

WINDSOR FRAMEWORK AND FUTURE EU-UK RELATIONS: COULD PERSONAL DIPLOMACY BE THE DRIVING ENGINE?



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After several months and three British Prime Ministers later, the United Kingdom has finally found common ground with the EU regarding the provisions of the Northern Ireland Protocol (NIP). At the end of February, Rishi Sunak, the current British PM, and Ursula von der Leyen, the President of the EU's Commission, announced the Windsor Framework's launch, which changes the existing NIP, which is part of the Brexit deal.¹ The path to the revision was lined with a number of pitfalls.

The Framework was built on the original NIP, negotiated in December 2019 by Boris Johnson, former British PM. As some commentators called it, this 'Christmas present' placed a customs and regulatory border on goods moving from Great Britain (GB) to Northern Ireland (NI) in the Irish sea within the United Kingdom (UK). Furthermore, it put NI under the custom jurisdiction of the UK and EU, meaning NI technically stayed within the EU's Single Market.² Before negotiators landed on this solution, there were two other possibilities as well – firstly, keeping the whole of the UK in the Single Market and the Customs Union, and secondly establishing of hard border between Northern Ireland and Republic of Ireland.³ However the latter one was not a real option either for the EU nor the UK, as there were concerns that this solution could unleash similar violence to the infamous Troubles, which were only resolved by the Good Friday Agreement in 1998 and which celebrates its 25th anniversary this year.

Since it came into force, multiple problems arose, and the UK's poor implementation of the Protocol was just the tip of it. Political disputes over the

¹ The Windsor Framework. *UK Government* [online]. 27 February 2023 [cit. 2023-04-03]. Available from: <https://www.gov.uk/government/publications/the-windsor-framework>

² Explainer: The Protocol on Ireland/Northern Ireland. *UK in a Changing Europe* [online]. 08 Apr 2021 [cit. 2023-04-03]. Available from: <https://ukandeu.ac.uk/explainers/the-protocol-on-ireland-northern-ireland/>

³ Brexit and the Northern Ireland border. *UK Parliament* [online]. 14 January, 2020 [cit. 2023-04-05]. Available from: <https://commonslibrary.parliament.uk/brexit-and-the-northern-ireland-border/>

provisions of the Protocol resulted in the political deadlock in Northern Ireland, the proposal of the Northern Ireland Protocol Bill (NIPB), the launch of EU infringement procedures towards the UK, and the restart of the EU-UK negotiations over the Protocol itself.

Windsor Framework Negotiations

As British PMs began to rotate like a treadmill, it became clear that negotiating with the EU requires a different approach compared to the one Liz Truss and Boris Johnson adopted. In their hunt to distract from their internal scandals, they resorted to use the lost luster and glory of the British empire when negotiating. Yet all they were met with was a stone cold economic and geopolitical reality. Although all the three mentioned British PMs were from the same party, the Conservatives and should represent the same values, Johnson and Truss were unsuccessful in delivering a revised version of the NIP.

One of the explanations for their failure is simply their attitude towards the EU. Both tried to play hardball with the EU by rejecting the European Court of Justice (ECJ) supervision or even proposing the NIPB, which was aimed to scrap some of the Protocol's provisions unilaterally. Sunak decided to set a rather open relationship with Brussels and started building it on trust and compromise. Both he and his foreign secretary James Cleverly worked closely and proactively with their EU counterparts – Ursula von der Leyen and Maroš Šefčovič, Commissioner for Interinstitutional Relations and Foresight. They succeeded when on February 27, 2023, Sunak and Von der Leyen presented the Windsor Framework.⁴

⁴ Trust and Compromise Return to EU-UK Relations. *Carnegie Europe* [online]. 9 March 2023 [cit. 2023-04-03]. Available from: <https://carnegieeurope.eu/strategieurope/89234>

First and foremost, the Windsor Framework simplifies the flow of goods coming from GB to NI by introducing two lanes: green – not requiring any paperwork as the goods stay in NI, and red – which requires custom paperwork as the goods can enter Ireland, thus EU's internal market. Additionally, it simplifies paperwork for some agri-food products. As for the heatedly debated role of the ECJ, there are no changes. The revised version of the Protocol includes the so-called Stormont Brake, which allows the members of Stormont (the Northern Irish Assembly) to object to changes to EU law under exceptional circumstances.⁵

Furthermore, the Windsor Framework put the last nail in the coffin of the NIPB introduced by Boris Johnson and highly criticized by the EU. If enacted, certain provisions of the Protocol, such as the customs and regulation of goods, would no longer 'have effect in the UK.'⁶ "The new arrangements are incompatible with the Northern Ireland Protocol Bill, and the UK government has agreed not to proceed with the bill."⁷ This, again, marks a profound change in EU-UK relations.

The Windsor Framework aims to unblock the political deadlock in Stormont. The Assembly has been paralyzed since the last elections, which took place almost a year ago. For the first time, Sinn Féin, the biggest republican party, won, leaving the main unionist party, the Democratic Unionist Party (DUP), in second place. NI's government is based on a power-sharing rule, which means all of the victory parties have to participate in governing process. DUP was able to boycott the establishment of the new government in a protest against the Northern Ireland

⁵ The Windsor Framework: Explained. *European Movement Ireland* [online]. March 2023 [cit. 2023-04-03]. Available from: https://www.europeanmovement.ie/the-windsor-framework-explained/?utm_source=rss&utm_medium=rss&utm_campaign=the-windsor-framework-explained

⁶ The UK's Northern Ireland Protocol Bill. *European Parliament* [online]. 25 July 2022 [cit. 2023-04-03]. Available from: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA\(2022\)733607](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2022)733607)

⁷ UK shelves controversial Northern Ireland Protocol Bill as EU deal reached. *Politico.eu* [online]. 27 February 2023 [cit. 2023-04-03]. Available from: <https://www.politico.eu/article/uk-shelves-northern-ireland-protocol-bill-as-eu-deal-reached/>

Protocol.⁸ Yet, not even the new Windsor Framework seems to be working, as the DUP voted against a critical aspect of the deal due to the claim that it “does not deal with the fundamental issue, which is the imposition of EU law by the Protocol.”⁹ And as Clare Rice from the UK in Changing Europe, a British research project on EU-UK relations, has pointed out, for people in Northern Ireland, the Windsor Framework is only a first step towards restoring power-sharing.¹⁰ The UK’s government thus could not and cannot aim to solve the issue entirely just with the new Framework.

Future EU-UK relations and what to expect

The UK government has recently published a revised strategic document called the Integrated Review Refresh 2023 (IR23), which brought a clear difference in tone and now explicitly expresses the UK’s wish for cooperation with the EU. That was not the case in the previous version of the document from 2021.¹¹ There are currently three main areas in which the relations can start flourishing again.

Firstly, considering the broader geopolitical situation on the Continent, the Russian invasion of Ukraine has significantly impacted a variety of issues. In terms of EU-UK relations, it provided momentum for closer and more intensive security and defense cooperation. This development got translated into the UK joining into military mobility project by the EU’s Permanent Structured Cooperation (PESCO). Furthermore, the Joint statement by Vice-president Maroš Šefčovič and Foreign

⁸ In Northern Ireland, a fragile hope of breaking the political deadlock. *Le Monde* [online]. 22 March 2023 [cit. 2023-04-03]. Available from: https://www.lemonde.fr/en/united-kingdom/article/2023/03/22/in-northern-ireland-a-fragile-hope-of-breaking-the-political-deadlock_6020279_135.html

⁹ Northern Ireland’s DUP to vote against Windsor Framework Brexit deal. *Politico* [online]. 20 March 2023 [cit. 2023-04-03]. Available from: <https://www.politico.eu/article/northern-irelands-dup-to-vote-against-windsor-framework-deal/>

¹⁰ The Windsor Framework: paving the way towards or away from the abyss?. *UK in a Changing Europe* [online]. 16 March 2023 [cit. 2023-04-03]. Available from: <https://ukandeu.ac.uk/the-windsor-framework-northern-ireland/>

¹¹ Integrated Review Refresh 2023. *UK in a Changing Europe* [online]. 23 March 2023 [cit. 2023-04-03]. Available from: <https://ukandeu.ac.uk/explainers/integrated-review-refresh-2023/>

Secretary James Cleverly hints that both sides of the English Channel are ready to lead a dialogue on the issues of cybersecurity and anti-terrorism.¹²

Secondly, the UK has previously shown interest in rejoining the EU's 100 billion EUR Horizon Europe program. At the beginning of March, after the announcement of the Windsor Framework, the British government announced an extension to the support provided to UK Horizon Europe applicants.¹³

Thirdly, in a broader cooperation scheme, the British Minister for Europe, Leo Docherty, has indicated that the UK would be open to establishing a formal EU-UK summit.¹⁴ The EU holds such bilateral summits with major strategic partners such as US, Canada or lately Ukraine. Depending on the level of engagement with the partner country, the topics can range from economic cooperation and international relations, to even trade relations.¹⁵ Such an arrangement could be beneficial for both sides especially in this stage of warmer relations.

However, the actual nature of the cooperation stood, stands, and will stand and fall on the personal connections between the representatives of both sides of the Channel. As the Guardian has teasingly pointed out, "it was time to act as adults," and Sunak has shown during the negotiations his European counterparts that he

¹² Joint statement by Vice-President Maroš Šefčovič and Foreign Secretary James Cleverly. *European Commission* [online]. 24 March 2023 [cit. 2023-04-03]. Available from: https://commission.europa.eu/publications/joint-statement-vice-president-maros-sefcovic-and-foreign-secretary-james-cleverly_en

¹³ Horizon Europe Guarantee scheme extension to support UK R&D. *UK Government* [online]. 6 March 2023 [cit. 2023-04-03]. Available from: <https://www.gov.uk/government/news/horizon-europe-guarantee-scheme-extension-to-support-uk-rd>

¹⁴ Beyond the Windsor Framework: what's next for the UK's relations with its neighbours?. *UK in a Changing Europe* [online]. 22 March 2023 [cit. 2023-04-03]. Available from: <https://ukandeu.ac.uk/beyond-the-windsor-framework-whats-next-for-the-uks-relations-with-its-neighbours/>

¹⁵ International summits involving the EU. *European Council* [online]. [cit. 2023-04-05]. Available from: <https://www.consilium.europa.eu/en/european-council/international-summits-involving-the-eu/>

was serious about reaching a deal.¹⁶ Now, it remains to be seen whether the representatives will continue to act as adults.

¹⁶ 'It was time to act as adults': how Sunak charmed his way through a deal. *Guardian* [online]. 28 February 2023 [cit. 2023-04-03]. Available from: <https://www.theguardian.com/politics/2023/feb/28/sunak-charmed-his-way-through-a-northern-ireland-deal-ursula-von-der-leyen-brexit>