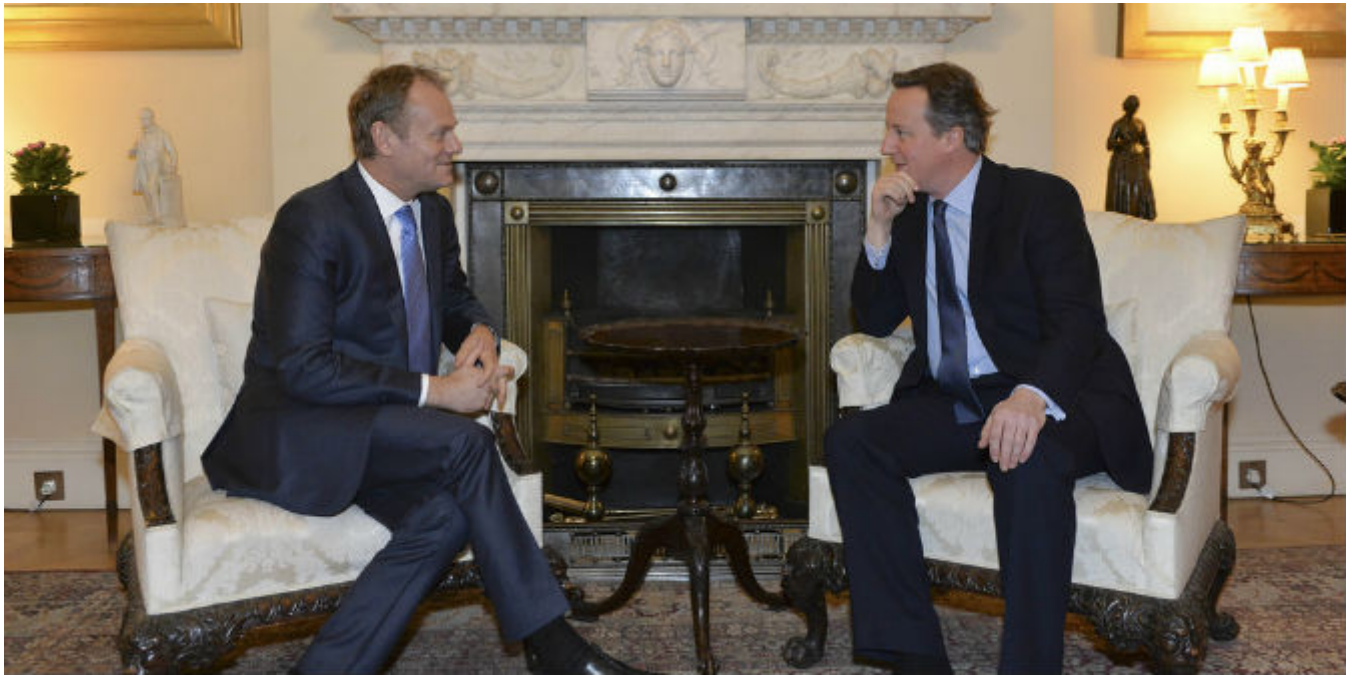


The UK renegotiation deal: what's the verdict?

LSE BrexitVote looks at what academics, think-tanks and commentators are saying about the draft text of the deal

LSE BrexitVote looks at what academics, think-tanks and commentators are saying about the draft text of the deal



David Cameron and Donald Tusk at No 10 on January 31. Photo: No 10 via a CC 2.0 licence

[View as slideshow](#)

Steve Peers of the University of Essex has written a long legal analysis of the draft text:

"The changes, if they are all implemented as planned, would fall short of a *fundamental* change in the UK's relationship with the EU. But equally it is clearly wrong to say that they mean *nothing* – if in fact they are implemented. The changes would be modest but significant: amendments to three key pieces of EU legislation that would for the first time roll back EU free movement law, not extend it."



EU Law Analysis

This is the first in a series of blog posts about the draft deal on the renegotiation of the UK's EU membership, tabled earlier today. I am starting with the critical issue of free movement of EU citizens (often referred to as 'EU immigration').

 STEVE PEERS

Le Monde describes the draft's assertion that the conditions for an 'emergency brake' already exist in the UK as a 'major concession':



"Brexit": ce que contient l'ébauche de compromis proposé à David Cameron

"Il semble qu'un accord soit en vue, a déclaré, mardi après-midi, le secrétaire d'Etat britannique aux affaires européennes, David Lidington devant les Communes. Mais "il y a encore beaucoup de travail à faire avant que nous puissions dire qu'un accord satisfaisant est assuré".

 PHILIPPE BERNARD

The Open Europe thinktank, which influenced the migrant benefits element of Cameron's renegotiation demands, has responded to the draft deal:



Open Europe responds to proposed EU Reform package | Open Europe

Open Europe gives its initial assessment of the draft EU reform agreement tabled by European Council President Donald Tusk

today.

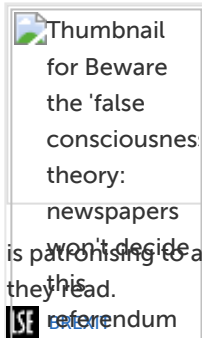
 OPEN EUROPE

On sovereignty: 'At its strongest this could be seen as a commitment by the EU not to drag the UK into further integration.'

On competitiveness: 'It's not clear how much further these proposals go than what is already happened or what already should be happening in the Commission.'

If, as Cameron suggested this morning, the referendum happens this summer - despite the objections of Welsh and Scottish politicians - we have less than five months of campaigning ahead. The LSE's Charlie Beckett argues that it won't

be newspapers that decide the result. But what role will the new entrants like BuzzFeed play?



Thumbnail for Beware the 'false consciousness' theory: newspapers won't decide this referendum

Beware the 'false consciousness' theory: newspapers won't decide this referendum

Campaigners should not overestimate the influence of traditional newspapers, says Charlie Beckett: their sales are in decline and they face competition from more politically neutral and humorous news sites like BuzzFeed and Vice. In any case, it is patronising to assume that a sheep-like public follow the diktats of the media they read.

LSE [referendum](#)

No 10 is hoping to enlist the support of British businesses for the deal. The CBI likes what it sees so far:

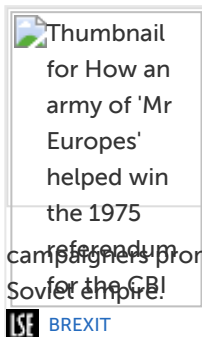


CBI

CBI responds to draft UK reform deal - CBI

The CBI has responded to publication of the draft UK reform deal with the EU.

And on LSE BrexitVote today, Robert Saunders of QMUL looks at how the CBI swung behind the Yes campaign in the 1975 referendum, encouraging firms to identify a 'Mr Europe' on their staff to make the case.




Thumbnail for How an army of 'Mr Europes' helped win the 1975 referendum for the CBI

How an army of 'Mr Europes' helped win the 1975 referendum for the CBI

British business swung unequivocally behind a Yes vote in the 1975 referendum on Community membership. Robert Saunders explains how companies bankrolled the campaign while being careful not to antagonise the trade unions. Europe, business campaigners promised, would protect British jobs and offer a bulwark against the Soviet empire!

LSE [BREXIT](#)

The red card - a red herring?



Nicolai von Ondarza
@NvOndarza

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[@tineurope](#) [@COdendahl](#) [@AgataGostynska](#) I would hazard a guess that in the proposed form, the red card will never be used

2:35 PM - 2 Feb 2016

1



Nicolai von Ondarza
@NvOndarza

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@COdendahl @tineurope @AgataGostynska political part of my brain says - if 55% of nat. parl disagree, it would never pass the Council anyway

2:41 PM - 2 Feb 2016

2

Further doubts about whether all member states will agree to an 'emergency brake' on benefits (which John Rentoul says has been renamed the 'safeguard mechanism':

The European Commission considers that the kind of information provided to it by the United Kingdom shows the type of exceptional situation that the proposed safeguard mechanism is intended to cover exists in the United Kingdom today. Accordingly, the United Kingdom would be justified in triggering the mechanism in the full expectation of obtaining approval.



John Rentoul ✓
@JohnRentoul

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Draft declaration says only that UK can have "full expectation" of obtaining approval for 4-year benefits ban

2:01 PM - 2 Feb 2016

↩️ ↺️ 6 ❤️ 1

David Cameron talks about the draft deal at a Siemens factory this afternoon:



Sky News
@SkyNews

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.@David Cameron says "of course we could succeed" if UK

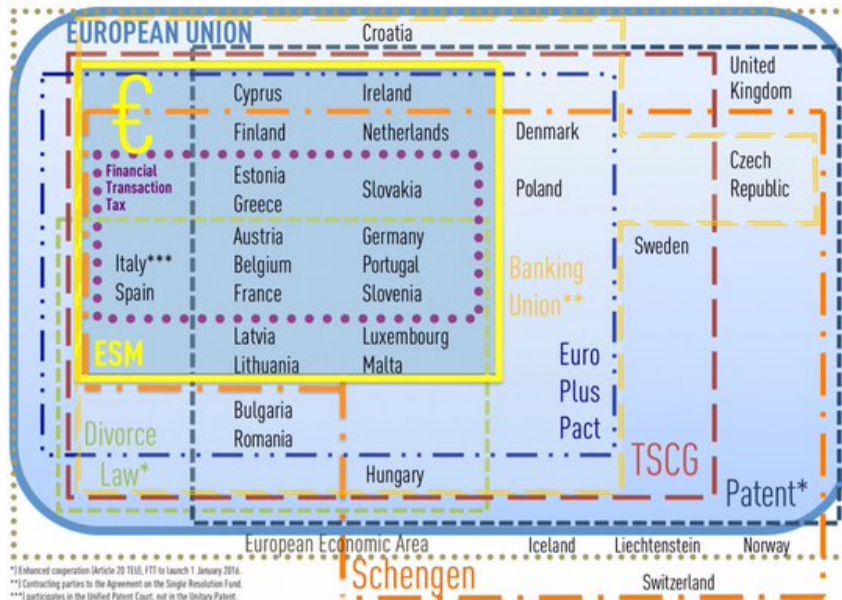
left the EU

1:17 PM - 2 Feb 2016

187 84

LSE Visiting Professor Paul Kirby tweeted this diagram of a multi-speed Europe.

Figure 1 ➤ A highly differentiated European reality



Source: Valentin Kreiling, April 2015.



Paul Kirby
@paul1kirby



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A really useful reminder that being in or out of Europe is already a complicated business. Bound to become more so.

11:40 AM - 31 Jan 2016



↕ 48 ♥ 30

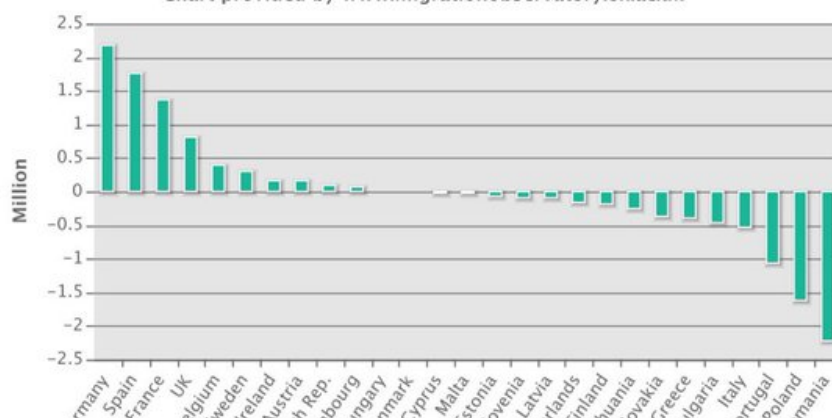


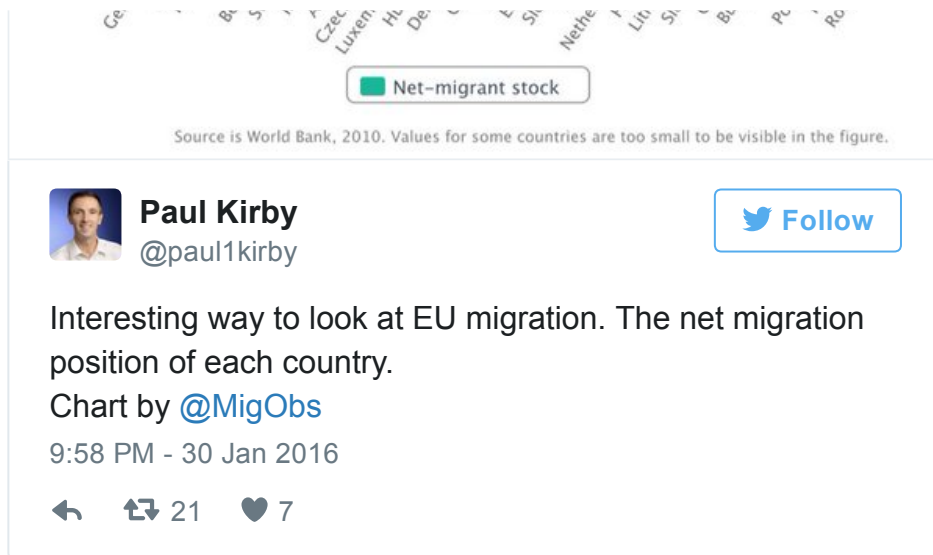
30

Net migrant stocks - the UK is fourth, Romania bottom.

EU countries' net-migrant stock with other EU countries

Chart provided by www.migrationobservatory.ox.ac.uk





Jonathan Portes of @niesrorg says the draft's wording on migrant benefits means 'this is definitely not a total exclusion from in-work benefits for four years.'

The EU deal - what does it mean for immigration and benefits?

The President of the European Council, Donald Tusk, wrote today to the members of the Council (EU Heads of Government) setting out his proposals for a "new settlement for the UK within the European Union". What does the proposal mean for free movement of workers in the EU, immigration to the UK, and our in-work benefit system?



He says: 'If - and it is a big if - this text survives more or less unchanged, what are the likely impacts? The short answer is that this is likely to have some, but not much, impact on benefit receipt by EU migrants, but rather little on immigration.'



Meeting with David Cameron, Prime Minister of the United Kingdom

EUROPEANCOUNCILPRESIDENT · A YEAR AGO

The 'emergency brake', says @openeurope, is an idea that came from the European Commission rather than the UK. It is not to be confused with an earlier (and heavily criticised) suggestion that the UK could halt the arrival of EU citizens wanting to work here.



Can 'emergency brake' bridge gap on migration? | Open Europe

Blog | 29 January 2016 | Can 'emergency brake' bridge gap between UK and EU on migration and welfare?

oe OPEN EUROPE

The CER's Simon Tilford's snap response:



Simon Tilford

@SimonTilford

The good news? Freedom of movement has not been compromised. Bad news? There's plenty of scope for UK-EU disagreements. #Brexit deal.



A YEAR AGO



Open Europe

@OpenEurope

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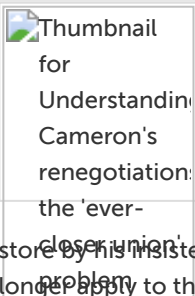
#Cameron: For 1st time ever, we have a specific carve-out for 'ever closer union.' We don't have to aim for the same destination. #EUref

12:56 PM - 2 Feb 2016

3

1

Here, Roger Liddle explains why 'ever-closer union' is so important to Cameron's renegotiation strategy - it answers those who say Britain did not sign up to the plan in 1975, and attempts to redefine the EU as a single trading entity:



Understanding Cameron's renegotiations: the 'ever-closer union' problem

Roger Liddle explains why removing the UK's commitment to "ever-closer union" is so important to the PM as he renegotiates the UK-EU relationship. But if he does succeed in getting rid of it, how much would really change? David Cameron sets great store by his insistence that the treaty language on 'ever-closer' union should no longer apply to the UK.



Waltraud Schelkle, Assistant Professor of Political Economy at the LSE's European Institute, wrote last week that Cameron had put himself in a 'double bind':


Thumbnail for A double bind: Cameron urges non-discrimination in one policy area, while

A double bind: Cameron urges non-discrimination in one policy area, while wanting to discriminate in another

The UK government has entered the final stages of its negotiations with the EU. The issues of immigration control and the refugee crisis seem to overshadow the debate.

He wanted to undermine the EU's 'principle of non-discrimination when it comes to the treatment of migrants, while insisting that the UK should not be discriminated against in financial regulation'.

The LSE's James Ker-Lindsay describes the draft as 'rather sensible and measured':



James Ker-Lindsay
@JamesKerLindsay

[Follow](#)

OK. Had a quick skim through. The proposals actually seem rather sensible and measured
consilium.europa.eu/en/press/press... #UKinEU

12:09 PM - 2 Feb 2016

5 1



James Ker-Lindsay
@JamesKerLindsay

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Rather less focus on #UK as an #EU special case than I expected. More about ensuring members generally respect areas of difference. #UKinEU

12:16 PM - 2 Feb 2016

1

Kirsty Hughes is less positive.



Kirsty Hughes

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@KirstyS_Hughes

@AndrewDuffEU @JamesKerLindsay this cements UK's hanger on, partial member status, makes it difficult to ever lead again in EU in future

12:53 PM - 2 Feb 2016

4 2

Back to the 'emergency brake': Steve Peers says 'there is no legal rule which requires that only the Commission and/or Council can authorise a Member State to pull the emergency brake. Therefore it is a matter of political discretion to decide on who should pull it':



EU Law Analysis

Steve Peers, Professor of Law, University of Essex One issue that has arisen in the UK's renegotiation of EU membership is the procedure for the UK (or other Member States) invoking an 'emergency brake' to limit access to in-work benefits by EU citizens.



The draft doesn't specify how long migrants will have to wait before receiving benefits. Will the lack of clarity make it easier or harder to convince eastern European countries?



John Springford

@JohnSpringford

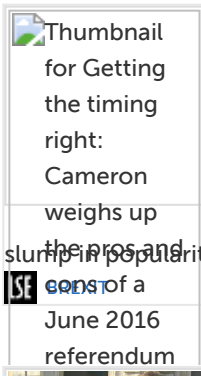
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3 The length of time that migrants may not receive benefits is as yet unspecified. But UK could extend (presumably if Council agrees)

11:47 AM - 2 Feb 2016

4

If Cameron does go for a June (23?) vote, what risks does he run? The LSE's Sara Hobolt discusses the pros and cons.



Getting the timing right: Cameron weighs up the pros and cons of a June 2016 referendum

The EU referendum could be held as soon as June - which leaves little time for David Cameron to negotiate the reforms he wants to make. On the other hand, says Sara Hobolt, the PM will be wary of delaying the vote and falling prey to a mid-term

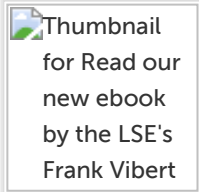


BBC NEWS

What is in the draft EU reform proposals? - BBC News

The BBC's Norman Smith explains what is in the draft proposals for EU reform.

A few weeks ago, we published Frank Vibert's ebook on the challenges facing Cameron in the renegotiation.



Read our new ebook by the LSE's Frank Vibert

After promising the British public a referendum on whether to stay in the EU, David Cameron is currently trying to renegotiate the terms of the UK's membership. His increasingly Eurosceptical party and a press that is often hostile towards the European Union makes the task a particularly challenging one.

LSE BREXIT

His thoughts on the 'red card':

"The UK now wants national parliaments to be able to actually block proposals from the Commission, and this idea may meet with some sympathy. Unfortunately for Cameron, however, the instances where British exceptionalism and the interests of other member states coincide may be few and far between."

Red, yellow - or 'orange'?

3. Where reasoned opinions on the non-compliance of a draft Union legislative act with the principle of subsidiarity, sent within 12 weeks from the transmission of that draft, represent more than 55 % of the votes allocated to the national Parliaments, the Council Presidency will include the item on the agenda of the Council for a comprehensive discussion on these opinions and on the consequences to be drawn therefrom.

Following such discussion, and while respecting the procedural requirements of the Treaties, the representatives of the Member States acting in their capacity as members of the Council will discontinue the consideration of the draft legislative act in question unless the draft is amended to accommodate the concerns expressed in the reasoned opinions.

For the purposes of this paragraph, the votes allocated to the national Parliaments are calculated in accordance with Article 7(1) of Protocol No 2. Votes from national Parliaments of Member States not participating in the adoption of the legislative act in question are not counted.



Benjamin Leruth
@BenLeruth

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#EUref and the "red card" proposal. This looks more like an "orange card" in my opinion.

12:03 PM - 2 Feb 2016

2

Some people have pointed out that index-rating child benefit to the 'standard of living' in each EU country will be a potentially cumbersome process.

- (a) a proposal to amend Regulation 883/2004 on the coordination of social security systems in order to give Member States, with regard to the exportation of child benefits to a Member State other than that where the worker resides, an option to index such benefits to the standard of living in the Member State where the child resides;



John Springford

@JohnSpringford

[Follow](#)

Child benefit sent to children abroad to be indexed to 'standard of living' in the child's home country

12:05 PM - 2 Feb 2016



UK in a Changing Europe programme fellow Richard Whitman thinks Cameron has "80%" of what he's looking for:



Richard G Whitman

@RGWhitman

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My evaluation would be [#davidcameron](#) has 80% of what he is seeking in Tusk draft [@Usherwood](#) [@anandMenon1](#) [@ukandeu](#) agree/disagree?

11:55 AM - 2 Feb 2016

1

The text says the UK is experiencing an 'exceptional situation' which is enough to trigger an emergency brake.

The European Commission considers that the kind of information provided to it by the United Kingdom shows the type of exceptional situation that the proposed safeguard mechanism is intended to cover exists in the United Kingdom today. Accordingly, the United Kingdom would be justified in triggering the mechanism in the full expectation of obtaining approval.



Matthew Goodwin

@GoodwinMJ

[Follow](#)

Britain votes Remain. Emergency brake on benefits applied amid claim it curbs migration. Almost no evidence it will.

11:47 AM - 2 Feb 2016



And here it is ...

Letter by President Donald Tusk to the Members of the European Council on his proposal for a new settlement for the United Kingdom within the European Union

Keeping the unity of the European Union is the biggest challenge for all of us and so it is the key objective of my mandate. It is in this spirit that I put forward a proposal for a new settlement of the United Kingdom within the EU.



But it's unclear exactly what the proposals on restricting benefits for EU migrants will be - and whether Poland, in particular, will agree to them.



EU law 'veto powers' to be unveiled - BBC News

National parliaments will get new powers to block "unwanted" EU law as part of the UK's renegotiations with Brussels, Downing Street sources say. To trigger the so-called "red card", at least 55% of the EU's national parliaments would have to join forces.



The BBC says Cameron is likely to announce a 'red card' system to make it easier for states to block EU laws.



Donald Tusk

@eucopresident

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Tomorrow around noon I will table proposal for a new settlement for [#UKinEU](#). Good progress last 24 hours but still outstanding issues

5:44 PM - 1 Feb 2016

595

217

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