

The Minister and the blob

Kemi Badenoch in her Telegraph article implies she had to back down over removing a lot of needless or damaging EU law because the civil service were unable or unwilling to do the work to sort out the good from the bad amongst the 4000 laws they had identified and transferred to the UK from the EU. Her critics will say it is for Ministers to decide. She could have insisted that this was her priority and could have ensured enough resource to do the job. Her friends will say she was victim of a civil service that intends to defend every EU law, wishing to keep the UK aligned with Europe as closely as possible, and working with the EU and Opposition parties that never wanted the UK to leave. She certainly did not herself identify some of the more obvious ones and make the case for their repeal in public as you would have hoped she might do.

I do not buy the line that the civil service could not read and understand all the EU law in the seven years that have passed since the vote and offer sensible advice over the merits and demerits of the inherited laws. There is plenty of evidence that the civil service is alive to the EU legislative inheritance, and many cases where they have been keen to save it in case Ministers wanted to amend or remove it. The latest Energy Bill has a big chunk of draft UK legislation confirming EU laws and schemes and putting it into UK law. The civil service note providers were kind enough to tell us they are doing that in case the EU Retained Law Bill otherwise dropped these laws! The civil service was particularly keen to keep us aligned with EU data rules, so Ministers were persuaded to put all that into directly acting UK laws as well as transferring it as part of inherited EU law. There are other cases from finance to environment.

Conspiracy theorists will say the UK gave in to all the EU demands over the Northern Ireland Protocol. These always included stopping the NI Protocol Bill in the UK which would have resolved matters unilaterally and might have also included a secret promise to dump the EU retained Law Bill. Others will think this is just another example of weak Ministers giving in to officials who did not want to lose any EU law and who therefore decided to make it more difficult for any Minister wishing to do so.

We are offered a list claiming to be 600 measures which will go. Most of the items on the list have already time expired or relate to EU international agreements which clearly no longer affect the UK as we are not members covered by them. There are items relating to 1990s agricultural settlements long gone, to Olympics special measures for the London games, and a range of temporary controls for things like BSE which have passed. It is tidy to clear them up but makes no difference to the costs of doing business or the freedoms in our daily lives.

For this policy to work there needs to clear areas where unhelpful rules and charges disappear, so people and businesses can do more more easily. So Kemi should include getting rid of the carbon taxes and emission trading, the complex product specifications, many of the VAT impositions, simplify the

data regime, abolish the Ports Directive, and many others often mentioned on this site. She should revisit Iain Duncan Smith's Report on repealing EU laws which sits unimplemented.