

The Landing Zone

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The UK is no longer a member of the European Union. On 31st January I lost my citizenship of the EU. I awoke on 1st February, confident in the knowledge that, thanks to the misnamed “transition period”, nothing had changed – yet.

It is true that I lost the right to vote (or stand) in EU elections, as well as my representation in the EU Parliament. However, I have no political ambitions and there is no election this year in any event. The loss of my representation is more egregious, but the wheels of EU policy making grind relatively slowly and it has been a while since the UK has played a full-throated role^[1].

As a country, the UK similarly retains membership of the EU’s Single Market and Custom’s Union (along with membership of the various agencies that largely go alongside this). As such, little has changed in practical terms for now. The UK remains subject to the jurisdiction of the Court of Justice of the EU in matters of Union law.

A raft of things that define life as we know it – whether supranational (EU) standards or Value Added Tax – temporarily remain the same. At the same time, we know that come 1st January 2021 that will no longer be the case. The fog that clouds our view of the future remains.

Yet I believe that we can discern with reasonable clarity a “landing zone” for negotiations. There are enormous overlapping areas of shared interest, suggesting that the UK and the EU can come to an arrangement that is mutually satisfactory if the political will exists to do so.

From the UK’s perspective, it is clear what this should look like: an EEA-style agreement on standards alongside a zero-tariff, zero-quota FTA that includes cumulation. It is natural to see why this would appeal to those who voted to remain part of the EU – it would entail a close relationship with the EU in many areas and would allow trade to continue with minimal frictions.

Importantly, it would also appeal to a significant minority of leave-voters. We know from polling evidence that a majority of leave-voters would prefer a “hard” Brexit (i.e. a more distant relationship)[\[2\]](#). However, we also know that a very significant minority (approximately 40% of leave-voters) would be happy with the UK remaining in the Single Market and Customs Union[\[3\]](#).

Basic arithmetic suggests that 48% plus twenty percent of 52% means that around two-thirds of the country would be happy with this outcome. This is almost exactly what polling data suggests³. Presumably the EU would also be happy with this arrangement, although it would need some finesse to implement.

It’s easy to see why such an arrangement would appeal. It would allow the continuation of existing trading arrangements, but there would be some important political changes. Adjudication of disputes would probably be done via the EFTA court rather than the CJEU, although judgements of the latter would remain very important as it is the ultimate arbiter of Union law.

The UK would cease to be party to many of the political aspects of the EU. Yes, this would mean less representation, but it would also mean that “ever closer union” and some aspects of the treaties wouldn’t apply, along with the contentious (expensive and inefficient) Common Agricultural Policy.

Membership of the EEA has many other desirable features. The UK would be free to diverge from EU regulations if it so desires but if it chooses to do so then the EU has the right to suspend access to that portion of the Single Market. This therefore satisfies *both* the Brexiter desire to be able to diverge from EU regulations *and* the EU’s wish for a level playing field.

Furthermore, the UK would retain the right to leave the EEA with 12 months’ notice. In other words, this arrangement would continue indefinitely but does not bind one to remain aligned with EU regulations until the end of time.

Of course, many would object that it is not perfect. The “four freedoms” would continue to apply, meaning that British citizens

would be free to live and work in the EU and vice-versa, which has been a bone of contention for many leave voters.

The UK would lose the ability to participate in rule-making in EU institutions as well. However, migration from the EU to the UK is now at far lower levels than it has been for some years and there is evidence to suggest that it is no longer a high-priority for most Britons.

This might be practically ideal, but the political optics are very bad. I therefore suggest the following, based upon EEA membership:

- A close FTA, with full cumulation but no customs union. This will add friction to trade but is politically necessary in order for the UK to retain the ability to sign independent trade agreements (much vaunted by Brexiter politicians, although much less important to most voters).
- Non-derogation with regard to standards – both the UK and EU agree not to fall below their current standards in a wide variety of areas, except by mutual consent.
- De facto membership of the EEA, with the same provisions regarding the UK's ability to diverge and the costs (in terms of Single Market access) of doing so. The 12 month notice period for leaving the new arrangements remains, but the protocol on Northern Ireland will again become binding in the event that this is triggered.
- Replace “freedom of movement” (which has become politically toxic) with a new “preferential visa system”, which allows UK nationals to live and work in the EU (and vice versa), subject to being able to adequately support themselves financially (with a grace period of 3 or 6 months to establish this during which those moving are unable to claim from the state). This should be properly policed.
- A separate security agreement that largely maintains the European Arrest Warrant and the UK's access to security systems. This arrangement is not indefinitely sustainable: in time a way will need to be found to give the UK a greater role in European decision-making, but it is a “landing zone” that should prove minimally satisfactory to both sides for the foreseeable future. It would minimise dislocation and secure the support of a

substantial majority of the UK population whilst being acceptable to the rest of the EU.

[1] Quite aside from which, a substantial portion of the UK's MEPs have long refused to play a constructive role in shaping European policy, meaning that my representation has been subpar for some years.

[2] https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/hga0kq3zd5/Internal_190325_Brexit_am_w.pdf

[3] https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/gja4f57ex2/AcceptableBrexitOutcomes_190816.pdf