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Andrew Cowan/Scottish Parliament
UK GENERAL ELECTION

On Thursday 12 December 2019, the UK went to the polls in a General Election.

During a speech at Westminster on 29 October 2019, Prime Minister Boris Johnson had called for an election telling MPs that:

we are left with no choice but to go to the country to break free from this impasse, and to allow us all to submit, as we must in all humility, to the judgment of the electorate.

The election results saw the Conservative Party secure a majority of 80, winning 365 seats. This represents an increase of 47 seats since the 2017 election. The Labour Party saw their number of seats fall by 59 – finishing the election with a total of 203 seats while the Liberal Democrats fell from 12 seats to 11.

In Scotland, the Scottish National Party won 48 seats – an increase of 13 since 2017*. The increase came at the expense of the Conservative and Labour Parties who lost 7 and 6 seats respectively.

The results for Scotland are presented in the SPICe infographic below. The infographic also compares the number of seats won by each party in the 2015 and 2017 elections.

*one SNP candidate, Neale Hanvey, was suspended from the party after the nomination deadline had passed. As such, Neale Hanvey appeared on the ballot paper as an SNP candidate in Kirkcaldy and Cowdenbeath but will sit as an independent. This means that the SNP group at Westminster will be 47. In this Brexit Update the 48 seat figure is used.
In his election victory speech, Prime Minister Boris Johnson said:

…”We broke the deadlock, we ended the gridlock, we smashed the roadblock [...] And with this mandate and this majority, we will at last be able to [get Brexit done].

Because this election means that getting Brexit done is now the irrefutable, irresistible, unarguable decision of the British people [...] Because we politicians have squandered the last three years, three and a half years, in squabbles about Brexit - we've even been arguing about arguing, and about the tone of our arguments.

And I will put an end to all that nonsense, and we will get Brexit done on time by the 31st of January, no ifs, no buts, no maybes.

**SPICe blogs**

SPICe has published two blogs on Brexit since the election. These are:

- A blog setting out the immediate impact of the election result on the Brexit process and what some of the key issues might be when the negotiations on the future relationship begin.

- A blog looking at the EU’s preparations for negotiating the future relationship with the UK.

**SCOTTISH GOVERNMENT RESPONSE**

In a speech given the morning after the election, the First Minister Nicola Sturgeon commented:

…”it is now clear beyond any doubt that the overwhelming majority of people in Scotland want to remain in the European Union.

That verdict was first delivered in the referendum in 2016. It was re-inforced in the general election of 2017. It was strengthened in the European election earlier this year. And last night it was emphatically confirmed.

Westminster has ignored people in Scotland for three years. Last night the people of Scotland said - enough. It is time for Boris Johnson to start listening.

I accept - regretfully - that he has a mandate for Brexit in England. But he has no mandate whatsoever to take Scotland out of the EU.
THE VIEW FROM BRUSSELS

On the morning of Friday 13 December when the results of the UK election became known, the President of the European Council Charles Michel told reporters:

📢 We expect as soon as possible a vote by the British parliament on the withdrawal agreement. It is important to have the clarity as soon as possible. We are ready. The EU will negotiate to ensure to have a close cooperation in the future with the UK.

And speaking to reporters on the timetable for conducting negotiations with the UK, the President of the European Commission, Ursual von der Leyen said:

📢 The time frame ahead of us is very challenging. We will have to work as soon as possible. We will be ready to get the most out of the short period available.

In terms of a future partnership with the UK she also said:

📢 We want our future relationship to be as close as possible in full respect of our principles. The United Kingdom, yes, will become a third country, but at the very end, we will have an unprecedented partnership. This is not the end of something. This is the beginning of excellent future relations between good neighbours.

While the European Parliament's Brexit Coordinator in the Brexit negotiations, Guy Verhofstade tweeted:

📢 Guy Verhofstadt @guyverhofstadt

Brexit will now happen. The British people have confirmed their referendum decision of 2016. The EU must now focus on building a new close, fair and lasting partnership with Britain. It is in our common interest.

2:55 AM - 13 Dec 2019
EUROPEAN COUNCIL MEETING

A special meeting of the European Council (Article 50) was held on 13 December 2019. The EU27 leaders met to discuss Brexit and their preparations for the negotiations on a future relationship once the UK has left the EU.

The conclusions published after the meeting noted:

- The European Council reconfirms its desire to establish as close as possible a future relationship with the UK in line with the Political Declaration and respecting the previously agreed European Council’s guidelines, as well as statements and declarations, notably those of 25 November 2018. The future relationship will have to be based on a balance of rights and obligations and ensure a level playing field.

The conclusions also noted the response of the EU27 leaders towards the appointment of Michel Barnier as Head of the Task Force for Relations with the United Kingdom, stating:

- The European Council welcomes the Commission’s decision to reappoint Michel Barnier for the negotiations on the future relationship. The negotiations will continue to take place in a coherent manner and in unity and transparency with all Member States.

EU-UK FUTURE NEGOTIATIONS

New task force appointed

On 22 October 2019, the European Commission announced a new “Task Force for Relations with the United Kingdom” was to be established. Michel Barnier was appointed as Head of the task force with responsibility to oversee negotiations on the future relationship between the EU and the UK.

In an interview with RTÉ News in November 2019, the EU trade commissioner, Phil Hogan, outlined his role in the negotiation process. He said

- Mr Barnier will monitor all the future relationship and I will be the chief negotiator for the full trade agreement [...] From the point of view of the trade element, I will be negotiating directly with the United Kingdom with the assistance and support of Mr Barnier.

In the same interview, Hogan indicated that it may be possible to secure an agreement between the EU and the UK more quickly than traditional EU negotiations, saying:

- With a bit of good will on both sides – we can do an agreement more quickly than we would do with any other negotiations around the world which would take three or four years. The United Kingdom has been part of the European Union. They’ve been part of the trade framework for the past 45 years, so we’re not starting from scratch.
Negotiation deadlines

In their election manifesto, the Conservative Party committed to negotiating a trade agreement with the EU before the transition period is due to end in December 2020.

As Head of the Task Force for Relations with the UK, Michel Barnier has indicated that negotiations on a future relationship may take a number of years to fully conclude. On 22 October 2019, during a debate in the European Parliament he said:

What we are doing at the moment is unpicking 44 years of cooperation [...] We are going to have to negotiate beyond Brexit, and the divorce settlement - maybe two, three or more years for some areas - to rebuild everything that has had to be unpicked as a result of those who wish Brexit.

And on 11 December 2019, it was reported that during a closed meeting with MEP’s Barnier said

… we will not get everything done in 11 months. We will do all we can – we won’t do it all.

Institute for Government report

On 15 December 2019, the Institute for Government published a report in which the former adviser to Prime Minister Theresa May, Raoul Ruparel said that it would be possible for the UK to “negotiate a narrow and shallow Free Trade Agreement with the EU – and have it ratified and in place – by the end of 2020”.

Learning from the first phase of negotiations, the report set out the 5 key lessons the prime minister and the UK negotiating team should consider before entering into the second phase of negotiations. These were listed as:

- Have a clear view on the structure of the negotiations
- Get on the front foot
- Have a better communications operation and a clear public narrative
- Bring the UK Parliament, external stakeholders and the public on side
- Make better use of diplomatic channel

The conclusion of the report does add that although a deal could be negotiated by the end of 2020, there will be challenges ahead for the UK. The report states that:

The UK needs to have a clear idea about how it wants the negotiations to run, and get Whitehall ready to deliver its plan. This probably means some big changes in a short space of time. Even if the UK does everything in its power, there are still no guarantees a deal can be done, particularly by the end of 2020. Getting a deal over the line in this timeframe will involve some tough choices from both the UK and EU early on in this process.
NEW PRESIDENTS AT EU INSTITUTIONS

European Commission

Ursula von der Leyen was elected by the European Parliament as President of the new European Commission in July 2019. She took up the post on 1 December 2019, replacing Jean-Claude Juncker. With the appointment of von der Leyen confirmed, both the outgoing and incoming Commission Presidents reflected on the decision of the UK to leave the EU.

Before his departure, Jean-Claude Juncker considered the impact of Brexit during his time as President. Speaking in a debate in the European Parliament in October 2019 he said:

In truth, it has pained me to spend so much of this mandate dealing with Brexit, when I have thought of nothing less than how this Union could do better for its citizens – a waste of time and a waste of energy […] I will always regret the United Kingdom's decision to leave the Union. But at least we can look ourselves in the eye and say that we have done all in our power to make sure that this departure is orderly.

And in the week before taking up the post of President, Ursula von der Leyen told the European Parliament:

We all know that one Member of our family intends to leave our Union.

And I have never ever made any secret about the fact that I will always be a remainer. We will respect the decision taken by the British people.

We will work closely together to find solutions to common challenges – especially on security matters. But one thing has to be absolutely clear:

Whatever the future holds, the bond and the friendship between our people are unbreakable.

European Council

On 1 December 2019, Donald Tusk was replaced as President of the European Council by former Belgian Prime Minister Charles Michel.

Before he left the role, Mr Tusk reflected on his personal feelings on the UK’s decision to leave the EU.

Following a meeting of the European Council on 17 October 2019, he revealed that an agreement had been reached between EU and UK negotiators on the UK’s departure from the EU. However he concluded his remarks by saying:

On a more personal note, what I feel today is, frankly speaking, sadness. Because in my heart, I will always be a Remainer. I hope our British friends decide to return one day. Our door will always be open.
And on 13 November 2019 during a keynote speech at the opening ceremony of the 2019/2020 academic year at the College of Europe he told the audience:

> As I say these words, the UK is still a member of the European Union, and will remain so, until the end of my term. But I will not pretend that this is some kind of success, because Brexit may happen at the beginning of next year. I did everything in my power to avoid the confrontational no-deal scenario and extend the time for reflection and a possible British change of heart.

EU COMMISSIONERS 2019-2024

The European Commission is comprised of the College of Commissioners – with a Commissioner representing each of the EU Member States.

All Member States were required to nominate a candidate for the new European Commission (covering a five-year term from 1 November 2019) by 26 August 2019. The new European Commission was subsequently delayed when three proposed candidates had to be withdrawn and new candidates proposed.

On 23 August 2019, the UK’s Permanent Representative to the EU wrote to inform the EU that the UK would “not be nominating a candidate for the 2019-2024 College of Commissioners”.

The letter said:

> As the United Kingdom will be leaving the European Union on 31 October 2019, the Prime Minister announced in the House of Commons on 25 July that we would not nominate a UK Commissioner for the new Commission, and that this was not intended to stop the EU appointing a new Commission.

I am writing formally to confirm that, in accordance with the Prime Minister’s statement, the United Kingdom will not be nominating a candidate for the 2019-2024 College of Commissioners.

However, the subsequent agreement between the UK and the EU to extend the Article 50 withdrawal process to 31 January 2020 meant the UK would remain in the EU beyond 31 October. Consequently, the in-coming European Commission President Ursula von der Leyen asked the UK Government to nominate a new Commissioner by 11 November 2019.

When this deadline was not met the European Commission announced on 14 November 2019 that it had sent a letter of formal notice to the United Kingdom for “breaching its EU Treaty obligations by not suggesting a candidate for the post of EU Commissioner”.

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The Commission noted that correspondence from the UK indicated “the UK authorities consider that they are not in a position to suggest a candidate for the post of EU Commissioner in view of the upcoming general election”.

However, the UK authorities were asked to respond to the letter of formal notice by 22 November 2019.

Despite the lack of a nomination by the UK, the European Council announced on 25 November that it had adopted a “new list of Commissioner candidates” – a list agreed by the President-elect and excluding a nomination from the UK.

The European Parliament voted on 27 November to approve the list presented by the President-elect and consequently the new European Commission took office on 1 December 2019.

AUDIT SCOTLAND REPORT


The report focusses on how the Scottish public sector has been preparing for EU withdrawal. It highlights ongoing issues and potential risks, and features some examples of activity that public bodies have undertaken to date.

The report also says that public bodies should consider the following key questions in their ongoing planning for EU withdrawal:

- What have we learned from our preparations to date for the UK’s withdrawal from the EU?
- Has the extended timescale for EU withdrawal generated any new risks for our organisation?
- How are we ensuring our planning for EU withdrawal is proportionate to the level of risk to our organisation and relative to other business risks?
- Does our medium and long-term financial planning consider the potential impact of EU withdrawal?
- Are we continuing to provide effective support for colleagues from elsewhere in the EU?
- Are our workforce planning arrangements reflecting any changes in workforce pressures in our organisation, or that of the organisations and sectors we work with?
- Are we assured that we have appropriate contingency arrangements in place to protect our supply chains and manage the cost and availability of products and services?
- How might we need to adapt our work once the UK has left the EU
About this publication

This regular paper produced by SPICe sets out developments in the UK’s negotiations to leave the European Union, the process for which formally begun following the Prime Minister’s triggering of Article 50 on 29 March 2017.

The updates provide information on the UK Government’s approach to leaving the EU including the domestic legislation necessary to ensure a smooth transition in terms of the UK statute book, along with details of the positions of the Scottish Government and the other Devolved Administrations. The updates also provide information on developments within the EU with regard to the UK’s departure. Finally, the updates will provide information on the key issues likely to be at play during the negotiations and in developing the UK’s future relationship with the European Union.

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