

The Priority Papers

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1 – Control Over Laws

The issue

To be a self-governing democracy, British citizens need to be able to elect, and remove, the people who make their laws. This is not possible within the EU, where laws are proposed by the European Commission. This means that the British people are bound by laws decided on a European level, by institutions over which they have no control.

Relevance to honouring the referendum vote

According to opinion polls, this lack of democratic sovereignty was the primary reason for the majority vote to leave the EU, in order to regain democratic control by returning power to the UK Parliament.

Current government policy

Current government proposals, as outlined in the Chequers agreement, would prevent control over our laws, locking us into a 'harmonised rulebook' for goods, with 'consequences' if we diverge. It also includes threats of 'action' that may result if we do anything to gain an 'undue competitive advantage', in other words what any normal independent state should be able to do.

Indeed, government policy is in many ways proposing a worse situation than the status quo. The Withdrawal Agreement would have the unacceptable result of Britain ceasing to be represented in the EU's law-making institutions but continuing to have to abide by its rules, the worst of all worlds.

Change in policy required

The Chequers proposal, which remains government policy, would place the UK under continued EU rule-making, officially for rules on goods and agri-food, but in reality for a large swathe of services. This means much of the UK economy would be regulated by a major competitor, in whose institutions we would now have no representation.

Advantages of this change

This will have the immediate benefit of restoring democratic accountability to the British political system. To not do so would be to risk the disillusionment of voters, impatient to see the tangible benefits of Brexit. From this position we would be at full legal autonomy to negotiate free-trade agreements with not just the EU but also with other sovereign states around the world.

2 – ECJ Jurisdiction

The issue

The ECJ is a decision-making body that is the ultimate interpreter of EU law, often reading meaning into laws that goes beyond the intentions of the politicians that passed them. One of the ECJ's purposes under the treaties is to promote and enforce the interests of the EU, with a bias towards further EU integration. Thereby it does not represent the national interests of the UK.

Relevance to honouring the referendum vote

A central part of the wish to 'take back control of our laws' is to end the jurisdiction of the ECJ in Britain. British voters wish to see the UK Parliament and the UK Supreme Court as the highest legal authorities in the land, which is needed for legal sovereignty to be returned to the UK.

Current government policy

Under the Chequers proposals, whilst UK courts will not be able to refer cases directly to the ECJ, the jurisdiction of the ECJ over the UK will continue. UK courts will be required to pay 'due regard' to ECJ judgments concerning the 'common rulebook' for goods, but there will be no obligation on the ECJ to pay any regard to UK courts. If UK courts do depart from the ECJ's interpretation, the European Commission will be able to refer the matter to an international arbitration body, which will be required to ask for an ECJ ruling: this will be applied to the UK.

Change in policy required

Instead, future arbitration between the parties should be independent of both parties. This is simply normal international convention. For example, the EU's own free trade agreement with Canada (CETA) involves a three-member panel, where each party nominates one of the arbitrators with a neutral chairman. An alternative is to submit disputes to a neutral permanent international court, such as the International Court of Justice.

Advantages of this change

Professor Franklin Dehousse, a former ECJ judge, has warned that the Chequers proposals could 'create an incredible legal vipers' nest' where the UK would be 'bound by a judicial authority where it is not represented and whose judges would be appointed by its potential opponents'. A neutral arbitration mechanism would avoid this detrimental outcome for British

business and deliver on the pledge made to the British people to regain control of our laws.

3 – Indefinite Common Rulebook

The issue

The Chequers White Paper refers to a 'Common Rulebook' with the EU for the UK's goods and agri-food.

The ability to set one's own regulations means control over the vital rules that determine how an economy functions. The inability to set these means being unable to create a competitive economy to generate improved economic growth, and being unable to sign advanced trade deals, because regulations need to be on the table for leverage in negotiations.

Relevance to honouring the referendum vote

Harmonisation would prevent us deciding our own regulations – which means part of our own laws – and tie us to the EU's. Being under EU rules but without representation in its institutions would also give the EU every opportunity to make regulations that discriminate against our companies, in favour of their own. Even within the EU, Sir James Dyson has already described this in the EU's standards, which discriminate against his more innovative products. We would be handing the EU power over a major competitor's economy, and our entire manufacturing sector. The government has committed Britain to continued harmonisation with EU rules.

Current government policy

The Prime Minister once recognised this. In her Lancaster House speech, she described how Brexit would mean legal independence through an end to ECJ jurisdiction in the UK, and that the UK must be free to execute an independent trade policy. In her Mansion House speech, she also stated that this meant our regulations would 'achieve the same outcomes' as EU law – but need not be identical. Under Chequers however, the UK will harmonise with EU regulations now and for future regulations over which we will not have control. But this 'common rulebook' will waste the great opportunity of Brexit.

Change in policy required

There will doubtless be costs associated with leaving the EU – we have heard a lot about those – but that is precisely why it is urgent to ensure that the benefits of Brexit which come entirely and only from an independent trade and regulatory policy are preserved. This means we must be able to improve our own regulation, and act decisively to lower trade and behind the border barriers in other markets, through trade agreements and through the WTO. The question is whether we lock ourselves into stagnation.

While a tariff might make an import or export cost more, a regulation can prevent a product being made at all. Bad regulations can stifle whole areas of

innovation. While the UK has been in the EU, its regulation has already done us serious harm. And regulations for goods and agri-food would also mean in areas like how they are marketed and advertised, and health and safety regulations.

Advantages of this change

In a developed economy like ours, innovation is a leading source of economic growth. That is why the freedom to set rules which drive growth, not suppress it, while improving consumer welfare and making us all better off, is a hugely important question. The current alignment of rules between the EU and UK also gives both parties a unique opportunity to grant each other 'recognition' on day one for ease of trade, allowing rules to diverge afterwards, provided they meet the same aims. So instead, the UK can make an open offer to Brussels: we will recognise your regulations and import from you, and expect you to do the same.

The economic opportunity before us is great. If we don't take it, Britain will be a rule-taker, with our country failing to grasp the opportunity before us for much greater prosperity.

4 – Chequers Constitutional Failures

The issue

The Ministerial code states: “Ministers also have an obligation to ensure decisions agreed in Cabinet and Cabinet Committees (and in write-rounds) are implemented. Ministers should take special care in discussing issues which are the responsibility of other Ministers, consulting ministerial colleagues as appropriate.” This refers to the collective responsibility of Cabinet, which Chequers appears to have breached.

Relevance to honouring the referendum vote

Theresa May announced at Lancaster House the broad policy direction of Brexit, which included leaving the Single Market and the jurisdiction of the ECJ, and striking a free trade agreement with the EU. She later clarified that the UK would leave the Customs Union.

However, according to Stewart Jackson, former Special Adviser to David Davis during his time as Secretary of State for Leaving the European Union, the Cabinet Office Europe Unit “unilaterally” decided to abandon the “Canada plus” free trade agreement, declaring that in their opinion it was “non-negotiable”.

Current government policy

The collective view of Cabinet was that whilst leaving the European Union, a negotiating priority would be to establish a Free Trade agreement with the EU. In coming up with the Chequers proposals, Theresa May dropped her obligation to ensure the decision of Cabinet was implemented, and failed to discuss issues relating to leaving the European Union with the Secretaries of State and ministers responsible.

Change in policy required

Government should revert to its earlier commitments made at Lancaster House and abide by the Cabinet decisions on how to leave the EU.

Advantages of this change

The Government would be able not only to restore collective responsibility, which is the required method of Cabinet government in the UK, but to return to the position it promised the electorate at the last General Election, and in the Lancaster House speech, including leaving the Single Market and ECJ jurisdiction, which the current Chequers proposals would break.

5 – Northern Ireland

The issue

When the UK leaves the EU in March 2019, the border between Northern Ireland and the Republic of Ireland will become a border between different customs and regulatory regimes. It is claimed that this has the potential to necessitate visible checks and infrastructure.

Relevance to honouring the referendum vote

The issue of the Irish border has been used as leverage by the European Union to keep Britain in its regulatory orbit, by using the claim that this necessitates the UK, or Northern Ireland, remaining in the customs union. This would prevent British businesses gaining a competitive advantage.

Current government policy

The negotiations between the UK government and the EU have so far centred on the EU's insistence on a 'backstop arrangement' as a way to ensure that there is no hard border in Ireland in the event of no-deal. The UK government has chosen to negotiate on these terms with the essential disagreement being whether the whole of the UK economy, sectors of the UK economy or just Northern Ireland should be subject to EU customs and regulations. All three options would mean the UK economy remaining under EU regulatory control, however.

Change in policy required

The reality is that a hard-border will only be imposed if the EU chooses to do so. Instead, the 'maximum facilitation option' will allow lorries to cross the border without stopping. Businesses will be able to register and have their trucks cross freely under an Authorised Economic Operator status, checked by automatic number plate recognition technology at the border. The vast majority of EU-UK customs clearances would be done in advance through pre-registration. Numerous experts, such as Sweden's former head of customs Lars Karlsson, have given their support to this.

Advantages of this change

This arrangement will have the advantage of ensuring that the whole of the UK is outside of the EU customs and regulatory regime. This will allow us to re-establish autonomy over these areas – this is crucial for negotiating international trade deals. It would also have the advantage of retaining the territorial integrity of the United Kingdom whilst minimising disruption to trade and travel within the island of Ireland.

6 – WTO Independent Global Trading

The issue

'No deal' does not mean a 'cliff edge', or 'crashing out'. It does not mean shortages of products, or some kind of national failure. In fact, an outcome in which the EU rejects a free trade deal with the UK means that we would trade under World Trade Organisation (WTO) rules: these are the rules which we and the EU are already bound by. All the EU's trade outside the EU is conducted under WTO rules. However, on departure, we would become a full voting member of the WTO alongside the USA, China and the EU.

This would mean a system where, as the EU itself accepts, 90% of all future global growth in trade will be over the years to come. These are the accepted rules of trade in the world, meaning a perfectly normal trading relationship with the EU.

Relevance to honouring the referendum vote

Between 1993 and 2015, countries trading with the EU on WTO terms saw 135% real terms growth, versus 107% among countries with bilateral or bespoke arrangements with the economic bloc. In fact, as numerous pieces of research attest, the countries with the highest levels of trade growth with the EU have been under WTO rules – they grew almost twice as much as the exports of the 12 founder EU members to each other. In short, those trading with the EU under WTO rules in that time have seen exports to the EU grow four times as fast as the UK (excluding China this is still almost double the UK's growth). So the WTO offers the UK the chance to trade freely with other nations, but nations which are not interested in making the UK's rules.

Meanwhile, there is no reason to believe that the EU would impose tariffs on the UK in this scenario. The EU sells more to us than we do to them, so they would have much more to lose. But even if they did so, the WTO prevents these going above 4.6%.

Current government policy

Using WTO rules would mean freedom not just from the EU, but the freedom to be responsible for our own futures, our own agreements and our own future success.

But none of this freedom to trade will be possible if we remain in a customs union with the UK, just as trade negotiations will not be possible if we harmonise even some of our regulation with the EU.

Change in policy required

This means extending Article 50 would delay our ability to do this – and that really would create uncertainty. This freedom to trade will be impossible under Chequers, as regulatory harmonisation will stop us signing advanced trade deals.

Advantages of this change

Trading under WTO rules would also mean freedom to trade, and to unleash growth for the UK through better regulation. Indeed, in the same week that Bank of England Governor Mark Carney warned of the supposed negative impact of no deal on the economy, he also raised interest rates, suggesting the contrary: as he sees the UK heading towards WTO trade arrangements, he believes the economic outlook is strong.

This would also mean immediate freedom to negotiate our own trade deals with other countries, including major allies like the US. In fact, there are good reasons why using them would put the UK in a strong position. UK goods exports to the 111 countries under WTO rules over 23 years grew at a Compound Annual Growth Rate (CAGR) of 2.9 per cent, three times faster than those exporting to the EU15 (0.9 per cent). They also grew much faster than those exporting to 62 countries that had some kind of trade agreement with the EU (1.8 per cent).

7 – Immigration

The issue

Free-movement has given the almost half a billion citizens of the EU the *de facto* automatic right to live and work in the UK. This prevents control over immigration.

Relevance to honouring the referendum vote

Brexit is a vital opportunity to re-establish the British people's trust in the ability of the political process to manage immigration. The mandate of the referendum referred to taking back control of borders, laws, and money, and the Prime Minister promised to uphold this.

Current government policy

The Chequers proposals, however, have since proposed a 'mobility framework' which would allow EU citizens preferential access in a future UK immigration policy. The Government also plans to set the future cut-off date at the end of the transition period for the guaranteed right to remain in the UK. This will have the effect of incentivising EU immigration in the short-term.

Change in policy required

Brexit should be seen as an opportunity to develop a more accountable immigration system, managed by the UK Government and Parliament, not Brussels. Its objective should be to enable the UK to continue to attract international talent, but at a sustainable rate that can be absorbed while adding economic value.

The present Youth Mobility Scheme could be extended to EU citizens aged 18 to 30, who could stay for up to two years but with no extensions or access to public funds. Work permits can also be made available for the high-skilled, to remain flexible enough to accommodate the needs of industry and scholarship. Seasonal work permits could also be granted if the UK finds a genuine labour shortage (in accordance with the Universal Job Match system or UK Work Coach Programme).

Advantages of this change

A new British immigration policy can end unrestrained immigration and maximise the benefits of controlled immigration: filling (temporary) skills shortages, delivering public services, and strengthening British businesses internationally. Crucially, we will also be able to restore public trust in the system.

8 – Extension of the Transition Period

The issue

As part of the Withdrawal Agreement, the EU is already proposing a Brexit bill in excess of £39 billion. Meanwhile the Government is now proposing to extend the transition period past 2020 to allow businesses time to prepare for the new arrangements. However, this not only increases uncertainty about whether we will actually leave, but this will also create the additional cost of £10 billion a year; this may increase to as much as £15 billion, as the UK's rebate will automatically expire at the end of 2020.

Relevance to honouring the referendum vote

The British people voted to stop sending vast annual sums to the EU, spending the money on British priorities instead. Voters will ask whether the £15 billion cost of extending the transition period for political expediency is worth it, given a funding gap for public services.

Current government policy

It was the UK Government that first raised the prospect of an extended transition period, calling into question their negotiation strategy. Council President Donald Tusk has stated that European leaders will be willing to 'consider it positively', and that in theory the transition period could be renewed annually on a rolling basis.

Change in policy required

The UK need not agree to a lengthy transition period. This would bind the UK to the full EU rulebook, whilst depriving it of decision-making capacity.

Advantages of this change

The government can instead give immediate effect to the referendum result, allowing the British public to see the immediate financial benefits of Brexit. The transition period will merely extend the time where we are unable to realise the full promise of Brexit, adding to the frustrations of the public.

9 – Electorates turning against the EU

The issue

The EU's purpose of "ever closer union" has created resistance from an increasingly resentful population. Fuelled by the mass unemployment and social dislocation caused by the Euro, extremist parties are on the rise across the EU. In Germany the increasingly radical Alternative für Deutschland (AfD) has become the third-largest party, winning 12.6% of the vote in the German elections (2017), securing them 94 seats in the Bundestag. In Greece, the Eurosceptic Syriza, or 'Coalition of the Radical Left' was elected in opposition to ECB imposed austerity in 2015.

Relevance to honouring the referendum vote

Support for UKIP rose steadily until the referendum vote. If Members of Parliament now allow the UK to remain under a system of EU rule-making, without even a say in its institutions, this will be a dangerous act that seriously harms the relationship between the public and their representatives. It is also liable to incur an immediate electoral penalty.

Current government policy

Mainstream parties have witnessed their voters becoming frustrated with their unwillingness and to assert the national sovereignty that would restore democratic accountability. Chequers will continue the fundamental cause of this in the UK: the EU making laws for the UK, instead of our national electorate.

Change in policy required

Instead, the UK needs to fully and unequivocally leave the law-making structures of the European Union and the Customs Union, Single Market, and ECJ.

Advantages of this change

Concern has been raised by Remain supporters as to the effect of Brexit on employment in the UK. The real risk however is from staying in the EU. Youth unemployment in Greece is 43.2 percent, in Spain 33.8 percent and in Italy 31.9 percent. Croatia, Cyprus, Portugal and France are around 20 percent, all of which are the result of dysfunctional EU policies. Brexit will help to distance the UK from these toxic economic and political circumstances.

10 – The Undemocratic Nature of EU Decision-Making

The issue

The European Commission has the sole right to initiate legislation, but is wholly unelected. Its secrecy poses serious problems for transparent decision making in Europe, with note taking banned in its meetings, for instance. In the Council, Qualified Majority Voting has replaced Member State vetoes, with a Eurozone voting block led by Germany frequently overruling the interests of other Member States.

The dominance of the Commission is enhanced further by ‘Trilogues’, negotiations between the Commission, civil servants representing the Council and MEPs from the relevant committee. They occur before the Council has adopted a position and after just one reading in Parliament, and secure legislative agreements before any transparent process occurs, giving the Commission greater say over the adoption of a proposal. Once trilogues agree a text, neither the relevant parliamentary committee nor the Council are able to amend it, making transparent legislative scrutiny near impossible.

Meanwhile, Coreper is the committee of permanent representatives that includes Member States’ ambassadors to the EU. It is unelected and there is no publicly accessible record of its proceedings. Coreper aims to reach agreement on Commission proposals before they reach the Council, with some 70-90 percent of their decisions adopted by the Council without further discussions. The Parliament does not participate in these discussions.

Relevance to honouring the referendum vote

The EU law-making process is increasingly undemocratic. Obscure processes with little oversight dominate interactions between the Commission, Council and Parliament. The British people saw the concentration of unaccountable power in the EU and rejected it as a system of governance. It would be inconsistent with this vote to allow the EU institutions to continue to set our rules, especially without UK representation in these institutions.

Current government policy

The position of the UK Government is that we would remain subject to the undemocratic legislative process of the EU through the common rulebook for goods, and a customs partnership that Chequers proposes.

Change in policy required

The ability of the UK to make its own rules is in fact the prize of Brexit: this is not simply what allows democratic control to be returned, but is how the UK can regulate its own economy, instead of having it regulated by a major competitor without any say of its own.

Advantages of this change

This would not only allow improved growth for the UK but will avoid the 'neverendum' scenario whereby the country remains, despite the referendum decision, under EU law-making processes.

11 – Relations with the US and Anglosphere

The issue

A UK-US FTA is one example of the huge opportunities of Brexit to rejuvenate our most important alliances, and for the UK to lift its horizons once more outside the EU.

A UK-US FTA needs to reduce domestic protectionism and help create a more competitive economy for both parties. At the centre of trade agreements, and a US-UK FTA, will be improved market access for goods, services, and investment. This means the elimination of tariffs to the lowest possible levels on the greatest number of goods, with markets open to competition from the other party's providers (while preserving our NHS, for example).

Relevance to honouring the referendum vote

The evidence also shows that the British people are increasingly enthusiastic about a UK-US FTA, with over 60% in favour according to polling – and beginning negotiations would be an excellent example of being once more an independent trading nation. The US administration has indicated it wants an FTA, with strong support in Congress. A coalition of UK and US think tanks have also produced a proposed draft. As the world's number two exporter of services, the UK will need to use access to its own market in goods and agriculture to secure services concessions from the US.

Current government policy

However, this is an example of how the Chequers plan will prevent the opportunities of Brexit: without control over its regulations, the UK will be unable to negotiate deals like a US-UK FTA. This is why the American Ambassador to London, Woody Johnson, has said that a US-UK FTA is 'up in the air' because of Chequers.

Change in policy required

Many commentators note the impact of the Trump administration trade policy on the global trading system, and argued that therefore no trade deal with the UK will be possible or it will be very much on the US's terms and be detrimental to UK interests. This misunderstands the support for the UK at all levels, and also the fact that the Trump administration would need to do a deal with a country that is a significant economy, where there is no trade deficit, and where there would be no race to the bottom on labour costs. The UK is the ideal candidate for this US agenda, and concluding a comprehensive trade agreement with the UK would enable the US administration to demonstrate to the Congress that it did in fact have a trade

agenda that is not solely about renegotiating or pulling out of existing agreements.

While there have been concerns about the implications of a US deal for the NHS, the NHS may simply be reserved from the provisions of the agreement. However, the NHS does purchase drugs and other products from global suppliers and it would be in the interests of the NHS (and the British taxpayer) to ensure that procurements are as pro-competitive as possible. US firms have not complained about the NHS, and it has not featured in recent National Trade Estimates (the US' inventory of foreign country trade barriers). It is extremely unlikely that the US would be interested in raising any issue with the UK in a trade negotiation which has not featured in the NTE.

Advantage of this change

A UK-USA FTA is however just one example of the deals the UK will be able to forge if it leaves the EU with full regulatory and customs control: others include joining the Trans-Pacific Partnership (CPTPP), which includes Australia and New Zealand and represents 17% of global GDP. Brexit is also a tremendous opportunity to rejuvenate relations with the Commonwealth, on which we have imposed unnecessary tariff and other trade barriers while in the EU.

12 – Low-friction trade

The issue

Far from the supposed tailbacks at our ports, Brexit, in which the UK takes control of its customs and regulations, allows very low friction trade in goods. It will also preserve 'just-in-time' supply chains, with minimal friction for supply chain managers.

Relevance to honouring the referendum vote

This is another example of Brexit is not unreasonable behaviour towards the EU, just the establishment of a normal relationship. It is important to understand that what makes the UK-EU situation unusual now is, in fact, that we begin with low friction and the absence of customs clearance costs. This means we have a particularly *good* opportunity to craft more ambitious customs arrangements for a new era of trade. The key element of the arrangements is separating the movement of goods from the processing of forms – the trajectory of customs worldwide.

Current government policy

The current policy of aligning regulations with the EU will prevent the gain of having the capacity to negotiate trade agreements with third countries, in order to continue low-friction trade with the EU. However, the latter is easily achievable without Chequers.

Change in policy required

The UK can put 'text on the table' for a best in class 'Customs and Trade Facilitation chapter' for an FTA. Next, we can use a range of proven technological and process solutions for our customs. A customs chapter will reduce the burden of formalities on traders, avoiding congestion at ports. For example, it can employ:

- Inter-agency cooperation and information sharing
- Simplified procedures and data processing at points of departure and destination for the import, export and transit of goods
- Expedited procedures for qualifying operators, with mutual recognition of trusted trader schemes like authorised economic operator (AEO) programmes, making them available to as many traders as possible
- Self-assessment for importers to declare imports periodically and account for duties payable, plus support to encourage uptake
- Physical inspection of goods by random checks, except in justified circumstances

Meanwhile, technological solutions will include smart ledgers, which could add \$35-140bn annually to global trade in goods.

Advantage of this change

This approach is supported by numerous experts in Europe, including the former chairman of the Dutch customs brokers association, Hans Maessen. Indeed, according to the World Bank, among developed countries, 97% of firms' goods pass through customs with no checks at all.

13 – Free Ports

The issue

Returning control to the UK over our customs and trade will allow the creation of ‘free ports’, which will be especially useful to the economy of the north of England. These special zones are set to provide a multi-billion-pound boost to the UK economy as a whole, while creating tens of thousands of jobs.

Free Ports are locations which, although inside the geographic boundary of a country, are considered outside the country for customs purposes. This means goods can enter then re-exit the port without incurring the usual import procedures or tariffs – incentivising manufacturing locally, for example. Seven free ports have been proposed: Immingham and Grimsby, Hull Port, the Hull and Humber rivers, Tees and Hartlepool, Liverpool, the Tyne, and Manchester Airport.

Relevance to honouring the referendum vote

Free ports would be a manifestation of the advantages of having ‘taken back control’ over borders in particular, providing relief from any customs and import tariffs, as well as having attached enterprise zones with tax incentives to boost investment. These could create as many as 150,000 jobs and boost UK international trade by £12bn a year, adding £9bn to UK GDP after 20 years. Ports are a fundamental strategic asset for the UK, accounting for 96% of our trade volume and 75% of trade value. Free port jobs would mainly be created in areas where economic need is higher. Of the UK’s 30 largest ports, 17 are in the bottom quartile of Local Authorities according to the ONS Index of Multiple Deprivation, three quarters in ‘below average’ Local Authorities.

Already successful in the US, free ports would provide a fast way of increasing manufacturing output, reinvigorate the economy of the North, and promoting trade.

Current government policy

EU law has long held back the potential of British ports: the Customs Union and EU State Aid laws make this impossible to realise. But free ports can command bipartisan support, as a simple proposal backed by international precedent – implementation is also possible within a short timescale. The current policy of delayed exit from a customs union – potentially perennially delayed – would prevent the establishment of free ports.

Change in policy required

Instead, the government needs to return UK autonomy over our tariffs and all regulations, to make an independent trade policy possible.

Advantage of this change

Our port infrastructure is already world class, the UK ports sector the second largest in Europe. Free ports would build on an existing UK strength, rejuvenating our proud maritime history.

14 – Justice and Home Affairs

The issue

As a member of the EU, the UK has voluntarily signed up to the European Arrest Warrant (EAW) and Europol. The problem is that the EAW has removed many of the safeguards for extradition between states.

Furthermore, Europol, the European intelligence agency, came under EU competence following the Lisbon Treaty. Since then it has steadily turned into a European FBI, but an unaccountable version. Originally, Europol was tasked with collecting intelligence from regional and national police forces in order to make links between crimes, with a mandate strictly limited to serious international crime.

Relevance to honouring the referendum vote

British voters recognise that the extension of the EU into justice and home affairs threatens their fundamental liberties. Given its invasive role in the lives of citizens, national governments have little control over Europol. The agency is now demanding formal investigative powers, which would allow them to operate independently within nation states, and decisions over its future are now taken by Qualified Majority Vote in the Council, preventing national vetoes.

Current government policy

Current government policy is for the UK to remain a party to both the EAW and Europol after Brexit.

Change in policy required

Instead of continued membership of the EAW and Europol, post-Brexit, the UK can rely on the arrangements already laid out in the 1957 European Convention of Extradition.

Advantages of this change

The benefits that the UK derives from the EAW are overblown, with the UK receiving disproportionately more warrants than it issues, due to the practice by some national authorities of requesting extradition for relatively minor offences. In future, British authorities will be able to hold foreign governments to account when they demand the extradition of British citizens.

15 – Fishing

The issue

The British fishing fleet has suffered a great deal under the EU's Common Fisheries Policy. Trawlers from the EU currently take around 750,000 tonnes of fish from UK waters each year, with a processed value of around £4 billion. This amounts to around 55% of EU vessels' total catch. From 1995 to 2005 the number of British fishing boats fell from 8,073 to 6,716, and the number of fishermen fell by over a third.

Relevance to honouring the referendum vote

The UK must have full sovereign control over its waters. Since 55% of their total catch is in British waters, the EU will almost certainly demand access, and will achieve much higher access after Brexit if the EU uses rule changes in the Common Fisheries Policy (CFP) which will further decimate the UK fleet over the coming years. Despite the fact that the UK has agreed to remain inside the Single Market during a transition period, this does not mean that fisheries must be included. Iceland and Norway have virtually full access to the Single Market as part of their EEA arrangements but retain control over their fishing waters. Furthermore, in 2019 the EU discard ban will come into force, which could put more British fishermen out of business.

Current government policy

The government has released a White Paper on post-Brexit fishing. Despite applying to be an independent member of the Regional Fisheries Management Organisations (RFMOs), including the North East Atlantic Fisheries Commission (NEAFC) as a separate entity to the EU, the paper leaves the door open to EU fishing in British waters in perpetuity, as the UK seems happy for EU vessels to continue enjoying considerable access.

Change in policy required

The UK must take back full control of its waters in March 2019. Staying in the Common Fisheries Policy during the transition period is unnecessary and could cause irretrievable damage to the industry, even if the EU does not act in a hostile way.

Advantages of this change

Leaving the Common Fisheries Policy immediately will give Westminster and devolved governments the ability to manage fisheries more effectively and sustainably. It will regenerate coastal communities and allow better

conservation measures, more suited to protecting the UK marine environment.