

**Political Declaration analysis
by an Anonymous Civil Servant**

8th February 2019

POLITICAL DECLARATION SETTING OUT THE FRAMEWORK FOR THE FUTURE RELATIONSHIP BETWEEN THE EUROPEAN UNION AND THE UNITED KINGDOM			
Section /Para No.	What it says	What it actually means	Risks & opportunities (political/economic/financial)
INTRODUCTION			
1	The European Union, hereafter referred to as “the Union”, and the United Kingdom of Great Britain and Northern Ireland, hereafter referred to as “the United Kingdom”, (“the Parties”) have agreed this political declaration on their future relationship, on the basis that Article 50(2) of the Treaty on European Union (TEU) provides for the negotiation of an agreement setting out the arrangements for the withdrawal of a departing Member State, taking account of the framework for its future relationship with the Union. In that context, this declaration accompanies the Withdrawal Agreement that has been endorsed by the Parties, subject to ratification.	Implies that if the WA is not passed the Political Declaration also falls, since it is subject to ratification of the WA.	Sets link to the terms of the WA including the backstop and allows very little room for negotiation of anything other than what is set out below. The Tusk/Juncker letter to the PM on 15 January 2019 reinforces the link between the Political Declaration and the WA.
2	The Union and United Kingdom are determined to work together to safeguard the rules-based international order, the rule of law and promotion of democracy, and high standards of free and fair trade and workers’ rights, consumer and environmental protection, and cooperation against internal and external threats to their values and interests.	Trade agreement likely to be contingent on acceptance of EU law in the areas mentioned.	Allows the EU to insist on EU social, environmental, social, consumer standards.
3	In that spirit, this declaration establishes the parameters of an ambitious, broad, deep and flexible partnership across trade and economic cooperation, law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation. Where the Parties consider it to be in their mutual interest during the negotiations, the future relationship may encompass areas of cooperation beyond those described in this political declaration. This relationship will be rooted in the values and interests that the Union and the United Kingdom share. These	Full political integration, including the necessary steps to sign UK into a federal EU with its own defence forces and foreign policy. Catch all to cover all areas of policy. Reinforces link between trade and non-trade issues (as para 2). Combating “threats within” could include the banning/undermining of	This commits us to EU policy areas we have opted out of and prepares us for a return to full membership of a federal EU. Risk: sovereignty, security, existing alliances, esp. in defence, economy and laws.

	arise from their geography, history and ideals anchored in their common European heritage. The Union and the United Kingdom agree that prosperity and security are enhanced by embracing free and fair trade, defending individual rights and the rule of law, protecting workers, consumers and the environment, and standing together against threats to rights and values from without or within.	political parties as part of the drive against “populism”.	Political risk very high.
4	The future relationship will be based on a balance of rights and obligations, taking into account the principles of each Party. This balance must ensure the autonomy of the Union’s decision making and be consistent with the Union’s principles, in particular with respect to the integrity of the Single Market and the Customs Union and the indivisibility of the four freedoms. It must also ensure the sovereignty of the United Kingdom and the protection of its internal market, while respecting the result of the 2016 referendum including with regard to the development of its independent trade policy and the ending of free movement of people between the Union and the United Kingdom.	“be consistent with Union’s principles” - will be the same as the WA where EU law is supreme. Inherent contradictions in this para.	Sets hard EU red lines upfront for agreeing to any “deal” that would release us from the backstop. Why does the UK have an independent trade policy here, but a single customs territory in para 23 that makes one impossible to operate?
5	The period of the United Kingdom’s membership of the Union has resulted in a high level of integration between the Union’s and the United Kingdom’s economies, and an interwoven past and future of the Union’s and the United Kingdom’s people and priorities. The future relationship will inevitably need to take account of this unique context. While it cannot amount to the rights or obligations of membership, the Parties are agreed that the future relationship should be approached with high ambition with regard to its scope and depth, and recognise that this might evolve over time . Above all, it should be a relationship that will work in the interests of citizens of the Union and the United Kingdom, now and in the future.	Please rejoin the EU... (“relationship... might evolve over time”).	Opens door to UK rejoining the EU in this “interwoven future”. Fails to acknowledge that different priorities for UK citizens led to the Leave vote.
PART I: INITIAL PROVISIONS - I. BASIS FOR COOPERATION			
A. Core values and rights			
6	The Parties agree that the future relationship should be underpinned by shared values such as the respect for and safeguarding of human rights and fundamental freedoms, democratic principles, the rule of law and support for non-proliferation. The Parties agree that these values are an	Locks UK into EU human rights law. Catch all for harmonising social policy. Note “this is an essential prerequisite for the cooperation envisaged in this framework”.	EU’s “fundamental freedoms” could be enshrined in UK law as part of the treaty. Could also make the UN Convention on Immigration a

	<p>essential prerequisite for the cooperation envisaged in this framework. The Parties also reaffirm their commitment to promoting effective multilateralism.</p>		<p>“fundamental freedom” and the backdoor to free movement. Further loss of sovereignty. Possibility of EU immigration policy being enforced in the UK by ss. 6 & 7.</p> <p>Not optional (“<u>should</u> be underpinned”). If we do not agree to the EU’s demands in this area, we could be trapped in the backstop</p>
7	<p>The future relationship should incorporate the United Kingdom's continued commitment to respect the framework of the European Convention on Human Rights (ECHR), while the Union and its Member States will remain bound by the Charter of Fundamental Rights of the European Union, which reaffirms the rights as they result in particular from the ECHR.</p>	Locks in Human Rights Act.	<p>Would be difficult to amend/repeal Human Rights Act</p> <p>Not optional (“<u>should incorporate</u>”). We will have to agree this in order to be able to leave the backstop.</p>
B. Data protection			
8 - 9	<p>8. In view of the importance of data flows and exchanges across the future relationship, the Parties are committed to ensuring a high level of personal data protection to facilitate such flows between them.</p> <p>9. The Union's data protection rules provide for a framework allowing the European Commission to recognise a third country's data protection standards as providing an adequate level of protection, thereby facilitating transfers of personal data to that third country. On the basis of this framework, the European Commission will start the assessments with respect to the United Kingdom as soon as possible after the United Kingdom's withdrawal, endeavouring to adopt decisions by the end of 2020, if the applicable conditions are met. Noting that the United Kingdom will be establishing its own international transfer regime, the United Kingdom will in the same timeframe take steps to ensure the comparable facilitation of transfers of personal data to the Union, if the applicable conditions are met. The future relationship will not affect the Parties' autonomy over their respective personal data protection rules.</p>	EU keen to have free access to UK nationals' personal data, business data etc. Could be clause to comply with reporting of trade stats, VAT returns etc but vague on detail so could cover everything, including driving licences, bank details provided as part of VAT or self-assessment tax returns (the Commission is already pushing for these details to be available on VAT returns).	<p>Why is data so high on list? Why does the EU want to start assessments straight away? Attack on privacy and a goldmine for hackers. Breach of HRA right to privacy? Breach of GDPR?</p> <p>Will be very unpopular politically.</p>

10	In this context, the Parties should also make arrangements for appropriate cooperation between regulators.	This is the optional part. The transfer of personal data above will be mandatory.	Doesn't nail down limits of possible data transfers or an international framework of governance.
II. AREAS OF SHARED INTEREST			
A. Participation in Union programmes			
11	Noting the intended breadth and depth of the future relationship and the close bond between their citizens, the Parties will establish general principles, terms and conditions for the United Kingdom's participation in Union programmes, subject to the conditions set out in the corresponding Union instruments, in areas such as science and innovation, youth, culture and education, overseas development and external action, defence capabilities, civil protection and space. These should include a fair and appropriate financial contribution, provisions allowing for sound financial management by both Parties, fair treatment of participants, and management and consultation appropriate to the nature of the cooperation between the Parties.	Participation " subject to the conditions set out in the corresponding Union instruments " so EU law and regulatory supremacy built in. No role for UK in decision-making bodies for these programmes.	All under EU law. Who decides what is a "fair and appropriate financial contribution" and how it should be spent? Replicates the "pay with no say" provisions of the WA. Commits UK to paying for EU defence programmes, undermines independent defence policy, procurement and NATO. Could be very costly.
12	The Parties will also explore the participation of the United Kingdom to the European Research Infrastructure Consortiums (ERICs), subject to the conditions of the Union legal instruments and individual ERIC statutes, and taking into account the level of participation of the United Kingdom in Union programmes on science and innovation.	Fund EU research programmes, operated under EU law, to the disadvantage of UK based research that could be funded directly by the UK government (as it used to be).	As already seen with Galileo and other research budgets, UK researchers would probably find themselves cut out even if the UK government is paying a good percentage of the grants.
B. Dialogues			
13	The Parties recall their shared commitment to delivering a future PEACE PLUS programme to sustain work on reconciliation and a shared future in Northern Ireland, maintaining the current funding proportions for the future programme.	UK funding for NI likely to be repackaged as EU funding.	Extends EU influence in NI and weakens bilateral arrangements with the Republic.
14	The Parties should engage in dialogue and exchanges in areas of shared interest, with the view to identifying opportunities to cooperate, share best practice and expertise, and act together, including in areas such as culture, education, science and innovation. In these areas, the Parties recognise the importance of mobility and temporary movement of objects and equipment in		What's in it for us that can't be done just as well on a bilateral basis with the EU27?

	enabling cooperation. The Parties will also explore ongoing cooperation between culture and education related groups.		
15	In addition, the Parties note the United Kingdom's intention to explore options for a future relationship with the European Investment Bank (EIB) Group.	The UK's shareholding in the EIB will never be repaid... We will rejoin before it becomes necessary.	Why? What's in it for us that couldn't be achieved through a UK investment bank or the EBRD?
PART II: ECONOMIC PARTNERSHIP			
I. OBJECTIVES AND PRINCIPLES			
16	The Parties recognise that they have a particularly important trading and investment relationship, reflecting more than 45 years of economic integration during the United Kingdom's membership of the Union, the sizes of the two economies and their geographic proximity, which have led to complex and integrated supply chains.	Acknowledgement that we have leverage here	Need to use leverage for a Canada Plus or WTO FTA deal.
17	The Parties agree to develop an ambitious, wide-ranging and balanced economic partnership. This partnership will be comprehensive, encompassing a free trade area as well as wider sectoral cooperation where it is in the mutual interest of both Parties. It will be underpinned by provisions ensuring a level playing field for open and fair competition, as set out in Section XIV of this Part. It should facilitate trade and investment between the Parties to the extent possible, while respecting the integrity of the Union's Single Market and the Customs Union as well as the United Kingdom's internal market, and recognising the development of an independent trade policy by the United Kingdom beyond this economic partnership.	Associate membership, not a full-blooded FTA.	Mimics non-regression clauses and alignment provisions in the backstop, EU state aid law etc. Means "economic integration" rather than "free trade" between equal sovereign partners. Again conflicts with para 23 on the single customs territory. Competition and state aid provisions seriously hamper our ability to do deals elsewhere.
18	The Parties will retain their autonomy and the ability to regulate economic activity according to the levels of protection each deems appropriate in order to achieve legitimate public policy objectives such as public health, animal health and welfare, social services, public education, safety, the environment including climate change , public morals, social or consumer protection, privacy and data protection, and promotion and protection of cultural diversity. The economic partnership will recognise that sustainable development is an overarching objective of the Parties. The economic partnership will also provide for appropriate general exceptions, including in relation to security.	Get out clause to keep some markets shut (media). Contradicts para 78 , where we must commit to international environmental agreements on climate change rather than retain autonomy.	Could be locked into EU environmental levies/rules via the sustainable development. Otherwise a catch all to allow restrictive trade practices.

19	The Parties recall their determination to replace the backstop solution on Northern Ireland by a subsequent agreement that establishes alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing.	Links the Political Declaration to the backstop (which is why the backstop cannot be deleted).	The indefinite backstop remains unless agreement is reached along the lines set in this declaration. Seriously limits negotiation on any alternative FTA.
II. GOODS			
A. Objectives and principles			
20	The Parties envisage having a trading relationship on goods that is as close as possible, with a view to facilitating the ease of legitimate trade.	Waffle to cover everything from a mere aspiration to regulatory alignment and a full customs union.	Envisages a relationship “as close as possible”. Why shouldn’t there be sufficient trade cooperation under WTO rules and an equivalence regime?
22	However, with a view to facilitating the movement of goods across borders, the Parties envisage comprehensive arrangements that will create a free trade area, combining deep regulatory and customs cooperation, underpinned by provisions ensuring a level playing field for open and fair competition.	Means Single Market rules, a customs union (para 23) and EU state aid and competition law – as per Annex 4 of the backstop, the “non-regression clauses”. Customs facilitation doesn’t require regulatory alignment of rules for goods, just efficient customs software and procedures.	Seriously detrimental to an independent trade policy and will give the EU an advantage through EU provisions in these areas (see Annex 4 backstop). To leave the backstop we will have to commit to the same onerous provisions that are contained within it.
B. Tariffs			
23	The economic partnership should ensure no tariffs, fees, charges or quantitative restrictions across all sectors, with ambitious customs arrangements that, in line with the Parties' objectives and principles above, build and improve on the single customs territory provided for in the Withdrawal Agreement which obviates the need for checks on rules of origin.	Full customs union based on the “single customs territory provided for in the backstop”.	This is not a FTA. Breaks referendum result and manifesto pledges. High political risk. The economic and political disadvantages established in the backstop will be enduring.
C. Regulatory aspects			
24	Disciplines on technical barriers to trade (TBT) and sanitary and phytosanitary measures (SPS) should build on and go beyond the respective WTO agreements . Specifically, the TBT disciplines should set out common principles in the fields of standardisation, technical regulations, conformity assessment, accreditation, market surveillance, metrology and labelling. The Parties should treat one another as single entities as regards SPS measures, including for certification purposes, and	Locks UK into single certification process (the EU’s) instead of going for equivalence under WTO rules. EU model as the end state. Would oblige UK to adopt EU “metrology and labelling” rather than conform to international standards for different markets. Adds red tape for exporters.	This will mean adopting EU rules (“common standards”) in all these areas with no say Not optional – the UK will have to accept this in order to leave the backstop.

	recognise regionalisation on the basis of appropriate epidemiological information provided by the exporting party. The Parties will also explore the possibility of cooperation of United Kingdom authorities with Union agencies such as the European Medicines Agency (EMA), the European Chemicals Agency (ECHA), and the European Aviation Safety Agency (EASA).	Very vague on the “cooperation” between the agencies listed. Sounds like a surrender of competence to the EU.	
25	In this context, the United Kingdom will consider aligning with Union rules in relevant areas.	Single Market rules and regulations in most areas of the economy.	Obligation to align with EU rules over which we will have no say (or we won’t be allowed to leave the backstop).
D. Customs			
26-27	<p>26. The Parties will put in place ambitious customs arrangements, in pursuit of their overall objectives. In doing so, the Parties envisage making use of all available facilitative arrangements and technologies, in full respect of their legal orders and ensuring that customs authorities are able to protect the Parties’ respective financial interests and enforce public policies. To this end, they intend to consider mutual recognition of trusted traders’ programmes, administrative cooperation in customs matters and mutual assistance, including for the recovery of claims related to taxes and duties, and through the exchange of information to combat customs fraud and other illegal activity.</p> <p>27. Such facilitative arrangements and technologies will also be considered in developing any alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing.</p>	<p>Customs facilitation is acceptable to the EU. It is not contingent on a “deal”. Very important point.</p> <p><u>All this could be put in place now.</u> UK Brexit customs legislation (Nov 2018) provides for all these “ambitious customs arrangements”. Businesses are already able to register as trusted traders etc.</p>	<p>Since the EU acknowledges that trusted trader schemes and customs facilitations remove the need for a hard border in NI/EI, they therefore also negate the need for an inescapable “backstop”.</p> <p><u>This is a very strong argument against the backstop in the WA.</u></p>
E. Implications for checks and controls			
28	The Parties envisage that the extent of the United Kingdom’s commitments on customs and regulatory cooperation, including with regard to alignment of rules, would be taken into account in the application of related checks and controls, considering this as a factor in reducing risk. This, combined with the use of all available facilitative arrangements as described above, can lead to a spectrum of different outcomes for administrative processes as well as checks and controls, and the Parties note in this context	Deliberately designed to drag us back into the Single Market on rules for goods (as per para 25). What “risk” is being mitigated here? What is the “spectrum of different outcomes”?.	<p>Straight out of policy waffle central. But reinforces “alignment of rules”.</p> <p>There is no requirement for regulatory alignment on goods in order to facilitate customs processes.</p>

	their wish to be as ambitious as possible, while respecting the integrity of their respective markets and legal orders.		
III. SERVICES AND INVESTMENT			
A. Objectives and principles			
29	The Parties should conclude ambitious, comprehensive and balanced arrangements on trade in services and investment in services and non-services sectors, respecting each Party's right to regulate. The Parties should aim to deliver a level of liberalisation in trade in services well beyond the Parties' World Trade Organization (WTO) commitments and building on recent Union Free Trade Agreements (FTAs)	Is this equivalence for financial services or a new form of passporting since it goes "well beyond" WTO commitments?	What is in it for us that the WTO protocols don't provide? And what's in it for the EU?
30	Parties should aim at substantial sectoral coverage, covering all modes of supply and providing for the absence of substantially all discrimination in the covered sectors, with exceptions and limitations as appropriate. The arrangements should therefore cover sectors including professional and business services, telecommunications services, courier and postal services, distribution services, environmental services, financial services, transport services and other services of mutual interest.	Single Market in all but name.	Will allow EU companies free access to our key services sectors. The "exceptions and limitations" will be on the EU side, where state ownership of many services doesn't allow UK firms to compete in the market (i.e. electricity, water, transport).
B. Market access and non-discrimination			
31	The arrangements should include provisions on market access and national treatment under host state rules for the Parties' service providers and investors, as well as add performance requirements imposed on investors. This would ensure that the Parties' services providers and investors are treated in a non-discriminatory manner, including with regard to establishment.	Single Market in all but name.	As above.
32	The arrangements should allow for the temporary entry and stay of natural persons for business purposes in defined areas.		Standard, but check mobility clauses below.
C. Regulatory aspects			
33	While preserving regulatory autonomy, the arrangements should include provisions to promote regulatory approaches that are transparent, efficient, compatible to the extent possible, and which promote avoidance of unnecessary regulatory requirements.	"compatible" regulation = EU regulation	Heavy EU influence in our regulatory regimes.
34 -36	34. In this context, the Parties should agree disciplines on domestic regulation. These should include horizontal provisions	Domestic regulation can only mean the UK, so commits us to adopting EU	There isn't a great deal about the regulatory alignment provisions that's

	<p>such as on licensing procedures, and specific regulatory provisions in sectors of mutual interest such as telecommunication services, financial services, delivery services, and international maritime transport services. There should also be provisions on the development and adoption of domestic regulation that reflect good regulatory practices.</p> <p>35. In this context, the Parties should establish a framework for voluntary regulatory cooperation in areas of mutual interest, including exchange of information and sharing of best practice.</p> <p>36. The Parties should also develop appropriate arrangements on those professional qualifications which are necessary to the pursuit of regulated professions, where in the Parties' mutual interest.</p>	regulatory practices rather than pursuing equivalence.	voluntary. It's a precondition for a trade agreement and for leaving the backstop.
IV. FINANCIAL SERVICES			
37	The Parties are committed to preserving financial stability, market integrity, investor and consumer protection and fair competition, while respecting the Parties' regulatory and decision-making autonomy, and their ability to take equivalence decisions in their own interest. This is without prejudice to the Parties' ability to adopt or maintain any measure where necessary for prudential reasons. The Parties agree to engage in close cooperation on regulatory and supervisory matters in international bodies.		How close is this cooperation and in which forums? G7/OECD/G20/IMF or under EU structures?
38	Noting that both Parties will have equivalence frameworks in place that allow them to declare a third country's regulatory and supervisory regimes equivalent for relevant purposes, the Parties should start assessing equivalence with respect to each other under these frameworks as soon as possible after the United Kingdom's withdrawal from the Union, endeavouring to conclude these assessments before the end of June 2020. The Parties will keep their respective equivalence frameworks under review.	Equivalence for financial services. Different to treatment of other goods and services.	Why will it take until June 2020 to assess equivalence when there is equivalence now?
39	The Parties agree that close and structured cooperation on regulatory and supervisory matters is in their mutual interest. This cooperation should be grounded in the economic partnership and based on the principles of regulatory autonomy, transparency and stability. It should include transparency and appropriate consultation in the process of adoption, suspension and withdrawal of equivalence decisions, information exchange and	"close and structured cooperation" implies the establishment of a new agency to enforce regulatory and supervisory alignment.	<p>Risk of supranational regulatory body emerging.</p> <p>Threat of withdrawal of equivalence for financial services could be a constant bargaining tool to get concessions from the UK.</p>

	consultation on regulatory initiatives and other issues of mutual interest, at both political and technical levels.	“consultation in the process of adoption, suspension and withdrawal of equivalence decisions ”	
V. DIGITAL			
40	In the context of the increasing digitalisation of trade covering both services and goods, the Parties should establish provisions to facilitate electronic commerce, address unjustified barriers to trade by electronic means, and ensure an open, secure and trustworthy online environment for businesses and consumers, such as on electronic trust and authentication services or on not requiring prior authorisation solely on the grounds that the service is provided by electronic means. These provisions should also facilitate cross-border data flows and address unjustified data localisation requirements , noting that this facilitation will not affect the Parties' personal data protection rules.	Sounds like the EU's Digital Single Market. Enables online service providers to process customers' data offshore.	Potential to use this to rope us into EU digital tax rules (“level playing field” reasons would be given). This would undoubtedly mean following EU digital market rules, not making our own, even though we have a much more developed digital sector. Potential negative regulatory impact on development of new technologies.
41	The Parties should provide, through sectoral provisions in telecommunication services, for fair and equal access to public telecommunication networks and services to each other's services suppliers and address anticompetitive practices.		Likely to benefit state owned EU businesses more
42	“Exchange information, experience and best practice relating to emerging technologies”	Lets the EU benefit from UK's leading position in tech/AI etc	Potential loss of valuable intellectual property
VI. CAPITAL MOVEMENTS AND PAYMENTS			
43	The Parties should include provisions to enable free movement of capital and payments related to transactions liberalised under the economic partnership, subject to relevant exceptions.	Implies that there will be no free movement of capital for other purposes.	Seems to restrict free movement of capital to “transactions liberalised under the economic partnership”.
VII. INTELLECTUAL PROPERTY			
44-47	Intellectual property rights and geographical indicators “going beyond WTO Agreements on Trade Related Aspects of Intellectual Property Rights”	Designed to protect French food/wine producers and droit de suite	Nothing in it for UK that cannot be afforded under WTO rules, but we won't be allowed to leave the backstop unless we agree to this.
VIII. PUBLIC PROCUREMENT			
48 - 49	48. Noting the United Kingdom's intention to accede to the WTO Government Procurement Agreement (GPA), the Parties should provide for mutual opportunities in the Parties' respective public procurement markets beyond their commitments under the	Aims to replicate current EU public procurement rules (which are not in our favour). UK businesses can be	Must agree this in order to leave backstop.

	<p>GPA in areas of mutual interest, without prejudice to their domestic rules to protect their essential security interests.</p> <p>49. The Parties should also commit to standards based on those of the GPA ensuring transparency of market opportunities, public procurement rules, procedures and practices. Building on these standards, the Parties should address the risk of arbitrary behaviour when awarding contracts, and make available remedies and review procedures, including before judicial authorities.</p>	undercut for UK contracts by state-owned EU competitors.	Risk of ECJ becoming the judicial authority to determine disputes.
IX. MOBILITY			
50 -51	<p>50. Noting that the United Kingdom has decided that the principle of free movement of persons between the Union and the United Kingdom will no longer apply, the Parties should establish mobility arrangements, as set out below.</p> <p>51. The mobility arrangements will be based on non-discrimination between the Union's Member States and full reciprocity.</p>	EU has seized competence for EU27 immigration/visas etc via the WA and is enshrining it through the political declaration.	Rules out bilateral arrangements with EU27 members with which we may have closer ties. Risk that a dispute with one country will affect all the others.
52	In this context, the Parties aim to provide, through their domestic laws, for visa-free travel for short term visits.	This has already been offered by the EU in a no-deal scenario (13 Nov 2018). 90 days visa-free.	<p>Already available without a deal.</p> <p>There are also bilateral offers from several member states.</p>
53	Parties to consider conditions for entry for research, study, training and youth exchanges.	Allows EU to ask for preferential treatment for EU citizens and possibly financial support for studies.	Risk that EU nationals might retain access to UK student loans/funding/grants. Risks continuing discrimination against non-EU students/researchers.
54	The Parties also agree to consider addressing social security coordination in the light of future movement of persons.	Aim is to ensure UK benefits continue to be exportable and that EU citizens are able to claim UK benefits..	Loss of control of money. Political risk - likely to be very unpopular.
55	In line with their applicable laws, the Parties will explore the possibility to facilitate the crossing of their respective borders for legitimate travel.	Sounds like some form of free movement.	<p>Schengen by the back door/no passport controls?</p> <p>High political risk.</p>
56	Any provisions will be without prejudice to the Common Travel Area (CTA) arrangements as they apply between the United Kingdom and Ireland.	So why do we need the backstop?	Perhaps the EU sees the Common Travel Area as the basis for a UK-EU Common Travel Area...

57	To support mobility, the Parties confirm their commitment to the effective application of the existing international family law instruments to which they are parties. The Union notes the United Kingdom's intention to accede to the 2007 Hague Maintenance Convention to which it is currently bound through its Union membership.	UK acceding to international conventions in its own right.	Negates need for family law provisions under EU law and ECJ jurisdiction as set out in the WA.
58	The Parties will explore options for judicial cooperation in matrimonial, parental responsibility and other related matters.		Risk of being drawn into EU protocols on these matters and ECJ jurisdiction.
59	These arrangements would be in addition to commitments on temporary entry and stay of natural persons for business purposes in defined areas as referred to in Section III of this Part Those commitments should not be nullified by the right of either Party to apply their respective laws, regulations and requirements regarding entry, stay and work.	Preferential treatment for EU citizens, especially in regard to travel for work.	Mobility provisions designed to go well beyond what is necessary for a trade agreement.
X. TRANSPORT			
A. Aviation			
60-61	60. The Parties should ensure passenger and cargo air connectivity through a Comprehensive Air Transport Agreement (CATA). The CATA should cover market access and investment, aviation safety and security, air traffic management, and provisions to ensure open and fair competition, including appropriate and relevant consumer protection requirements and social standards. 61. The Parties should make further arrangements to enable cooperation with a view to high standards of aviation safety and security, including through close cooperation between EASA and the United Kingdom's Civil Aviation Authority (CAA).	Labour and social policy by the back door. Ensures EU competence in an area where member states are still free to make bilateral arrangements.	This could be a big trap, since it includes provisions that have nothing to do with aviation per se (social standards = flight crew hours) and is likely to be concluded on the EU's terms. Not necessary for a thriving aviation market. We will probably have to agree to this in order to leave the backstop (" should ensure ").
B. Road transport			
62	The Parties should ensure comparable market access for freight and passenger road transport operators, underpinned by appropriate and relevant consumer protection requirements and social standards for international road transport, and obligations deriving from international agreements in the field of road transport to which both the United Kingdom and the Union and/or its Member States are signatories, notably concerning conditions to pursue the occupation of a road transport operator, certain	Mutual recognition of driving licences already covered by the Vienna Convention on Road Traffic 1968. No-deal Customs Transit S.I. made Nov 2018, under which the UK accedes in its own right to 3 key international transit conventions that cover rights of	Para 62 is designed to ensure EU27 hauliers retain continued free "market access" to the UK. What's in it for us that cannot be guaranteed by international transit conventions?

	conditions of employment in international road transport, rules of the road, passenger carriage by road and carriage of dangerous goods by road. In addition, the Parties should consider complementary arrangements to address travel by private motorists.	hauliers to travel unhindered from UK through dozens of countries, including the EU27.	
C. Rail transport			
63	The Parties agree that bilateral arrangements should be established, as appropriate, for cross-border rail services, including to facilitate the continued smooth functioning and operation of rail services, such as the Belfast-Dublin Enterprise Line and services through the Channel Tunnel.	The Intergovernmental Organisation for International Carriage by Rail should apply. Eurostar is covered by a bilateral treaty with France. Ireland should be covered by the Common Travel Area.	Nothing here that isn't covered by international arrangements.
D. Maritime transport			
64-65	The Parties note that passenger and cargo connectivity in the maritime transport sector will be underpinned by the international legal framework. The Parties should also make appropriate arrangements on market access for international maritime transport services. Maritime safety cooperation.	This is about market access for shipping.	Important. Recognises that international frameworks in these sectors apply.
XI. ENERGY			
A. Electricity and Gas			
66	The Parties should cooperate to support the delivery of cost efficient, clean and secure supplies of electricity and gas, based on competitive markets and non-discriminatory access to networks.		Could be used to lock us into the EU energy union, preferred EU renewables, and a carbon pricing regime (as the backstop does).
67	The Parties should establish a framework to facilitate technical cooperation between electricity and gas networks operators and organisations, such as the European Networks of Transmission System Operators for Electricity and Gas, in the planning and use of energy infrastructure connecting their systems. The framework should also include mechanisms to ensure as far as possible security of supply and efficient trade over interconnectors over different time frames.		Would this framework be under EU law or international law? Whose technical standards would be enforced?
B. Civil Nuclear			
68	Recognising the importance of nuclear safety and non-proliferation, the future relationship should include a	EURATOM by the back door	Signs us back into EURATOM.

	<p>wide-ranging Nuclear Cooperation Agreement between the European Atomic Energy Community (EURATOM) and the United Kingdom on peaceful uses of nuclear energy, underpinned by commitments to their existing high standards of nuclear safety. The agreement should enable cooperation between EURATOM and the United Kingdom and its national authorities. This should include exchange of information in areas of mutual interest such as safeguards, safety and cooperation with the International Atomic Energy Agency (IAEA). It should facilitate trade in nuclear materials and equipment, and provide for the participation of the United Kingdom as a third country in Union systems for monitoring and exchanging information on levels of radioactivity in the environment, namely the European Community Urgent Radiological Information Exchange and the European Radiological Data Exchange Platform.</p>		
69	<p>The Parties note the United Kingdom's intention to be associated with the EURATOM research and training programmes as provided for in Section II of Part I.</p>	EURATOM	How much will this cost and who decides how research budgets are awarded?
70-71	<p>70. The Parties note that the EURATOM Supply Agency intends to reassess in a timely manner the authorisations and approvals of contracts for the supply of nuclear material between Union and United Kingdom undertakings which it has co-signed.</p> <p>71. The Parties will also cooperate through the exchange of information on the supply of medical radioisotopes.</p>	EURATOM	Signs us back into EURATOM.
C. Carbon Pricing			
72	<p>The Parties should consider cooperation on carbon pricing by linking a United Kingdom national greenhouse gas emissions trading system with the Union's Emissions Trading System.</p>	<p>EU control of energy pricing, hiking up the cost of our own energy resources and adding costs to UK businesses which may not apply to their EU competitors. Nevertheless we are committed to this in the backstop (Annex 4 to backstop/Environment) where we must legislate for a UK carbon pricing scheme to mirror the EU's.</p>	<p>Could be trapped in the backstop unless we agree this. Emmanuel Macron has already said he will veto EU trade treaties with countries that don't follow all the climate change targets set out in the Paris Agreement. Despite this, in the recent Franco-German bilateral agreement, Germany refused to accept a French carbon-pricing clause.</p>
XII. FISHING OPPORTUNITIES			

73	The Parties should cooperate bilaterally and internationally to ensure fishing at sustainable levels, promote resource conservation, and foster a clean, healthy and productive marine environment, noting that the United Kingdom will be an independent coastal state.	EU fishing quotas are likely to be pushed through under this clause.	Fisheries to be a key bargaining chip.
74	While preserving regulatory autonomy, the Parties should cooperate on the development of measures for the conservation, rational management and regulation of fisheries, in a non-discriminatory manner. They will work closely with other coastal states and in international fora, including to manage shared stocks.	The Common Fisheries Policy “Rational management” = a quota system “Shared stocks” = implication that UK stocks are shared with the EU. “non-discriminatory manner” = EU to have unfettered access to UK waters and fishing stocks.	Fisheries to be signed away. If we don't agree to this the EU will never let us leave the backstop.
75-76	75. Within the context of the overall economic partnership the Parties should establish a new fisheries agreement on, inter alia, access to waters and quota shares . 76. The Parties will use their best endeavours to conclude and ratify their new fisheries agreement by 1 July 2020 in order for it to be in place in time to be used for determining fishing opportunities for the first year after the transition period.	Return to the Common Fisheries Policy with EU having access on same terms as now or they will not agree to the “economic partnership”.	UK govt has surrendered Fisheries as a way out of falling into the backstop (EU wants uninterrupted access to UK waters, so a Fisheries deal to be completed by 1 June 2020) . But if we do fall into the backstop, we will only be allowed to leave if we give up our Fisheries (“ within the context of the overall economic partnership, the Parties should establish a new fisheries agreement ”). Fisheries has therefore already been given away in the WA.
XIII. GLOBAL COOPERATION			
77	The Parties recognise the importance of global cooperation to address issues of shared economic, environmental and social interest. As such, while preserving their decision-making autonomy, the Parties should cooperate in international fora, such	EU influence on UK policy-making in the international arena and use of UK's clout to achieve its own objectives.	Loss of sovereignty. Potential to be dragged into Eurozone bailouts (e).

	<p>as the G7 and the G20, where it is in their mutual interest, including in the areas of:</p> <ol style="list-style-type: none"> climate change; sustainable development; cross-border pollution; public health and consumer protection; financial stability; and the fight against trade protectionism. 		
78	<p>The future relationship should reaffirm the Parties' commitments to international agreements to tackle climate change, including those which implement the United Nations Framework Conventions on Climate Change, such as the Paris Agreement.</p>	<p>Will lock us into EU climate change policy/levies and hike up energy costs by subjecting our own abundant natural resources to higher taxation.</p>	<p>Higher costs for industry and consumers, negative impact on growth, loss of energy autonomy.</p> <p>NB Emmanuel Macron is committed to refusing to ratify EU international trade treaties if he feels the parties are not sufficiently committed to climate change measures. This clause could be used to extract more concessions from the UK (the surrender of our Fisheries) in order to agree a deal and so allow us out of the backstop.</p>
XIV. LEVEL PLAYING FIELD FOR OPEN AND FAIR COMPETITION			
79	<p>The future relationship must ensure open and fair competition. Provisions to ensure this should cover state aid, competition, social and employment standards, environmental standards, climate change, and relevant tax matters, building on the level playing field arrangements provided for in the Withdrawal Agreement and commensurate with the overall economic relationship. The Parties should consider the precise nature of commitments in relevant areas, having regard to the scope and depth of the future relationship. These commitments should combine appropriate and relevant Union and international standards, adequate mechanisms to ensure effective implementation domestically, enforcement and dispute settlement as part of the future relationship.</p>	<p>Full alignment with EU/EU control of state aid (agriculture and defence manufacturing), competition, social and employment standards, environmental standards, climate change, and tax harmonisation.</p> <p>Replicates all the non-regression clauses in Annex 4 of the backstop.</p>	<p>NOT optional (“<u>must</u> ensure”).</p> <p>EU control of our economy, including agriculture under the state aid provisions (as per the backstop). Economic integration, not a FTA.</p> <p>Unless we agree to this, we will not be allowed to leave the backstop.</p>

PART III: SECURITY PARTNERSHIP			
I. OBJECTIVES AND PRINCIPLES			
80	With a view to Europe's security and the safety of their respective citizens, the Parties should establish a broad, comprehensive and balanced security partnership. This partnership will take into account geographic proximity and evolving threats, including serious international crime, terrorism, cyber-attacks, disinformation campaigns , hybrid-threats, the erosion of the rules-based international order and the resurgence of statebased threats . The partnership will respect the sovereignty of the United Kingdom and the autonomy of the Union.	<p>“disinformation campaigns” – who decides what they are? Could mean cooperation to silence critics of the EU.</p> <p>Full membership of the Common Foreign and Security Policy a likely end goal.</p> <p>Bolsters EU's global ambitions using UK assets.</p>	<p>Loss of sovereignty, lends full support to the EU's global ambitions. Serious risk to national security by weakening the Five Eyes intelligence alliance.</p> <p>Unless we sign up to this (“the Parties <u>should</u> establish”) we will not be allowed to leave the backstop.</p>
81	The future relationship will provide for comprehensive, close, balanced and reciprocal law enforcement and judicial cooperation in criminal matters, with the view to delivering strong operational capabilities for the purposes of the prevention, investigation, detection and prosecution of criminal offences, taking into account the geographic proximity, shared and evolving threats the Parties face, the mutual benefits to the safety and security of their citizens, and the fact that the United Kingdom will be a non-Schengen third country that does not provide for the free movement of persons.		Risk of being dragged into the European Prosecutor's Office(the first European Public Prosecutor has just been appointed and has the power to launch cross-border investigations and arrest suspects).
II. LAW ENFORCEMENT AND JUDICIAL COOPERATION IN CRIMINAL MATTERS			
82	The Parties agree that the scale and scope of future arrangements should achieve an appropriate balance between rights and obligations– the closer and deeper the partnership the stronger the accompanying obligations . It should reflect the commitments the United Kingdom is willing to make that respect the integrity of the Union's legal order, such as with regard to alignment of rules and the mechanisms for disputes and enforcement including the role of the Court of Justice of the European Union(CJEU) in the interpretation of Union law . It should also be underpinned by long-standing commitments to the fundamental rights of individuals, including continued adherence and giving effect to the ECHR, and adequate protection of personal data, which are both essential prerequisites	Jurisdiction of the ECJ and full adherence to the ECHR.	<p>Obligations will be on the EU's terms. Why is the EU not required to respect the integrity of the UK's legal order (i.e. a partnership of equals)?</p> <p>Complete surrender of legal sovereignty. EU law supreme.</p> <p>High political risk – very unpopular.</p>

	for enabling the cooperation envisaged by the Parties, and to the transnational ne bis in idem principle and procedural rights. It should also reflect the Union's and its Member States' commitment to the Charter of Fundamental Rights of the European Union.		
84	Noting these commitments, the future relationship should cover arrangements across three areas of cooperation: data exchange; operational cooperation between law enforcement authorities and judicial cooperation in criminal matters; and anti-money laundering and counter terrorism financing.	Signs us into EU judicial and police cooperation programmes under EU law.	NOT optional (“<u>should</u> cover”). This will all be on the EU's terms. Could be used to trap us in the backstop.
A. Data exchange			
85	Recognising that effective and swift data sharing and analysis is vital for modern law enforcement, the Parties agree to put in place arrangements that reflect this, in order to respond to evolving threats, disrupt terrorism and serious criminality, facilitate investigations and prosecutions, and ensure the security of the public.	Data exchange to help cross-border investigations.	This is as far as the legal cooperation really needs to go.
86	The Parties should establish reciprocal arrangements for timely, effective and efficient exchanges of Passenger Name Record (PNR) data and the results of processing such data stored in respective national PNR processing systems, and of DNA, fingerprints and vehicle registration data (Prüm).	Transfer of personal data without a court order?	Risk of law enforcement and judicial cooperation under EU rules. NOT optional (“<u>should</u> establish”)
87	The Parties should consider further arrangements appropriate to the United Kingdom's future status for data exchange, such as exchange of information on wanted or missing persons and objects and of criminal records, with the view to delivering capabilities that, in so far as is technically and legally possible, and considered necessary and in both Parties' interests, approximate those enabled by relevant Union mechanisms.	“Union mechanisms” = under EU law.	Agreement on all these non-trade issues that keep us within the EU's orbit must be agreed as a prerequisite before the EU agrees to the trade arrangements (which in any case are hugely to their advantage) that will enable us to leave the backstop.
B. Operational cooperation between law enforcement authorities and judicial cooperation in criminal matters			
88	The Parties recognise the value in facilitating operational cooperation between the United Kingdom's and Member States' law enforcement and judicial authorities, and will therefore work together to identify the terms for the United Kingdom's cooperation via Europol and Eurojust.	Common EU criminal proceedings under EU law (where you can be arrested and detained without charge while the crime is investigated on the	Could drag us into participation in the European Public Prosecutor's Office (comes under Eurojust). What will be the funding requirement from the UK? What does this do that

		decision of a politically-appointed judge).	Interpol cannot? Impact on UK criminal law and proceedings?
89	The Parties should establish effective arrangements based on streamlined procedures and time limits enabling the United Kingdom and Member States to surrender suspected and convicted persons efficiently and expeditiously, with the possibilities to waive the requirement of double criminality, and to determine the applicability of these arrangements to own nationals and for political offences .	What are “political offences”? Anyone opposing the EU could be criminalised. We have already seen this with the condemnation of “populism” and the arrest of anti-EU politicians for “political offences”.	NOT optional (“should establish”) Very illiberal. Risk of having to arrest politicians (or Catalan separatists) under the EAW if they oppose the EU.
90	The Parties should consider further arrangements appropriate to the United Kingdom's future status for practical cooperation between law enforcement authorities, and between judicial authorities in criminal matters, such as joint investigation teams, with the view to delivering capabilities that, in so far as is technically and legally possible, and considered necessary and in both Parties' interests, approximate those enabled by relevant Union mechanisms.	Keeps us locked into developing judicial and criminal pillars in view of a return to full membership (cooperation should mirror “Union mechanisms”).	Ties us into areas of judicial cooperation which we are currently opted out of. Loss of legal sovereignty. And what is the financial cost?
C. Anti-money laundering and counter-terrorism financing			
91	The Parties agree to support international efforts to prevent and fight against money laundering and terrorist financing, particularly through compliance with Financial Action Task Force (FATF) standards and associated cooperation. The Parties agree to go beyond the FATF standards with regard to beneficial ownership transparency and ending the anonymity associated with the use of virtual currencies , including through obliging virtual currency exchanges and custodian wallet providers to apply customer due diligence controls.		Allows the EU to get more deeply involved in regulatory control of UK fintech, where we have a definite edge.
III. FOREIGN POLICY, SECURITY AND DEFENCE			
92	The Parties support ambitious, close and lasting cooperation on external action to protect citizens from external threats, including new emerging threats, prevent conflicts, strengthen international peace and security, including through the United Nations and NATO, and address the root causes of global challenges such as terrorism or illegal migration. They will champion a rulesbased international order and project their common values worldwide .	Pax Europa (with UK money).	A reorientation of foreign policy to suit the EU. Supports rise of a military EU. We might have to agree to join the CFSP in order to get a trade deal in order to leave the backstop...

93	The Parties will promote sustainable development and the eradication of poverty. In this regard, they will continue to support the implementation of the United Nations Sustainable Development Goals and the European Consensus on Development.		Does this include the EU continuing to spend the UK's aid budget?
94	The Parties will shape and pursue their foreign policies according to their respective strategic and security interests, and their respective legal orders. When and where these interests are shared, the Parties should cooperate closely at the bilateral level and within international organisations. The Parties should design flexible and scalable cooperation that would ensure that the United Kingdom can combine efforts with the Union to the greatest effect, including in times of crisis or when serious incidents occur.		Gives the EU leverage through the UK's seat at the UN and other international bodies. Very woolly commitment to joint ops that could cost a lot of money.
95	To this end, the future relationship should provide for appropriate dialogue, consultation, coordination, exchange of information and cooperation mechanisms. It should also allow for secondment of experts where appropriate and in the Parties' mutual interest.		Presumably these exchanges will be in Brussels under EU rules? Why can't this be done through NATO?
A. Consultation and cooperation			
96	The Parties should establish structured consultation and regular thematic dialogues identifying areas and activities where close cooperation could contribute to the attainment of common objectives.	A version of the EU's Council of Foreign Ministers will be established.	Supports the EU's global ambitions for statehood. Why can't this be done through the UN and NATO?
97	In this regard, the Political Dialogue on Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) as well as sectoral dialogues would enable flexible consultation between the Parties at different levels (ministerial, senior official, working). The High Representative may, where appropriate, invite the United Kingdom to informal Ministerial meetings of the Member States of the Union.		Ties us into the EU's Foreign and Security Policy. Weakens our ability to pursue a foreign policy that meets our own strategic objectives.
98	The Parties should seek to cooperate closely in third countries, including on security, consular provision and protection, and development projects, as well as in international organisations and fora, notably in the United Nations. This should allow the Parties, where relevant, to support each other's positions, deliver external action and manage global challenges in a coherent manner,	Continuation of shared consular facilities.	As above. Written by the French ("démarches" = measures/steps).

	including through agreed statements, demarches and shared positions.		
B. Sanctions			
99-100	<p>99. While pursuing independent sanctions policies driven by their respective foreign policies, the Parties recognise sanctions as a multilateral foreign policy tool and the benefits of close consultation and cooperation.</p> <p>100. Consultation on sanctions should include the exchange of information on listings and their justification, development, implementation and enforcement, as well as technical support, and dialogue on future designations and regimes. Where foreign policy objectives that underpin a specific future sanction regime are aligned between the Parties, intensified exchange of information at appropriate stages of the policy cycle of this sanctions regime will take place, with the possibility of adopting sanctions that are mutually reinforcing.</p>	Common foreign policy/sanctions regime.	<p>As above.</p> <p>Formalises continued consultation, when under normal diplomatic procedures cases would be decided on an ad hoc basis.</p>
C. Operations and missions			
101-103	<p>101. The Parties welcome close cooperation in Union-led crisis management missions and operations, both civilian and military. The future relationship should therefore enable the United Kingdom to participate on a case by case basis in CSDP missions and operations through a Framework Participation Agreement.</p> <p>102. Where, following early consultation and exchange of information through the Political Dialogue, the United Kingdom indicates its intention to contribute to a planned CSDP mission or operation open to third countries, the Parties should intensify interaction and exchange of information at relevant stages of the planning process and proportionately to the level of United Kingdom's contribution. This would allow the United Kingdom to best tailor its contribution and provide timely expertise.</p> <p>103. As a contributor to a specific CSDP mission or operation, the United Kingdom would participate in the Force Generation conference, Call for Contributions, and the Committee of Contributors meeting to enable sharing of information about the implementation of the mission or operation. It should also have the possibility, in case of CSDP military operations, to second</p>	Integration with EU foreign and defence policy under EU law ("Union-led")	<p>Undermines sovereignty, undermines NATO, compromises our successful defence strategy, lends out military power to the EU's foreign policy ambitions.</p> <p>Could also be very costly.</p>

	staff to the designated Operations Headquarters proportionate to the level of its contribution.		
D. Defence capabilities development			
104	<p>The future relationship should benefit from research and industrial cooperation between the Parties' entities in specific European collaborative projects to facilitate interoperability and to promote joint effectiveness of Armed Forces. In this regard, while both Parties should preserve their respective strategic autonomy and freedom of action underpinned by their respective robust domestic defence industrial bases, the Parties agree to enable to the extent possible under the conditions of Union law:</p> <ul style="list-style-type: none"> a. the United Kingdom's collaboration in relevant existing and future projects of the European Defence Agency (EDA) through an Administrative Arrangement; b. the participation of eligible United Kingdom entities in collaborative defence projects bringing together Union entities supported by the European Defence Fund (EDF); and c. the United Kingdom's collaboration in projects in the framework of Permanent Structured Cooperation (PESCO), where invited to participate on an exceptional basis by the Council of the European Union in PESCO format. 	Defence procurement and manufacturing under EU law	<p>NOT optional "should".</p> <p>Loss of sovereignty, threat to UK defence manufacturing capabilities, risk to national security, undermines NATO and creates the EU's defence pillar with our know-how.</p> <p>High political risk.</p>
E. Intelligence exchanges			
105	The Parties should exchange intelligence on a timely and voluntary basis as appropriate, in particular in the field of counter-terrorism, hybrid threats and cyber-threats, and in support of those CSDP missions and operations to which the United Kingdom will be contributing. While the Parties will produce intelligence products autonomously, such intelligence exchange should contribute to a shared understanding of Europe's security environment.	Creates an EU "security environment" (i.e. prototype European Intelligence Agency) with our know-how.	Serious threat to intelligence sharing Five Eyes alliance, loss of sovereignty, compromises national security.
106	The future relationship should allow for timely exchanges of intelligence and sensitive information between the relevant Union bodies and the United Kingdom authorities. The European Union Satellite Centre (EUSC) and the United Kingdom should cooperate in the field of space-based imagery.	As above.	As above, not optional.
F. Space			

107	The Parties should consider appropriate arrangements for cooperation on space.	But we have already been kicked out of Galileo contracts even though we are still contributing to the budget...	What's in it for us that we couldn't do better on our own/with other partners?
G. Development cooperation			
108-109	108. The Parties should establish a dialogue to enable strategies in the programming and delivery of development that are mutually reinforcing. 109. On the basis of their mutual interest, the Parties should consider how the United Kingdom could contribute to the Union's instruments and mechanisms , including coordination with the Union's delegations in third countries.	EU would like to continue to spend the UK aid budget.	Our aid budget being spent in support the EU's objectives and probably badged as EU funding. Political risk – not popular.
IV. THEMATIC COOPERATION			
A. Cyber security			
110	The Parties reaffirm their commitment to promote security and stability in cyberspace through increased international cooperation. The Parties agree to exchange information on a voluntary, timely and reciprocal basis, including on cyber incidents, techniques and origin of the attackers, threat analysis, and best practices to help protect the United Kingdom and the Union from common threats.	Common cyber security programme	What's in it for us? How far does this go beyond current arrangements and obligations?
111	In particular, the United Kingdom should cooperate closely with the Computer Emergency Response Team – European Union (CERT-EU) and, subject to the conclusion of an agreement as provided for in Union law , participate in certain activities of the Cooperation Group established under the Union's Directive on Security of Network and Information Systems and of the European Union Agency for Network and Information Security (ENISA).	Common cyber security under "Union law" .	Not optional (" should cooperate closely") – we will probably have to agree this to leave the backstop. Ties in with earlier demands for access to UK data, all under EU law. Risk to integrity of UK intelligence services. Will aid the creation of an EU Intelligence Agency/GCHQ equivalent to support the EU military pillar now being constructed.
112	The Parties should cooperate to promote effective global practices on cyber security in relevant international bodies	Cooperation not compulsion	This is all that is required in this area.
113	The United Kingdom and the Union will establish a cyber dialogue to promote cooperation and identify opportunities for future	Cooperation not compulsion	This is all that's required in this area.

	cooperation as new threats, opportunities and partnerships emerge.		
B. Civil protection			
114	The Parties should cooperate in the field of civil protection in respect of natural or man-made disasters. This cooperation would be enabled by the United Kingdom's participation in the Union's Civil Protection Mechanism as a Participating State .	Could be used to extract money for a Eurozone bailout ("civil protection" reasons were used to get us to contribute to previous Eurozone bailout).	Not optional (" should cooperate") – we have to agree to this "as a participating state" before we can leave the backstop. Conflicts with UN commitments. Could be extremely costly.
C. Health security			
115	The Parties should cooperate in matters of health security in line with existing Union arrangements with third countries. The Parties will aim to cooperate in international for a on prevention, detection, preparation for and response to established and emerging threats to health security in a consistent manner.	Health security via the WHO.	This is all that is required.
D. Illegal immigration			
116	The Parties will cooperate to tackle illegal migration, including its drivers and its consequences, whilst recognising the need to protect the most vulnerable. This cooperation will cover: a. operational cooperation with Europol to combat organised immigration crime; b. working with the European Border and Coastguard Agency to strengthen the Union's external border; and c. dialogue on shared objectives and cooperation, including in third countries and international fora, to tackle illegal migration upstream.	Commits UK to patrolling EU borders and getting sucked into EU migrant crises not of our making.	Loss of sovereignty, no proper control of our own borders and immigration policy. Could involve financial contribution to EU asylum programmes.
E. Counter terrorism and countering violent extremism			
117	The Parties should cooperate on counter-terrorism, countering violent extremism and emerging threats to advance their common security and shared interests. Recognising the mutual advantage of collective dialogue and operational cooperation, the partnership should support: a. sharing best practice and expertise on key issues and themes; b. cooperating with the appropriate intelligence analysis bodies to ensure effective assessment sharing between the	Sharing intelligence with the EU.	Shouldn't this be covered by bilateral arrangements with member states? What can be done at an EU level that won't be better done by EU27 intelligence bodies? Not optional.

	Parties, including on counter-terrorism; and c. a close dialogue on emerging threats and new capabilities.		
V. CLASSIFIED AND SENSITIVE NON-CLASSIFIED INFORMATION			
118	The Parties agree to conclude a Security of Information Agreement, along with Implementing Arrangements, that would provide for reciprocal guarantees for the handling and protection of the Parties' classified information.	We agree to share classified information with the EU (not with individual member states). <i>Intelligence agencies should advise on this and its necessity or otherwise.</i>	Not optional – we will have to agree to this to leave the backstop. High security risk: loss of classified information and intelligence know-how. Where will this intelligence end up?
119	Where necessary, the Parties should set out the terms for the protection of sensitive non-classified information provided and exchanged between them.		Could be used to keep secret the deliberations of the Joint Committee which are of public interest.
PART IV: INSTITUTIONAL AND OTHER HORIZONTAL ARRANGEMENTS			
I. STRUCTURE			
120	The future relationship should be based on an overarching institutional framework covering chapters and linked agreements relating to specific areas of cooperation, while recognising that the precise legal form of this future relationship will be determined as part of the formal negotiations. Where appropriate, the Parties may establish specific governance arrangements in individual areas.	Replicates the very unfavourable governance arrangements in the WA/backstop – Joint Committee and sub-committees.	Not optional (“should be based”) – we have to agree to this to leave the backstop.
121	The Parties may also decide that an agreement should sit outside of the overarching institutional framework, and in those cases should provide for appropriate governance arrangements.		If this is permissible, why have clause 120?
122	The Parties note that the overarching institutional framework could take the form of an Association Agreement .	EU law in all areas, with financial commitments	i.e. not Brexit, but a perpetual backstop of sorts. High political risk – this will be very unpopular.
123	The Parties should provide for the possibility to review the future relationship.	So there might be a get-out clause?	If there is the possibility to review the future relationship, why not the same for the backstop?

II. GOVERNANCE			
124	In order to ensure the proper functioning of the future relationship, the Parties commit to engage in regular dialogue and to establish robust, efficient and effective arrangements for its management, supervision, implementation, review and development over time, and for the resolution of disputes and enforcement based on the arrangements provided for in the Withdrawal Agreement , in full respect of their own legal orders.	Continuing jurisdiction of ECJ on all questions of EU law (and there are many provisions under EU law in this proposed partnership).	Not Brexit. Loss of legal sovereignty. Replicates the fundamental flaws in the WA.
A. Strategic direction and dialogue			
125	The future relationship should include dialogue between the Parties at summit, ministerial and technical level, as well as at parliamentary level. The Parties should encourage civil society dialogue.	Sounds as though it will replicate some form of COREPER and ministerial councils	So the council of ministers and committees... as now.
126	In this context, the summit and ministerial level should oversee the future relationship, provide strategic direction and discuss opportunities for cooperation in areas of mutual interest, including on regional and global issues. This would foster a strong relationship between the Parties, support the operation of the agreements, and enable the partnership to evolve in response to changing and unforeseen circumstances.	Institutional apparatus for an associate membership	As above.
127	There should also be specific thematic dialogues at ministerial and senior official level, established as part of the economic and security partnerships , which should take place as often as is necessary for the effective operation of the future relationship.	Associate membership with a major new military alliance.	The WA and Political Declaration actually integrate us far more deeply into the EU's political structure than our current terms of membership. A full economic and military alliance is envisaged.
128	The Parties support the establishment of a dialogue between the European Parliament and the Parliament of the United Kingdom, where they see fit, in order for the legislatures to share views and expertise on issues related to the future relationship.		Taxpayer-funded junkets for MEPs and MPs (that is certainly how the press will portray it).
B. Management, administration and supervision & C. Interpretation			
129-131	129. The Parties should establish a Joint Committee responsible for managing and supervising the implementation and operation of the future relationship, facilitating the resolution of disputes as set out below, and making recommendations concerning its evolution.	Replicates in full the "rule by committee" established in the WA.	Why is the future relationship not to be overseen by the Foreign Office under international law?

	<p>130. The Joint Committee should comprise the Parties' representatives at an appropriate level, establish its own rules of procedures, reach decisions by mutual consent, and meet as often as required to fulfil its tasks. As necessary, it could establish specialised sub-committees to assist it in the performance of its tasks.</p> <p>131. In full respect of the autonomy of the Parties' legal orders, the Union and the United Kingdom will seek to ensure the consistent interpretation and application of the future relationship.</p>		
D. Dispute settlement			
132 -135	<p>132. The Parties will base the arrangements for dispute settlement and enforcement on those provided for in the Withdrawal Agreement. To that end, the Parties should first make every attempt to resolve any matter concerning the operation of the future relationship through discussion and consultation. If either Party deemed it necessary, it should be able to refer the matter to the Joint Committee for formal resolution.</p> <p>133. Unless otherwise provided, the Joint Committee may agree to refer the dispute to an independent arbitration panel at any time, and either Party should be able to do so where the Joint Committee has not arrived at a mutually satisfactory resolution within a defined period of time. The decisions of the independent arbitration panel will be binding on the Parties.</p> <p>134. Should a dispute raise a question of interpretation of Union law, which may also be indicated by either Party, the arbitration panel should refer the question to the CJEU as the sole arbiter of Union law, for a binding ruling. The arbitration panel should decide the dispute in accordance with the ruling given by the CJEU. Where a Party considers that the arbitration panel should have referred a question of interpretation of Union law to the CJEU, it may ask the panel to review and provide reasons for its assessment.</p> <p>135. Where a Party fails to take measures necessary to comply with the binding resolution of a dispute within a reasonable period of time, the other Party would be entitled to request financial compensation or take proportionate and temporary measures, including suspension of its obligations within the scope of the</p>	Replicates in full the totally one-sided arrangements in the WA.	<p>NOT optional – if we don't agree to this we won't be able to leave the backstop.</p> <p>EU law will be supreme and enforceable by the ECJ.</p> <p>No independent dispute resolution mechanism under international law.. Could have very serious impact in all areas of policy if we don't toe the EU line (state aid and competition law particularly would be likely bones of contention).</p> <p>This is not “taking back control of our laws”.</p>

	future relationship. The future relationship will also set out the conditions under which obligations arising from parts of any agreement between the Union and the United Kingdom may be suspended, including as foreseen in Article 178 of the Withdrawal Agreement. Either Party may refer the proportionality of such measures to the independent arbitration panel.		
III. EXCEPTIONS AND SAFEGUARDS			
136-137	136. The future relationship should provide for appropriate exceptions regarding security; national security is the sole responsibility of the Member States of the Union and the United Kingdom respectively. 137. The future relationship should address the possibility for a Party to activate temporary safeguard measures that would otherwise be in breach of its commitments in case of circumstances of significant economic , societal or environmental difficulties. This should be subject to strict conditions and include the right for the other Party to rebalancing measures. The proportionality of measures taken will be subject to independent arbitration.		EU could restrict market access/suspend provisions of the partnership to avoid economic difficulties (i.e. in a serious Eurozone crisis)
PART V. FORWARD PROCESS			
138	In setting out the framework of the future relationship between the Union and the United Kingdom, this declaration confirms, as set out in the Withdrawal Agreement, that it is the clear intent of both Parties to develop in good faith agreements giving effect to this relationship and to begin the formal process of negotiations as soon as possible after the United Kingdom's withdrawal from the Union, such that they can come into force by the end of 2020.	This is a totally unrealistic deadline. Agreeing a deal by the end of 2020 is extremely unlikely and ratification by all EU27 members and the European Parliament can take as long as they want it to.	Not legally binding. Unless we agree to all the EU's terms above, we could end up in the backstop indefinitely.
139	Both Parties affirm that the achievements, benefits and commitments of the peace process in Northern Ireland will remain of paramount importance to peace, stability and reconciliation. They agree that the Good Friday or Belfast Agreement reached on 10 April 1998 by the United Kingdom Government, the Government of Ireland and the other participants in the multi-party negotiations (the "1998 Agreement") must be protected in all its parts, and that this extends to the practical application of the 1998 Agreement on the island of Ireland and to the totality of the relationships set out in the 1998 Agreement.	This in itself should negate the need for the backstop, since we should be able to use security provisions under the WTO to avoid a border.	Restates the EU's role in Northern Irish affairs obtained via the Joint Committee in the backstop.

I. BEFORE WITHDRAWAL			
141	The Parties will progress the development of the legal agreements giving effect to the future relationship in two stages. Between the approval of this declaration and the United Kingdom's withdrawal from the Union, the Parties will each engage in preparatory organisational work, with the aim of enabling rapid commencement of and progress in formal negotiations.		Pointless except in relation to the sting in 142.
142	This work should draw up a proposed schedule to deliver the work programme required, having identified the areas likely to require the greatest consideration, such as those elements related to the alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing.		Sets down a marker to hold us to ransom over the NI border. <i>But see paras 26-27 above.</i>
II. AFTER WITHDRAWAL			
144-146	<p>144. After the Union has taken the steps necessary to begin formal negotiations under Article 218 of the Treaty on the Functioning of the European Union (TFEU), it is envisaged that the Parties will negotiate in parallel the agreements needed to give the future relationship legal form.</p> <p>145. Immediately following the United Kingdom's withdrawal, and based on their preparatory work, the Parties will agree a programme including:</p> <p>a. the structure and format of the negotiation rounds, including with respect to parallel tracks; and</p> <p>b. a formal schedule of negotiating rounds.</p> <p>146. This programme will be designed to deliver the Parties' shared intention as set out in paragraph 138.</p>	<p>The power to start negotiations rests with the EU. We will be forced to accept the EU's proposed agenda and sequencing.</p> <p>This will mirror the Article 50 negotiations, which have been entirely dictated by the EU.</p>	<p>High risk of being held to ransom on the timetable and content of negotiations because there is no end date or termination clause to the WA.</p> <p>The Political Declaration will be used to trap us in the backstop until we agree to the EU's terms. And the backstop will be used to ensure that the EU gets exactly what it wants from the Political Declaration.</p> <p><i>We have already thrown away all our leverage.</i></p>
III. REVIEW POINTS			
147	The Parties will convene a high level conference at least every six months from the date of the United Kingdom's withdrawal from the Union to take stock of progress and agree, as far as is possible between them, actions to move forward.	Progress will be slow – and made in proportion to the concessions extracted from the UK by the EU.	Why no cut-off date should agreement prove to be impossible?