

Michel Barnier
EU Chief Negotiator Brexit

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[Letter sent by e-mail]

Dear Michel,

Level playing field guarantees in the EU-UK deal

We understand negotiations are reaching their limits in terms of timing and of what is feasible or acceptable for the EU on the remaining critical issues of fisheries, governance and the level playing field.

As you know the ETUC has expressed very firm positions on the latter, and we have welcomed the fact that the level playing field features very clearly in the EU negotiating mandate and the initial EU draft treaty published in March.

However, we have learned with concern that of late the conversation around the level playing field (LPF) seem to have focused mainly on the issue of state aid regulation. As for avoiding giving the UK an unfair competitive advantage on labour rights, there seems to be talks around a non-regression clause but not much around the concept of a ratchet clause to ensure the parties – and the UK in particular – continue in their path of upward convergence and uphold the highest standards.

If this is indeed the case, the ETUC shares the concern of those member states that do not believe the LPF guarantees are sufficiently robust to protect their business and workers from unfair competition.

Equally, if the enforcement of the labour provisions consists exclusively of UK domestic enforcement of labour rights, workers in Europe would not be protected against the risk of downward pressure. The UK government has made no mystery of its intention to use regulatory sovereignty to regain competitiveness. As a result, workers in the EU would become vulnerable to undercutting.

To quote President Von der Leyen, “trust is good, but law is better” and the governance of the agreement must reflect this.

We appreciate the tremendous work that you have done so far as EU chief negotiator and would encourage you to stay the course in the commitment you have made to the European trade union movement on the LPF.

Wishing you the best of luck for these conclusive weeks and looking forward to receiving a fuller debrief when we meet on 15 December.

Sincerely

Luca Visentini



ETUC General Secretary