

18th March 2019

EU Dominance Display

The eyes of the world are on the UK in the lead-up to the proposed leaving date of the Article 50 process on the 29th March 2019 - as Theresa May acts to enforce the will of the EU upon the people of Britain - against their declared opposition in the 23rd June 2016 EU Referendum; using a combination of time pressure, the systematic removal of options and threats of Armageddon if the new EU Treaty is not ratified - thus extending Project Fear into the future.

Of course, the real target of the EU's Withdrawal Agreement and Political Declaration - Merkel's (WA&PD) Treaty - is the other EU Member States, whom the EU wishes to keep under its control; with the added bonus of "teaching Britain a lesson" - in order and show that the EU is the dominant legal force and the Member States are subservient.

This is also a statement of fact - in the Lisbon Treaty (2007) - which was subsequently changed from its original manifestation as the "Reform Treaty" - into the EU's Constitutional Treaty by the European Court of Justice (ECJ) on the 1st December 2009 (euabc.com)

Those who still think that the EU comprises equal sovereign Member States all working together for the common good - should be aware that the EU is a separate and superior legal entity to its Member States courtesy of the Lisbon Treaty (Arts.1 and 47 TEU; Declaration 17 concerning Primacy)

So the show of EU Member State solidarity is really just the EU exploiting Member State self-interest - and offering them an opportunity to take revenge on the UK for voting to leave the EU - whilst using fear to keep them under its control; by showing what will happen to them if any other Member State tries to escape from the EU prison.

The EU is not a Free Market

Although the EU portrays itself as a Free-Market, it is actually just a protectionist bloc to keep cheaper goods from the rest of the world from entering into the Member States; and protect the EU's inefficient producers from competition - and for the privilege the Member States pay a price; but, it is in addition the contribution which is based upon UK Gross National Income (GNI) - the UK also pays tariffs and VAT to the EU:

The member payments are broken down into three distinct types:

- **Gross National Income (GNI)-based revenue, which is a 0.7% levy of each member state's GNI;**
- **VAT-based revenue, which comprises a percentage (usually 0.3%) of each member state's standardised value added tax rate; and**
- **Traditional owned resources (TOR), such as customs duties on imports from outside the EU and sugar levies.**

"The UK's contribution to the 2014 EU budget was made up of 19.4% TOR, 20.8% VAT-based and 59.8% GNI payments. Proportionally, the UK's VAT-based payment is higher than the remaining member states and the GNI payment lower."(<https://select-statistics.co.uk/blog/much-eu-cost-uk/>)

Note: only 4 out of the 28 Member States were true net contributors to the EU budget 2010 - 2015; and Britain's contribution was the 2nd largest.

Added to the tariffs paid by the UK to the EU - there are non-Tariff barriers (regulations etc) which every company in the UK are required to follow - even though only ~6% of the 5.4 million UK business actually trade with the EU.

When we leave the EU we would still have to follow some EU regulations, but we would have control over tariffs in order to trade with the EU; and costs would be negotiated differently to those currently in force, and would be offset by trade with the rest of the world - which would potentially rise rapidly if the UK was not required to trade under EU control with the rest of the world (through EU trade deals - where the EU is the "middleman") - including the 2.4 billion people in the Commonwealth.

The loss of such current funding and prestige associated with having the UK as an EU member cannot be underestimated and could prove a severe blow to the EU's standing in the world (and Germany is not likely to pick up the slack) - particularly, as the EU continues its economic decline; partly caused by the self-inflicted "Diesel Scandal" designed to help German automobile industry - even though they were perfectly capable of helping themselves with "illegal" software to fiddle the CO2 pollution emission

The Effect of Ratifying the WA&PD Treaty

Below is the Lawyers For Britain (LFB) "Master Chart of Theresa May's Deal 17 March 2019)" by LFB Research Team

The Withdrawal Agreement ("WA")

Status: Legally binding international treaty

- **Direct effect and supremacy: WA (including Backstop Protocol) to have "direct effect" and supremacy in UK courts over UK domestic law, including over Acts of Parliament: Art 4.**
- **Transition/ "implementation" period: 21 months to end of 2020 (extendable to end 2022). Most EU laws, including new laws and amendments, will apply to UK as if we were still a Member State. But:**
- **UK in "vassal" status with no voting rights or representation in the Council of Ministers, European Parliament, Commission or ECJ;**
- **UK must obey treaties between EU and third countries with no say in conclusion of those treaties;**
- **UK subject to "State aid" control by Commission without representation on Commission;**
- **"Long tail" jurisdiction conferred on Commission and ECJ to bring cases up to 4 years after end of transition period: Art.87**

Financial obligations to EU: payment of estimated £39bn

- **payments to EU budget payments as if still a member until end of transition**
- **continuing payments after end of transition**
- **ECJ jurisdiction (not neutral arbitrators) over amount of payments**

EU Citizens' rights – settlement rights for EU citizens resident in UK by end of transition period

- **citizens' rights treaty articles to have direct effect and supremacy in UK courts over UK law indefinitely: Art.4**
- **rights to be interpreted by references from UK courts to ECJ in actions started up to 8 years after transition: Art.158(1)**
- **thereafter EU citizens rights to be interpreted by ECJ under 'Ukraine' arbitration clause – see below**

ECJ jurisdiction:

- full direct jurisdiction for all matters during transition and for citizens' rights in actions begun up to 8 years after end of transition (also direct jurisdiction in Northern Ireland under backstop – see below)
- 'long tail' jurisdiction to rule against UK in actions begun by Commission up to 4 years after end of transition: Art.87(1)
- 'Ukraine' arbitration clause for everything under WA and backstop Protocol not covered by direct jurisdiction: neutral arbitration panel required to refer all questions of EU law to ECJ and bound by ECJ ruling (Art 174)

The "Backstop" Protocol

Status: "integral part" of WA, therefore legally binding international treaty

Lawyers For Britain: outline of the "backstop" Protocol: neither a backstop nor temporary

- Backstop Protocol comes into force automatically at end of transition unless replaced by long term UK/EU agreement
- Backstop Protocol then endures indefinitely unless replaced under review clause in Prot.Art.20 requiring "joint decision" (EU veto)
- NI within EU customs union and subject to EU single market laws on goods; all under direct jurisdiction of Commission and ECJ
- Great Britain in customs union with EU, obliged to align tariffs with EU but outside EU SM/CU so customs controls needed on goods from GB to NI
- NI subject to direct EU State aid control; GB required to operate State aids under supervision of Commission
- "Level playing field" rules on environment, workers rights, etc applied to GB and NI

The Political Declaration

Status: Art.184 of WA requires UK and EU to use "best endeavours in good faith" to conclude agreement in line with Political Declaration

- ECJ jurisdiction – 'Ukraine' clause will become permanent (para 124)
- Tariffs – UK/EU agreement to build on 'single customs territory' of WA and origin checks ruled out – so not compatible with conventional Canada style Free Trade Agreement (para 23)
- Mobility framework with rights to social security benefits to replace Free Movement of Persons (paras 50-59)
- Fishing – agreement in principle for sharing waters and quotas with EU (para 75)
- Defence – UK to stay in EU defence structures including procurement (paras 92-104)

Summary

In reality, apart from lack of representation, and never ending "lifespan", which is bad enough, the entire May (Merkel) "Deal" - which is actually a new EU Treaty which has not been subjected to a Referendum - is a despotic power grab by Merkel; aided and abetted by May and the Remain camp in the UK Parliament, and our Civil Service. But it is important to realise that the Lisbon Treaty (2007) leads to the same ultimate demise of the UK and all other Member States - it just takes longer; probably.

It is designed to control and subjugate the population of any Member State, asset strip its sovereign powers and render it economically bankrupt; under total control of the EU - in a similar way that the EU treated Greece.

It converts the Member State into a "Vassal State" which simply give up its sovereign assets; and pays for the privilege to its masters in the EU - in perpetuity.

Conclusion

The deepest mystery is how the May "Deal" has not been repeatedly voted down by every MP in the UK Parliament with the backing of all the Peers and even more bizarre that more voted for the "Deal" in the 2nd vote.

In the first vote: 202 MP's supported the "Deal" and 432 were against (majority 230) - in the second vote the result was 391 against and 242 in favour (majority 149) - it was widely seen that the political Left were just playing politics - voting against May, in order, to simply bring down the government.

The combined political Left did not want to be seen as being against the UK (even though most of them are) - thus ensuring that the Conservatives would take all the blame for the anticipated repercussions of such an act.

Please circulate the information about the May "Deal" provided by Lawyers for Britain - with acknowledgements; they can be contacted on <https://lawyersforbritain.org/master-chart-of-theresa-mays-deal> - please pass on the link.