March 2020

Brexit: Let's Get Shirty*!
By George Worsley

The UK formally left the European Union on the 31st January and pretty-well straight away the tone of communications coming out of this country has descended into threats and insults.

There are eight main bones of contention at the moment; more will arise as time goes by. Each of these issues has been given a Combustibility Rating meaning whether or not the UK government would be prepared to back down.

- State Aid and Competition Policy: 4/5
- Environmental and Labour Protection: 3/5
- Fisheries: 5/5
- Role of the European Court of Justice: 5/5
- Criminal Justice Cooperation: 4/5
- Financial Services: 2/5
- Data Protection: 3/5
- Gibraltar: 4/5

Without going into each of these issues in detail it worth looking at items 3, 6, 4 and 8 in that order.

The value of fishing to the UK economy is less than £1 billion but it has top priority. The value of financial services to the UK is more than £75 billion but it has the lowest priority of all. To many people it is unthinkable that Prime Minister Johnson and his team are willing to lose a fight with the EU on Financial Services but not on Fisheries which is miles less important to this country.

There is, luckily, a silver lining to this black cloud: would you rather have someone who lied about proroguing Parliament look after a £75 plus billion issue or leave that to the London insurance and banking professionals who know the British and European markets inside out?

Your editor has kindly sent me the following link: https://www.businessinsurance.com/article/20200205/NEWS06/912332915/London-City-leader-makes-case-for-selective-ditching-of-EU-rules which proves a valuable point. It would be better to leave the negotiating of a Insurance and Financial Services deal with the EU to a knowledgeable, thoughtful, well-balanced individual supported by a team with effective European contacts rather than a spiteful politician whose motives look more like self-aggrandisement and willingness to cut off his/her nose to spite their face. If you turn your opposite number into your enemy, you are less likely to get a good deal than when that person is treated like a friend.

Boris Johnson is mis-informing the public about the role of the European Court of Justice: it is not going to over-rule British courts. The role of The Court of Justice of the European Union (CJEU), officially just the Court of Justice, is the supreme court of the European Union in matters of European Union law. Now that the UK is not part of the EU, the EU cannot presume that EU laws get passed by Parliament and become British law. When a difference arises between the EU and the UK it must be decided whether the law in question is an EU law entered on the books as UK law or a law devised, discussed, approved and voted on uniquely by the UK. Boris and others are getting away with creating uncertainty and blaming the EU.

The Foreign Minister, Dominic Raab, is brewing up for a fight with Spain about the Overseas Territory of Gibraltar. People have short memories because while the UK was a member of the EU, there was a modus vivendi between Spain and the UK about "The Rock" even though Spain continues to claim sovereignty over the territory. Mr. Raab's current belligerent language towards Spain will lead him to get a kick in the cajónes when Spain vetoes agreements between the other EU members and the UK unless he backs down and allows Spain to monitor the border between Spain and Gibraltar in the same bureaucratic and frustrating way it used before the Gentleman's Agreement on flexible border movement came into force 15 years ago.

There are more examples, like British diplomats being ordered to look the other way in dealings with EU dignitaries, which show that there is a lot of bad feeling being created in this country towards its European "friends" – what a pity and how unnecessary.

* Shirty means to be bad-tempered and annoyingly aggressive. It may come from the days when two guys square up for a fist fight and take their shirts off first

Tags: Brexit, insurance, UK, EU, financial services, Boris Johnson, Dominic Raab