

BRITISH MODEL OF PARTIAL INTEGRATION WITH THE EUROPEAN UNION:

WHAT'S APPLICABLE FOR UKRAINE?





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SUMMARY

The British model has always been special in the context of European integration. Even as a member of the European Union, the United Kingdom had great difficulty agreeing to each new phase of integration. While always seeking to reap the full benefits of trade cooperation, Britain was cautious about sharing its sovereignty in other areas. Accordingly, the United Kingdom did not agree with the decision of most EU countries to adopt the euro; neither did it enter the Schengen area. However, the paucity of Britain's integration in some areas did not make the country's exit from the EU an easy task. Following a referendum (known as Brexit) in 2016, the parties needed four years of daunting negotiations to conclude the bilateral Trade and Cooperation Agreement. For industry, the new times have come as quite a shock.

Britain is accustomed to accusing the EU of excessive bureaucracy. However, British companies felt the real over-bureaucratization when filling out numerous documents for the export of goods and services to the European market. The lessons of the British model of cooperation are perhaps the least suitable for Ukraine to use: one country has fought to leave the EU on an equal footing, whereas the other is seeking equal membership. Rather, the lessons of London teach Kyiv what not to do in negotiations or cooperation with the EU: even powerful and experienced British diplomacy found it difficult to keep up with the heavyweight negotiating machine of the European Union. An important feature of the British model, however, is the fact that it is still in the making. The same can be said about Ukraine. Therefore, some of the recommendations offered by the British experience might still be useful.

First of all, the British model teaches Ukraine that nothing is impossible in relations with the EU. With proper determination and creativity, it is possible to achieve a result (though not always perfect). That said, Ukraine needs to be careful about using any British lessons in partnership with the EU, at least not to talk about it in public (Britain still arouses a lot of discontent among EU diplomats).

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KEY FINDINGS:

Careful with the British experience. Most governments in the European Union received Britain's exit with thinly disguised irritation. The British experience should therefore be appealed to as a last resort with the understanding that this could provoke a critical reaction from EU partners. It should also be understood that the starting opportunities of Ukraine and Britain are completely different, which makes the British European experience probably the least useful for Kyiv.

Creativity. In recent years, the word "creative" has been decisive in approaches to negotiations between the EU and the UK. The British model of cooperation shows that the impossible can become possible. The EU was completely unprepared for the withdrawal of a member state, but protracted negotiations still allowed the parties to reach a compromise solution by making certain concessions.

A model for growing into. The specificity of the partnership between the United Kingdom and the European Union is the fact that these relations are at a formative stage. It will take at least a few years before it is possible to assess both the achievements and the harm of the British integration (or disintegration) model. The latter's instability also means that, under certain conditions, the parties can agree on such preferences that will contribute to the formation of a more attractive British model of cooperation with the EU.

A shock period. The first months of the divorce between the EU and the UK came as a shock to entrepreneurs who exported goods and services to EU markets. Whereas the former have to get used to bureaucratic red tape by filling out customs declarations, for the latter the doors of the European market have actually closed. Service companies have to open their branches in EU countries, which will also require a corresponding bureaucratic burden.

Free trade with some clarifications. The UK tends to regard the agreement on tariff-free and quota-free trade as a real victory. However, this is subject to a serious clarification: the goods must be either entirely made in the UK or a substantial part of goods must be of local origin. The socalled rule of origin will therefore strike at the price of British products requiring components from third (non-EU) countries.

Disintegration at all levels. Disintegration in the EU because of Britain's decision to withdraw is triggering disintegration processes in the United Kingdom itself. There are still voices in Scotland calling for a new referendum on independence before 2024. The Scots wanted Britain to remain a member of the EU. Meanwhile, Northern Ireland in the economic sense has actually broken away from the United Kingdom, remaining in the EU single market. The latter raises serious tensions in the EU-UK dialogue.

The British model as a minimum task. The British model can serve as a minimum goal for Ukraine. Despite everything, London has achieved more or less adequate conditions for cooperation in various sectors (for instance, energy, transport). That said, membership would have certainly provided more opportunities. Ukraine could aspire to the same progress but must first demonstrate the proper level of fulfillment of its obligations under the Association Agreement.

- **The pandemic cover.** It is hardly feasible to assess the impact of the Trade and Cooperation Agreement on the British economy due to the COVID-19 pandemic, which has hit the international economy as a whole. Therefore, it is difficult to determine the exact reason for the decline in certain indicators.
- **O** Ukraine as an example. This study deals with analyzing the British model of interaction with the EU. In Britain itself, the Ukrainian experience of relations with the EU was studied. The Ukrainian model, of course, was not considered relevant.



LITERATURE OVERVIEW

The model of cooperation between the United Kingdom and the European Union has been the center of attention of many analysts, but much research has focused on the reasons for Britain's exit from the EU as a whole and predictions of how their relations could develop further on (exploring various integration models that could be suitable for the British case). That is, researchers focused their analytical efforts not so much on analyzing the current state of affairs between the two actors as on what happened and how a certain model of cooperation would affect the coexistence of the UK and the European Union. It can be inferred that researchers are not inclined to consider the model of cooperation in the United Kingdom sustainable; most observers expect further negotiations and the formation of this model only in the future. Accordingly, all negotiations starting from 2016 and all agreements reached are mainly perceived as temporary and evolving over time.

As Julie Smith puts it in her book *The UK's* Journeys Into and Out of the EU: Destinations Unknown, recalling the first days after the referendum, "The departure of a member state from the EU is unprecedented, so Article 50 has never previously been invoked. The other 27 member states and the EU institutions, notably the European Parliament and the European Commission, have no more experience of negotiating the withdrawal of a member state than the UK has of leaving. [...] Neither the new PM nor her ministers had a vision of the optimal relationship between the UK and the rest of the EU when they took office. Nor did they know what they would be able to negotiate with their erstwhile partners. It would be a journey into the unknown, just as nearly half a century earlier the UK found itself on the brink of a journey to an 'unknown destination', as it prepared to join the European Economic Community or 'Common Market'."¹

Most of the analytical documents are devoted not so much to studying the British model of cooperation with the EU as to expectations of how the cooperation between Britain and the EU can and should develop. The projections cover a variety of areas of cooperation but mostly focus on two issues: future trade and the Northern Ireland question (which is, in large part, similarly related to trade but also to sovereignty and the peace process).

The prevailing assumption among researchers is that in the future the EU and Britain will have a lot of negotiations to clarify many issues that have not been fully resolved. While outlining the general cooperation framework, the Trade and Cooperation Agreement (TCA) signed by the two parties at the end of 2020 does not answer all the questions. According to a paper of the Institute for Government, a United Kingdom think tank, "The speed of the TCA negotiations left many issues unsettled and the UK may, in the future, want to use provisions to improve the deal. The form of the deal left much uncertain – not least how far the scope for independent action while

¹ Julie Smith, The UK's Journeys Into and Out of the EU. Destinations Unknown, Routledge, 2017.

maintaining the zero tariff / zero quota deal (the TCA's big achievement) is restricted by the yet-to-be-tested level playing field (LPF) provisions."²

Much of the research also addresses the impact of Brexit on the European Union itself. For instance, as Dr. Daniela Schwarzer from DGAP (Germany) points out, "While it recognizes its cooperation with London, the EU itself must also change."³ The author notes that following the withdrawal of the United Kingdom, the EU will lose its second largest economy and almost an eighth of the population. Britain is also one of the two most important members of the EU in terms of military strength and one of the two permanent members of the UN Security Council. The author's central idea is that Britain and the EU are too intertwined in their relations, the two actors have many common interests, and therefore they must make efforts and be flexible to maintain close cooperation on both the bilateral and multilateral basis. "In the years to come, the EU will have little choice but to develop a close and flexible relationship with London - and, at the same time, to become more flexible internally. If, at the end of this new decade, it has succeeded on both fronts, it would not be impossible for both sides to again move even closer together. To this end, the EU should keep relations with Britain as close as possible on all levels: political, social, economic, academic, and military. Once the Brexit dust has settled, this is the best way to support a productive dialogue on a common European future," Schwarzer concludes⁴.

According to some analysts, Brexit could prove useful for shaping the European Union's policy towards its neighbors. For example, Milica Delevic of the ECFR writes about the decline in confidence on the part of some of neighboring partners to the EU's traditional policy approaches. "As a result," the author notes, "the EU's ability to incentivize reforms and resolve regional issues has declined. Other geopolitical actors, such as China, are moving in to fill the gap."⁵ The policy of conditionality remains key in the EU enlargement process, but candidate countries have long been disappointed in this approach, as even implemented reforms do not allow them to advance towards membership (EU accession may be blocked by even one member state). The European Union has failed to create other dimensions of conditionality and motivation for change in neighboring countries. The author mentions the Eastern Partnership, which offers trade integration and visa-free travel that has had an impact on Georgia, Ukraine and the Republic of Moldova, but other EaP members have continued to favor other partners (primarily Russia). Brexit forces the EU to develop a policy of cooperation with a new neighbor / former member creatively; therefore, the author believes, this creativity can be useful in shaping EU policy towards other neighbors. "This experience could thus provide a basis for various forms of differentiated integration, tailor-made to the requirements of individual neighbours. For example, deeper integration in certain sectoral areas could be attempted with other countries, such as in public procurement, transport, and energy, where the Brexit agreement provides for intensive coop-

² Maddy Thimont Jack, Jill Rutert, 'Managing the UK's relationship with the European Union', Institute for Government, February 2021, https://www.instituteforgovernment.org.uk/publications/managing-uk-eu-relationship

³ Dr. Daniela Schwarzer, 'Europe after Brexit', DGAP, January 2020. https://dgap.org/en/research/publications/europe-after-brexit

⁴ Ibid.

⁵ Milica Delevic, Brexit lessons for the EU and its neighbours, ECFR, January 26, 2021, https://ecfr.eu/article/brexit-lessonsfor-the-eu-and-its-neighbours/

eration," the article reads. "Broadening out the approach in this way might help change the attitude of some of the EU's neighbours too. In particular, countries like Turkey and Ukraine might now find it easier to forgo full membership - provided that the EU is ready to invest a sufficient amount of energy and attention in getting their relationships right," concludes the researcher.

A number of analytical articles focus on assessing the current cooperation between the United Kingdom and the EU in narrower areas. First of all, this is about trade, which was the core of the negotiations between the two parties. For example, the media have published numerous materials analyzing the areas that would benefit or suffer from Brexit most. Analysts have acknowledged that the economic sectors hurt by Brexit have far outnumbered those capitalizing on it. The real consequences of Britain's withdrawal will only be understood over time. At this stage, it is too early to draw any conclusions: "It will take UK financial markets years to lose their Brexit-inflicted scars."6 Among the likely winners of the country's exit from the EU, analysts have named the following sectors: manufacturers of specialized parts in the field of mechanical engineering in Britain and the EU, mining companies and US bankers⁷. The author explains that because many mining companies located in Britain do not conduct economic activities in the EU, Brexit affects them the least (these are Glencore, PB, Rio Tinto). Those losing from Brexit, as the author points out, come in far greater numbers. First of all, the fishing industry is given as an example. Although it accounts for only 0.1 percent of Britain's total economy, negotiations on it have been perhaps the biggest obstacle to signing a bilateral agreement. At first glance, the deal looks good for British fishermen: for the next five years, the catch limits for fish stocks in British waters have been increased to 25 percent (roughly equaling \$205 million)⁸. But British fishermen are still dissatisfied: first, they expected greater concessions from the EU, and secondly, most of the fish caught by the British was still exported to the EU. However, the new non-tariff barriers have not made life easier for British fishermen, as they are still dealing with a perishable product. Researchers have not assessed the direct impact of the agreement on economic performance, since all economies around the world suffered from guarantine measures related to the COVID-19 pandemic. Accordingly, it is difficult to determine the direct impact of the Trade and Cooperation Agreement on British industry (see Table 1). Nonetheless, surveys of British manufacturers have shown that 96 percent of surveyed businessmen note the emergence of additional challenges due to the new trading environment. Initially, everyone was upset by the bureaucratic burden of the new customs regulations. Whereas large companies adapted to the new requirements quickly, the new times continued to cause trouble to small and medium-sized enterprises⁹.

Reuters, Analysis: Brexit trade deal sparks relief but UK market will bear scars, December 24, 2020, https://www.reuters.com/article/us-britain-eu-investment-markets-analysi/analysis-brexit-trade-deal-sparks-relief-but-uk-market-will-bear-scarsidUSKBN28Y1T8

Michelle P. Scott, Brexit: Winners and Losers, Investopedia, February 2021, https://www.investopedia.com/news/brexit-winners-and-losers/#citation-9

Ibid.

Make UK, "Trade and cooperation with the EU Six Months," July 2021, https://www.makeuk.org/insights/reports/trade-andcooperation-with-the-eu-six-months-on

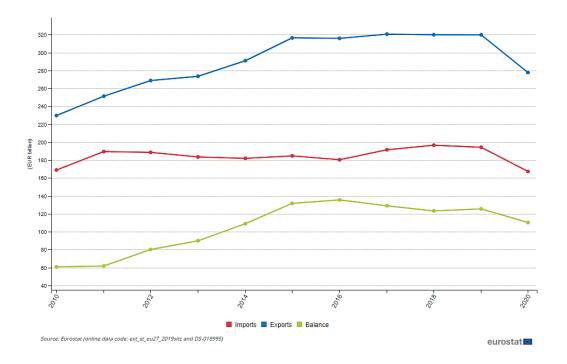


Table 1. EU-UK trade in goods, 2010-2020¹⁰

In general, researchers are inclined to believe that the new times will be more of a burden than an asset for the British economy. According to other analysts, "While economies everywhere face adjustment problems, Brexit has made life for UK businesses structurally harder and disproportionately more so than for companies in the EU. The reason is that the TCA did not, in fact, produce a flat free trade area, but a very bumpy one at best."¹¹ The authors point out that the agreement reached is symmetrical in essence, envisaging the same principles for both signatories. However, such symmetry can still have different consequences for both parties. The reason, according to the analysts, is the scale of the markets: the British market is far less important for the EU than the EU's is for Britain. The EU accounted for almost half of the UK's exports in 2019, while the British share

in the EU's exports was only 6 percent. The authors note that such an agreement could not have been "fair" in the usual sense of the word from the very beginning, as the negotiators were not in the same league: "One significantly smaller player against the largest single market (with free trade within it) in the world."

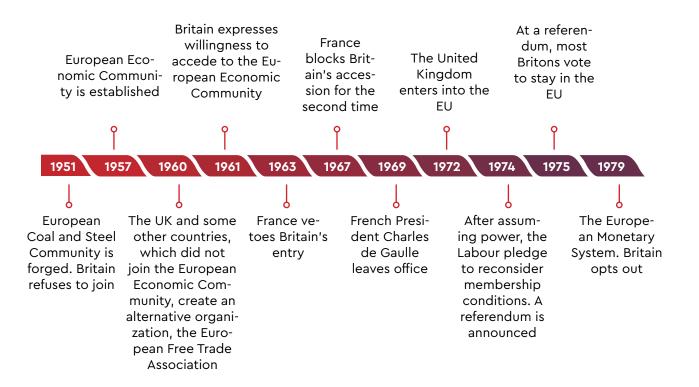
¹⁰ Espoctat, 2020, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=United_Kingdom-EU_-_international_trade_ in_goods_statistics

Bob Hancké, Laurenz Mathei and Artus "Dancing in the dark: What Brexit means for UK-EU trade and UK industry," LSE, July 2021, https://blogs.lse.ac.uk/europpblog/2021/07/13/dancing-in-the-dark-what-brexit-means-for-uk-eu-trade-and-uk-industry/

SECTION 2.

DESCRIPTION OF THE EU-UK RELATIONS

The United Kingdom has always been a special case in the process of European integration. Two forces were constantly fighting in the country: one that aspired to defend its national rights and identity and the other that saw more opportunities in rapprochement with continental Europe. In 2016, those who sought to take back control of the country to the British themselves won by a small margin: Euroscepticism overcame Eurooptimism. "Brexit is Euroscepticism's greatest victory to date,"¹² said researcher Ben Willings, author of the book *English Nationalism and Euroscepticism: Losing the Peace* (2012). In his view, Euroscepticism was and remains the most expressive manifestation of modern English nationalism. He distinguishes between two periods of British Euroscepticism: the period of "anti-marketeers" (1960–70s) and "Eurosceptics" (1980s to the present). "In the official British mindset," the author says, sharing his observations, "European integration was literally for losers. Mem-

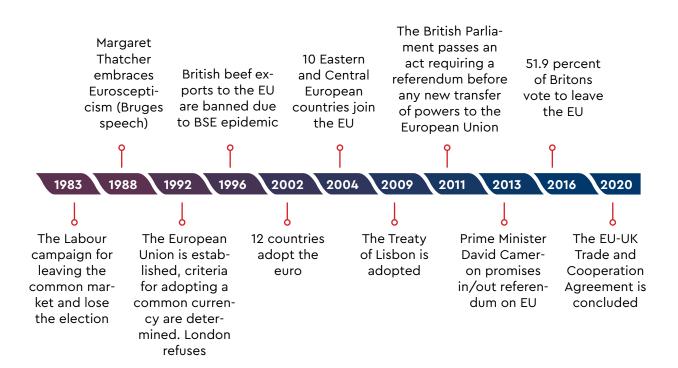


¹² Ben Wellings, "Losing the Peace: English Nationalism and Euroscepticism," Monash University, https://www.researchgate. net/publication/230293244_Losing_the_Peace_Euroscepticism_and_the_Foundations_of_Contemporary_English_Nationalism

bership of the fledgling EU was itself a belated admission of defeat. Sovereignty - so important in construction of English nationalism and so dearly defended - was being voluntarily surrendered for the dubious advantage of selling washing machines in Dusseldorf [...] Britain may have won the war, but it had lost the peace."13 All of this, in his opinion, was important for the emergence of British nationalism, which would focus on the pillar of European integration (he draws attention to the historical prerequisites, particularly the collapse of the British Empire). The researcher draws attention to another notable trend: while in Britain Scottish and Welsh nationalists raised their heads in pursuit of their own "Independence in Europe" (they eventually achieved the strengthening of self-government through devolution¹⁴), the British had no choice but to declare their desire of "Independence FROM Europe."¹⁵

The United Kingdom was always a complicated member of the European Union, with a peculiar political nature and peculiar membership conditions. In 1973, it joined the European Economic Community (EEC) (and left the EU on January 31, 2020). The United Kingdom has twice held referendums on EU membership. The first took place in 1975 (back then, most citizens expressed a desire to remain in the European community); the second occurred in 2016, when the British voted to leave (the main milestones in EU-Britain relations are mentioned in Table 2).

Table 2. The main milestones in EU-UK relations.



15 Ibid.

¹³ Ibid.

¹⁴ Delegation of certain powers from the central government to the local level.

The first negotiations for London's accession to the EEC took place in July 1961. French President Charles de Gaulle vetoed the UK's bids twice (in 1963 and 1967), fearing lest the British should side with the Americans in the talks. There were also more rational grounds: the French leader considered competition with British farmers as threatening for France. Once de Gaulle left the presidency in 1969, London made its third and this time successful attempt to attain membership. The government's decision was legitimized by a referendum (1975), during which 67.2 percent of Britons voted in favor of further membership in the European Community.

The whole period of Britain's membership in the European Union was associated with constant discussions about participation in certain joint initiatives. Any adherence to another joint document, which deepened the cooperation of member states, was met with sharp warnings and indignation of British politicians. In reality, Britain sought membership to join the single market, especially when it became clear that the British economy would lag behind those of France and Germany, which were growing vibrantly thanks to integration. However, Britain was always sensitive to sharing its sovereignty, including in the economic sphere. Public support for Britain's EU membership was never stable (see Table 3). For instance, Britain refused to adopt the euro, keeping the British pound in circulation, and was not part of the Schengen area. Thus, although the results of the second referendum on the country's withdrawal from the EU were unpredictable for many given the history of relations between London and the European Community, the result was quite logical: 52 percent of citizens opposed membership. Since then, the political lexicon of many countries around the world has been supplemented by the neologism "Brexit." Generally, the referendum focused on issues of sovereignty, immigration, identity, trade, over-regulation and bureaucratic hurdles.¹⁶

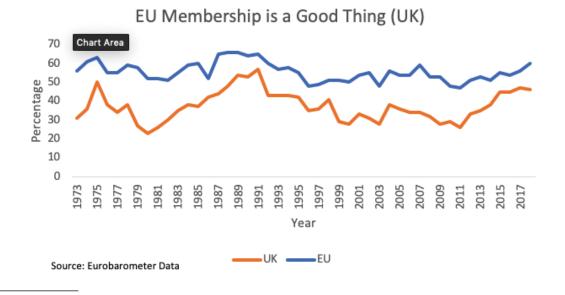


Table 3. Support for EU membership in the United Kingdom (1973–2018) $^{\prime\prime}$

¹⁶ Hill, Christopher (2018) Turning Back the Clock: The illusion of a global political role for Britain. In: Martill, Benjamin, Uta, Staiger (eds) Brexit and Beyond: Rethinking the Futures of Europe. London: UCL Press, 183–192.

¹⁷ Kathryn Simpson, "What's the difference? British and Irish attitudes towards the EU," February 25, 2019, https://www. psa.ac.uk/psa/news/whats-difference-british-and-irish-attitudes-towards-eu

It took four years of difficult negotiations and changing three prime ministers (David Cameron, Theresa May, Boris Johnson) before the parties reached an agreement and signed the Trade and Cooperation Agreement (TCA) on December 24, 2020. The TCA is essentially a largescale free trade agreement with respective opportunities for British exporting companies. The world's economies have faced serious challenges in recent years, both with the transition to green technology and COVID-19, but they have been even more formidable for the UK, as it has had to adapt to a whole new reality.

In addition to the TCA, the parties also signed an Agreement for Cooperation for the Safe and Peaceful Use of Nuclear Energy and an Agreement concerning Security Procedures for Exchanging and Protecting Classified Information. The "nuclear" agreement provides for comprehensive cooperation based on Euratom's and the United Kingdom's commitment to their international obligations on nuclear non-proliferation and adherence to a high level of nuclear safety standards.¹⁸ A similar document between Ukraine and the EU was signed in 1999 (ratified in 2002). It also provides for relevant nuclear safety obligations.¹⁹

The Agreement concerning Security Procedures for Exchanging and Protecting Classified Information is an important tool for cooperation to address common security threats. The agreement regulates the possibility of transferring classified information to a third party if it is necessary to overcome a common security threat; the decision on this will be made separately in each case (on a case-by-case basis). A similar agreement between Ukraine and the EU was signed in 2005.²⁰ It also provides for the obligation to protect information with limited access; the transfer of data to a third party is possible only if the other party to the agreement has expressed its consent.

The Trade and Cooperation Agreement covers not only trade in goods and services but also a wider range of areas, such as investment, competition, state aid, tax transparency, air and rail transport, energy and sustainability, fisheries, data protection and social security coordination²¹. The main characteristics of the TCA are as follows²²:

- **Trade.** There will be no quotas or tariffs on goods of origin. Non-tariff barriers have been increased, but customs measures should reduce them.
- **Governance.** The Agreement is monitored by the EU-UK Partnership Council, which has relevant committees. Dispute resolution mechanisms are provided, including independent arbitration. The Court of Justice of the European Union will not play any role in resolving disputes.
- Equal rights. Both sides are committed to ensuring a level playing field, maintaining a high level of protection in areas such as environmental protection, combating climate change, social and labor rights, tax transparency, and opportunities for both parties to respond and others.
 - **Countermeasures.** Both parties may take cross-sectoral countermeasures if one of the parties refuses to comply with the

¹⁸ The EU-UK Agreement for cooperation on the safe and peaceful uses of nuclear energy, December 30, 2020, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22021A0430%2804%29&qid=1621337022100

¹⁹ Verkhovna Rada of Ukraine, Agreement on cooperation between the Cabinet of Ministers of Ukraine and the European Atomic Energy Community, 1999, https://zakon.rada.gov.ua/laws/show/994_151#Text

²⁰ Verkhovna Rada of Ukraine, Agreement between Ukraine and the European Union on security procedures concerning exchange of information with limited access, https://zakon.rada.gov.ua/laws/show/994_750#Text

²¹ European Union (Future Relationship) Bill, https://publications.parliament.uk/pa/bills/cbill/58-01/0236/20236.pdf

²² House of Commons Library, "The UK-EU Trade and Cooperation Agreement: summary and implementation," Research Briefing, December 30, 2020, https://commonslibrary.parliament.uk/research-briefings/cbp-9106-2/

arbitration award (for example, due to non-compliance, imposition of tariffs).

Subsidies and state aid. Both parties are required to have an effective subsidy control system with independent oversight. The other party may take corrective action if bilateral consultations have not helped to resolve the dispute.

Fishery. 25 percent of the EU fishing quota in British waters will be transferred to the UK within five years. The parties will then hold annual discussions on fishing opportunities. Each party may set fisheries tariffs if the other party reduces or cancels access to its waters without prior agreement. A party may suspend access to its waters or other trade provisions if the other party violates fisheries regulations.

Energy. In the field of energy, the agreement provides for a new model of trade and interconnection with guarantees of open and fair competition; it also deals with the production of renewable energy sources.

Security. The new security partnership provides for shared data access and law enforcement, judicial cooperation but with limited access to EU databases. In a broader sense, the TCA does not affect the field of defense and security.

EU programs. Britain will continue to participate in EU programs, particularly Horizon Europe (research), Euratom Research and Training, ITER fusion and Copernicus (satellite system).

Review and Termination. The TCA will be reviewed every five years. It may be terminated by either party subject to 12 months' notice. In the area of human rights and the rule of law, this process can take place more expeditiously. Despite the fact that the negotiations on a new trade agreement between the EU and Britain took four years, they were still insufficient to cover all issues of cooperation in detail. As a result, Britain may use the relevant provisions in the future to improve the agreement. On the one hand, the greatest achievement of the document is that trade can take place without tariffs and quotas, provided that the rules of origin are observed. If one side violates the rules, the other can resort to some kind of a countermeasure; however, it is difficult to say exactly how it will work in reality. That said, the very first months of trading under the new rules brought numerous incidents of tension and conflict.

For example, in spring 2021, there was a conflict near the island of Jersey over fishing by French fishermen (not formally part of the United Kingdom, but covered by British jurisdiction)²³. At the height of the dispute, Britain sent two warships to the island of Jersey in the English Channel. The UK took this step in response to a protest by French fishermen, who complained that they were banned from working in British waters due to difficulties in obtaining the appropriate licenses. France, in turn, promised to disconnect the island from electricity (the island receives 95 percent of its electricity through submarine cables from France).

²³ BBC, "Jersey gives French fishermen more time in licence row," May 11, 2021, https://www.bbc.com/news/world-europe-jersey-57068658

SECTION 3.

ANALYSIS OF SPECIAL COMPONENTS OF PARTIAL ELEMENTS OF EUROPEAN INTEGRATION.

3.1. Tariff-free trade. Standards and marking.

In Britain, the fact that local companies will be able to export goods to the EU market without any quotas or tariffs is considered an important achievement. However, it should be borne in mind that this rule applies only to those products that comply with the rules of origin, i.e. they must originate either from Britain or from an EU member state, or have a sufficient amount of components made in the EU or Britain. The rules of origin regulate the norms by which the customs authorities determine the "economic identity" of goods: where they were grown, produced and where a significant part of their production took place. "Rules of origin" is not a new concept and is prescribed in every free trade agreement. For example, Protocol 1 of the Association Agreement between Ukraine and the European Union is devoted to this issue. This document stipulates that the following goods should be considered as originating in the EU or Ukraine²⁴:

Goods are entirely made in the EU or in Ukraine. In particular, these include vegetable products harvested in the EU or Ukraine; animals born and raised in the territory of member states and Ukraine; minerals obtained from the soil or seabed of the signatory parties, etc.

Goods obtained in the EU or in Ukraine from materials that were not entirely manufactured in them, provided that such materials have undergone sufficient processing in the EU or in Ukraine. The "sufficiency" of the worked or processed goods is set out in a separate Annex II to Protocol I. A detailed description of the relevant preconditions for confirming the "rules of origin" takes up almost seventy pages in small print. One of the most common prerequisites is as follows: "The price of all materials does not exceed 50 percent of the price of the goods from the manufacturer."

The EU-UK Agreement addresses issues of "rules of origin" in the main body, not in the supplementary part (the second section is devoted to it). The explanations of which goods can be considered as originating wholly or sufficiently from the EU or Britain are in fact the same as those in the EU-Ukraine Association Agreement. The "sufficiency" of the origin of goods from the EU or Britain is regulated by a separate Annex 3. For example, to fall under the "rules of origin" in white chocolate, the mass of "materials not originating" from Britain or the EU may not exceed 40 percent²⁵.

²⁴ Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation to the to the EU-Ukraine Association Agreement

²⁵ Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, 2021, https://eur-lex.europa. eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATOC

Although the "rules of origin" seem to establish the same framework for trade and competition, they will still be an obstacle for Britain. A small example: a British company exporting to Germany must comply with the provisions of the Agreement, and therefore the products must be either completely or mainly manufactured in the United Kingdom²⁶. A French company that exports similar products to Germany does not have to follow the rules of origin. As a result, a French product may be cheaper than a British one, as a French manufacturer has the right to use cheaper imported components, ingredients or fabrics. The British company will be forced to produce goods using local labor, which works in accordance with higher standards of labor protection, which will thus affect the final cost²⁷.

The automotive industry can serve as the best example in this regard. Prime Minister Boris Johnson has announced that Britain will ban the sale of diesel and petrol cars starting from 2030²⁸. The agreement between Britain and the EU stipulates that for tariff-free exports to member states from 2027, 55 percent of the final value of a British car must be spare parts made either in the United Kingdom or in the EU. Otherwise, cars with a significant share of non-local components will face a 10 percent customs tariff. Currently, more than 80 percent of all cars made in the UK are produced for exports, more than half of them go to EU markets. Therefore, the "rule of origin" can become especially noticeable for the British in a few years²⁹. For reference: more than 50 percent of the cost of electric cars are electric motors (batteries), which are currently

manufactured mainly in Asia. As a result, British electric cars with batteries from China or South Korea will be fully covered by the "rules of origin" of the new agreement. Britain has already begun talks on setting up its own electric motor plants, but analysts fear that London does not have enough time to start production in 2027³⁰.

A symbolic innovation of the new period of relations between the EU and Britain is the emergence of new product marking. The United Kingdom has decided to abandon the well-known marking in the European Union - CE (Conformité Européenne, or the sign of "European conformity"). The CE marking means that the manufacturer has carried out a proper procedure for assessing the conformity of his product with European directives³¹. When selling goods in the European Union, the presence of this marking is mandatory for most goods, but only the manufacturer decides whether to apply the CE mark. The "European conformity" mark confirms the product's compliance with the minimum safety standards in the 27 EU countries, as well as in Iceland, Norway, Liechtenstein and Turkey³². By the way, Ukraine, on the contrary, is adopting all EU technical regulations in order to fully approximate standardization. The name of the new British system is UK Conformity Assessed marking, or UKCA. For some time, Britain did not rule out that it would have to leave the EU without a bilateral agreement and therefore developed an appropriate marking system in 2019. The UKCA mark has become mandatory for all imported goods; the European CE mark could be accepted as a valid alternative on the British market

²⁶ Bob Hancké, Laurenz Mathei and Artus Galiay, "Dancing in the dark: What Brexit means for UK-EU trade and UK industry," LSE, July 2021, https://blogs.lse.ac.uk/europpblog/2021/07/13/dancing-in-the-dark-what-brexit-means-for-uk-eu-tradeand-uk-industry/

²⁷ Nord France Invest, "After Brexit: how will 'rules of origin' impact your business?," March 16, 2021, https://www.nordfranceinvest.com/strategic-advice/after-brexit-how-will-rules-of-origin-impact-your-business/

²⁸ BBC, "Ban on new petrol and diesel cars in UK from 2030 under PM's green plan," November 18, 2020, https://www.bbc. com/news/science-environment-54981425

²⁹ Ibid.

³⁰ Ibid.

³¹ European Economic Chamber of Trade, Commerce and Industry in Ukraine, http://www.eeig.com.ua/ua/deyatelnost/certification_of_products_in_eu/

³² Council Directive 93/68/EEC of July 22, 1993, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31993L0068&from=EN

only until January 1, 2022. The British marking rules do not apply to the territory of Northern Ireland, which remains part of the EU single market in accordance with the Northern Ireland Protocol (CE marking will still be required)³³. Goods for the Northern Ireland market must have two marks, CE and UKNI.

For comparison: in Ukraine, the system of technical regulation is built in accordance with the principles specific to the European Union. By achieving common product standards, Kyiv seeks to achieve easier access for Ukrainian goods to the European market. In 2018, Ukraine completed the transition from the outdated system of mandatory certification in the state certification system UkrSEPRO to the system of conformity assessment in accordance with technical regulations that are identical to European technical regulations³⁴. The Ukrainian government informs that 83 technical regulations have been adopted in Ukraine so far, 77 of which have been developed on the basis of EU legislation, and 60 technical regulations are already mandatory³⁵. Under Ukrainian law, a "technical regulation" is a legal act that defines the characteristics of a product or related production processes and methods, including procedural provisions that are mandatory³⁶. At present, Ukraine seeks to conclude a Conformity Assessment and Acceptance Agreement (ACCA) with the EU, according to which the results of testing and certification of products in Ukraine will be recognized at the European level, a transition Ukrainian analysts and politicians have called an "industrial visa-free regime."37

³³ UK Government, Placing manufactured goods on the market in Northern Ireland, 2020, https://www.gov.uk/guidance/ placing-manufactured-goods-on-the-market-in-northern-ireland

³⁴ Dira. Business. Exports, https://export.gov.ua/11-vimogi_do_produktsii

³⁵ Ibid.

³⁶ Law of Ukraine "On Technical Regulations and Conformity Assessment," January 15, 2015, https://zakon.rada.gov.ua/laws/ show/124-19#Text

Ministry of Economy of Ukraine, "Industrial visa-free agreement is the biggest investment into trust to Ukrainian producers, – Taras Kachka," June 18, 2021, https://www.me.gov.ua/News/Detail?lang=uk-UA&id=2a4107b8-5ec6-4b3c-9e9a-ebe6 b4f2db9c&title=UkladanniaUgodiPoPromislovomuBezvizuTseNaibilshaInvestitsiiaVDoviruDoUkrainskikhVirobnikiv-TarasKachka

Chart 1: Impact of the Trade and Cooperation Agreement (TCA) on British exporters³⁸

OBLIGATIONS UNDER TCA	IMPACT ON EXPORTERS
Rules of origin	To fall under the conditions of tariff-free exports, the minimum share of added value must be produced in Britain or the EU
Marking and product standards	UKCA marking (UK Conformity Assessed) is a new product mark that is used for goods being placed on the market in the UK (England, Wales and Scotland). It covers most goods which previously required the CE marking. Supplies from the UK will depend on whether the EU will recognize the UKCA product marking as "equivalent." If not, the products exported to the EU will have to conform with EU norms. If London resorts to unilateral changes in regulations, it will risk losing EU markets (for relevant products).
Customs rules and VAT	All goods, both exported and imported, must comply with customs requirements, which significantly increases the bureaucratic burden and will thus lead to growing prices and consumers (usually up to 20 euros per declaration). If buyers in the EU are exempt from the British VAT, they still have to pay national VATs for all products originating from Britain.
Tariffs	The EU-UK Free Trade Agreement covers provisions related to tariff- free and quota-free trade under certain conditions (for instance, rules of origin); in other cases, tariffs apply.
Abidance by environmental and labor standards	Britain is obliged to adhere to environmental and labor standards, which are generally equivalent to those existing in the EU. Remuneration and working conditions as a whole can be considered equivalent. In all of these spheres, the EU must formally approve this equivalence to enable tariff-free exports to the Union.
Sanitary and phytosanitary measures	All live animals and plants, same as products of animal / vegetable origin must undergo examination upon arrival to the EU (in addition to all customs formalities).
Subordination of companies to broader EU measures applied to third countries	Starting from January 1, 2021, when Britain left the EU and the single market, companies of the UK are deemed to be situated in a "third country": if there are spheres not covered by the TCA, they fall under the same limitations as third countries that do not have trade agreements with the EU.
Taxes and VAT rules	The EU has launched a VAT reform of electronic trade, effective from July 1, 2021. It changes rates for collecting the VAT during online sales in Europe and considerably modifies the way in which companies from third countries (including Britain) can sell in the single market and pay the VAT. One of the ways for British companies to adapt is to carry out exports to the EU as B2B operations, thus delivering goods to customers from the entry point in the EU.

³⁸ The chart was prepared by Bob Hancké, Laurenz Mathei and Artus Galiay in the article Dancing in the dark: What Brexit means for UK-EU trade and UK industry, July 13, 2021: https://blogs.lse.ac.uk/europpblog/2021/07/13/dancing-in-the-dark-what-brexit-means-for-uk-eu-trade-and-uk-industry/

3.2. The question of Northern Ireland.

An important component of UK-EU cooperation is the issue of Northern Ireland, which has caused serious conflicts between the parties, even despite the agreements reached. From the beginning, the parties aimed to conclude an agreement that would fully comply with the previously reached decisions on peaceful settlement in the region. The European Council recognized the "unique circumstances of the island of Ireland" and the need to support the 1998 Belfast Agreement, which put an end to the protracted bloody conflict. As early as 2017, the EU recognized that this would require "flexible and imaginative solutions."³⁹ The final agreement has indeed proved to be largely ingenious, but it seems to be insufficient, as the British government in 2021 declared its de facto non-acceptance of the key provisions of the new rules.

The problems surrounding the Protocol actually have much deeper roots and cannot be reduced solely to food commodity trading. The fact is that the European Union has remained a fundamental guarantor of compliance with the 1998 peace agreement, which was signed as a result of a bloody civil conflict that lasted thirty years and resulted in 3,700 casualties. Brexit has actually hit where it hurts most, undermining the foundations of peace in the region. Thanks to Britain's membership in the EU, nationalists of Northern Ireland did not experience any obstacles to building contacts with the Republic of Ireland, since there were still no borders between the member states. The situation could change because of Britain's withdrawal from the Union, which should lead to the emergence of a border, at least for customs inspections. The compromise was the decision to keep Northern Ireland in the EU's single market, but this virtually meant that a border was created (again, at least a customs one) within the United Kingdom.

Researchers in the UK itself warned in their articles about the adverse impact of Brexit on the integrity of the United Kingdom even before the referendum. For instance, King's College London briefings addressed the significant side effects of devolution in both the short and long term⁴⁰. In their reasoning, the authors proceeded from a key factor: unlike England and Wales, the public opinion of Scotland and Northern Ireland gravitates more towards the EU. The referendum thus inevitably divided the citizens of the United Kingdom: if Britain remained in the EU, the citizens of England and Wales would be in despair; for the time being, the people of Northern Ireland and Scotland are infuriated over Brexit. Recent years following Britain's withdrawal from the EU have revealed serious difficulties in London's dialogue with the political elites of Northern Ireland and Scotland. The authors of the brief warned that the United Kingdom may end up establishing its own special relationship with the EU. This will, among other things, affect the integrity of the Kingdom itself (in 2020, polls showed a rising sentiment for independence in Scotland; in the first half of 2021, however, it started to decline⁴¹). First, Scotland has decided to insist again on a referendum on its independence by 2024 (in a referendum on September 18, 2014, 55.3 percent of constituents voted against Scottish statehood)⁴². Secondly, the peace process in Northern Ireland will encounter difficulties

³⁹ European Council. (2017, April 29). European Council (Art. 50) guidelines for Brexit negotiations. European Council. https://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brexit-guidelines/

⁴⁰ Robert Hazell and Alan Renwick, Brexit: Its Consequences for Devolution and the Union, UCL Constitution Unit Briefing Paper, 2016, https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/briefing-paper-3.pdf

In August 2020, 53 percent of Scots sought independence of their country from the UK; in May 2021, the number of independence adherents declined to 47 percent. The Government of the United Kingdom also denies the right of the Scottish Parliament to announce the second referendum. More information on sentiment in Scotland is available here: https://yougov.co.uk/topics/politics/articles-reports/2021/04/22/scottish-voting-intention-16-20-apr

^{42 &}quot;Scotland votes no," BBC, https://www.bbc.co.uk/news/events/scotland-decides/results

(cooperation with the EU is mentioned in the Belfast Agreement)⁴³. The EU has invested heavily in the peace process: in total, the support budget for Northern Ireland under seven EU programs has been estimated at \in 3.5 billion (2014–20)⁴⁴.

A no less heated conflict erupted between Britain and the European Union over the implementation of the Protocol on Northern Ireland (signed in 2020)⁴⁵. This document established the peculiarities of the movement of goods between the Republic of Ireland, Northern Ireland and the rest of the United Kingdom (see Picture 1). Northern Ireland remained in the EU's single market; customs inspections under the protocol were to be carried out in the ports of Northern Ireland. This jeopardized trade, slowing down the supply of goods from the UK. Of the 30 issues related to the Protocol, the main problems arise from food inspections⁴⁶. Politicians in Northern Ireland (the nationalist wing) insist on adhering to the Protocol, believing it to be beneficial to local businesses: polls show that only 6 percent of Northern Irish people support the British government⁴⁷.

Picture 1. How inspections take place between Britain and Northern Ireland



⁴³ The Belfast Agreement, 1998, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_ data/file/136652/agreement.pdf

- ⁴⁶ Yevropeiska Pravda, "Brexit: Britain and the EU once again fail to agree on problematic 'Irish' protocol," June 9, 2021, https://www.eurointegration.com.ua/news/2021/06/9/7124250/
- 47 Politico, "Northern Ireland to Frost: Enforce the protocol, don't fight it," July 9, 2021, https://www.politico.eu/article/david-frost-brexit-northern-ireland-protocol-trade/

⁴⁴ Robert Hazell and Alan Renwick, Brexit: Its Consequences for Devolution and the Union, UCL Constitution Unit Briefing Paper, 2016, https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/briefing-paper-3.pdf

⁴⁵ Protocol on Ireland / Northern Ireland, 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/ attachment_data/file/840230/Revised_Protocol_to_the_Withdrawal_Agreement.pdf

From April 2021, the customs of Northern Ireland had to check the products destined to the region, but London decided to postpone the deadline unilaterally until October 2021. Britain wants to revise the Protocol, insisting that most inspections in Northern Irish ports be abolished. London warns that if the changes are not made, the number of inspections at ports will increase from 2,000-3000 (weekly average today) to more than 20,000 inspections per week - and this, they say, is more than the inspections in Rotterdam, the busiest port of Europe. The EU has proposed a temporary use of the Swiss model (the relevant veterinary agreement). This implies that Britain would have to comply with EU rules on agro-industrial products, which would effectively eliminate 80 percent of all potential inspections. In turn, Britain wants the EU to recognize British standards. The EU reacted to London's unilateral actions rather sharply, warning of appropriate retaliatory measures up to the introduction of tariffs on British imports into the EU⁴⁸. The controversy between the leaders of France and the United Kingdom shows that the issue is far beyond trade: Prime Minister Boris Johnson asked the French President how he would react if the sausages from Toulouse could not reach shops in Paris. According to British media, the French leader allegedly replied that the comparison was not entirely correct, as Northern Ireland is not part of the United Kingdom (London referred to such an opinion as "offensive")⁴⁹.

3.3. Migration. Labor market.

The migration issue was one of the key ones used by Brexit proponents from the very beginning of their campaign. The migration crisis that hit the EU in 2015 long remain a trending topic on pages and screens of the British media, fueled by the horrific predictions of supporters of the UK's withdrawal from the European Union⁵⁰.

Researchers note that after the referendum, when the political passions surrounding migration subsided, public attitudes toward newcomers also changed for the better.⁵¹ Better attitudes towards immigration are primarily due to the spread of the idea of a positive impact on the country's economic development (this became especially evident after a sharp decline in migration flows from the EU). Against the background of the declining migration from the EU, analysts note that migration flows from other countries have grown proportionally. According to Professor Jonathan Portes, this trend "marked the end of the Theresa May era in immigration policy, during which the overriding objective of immigration policy had been to reduce numbers."⁵² Thus, as the scientist believes, the post-Brexit period has brought a new attitude to migration policy, making it calmer and even more favorable. According to him, this stems from two factors. The first is that the government sought to fulfill its commitment to ending free movement with the EU and moving to the so-called "Australian system," which treats EU and non-EU visitors equally. As a result, the TCA contains very few provisions on labor mobility. The sec-

⁴⁸ Politico, "FAQ: Crunch Brexit talks (again) on the Northern Ireland protocol," June 8, 2021, https://www.politico.eu/article/ brexit-talks-northern-ireland-protocol-fight/

⁴⁹ Reuters, "EU and UK's 'sausage war' sizzles at G7 as Macron and Johnson spar," June 14, 2021, https://www.reuters.com/ world/uk/frances-macron-sparred-with-uks-johnson-over-brexit-geography-2021-06-13/

⁵⁰ The World, "How the Brexit campaign used refugees to scare voters," June 2016, https://www.pri.org/stories/2016-06-24/ how-brexit-campaign-used-refugees-scare-voters

Johnny Runge, Overview of UK attitudes towards immigration, Briefing, National Institute of Economic and Social Research, August 19, 2019, https://www.niesr.ac.uk/sites/default/files/publications/NIESR%20Briefing%20Immigration%20Attitudes.pdf

Jonathan Portes, Immigration and the UK economy after Brexit, Institute of Labor Economics, May 2021, http://ftp.iza.org/ dp14425.pdf

ond factor is significant changes in perceptions of immigration in general, which are observed at both the public and governmental levels. London's new immigration policy calls for tighter controls on migration from the EU (compared to previous times of the free movement of citizens). Migrants who would like to get a low-paying job will no longer have such an opportunity in principle. At the same time, the new policy is significantly more liberal towards citizens from other countries (non-EU). Researchers point out that leaving the EU and new strict rules on the movement of people will have a serious adverse impact on the economy - up to a 2-percent drop in GDP over 10 years. Only the easing of the rules for non-EU citizens improves the forecasts a bit; there have even been speculations about a slight increase in per capita GDP.53

Brexit has also affected visa-free travel for EU and British citizens: visa-free travel is now only possible for a short period, limited to a few months. British citizens have the right to travel to Schengen countries without visas for only 90 days (within a period of 180 days). London has announced that EU citizens will be able to make short-term trips without visas for up to six months. It will be recalled that the visa-free regime for Ukrainians allows short-term stays in EU member states and other Schengen member states for up to 90 days during a 180-day period. Thus, citizens of Ukraine and the United Kingdom now have the same rules for visa-free stay in the EU. There are, however, significant differences from Ukraine: for instance, many Britons moved to the EU for retirement and now face problems with residence permits.

3.4. Security and defense.

The EU and Britain have failed to conclude a joint framework document governing security cooperation. It was initially assumed that trade issues would indeed be long and difficult, but few expected that security difficulties could arise⁵⁴. The EU's political declaration of October 2019, setting up the framework for future relations between the two sides, paid considerable attention to security and defense cooperation, but in the end these ambitions were not reflected in the final agreements⁵⁵.

Prime Minister Theresa May was generally in favor of such a partnership, noting the great value of the Common Security and Defense Policy (CSDP). From the very beginning after Brexit, the British side emphasized its interest in continuing security cooperation with the EU, and various proposals were made on what such cooperation could look like. The EU itself, however, did not always share London's enthusiasm, and was sometimes even distrustful towards declarations on security: "Over on the other side of the Channel, the attitude towards European defence has never been so constructive, which may seem paradoxical. Because if the United Kingdom actually leaves the single market and customs union, yet remains in the CSDP, it deserves to go down in the annals of the greatest paradoxes in history."56 The EU also recalled that, while in the EU, Britain was reluctant to participate in joint security initiatives.

As a result, the basic Trade and Cooperation Agreement says nothing about security collaboration. From the point of view of international cooperation theory, it was rather strange that

⁵³ Ibid.

⁵⁴ Benjamin Martill, Monika Sus, "When politics trumps strategy: UK-EU security collaboration after Brexit," International Policy Science Review, May 11, 2021. https://journals.sagepub.com/doi/10.1177/01925121211003789

⁵⁵ Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom, October 17, 2019, https://ec.europa.eu/info/sites/default/files/revised_political_declaration.pdf

⁵⁶ European Parliament (2018) CSDP After Brexit: The way forward, Paper prepared for the SEDE Sub-Committee by the DG External Policies, May. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603852/EXPO_ STU(2018)603852_EN.pdf (accessed March 9, 2020).

the parties did not reach an agreement, because they had all the prerequisites for this: common threats, mutual interests and previous experience⁵⁷. There were fears in the EU: a new deal could affect the "decision-making autonomy" and even incite other members to withdraw from the EU as well. It is likely that the parties did not sign any security agreement, as the maximum effort was exerted to the trade agreement. Therefore, there may have been a realization that the UK and the EU would not have particular problems with security cooperation, either within established formats (such as NATO) or on an enhanced bilateral basis as soon as the need arose. The possibility of cooperation between the EU and Britain in the CSDP+ format is not ruled out, but London will not have decision-making rights within the initiative, which will hurt the desire of Britons to defend the priority of their sovereignty in relations with the EU.

In the post-Brexit period, security cooperation between the EU and the UK has already taken place on an ad hoc case-by-case basis (situationally on specific occasions). The UK could choose when to work with the EU on the most pressing issues, be it Libya, COVID-19, Iran or climate change⁵⁸. However, the first years of post-Brexit coexistence have shown that the EU and the United Kingdom have failed to overcome a serious level of mistrust, which will be a major obstacle to a reliable security dialogue. London believes that the EU's "strategic autonomy"⁵⁹ could pose a potential threat to NATO. EU foreign policy is generally perceived by the UK as too declarative and therefore unattractive. Proponents of Brex-

it emphasize London's new role as a serious diplomatic and foreign policy actor that will strengthen the position of "Global Britain." They emphasize the past greatness and high status of Britain, which is at the forefront of the Commonwealth - an association of independent states formerly part of the British Empire, which recognizes the British monarch as a symbol of free unity (the Commonwealth includes 54 countries where 2.4 billion people live).60 Furthermore, Britain is one of the five permanent members of the UN Security Council (of the EU countries, only France has this status); France and the UK have nuclear weapons. Analysts in Britain believe that London can strengthen its international prestige by working on six goals: protecting liberal democracy; support for international peace and security; addressing climate change; achieving greater global sustainability in health; upholding global tax transparency and fair economic growth; and cyberspace protection.⁶¹ The European Union could be Britain's key ally in attaining these goals⁶².

At any rate, the security dialogue between Brussels and London will not be easy in the near future due to an array of misunderstandings, open conflicts on issues related to trade, fisheries, the Northern Ireland Protocol, and so on. The most notable and symbolic example of acute hostility between the parties was the vaccination campaign against COVID-19. In January 2021, the European Commission attempted to establish export controls on vaccines that went beyond the EU (especially the de facto border between Northern Ireland and Britain). Eventually, due to the threat of

⁵⁷ Ibid.

Sweeney, S., Winn, N. Do or die? The UK, the EU, and internal/external security cooperation after Brexit. Eur Polit Sci (2021). https://doi.org/10.1057/s41304-021-00322-0

⁵⁹ Strategic autonomy implies the EU's "capacity to act autonomously when and where necessary and with partners wherever possible." Source: https://eeas.europa.eu/headquarters/headquarters-homepage/89865/why-european-strategic-autonomy-matters_en

Sweeney, S., Winn, N. Do or die? The UK, the EU, and internal/external security cooperation after Brexit. Eur Polit Sci (2021). https://doi.org/10.1057/s41304-021-00322-0

⁶¹ Robin Niblett, "Global Britain, global broker," Chatham House, January 11, 2021, https://www.chathamhouse.org/2021/01/global-britain-global-broker

⁶² Ibid.

mounting COVID incidence, the EU decided to export 21 million vaccine doses to Britain (and another 77 million to 33 other countries).⁶³

3.5. Other important elements of cooperation.

The UK-EU relations are undoubtedly much more multifaceted, with many other sectors worth noting. That said, each of the fields requires a test of time to see if it has benefited from a new period of relations or not. After the first months, when the Trade and Cooperation Agreement came into force, mainly adaptation difficulties can be reported. Below we have touched on a few sectors that play an important role for the UK and may also be of potential interest to Ukraine. In particular, these include social and labor rights; environmental protection; services; energy and transport.

> 3.5.1. Labor and social rights. Environmental protection.

The agreement between the EU and Britain recognizes that both parties have the right to determine the level of protection in the areas of labor, social rights, climate or the environment. At the same time, the parties have agreed on the principle of non-regression, i.e. the level of protection of rights and standards in relevant areas cannot be worse or lower than at the end of the transition period in the UK-EU relations, if such a reduction affects trade or investment between the parties⁶⁴. There are fears that this agreement is unlikely to prevent London from lowering certain standards of workers' protection or making changes to the environmental policy, the main reason being that it is quite difficult to prove the direct impact of lowering the social standard on trade⁶⁵. The parties have undertaken to maintain effective systems of supervision and law enforcement with the use of administrative or judicial means of appeal and compensation. Compliance disputes can be resolved through consultations or with the help of expert groups.

The United Kingdom is no longer bound by the European Green Deal, a set of policy initiatives put forward by the European Commission with the common goal of making Europe climate neutral by 2050. Analysts in Britain believe that London is facing three alternatives: it can still adhere to EU rules in the field of environmental protection, it can significantly narrow the list of standards, and it may, conversely, become more ambitious than the EU itself.⁶⁶

3.5.2. Services and investments.

As a consequence of the exit from the single market, UK service providers will no longer be able to take advantage of harmonized EU standards and the EU's overall regulatory framework.⁶⁷ British business people will lose the "automatic right to offer services across the EU."⁶⁸ In many cases, they have to open their businesses (branch, a subsidiary company) in the EU, following the internal rules of the mem-

⁶³ Amelia Hadfield, Nicholas Wright, Fog in Channel? The impact of Brexit on EU and UK foreign affairs, June 11, 2021, https://www.iss.europa.eu/content/fog-channel-impact-brexit-eu-and-uk-foreign-affairs#_introduction

⁶⁴ The UK-EU Trade and Cooperation Agreement: summary and implementation, House of Commons Library, December 30, 2020, https://researchbriefings.files.parliament.uk/documents/CBP-9106/CBP-9106.pdf

⁶⁵ Marley Morris, The agreement on the future relationship: first analysis, Institute for Public Policy Research, 2020, https:// www.ippr.org/files/2020-12/agreement-on-future-relationship-ippr-assessment-1-.pdf

⁶⁶ Patrick Schröder, What the European Green Deal Means for the UK, Chatham House, February 26, 2020, https://www. chathamhouse.org/2020/02/what-european-green-deal-means-uk

⁶⁷ The UK-EU Trade and Cooperation Agreement: summary and implementation, House of Commons Library, December 30, 2020, https://researchbriefings.files.parliament.uk/documents/CBP-9106/CBP-9106.pdf

⁶⁸ Q&A, EU-UK Trade and Cooperation Agreement, https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_2532

ber state concerned.⁶⁹ The EU emphasizes that the new bilateral agreement provides a significant level of openness to trade in services and investment, going beyond the basic provisions of the World Trade Organization (General Agreement on Trade in Services). However, it is clear that in many sectors London would like the EU markets to be more open; for example, in the financial services sector. It is worth noting that the UK services sector accounts for almost 80 percent of the country's GDP and employs 4 out of 5 British workers. The United Kingdom is the world's second largest exporter of services and the EU is the world's largest recipient.⁷⁰

3.5.3. Energy.

Over almost 50 years of EU membership, the energy markets of Britain and other EU countries have become strongly interlinked through electricity interconnectors and gas pipelines running between Britain and Northern Ireland, on the one hand, and France, the Netherlands, Belgium and Ireland, on the other. Up to 10 percent of Britain's electricity came from the EU, with imported gas needs ranging from 4 to 12 percent.⁷¹ The EU and Britain have agreed to create a new framework for future energy cooperation, ensuring the efficiency of cross-border trade. This framework will be based on the provisions of the TCA, which aim to create a reliable level playing field. The safe and peaceful use of nuclear energy is governed by a separate Agreement (mentioned above). The UK has left the EU Internal Energy Market and, accordingly, the mechanisms that regulated energy trade when Britain was part of the EU (also during the transition period). The parties have

undertaken to develop and implement new and efficient energy trade mechanisms by April 2022. The current bilateral agreement includes provisions guaranteeing non-discriminatory access to energy transportation infrastructure and the envisaged use of interconnectors for gas and electricity supplies. The agreement also provides for cooperation between the parties in the field of renewable energy. In London, emphasis is placed on the fact that energy policy has always been a sovereign responsibility rather than an all-European one. The British sometimes point out that it was they who influenced the formation of EU policies in this area, and not vice versa. In particular, Britain ventured to liberalize its electricity market in 1989, which influenced the unbundling policy in the field of electricity in the EU.⁷² London emphasizes that Brexit should not in any way affect Britain's green energy policy, as the British themselves have a serious interest in it.

3.5.4. Transport.

The bilateral agreement also regulates cooperation in the field of transportation, both air and land. The European Commission noted that transport provisions provide "continued and sustainable air, road, rail and maritime connectivity, though market access falls below what the Single Market offers."⁷³ The agreement also guarantees a level playing field for transport operators from the UK and the EU, so that the rights of all employees in the sector, passengers and transport safety rules are respected without interruption. British airlines will be able to fly to and from destinations in the EU but not between two different destinations in the Union (if they do not have subsidiaries in the

⁶⁹ Institute for Government, UK-EU future relationship: the deal: goods, 2020, https://www.instituteforgovernment.org.uk/ publication/future-relationship-trade-deal

⁷⁰ CBI, Trading services with the EU: guidance for business, https://www.cbi.org.uk/uk-transition-hub/trading-services-with-the-eu/

⁷¹ European Commission, https://ec.europa.eu/energy/topics/international-cooperation/key-partner-countries-and-regions/united-kingdom_en

⁷² Renewable Energy World, "How will Brexit impact British renewables?," 2020, https://www.renewableenergyworld.com/ blog/how-will-brexit-impact-british-renewables/#gref

⁷³ The UK-EU Trade and Cooperation Agreement: summary and implementation, House of Commons Library, December 30, 2020, https://researchbriefings.files.parliament.uk/documents/CBP-9106/CBP-9106.pdf

relevant EU countries). British operators will no longer be able to enjoy the same rights they had during EU membership, when they could pick up and transport goods several times within the EU. Trucks from Britain and the EU can now carry out up to two additional operations in the territory of the other party upon crossing the border.74 94 percent of British operators said they were negatively affected by Brexit and expected it to only worsen in the future.⁷⁵ Among the new problems there are the increased waiting time at the border; more time to fill out all the paperwork to cross the border; fewer amount of goods exported to the EU; fewer amount of goods imported into Britain. The number of British transport companies that lost their business due to the new rules reached 69 percent (in December 2020, this figure stood at 21 percent).76

⁷⁴ Ibid.

⁷⁵ Internet Retailing, "56% of UK hauliers 'considering operations move to the EU' to combat border delays and driver shortages," July 14, 2021, https://internetretailing.net/operations-and-logistics/operations-and-logistics/56-of-uk-hauliers-considering-operations-move-to-the-eu-to-combat-border-delays-and-driver-shortages-23434

⁷⁶ Ibid.

SECTION 4.

ANALYSIS OF THE APPLICABILITY OF INTEGRATION ELEMENTS FOR UKRAINE

The British model of cooperation with the European Union is unique and, one might even assume, the least suitable for Ukraine. First, British history is the history of leaving the EU, the history of the European Union's long-running efforts not to let London go, and if it did, impose conditions that would make the British regret their decision. Ukraine, on the other hand, aspires to join the EU, although not all members of the union are ready to support such a desire. Second, the British model is a model that is still being formed. It has acquired certain key features, its backbone has been shaped, but the agreements between the EU and the United Kingdom are so crude and sometimes untried that conflicts between the parties arise on a regular basis. The current agreements can be described by the well-known tautological phrase "the parties have agreed to agree." Although the fundamental cooperation agreements have been signed, they leave room for new agreements.

Britain itself studied the experience of cooperation between Ukraine and the EU – the Association Agreement and the Deep and Comprehensive Free Trade Area. The Ukrainian model was seen by London as a possible alternative to membership. Of course, it could not meet the ambitions of the British, so the agreement between Britain and the EU looks more progressive. But the problem here is not so much in the progressiveness of the document itself as in the fact that Britain already meets EU standards, which Ukraine only aspires to.

It is also necessary to take into account a number of fundamental differences: the weight classes of Ukraine and the United Kingdom diverge significantly; therefore, what the EU could accept in the case of London may not work in the case of Kyiv. Even after leaving the EU, the UK remains a powerful global player, a permanent member of the UN Security Council, a member of NATO (like most EU countries), a nuclear country, one of the most advanced economies in the world, and one of the most powerful financial centers. Brexit will certainly have a negative impact on trade performance and the British economy (but the European Union itself will face the same impact). The United Kingdom was one of the main contributors to the EU budget: in 2019, it was in the top five, paying €14.05 billion.⁷⁷ Interdependence prompted the parties to seek appropriate compromises. And even though Britain is a powerful player with considerable diplomatic experience, London has sometimes failed to secure EU's flexibility. One of the most striking examples is the Northern Ireland Protocol, which Britain has been dissatisfied with from the beginning. Ukraine must therefore realize that the EU is an extremely difficult negotiator, with whom even heavyweight actors are sometimes unable to reach victorious decisions.

The British model is a model of spontaneity that required diplomatic toughness and creativity at the same time. Both the British political establishment and the governments of EU member states were not ready to negotiate the withdrawal of the United Kingdom.

⁷⁷ Statista, "Amount contributed to the budget of the European Union (EU) in 2019, by member state," https://www.statista. com/statistics/316691/eu-budget-contributions-by-country/

This unpreparedness provoked an exchange of tough statements from both sides, requiring the appropriate diplomatic creativity to develop a unique framework for EU cooperation with a country that expressed a desire to leave the Union. Outlining future EU-Britain relations during her 2017 speech in Florence, Prime Minister Theresa May said that finding new solutions would require both sides to be "creative" and "practical." The word "creative" appeared in this speech a total of five times; she called for openness for the sake of "imaginative" and "new thinking".⁷⁸

It is possible that these four features - spontaneity, rigidity, creativity and consistency - will be most useful to Ukraine in the negotiations on any upgrade in relations. Spontaneity will consist in the strongest proposal on the part of Ukraine; the EU will most likely react harshly to any attempts by Kyiv to jump above the Eastern Partnership policy. Both sides will need creativity in order for the upgraded model of Ukraine's integration into the EU to be useful for both parties without giving Kyiv any guarantees of membership but also without ruling out such a prospect. Consistency implies that the change of government in Britain did not lead to a change in principled approaches in negotiations with the EU, which inevitably affected the position of Brussels.

In general, it is obvious that the British model in relations with the EU is not so much about what Ukraine should use from it but rather about what it should avoid under any circumstances. The language of blackmail, intimidation and aggressive statements is something that will cause more irritation than understanding in the EU. As one author of *Politico* put it, "It's time for both the UK and the EU to take a deep breath and count to 100. Since the beginning of the year, the UK has behaved like a moody teenager with a testosterone rush, determined to show his perplexed parents that he is totally independent and doesn't need their help or advice."⁷⁹ "The United Kingdom needs to pay attention to its reputation. I want Mr Johnson to respect his signature [under the Agreement]," said Michel Barnier, a former EU Brexit negotiator, commenting on the many conflicts between the parties in the first half of 2021.⁸⁰

The United Kingdom evokes a significant level of distrust in the EU due to its negotiating behavior, thus making Brussels reluctant to make any progress in the dialogue with London, even where both sides seem to have considerable interest. Therefore, in the field of security and defense, which was expected to be the foundation of a new relationship between the United Kingdom and the European Union, no framework solution has been reached. The new agreement does not even mention this cooperation. Distrust is the most accurate description of the relationship between London and key EU capitals. To some extent, it can be assumed that today the Ukrainian model of cooperation between Kyiv and the EU already offers more opportunities than the British one. Ukraine is doing everything possible to become, if not de jure, then de facto a member of the EU by adopting the relevant standards and practices and implementing numerous directives. There is no controversy in Ukraine itself that European integration threatens the sovereignty of the state; on the contrary, successful European integration is seen as a recipe for strengthening the country, developing its economy and social standards. Only a small group of pro-Russian figures talk about Ukraine's dependence on the West, exploiting the unpopular statement of "external governance" among Ukrainians. The UK's negotiators are facing more difficult

⁷⁸ Speech by the British Prime Minister, Theresa May, Florence, September 22, 2017, https://www.gov.uk/government/speeches/pms-florence-speech-a-new-era-of-cooperation-and-partnership-between-the-uk-and-the-eu

⁷⁹ Paul Taylor, "Brexit Britain: Smells like teen spirit," Politico, February 3, 2021, https://www.politico.eu/article/brexit-britaineu-uk-trade-smells-like-teen-spirit/

Reuters, "Ex-EU Brexit negotiator Barnier: UK reputation at stake in Brexit row," June 14, 2021, https://www.reuters.com/ world/europe/ex-eu-brexit-negotiator-barnier-uk-reputation-stake-brexit-row-2021-06-14/

challenges: on the one hand, British elites understand that greater integration and openness with the EU lead to prosperity, but on the other hand, they will require the loss of control over decision-making, which immediately evokes scathing criticism from the British public. A vivid example is that Britain's services sector has benefited most from the EU's single market, but Brexit policies have forced London to abandon the obvious benefits in favor of the opportunity to run its own business.

The United Kingdom considers the ability to trade with the EU without tariffs and quotas to be its major achievement. This is probably the only significant attainment of the British integration model, which deserves additional attention from Ukraine. Kyiv should insist on an identical goal. In this respect, the British model certainly does not fully open the markets, leaving some protective mechanisms for economies in place. In particular, this is the rule of origin, which requires the parties to produce a specific product either completely or in great part (without significant foreign participation). Hypothetically, such a model is more profitable for Ukraine. Given that the social and labor standards of EU countries make goods more expensive, Ukrainian goods may be more competitive in terms of price. However, as can be understood from the British example, the European Union may insist on equaling the relevant standards to create a level playing field. It should also be borne in mind that the EU may call the idea of tariff-free and guota-free trade premature. Obviously, in most cases the standards of quality and safety of British goods are not much inferior to the relevant EU standards. Therefore, the European Union may once again encourage Ukraine to make full use of the opportunities already provided by the Association Agreement.

According to the latest government report, overall progress in implementing the Association Agreement currently stands at 54 percent.⁸¹ Ukraine may well set an ambitious goal - to move at least to the same level of cooperation as Britain, as soon as it fulfills all - or at least a substantial majority – of its obligations. In some sectors, the situation with the implementation of the Agreement is much worse. For example, in the field of transport, transport infrastructure, postal and courier services the performed level is only 35 percent (in the field of transport alone, the situation is even worse).⁸² At the same time, government officials declare Ukraine's goal to introduce unimpeded access for international transit of goods by road without limiting quotas for permits and abolishing the system of permits for international freight for Euro-5 and Euro-6 (an environmental standard governing the content of harmful substances in exhaust gases).83 Kyiv requests the EU to consider the inclusion of the Road Transport Liberalization Agreement in the renewed Ukraine-EU Association Agreement.

Britain, which was supposed to implement most of the standards and practices as an EU member, today can afford to approach the matter in a reverse direction by abandoning a certain standard (although this will require consultation with the EU in some cases). At the same time, London will lose little in the dialogue with Brussels, as relations are still turbulent and tense. Kyiv, on the other hand, in order to reach what small achievements the British model had in sectoral cooperation, must first adopt the relevant rules by implementing numerous measures. Apparently, Britain did not have to follow any directives to defend its interests in a certain area during the negotiations; therefore, Ukraine will look unconvincing if it demands "British preferences" for itself but with the Ukrainian level of home assignment made.

⁸¹ Cabinet of Ministers. "Report on the performance of the Ukraine-EU Association Agreement in 2015–20." https://eu-ua. kmu.gov.ua/sites/default/files/inline/files/aa_implementation_report_2015-2020_ukr_final_0.pdf

⁸² Ibid.

⁸³ Ministry of Infrastructure of Ukraine, "Ukraine seeks liberalization of road freight transport within the framework of updating the Association Agreement with the EU," October 6, 2020, https://www.kmu.gov.ua/news/ukrayina-pragne-liberalizaciyi-avtoperevezen-v-ramkah-onovlennya-ugodi-pro-asociaciyu-z-yes-vladislav-kriklij

SECTION 5.

POLICY RECOMMENDATIONS FOR UKRAINE AND THE EU

FOR UKRAINE:

Demonstration of the result. The dynamic implementation of the commitments made under the Association Agreement can open the door for Ukraine to upgrade its relations with the EU. The current level is not enough to convince partners of the commitment to the European course. The President, the Cabinet of Ministers, and the Verkhovna Rada of Ukraine must show strong political will to implement their commitments more quickly.

From sectoral to full integration. Ukraine should focus on maximum progress in certain sectors (for example, in the energy, transport, etc.). Today, Ukraine is disproportionately fulfilling its obligations in various areas. Success on individual tracks can eventually lead to a cumulative effect – from sectoral to comprehensive integration.

No quotas and no tariffs. Ukraine should put more effort to achieve quota-free and tariff-free trade, following Britain's example. To do this, it is necessary to perform more intensively the measures and tasks provided for in the Association Agreement.

Aggressive rhetoric is the way to nowhere. Ukraine should avoid the language of blackmail and aggressive rhetoric: the British experience shows the counterproductiveness of this approach.

NATO course is a must. The British example shows that even when the interests of the EU and London coincided, they could not agree on an institutional framework for defense and security cooperation. Given that most EU countries are members of NATO, the Alliance remains a key platform for continued cooperation in this area. The modesty of the EU's defense and security goals should serve as an additional argument for Ukraine: the dynamics of the implementation of reforms for NATO membership cannot be inferior to the dynamics of changes in the European integration sphere (especially since some of these reforms coincide).

FOR THE EU:

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Ambition. The EU should be more ambitious in supporting successful integration projects. The British example, which plays into the hands of Eurosceptics, should incentivize support reform efforts in Ukraine. Ukraine's transformational success can be a new additional argument for those who advocate the development of a solidary democratic Europe.

Expansion of the framework. Creativity can become a slogan for finding better approaches to cooperation with Ukraine, Georgia and the Republic of Moldova - the countries that seek encouragement for further Europeanization reforms.

Public support. The EU could include in the Eurobarometer survey an analysis of public opinion in Ukraine, Georgia and the Republic of Moldova. Support for the European course in these countries indicates the demand for a European project (unlike the British example).

BRITISH MODEL OF PARTIAL INTEGRATION WITH THE EUROPEAN UNION: WHAT'S APPLICABLE FOR UKRAINE?

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Sergiy Solodkyy, First Deputy Director of the New Europe Center, is an expert in foreign policy, international relations, and security. Previously, he worked at the Institute of World Policy (2010–2017). Solodkyy graduated from the Westminster University majoring in International Relations (UK) and also from the Institute of Journalism of the Taras Shevchenko National University of Kyiv. Since 1999 he has served as an editor of international news desks at the leading Ukrainian newspapers "The Day", "Gazeta 24", and "Glavred". His comments and interviews are regularly published in the Ukrainian and foreign media.
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ABOUT NEW EUROPE CENTER

The New Europe Center was founded in 2017 as an independent think-tank. Despite its new brand, it is based on a research team that has been working together since 2009, at the Institute for World Policy. The New Europe Center became recognized by offering high-quality analysis on foreign policy issues in Ukraine and regional security by combining active, effective work with advocacy.

The New Europe Center's vision is very much in line with the views of the majority of Ukrainians about the future of their country: Ukraine should be integrated into the European Union and NATO. By integration, we understand not so much formal membership as the adoption of the best standards and practices for Ukraine to properly belong to the Europalantic value system.

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