

Leon Brittan (1939-2015), Competition Commissioner 1989-1992

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Leon Brittan arrived in Brussels in 1989, still Mr Brittan, soon to be Sir Leon, as indeed he is still known there by the many non-Britons who admired him but couldn't quite understand the significance of his successive elevations and title changesⁱⁱ.

He was then 50 and had been Chief Secretary to the Treasury, Home Secretary and Trade and Industry Secretary in British Governments led by Margaret Thatcher. He joined the European Commission at the beginning of Jacques Delors's second term as President. Those were days of great optimism in the European Union, seen by many as a beacon of democracy and prosperity throughout the continent emerging from the divisions and fears of the Cold War. Europe was on the threshold of great changes, changes that Leon passionately wanted and fought for. He was one of the first to champion German unification, while others hesitated, and he argued forcefully for the expansion of the EU to welcome and consolidate new democracies across the continent.

The competition job was (and still is) a jewel in the Commission's crown. In the enthusiastic days of the early 1960s, Member States had seen fit to make the Commission a powerful competition authority, with extensive authority over anti-competitive agreements, behaviour and state subsidies. Building on the work of previous Commissioners, in particular his immediate predecessor Peter Sutherland, Leon set about applying the rules with rigour, vigour and not a little courage. Multinationals and Governments learned that the law was there to be obeyed. Boardrooms across the world began to understand that the European project to create a single market by 1992, the great deadline of the period, was not just a matter of harmonisation directives but also the fearless

implementation of elegantly simple competition rules.

What was missing in the competition toolbox was a regulation on mergers and Leon made that a priority of his first year. He built on the Sutherland legacy and set about revitalising and finalising the negotiation on the terms of what became the merger regulation. It was achieved by the end of 1989 and has transformed European business and law. But mergers were not his only priority. Policies on State aid and public services were revamped to create a modern framework for state intervention in the economy. The first wave of banking legislation was enacted; one can only wonder whether, if the momentum Leon created had been continued in subsequent years, Europe would have been better prepared to face the storm of the financial crisis in the 2000s.

In his second term, Leon took on responsibility for Trade. They were heady days of negotiations of bewildering complexity, combining politics, economics, law and diplomacy. And that was just within Europe. Leon was in his element, leading teams from the front, hammering out European positions and then taking the argument to the rest of the world. Throughout banana wars, the Uruguay Round, endless travel, all night sessions, gamesmanship, leaks and rows, Leon never lost sight of the goal: rules-based free trade under the rule of law. He pushed hard for freer trade

with the USA and was among the first to recognise the challenges and opportunities of the rise of China.

Leon pleaded a leading role in the completion of the Uruguay Round and the transformation of the GATT into the World Trade Organisation. He laid the groundwork for China's accession to that new organisation. Later, he was active as an investment banker in China and throughout Asia.

I saw Leon in 1989 from the vantage point of a young member of his team. I was frankly overawed by his intellect and his ability to grasp a complex subject quickly and then devise, advocate and implement a solution. He brought to his work energy, intelligence and mastery of complex briefs, accompanied by the debating talents acquired in universities (Cambridge and Yale), courts (he was a barrister) and the House of Commons (he was a Member of Parliament between 1974 and 1988). He inspired great admiration and loyalty in his friends and allies and grudging respect from his adversaries.

He read everything and savoured the battles of ideas in and beyond his portfolio. In those days before email, documents from the cabinet, the DG and elsewhere piled up every day for his attention. Whatever his diary said about dinners, flights or late meetings, all those papers came back the next morning with abundant handwritten comments in his inimitable scrawl. Meetings were sometimes difficult, often fun, as he turned his mind to the issues of the day. He listened attentively to everyone, from young officials to directors general, and made up his mind decisively when he had seen the evidence and heard the arguments.

He was neither the first nor the last British commissioner to be accused of "going native." He responded in the media and in his books, stressing that the opening of markets and

maintaining their competitiveness were tasks in the interest of all Member States, including his own. He spoke good French and German and had a fine understanding of European policy and where the European project was going.

His legal training and sense of detail made him formidable in argument. I recall a discussion at the beginning of his term of office in which a specific and rarely discussed treaty article was raised. A junior member of his cabinet began hesitantly to explain, but did not get very far. The Commissioner interrupted politely, saying that he knew what the article said and how it had been interpreted. He had, after all, read the treaties before taking office. And he really had, as the subsequent years proved beyond any doubt. The young cabinet member swallowed and could not help wondering how many other commissioners had prepared for their high office by reading the treaties from beginning to end.

The early 1990s saw tough but respectful arguments within the Commission about the future direction of Europe. Alex Barker, writing in the Financial Times in 2012, looked back at Brittan and his team in those days:

This manifested itself in pugnacious battles in Brussels – notably against Jacques Delors, the formidable Commission president – over anything from free trade and State aid to a strong merger control regime. The Brittan team were the vanguard of economic liberals”.

The Brittan and Delors cabinets were in a different league,” said George Ross, an academic given behind-the-scenes access to the Commission at that time. “They both thought they were on a crusade, and they were both extremely good. It was like watching a military battle.”

With his wife Diana, he was the focal point of the British community in Brussels. His cabinet

in the Commission worked hard and had fun too. I remember Diana teaching colleagues to play charades, while Leon tried to explain cricket to those unfamiliar with his favourite sport when preparing a speech to the MCC at Lords.

If not for Leon Brittan, Europe would have been more inward-looking, statist, nervous of trade and competition, scared of innovation. He was born in the darkening Europe of 1939. "Never again", said the post-war generation. Leon got down to work to turn slogans into reality. He did more to change Europe for the better than most of his generation and inspired great loyalty and affection in doing so. He did

so by mastering the process, fighting for his principles and persuading others by force of argument.

He had great personal charm and he and his wife Diana were popular figures in Brussels. His cabinets included a future Secretary-General of the Commission, several British ambassadors, Permanent Secretaries and Representatives, not to mention a deputy Prime Minister and several directors general. Various reunions took place over the years and plans were under way to celebrate his 75th birthday in Brussels when he fell ill. He died in London, where he was born, in a very different Europe, in 1939.

Sir Jonathan Faull, KCMG, was born in Chatham, Kent in 1954.

He previously spent 38 years at the European Commission (1978-2016) where he worked for many years in the Directorate General of Competition (1980-1999), from the starting grade to Deputy Director General. From 1989 to 1992 he worked in the cabinet (private office) of the competition Commissioner (Leon Brittan).

He was the Commission's Spokesman and Director General of Press and Communication (1999-2003), Director General of Justice and Home Affairs (2003-2010), Director General of Internal Market and Services (2010-2015) and Director General of the Task Force on the British referendum on membership of the EU (2015-2016).

He is Chair of European Public Affairs at the Brunswick Group and the author of many articles on European law and policy; co-editor of a leading work on European Competition Law; Visiting Professor, King's College London and College of Europe, Bruges; Emeritus Professor, Vrije Universiteit Brussel; Member of the Advisory Boards of the Centre for European Reform and the Institut Jacques Delors – Notre Europe.

He was knighted in the Queen's Birthday Honours in June 2017.

ⁱ European Commission 1978- 2016, DG IV 1980-1999. I have drawn on remarks I made at a memorial service for Leon Brittan in London on 26 May 2015.

ⁱⁱ His full title in the last years of his life was The Right Honourable The Lord Brittan PC QC DL, Baron Brittan of Spennithorne.