

The shackles of the single market and customs union

Being the UK's Single Market Minister during an intense period of EU legislating when they said they were "completing" the single market turned me from a mild sceptic to a strong critic of the undemocratic approach of the EU. It was quite clear watching and listening to the EU officials during that period that their aim was to take more and more powers of self determination away from member states in the name of the single market. All you needed for a single market was the rule that a product of merchantisable quality in one country could be offered for sale in another with suitable labels.

They had a doctrine of the occupied field. Everytime they put forward a regulation or Directive in a new area it meant they established competence or power over that area. Quite often the first piece of legislation did little and was unexceptional. The reason was they merely wanted to capture the jurisdiction without at first using the power in ways that alarmed or upset. That came later, once competence was established.

My job was often a negative one. The UK government wanted the single market, but also often wanted to resist bad or needless legislation in its name. It was also the case that often the draft regulation was based on a Franco German way of conducting business, and not on a UK way where that was different. I then had to argue for a change of draft to stop UK businesses being made to change their model or being declared illegal.

All this should worry the present government about the Withdrawal agreement. If the UK signed that as currently drafted there would be no UK vote, voice or veto on any law the EU wanted to pass in all the areas of its competence. That means that every business sector and company in the UK would face a prolonged period when the EU might deliberately or inadvertently legislate in ways that damaged their business models with us being unable to stop them.

Why don't the UK business bodies raise this issue? Why don't they raise the problems for our car industry created by the attack on diesels, car loans and the costs of purchase? UK industry has suffered from past EU regulations and taxes, and could be made to suffer more.