

# **It's hard to believe our government is putting us in such a vulnerable position**

**John Ashworth of Fishing for Leave, who has campaigned tirelessly to Save Britain's Fish from the EU says; It's hard to believe that our own Parliament is going to place us in such a vulnerable, dangerous position with a transition. He writes:-.**

Ever since Michel Barnier was appointed to lead the Brexit negotiations for the EU he has been clear and precise. Unfortunately, neither the UK Government nor the mainstream media have taken the slightest notice in what he is saying.

In his press statement of 20<sup>th</sup> December 2017, Barnier laid out the procedure the EU wants the negotiations to follow as everyone moves on to so-called "Phase 2":-

- By October 2018 a withdrawal agreement and a new treaty to cover only the transitional period should be in place, in order for time to get these through the various bodies by the end of the Article 50 process on 29<sup>th</sup> March 2019 when the UK leaves regardless.
- The Article 50 of TEU allows the negotiation of the withdrawal agreement, which must be completed on time or else there will be no agreement, whether including a transition period or not.
- The new treaty to be agreed will come into force on 30<sup>th</sup> March 2019, and I suspect it will be the reverse of an Accession treaty, with transitional derogations.
- This is where it gets a little complicated. At 23:01 of 29<sup>th</sup> March 2019 the UK will have left the EU and will have become a "third country". Apart from Barnier's talk

of a treaty, no one has provided any other detail, so we have to make a guess as to what will happen next.

- You can't leave the EU, take up third country status, and then carry on as if nothing had happened until 1st January 2021.
- So the new Treaty which will cover the withdrawal agreement will come in to force in tandem with the EU (Withdrawal) Bill. Together, these two pieces of legislation would, I suspect, enable us to carry on trading, as we do at present, although it will be only for a fixed period covered by a time-limited transitional derogation.
- On 1<sup>st</sup> January 2021, the derogation will cease, and either a new EU/UK trade agreement treaty will be created, or added to the new treaty otherwise it is possible the UK will be in the same position as we are under Article 50 with the transition coming to an end and no future agreement in place.

The transition period means we will be no further forward than now but will have left the EU and in effect re-acceded to obeying all EU law under our own steam.

This means Parliament will have taken back control only to give total control of all the UK's affairs from 30<sup>th</sup> March 2019 to 1<sup>st</sup> January 2021 back to the EU even though we have officially left.

Meanwhile, the UK government will bang on about a "deep and special relationship" and the wonderful trade deal we will get, yet at the same time, the European Commission and Parliament have both made it very clear that we will be treated like any other third country while at the same time we would be trapped as a vassal state.

**It is hard to believe that our own Parliament is going to place us in such a vulnerable dangerous position.**

What are the electorate going to say and do when they find the UK trapped in obedience to EU law, locked out the rest of the world as we have agreed to do so?

With the EU able to claim 'continuity of rights established' as the UK undid the clean slate of Article 50 by agreeing to continue obeying EU law after leaving? This is not what the British people voted leave for anything but Brexit.

The government cannot even get their terminology correct. "Transitional" is the word the EEC/EU has used since our 1972 Accession Treaty, so why is the government using entirely different terminology by talking about an "implementation" period?

Both the Prime Minister and David Davis claim that the plan for a transitional (or implementation) period was first mentioned in the Lancaster House speech of 17<sup>th</sup> January 2017. Michel Barnier, however, claims it was first raised in the Florence speech and this appears correct.

Mrs May said in Florence; *"As I said in my speech at Lancaster House a period of implementation would be in our mutual interest. That is why I am proposing that there should be such a period after the UK leaves the EU"*

But what she said in the Lancaster speech was; *"I do not mean that we will seek some form of unlimited transitional status, in which we find ourselves stuck forever in some kind of permanent political purgatory"*

Here, Mrs May uses "transitional" the commonly used word of the EU since 1972 for such a situation, so why switch to "implementation" if there is not a difference of meaning? No one seems to have offered us any real answer.

In the House of Lords Select Committee session of 13<sup>th</sup> December 2017 asked what the difference was between transition and

implementation but was not given an answer – what is the government missing or trying to hide?

In the Florence speech, she continued; ***“we believe a phased process of implementation, in which both Britain and the EU institutions and member states prepare for the new arrangements that will exist between us will be in our mutual self-interest.”***

This all sounds very confusing, but I believe the key to Mrs May’s thinking remains the words in her Lancaster House speech: ***“I want us to have reached an agreement about our future partnership by the time the two-year Article 50 process has concluded”***

I take this to mean that she wanted an agreement concerning a long-term future arrangement concluded by Brexit day, which will be 29<sup>th</sup> March 2019. She did not mean that only a withdrawal agreement would be in place by that date, with a trade deal to be discussed during a transition.

She continued; ***“From that point onwards, we believe a phased process of implementation, in which both Britain and the EU institutions and member states prepare for the new arrangements that will exist between us will be in our mutual self-interest”.***

***“For each issue, the time we need to phase-in the new arrangements may differ. Some might be introduced very quickly, some might take longer.”***

Her original objectives seems to be the very opposite of the direction in which we are now heading. Caused by so much time being wasted as the government deluded itself that adopting all EU law onto the UK statute book alone would be enough rather than cracking on with new UK policy to allow the UK to be entirely independent at the end of Article 50.

Instead of applying for an extension to Article 50 of TEU the

Government has chosen formally to leave the EU at 23.00 hours on 29th March 2019 but then hand over our governance back to the EU, with no representation, and accepting all the institutions of the EU.

This is a situation far worse than anything we suffered during our 44 years of membership and all for the hope of a trade deal which still may not be ready to be signed in time.

The worst feature of this proposal is that during those 21 months the EU has been clear that the UK would have to accept any new EU legislation that comes into force during those 21 months.

### **Commission 830 – Final ANNEX 1 to the Recommendation for a Council Decision**

1. Any transitional arrangements provided for in the Withdrawal Agreement should cover the whole of the Union *Acquis*... the Union *Acquis* should apply to and in the United Kingdom as if it were a Member State. Any changes to the *acquis* should automatically apply to and in the United Kingdom during the transition period.

### **Donald Tusk – Phase 1 talks – 8<sup>th</sup> Dec. '17**

*“As you know the UK has asked for a transition of about 2 years while remaining part of the single market and customs union...during this period the UK will respect the whole of EU law including **new** law”.*

However, David Davis was very evasive when questioned about this during the select committee session of 25<sup>th</sup> October 2017:

**Question 89 – Mr Djanogly:** *During that period, will the UK have to accept new EU laws made during that period?*

**Answer – Mr Davis:** *One of the practical points of this, which anybody who has dealt with the European Union knows—as you will have done, I guess—is that it takes two to five years*

*from inception to outcome for laws to make it through the process. Anything that would have any impact during those two years we are talking about will already have been agreed with us in advance. Anything that happens during it will be something for subsequent discussion as to whether we propose to follow it or not. That is where the international arbitration procedure might become important.*

Mr Davis thinks we will have some choice, However, M. Barnier, made it very clear in his speech of 20th December 2017 there will be no cherry picking; we will have to accept EVERYTHING during transition period, including legislation currently in the pipeline.

This is a rather complex and technical subject, but I hope I have been able to convey just how dangerous this “transitional period” is. Our fishing industry would still be stuck with the disastrous Common Fisheries Policy (CFP) but worse, as the EU could move the goalposts to it's own advantage to cripple what it left of Britain's fishing fleet and coastal communities.

If the EU can clear the UK fleet from the seas it can then invoke Article 62.2 of UNCLOS which says;  
*Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall ...give other States access to the surplus of the allowable catch.*

**If the government signs up to a transition it would not really be Brexit in anything other than name only as the UK would become a vassal state.**