



If you only read one thing
about Boris Johnson's deal,
make it this.

Dear Brexiteer,

After more than three years of delays and parliamentary games there is a powerful sense of wanting to 'just get Brexit done'. Feelings of Brexit fatigue have led some Leavers to welcome Boris Johnson's deal as the best we are likely to get.

That is understandable. But it is a mistake. The Prime Minister's deal is not a proper Brexit. It is far removed from what 17.4m of us voted for in 2016.

I can only suppose that pro-Brexit MPs backing the deal have not actually read the Withdrawal Agreement (WA) and the important Political Declaration (PD) that goes with it. These make up a new European Treaty that reheats 95 per cent of Theresa May's deal.



Let's compare it to what we thought we would get when we voted Leave. If it is passed into law, the PM's Treaty will mean:

Britain remains under EU rules but with no vote, no voice, no veto.

During the Withdrawal Agreement's extendable 'transition period' (which lasts until at least the end of 2020 and almost certainly years longer), we won't withdraw from the EU at all but become non-voting members. We will still be trapped in the EU customs union and single market, subject to all existing EU laws and any punitive new ones they might pass (Articles 4.1, 4.2, 6, 41, 95.1, 127). And we'll be under the jurisdiction of the European Court of Justice (ECJ) (Arts 4.4, 4.5, 86, 87, 89, 95.3, 131, 158, 163). The difference is we won't have any say (Arts 7.1, 34). Does that sound like the Brexit you voted for?

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EU judges can still override our laws.

The ECJ – a foreign court – governs the Treaty and EU law takes precedence. Future British parliaments will be bound to obey ECJ rulings, and UK judges will be obliged to overturn laws passed by our Parliament if the ECJ says they don't comply with the Treaty or the EU laws it enables. (Articles 4.4, 4.5, 86, 87, 89, 95.3, 131, 158, 163). In some cases, the ECJ will rule for years even after the transition ends.

Does that sound like the Brexit you voted for?

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We won't control our fishing.

The dreadful Common Fisheries Policy continues in UK waters during the extendable transition period, but we will have no say in it (Article 130). That means huge foreign trawlers plundering our waters at the expense of our coastal communities. After the transition, the Political Declaration signs us up to sharing

'access to water and quota shares' (para 73) – which equals continued EU exploitation of UK fishing grounds. Does that sound like the Brexit you voted for?

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We still won't be free to trade as we see fit.

Boris boasts of leaving the EU customs union. Yet the Political Declaration states any future free trade agreement with the EU must ensure 'a level playing field' (PD, para 17, 77) and 'deep regulatory and customs cooperation' (para 21). This means sticking to EU rules. It will be hard for the UK to reduce tariff barriers to cut the cost of living and make trade deals with other nations. The PD also requires we pursue 'ambitious customs objectives that are in line with the Parties' objectives and principles' (para 22) – another restrictive EU customs union in all but name. Does that sound like the Brexit you voted

for?

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We won't have control of our tax or state aid policies.

EU law applies to the UK during the transition period (Article 127), and beyond that the Political Declaration obliges the UK to adopt EU rules on state aid rules and 'relevant tax matters' (para 77). This all means we can't change tax rates to be more competitive and can't assist a strategic industry such as British Steel. Does that sound like the Brexit you voted for?

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Britain can't pursue an independent foreign policy.

The Treaty restricts UK sovereignty by preventing us taking 'any action likely to conflict with or impede' EU foreign policy (Article 129.6) – despite having no say in policy making. The UK will be signed up to all EU treaties, including new ones, throughout the transition period, and must 'refrain... from any action... which is likely to be prejudicial' to EU interests within international organisations such as the United Nations Security Council and the WTO (Article 129 points 1 and 3). Does that sound like the Brexit you voted for?

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Britain can't pursue an independent defence policy.

The Political Declaration commits us to security integration through the European Defence Agency and the European Defence Fund (para 102(c)). We will fund the EU's military plans during the transition period at least, and British troops in EU battlegroups will be under foreign command (Articles 128.2, 129.7, 156, 157). Does that sound like the Brexit you voted for?

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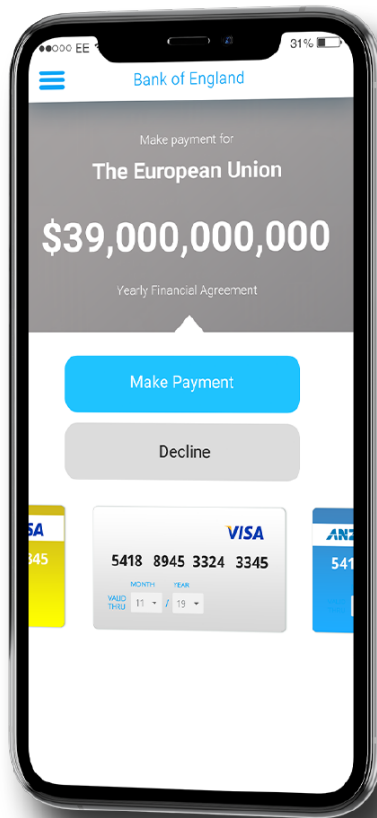
The United Kingdom will be divided.

The Treaty creates a *de facto* customs and regulatory border in the Irish Sea between Northern Ireland and Britain. Goods moving between NI and Britain will be checked. Citizens living in NI would effectively be staying in the EU, without any say in their laws, for at least four years after the transition and quite possibly forever. In other words, the UK gives up part of its sovereign territory—for what? (Protocol Articles 5 and 6.2). Does that sound like the Brexit you voted for?

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We pay the EU billions and get nothing in return.

The Treaty commits us to pay a sum to be decided by the EU (WA, Part Five). The £39bn payment demanded is likely to be just the start, with billions more to follow. Does that sound like the Brexit you voted for?



And we'll be trapped by the Political Declaration.

The problems won't end with the transition period. Don't be fooled just because the Political Declaration on future relations is not legally binding. Article 184 of the Withdrawal Agreement requires us to use 'best endeavours, in good faith' to negotiate a future deal in line with the PD. Any breach of this duty will see the EU haul Britain before an arbitration panel – half EU appointees, half pro-EU judges from the UK.

And the panel must defer to the European court on anything concerning EU Law. If they rule that a UK law goes against the Political Declaration, UK courts will have to overturn that law (WD Articles 170-175). The Political Declaration is a trap from which there is no plausible escape. Does that sound like the

Brexit you voted for?

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Can any Brexiteer inclined to support this Treaty honestly say that it amounts to a proper Brexit? A Clean-Break Brexit remains the best deal for Britain. We need a General Election for a Leaver alliance to win a big majority and make Brexit a reality.

Nigel Farage
Leader of The Brexit Party



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