

How to uncouple ourselves from the EU's quangocracy

The Red Cell's latest research looks at the EU's hidden layer of administration and governance. *The Tangled Web: Dealing with EU Agencies after Brexit* reflects on a massive growth industry in the EU. Today, Euroquangos employ 15,000 people and operate a budget of €10.1 billion. Clearly, this is not small beer territory but high ABV % Burton on Trent land, and should be an area of considerable focus for Brexit planners.

Their interpretation will clearly vary from case to case. Some institutionally are straightforward duplicates of national counterparts, undertaking missions that currently have minimal or a shared treaty foundation, but whose simple existence provides cover for the Commission or MEPs to justify their own ambitions to gain greater powers down the line. By contrast, a small number of others generate output that has a direct bearing on the interoperability of certain sectors. The question that arises in the latter case is therefore: can the same effect be duplicated by setting up an external liaison mechanism, and by providing legal cover for existing agreements to transition into bilaterals?

In most cases, it would appear to be so. The assessment reached is that of the 53 Agencies, only two merit something approaching formal UK affiliation; eight require a liaison role through a form of "Strategic Association"; while the rest (all 43 of them) can be dealt with by checking their website and picking up the phone. Clearly, much is dependent on how quickly legal bridges can be constructed to span those areas where treaty continuity is essential after Brexit, though in most cases a preliminary review would suggest this is an issue of specifics rather than generic concern.

So what then should be the guiding principles used to drive

the audit, and what do ministers and civil servants need to plan around conceptually? The Red Cell report identifies seven themes.

In the first instance, association should default to the most minimalist level, unless a practical need for closer administrative cooperation is proven. What can be achieved by a phone call or monitoring a web site should be left at informal intergovernmental level. The default should not be to begin with where we are at now, if we are to make the most of the opportunities of Brexit.

Secondly, planners need to appreciate why that concept of institutional distance is inherently desirable. Euroquangos constitute an enduring element of political risk, owing to the strategic objectives of the EU. They are also a long term distraction and complication for UK delegates sitting in those international bodies that generate trading standards and which should constitute the priority arena.

Meanwhile, the nature of future cooperation should not be set up in such a way as to give one part of Whitehall a courtier's monopoly. That risks generating a vested interest held by one department, supporting the body accruing powers at the expense of competing departments, but at actual cost to collective sovereignty.

Priority should be given to points of liaison that focus on cutting and pre-empting technical barriers to trade.

Fifthly, the money issue. *Juste retour* should apply: the funding of programmes should, taken collectively, be cost neutral in terms of the budget that comes back. The UK should no longer be subsidising expenditure done in poorer EU states – unless, that is, the Government is planning on taking those net sums off the 0.7% international development target, which one doubts.

Sixthly, any cooperation should not include automatic

obligations for the UK to legislate, which must be the preserve of Parliament. As a future paper by the Red Cell will explore, the UK also needs in the interim to develop better mechanisms for monitoring how global standards are set, as it becomes closer in the food chain to the standards being set at their global source.

Finally, and associated with that theme of good governance, while UK quangos may in some cases initially take over from Euroquangos as a default, change must not end there. An opportunity exists for significant reforms of the national system of off-books government, with powers returning to more direct democratic supervision through ministers within departments, greater Parliamentary oversight, devolution to regional government level (and, importantly, beyond), and more direct legislative responsibility and accountability.

The EU Agencies collectively constitute a huge subject matter spanning the concerns and output of most government departments. To do the subject(s) justice, each Agency merits a paper in its own right. No doubt Whitehall is already well into the process of doing just that. Hopefully though, this research will encourage auditors to be justly bold in their approach and not take the assumed 'benefits' of current affiliation at face value. Otherwise, our fleet of Euroquangonauts will be orbiting us in great cost and numbers for a long time yet to come.

(this article originally appeared on the Brexit Central website and is used with permission)