

Mrs May's Flimsy Free Trade Agreement with the EU v2. Nigel Moore

Vassal State and No Sovereignty

If and when Mrs May, Mr Davis and the Department for (not) Exiting the European Union eventually sometime in the 2020s finalise a Free Trade Agreement (FTA) with the European Union (EU), it could make the UK powerless against EU hegemony. That means no Sovereignty in many areas of UK government but subjectivity to Brussels.

Let me explain. This situation could arise as a consequence of how the Single Market, the EU and our own Government, including the Civil Service, functions in reality.

As first stated in her [Lancaster House speech](#) 17th January 2017, Mrs May [recklessly](#) decided to leave the Single Market and the wider European Economic Area, EEA when it could have stayed for a short time in the EEA and EFTA [European Free Trade Area] with many benefits and less burdens than in the proposed Transition Deal.

Eg 1. Fishing would be free of the EU, as is Norway's. [Instead UK fishing is lost again] 2. There would be no blackmail departure sum payable of £50 Billion or so. 3. The EU Directives amount to only those that affect Trade, namely 20% of all EU Directives. [Instead of 100% as in the Transition Deal]

The position now will be that when the UK notionally leaves the EU on 29th March 2019 it will become an EU [temporary](#) or [permanent](#) Vassal State.

Ambitious Free Trade Agreement

In place of membership of the Single Market the PM proposes an ambitious Free Trade Agreement (FTA) to provide a continuation of existing stable 'frictionless' trade with other Member States of the EU and avoid trade 'falling off a cliff'. Here is the problem that she has always faced and hence the lack of progress. Trade deals with the EU are usually complex and slow to negotiate, taking several years. However, Mrs May and Mr Davis believe it can be negotiated and finalised in a matter of months, originally before we leave the EU, but now agreed with the EU to last from 30th March 2019 until 31st December 2020 (called by the EU the Transition Period and by Mrs May et al the 'Implementation Period').

In reality there have not yet commenced any TRADE NEGOTIATIONS at all!

The negotiating period for the FTA between May and September 2018 is very short and likely to be further truncated due to delays in fully agreeing the EU imposed Phase 1 conditions of the Article 50 negotiations for the [Withdrawal Agreement, itself](#) incorporating conditions for the Transition Period.

This is a recipe for concessions being made on the UK's side to the EU (as Mrs May becomes more desperate for a deal) and for mistakes being made that only show up later when both parties start implementing the complex and wide-ranging FTA. [Taking shortcuts and failing to adequately review

or fully 'bottom out' issues and their implications are likely to be the order of the day. This will lead to many problems in the future.]

Lack of UK Expertise and Preparations

The British negotiating side is further hampered through a general lack of motivation and expertise in intra-governmental negotiations within the UK Government, Parliament and Civil Service.

Why is that? After kowtowing to the EU and its executive (the European Commission) for 43 years, our government has lost much of the acumen necessary to govern a Sovereign country competently and responsibly. Competence built up over many years is easily lost, and it has been lost as all has been outsourced by the UK to the EU. Once that expertise was lost then it was and still is much more difficult to reacquire especially in a short period. In reality it is impossible.

The Civil Service having increasingly become a rubber-stamping organisation for EU directives, and lacking understanding what they are inflicting, do in reality even after the Referendum appear to prefer to remain under EU leadership. When in the EU, it made for a quieter decision-free and responsibility-free life. This seems to be the case on [defence](#) and [defence procurement](#) where the plan appears to become increasingly closely integrated with the EU. That is a betrayal of Brexit.

The EU negotiators, on top of their subjects, appear to be running rings around our negotiators, who are repeatedly caving in to their demands and agenda. The EU's negotiators are demonstrating a level of competence that is far superior to that of Mrs May, Mr Davis and Department for (not) Leaving the European Union.

EG; The excellent EU Notices to Stakeholders (set out in concordanceout.eu under [Brexit preparedness](#))* are not replicated on this side of the Channel. Nothing is so distributed. This is a very different position from when the UK joined the EEC. At that time over a year's detailed notice of preparation was given.**

A major consequence has been that the EU has effectively been in the lead all the time, setting the terms for the negotiations and setting demands far outside what they are reasonably entitled to. For example, [Article 50 negotiations](#) were originally intended to cover financial arrangements for a Member State leaving the EU, nothing more. Also they want to [control UK fishing](#) during the Transition Period through continuing the Common Fisheries Policy and afterwards by treating it as a common resource. The EU's position is becoming more uncompromising slipping in [further demands](#) outside those strictly necessary for trade. This UK Government is failing the UK.

The EU and the Single Market

Another major weakness on the UK's side is a lack of understanding of how the [EU and the Single Market](#) (or wider EEA) function. The aspirations of 'frictionless' trade through an FTA and a soft border on the isle of Ireland **cannot** be achieved by this route as (repeatedly) stated by the EU's side.

Leaving the Single Market (or wider EEA) on 31st December 2020 (when the Transition Period, for now, ends) makes the **UK into a 'third' country**, nominally outside EU control, and subject to the same treatment as any other 'third' country trading with the Single Market (or wider EEA). It is membership of the Single Market [in which EFTA are within] that delivers customs cooperation and

conformity solutions between Member States across a range of products and, therefore, frictionless internal trade (not membership of a customs union).

The EU's Guide to trade within the Single Market, Conformity, Inspections and Certificates

The EU's approach (to many products) within the Single Market is outlined in principle in *COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT [Enhancing the Implementation of the New Approach Directives](#)*, in more detail in the EU's [Guide to the implementation of directives based on the New Approach and the Global Approach](#) and encapsulated in EU law in *REGULATION (EC) No 765/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93*.

The EU's Guide in describing the processes involved and their overall approach, also provides an indication of where future problems could occur and how out of touch with the reality of the EU Mrs May and Mr Davis are.

Certainly at any time the EU Commission can ensure that new regulations for trade within the Single Market are unilaterally issued and so involve any Single Market products.

[Mutual Recognition of Standards](#) or an [FTA](#) will not make much, if any, difference, simply because the EU's negotiators will make sure they still require **CONFORMITY INSPECTIONS AND CERTIFICATIONS WITHIN THE EU**. They really don't have much alternative since to cave-in to UK demands would go against their direction of travel which has been set for many years and set a precedent that could be exploited by other 'third' countries. That direction includes free trade in all things as all EU Standards are the same and common to all Single Market countries.

Conclusions

There is no guarantee that we will get to a Free Trade Agreement. The Transition Deal and [Withdrawal Agreement](#) are still far from finalised, Trade negotiations have not even commenced and as the EU have stated many times 'nothing is agreed until everything is agreed'

However so far the PM has sacrificed UK fishing, military defence, £50 billion plus and agreed to continue to adopt ALL [not just 20%] existing and future EU laws in the hope of one day achieving a free trade deal.

Mrs May should have pursued faster, safer and simpler approaches to leaving the EU; by re-joining EFTA with special UK negotiated changes as required and staying for a temporary period within the Single Market but not and never within the Customs Union.***

Is it too much to hope that our latter-day Lady "Halifax" may yet metamorphose into a Churchill or the second Iron Lady which the UK so desperately demands. **"NO NO NO" is the only language which the EU understands**. They need to hear it loud and clear from our own PM otherwise she will soon be hearing it from our disgruntled voters.

- * See concordanceout.eu under BREXIT PREPAREDNESS Click for: [Notice to stakeholders audio visual 19 3 2018](#)
- ** Please see Letters by Edward Spalton on the CIB web site.
- *** [EFTA/EEA](#) explained in some detail in [Brexit Rest.](#)