

# Why Parliament must reject May's dodgy deal

*The government has been ploughing taxpayers' money into propaganda ads on social media and in newspapers pushing the Withdrawal Agreement. But unsurprisingly, they withhold essential information. In this article, **Brian Mooney**, Editor of the Resistance newsletter, summarises the main reasons why Parliament must reject May's dodgy deal. Although most media attention has focused on the Northern Ireland backstop, that is only one 'nasty' amongst many...*

In November, UK and EU negotiating teams produced a Withdrawal Agreement (WA). This defines how the UK will leave the EU and the short-term relationship to 2020 (the "transition"). But the WA has been received so badly that before Christmas the PM pulled a Commons vote that she was certain to lose heavily. The vote is now due to take place on Tuesday 15 January, although don't rule out a further postponement if a heavy defeat still looks likely in the days before the vote.

Just how bad is the WA? Most media attention has focused on the Northern Ireland backstop, but that is far from the only 'nasty' lurking in the WA. There are some good explainers from Dr Lee Rotherham, UKIP, and the European Research Group, with my pick being from Briefings for Brexit (in-depth and on farming). Below I summarise the main horrors concealed in the WA that the government would rather you didn't know about.

♦ **No independent escape.** Franklin Dehousse, a former EU judge, revealed that the EU had smuggled permanent measures into what was supposed to be a temporary agreement. The UK will have no independent escape from the 'choice' of extended transition or the hyped 'backstop' (covering customs and Northern Ireland issues). Both impose EU control.

It is an act of faith that the EU, which has acted in such a heavy-handed way, will somehow just let the UK walk away without a further price to pay. Why would it? The PM is scurrying to find assurances to convince sceptical MPs while the EU refuses to change the substance of the WA. Commission Secretary-General Martin Selmayr has been reported as bragging that “losing Northern Ireland” would be the “price” the UK has to pay for Brexit.

♦ **A border in the Irish Sea.** The backstop contradicts the PM’s assertion that there will be “no border in the Irish Sea”. It creates a tax border between Northern Ireland and the rest of the UK. A “UK Movement Certificate” for goods exported from mainland GB will be required.

♦ **Contravenes the Good Friday Agreement.** In several areas, the UK or bodies established by it, such as the Northern Ireland Assembly, are to be banned from law-making. So much for respecting the Belfast (Good Friday) Agreement! Perversely, no UK body will be allowed to carry out any checks on farming in Northern Ireland, including those needed to stop the spread of diseases.

♦ **Still tied to the CAP.** Far from removing the UK from the shadow of the failed Common Agricultural Policy, the UK will be barred from deciding the level of support for farmers in any extended transition. Instead, the EU will actively require them to be disadvantaged. Under the backstop, agriculture would remain an exclusive EU competence UK-wide after Brexit.

♦ **Still under EU regulatory control.** The EU will be able to impose harmful new laws during transition e.g. an EU Financial Transactions Tax. The UK must transpose certain EU directives on taxation and follow EU rules on business taxes.

♦ **EU controls our trade policy.** The EU can effectively decide our trade policy with the UK having no right to be consulted or to vote on any trade remedies (sanctions). It may enter

into agreements with third countries which give access to our markets, without the UK having reciprocal rights.

♦ **Still under EU rulebook.** The EU will be able to force “non-regression clauses” to deny UK businesses a chance to remove burdensome regulations and thus gain competitive advantage. The EU will also rule over competition issues. This is about as far from a level playing field for business as you can get: the EU will be providing the pitch, the rule book *and* the referee!

♦ **Still under ECJ control.** The European Court of Justice (ECJ) is to make binding judgments on whether the UK has complied with its WA obligations. This would seem to trump any rights the UK would have in global bodies such as the WTO or ICAO that have previously overruled the EU.

♦ **No independence until 2029?** The European Commission can bring any action against the UK to the ECJ under this wide-ranging agreement for up to 4 years after transition. It is expected that transition would extend past 2020, either because of the time taken to conclude a free trade agreement, or because it will suit the EU to drag its feet in the interest of continuing control. A 2022 completion date could leave the UK exposed until at least 2026, with the threat of arbitrary and even unlimited penalties hanging over our heads for however long it took a case to conclude. A further 2-3 years is possible – leading us up to 2029, around ten years after ‘Independence Day’.

♦ **Pay with no say.** During transition, the UK would have to pay, with no say, towards EU defence initiatives, and towards the Galileo/space programme – but with our suppliers restricted from bidding from contracts. The UK will also be liable for EU spending commitments made in 2021, after the advertised target date for completing transition! Should transition extend, the UK’s contribution and ongoing liabilities will be decided by EU bodies. This hardly lives up

to the PM's hyped 'vision' of taking back control of our laws and our money. Economics Professor David Blake has asked, "Was the Withdrawal Agreement drafted by civil servants seeking to make remaining in the EU look attractive?"

♦ **Dubious legality.** The WA is of dubious legality. The EU has hardly negotiated in good faith as required by the UN Charter. The WA fails to respect the Barcelona Declaration upholding sovereignty and territoriality, or an agreement on human rights. Dehousse also warns that under international law, the EU cannot impose conditions that will make Brexit impossible or extremely difficult. The Attorney-General expressed doubts on whether the WA complied with EU law. Despite a 'contempt of Parliament' motion, he has only released legal advice on the backstop and not on the wider WA – what has the government got to hide?