

Foreword to [\*Federico Fabbrini \(ed.\), "The Law & Politics of Brexit. Volume 2. The Withdrawal Agreement" \(Oxford University Press 2020\)\*](#)

**Michel Barnier**, Head of the Task Force for Relations with the United Kingdom

In 1972, aged 21, I cast my first ever vote. It was on the occasion of the French referendum on the accession of the United Kingdom, Ireland, Denmark and Norway to the European Communities. I voted 'yes' wholeheartedly, convinced that the European project would be stronger with the United Kingdom as a member, and that the United Kingdom would also benefit. To this day, I continue to believe that I made the right choice.

And yet, as I write these lines, the United Kingdom is no longer a member of the European Union. On 23 June 2016, a majority of British citizens voted to leave the European Union, sending shockwaves across the continent. And, in July 2016, I was appointed, by then-President of the European Commission Jean-Claude Juncker, as the Commission's Chief Negotiator for the preparation and conduct of negotiations with the United Kingdom.

My task, as such, was to deal with the new situation; to unravel 47 years of economic and political integration in an orderly manner, minimising the harm that Brexit inevitably causes to our citizens and businesses. Needless to say, this was not just legally complex but also politically sensitive.

Having started negotiations in June 2017, it took us nearly three years to conclude the Withdrawal Agreement that entered into force on 1 February 2020, marking the United Kingdom's official departure from the European Union. As I have often said, Brexit is a school of patience.

Negotiations were not easy, but I had the privilege of working with exceptional support from the European Commission services, as well as 27 united EU Member States and a tenacious European Parliament. Together, with the successive UK governments of Theresa May and Boris Johnson, we delivered an orderly withdrawal.

What many had expected to be a deal-breaking issue – the financial settlement – was agreed relatively quickly. Part of the key to unlocking that issue was the UK government's request for a sufficiently long transition period to mitigate the negative impact of Brexit on the United Kingdom's economy.

We were also able to make progress quickly on citizens' rights, once the United Kingdom accepted to base our work on concepts of EU law. Thanks to this, the Withdrawal Agreement

guarantees, for life, the rights of all European citizens residing in the United Kingdom and British nationals living in the European Union, as well of those of their families. That concerns nearly 5 million people.

Finally, although both the EU and the UK acknowledged very early on that the situation in Northern Ireland was unique and required a specific solution, finding common ground remained difficult. But the EU was tireless in its efforts and in its solidarity with Ireland. We listened to Irish, Northern Irish, and British concerns. We mapped out North-South cooperation, with the United Kingdom. We investigated different options. We went back to the drawing table, various times, to design new measures or to reassure. We showed flexibility and understanding, and we found an agreement.

The Protocol on Ireland and Northern Ireland that we have agreed on avoids a hard border on the island of Ireland and preserves the all-island economy and the Good Friday (Belfast) Agreement in all its dimensions. This is crucial to guarantee continued peace and security. At the same time, it preserves the integrity of the EU's single market, with all the guarantees it offers in terms of consumer protection, public and animal health, and respects the place of Northern Ireland as an integral part of the United Kingdom's customs territory. Importantly, it also recognises Northern Ireland's democratic right to shape its own destiny, by giving the elected representatives of Northern Ireland's Legislative Assembly the right to decide whether to continue applying the agreed solution or not, four years after it starts to apply.

Although those three issues were the ones that occupied the headlines, the Withdrawal Agreement settles all aspects of the separation – covering everything from the protection of intellectual property rights to the winding down of police and judicial cooperation in criminal matters. In short, it brings legal certainty where Brexit created uncertainty.

Does the entry into force of the Withdrawal Agreement mean that our task is completed? Certainly not!

On the one hand, we still have to finalise negotiations on the terms of our future relationship. On the other hand, we have the equally essential task of ensuring that the respective obligations of the EU and the UK, which are clearly set out in the Withdrawal Agreement, are properly implemented on the ground.

The Withdrawal Agreement is a precise legal text that must be applied with rigour and discipline by all sides. This means that all 27 Member States and the United Kingdom must live up to their commitment to upholding EU and UK citizens' rights, taking particular care of those most vulnerable. It also means that the United Kingdom will have to implement a system of reinforced checks and controls for goods entering Northern Ireland from Great Britain.

It goes without saying that the better all the intricacies of the Withdrawal Agreement are known and understood, the easier their implementation will be. That is the particular merit of the book you have in your hands, in which Federico Fabbrini and other renowned scholars and researchers provide a detailed analysis of the provisions of this important legal document.

The correct implementation of the Withdrawal Agreement will also be central to ongoing negotiations on the new relationship between the European Union and the United Kingdom. Indeed, a new partnership can only be built on trust, which, in turn, requires a faithful and effective implementation of the Withdrawal Agreement.

Of course, whatever the future partnership we agree on, it will never be able to match the benefits of EU membership. The United Kingdom's departure from the EU Single Market and Customs Union, and its decision to end free movement of people, will inevitably have disruptive effects and create additional economic costs and barriers that do not exist today. It is important that people and businesses in the European Union and the United Kingdom be ready for such changes.

But I firmly believe that the EU and the UK must continue to have a deep and meaningful partnership going forward. One that goes well beyond trade and includes broader cooperation on issues such as the mobility of people, transport, energy, research cooperation, security, defence, and responses to public health crises, among others.

Indeed, the Coronavirus pandemic that erupted in 2020 taking so many lives around the world has again shown the value of cooperation and solidarity across borders. As healthcare systems across the EU came under unprecedented pressure, Member States worked together tirelessly to alleviate the pressure on overburdened hospitals and save lives. Cooperation across borders not only helped to keep hospitals functioning, it also enabled factories to keep operating and shop shelves to remain stocked. It allowed for the repatriation of EU citizens, their families, and long-term residents to Europe from across the world.

But clearly, overcoming the tragic economic and societal losses wrought by this once-in-a-lifetime crisis will require a lot more solidarity and empathy across borders for the future. This is true among EU Member States, but also with the United Kingdom. Because, even though it is no longer a Member State, the United Kingdom remains our closest neighbour, ally, and friend.

We must honour the bonds that unite our countries and our people and look to build an ambitious and comprehensive economic and security partnership; one that supports continued solidarity and cooperation going forward; and one that will make us stronger, together, when faced with the next unprecedented crisis.