

Further comments on Stephen Barclay letter

A couple of correspondents have asked me to provide a more detailed response to the Barclay letter.

In the main areas his letter confirms what I said about the draft Treaty. He agrees that as long as we are in so called transition the UK is "subject to existing and new rules as if we were members" and pays full budget contributions. I have always pointed out we lose vote and voice so we are no longer full members with rights, but we would be entirely subject to EU laws, rules and budget requirements. That does not sound like leaving. We then need to negotiate our way out, which according to the government will entail locking us into yet another EU Treaty to be determined. Its a very expensive invitation to more talks about leaving.

He confirms that the Northern Ireland Protocol creates different government for Northern Ireland over customs, trade and the single market. Of course he is right if the rest of the UK accepted EU requirements and changes as Northern Ireland would have to we could avoid separation of conditions between NI and the rest of the UK. Again that does not sound like leaving.

He confirms that we will face full budget bills up to the unclear end of transition and will have further obligations up to 2028. He says the further adjustments made up to 2028 might be downwards, but clearly they could be upwards from an EU that is cash hungry and inventive on claims.

He suggests £35bn to £39 bn is a small sum. I beg to differ. He also concedes this is just an estimate. Given the vagueness of the headings I think it could well be a lot bigger. He concedes the EU has a big role in calculating and sending the bill and adjudicating disputes.

He doesn't disagree we have been short changed on the EIB by losing our share of accumulated reserves.

He agrees we have to meet pension liabilities and payments to Turkey, but says this is fair.

On individual Articles he usually argues continuing ECJ powers and related matters up to 2028 that I listed relate to matters that occur up to the end of transition. I object to this long tail, providing an enduring opportunity for the EU to demand more cash or legal observance because they say something started or occurred before we left. It gives them a lever which could be damaging to us

He agrees the ECJ continues to rule all the time we are in so called transition. This would be a binding Treaty which would greatly reduce our capacity to govern ourselves. There is less disagreement than the general remarks of his letter might suggest. He places a favourable construction on

how the EU would behave if we signed. I think they might push the clauses against us rather more.