got issues to do with the free movement of people by the autumn of 2014, and I had to fight quite vigorous campaigns from the Permanent Representation basically saying that various things they wished to put in the manifesto were simply illegal under the treaties and could not be got without treaty change, which they would not get."

Nevertheless, by the time of the election — and in stark contrast to the subsequent Brexit negotiations — officials had already completed a substantial amount of preparatory work. As a former senior UK official involved in the renegotiation talks describes:

> "We had written a bundle of papers for May 7th 2015 [the date of the 2015 general election]. 'This is what you said at Bloomberg, this is what has happened since, here is a whole set of things that you might or might not want to go for, here is a way of structuring it.'"

From then on, as Ivan Rogers describes, the permanent representative job "changed completely". He explains, "I was going to spend more of my life on this than anything in Coreper because it was more important and was the whole show. I was stretched very heavily." Giving evidence to the House of Commons European Scrutiny Committee in February 2017, Rogers explained:

> "I worked in the renegotiation more than 100 hours a week for 17 or 18 weeks running. I did exactly the same through last autumn [2016]... In the four months of the autumn [2016], I took 25 trips back to London for official and ministerial meetings, so averaging 1.5 trips a week."

The impact of the renegotiation and the post-referendum preparations was to downgrade the UK's engagement on day-to-day issues that arose in Coreper II.

The talks on the renegotiation themselves took place in a constructive atmosphere. As a senior Council official involved in the talks describes: "They [UK officials] did the best possible job in very difficult circumstances. It never became personal, it never became unpleasant, and they continued to be as constructive as possible." This official describes the negotiations as a "rescue operation" and that "senior British officials tried everything to provide the elements so that Cameron could claim victory."

The UK Permanent Representative, Ivan Rogers, was centrally involved in the renegotiation. Rogers was the second official on the British side, with the talks led by Tom Scholar, the Prime Minister's EU sherpa. The tandem of the Sherpa-Permanent Representative relationship was crucial, as a senior Whitehall official explains:

> "The Ivan [Rogers]/Tom Scholar version of it was a very close working relationship, partly because they both had known each other for a long time, but also because Tom hugely respected Ivan's knowledge and expertise."

A senior official in the EU Council who was involved in the negotiations attributes the success of the negotiations to this very structure: "That is why they managed to get an agreement."

An important part of this dynamic was also the Prime Minister's special advisors. As a former senior UK official involved in the talks characterises it:

> "There was tension between what the old bores in the system, led by Scholar and Rogers, said was potentially gettable and deliverable and might be the art of the possible and might be negotiable, and then what some of the special advisor fraternity — Mats Persson, Dan [Korski] and others — believed ought to be gone for."

Between Scholar — with his close familiarity of the Prime Minister's thinking and his connections in national capitals in the EU sherpa network — and Rogers — who had contacts with the key figures in the institutions — this tandem developed a thorough view of what would and would not work in negotiations. As a former senior UK official involved in the talks recalls of the immediate post-election period in 2015:

> "By then, we had done a load of pre-cooking, a load of pre-discussions as to what might be viable. We had clear signs of what was not going to be viable, but he [Cameron] had got to match what he thought was going to

> work in party terms - and obviously he was wrong - with what we think might be viable at European Council level, if push came to shove."

The timetable was a major constraint. As a former senior UK official involved in the talks recounts:

> "There were also tensions on process and timing, with us saying, 'You have got the French and German elections coming up by autumn '16, you have a window in which you could conceivably do this by spring of '16, but that would be a pretty truncated negotiation.'"

Ultimately, the Prime Minister sought, and got, an explicit opt out from ever-closer union with a British exemption to be written into the treaties at a later date. On the single currency, the UK secured a guarantee that non-euro states would not have to fund euro bailouts. Even in the area of free movement, where many observers had expressed doubts that any real progress was possible, Cameron secured the ability to restrict payments of in-work benefits and to index-link child support payments to the conditions of the member state in which the child lived.

More comprehensive reform would have required treaty change, which, on top of being incredibly complex, would have required much more time than Cameron was willing allow for the talks, and also political will on the EU side. Politically, the package was not compelling, and Cameron rarely used it in the referendum. The mistake was Cameron's in overselling what was possible — such as an emergency brake on free movement — before properly understanding what was possible in legal and practical terms. Theresa May would make a similar mistake in her fateful October 2016 Conservative Party Conference speech, where she first set out her Brexit stall.

AFTER THE REFERENDUM

After the referendum, the UK system for dealing with EU policymaking was changed, including UKRep's role within it. One of Theresa May's first acts was to create the Department for Exiting the EU (DExEU), which took on most of the responsibility for EU policy within Whitehall, with the exception of EU foreign policy, which remained with the Foreign Office. The negotiations and coordination of day-to-day EU policy were brought under the aegis of DExEU, which absorbed the Europe part of the European and Global Issues unit in the Cabinet Office. UKRep now reported to DExEU, as well as to the Foreign Office, who continued to deal with 'pay and rations'. As former DExEU Permanent Secretary Philip Rycroft explains, "I formally was in charge of the Permanent Representation. As Permanent Secretary of DExEU, the Permanent Representation reported into me but it was a fairly light line on the organogram."

The responsibilities of the sherpa — previously based in the Cabinet Office — were transferred to the Permanent Secretary of DExEU, Olly Robbins. He had nothing like the extensive EU expertise of his predecessors. His senior experience had centred on security and home affairs. He had been David Cameron's Deputy National Security Advisor in 2010-2014, before a brief stint as Second Permanent Secretary at the Home Office in 2015-2016. After the referendum, he had been moved by Jeremy Heywood, the Cabinet Secretary, to replace Tom Scholar as the EU advisor and head of the Cabinet Office Europe Unit, working to Oliver Letwin, whom David Cameron had put in charge of preparing exit options until his successor was chosen. The rapid conclusion to the Conservative Party leadership contest meant that this arrangement lasted less than a month.

The civil service had just delivered a major EU negotiation within a very short timeframe for David Cameron's renegotiation. Yet, facing another EU negotiation — albeit of a very different character — within a tight timescale, the Prime Minister decided to restructure in short order. The political rationale for DExEU was obvious: it signalled that the Government was serious about carrying out the referendum result and enabled the appointment of an avowed Brexit supporter, David Davis, to lead it. However, beyond that, the creation of the department and the responsibilities ascribed to it are more difficult to explain. For one senior Whitehall official, many of these decisions were taken out of ignorance rather than strategy:

> "I think the big problem with creating a new department with many people who hadn't worked much on the EU before is they didn't understand what the Permanent Representation was for. They didn't really understand what it did. They thought it would just be fine to do without it."

Robbins had the huge advantage of having already worked with Theresa May. But a structure that made him permanent secretary to a cabinet minister, who saw himself in charge of negotiations that the Prime Minister in fact wanted to steer, meant that he was pulled in two directions at once. The structure proved unsustainable and the conflict was finally resolved when Robbins moved, along with the negotiations, back into a recreated Europe Unit in the Cabinet Office in September 2017.

DExEU had faced difficulties from the outset. The department had to build up its EU expertise from scratch, partly borrowing from UKRep, when there was already a wider paucity within Whitehall. As a former senior official in DExEU puts it:

> "Part of what DExEU was doing was learning and getting departments to learn, to understand the nature of EU legislation in order to make the

transition from it being EU legislation to becoming UK legislation. But alongside all of that, to understand the nature of the negotiation that we would be going into on the future relationship. Those skills, I felt, were at a premium. We did pretty well in DExEU in hoovering folk up who had got both diplomatic European skills, UKRep, [European] Commission and trade."

It was also operating in a difficult institutional environment. As with any major government policy, there were tensions between departments that felt they were best placed to lead. As a former senior official in DExEU describes:

"There was huge residual institutional resentment at the fact that there was a DExEU. DExEU was doing stuff that the Foreign Office thought it should be doing, the Treasury thought it should be doing. Two of the three big traditional departments of state with all of their history and authority, and this Johnny Come Lately popped up and was doing all this important work. Noses were out of joint, absolutely no doubt about that. It was part of the reason that it took so long for Whitehall seriously to gear up the no deal planning. There was this Whitehall positioning and Whitehall pride at its very worst."

There undoubtedly was resentment from other departments, but this could be attributed to the way in which DExEU was handling EU policy rather than the fact that it now existed. As a senior Whitehall official describes:

"It was frustrating. It was never clear the quality of the advice was fantastically good. The advice on it was often being run by people who had limited experience working with the European Union, and, therefore, didn't have, as far as I could see, a whole load of credibility with ministers, which meant there was a bit of a vacuum. This idea that member states were going to rise up against the European Union, it just obviously wasn't true, so, for people watching all that happen, it was pretty annoying, yes."

Having taken on the coordination role from the cabinet office, DExEU also had to reconstitute that system under a new guise. As a former senior official in the department explains:

"It was the ongoing business that the Permanent Representation clung on to because that's what they knew. They were not being drawn in on to the negotiations in the way certainly Ivan [Rogers], but then Tim

> [Barrow] subsequently would maybe have wished. But the permanent representation did carry on transacting the day-to-day business very effectively, as they always had done. That was mediated through Whitehall, through Barrow-Rycroft [meetings], which was in that fine tradition of Whitehall-permanent representation liaison."

UKRep continued to manage day-to-day EU policy, as it always had, but it was not able to be a modulating influence between negotiating aims and outcomes, as the permanent representative had been in the Cameron renegotiation.

The insularity of the Prime Minister's office was a major factor that led to the sidelining of much of the Government's existing EU expertise during the exit negotiations. If there was a Treasury turn in EU advisors under David Cameron, there was a Home Office turn under Theresa May. She brought her political advisors from her time as Home Secretary and installed Olly Robbins — previously Second Permanent Secretary at the Home Office — as the first head of DExEU. Moreover, Mark Sedwill became Cabinet Secretary in 2017, having been Permanent Secretary at the Home Office since 2013. As a former cabinet minister in the May administration argues of her senior advisors:

> "Since it was very difficult for cabinet ministers to get views past the chiefs of staff to the Prime Minister, for an official based in Brussels to do that must have been extraordinarily tough to do."

Most prime ministers tend to keep a relatively small group of close advisors around them. That was not unusual. However, what was characteristic of Theresa May was, as one senior official describes, that "she didn't really trust the FCO. The UK mission was part of that. It was a very, very small circle of trust. If you hadn't worked with Theresa May for a long time, you weren't in it."

This underlying mistrust spilled over into interactions with the permanent representation. These tensions came to a head in January 2017 when Ivan Rogers very publicly resigned, publishing his resignation letter to staff in UKRep, in which he argued, "The Government will only achieve the best for the country if it harnesses the best experience we have — a large proportion of which is concentrated in UKRep."

In terms of day-to-day EU policy unrelated to Brexit, the permanent representation continued to function largely as it had previously, albeit now reporting into DExEU, which co-ordinated departmental interests. As former UK Permanent Representative Ivan Rogers set out to the European Scrutiny Committee in February 2017:

> "There was no reason to change after the referendum, and that was the message I gave to staff that I wanted people — and that was the message coming down from on high, from senior ministers — wanted people to be engaged, completely normally and fight their corner in working groups as I would in Coreper because this legislation either would still or might still apply to us and we still had our equities at the table. We were one of the 28 member states until we ceased to be. And that has been the posture of UKRep ever since June 24th and will remain so."

As a former senior official in the UK Mission to the EU who was also part of the permanent representation describes how he presented the predicament to EU colleagues:

> "I was very honest with all my European colleagues. I said, 'Look, we don't know what our future relationship is going to look like, so I'm going to negotiate as though every bit of what I'm negotiating is going to matter to me and be directly applicable in the UK because I simply don't know.' And they all said, 'Actually, that's fine.'"

Ultimately, although the Brexit process did not compromise the the mission, which continued to be engaged in EU structures until the very end, what changed were its reporting lines and its involvement (or lack thereof) in determining and delivering policy. Under Theresa May in particular, UKRep was marginalised, before being brought back into the fold under David Frost, Boris Johnson's EU sherpa and Brexit Chief Negotiator.

THE UK MISSION TO THE EU

Following the Trade and Cooperation Agreement (TCA), the UK has a unique relationship with the EU that does not perfectly replicate any of the EU's other external relations. Norway and Switzerland have deep arrangements far beyond the UK's. The EU is also accepted politically as their primary relationship, whereas the UK Government is reluctant to recognise the EU itself as having major significance. Conversely, Canada, Australia and the US have much less at stake in their relationships with the EU than the UK does, and fail to offer a perfectly replicable model either. As during so much of the Brexit process, the UK finds itself in a unique position from which it has to decide how a big, close and economically integrated neighbour to the EU should best operate outside it.

On 1 February 2020, after 47 years, the UK Permanent Representation to the EU became the UK Mission to the EU. The permanent representative became first the ambassador and then, in January 2021, the head of mission. The rank of the head of the UK Mission was downgraded from the most senior level in the civil service to the grade below, Director-General. This leaves the UK Ambassador to the US in Washington, Karen Pierce, as the only UK ambassador at a permanent secretary rank. The deputy ambassador role at the UK Mission to the EU, which was at director-general level, was abolished in 2020, removing a senior figure from the hierachy. Although UKMis currently retains a similar number of officials as when the UK left the EU, there is an expectation that it will gradually reduce in size over time due to natural wastage as officials move on. The Mission had already begun to adapt before the UK's official exit, restructuring its senior management, with an additional three director-level posts being installed.

The Mission will still need to engage Whitehall on EU issues and try to influence the EU from outside, rather than being in the room. Its officials will no longer attend the multitude of internal EU negotiations. Instead, the Mission will need to liaise with new new European secretariat being formed in the Cabinet Office, replacing Task Force Europe, supporting the newly elevated Minister of State, David Frost, who has been put in charge of overseeing the future management of Brexit. UK interests now need to be pursued through the plethora of governance structures that form part of the Trade and Cooperation Agreement.

Being outside the EU institutions, the UK will have to work much harder to find out what is going on within them. As a senior Whitehall official describes: "The information they [the UK Mission] get still feels pretty good because Brussels is a pretty leaky place. It's not beyond the wit of man to get some information from Brussels." Nevertheless, UK officials will have find new ways to obtain this information and verify it.

The UK will also lose direct experience of the negotiating dynamics within the Council, and between the Council and the other institutions. During membership, UK officials were familiar with their counterparts, understanding both how they negotiated and how they managed competing policy priorities. The UK retains many officials that have direct negotiating experience in the EU, but this experience will progressively decline in the UK Mission and in Whitehall. Even if the UK continues to have reasonable resources directed towards understanding and influencing the EU, it will have a less sophisticated grasp of internal EU dynamics.

The EU itself will also change by design and in response to events. The impact of Covid-19 has been one factor in its internal progression, but the UK's absence is another. The recent agreement to expand the scope of the EU's fiscal responsibilities to include jointly issued debt marks a major move towards deeper integration. Following the pandemic, there will inevitably be moves to deepen cooperation in health policy, as well as to establish rules for a more coordinated response to such crises in future. The EU that officials in UKRep knew in 2016 is not the same today, and it will be much different by the middle of the decade and beyond. The mission's challenge will be to understand and communicate the impact of the continued evolution of the EU back to Whitehall and to convince domestic departments that they should pay attention to it.

Outside the EU, the UK will have vastly less influence on it and EU policy will become less relevant (although far from irrelevant). As a former UK Deputy Permanent Representative explains, "You need to be much more selective and strategic about what you try and influence." Resources freed up by not participating in internal EU negotiations will need to be redeployed towards intelligence gathering. Beyond the future relationship negotiations, politicians need to give the UK Mission a clear mandate on future strategy towards the EU. This should happen as part of the Integrated Review into UK foreign policy, which is scheduled to report in Spring 2021. Until then, the UK Mission will be in a holding pattern.

Previously, the link between the permanent representation and British missions in national capitals across the EU was relatively weak. As a former UK Deputy Permanent Representative explains, "We didn't do a lot of work collectively with the Europe network." Ensuring that there are frequent interactions and deeper links between the UK Mission in Brussels and the key national capitals will be an important step towards ensuring a coherent UK approach to EU policy going forward. Yet there is a risk in focusing primarily on bilateral relationships and missing inter-institutional dynamics. The UK will have to accept that its influence in what it always regarded as the principal EU forum, the Council, is much diminished.

A consequence of this is that it will have to shift focus to the European Parliament. As a former senior official in the UK Mission argues, "You have to put even more investment into your relationship with the European Parliament because that is the most open institution." To be effective, this will require political, as well as official, engagement, and a more widespread recognition in Westminster of the importance of the European Parliament and the influence of MEPs. While this seems unlikely, British political parties remaining in their European family groups will be an important means to retain influence. But individuals MPs, especially select committee chairs, should make concerted efforts to connect with their counterparts in the European Parliament. The Parliamentary Partnership Assembly agreed as part of the Trade and Cooperation Agreement is an important link that needs to be fully exploited.

There is a palpable risk that the UK Mission will struggle to attract talented civil servants in future. As this report has set out, even while the UK was a member state, experience of working in Brussels was undervalued in Whitehall — a view that will be increasingly prevalent now that the UK is no longer a member state. One of the most attractive features of working in UKRep — being directly involved in negotiations on legislation — no longer exists. It may be that the balance of risks and benefits for staff moving to the mission is weighted more heavily towards the former.

Inevitably, ambitious civil servants want to work in areas of the greatest importance to the government of the day. In the medium term, relations with the EU are likely to plummet down the list of political priorities. This is unlikely to spur great enthusiasm among civil servants to work on EU policy. Without a concerted effort to bolster recruitment, the UK Mission could come to be regarded as a career graveyard. It remains to be seen whether sufficient resources will continue to be committed to the mission to allow the development and maintenance of a deep knowledge base about the EU.

CONCLUSION

The UK's exit from the EU marks a profound change in how the UK organises its diplomatic efforts towards the bloc. For almost half a century, the UK's Permanent Representation to the EU was the Government's eyes, ears and mouthpiece in Brussels. It was at the heart of the UK's EU policy and on the frontline of negotiations with EU governments and institutions on a daily basis. The UK had a long-established and well-developed system for managing EU policy domestically, led by the EU sherpa in the Cabinet Office and the permanent representative in Brussels. When this system functioned well, UKRep was at the heart of policymaking.

However, this report has shown weaknesses in the UK system that were evident even before the Brexit process. The permanent representation sometimes struggled to be heard in Whitehall, and its expertise often went underutilised. This was to the detriment of decision-making, as UKRep had an unrivalled understanding of not just the EU institutions but also the policy dynamics within member states. Partly, this was the result of domestic departments failing to understand and appreciate the importance of the EU to their own policy agendas. Increasingly, EU expertise was siloed within the many Whitehall departments and their senior officials were often unfamiliar with the EU system and how it related to domestic policy.

This poor level of understanding was even worse at the political level. At best, political engagement in Brussels was patchy and inconsistent. Having influence in Brussels was rarely a priority for UK ministers, in part because the House of Commons loomed large over their professional lives. The UK's political culture clashed with the demands of EU membership in several respects. The nuances of qualified majority voting and its impact on negotiating tactics were rarely grasped. There was also a fixation on negotiations in the Council, to the detriment of the UK's interests, which could have been more effectively pursued with a cross-institution strategy.

The most systematic error on the part of the UK Government was to overlook the European Parliament. Certainly, UKRep did commit time and resources to influencing MEPs. However, fundamentally it was — and continues to be — seen by many UK politicians and officials as a second-class institution with, consequently, secondary relevance. This is a fundamental error and damages the UK's ability to pursue its interests in the EU. Outdated ideas about the importance of the European Parliament and its role in legislating meant opportunities for influence were missed. The same can be said for bureaucratic positions within the EU institutions. There remains a large cohort of British officials within the

EU institutions, but relations with the UK Government are perhaps permanently damaged. At its heart, this speaks to a distaste on the part of successive UK Governments for the supranational elements of the EU. Yet, by failing to engage effectively with them, meant the UK was sidelining itself while a member state.

The officials that the UK needed to do much of this influencing work were — and are — in short supply. The UK's senior EU expertise had dwindled dramatically before the EU referendum, and this has continued since. There was no systematic planning in place to ensure succession for talented and experienced individuals to take over the major EU roles. Instead, this was done largely ad hoc. This dearth can only be expected to worsen now that the UK has left the EU.

Although none of this was caused by the Brexit process, the decision to leave the EU — and particularly the way that negotiations were handled under Theresa May — meant that the UK's longstanding and well-functioning system became increasingly dysfunctional. The creation of the Department for Exiting the EU, as well as its own changing remit regarding EU policy, made the process more difficult than it needed to be. Much valuable work was done by talented officials within the department, but it was done under immense pressure.

Since the UK left the EU, the newly dubbed UK Mission to the EU has been downgraded substantially. The Head of Mission is no longer at the most senior level in the civil service and the deputy ambassador post has been abolished. Moreover, staff numbers are expected to decrease progressively over time. More broadly, the Government has indicated a deprioritisation of the EU, despite a commitment to maintain ties with member states separately. Yet, as a result of the Withdrawal Agreement and the Trade and Cooperation Agreement — the two treaties that form the basis of UK-EU relations in future — it will be with the Commission that the UK is most heavily and regularly engaged. Although there were hopes that the finalisation of the Brexit process at the end of 2020 would lead to a return to a more pragmatic approach to EU policy, that still appears to be some way off.

Ultimately, the UK Mission to the EU is the repository for most of the Government's expertise on the EU. A such, it will remain of crucial importance, especially — as seems likely — if Government departments deprioritise the development of EU expertise. Regardless of the Government's ability to admit it publicly, the UK needs to retain and develop a substantial cadre of EU expertise. The UK and the EU are too close geographically and too deeply integrated — politically, economically and otherwise — to simply disengage. That much is clear in the arrangements in the TCA itself, in which domestic regulatory changes on either side can trigger retaliatory actions, if they affect bilateral trade. Therefore, the imperative to understand one another has not diminished.

Although the Government has other legitimate priorities, it remains in its core interest to ensure substantial diplomatic engagement not just with EU member states individually but with the EU institutions too. It needs to focus not just on maintaining but on building a body of in-house EU expertise to manage relations with the EU. Once lost this expertise will be much harder to recreate in future.

The UK in a Changing Europe promotes rigorous, high-quality and independent research into the complex and ever changing relationship between the UK and the EU. It is funded by the Economic and Social Research Council and based at King's College London.

T 020 7848 2630
E info@UKandEU.ac.uk
TheUKinaChangingEurope
@UKandEU

www.UKandEU.ac.uk