

Transitional arrangements

Paragraphs 9 - 21 deal with "Transitional Arrangements". Paragraph 9 specifically says

the four freedoms of the Single Market are indivisible and there can be no "cherry picking" which would not be the case if we had chosen the European Economic Area route and unilaterally invoked Article 112. Then there are paragraphs 12 - 18 which are so awful that I quote them in full:

12. In line with those guidelines, which further specify and develop the core principles laid out in the European Council guidelines of 29 April 2017, any transitional arrangements provided for in the Withdrawal Agreement should cover the whole of the Union acquis, including Euratom matters. Notwithstanding paragraph 17 of these negotiating directives, the Union acquis should apply to and in the United Kingdom as if it were a Member State. Any changes to the Union acquis should automatically apply to and in the United Kingdom during the transition period. For acts adopted in the Area of Freedom, Security and Justice by which the United Kingdom is bound before its withdrawal, Articles 4a of Protocol (No 21) and 5 of Protocol (No 19) annexed to the Treaties, which allow the United Kingdom not to participate in an act amending a measure by which it is already bound, should continue to apply during the transition period including the possibility for the Union to determine that this non participation would make the relevant measure inoperable and therefore that the measure should cease to apply to the United Kingdom. The United Kingdom should however no longer be allowed to opt-in to measures in this Area other than those amending, replacing or building upon the above mentioned existing acts.

13. During the transition period, Union law covered by these transitional arrangements should deploy in the United Kingdom the same legal effects as those which it deploys within the Member States of the Union. This means, in particular, that the direct effect and primacy of Union law should be preserved.

14. During the transition period, and in line with the European Council guidelines of 29 April 2017, the United Kingdom will remain bound by the obligations stemming from the agreements concluded by the Union, or by Member States acting on its behalf, or by the Union and its Member States acting jointly, while the United Kingdom should however no longer participate in any bodies set up by those agreements.

15. In line with the European Council guidelines of 15 December 2017, any transitional arrangements require the United Kingdom's continued participation in the Customs Union and the Single Market (with all four freedoms) during the transition. The United Kingdom should take all necessary measures to preserve the integrity of the Single Market and of the Customs Union. The United Kingdom should continue to comply with the Union trade policy. It should also in particular ensure that its customs authorities continue to act in accordance with the mission of EU customs authorities including by collecting Common Customs Tariff duties and by performing all checks required under Union law at the border vis-à-vis other third countries. During the transition period, the United Kingdom may not become bound by international agreements entered into in its own capacity in the fields of competence of Union law, unless authorised to do so by the Union.

16. In line with the European Council guidelines of 29 April 2017 and the first set of negotiating directives of 22 May 2017, any time-limited prolongation of the Union acquis requires existing Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures to apply, including the competence of the Court of Justice of the European Union.

17. In relation to the application of the Union acquis to the United Kingdom, the Withdrawal Agreement should therefore, during the transitional period, preserve the full competences of the Union institutions (in particular the full jurisdiction of the Court of Justice of the European Union), bodies, offices and agencies in relation to the United Kingdom and to United Kingdom natural or legal persons. In particular, Union institutions, bodies and agencies should conduct all supervision and control proceedings foreseen by Union law. In line with the European Council guidelines of 15 December 2017, the United Kingdom will however no longer participate in or nominate or elect members of the Union institutions, nor participate in the decision-making or the governance of the Union bodies, offices and agencies.

18. During the transition period, as a general rule, the UK will not attend meetings of committees referred to in Article 3 (2) of [Regulation \(EU\) No 182/2011](#) or Commission experts groups and other similar entities of the agencies, offices or bodies where Member States are represented. Exceptionally on a case-by-case basis, the United Kingdom could be invited to attend without voting rights such meetings:

– where the discussion concerns individual acts to be addressed to the United Kingdom or to United Kingdom natural or legal persons; or

– where the presence of the United Kingdom is necessary from a Union perspective for the effective implementation of the acquis during the transition period.