

**The general nature of the information from the Department for (not) Exiting the European Union is poor and vague to the extent of being practically useless. Their [website](#), where comprehensive information and practical guidance on Brexit, and hyperlinks to further sources of information should be available, is more of a case study in superficiality, grandstanding and self-aggrandisement. No one answers any questions. IN TOTAL CONTRAST the BREXIT output AND CONCISE instructions from the European Commission setting out its increasingly uncompromising position, is clear, focused, technical and comprehensive.**

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This is a near repeat of an old article but it shows that there has been no progress, no preparations, and total treachery to the UK by this supine Government. A crash out still seems inevitable.

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The European Union (EU's) Brexit negotiators from Mr Barnier (chief negotiator) downwards must have long since realised that Mrs May, Mr Davis [now Mr Raab] and the Department for (not) Exiting the European Union are incapable of serious negotiations. Meaningful progress towards leaving the EU in an orderly way including suitable agreements, arrangements and infrastructure is practically non-existent; there is a mountain of detail yet to climb. What, then, can the EU do to rescue the process and Mrs May, since Mr Barnier has previously stated on more than one occasion that he can't negotiate with himself?

The view from Brussels must always have been be of a weak prime minister leading a fractious, divided party and government, who has a poor grasp of detail and instead relies on spin, wishful thinking and dithering. Even the output from the Department for (not) Exiting the European Union is poor and vague to the extent of being practically useless. Their [website](#), where comprehensive information and practical guidance on Brexit, and hyperlinks to further sources of information should be available, but it is not. There is not even a link to the European Commission's website on [Brexit preparedness](#).

**So whose job is it to help prepare the UK for Mrs May's early and uninformed decision to leave the Single Market and - by extension - the European Economic Area, EEA?**

By contrast, the output from the European Commission, setting out its increasingly uncompromising position, is clear, focused and comprehensive. Right from the beginning, the EU has been making the running. Its [dedicated website](#) illustrates the impressive (or terrifying) detail of their 'public' vision of where Mrs May and Mr Davis's Brexit is heading and the implications, which appear to look like 'falling off a cliff edge' to many UK businesses. Its advice to stakeholders ([available here](#)) repeatedly spell out, in as much detail as possible, what will undoubtedly happen across a wide range of activities and policy areas when the UK becomes a 'third' country after leaving the EU (on 29<sup>th</sup> March 2019) and the EEA.

It is quite likely EU officials often frustratingly ponder the question, "Do our British counterparts and their political leaders understand any of the real technical issues and do they actually care what it all means?"

The problem for our team of negotiators is that they do not seem to know and understand EU laws and regulations, their rationale and implementation. When do we ever hear the words

CONFORMITY, STANDARDS, SANITARY AND PHYTOSANITARY INSPECTIONS AND CERTIFICATES, NOTIFIED BODIES? Answers to these are essential if the UK government is to develop appropriate strategies, negotiating positions and challenges to the EU's tough, logical and systematic stance. The EU must and will protect their Internal Market. The EU will set up customs and inspectorates on borders with the UK

EU have helpfully agreed in principle as a matter of practicality to a transition period limited to 21 months which is necessary to give Mrs May time to negotiate a free trade agreement. In reality, much longer is probably needed. However, the EU's terms for this transition period - which have still not been agreed - would be very unpopular in the UK and thus may never be accepted given Mrs May's weak position in Parliament. The EU's terms would make the UK into a [temporary](#) or maybe even [permanent](#) EU Vassal State where [Brexit means Brexit in name only](#).

Crashing out of the EU without transition arrangements and not having any form of mitigation of the consequences of 'third' country status (the "cliff edge", in other words) is becoming increasingly not just likely but inevitable. At last even the BBC has woken up to this yet the few basic questions from the TODAY team on 20 7 2018 are still not answered by the government.

The European Commission is well aware of political developments in the UK and of the consequences of no deal scenarios (given the detail on their [website](#)). Its negotiators also have to confront the contradictions in Mrs May's position. Frictionless trade (as required by Mrs May and Mr Davis and no doubt Mr Raab as well) is not possible as a 'third' country outside the Single Market (and the EEA).

Time is running out for businesses both here and in the remaining 27 Member States of the EU to adjust. Time is also impractically short to put in place new facilities and legislative frameworks needed by a 'third' country such as border inspection points, designated entry points and the recruitment and training of inspectorates, customs and other necessary staff.

What can the EU do, if it is so disposed or there is some behind-the-scenes collusion going on, to extend Mrs May a lifeline and avoid the 'cliff edge'?

Any EU-sponsored lifeline needs to protect their interests. It has to operate within the EU's objectives, legal framework, and established practices so sacrosanct to the survival of the Single Market. Solutions mustn't 'rock their boat' or set any potentially disadvantageous precedent. It also needs to be sellable across a wide range of opinion in the UK, addressing as far as possible rational fears and aspirations.

Is it crash out as UK politicians have proved to be so unreliable?

Is it now too late for the real and only viable option for an EU-sponsored lifeline is to facilitate the UK re-joining the European Free Trade Association (EFTA) and use this as a basis for retaining membership of the EEA for at least the transition period?

Could the European Commission be seriously evaluating the EFTA/EEA route for transitional arrangements for the UK, as noted by an EFTA Court judge (Mr Carl Baudenbacher) giving [evidence](#) to the Commons Committee for Exiting the EU on 7<sup>th</sup> February 2018 and reported in the Telegraph [on-line](#).

The EFTA/EEA option is not perfect, but as a holding position while something better is negotiated, it is much better than the transitional deal currently on offer. But would it be permanent?

1 Hard Brexiteers could be won over by the facility to control immigration through unilaterally invoking Article 112 (the Safeguard Measures) of the [EEA Agreement](#). Further, the EFTA route to EEA membership gives members outside the EU a say in EU legislation affecting the EEA, is largely free (although 'voluntarily' Norway does contribute to regional development funds) and is outside the jurisdiction of the European Court of Justice (ECJ).

2 The EEA *Acquis* or body of law is about a quarter of the total EU *Acquis* since it only relates to successful functioning of the EEA. In other words, the *Acquis* covers issues relating to trade. EFTA members can make their own trade agreements with other countries. Membership of the EEA solves the problem of maintaining a soft border in Ireland between the Irish Republic and Northern Ireland. It also gives us full control of fishing in our Exclusive Economic Zone. The EFTA/EEA option allows in practice near frictionless trade between the UK and the EU to continue.

3 The EEA agreement (for EFTA members) can be adapted to suit their interests. Thus the UK (within EFTA) could get a customised version.

### **CONCLUSION [as of Feb 2018 and as of July 2018....no progress and no change**

A. We cannot know what the European Commission is covertly doing and how far its efforts, if any, have progressed to save Mrs May, the UK and the EU from her folly.

B. Even Mark Carney warns the EU of great financial damage brought about solely by the EU, as the EU regulators are themselves failing to prepare for a disorderly Brexit. That event will see the EU and the UK heading for a £29 Trillion Derivatives contracts crisis. The Banking system will need years to resolve the issues and only the EU can solve them. Yet the EU is maliciously using the crisis to drive business from the UK to the EU regardless of the risks and damaging impact. [see: The TIMES p 38-39 of 28 June 2018]

C. If Mrs May does not change her decision to leave the Single Market, then we all know that there will be a No Deal, a Crash out Brexit and so suffer the disaster that Mrs May now seems so determined to inflict. However, distasteful though it may be to many, it can be avoided even at this last minute through re-joining EFTA as a stepping stone to freedom and true BREXIT.

D. Can we ever trust our politicians again?