**The current state of the European Union, the UK and EU-UK relations following the EU, French and UK elections**

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**Background**

At the risk of hyperbole, I do not recall in my lifetime (nearly 80 years) a global situation of such instability, volatility and uncertainty. The post-War multilateral legal and political order founded on the United Nations and its “family” of specialised agencies in 1945 is now dysfunctional if not moribund.

The "hot” conflicts in Ukraine and the Middle East (Israel-Palestine-Lebanon- Iran), together with the political, economic and military tensions created by China’s domestic and international policies and “local” conflicts in Africa and Latin America, are only elements in a wider geopolitical shift. It is clear that the increasingly close relationship between Russia and China (with “hangers on” such as Iran, North Korea and various actors from the Global South) is – in part at least - an attempt to end the dominant role played by the United States and its Western Allies (especially the UK and its “white Commonwealth,”[[1]](#footnote-2) NATO and the EU) in global affairs[[2]](#footnote-3) since 1945.

Although in Washington there seems to be at least some realisation of the seismic shifts which are now taking place[[3]](#footnote-4) and attempts (for example in bilateral relations with China) to come to terms with this challenge, this is less the case in Europe, where the main focus is on helping Ukraine to contain the threat from Russia[[4]](#footnote-5).

Brexit has weakened not only the UK itself, but also the EU and the wider Western Alliance. The increasingly close cooperation between the EU[[5]](#footnote-6) and NATO in “hard” and “soft” defence, security and military matters highlights the folly of Brexit – the most ill-advised, ill-considered and counter-productive decision by a UK Government since the “appeasement years” of the 1930s.

The need for a divided UK, other small European nations[[6]](#footnote-7) and former colonial powers[[7]](#footnote-8) and the EU itself to recognise their diminished power in the world and to shape their international roles accordingly, has never been so urgent. The prospect of a Trump/Vance Presidency in 2025 and an isolationist United States only underlines the challenge (“strategic autonomy”) faced by the EU, UK and other European countries. The election of a Democratic President on 4 November has never been more important for the transatlantic alliance or the wider democratic world. The world’s “fingers are crossed” (except perhaps in Moscow) for the election of Harris and Walz in November this year.

**The future of the European Project from 2025 till 2030 – “make or break” years.**

The word “unprecedented “ is over-used, especially with reference to political events in Europe. However, the challenges now faced by the EU are unlike any others over the last 75 years. This is indeed a pivotal moment in world and European history, characterised by:

1. The threat of nuclear war being more realistic than at any time since the Cuban missile crisis in 1962;
2. Climate change causing droughts and floods which in turn exacerbate famine, poverty, homelessness, biodiversity, conflicts and migration (displacement of peoples);
3. Inter-State and “informal” conflicts involving all 5 Members of the UNSC directly or indirectly, with territorial disputes dating back many decades, which have proved incapable of resolution by the United Nations or any regional peace-keeping organisations;
4. The fragility or dysfunctionality of the multiple multilateral bodies established after WWII (including the GATT/WTO), whether in terms of rule-making, enforcement or dispute resolution;
5. The disappearance or at least irrelevance of “classical” or “physical” borders between States as a result of the revolution in information or communications technology, increasing the challenge for States in monitoring, managing, regulating and controlling the cross-border flow of data, including by criminals, paradoxically making more important than ever the very multilateral organisations which are now at risk of disintegration.

**How is the EU facing up to these global challenges?**

I have said that the European Project, having lasted (and succeeded beyond the dreams of its authors) for 73 years[[8]](#footnote-9) is no longer a transitory or temporary experiment in international organisation. It has become a permanent fixture[[9]](#footnote-10) on the international scene, having been formally recognised by 144 Members of the 193 Members of the United Nations. It is indeed an international organisation, based on treaties concluded by its Member States, but is it also unique in having supranational powers, illustrated by the principles of direct effect and supremacy.[[10]](#footnote-11)

As a result of successive treaty amendments, culminating in the Lisbon Treaty (2009), there are today very few areas of national life which are not touched by EU law[[11]](#footnote-12). In many areas, as a result of treaty provisions or the enactment of comprehensive EU laws, the EU’s “competence” or legal jurisdiction has replaced that of the Member States. In many other areas (e.g. defence, industrial policy, macro-economic policy, foreign and security policy, civil and criminal justice, energy, environmental policy, health, education and many others) however, “competence” is shared between the EU Institutions and Member States.

The need for close cooperation between 27 Member States and the EU Institutions, even in areas of exclusive competence like trade and investment policy, means that the EU is a difficult and sometimes frustrating partner for third countries like Japan, the United States and (now) the UK. Frequently, in highly political areas such as foreign, security and defence policy, it is difficult to find unanimity or even consensus amongst 27 sovereign States. The attitude of Hungary (now the Presidency of the Council) towards Ukraine, Russia and China illustrates this. Continuing differences in economic and social structures between the 27 Member States also sometimes make it laborious for the EU to reach a common position on a given subject. However, when faced with a serious external or even “existential” threat (such as Brexit[[12]](#footnote-13)), experience shows that the Union manages to overcome these and survive.

It is clear that mutual trust, respect and confidence between the political leadership in the EU Institutions and the 27 Member States is absolutely indispensable. This has always been the case, but is particularly so in times of crisis (financial, health, Brexit, Ukraine etc.) – never more so than now. The role of the Commission (both the President and the “team” of Commissioners) in close and confident cooperation with the European Parliament, is vital as the “locomotives” of the EU.

Today, the fact that many of the current challenges (wars and other conflicts, security issues, climate change, energy, industrial, scientific and technological innovation, migration etc.) are outside the core areas of EU competence (trade, monetary policy, competition, agriculture) means that, in a radically-enlarged Union, decision-making is increasingly arduous.

**2024 - a year of hiatus and institutional change**

It is unfortunate (but a reality dictated by the democratic systems in Europe and the United States) that 2024 is a year when the making and implementation of national and international law and policy is affected by elections – both national and European. The recent French and UK elections provide excellent examples of how national policies may change, both internally and internationally.[[13]](#footnote-14) The 5 year institutional “changeover” in the EU, which is currently underway and which will last until November, is an even more dramatic illustration of the partial suspension of “business as usual” pending the organisation of the new Parliament,[[14]](#footnote-15) the nomination and confirmation of the new Commission[[15]](#footnote-16) and the election (in the European Council) of the new President of the European Council and High Representative for External Affairs.

Unlike the important policy changes which sometimes flow from a change of national governments, EU law and policy tends to be less interrupted by the 5 year institutional changes, with pending legislation and policy proposals (including external policies) being run on from one “mandate” to the next. Nonetheless, with important changes happening on a daily basis in the Middle East, Ukraine, the United States and elsewhere, the practical capacity of the EU to respond tends to diminish as November approaches (and with August inevitably being a fallow period in the Institutions).

**The twin challenges of “broadening and deepening” the Union.**

The EU has recognised that, although the internal market without internal frontiers,[[16]](#footnote-17) is the main economic building block of the European Project[[17]](#footnote-18), it is - in many serious ways- “unfinished business” or a “work in progress”. The “internal” market is still not a “single” market, notably (but not exclusively) because of the EU’s failure since 1992 to remove barriers to the cross-border provision of services. This is the case despite the adoption of comprehensive European Rulebooks in many sectors such as financial services and digital services.

A lack of credible enforcement procedures, either by the Commission or national authorities, is a major issue, yet to be addressed by the Commission, Parliament or Council. Infringement procedures brought by the Commission under Article 258 TFEU are too slow, subject to political discretion in the Commission and less effective in terms of enforcement than actions brought in national courts.[[18]](#footnote-19)

The recently-published **Letta Report**[[19]](#footnote-20) identified 4 areas in particular where the internal market remains fragmented:

1. Financial services;
2. Electronic communications;
3. Energy and
4. Services.

Letta emphasised the urgent need to secure the full application and enforcement of the “4 freedoms” set out in the EU Treaties (the free movement of goods, services, capital and people), with the addition of a “5th freedom” - enhancing research, innovation and education in the EU.[[20]](#footnote-21) The aim of the 5th freedom would be to “catalyse advancement” in R&D, data utilisation, AI, Quantum Computing, biotech, bio-robotics, space and other areas. Healthcare is a crucial area which could benefit from the 5th freedom, given the EU’s increasing reliance on external suppliers[[21]](#footnote-22) and the migration of talent outside the EU’s borders.

The **Draghi Report** on European competitivity has now been delayed till after the summer, but will complement the Letta Report. It will highlight the factors which inhibit the international competitivity of European companies (especially compared with the United States) – especially SMEs - and in particular the urgent need for a fully-functioning capital market. In a recent speech, Draghi emphasised the fact that European companies compete effectively with each other inside the European market, but this is at the expense of their international competitiveness. It would seem to follow from this that Europe needs more “European Champions”, especially in “cutting edge” areas in advanced technologies. **Note** that currently the 7 largest hi-tech companies in the world are American.

With important implications for the post-1945 world economic order (especially the GATT/WTO) Draghi says:[[22]](#footnote-23)

“the need for maintaining European levels of social protection and re-distribution are non-negotiable, [but] we are also facing new needs, to adjust to technological change, increasing defence capability and carrying out the green transition. And the previous paradigm which sustained our shared objectives is disappearing - the era of imported gas from Russia and open world trade is fading. European productivity growth has been slowing for some time. Since the early 2000s per capita GDP at PPP has been **one third lower than the US** and around 70% of this gap is explained by lower productivity.[[23]](#footnote-24) In AI for example, 70% of foundational AI models are being developed in the US and just 3 US companies account for the global cloud computing market.”

Against this pessimistic background, Draghi’s report is likely to recommend:

1. Measures to **reduce energy prices**[[24]](#footnote-25) (substantial new public and private investments in infrastructure and grids, new and less burdensome market rules, faster installation of clean energy, lack of collective bargaining power as the world’s biggest purchaser of natural gas, energy taxation and increased digitalisation of energy production;[[25]](#footnote-26)
2. A radical improvement in the **innovation environment in the EU** (EU firms currently spend 50% of their US counterparts – a gap of $270bn per year), especially for the benefit of SMEs;
3. **Competition policy** needs to take account of innovation and resiliency criteria more in tune with evolving market and geopolitical contexts (i.e. not exclusively with regard to competition in the EUs internal market);
4. **Strengthening the re-skilling of the EU workforce**, including adult learning and facilitating highly-skilled immigrants;
5. **Increasing “federal” or EU spending** so that, as in the United States, more money goes to European as opposed to national projects, but also **mobilising private savings**  to complement bank spending on investment in green and digital transitions, by **deepening markets for risk capital , equities and bonds;**
6. The need for a **fundamentally different approach to industrial policy**  especially in areas such as defence, space, critical materials and parts of pharmaceuticals, backed up by a **common assessment of the geopolitical risks we face** as a Union (not only individual Member States);
7. We need to **develop a genuine foreign economic policy** which coordinates preferential trade agreements and direct investments with resource-rich nations, the building of stockpiles in selected critical areas and the creation of industrial partnerships to secure the supply chain of key technologies;
8. We need to **adapt our trade policy** to reflect “less and less binding” multilateral rules (WTO) with the “largest economies increasingly operating unilaterally”. Europe is more dependent on international trade than the US and is therefore more vulnerable, for example to “a wave of cheaper and sometimes technologically advanced Chinese exports, which enjoy sizable cost subsidies, trade protection and demand suppression. In 2019, China spent 3 times as much on industrial policy as Germany or France as a share of GDP. Ideally, Europe would persuade other partners to play by the same rulebook, but it is not certain that the others want to do this. Another response is to encourage FDI so that jobs remain in Europe. Thirdly, Europe could use tariffs and subsidies, but carefully in order to avoid self-harm;
9. The Draghi Report will suggest an **industrial policy for the EU which will aim to raise productivity, preserve the competitiveness of our industries in the world and competition in the EU. It will aim to de-carbonise the economy, aiming at lower energy prices and energy security; it will aim to re-orientate our economy in a less stable world by developing a defence industrial capacity and a trade policy to match our geopolitical needs, while reducing our dependence on countries we can no longer rely on.**

**The need to balance the EU’s internal goals with enlargement to admit 10 new Member States**

In her speech to the European Parliament leading to her re-election as President of the Commission, Ursula von der Leyen referred to the “call of history” which led to the creation of the European Project in the wake of the Second World War. She said that the EU today needs to answer the same “call of history”, notably by recognising the European aspirations of those countries most threatened by Russia. She mentioned by name the Western Balkans, Ukraine and Georgia. She did not mention Turkey.

There have now been 7 enlargements of the EU. Each one of these has been laborious, time-consuming, legally, economically and politically sensitive – and at least a partial distraction from “normal” EU business, whether internal or international. Despite the withdrawal of the UK in the Brexit process, there is broad agreement that the European Project has been a great success in delivering political stability and economic prosperity based on the rule of law. Arguably, the greatest achievement has been the integration of 10 former Communist countries which were either part of the Soviet Union or “satellites” in the Warsaw Pact and COMECON.

I have visited all EU Member States over the last 50 years and can confirm that capital cities such as Warsaw, Riga, Tallinn, Vilnius, Sofia, Bucharest, Zagreb, as well as the regions of the “new” Member States and communications[[26]](#footnote-27) between all Member States, have been transformed almost beyond recognition as a result of EU membership.[[27]](#footnote-28)

In the current unpredictable and volatile world, with seismic change underway in the rule-based world order which has (largely) existed since 1945, the absorption of even some of the applicant States is a Herculean task. Given their size and geopolitical importance, Ukraine and Turkey are particularly challenging cases. Any new enlargement will require (unanimous) Treaty-reform and massive financial support, as well as political leadership to secure EU membership for such a heterogeneous group of countries. This is a challenge - possibly of an existential nature – to the credibility of the Union and perhaps especially to the leaders of France, Germany, Poland, Italy and Spain.

**The possible relevance of the European Political Community (EPC)**

The last meeting of President Macron’s idea for an EPC was held in the UK in July, a few days after the election of a Labour Government in the UK under Sir Keir Starmer. 43 Heads of State and Government attended a meeting which (understandably) focused on European defence and security, notably of Ukraine.

It is not clear at this stage that the EPC is an embryonic “multi-speed Europe”. Equally however, it is difficult in view of the political, legal and economic complexities - as the well as imperative need to complete the “unfinished [internal] business” referred to above – to assess whether (or within what timeframe) the EU can deliver EU membership to the 10 applicant States.

**The new Institutions are now being formed, which adds to the uncertainty regarding the future EU internal and external developments.**

As I write, President-elect von der Leyen is consulting Member States regarding the composition of her new team of Commissioners. Very little is clear at the moment regarding either the names or (crucially) the allocation of portfolios in the new Commission. In her recent speech to the Parliament, von der Leyen promised to work for a “Europe for the younger generation”, based on the rule of law and with measures to promote jobs and housing (including the appointment of a Commissioner for Housing).

She identified (somewhat eclectically) the following areas as her political priorities:

1. The need for a geopolitical Union (and Commission) capable of addressing and acting to protect EU interests in the newly emerging world order, dominated by the United States (possibly under President Trump), China, Russia, the Middle East and the Global South;
2. The Ukraine/Russia war, safeguarding the political freedom, economic reconstruction and prosperity and rule of law in Ukraine and building a Defence Union;
3. Managing the relationship with China (“de-risking” but not “de-coupling”);
4. Implementing the Green Deal, with technological innovation and special treatment for SMEs and the announcement within 100 days of a “Clean Industry” Plan;
5. Working to resolve the Middle East crisis (including an immediate cease-fire in Gaza/Lebanon) and appointing a Commissioner for the Mediterranean;
6. Implementing Digital Europe;
7. Creating a European Competitiveness Fund;
8. Implementing the 800bn. Euro fund for investment and reform in Europe;
9. Creating a genuine Health Union in the wake of the Covid pandemic;
10. Securing European strategic autonomy in energy, chips and raw materials;
11. Guaranteeing gender equality;
12. Ensuring the protection of women and girls in the EU under the Istanbul Convention;
13. Guaranteeing equal pay for equal work between men and women.

**The new institutional arrangements in the EU.**

As I write, the newly-elected European Parliament has largely completed its internal procedures for electing its President (Roberta Metsola from Malta), Bureau, Quaestors and Committees, including their officers. The first main task of the Parliament will be to hold “hearings” for each Commissioner-designate (nominated by Member States and put forward, together with their proposed portfolios) by Commission President von der Leyen. Confirmation hearings should be held in October, with the new Commission taking office in November.

At the European Council on 27 June, the Council agreed that Portuguese Prime Minister Antonio Costa should hold the Presidency of the European Council and Euro Summit for the 2.5 years from 1 December 2024 until 31 May 2027. Estonian Prime Minister Kaja Kallas was proposed by the Council as the High Representative for Foreign Affairs and Security Policy (as well as Vice President of the Commission). This has been agreed by Commission President von der Leyen.

**The European Council’s Roadmap for Future Reforms and Strategic Agenda for 2024-2029[[28]](#footnote-29)**

Having agreed (on 27 June 2024) on the new institutional arrangements for the Commission, European Council and Parliament for the new “mandate”, the European Council – recognising the need for EU “constitutional” reform in parallel with the enlargement process - agreed:

1. To make the EU stronger and to enhance European sovereignty[[29]](#footnote-30), to lay the necessary internal groundwork and reforms to fulfil the Union’s long-term ambitions, as well as its capacity to act in the face of a new geopolitical reality and increasingly complex challenges;
2. Noted the Commission’s Communication on pre-enlargement reforms and policy reviews and invites it to present by Spring 2025 in-depth policy reviews on four strands as follows:
	1. **Values**, including tools and processes to protect the rule of law;
	2. **Policies**, to ensure inter alia the EU’s long-term competitiveness, prosperity and leadership on the global stage and to strengthen its strategic sovereignty[[30]](#footnote-31);
	3. **Budget**, including for the negotiation of the next MMF[[31]](#footnote-32)to be proposed by the Commission by July 2025;
	4. Governance.

**European Council Strategic Agenda 2024-2029**

The background set out (**unanimously[[32]](#footnote-33)**) a crucial consideration guiding all EU actions in the current turbulent world. This is that:

“**Whilst the world is going through a period of revolutionary change, the original rationale for the European Project (securing peace in Europe) remains the same.”[[33]](#footnote-34)**

The opening words of the Council’s statement are important:

“The EU was founded on the imperative of securing peace in Europe, building on cooperation, solidarity, and common economic prospecrity. The original promise still guides us and serves as the basis for our priorities for a strong and **sovereign** Europe.

The global political landscape is being re-shaped by strategic competition, growing global instability, and attempts to undermine the rules-based international order. Russia has brought war back to our continent. In our neighbourhood, the situation in the Middle East is dramatic. Our natural environment is facing increasing damage and disruption due to climate change, biodiversity loss and pollution. The fast development of new technologies brings opportunities and potential risks.[[34]](#footnote-35)”

Against this background, the key points in the Strategic Agenda are[[35]](#footnote-36):

1. A **free and democratic Union**, upholding human dignity, freedom, democracy, equality, the rule of law and respect for human rights;
2. Upholding **these values at global level,** especially within the UN, whilst striving to reform the international system;
3. Working for a **strong and secure Europe**, against the background of an increasingly “confrontational, transactional and uncertain environment”;
4. Strengthening **security and defence** (including the European industrial and technological base) and protecting EU citizens; enhance inter-operability between European armed forces; integrating the European defence market and promoting joint procurement; making better use of the European Investment Bank Group; strengthening EU-NATO and transatlantic military and security cooperation;
5. **Fighting organised crime** “on-line and off-line,” with a collective response to cyber and hybrid warfare, foreign manipulation and interference;
6. Preparing for a **bigger and stronger Union – enlargement** as a “geostrategic investment in peace, security, stability and prosperity” – a “merit-based approach to accession with tangible incentives” – in parallel, internal reforms;
7. Preparing a **comprehensive approach to migration** and border management - partnerships with countries of origin and transit – prevent irregular migration;
8. A **prosperous and competitive Europe** – bolstering competitiveness – reinforce sovereignty in strategic sectors - make Europe a technological and industrial powerhouse – requires an intensive investment effort, including public and private investment and the EIB;
9. **Deepen the Internal Market** especially in energy, finance and telecommunication – SMEs will remain central to the EU’s economic and social fabric;
10. **Unlock investment potential** by completing the Capital Markets and Banking Union – integrate European capital markets;
11. Strongly promote the **central role of the WTO** – promote level playing field and reciprocal market access;
12. Strengthen **economic security,** reduce harmful dependence, diversify and secure strategic supply chains, including maritime security; build up our own capacity in sensitive sectors and key technologies of the future such as defence, space, AI, quantum technologies, net-zero technologies, mobility, pharmaceuticals, chemicals and advanced materials – promote innovation and research in these areas and leverage public procurement;
13. Promote **green and digital revolution** – create a stable and predictable framework for scaling up Europe’s industrial capacity for net-zero technologies and products; invest more in cross-border infrastructure for water, energy, transport and communication; increase energy sovereignty building an Energy Union; electrification using all net-zero and low-carbon solutions, with investments in grids, storage and inter-connections; promote the bioeconomy;
14. Exploit potential of **data**, promote data inter-operability, promote investment in digital technologies; build on EU digital identity to create high quality e-services;
15. Promote competitive, sustainable and resilient **agricultural sector** to ensure food security; reverse degradation of ecosystems, including oceans;
16. Promote an innovation- and business-friendly environment - safeguard fair competition, fight unfair practices, ensure level playing field; reduce regulatory and bureaucratic burden at all levels, simplify and digitise administrative procedures – promote better regulation especially for SMEs and start-ups;
17. Uphold the social dimesion of Europe for all citizens – strengthen health cooperation at EU and international level, improve access to medicines in the EU; encourage talent mobility in the EU – implement and strengthen the European Pillar of Social Rights.

**The Council’s Conclusion on its Strategic Agenda**

“Our destiny is in our own hands. We have the talent, courage and vision to successfully shape our future. This Strategic Agenda is our joint pledge to unequivocally serve our citizens and fulfil our founding objectives of peace and prosperity.”

**The Work Programme of the current Hungarian Council Presidency[[36]](#footnote-37) provides a “bridge” to the EU’s activities under the new “mandate” starting in November 2024.**

Unlike the change of government in a nation State (such as the UK with the replacement of the Conservative Government after 14 years, with a Labour administration), the five-year “mandate” of the EU Institutions (Commission and Parliament) provides for considerable continuity in regulatory and policy terms. This is especially the case on this occasion because of the re-election of von der Leyen as Commission President and the Centre-Right majority in the Parliament. Thus, the majority of legislative proposals which are “in the pipeline” at the end of one mandate will be pursued under the next. This can be illustrated by reference to the Work Programme of the current Hungarian Presidency of the Council.[[37]](#footnote-38)

I will not analyse the Hungarian Presidency ‘s work programme in detail here and I will not discuss here the political controversy of allowing Prime Minister Orban, his Cabinet and officials to chair EU bodies and committees for 6 months at a time when Orban in particular and his government in general are acting in flagrant breach of fundamental principles of EU law.

In my view, for the Member States to allow Hungary to chair and “manage” EU meetings at all levels for 6 months was a mistake. The total lack of credibility[[38]](#footnote-39) of Prime Minister Orban as a result of his unilateral contacts with Putin (and opposition to EU measures in support of Ukraine) permeates the Hungarian Presidency at all levels, including the various Council meetings, COREPER and Council Working Groups. I do not know the reasoning behind this decision, except perhaps that the last 6 months of 2024 is the least harmful in the sense that it is, in many ways, a “lame-duck” period, which also contains the holiday period of August.

This said, the Hungarian Presidency Work Programme covers measures falling under the following headings: a new European Competitiveness Deal; the reinforcement of European Defence Policy; a consistent and merit-based enlargement policy; stemming illegal migration; shaping the future of cohesion policy; a farmer-oriented EU agricultural policy and addressing demographic challenges.

A detailed programme of legislative and policy measures is then set out, falling under the competence of the respective Council “formations” (General Affairs; Economic and Financial Affairs; Foreign Affairs; Justice and Home Affairs; Agriculture and Fisheries; Environment; Employment, Social policy, Health and Consumer Affairs; Education, Youth, Culture and Sport; Transport, Telecommunications and Energy; Competitiveness).

As indicated below, the fact that the Hungarian Presidency comes at a time of “inter-regnum” in the EU, where the “baton is passed” to a new Commission, Parliament, European Council President, new High Representative and new Council [of Ministers] Presidency, tends to alleviate somewhat the political controversy surrounding Prime Minister Orban and his Government. Equally, the fact that August in any event is a holiday period also limits the time available for meetings of the various Council formations. To a certain extent, the EU – like the rest of the world, is “holding its breath” for the United States’ elections on 4 November and the inauguration of a new President in January. By this time (unless Trump/Vance are elected) some form of “normal business” may resume, although the continuation of the Ukraine and Israel-Palestine conflicts will continue to cast a cloud over international relations throughout 2025.

**Provisional conclusions on the short- to medium-term future of the EU**

It would be wrong and misleading to suggest that the results of national elections, especially in “key” or strategically-important Member States, do not affect the direction, momentum or content of EU law and policy. Clearly, Macron’s gamble in calling an early election has created a stalemate in French politics, greatly diminishing the powers of the President under the French constitution, in areas such as foreign affairs and defence.

Equally, the election and apparent popularity of Orban and his Government is an enormous hindrance to the formation and implementation of EU policy[[39]](#footnote-40) in many areas, but especially in foreign affairs, defence and security. The same may be said of the Fico administration in Slovakia, whilst - conversely – the election of Tusk in Poland brings that pivotal country back into the mainstream of EU and NATO policy on Russia and its neighbour Ukraine. And it hardly needs to be said that the “democratic”[[40]](#footnote-41)vote in 2016 in the UK led not only to the most egregious foreign policy decision of the UK since the 1930s, but also fundamentally weakened both the EU and the UK.

**Factors ensuring continuity in EU law and policy**

As stated above, the re-election of von der Leyen as Commission President from 2024 till 2029, backed by a Centre-Right Parliament, offers some guarantee of stability, predictability and continuity in EU law and policy. Of course, the composition of the new Commission and of the Parliament (and its Committees) will certainly have an effect on the “chemistry” of decision-making in the Commission and Parliament. This may well result in Commission legislative and policy proposals which reflect future political developments and which differ from (or build on) measures currently “on the table”.

In the Council, the cooperation between **troikas** of Council Presidencies ensures a large measure of continuity. Thus, the three 6 monthly Presidencies from 1 January 2025 are Poland, Denmark and Cyprus. Just as the current Hungarian Presidency has “inherited” the work of the excellent work of the Spanish and Belgian Presidencies, so the troika beginning in January 2025 will “take up the baton” from Hungary.

Crucially however, in my experience, it is the **continuity of the permanent staff of the Commission, Council and Parliament** which guarantees both the historical memory and institutional continuity of EU work. In these bodies, the Secretary General and Director General of the Legal Service (and their staff) are of crucial importance. These individuals and their staff are consulted on the proposal, negotiation, adoption and implementation of each and every EU measure. The Secretary General and Director General of the Legal Service (as well as representatives of the Departments involved in the day-to-day work on the dossier in question) of the Institutions in question are present at every meeting of their Institution.

The importance of **law and procedure** in the EU reflects the fact that the EU is a **“Union of law”.** Ultimately, each and every EU decision is subject to the rule of law as interpreted by the European Courts in Luxembourg.

The **gradual integration of staff (at all levels) from new Member States** and their adoption of the working methods and “Community spirit” already established by their predecessors has also been crucial in ensuring the efficient and smooth working of the Commission and other Institutions. In my experience, this was particularly the case with the nationals of the former Communist, Warsaw Pact and COMECON countries. Today, many if not most of the Polish, Romanian, Latvian and other former Communist countries have been educated in European law and policy as Universities and colleges with a long tradition in this field.

The accession of the UK in 1973 had a particularly important and lasting effect. UK civil service traditions were effectively “married” with those of France (especially, in my experience, in the Commission’s services) and, even more importantly, the approach to the interpretation and application of EU law by the European courts was greatly influenced by UK judges, Advocates-General, lawyers and courts. The use of judicial precedent and more detailed reasoning are just two elements which survive the UK’s departure from the EU.

**The importance of the ”Community spirit” – a key factor ensuring continuity in EU affairs.**

In my personal experience working in and with the Commission and other Institutions over the last 50 years, it is the “Community spirit” which distinguishes the European Project from all other international organisations[[41]](#footnote-42)and States. In the early years (1951-1996) it was the collective memory of the Second World War, including the reunification of Germany and even the collapse of the Soviet Union in 1989-91. Despite the seven successive (and successful!) enlargements and the traumatic withdrawal of the UK in 2020, the “Community spirit” has endured.

This is an undefinable and intangible phenomenon, although one which everyone working in or with the EU experiences on an everyday basis. This does not mean that there are not (often serious) difficulties, including the French “empty chair” policy of 1965, repeated French opposition to UK accession in the 1960s, Brexit, derogations and “opt-outs” by several Member States to Treaty provisions and the breach by Hungary and Poland of the EU’s fundamental values. But the “Community spirit” has been the “cement” which has helped to “keep the European Project on the road” throughout its periodic crises.

Another factor which, in my experience, makes the EU unique is that fact that it is (and has always been) a **preferential club of nation States legally founded on GATT Article XXIV.** As all the EU’s partners realise (whether the three EEA States, the UK, applicant States, preferential partners or “third countries” like the United States and China), there is a marked political and legal difference between Member and non-Member States. This is most obvious, on the one hand, for new Member States, when they are finally and fully allowed to participate in EU committees. On the other hand, the formal exclusion of the UK from all EU bodies after 47 years undoubtedly came as a shock to the hundreds if not thousands of UK civil servants who had formerly taken for granted their “membership of the club”.

**The question now is whether - or to what extent – the Community spirit will survive a new enlargement.** The $64,000 question is:

“ **To what extent can the EU “machine” retain its momentum in view of the challenges it currently faces, at the same time (“in parallel”) making the constitutional changes which are indispensable to its continuity and survival and admitting new Members?”**

The “mandate” which begins in just over 2 months time will provide at least a partial answer to this question.

For me, now as 70 years ago when the European Project was launched, **“sovereignty”** is the political and legal concept which is at the heart of the issue. In the modern world any form of “absolute” sovereignty is an illusion, even for super-powers such as the United States. The failure of Brexit illustrates the illusion of “taking back control” when traditional frontiers have been made redundant by technology. In my view, the EU will always be a Union of nation States, with their own languages, cultures, traditions and democratic decision-making processes, even if very few if any areas of national life remain wholly autonomous.

As my analysis of the European Council’s Strategic Agenda 2024-29 shows (above), even the 27 Heads of State and Government in the Council make increasing use of the term “**European sovereignty”.** Clearly, this is not incompatible with national sovereignty or even different forms of “populism”.[[42]](#footnote-43) The key issue, even in areas of exclusive competence (such as trade policy), is **how sovereignty is shared in the Union, both internally and externally.**

At the heart of this issue is of course **decision-making in the Union.** It is helpful to recall that, between 1951 and 1986, all decision-making in the (then) EC – particularly for regulatory measures, was unanimous (Article 100 EEC). In 1986, qualified majority (or “weighted”) voting (QMV) in the Council was introduced for most internal market measures, except tax. Successive Treaty amendments since 1986 have broadened the use of QMV, as well as the powers of the European Parliament (notably co-decision for most EU legislation).

It is clear that, in a Union of 35 or more sovereign States, unanimous voting – even in highly sensitive areas such as tax, foreign policy, security and defence – may raise insuperable barriers or delays to EU decision-making. All Member States must therefore -sooner rather than later – confront the reality that membership of the Union, with all the benefits which that provides brings with it the need to accept the rule of the majority. The possibility of a war with Russia in the foreseeable future would in any event force this decision on the EU and its Member States.

I would add one final comment at this stage. Since its inception in 1951, the EU “motor” has been driven principally by the “twin locomotive” of France and Germany. The UK had the opportunity to make a “troika” after the Second World War and again (though with more difficulty) in 1973, but systematically “missed the boat”. This chance has now gone for ever. Now, in my view, with political stalemate in France and (to a lesser extent) in Germany, the “centre of gravity” in Europe is shifting to the East. If (or when) Ukraine accedes to Union, it will be Poland (with Germany) and not France which will be at the heart of Europe.

As I have discussed above, it is far from clear that Macron’s European Political Community (EPC) can provide a forum for negotiating a “Europe of concentric circles” or a “multi-speed Europe”. However, sooner rather than later, the political will must be found amongst Europe’s political leaders to restructure the European Project so that it continues to provide the political stability and economic prosperity which is has done to date.

**The United Kingdom after a radical change in Government**

Following Brexit, there are still no signs that political leaders in the UK have any aspiration to take a leadership role in Europe. The main task of the new Labour Government is, in my view, internal, in restoring a level of economic health for the country as a whole, but managing external relations in a manner which is commensurate with the UK’s reduced economic and military capacity and reputation. On relations with the EU, Starmer and his team have been in fairly constant contact with the Commission and key Member States (especially those most disposed to the UK, such as Germany, Sweden and Poland) since well before the election, with a view to stabilising and “normalising” relations following 14 years of “Brexit-dominated” relations under successive Conservative arrangements.

**Priorities of the Starmer Government**

Starmer Government’s “mission statement” covered 5 points:

1. To “kickstart” the economy, notably by eliminating inequalities;
2. To make “Britain”[[43]](#footnote-44) a clean energy superpower;
3. To “take back our streets”- and address crime and the criminal justice system;
4. To break down barriers to opportunity, notably as regards education and childcare;
5. To build a National Health Service (NHS) fit for the future.

**Note** that there is no mention here of restoring the UK’s international reputation, following 14 years of political and legal uncertainty, characterised by Brexit with openly-admitted breaches of international law, broken promises, abrasive diplomacy, total absence of forward planning and boastful (and unrealistic) aims to give preference to relations in the Asia-Pacific region instead of Europe.

On the contrary, throughout the election campaign (and since), Starmer has consistently rejected “re-joining” the EU or its customs union and internal market. Instead, Starmer has focussed attention on a new security agreement with the EU, as well as an “improvement in the conditions of trade”.

**Note** that the focus of attention in Brussels, under the new EU “mandate” beginning in November, as well as in London, will be the **review not re-negotiation** of the TCA 5 years after its entry into force. The EU have made it quite clear that “review” means precisely what it says - in other words an assessment of how the TCA has worked in the last 5 years. The Eu accepts (of course) that, in any international relationship, either or any party may at any time propose modifications to an international agreement. However, the EU has expressly said that it is “satisfied” with the TCA as the basis for the bilateral relationship with the UK, as a third country. For the EU, **any changes would have to be in the interests of the Union, its citizens and economic operators.** For this reason, two of the EU’s priorities are:

1. Securing full respect for the Windsor Agreement on the status of Northern Ireland and
2. Securing full respect for the provisions of the Withdrawal Agreement and the TCA on the rights of EU citizens in the UK.

**The King’s Speech[[44]](#footnote-45) as the most accurate guide to the Starmer Government’s legislative intentions.**

This was delivered at the State Opening of Parliament on 17 July 2024. The contents of the speech (drafted by the Government) is not legally binding, but gives a good indication of the legislative programme of the incoming Government. As might be expected, the Labour Government’s priorities are in sharp contrast to those of the preceding Governments under Prime Ministers Cameron, May, Johnson, Truss and Sunak.

Some of the key features of the Starmer Government’s programme include:

1. Service to the country (intended to contrast with the elitist and sometimes corrupt character of the Conservative Party whilst in Government;
2. Legislation which is based on the principles of security, fairness and opportunity for all;
3. Stability as a cornerstone of economic policy - with all spending legislation subject to review by the Office of Budget Responsibility (OBR);
4. Securing economic growth is a fundamental mission – with the creation of an Industrial Strategy Council - with greater emphasis on the rights of working people (including employment rights);
5. Planning reforms for increased house-building and infrastructure;
6. Promoting investment in industry, skills and technologies;
7. Promoting greater devolution, including to England and English regions, as well as Scotland, Wales and Northern Ireland; establishing a new Council of the Nations and Regions;
8. Reforming the ownership and management of rail and road transport;
9. Promoting clean energy transition and creating a publicly-owned clean power company based in Scotland (Great British Energy);
10. Improving water quality and strengthen regulatory powers in water;
11. Measures to **reform the constitution**, removing the right of hereditary peers to sit in and vote in the House of Lords, modernising the working methods of the House of Commons;
12. Strengthen border controls through the creation of a Border Security Command, modernising the asylum and immigration system;
13. New anti-terrorism measures and a new law to protect women and girls;
14. Raising standards in education and promoting children’s well-being, linked with a new partnership between schools and employers (Skills England);
15. Improving the National Health Service (NHS);
16. Strengthening the armed forces within NATO to match the changing nature of global strategic threats, supporting Ukraine and its eventual membership of NATO;
17. **The Government will seek to reset the relationship with European partners and work to improve the UK’s trade and investment relationship with the EU. Ministers will seek a new security pact to strengthen cooperation on the mutual threats faced by the UK and the EU;**
18. The Government will work to secure peace and security in the Middle East and a two state solution with a safe and secure Israel alongside a viable and sovereign Palestinian State.

I have summarised the contents of the Starmer Government’s first[[45]](#footnote-46) legislative programme in some detail and in the order in which the measures were listed. It is clear that the focus is **national**, with NATO and the EU mentioned towards the end of the Speech. Of course, foreign policy does not normally require **legislation** and is a matter of **executive authority** for the Government of the day. It is therefore unsurprising that little mention is made of this aspect of Starmer’s “mission” in the King’s Speech.

Going beyond official statements such as the Labour Government’s “mission statement” and the King’s Speech, however, the reality is that, after 14 years of austerity and the economic and financial disaster created by the short-lived Truss Government, the main priority for the UK, but also for the UK’s international partners such as the International Monetary Fund, is to continue to stabilise the economy, calm inflation and promote growth. These macro-economic and monetary tasks are probably as important as restoring the UK’s international reputation as a reliable, law-abiding partner, delivering what it promises and acting within its means.

**The current civil disturbances across the UK – a serious challenge to the Starmer Government one month after its election – an indicator of “broken Britain” which urgently needs repair?**

In my lifetime, I do not recall civil disturbances on the scale which we have witnesses in recent days. The exception would be the miners’ strike and protest marches, as well as demonstrations against the proposed poll tax – both under the Thatcher Government (1970-90). The current riots are in my view far more serious because:

1. they were triggered by **false information being spread on social media**, apparently by individuals not even resident in the UK;
2. they illustrate the power of a small minority of extremists – but operating across the whole country – to cause civil disorder on a scale which “normal” police forces find hard to contain (thereby raising the possibility of the UK’s armed forces being deployed on the streets of Great Britain, as was the case for many years during the “Troubles” in Northern Ireland);
3. they also show the depth of feeling in the country about **immigration** (without distinguishing between legal and illegal immigration) and the failure of the Conservative Government to resolve the issue, despite making a reduction in the numbers of immigrants its top priority [[46]](#footnote-47) (with the “deterrent” of deportation to Rwanda to stop the “small boats” crossing the English Channel);
4. fortunately, for the first time in my memory, the disproportionate harm caused by far-right extremists has now been countered by a massive “counter-demonstration” across the country in favour of the rule of law, fair treatment for refugees and asylum-seekers of all colours, creeds and nationalities.

Fortunately, Prime Minister Starmer is a lawyer who was for many years the Chief Prosecutor in England and Wales[[47]](#footnote-48) and has reacted promptly and intelligently to the crisis which his government faces after only 1 month in power.

In my view however (and I am writing this whilst in the United Kingdom), these dramatic events show that:

1. fundamentally the vast majority of the UK’s 67 million population are decent, law-abiding citizens, of all colours, creeds and races;
2. apart from the United States, the UK has (in my lifetime) accepted millions of immigrants, principally from Commonwealth countries as a result of decolonisation but also from conflict areas in Africa and the Middle East, with the result that the UK is now a multi-racial and multi-ethnic society (with the Prime Ministers of England, Scotland and Wales having been of Indian and Pakistani origin);
3. however, as all recent UK Governments have recognised, in economic and social terms, the UK is a **profoundly divided country,[[48]](#footnote-49)** with an outdated constitution badly in need of reform and with a tendency to devote **more attention to the past than the future[[49]](#footnote-50)**;
4. the primary promise of the Starmer Government to ensure that politicians at all levels act in the **service of those who elected them**, thus restoring trust in and respect for politics and politicians, is both overdue and entirely appropriate;[[50]](#footnote-51)
5. restoring a form of **“governance”** which commands the respect both of the UK people and the UK’s international partners, is an absolute priority for Starmer and his team;
6. more specifically, but equally important, the control and “governance” of **social media** in particular, but also the impact of digitalisation on society in general and children in particular, is rightly at the top of the agenda in all Western countries and the EU itself.[[51]](#footnote-52)

**Restoring the UK’s reputation as a serious, reliable, law-abiding member of the international community is the main external aim of the Starmer Government**

There is little doubt that, over the last 15 years (and perhaps much longer in the eyes of the EU Institutions and Member States), the attitude of successive Conservative Governments to the UK’s relations with the EU has degraded the UK’s international reputation. Key elements in the UK’s international decline are:

1. The consistent absence, since 1945, of any clear policy on relations with the European Project, as evidenced by the UK’s failure to participate in the Conferences leading to the establishment of the ECSC in 1951 and the EEC/Euratom in 1957, the calling of a first referendum on EC membership in 1975, demanding successive opt-outs from key elements of EU law and policy (notably EMU and the euro), calling a second referendum in 2016 without any adequate preparation and then conducting negotiations in an arrogant, undiplomatic and often disrespectful manner towards European friends, allies and partners;
2. The loss of respect from 55 Commonwealth countries as a result of decolonisation and subsequent failure to address immigration, notably in the last few years, when the absence of humanity in the UK’s approach to immigration, refugees, asylum and human rights (which the UK had done so much to promote in the 1950s) has reached appalling levels;
3. An arrogant and boastful public attitude to “Global Britain”, where the UK’s self-proclamation as a champion of the “rule of law” was at odds with the virtual collapse of the criminal justice system, over-crowded prisons, miscarriages of justice (e.g. the failure for 20 years to correct the wrongful conviction of sub-post masters for fraud, as a result of errors in Fujitsu’s computer systems), the abuse of procurement procedures for medical equipment during the Covid crisis and breaches of law by politicians, including Prime Minister Johnson (“Partygate”) during the Covid crisis etc.;
4. The open admission by Government Ministers of breaches of international law (the Irish Protocol to the Withdrawal Agreement with the EU), the failure to respect the ruling by the International Court of Justice regarding the illegal separation by the UK of the Chagos Islands from Mauritius and the threat to withdraw from the European Convention on Human Rights as a result of the UK’s treatment of refugees and asylum-seekers (the Rwanda deportation scheme);
5. Promising and failing to deliver “world-class” trade agreements with the United States and other partners, often replacing EU agreements with virtually identical bilateral agreements; giving priority to negotiating and signing an agreement with Asia-Pacific partners (CPTPP), covering a mere fraction of the UK’s trade with the EU.

The ”reset” now promised by Starmer for the UK’s international and European relations will take many years to deliver. It will require, first and foremost, a restoration of **morale in the UK civil and diplomatic service**, which has been greatly diminished by politicians in successive Conservative Governments.

More seriously, the period between 2013 (when an “in/out” referendum was first announced by Cameron to resolve an **internal problem in the UK Conservative Party)** and 2024 has been a period of stasis in the UK. Meanwhile, Europe has moved on. The Brexit process was achieved by the EU (led by the Commission – Juncker, von der Leyen, Barnier and Sefcovic) with “world-class” legal and technical preparation, negotiation, coordination and implementation, first of the Withdrawal Agreement and then of the TCA. The UK was made to look amateur and at times foolish[[52]](#footnote-53) in the process. Now, as a new EU “mandate” dawns and the EU is genuinely faced with existential threats from the war in Ukraine, a potential nuclear conflict with Russia, a crisis in the Middle East which worsens day by day, a new engagement with the UK (outside NATO and the defence and security zone) is not a priority for the EU.

**The short- to medium-term future of EU-UK relations**

I have covered many of the key issues here in the previous sections of this paper. In short, I believe that the short-term future of the UK’s relations with the EU have been quite clearly stated both by Starmer and EU politicians. **On the UK side**, the ambition is (understandably) to **stabilise and normalise** relations, slowly restoring a level of trust, mutual confidence and respect. This will take many years[[53]](#footnote-54), even if the “common cause” of support for Ukraine and cooperation in related issues (security, industrial cooperation in the defence sector, sanctions against Russia etc.) are useful “building blocks” in this process.

Starmer himself has ruled out any attempt by the UK to “re-join” the EU customs union or internal market. As the King’s Speech (above) makes clear, the UK’s ambitions are limited to the negotiation of a security arrangement and “improving conditions for trade and investment”. As regards the latter subject however, it is difficult to see what can be achieved in the absence of any significant modification of the TCA.

**On the EU side**, it has been started on a number of occasions that the EU “is fully satisfied with the TCA”. There will be **no initiative for any re-negotiation of the TCA** from the Commission. The 2026 review of the 5 year operation of the TCA will be precisely that – “review” not “reform”.

It is clear that, from the EU side, the election of a new Government in the UK is a matter for relief and not rejoicing! The restoration of a measure of trust and respect is important not only for the EU Institutions and Member States, but also for economic operators on both sides in one of the most significant bilateral economic relations in the world.

Unfortunately, for the EU, full respect by the UK for the terms of the TCA and Withdrawal Agreement (WA) has still not been restored. As recently as early July, Commission Vice President Sefcovic, who is responsible for EU-UK relations in the Commission, said that the Commission will have “no choice but to step up legal proceedings against the UK if it continues to violate the TCA and WA with the EU.” Sefcovic said that the biggest challenge for the EU is now to “rebuild trust and realign our relationship with the UK”.

The Irish Protocol continues to be the subject of disagreement, with the EU granting an extension of time to the UK (at the latter’s request) to meet EU law on the movement of chilled meats into Northern Ireland. Crucially, Sefcovic said that “there remains a lack of implementation of these agreements (TCA and WA) by our partner the UK, so we need to see the pathway to comply as soon as possible. **We need to be able to trust the UK to live up to its international obligations.”**

There is little more to be added at this stage. Sefcovic’s final remark quoted above is at the moment the **benchmark** by which to judge the “temperature” in the bilateral relationship between the EU and the UK. Clearly, the advent of the Starmer Government, with its commitment to “reset” the UK’s international relations and reputation, gives cause for hope. However, the clear priority of the new Labour Government - as made clear in writing but also in the many public pronouncements since the election on July 4, is to “mend broken Britain” first, almost as a pre-condition for restoring the trust of the UK’s international partners, starting with the EU.

Alastair Sutton, Brussels, 31 July 2024

1. Notably Canada, Australia and New Zealand. [↑](#footnote-ref-2)
2. For obvious relating to my own personal experience as an EU official between 1973 and 1990, I have in mind especially international trade policy as developed through the GATT/WTO and the negotiation of the Multifibres Arrangement in 1973-4, the Tokyo Round in 1979 and the Uruguay Round in 1994. In my experience, the seismic changes which we are now witnessing in geopolitics started in around 1989-91 with the collapse of the Soviet Union and the WTO accession of China in 2001. [↑](#footnote-ref-3)
3. See speech by Mario Draghi on 16 April 2024 – no longer a level playing field in the world; other regions “not playing by the rules”. [↑](#footnote-ref-4)
4. I do not believe (and I do not think that NATO believes) that Russia can be “defeated” in the current war, at least in the “classical” sense of an unconditional surrender. At some point, there will have to be peace negotiations. Unknown factors in this “equation” are whether nuclear weapons are used and the extent to which NATO and its Member States become even more involved in the conflict. [↑](#footnote-ref-5)
5. **Note** that EU law and policy on defence has increased exponentially in the last 10 years (since the Russian illegal occupation of Crimea) and especially since February 2022. [↑](#footnote-ref-6)
6. In today’s world, even France, Germany, Spain and Poland are “small” (or at least medium-sized States) both geographically and economically, compared with the United States, China, India, Indonesia, Brazil, Nigeria etc. [↑](#footnote-ref-7)
7. France, the Netherlands, Spain, Portugal and Denmark. [↑](#footnote-ref-8)
8. Since the Treaty of Paris establishing the European Coal and Steel Community (ECSC) in 1951. [↑](#footnote-ref-9)
9. Note that I do not mean by this that the European Union could not “fail”, shrink or disintegrate, for example as a result of a third world war. I recall that, as an EU trade official in 1977, I had the honour of negotiating the first bilateral trade agreements between the EC and Hungary, Romania and Poland on trade in textiles. These agreements were only possible because of the approval of the Soviet Union (USSR), which exercised hegemony over these three Warsaw Pact/COMECON countries. At that time, the collapse of the Soviet Union was inconceivable. In the same way, in the new geopolitical situation dominated by Chinese and United States hegemony, there is in my view no alternative for the 30-40 medium to small Western European States other than to work together in some form of inter-governmental organisation. 75 years ago, the (supranational) EU was an experiment. But today, its success is demonstrated by its growth from 6 to (potentially) 35 States, as well as the level of economic development in those States which have joined since 2004. No viable alternative to the EU has ever been suggested. [↑](#footnote-ref-10)
10. “Invented” by the European Court of Justice in the 1960s, but never included in the EU Treaties, despite 12 inter-governmental conferences (JGCs) when this would have been possible. [↑](#footnote-ref-11)
11. **Note** von der Leyen’s reference to housing policy (a “classical” national as opposed to European issue) in her recent “election” speech to the European Parliament. [↑](#footnote-ref-12)
12. Where attempts by the UK to “divide and rule” the 27 EU Member States failed. [↑](#footnote-ref-13)
13. The fact that UK Prime Minister Starmer had to attend the NATO Summit in Washington and to host a European Political Community (EPC) Summit within days of his election is a particularly clear example of this. [↑](#footnote-ref-14)
14. The election of officers of the Parliament’s Committees is currently underway. [↑](#footnote-ref-15)
15. For the moment, only the renewal of Ursula von der Leyen’s Presidency of the Commission for 2024-2029 has ben confirmed by the Parliament. [↑](#footnote-ref-16)
16. Article 26(2) TFEU provides that the “internal market shall comprise an area without internal frontiers”. [↑](#footnote-ref-17)
17. And is the basis for Economic and Monetary Union (EMU), including the euro as the single currency. [↑](#footnote-ref-18)
18. Note that in the EU, unlike the United States, all national courts are EU courts, with the possibility of enforcing directly effective EU law against “their” Member State, including ordering the suspension of national legislation which is incompatible with EU law and imposing financial penalties for failure to implement EU on time or correctly. [↑](#footnote-ref-19)
19. Enrico Letta: More than a Market, April 2024. [↑](#footnote-ref-20)
20. Progress has already been made with the enactment of the Digital Market Act, the Digital Services Act, the AI Act, the Data Act and the Data Governance Act. [↑](#footnote-ref-21)
21. 53% in the early 2000s to less than 25% today. [↑](#footnote-ref-22)
22. Speech for the Carlos V European award in Spain on 14/6/24. [↑](#footnote-ref-23)
23. Mainly in the tech sector and digitalisaiton. [↑](#footnote-ref-24)
24. Currently EU companies pay 2-3 times more for electricity than their US counterparts. [↑](#footnote-ref-25)
25. The IEA says that data centres will require twice as much energy by 2026 (i.e. the whole electricity demand of Germany). [↑](#footnote-ref-26)
26. By air, rail and road. [↑](#footnote-ref-27)
27. Notably of course by the disbursement of EU structural, cohesion and agricultural funds at the expense of existing Member States. [↑](#footnote-ref-28)
28. Council document EUCO 15/24 of 27/6/24 [↑](#footnote-ref-29)
29. **Note** the use of the term “sovereignty” by the European Council (Heads of State and Government) acting by unanimity. [↑](#footnote-ref-30)
30. See footnote 29 above. [↑](#footnote-ref-31)
31. Multiannual Financial Framework [↑](#footnote-ref-32)
32. **Note** that, unless explicitly stated to the contrary, all European Council documents and decisions are adopted by unanimity. This is important because, despite “unilateral” actions by, for example, Prime Minister Orban, the **State of Hungary** is legally bound by decisions adopted unanimously in the Council. [↑](#footnote-ref-33)
33. This is my summary of this fundamental consideration. [↑](#footnote-ref-34)
34. The Council also made specific mention of the EU’s (relative) successes over the last 5 years, namely in the areas of climate change, digital transition, Covid vaccines and recovery fund, protecting societies in the energy crisis and assisting Ukraine financially and militarily. [↑](#footnote-ref-35)
35. Whilst not identifying these issues as “priorities”, the Council mentions the challenge of migration, reinforcing security and defence, championing international law and institutions, fair global governance, inclusive multilateralism and sustainable growth and development, leading in green and digital technologies and using European values and the rule of law as the EU’s “compass”. [↑](#footnote-ref-36)
36. See HU24EU – Programme of the Hungarian Presidency of the Council of the EU in the Second Half of 2024. [↑](#footnote-ref-37)
37. **Note** for clarity that I am here referring to the rotating 6 month Presidency of the Council of Ministers and not the European Council, which has an individual President (currently Charles Michel to be succeeded by Antonio Costa on 1 December 2024) elected by the European Council for a (renewable) 2.5 year term. [↑](#footnote-ref-38)
38. This is particularly true in view of the language used in the introduction to the Work Programme that “Hungary will work as an honest broker, in the spirit of sincere cooperation between Member States and institutions, for the peace, security and prosperity of a truly strong Europe”. In view of the conduct of Orban and his Government, this statement is at the very least ironic if not hypocritical. [↑](#footnote-ref-39)
39. As well as NATO policy in particular as regards Russia, Ukraine and China. [↑](#footnote-ref-40)
40. I personally believe the 2016 UK referendum on EU membership was seriously flawed from a democratic point of view. [↑](#footnote-ref-41)
41. Although, in my experience, at least prior to the establishment of the WTO in 1995, these was a remarkable “esprit de corps” in the GATT Secretariat, inspired by successive Director Generals such as Olivier Long and Arthur Dunkel. [↑](#footnote-ref-42)
42. Thus, a recent opinion poll in France found that even populist supporters of Le Pen in France or Meloni in Italy, strongly supported the European Project and found (except in Luxembourg) that democracy was better secured in the EU than in national political systems. Clearly the external threat from Russia plays a part in this process. But I have little doubt that younger people throughout Europe, partly as a result of social media, have more in common than has ever previously been the case. For them, the freedom to move, work, study, marry, live, found families etc. is something they wish to take for granted and which is precisely what the EU provides. [↑](#footnote-ref-43)
43. I find it extraordinary that the United Kingdom (not the British) Government, refers to “Great Britain” (a term which excludes the province of Northen Ireland) and not the United Kingdon of Great Britain and Northern Ireland. [↑](#footnote-ref-44)
44. Under UK constitutional law, the monarch (currently King Charles III) is the Head of State, but also head of the Legislature, Executive and Judiciary. The Government of the day is “his” Government and each Minister, including the Prime Minister is “his” Minister. [↑](#footnote-ref-45)
45. Given the significant majority won by the Labour Government in the recent election, it is almost inevitable that the Labour Government will secure a second and possibly third term, lasting 15 years. [↑](#footnote-ref-46)
46. Prime Ministers May, Johnson, Truss and Sunak all publicly stated their aim to reduce immigration drastically. [↑](#footnote-ref-47)
47. Director of Public Prosecutions (DPP) [↑](#footnote-ref-48)
48. In fact, **four countries** – England, Wales, Scotland and Northern Ireland. [↑](#footnote-ref-49)
49. I believe that the frequent references by recent governments to “Global Britain” reflect in part the UK’s colonial legacy now illustrated by the Commonwealth; I would also mention the role of the Monarchy and aristocracy and the importance of Remembrance for two World Wars (which, although entirely honourable, now refer to events which happened 110 and 80 years ago respectively. [↑](#footnote-ref-50)
50. **Note** that the absence of trust in and respect for politics and politicians is **not** confined to the UK. In a recent opinion poll, all EU Member States except Luxembourg found that EU politicians (in the Commission and Parliament) had more trust and respect than their national counterparts. [↑](#footnote-ref-51)
51. This is another area (perhaps the most important, given the link between social media and civil and criminal justice) where Brexit has had an adverse effect in the UK and the EU. Also, the absence of any global institution to regulate social media and the seven major (American) “platforms” is a major weakness in international society. [↑](#footnote-ref-52)
52. I think particularly of Cameron, Johnson, Frost, Davis, Raab, Truss and other politicians involved in the Article 50 TEU process. [↑](#footnote-ref-53)
53. Possibly generations, taking into account the continuing absence (over a period of 80 years) of any coherent European policy by the UK. [↑](#footnote-ref-54)