

**BETRAYAL: The Market Solution [EFTA style] as a transitional deal contrasted with the current May Transition Vassal State proposals jp/ed vF 23 5 2018**

Failings of the current transitional proposals

- 1) Decimates our fishing industry. We will still be ruled, in effect by the EU Common Fisheries Policy [CFP]. Discard ban & “relative stability” will put 60% of UK fishing fleet out of action. As we lose the derogation for the first 12 miles out, EU fisherman can plunder squid, and fish in this area as they are not covered by quota. Also, as UK will not be part of the EU, UK cannot use the EU’s agreement with Iceland and Norway to fish in their waters. See more on [fishing for leave website](#),
- 2) No guarantee that any replacement deal will be ready in 21 months. MPs like Jacob Rees-Mogg stated that they are prepared to put up with transitional deal for 21 months in the hope of a “good deal” in December 2020. This is most likely an illusion. The EU seeks only a bad deal for UK.
- 3) UK still subject to ECJ. UK must swallow all new EU laws whatever the effect on UK.
- 4) UK not allowed to limit or control EU immigration.
- 5) No clear legal basis for the transitional agreement. Article 4a of the draft withdrawal agreement says that “*The Parties shall, in full mutual respect and good faith,*” Good faith isn’t enough. The UK will be severely damaged in this period.[When there was a 23-day gap in the UK’s 10 year derogation which allowed our country to keep control of fishing up to 12 nautical miles from the shore, “good faith” should have meant that other boats kept out. Danish skipper Kent Kirk did not and his conviction for illegal fishing was overturned by the ECJ. We would end up with all manner of court cases, which would drag on for years].
- 6) No guarantee that third countries with whom the EU has signed free trade agreements will agree to continue to trade with the UK on the same terms. UK loses and everyone else wins.
- 7) UK will be force fed (without any opt-outs) the full EU *acquis* [all old and new laws] but with no representation or option to refuse.
- 8) UK has no solutions to the Irish border issues. The EU’s “fall-back” would essentially split Northern Ireland off from the rest of the EU, stuck in the EU’s Customs Union.
- 9) UK is considering some sort of UK EU customs union (or close association), seemingly unaware that it does not create frictionless trade. [At Kapikule on the Turkish-Bulgarian border, a delay of 14 hours is considered going by Turkish lorry drivers].
- 10) A customs union deals only with tariffs and is irrelevant to the main problems of mutual recognition, etc., which would be solved in a temporary way by the Market Solution or amended Norway /EFTA route.
- 11) There is no guarantee of achieving any success; indeed it is certain that any long-term withdrawal agreement would NOT be a clean break. The Vienna Convention on Treaties mentions “acquired rights” unlike Article 50 of the Lisbon treaty, which is a “clean break (The treaties shall cease to apply.) There is no guarantee that the terms of a transitional agreement would not continue be legally enforceable in international law after a final settlement is reached. The EU cannot be trusted not to insist that these transitional terms are not included in any long-term deal. Another blackmail point! In particular, the EU is demanding a large degree of control of UK fishing for ever and ever. This transition deal will surrender UK fishing for ever.

Why the EEA/EFTA route is better

- 1) Full control of fishing from March 2019. Good bye EU and its CPF. Hurrah! No need for quotas. We could implement the “Days at Sea” proposals from Fishing for Leave or other UK only proposals and be a world leader – a Brexit success story for a government desperately in need of good news. Having reclaimed fishing in March 2019, it would not

- only be unacceptable politically to cede control as part of a long-term deal, but it would also make it impossible for the EU to regain fishing rights without total UK agreement.
- 2) No role for the ECJ. The EFTA Court would replace it when it comes to dealing with international cases. The rules are different and there are no enforcement powers.
  - 3) We could follow Liechtenstein and immediately unilaterally restrict immigration from the EU. [There are national security provisions and the terrorist situation would permit this arrangement to continue for many years]
  - 4) No legal ambiguities as we would become new signatories to an agreement the EU has already signed. There will need to be an amended EFTA Treaty.
  - 5) Pressure reduced for signing long-term agreement whilst UK pauses to re-think on this EFTA stepping stone..
  - 6) We would not be liable for the European Central Bank or European Investment Bank.
  - 7) We would benefit from EFTA's free trade agreements which would cover point (6) of "failings" above.
  - 8) It would solve most of the problems with the Irish border (think of the Norway/Sweden border) as well as the Conformity Sanitary and Phytosanitary issues. Irish race horses will travel as they do today.
  - 9) We would only have to adopt about 15- 25% of the EU new Laws [the new acquis] - technical and relating to trade regulations – and most of those originate from global bodies upon which the UK will once more take an active part as an independent nation.
  - 10) We would not be in the Customs Union and could therefore start immediately negotiating trade agreements with other countries.
  - 11) We would become leader of free Europe and, working alongside Norway, Iceland, Switzerland and Liechtenstein, would form a bloc better able to fend off any EU attempts to muscle in.
  - 12) Our side could tell Barnier & Co to get stuffed or as the Scots would say "to think again" ,
  - 13) It would get through Parliament. This in many ways is the most important point of all. If Mrs May would adopt the EEA/EFTA option, she would be seizing the initiative back from Project Fear and Patriotism could re-enter the Westminster muddle. [This EFTA route has gained support of some MPs such as Dr Sarah Wollaston who is not prepared, in her words to "endorse economic ruin." In other words, the Customs Union amendment passed by the House of Lords has gained support from people who are not ideological Europhiles but who have not been presented with a sensible alternative. EEA/EFTA would split such people from the unpatriotic Federalist Brexit Wreckers, leaving them with very little support in the House of Commons.]
  - 14) Under EEA/EFTA, the UK would definitely be a free country on Brexit day in March 2019. Such an EFTA style arrangement and agreement solves most of the issues at a stroke. It would work well for the UK and benefit EFTA, whose existing members would welcome our membership.
  - 15) When we do leave successfully, perhaps Ken Livingstone might honour his promise made two years ago that he would leave the country if we voted for Brexit on 23<sup>rd</sup> June 2016. Who knows, he might even take Nick Clegg, Tony Blair, Peter Mandelson and many more Federalists with him!