DISCUSSION PAPER



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The implications of a no-deal Brexit for the EU



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Executive summary

As the end of the transition period nears, the EU must prepare for a fundamentally different and more conflictual relationship with the UK. Whatever the outcome of the Brexit negotiations, there will be profound economic, political and geopolitical implications for the EU.

While the EU as a whole might be better placed than the UK to absorb the economic shock of a no-deal, the fallout *within* the EU will be uneven, resulting in winners and losers. The asymmetrical impact and differential capacity and willingness of national governments to mitigate the shock could exacerbate regional disparities and unbalance the EU's internal level playing field. As the economic realities of Brexit will be felt differently across the Union, it might become more difficult to maintain the same level of EU unity post-no-deal.

The EU-UK relationship can be expected to become more conflictual and competitive, particularly in the absence of common rules under a no-deal. Regardless of whether a deal is reached, the UK government's

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willingness to breach international law is likely to have a lasting effect on trust and has brought an element of precariousness into the relationship. This lack of trust and predictability will also affect the EU's and UK's ability (and willingness) to amplify the other's voice in the geopolitical and security sphere, at a time when the UK's departure is weakening both sides' respective weight and capabilities.

All these negative repercussions will be intensified should the talks end in an acrimonious divorce. In any case, the potential for a no-deal by accident or design remains high. The only way to secure a deal at this point is for Boris Johnson to make a double U-turn on his red lines and the Internal Market Bill. Nevertheless, even so, the deal would be a thin and precarious one with low levels of trust, while the threat of further treaty breaches would impede the normalisation of the EU-UK relations. The EU, therefore, must anticipate a much more conflictual and difficult relationship, no matter the eventual outcome.

Introduction

As the Brexit negotiations head into the final phase, the prospects for an EU-UK deal look as uncertain as ever. While the end of the transition period will be more disruptive for the UK, its departure will also have profound economic, political and geopolitical implications for the EU. These repercussions will be intensified should the negotiations end acrimoniously, requiring the EU to anticipate how to deal with a more conflictual post-no-deal relationship.

Time is running out for a deal to be reached, and still, it is unclear if the UK will eventually move on its positions. Depending on whether you see the glass as half full or half empty, Boris Johnson's stark response to the latest EU leaders' summit can be interpreted as either a choreographed drama before an imminent British climbdown, or a ploy to lay the blame for a

failed negotiation at the EU's door. Beyond the weekly fluctuating mood music, the fact remains that both sides must bridge substantial gaps on fisheries, the level playing field (LPF) and governance. Additionally, any deal is conditional on the UK withdrawing the contentious elements from its new Internal Market Bill.

Despite the severe negative implications of a no-deal for the UK. such a double U-turn by Johnson seems far from certain, with the potential for a no-deal by accident or design remaining high. Additionally, the UK government's apparent willingness to breach its treaty obligations has introduced an element of precariousness that will lurk in the background of the relationship for some time to come, regardless of whether a deal can be secured or not.

1. Why a no-deal outcome is likely

Under Johnson's premiership, the UK has moved away from the in-depth and comprehensive partnership originally envisaged in the Political Declaration. The primacy of UK sovereignty concerns, the lack of bandwidth in the face of COVID-19, and the unusually short negotiating timescale have left the UK government with having to choose between a 'thin' trade agreement that is largely on the EU's terms, and a no-deal. While Johnson has assured the EU that what he wants is a deal, the question on everyone's minds is if he is ready to accept the deal that is on the table and willing to perform a double U-turn (on the substance of the deal as well as the Internal Market Bill) to secure it.

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1.1. POLITICS TRUMP ECONOMICS

There is, of course, a strong economic incentive for the UK to secure a deal with its largest trading partner, especially in anticipation of the economic impact from COVID-19. The UK economy has been among the hardest hit by the first wave of the pandemic, making it even more challenging for Westminster to also cope with the severe short- and long-term economic consequences of a no-deal. The UK government's no-deal analysis predicts a negative difference of 6.3% to 9% to UK GDP in 15 years compared to if it would have remained an EU member.¹ Dr Thomas Sampson from the London School of Economics suggests that the long-term economic costs of a no-deal will be two to three times that of the COVID-19 crisis, with respect to their impact on the present value of UK GDP.²

While these forecasts should deter any UK prime minister from considering a no-deal as a viable option, Johnson might have a different view on the costs (and benefits) of a no-deal. The UK government seems to think that a no-deal would generate certain opportunities, not least to pursue its domestic agenda outside the constraints of the EU's regulatory orbit. While Johnson's agenda under the slogan of 'levelling up' remains devoid of detail, it is clearly based on the belief that the UK must be able to set its own regulations. Some in Johnson's inner circle believe that the gain in autonomy will be vital for restructuring and boosting the UK economy post-pandemic.³ He believes that regaining autonomy is the whole point of Brexit and that everything else will fall into place from there. There is, therefore, little indication that he will prioritise the economic forecasts mentioned above over his political objectives - especially if he thinks he can pre-empt their long-term effects.

1.2. DOMESTIC PRESSURES

The UK government's tactics and decisions are often best understood in terms of their effect on the public. Johnson is evidently under increasing domestic pressure, particularly regarding his handling of the COVID-19 crisis. A Brexit deal might thus help dispel any doubt about his competency and fitness for office – provided that he can sell it as a victory. A deal would also make him less vulnerable to further criticism from the opposition, who have been challenging him to "get Brexit done".⁴

Avoiding criticism from the opposition might not be Johnson's main concern, however. The compromises required to strike a deal would not sit well with the hard-line Brexiteers in his own party. While the blame for a no-deal could be conveniently laid at the EU's door, Johnson would have to own up to the trade-offs of a deal and explain and justify his choices. The supposed victory of a deal would give him a boost, but it would be a shortlived one.

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Another domestic factor is the strain a no-deal would put on the devolution settlement, potentially paving the way for a second Scottish independence referendum. A no-deal will certainly be very poorly received in Scotland. However, considering that most Scots voted to remain in the Brexit referendum, and afterwards, would have preferred a close EU-UK relationship post-Brexit, it is unlikely that the thin and hard Brexit deal on the table would do anything to appease the Scottish question, either. Considering the possible Brexit scenarios at this point, it seems that both outcomes will fuel the pro-independence sentiment in Scotland (albeit to different extents).

1.3. ONE U-TURN TOO MANY?

Johnson is well known for his ability to U-turn and get away with it. After all, he performed as many as 12 abrupt changes of policy or direction in the last few months alone.⁵ The concessions required to secure a future partnership deal with the EU are, however, more fundamental than before. For example, when Johnson conceded to put a border up in the Irish Sea, he essentially secured a harder Brexit than Theresa May's deal by taking the whole of the UK out of the

EU's Customs Union - a move that was welcomed by Brexiteers at the time. This time, however, any concessions are likely to be perceived as contradictory to the Brexiteers' goals.

Johnson has survived a multitude of U-turns unscathed, but this one could play out differently. There is hardly a Brexit deal that would satisfy the demands of the hardline Brexiteers. Despite the growing discontent on the Tory backbenches about Johnson's general performance, Brexit is still a rallying point for the Party. This raises doubts about Johnson's willingness to antagonise his party over a Brexit compromise.

The Prime Minister also relies on Brexit as the glue holding his fragile coalition of voters together. He won the last election on the promise of getting Brexit done but has never levelled with the public about the tradeoffs. While Johnson might be able to initially sell a U-turn as a victory over the EU, he will eventually run into difficulties when having to explain the inevitable disruptions, border delays and rising food prices to a baffled public come January 2021.

1.4. NO-DEAL OR A THIN, PRECARIOUS DEAL?

A significant U-turn from Johnson remains the only possible way to secure an EU-UK deal. As discussed above, much will depend on what he identifies to be politically expedient.

The EU must be ready for the implications of any outcome. With so many loose ends, there is a high potential for a no-deal outcome, whether it be by accident or design. Even though both sides claim that a deal is their preferred outcome, time, patience and trust might simply run out, or Johnson might decide that he has more to gain from a no-deal than from the deal currently on offer. Johnson's propensity for brinkmanship particularly increases the risk for an accidental no-deal. Convinced that the threat of a nodeal will focus minds, Johnson seems to speculate that last-minute movement on the EU side will secure him a better deal. This underestimates the power balance in these negotiations as well as the EU's resolve to protect the integrity of its Single Market, and enhances the risk for an accident where neither side breaks the stalemate.

A deal would not solve the fundamental problem of the EU having to deal with a government that is prepared to use the (non-)implementation of the Withdrawal Agreement as political leverage.

A no-deal would, of course, be hugely disruptive for EU-UK relations. Nonetheless, at this point, even concluding a deal is no longer guaranteed to calm waters. Considering the developments of the last few weeks, this deal would not only be thin but also precarious, with the threat of treaty breaches looming over the future relationship. A deal would not solve the fundamental problem of the EU having to deal with a government that is prepared to use the (non-) implementation of the Withdrawal Agreement as political leverage.

Since the introduction of the Internal Market Bill, the EU has pushed for robust enforcement and dispute resolution mechanisms (even more), particularly the

right to take immediate retaliatory measures in the event of future breaches.⁶ Another protective measure against treaty breaches would be to include a guillotine clause – as in the EU's agreement with Switzerland – where the lack of compliance in one area (e.g. the Northern Ireland Protocol) could lead to the termination or suspension of all agreements.

In practice, the prospect of retaliatory measures (e.g. introducing tariffs, potentially suspending all relations) creates a degree of unpredictability for businesses and individuals that are urgently looking for certainty. It is this element of precariousness that will impede the normalisation of EU-UK relations, even if a thin deal is the outcome.

2. The implications of an acrimonious divorce for the EU

2.1. THE ECONOMIC IMPLICATIONS

As of January 2021, regardless of a thin deal or a nodeal outcome, the trading relationship between the EU and UK will be fundamentally different from the status quo of the transition period. However, unlike a deal, a no-deal also implies the introduction of tariffs and non-tariff barriers, making it the more costly scenario. The disruption caused by border delays and new administrative checks – some of which would also apply to a trade deal – will be particularly problematic for industries that rely on just-in-time supply chains (e.g. automobile sector). These disruptions alone have the potential to make the trade of certain products or industries unviable.

While the fallout will be felt on both sides, the EU as a whole is better placed than the UK to absorb the economic shock of a no-deal, as it will be dispersed among the 27 countries. Again, the EU as a whole and some countries specifically will have greater capacities to take mitigating measures.

The uneven economic impact across the EU

Although the EU will be better placed to absorb the shock, the economic fallout *within* the EU will not be even. Due to factors like geographical proximity, export prowess and historical ties with the UK, some member states (e.g. Ireland, Belgium, the Netherlands, Malta, Germany) are expected to suffer more than others.⁷ This is also reflected in the estimated number of job losses in a no-deal scenario: 700,000 for EU companies exporting to the UK. Smaller countries like Ireland, Belgium and Malta will be among the most affected in relation to the size of their labour markets.⁸

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The regional and sectoral impacts will also differ within member states, with sectors like automotive, textile, food and beverage, and chemical sectors especially exposed. However, while there will be economic losses in some, there are other sectors (and cities) that might benefit from staff and firm relocations, for example.

The EU's economic response

Brexit's impending asymmetric impact on the EU is acknowledged by the inclusion of a special Brexit Adjustment Reserve worth €5 billion in the upcoming Multiannual Financial Framework. However, as the global COVID-19 outbreak changed the economic context in which the UK is leaving the EU's Single Market and Customs Union, member states are likely to take additional measures to mitigate the double shock of COVID-19 and Brexit.

European countries are already getting deeply involved in their national economies. Against the backdrop of the more flexible application of EU state aid rules, the national governments face fewer restrictions to make subsidies available to their respective industries. This will impact the dynamic of the EU-UK relations in the case of a no-deal; a scenario where LPF conditions no longer apply. The capacity of some countries, such as Germany, to offer generous subsidies might push their respective companies to close UK subsidiaries permanently, especially when the latter are faced with new barriers to trade, generally lower demand and a UK government unable to match the support.⁹

From partners to competitors?

Once the UK leaves the EU's Single Market and Customs Union at the end of this year, both parties will no longer be bound by the same rules. That is significant, as trust between EU member states is based on them all following the same rules within the same legal ecosystem.¹⁰ The EU and UK already see each other not only in terms of economic partners but also as competitors. The UK's departure from this ecosystem of common rules implies a fundamentally altered perception of each other, and a shift towards the latter label of 'competitor'.

As Angela Merkel remarked in 2019,

"with the departure of Great Britain, a potential competitor will of course emerge for us. That is to say, in addition to China and the United States of America, there will be Great Britain as well".¹¹

For instance, while the UK will certainly remain a hub for financial and legal services, the EU will be intent on attracting some of these services and boosting its own capital markets. The acrimony of a no-deal would reinforce this issue. In turn, this raises the question as to what extent the EU wants to rely on the UK in these key sectors and "whether it is really in the EU interest for the UK to retain such a prominent position."¹²

In a no-deal scenario, the LPF provisions to prevent either side from unfairly undercutting the other would not come into effect. The oft-raised concerns about a 'Singapore-on Thames' style, low-taxed and lightly regulated UK economy might be exaggerated, especially as there is little public appetite for such a model.¹³ That being said, high-ranking members of the current UK government have advocated a far-reaching deregulation agenda for the UK in the past. One would therefore be naïve to cast aside the possibility of such a development, given the immense economic pressure the UK will be under post-Brexit, specifically to open up its market to US standards in a UK-US trade deal.

In the wake of Brexit and COVID-19, the EU faces the twofold risk of its LPF being undermined from both inside and out. While the UK might emerge as a competitor on its doorstep by undercutting EU companies (unfairly), European governments' differential capacity and willingness to mitigate the double economic shock on their national industries risk unbalancing internal competition and aggravating regional disparities.¹⁴ This might also have political implications for EU internal unity.

2.2. THE POLITICAL IMPLICATIONS

Politically, reaching a deal would constitute a foundation for the future relationship, upon which the EU and UK can jointly build over time. Beyond eliminating tariffs and quotas, a deal could present a stepping stone for collaboration in other areas, such as migration, research, foreign and security policy, as well as effective joint action on the global stage. Additionally, a deal could smooth the way for EU decisions on the equivalence for financial services and data adequacy.

An acrimonious no-deal, on the other hand, would make it exceedingly difficult to resume a constructive and trusting relationship, and fuel distrust and fingerpointing instead. The EU should, therefore, anticipate not only the economic but also the political fallout from a no-deal. That involves preparing for a more conflictual and precarious EU-UK relationship, as well as ensuring a united EU27 position post-no-deal.

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The potential for EU-UK conflict

With or without a deal, EU-UK relations are likely to become more conflictual. Not without reason, the EU is insisting on a robust governance framework – a resolve that has only hardened since the publication of the UK's Internal Market Bill.

The potential for conflict, including physical conflict, is particularly high in relation to the fragile situation in Northern Ireland. It is not guaranteed that the hardening of the land border in the island of Ireland can be avoided if the UK government refuses to implement the Northern Ireland Protocol. Hugely destabilising effects could be anticipated for the border region.¹⁵

Early on in the negotiations, Johnson's misleading claims about the effects of the Protocol he had just signed (e.g. regarding the need for customs declarations for goods sent from Northern Ireland to Great Britain) created doubts about the government's goodwill to implement the Protocol.¹⁶ The Internal Market Bill has made clear that the UK government is indeed unwilling to fulfil its obligations fully – at least not under a no-deal scenario.

The UK's willingness to breach its treaty obligations will have a lasting effect on the EU's trust and implies a more precarious relationship, no matter the outcome of the negotiations. A post-no-deal relationship was always destined to be conflictual, but the failure to reach a trade

deal will now be compounded by the UK's intention to renounce (parts of) the Withdrawal Agreement. Even in the best-case scenario, where the contentious elements of the Bill are withdrawn and a trade deal is concluded, the prospects for resuming a trusting partnership will have worsened.

The UK's readiness to breach international law and use the Northern Ireland Protocol as a bargaining tool has introduced an element of precariousness that will loom over the future EU-UK relationship. UK ministers, such as Paymaster General Penny Mordaunt, clearly regard the Bill as an "insurance" policy that is "about safeguarding and being alive to the fact that things might happen" in the future.¹⁷ That means that even with a deal in place, the threat of another breach will always hang over the relationship – at least, for as long as the current government is in power. Therefore, any deal will not only be thin but also precarious, as the EU will have to factor in the latent threat of a no-deal-like situation should the UK decide to breach its treaty obligations again, and thus elicit the suspension of (parts of) the relationship.

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The potential for EU disunity

The EU27 have shown remarkable unity throughout the withdrawal process and future partnership negotiations. This has been facilitated by the Commission's clear mandate and transparent negotiating style, as well as its continuous coordination of and consultation with the

member states and EU institutions, thus guaranteeing political buy-in and support from all the relevant actors.¹⁹

Unfortunately, maintaining a unified position might become more difficult after the end of the transition period, particularly if no deal is reached. The full economic impact of Brexit will only materialise once the transition period ends, at which point some EU countries will be hit harder than others. This could sow discord or create incentives for certain member states to negotiate bilateral agreements with the UK (but only in areas where the EU does not have exclusive competence). This might be reinforced by the differential capacities of EU governments to mitigate the effect of Brexit on their national economies. If negotiations end in a nodeal, both sides will blame each other. However, some EU member states might also voice internal criticisms, such as on the primacy of French fishing interests in the negotiations.

Since a no-deal Brexit is an unsustainable outcome for either side, the EU should anticipate a (unified) position for when both sides find their way back to the negotiating table. After an initial cooling-off phase, geography and economic interdependence will make reengagement inevitable. Nevertheless, finding a mutually agreeable deal *post*-no-deal will certainly not become easier. Firstly, the resumption of talks would presuppose the full implementation of the Withdrawal Agreement; the EU cannot be perceived to be susceptible to blackmail. Secondly, the EU will not be swayed from its insistence on a strong and enforceable LPF. If anything, the last four years have strengthened the EU's resolve to enforce a LPF in its relations with third countries. thereby making concessions less likely for the UK.

So far, the EU's position has been held together by the narrative that the UK's vote might lead to a domino effect of an unravelling EU project. As this risk seems averted (for now), it remains to be seen if EU unity would hold post-no-deal. Solidarity with the most affected countries (e.g. Ireland) and economic support via the Brexit Adjustment Reserve fund will play an important role. Arguably, keeping a separate governance structure, like the European Commission's Task Force for Relations with the United Kingdom, could help the EU coordinate its position vis-à-vis the UK post-no-deal and prepare for a possible resumption of negotiations.

2.3. THE GEOPOLITICAL AND SECURITY IMPLICATIONS

A loss of capacity and predictability

Brexit implies a loss of capacity and weight for the EU: it is losing a member state with significant economic and military capabilities. Besides France, the UK has been the EU's only nuclear power and permanent member of the UN Security Council.

This anticipated loss of capacity is why EU member states regard a deal and a close EU-UK relationship to be not only in their economic interest but also a geopolitical

necessity. A no-deal Brexit would create fragmentation precisely when more cooperation between like-minded partners is needed. In the midst of COVID-19, a conflictridden EU neighbourhood, rising protectionism and Sino-American rivalry, the EU needs reliable partners.

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The EU certainly has an interest in close foreign, defence and security cooperation with the UK. However, due to the UK government's refusal to discuss security and defence in the future relationship negotiations, there will be no formal arrangements as of January 2021. The UK's preference for ad-hoc cooperation makes the future EU-UK security relationship less predictable. The UK is expected to attach more importance to bilateral relations and forums

Conclusion

The UK's departure from the EU will have profound economic, political and geopolitical implications for the EU. The more acrimonious the divorce, the more difficult it will be to mitigate the fallout. A no-deal will disrupt the EU-UK relationship to a considerable extent, weakening both sides at a critical time and in an incredibly challenging economic and international environment.

A no-deal is therefore in neither side's interest - and yet, the prospect of a deal remains highly uncertain. The only way to secure a deal at this point is for Boris Johnson to make a double U-turn, on not only the substance of the negotiations, particularly the LPF and governance, but also by withdrawing the Internal Market Bill's contentious elements.

Even then, the deal would not only be thin but precarious, too, considering that the EU cannot be certain that this government will abide by the agreed rules. Thus, there is a chance that even if we reached a deal before the deadline, we would still end up in a no-deal-like state whenever Westminster decides not to honour its commitments.

While a deal would, of course, be preferable and alleviate the economic and political impact of the UK leaving the European Single Market and Customs Union, the sword of Damocles that is a treaty breach will make it more difficult to normalise relations in the short to medium term. The EU may have contingency measures in place for the immediate economic shock resulting from the UK leaving the EU without a deal. However, it should also

like the E3 (consisting of France, Germany and the UK). Nevertheless, it is important to note that an acrimonious divorce would also sour bilateral relations, and potentially spill bad blood into other forums of cooperation.

A shared agenda?

There is not much clarity regarding the UK's post-Brexit foreign policy objectives; the concept of 'Global Britain' remains rather ill-defined. There is, therefore, no guarantee that the UK and the EU will be able to amplify each other's voices in the future. This is particularly the case as the UK is expected to turn inwards for some time as it attempts to resolve the fallout from a divisive Brexit process that strains the UK's devolution settlement, unwritten constitution and social fabric considerably.

Nevertheless, it will be important for both sides to identify topics of convergence and mutual interest. These shared objectives can then serve as a starting point for the successful reinstatement of close and mutually beneficial relations, thereby creating transparency and trust. This should be the case for European climate diplomacy, for instance, in the context of the UK hosting the 26th UN Climate Change Conference.

prepare for the medium- to long-term economic impact and the likely political fallout – the increased potential for precariousness and conflict and the implications for EU unity.

A no-deal will disrupt the EU-UK relationship to a considerable extent, weakening both sides at a critical time and in an incredibly challenging economic and international environment.

There are other territorial issues, like access to fishing grounds, the status of Gibraltar and the coordinated response to migration and asylum, which hold potential for conflict. In some areas, the lack of common rules under a no-deal could fuel long-simmering tensions, such as the so-called Scallop Wars of 2012 and 2018 between British and French fishers. This is especially so since neither the UK nor EU governments seem to have prepared their fishing communities for concessions.¹⁸

The balance between conflict and cooperation in the future EU-UK relationship will not be 'either/or' but rather oscillate between the two, and also depend on the outcome of the negotiations. In any case, we are looking at a less predictable relationship with no guarantee for a return to pre-Brexit levels of trust. At least, not with the current UK government and media that continue to scapegoat the EU and depict it more as the enemy than a friendly neighbour and partner.

Against the backdrop of the expected medium- and long-term economic disruption caused by the double whammy of COVID-19 and Brexit, solidarity and coordination among EU member states will be crucial. Uneven economic impacts and responses in the EU will likely result in a distorted internal LPF. To prevent the long-term solidification of regional disparities as a result of Brexit (and the pandemic), the EU must coordinate its approach to account for and minimise these distortions. This could be achieved, for example, through an EU-wide industrial strategy.²⁰

On the institutional level, the EU should consider keeping some governance structures in place to coordinate its position after the end of the transition period. Such a coordinated approach should include a commitment to the principles of transparency and consultation, which have proven useful in installing trust among member states, keeping a united front and defending the EU's vital interests.

Despite it being the worst possible outcome for both sides, the primacy of UK sovereignty concerns and the potential for accidents given the staggering lack of trust make a no-deal by accident or design the most likely outcome. A difficult and conflictual period lies ahead for EU-UK relations, with little prospect for normalisation in the near future.

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¹⁹ Gostyńska-Jakubowska, Agata and Nicolai von Ondarza (2020), "The Barnier method: Lessons learned from the EU's institutional approach to the Brexit negotiations" in Andreas Aktoudianakis, Przemysław Biskup, Benjamin Bodson, Andreas Eisl, Elvire Fabry, Agata Gostyńska-Jakubowska, David Henig, Kirsty Hughes, Juha Jokela, Carsten Jung, Rem Korteweg, Alexander Mattelaer, Anand Menon, Jonathan Portes, Nicolai von Ondarza, Jannike Wachowiak, Alan Wager and Fabian Zuleeg, *Towards an ambitious, broad, deep* and flexible EU-UK partnership?, Brussels: European Policy Centre.

²⁰ Zuleeg (2020b), *op.cit*.

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