

The government should not sign the draft Withdrawal Agreement with the EU

By JOHNREDWOOD | Published: AUGUST 10, 2018

I have advised the government not to sign a one sided Withdrawal Agreement. They have always confirmed they will not sign it unless and until it is balanced by a good Future Partnership Agreement, which is still nowhere to be seen. I need to remind them why the present draft Withdrawal Agreement is thoroughly unsuitable for the UK anyway.

The UK voted to leave the EU and its complex binding legal Treaty architecture. We will do so thanks to Parliament passing the Notification of Withdrawal Act and the EU Withdrawal Act. We did not vote to recreate much of the legal structure by immediately signing a new binding Treaty with some of the characteristics of the one we are quitting. The long and complex document is mainly written for the benefit of the EU, to lock the UK into continuing financial and legal obligations that are not appropriate to an independent country.

Several clauses assert the supremacy of European law and the ECJ. The EU side believes any such Agreement is ultimately a matter for the ECJ to interpret. Article 4 requires the UK and UK courts to follow ECJ decisions when taking cases under the Agreement. The Joint Committee to be established to police the Agreement can refer matters to the ECJ for adjudication where the two parties disagree, and the EU side thinks they should have the right to do this even where the UK does not want the ECJ involved!

Extensive rights are to be granted under the Agreement to EU nationals who come to the UK after we have left but are still in transition, and family members qualify after we have left even though they have not come to the UK prior to departure. In other words the UK does not have the right to decide its own borders policy after departure for many EU citizens.

The draft Agreement also seeks to restrict the UK's freedom to run its own benefits policy after March 2019.

The Agreement is wide ranging, seeking to bind us in to elements of the common Home and defence policies, trade and goods regulation, public contracts and various regulatory bodies.

It offers comprehensive immunities and exemption from UK taxes to a wide range of senior EU officials, and provides for secrecy over various EU matters.

The financial provisions are particularly detailed and onerous. Clauses 133-6 provide for continuing budget contributions and pension payments long after we have left, with prolonged exposure to the European Investment Bank risks without access to any new loans.

We voted to leave intimidating legal restrictions and Agreements like this one, not to volunteer for another.