

Who now doubts the power of the EU?

Before the referendum pro Remain commentators and MPs delighted in telling us we were a free and independent country whilst still in the EU. They explained that the EU did not have much power over us, just a few necessary details to allow trade to take place. Since we voted to leave some of these same people have explained how crucial EU laws and controls are, and how they penetrate most features of our public life and law codes. They now claim the control is so wide ranging we cannot live successfully without it.

The supremacy of EU law over domestic law has been at the centre of recent disputes over the matter of delaying our exit. The Prime Minister requested a delay of Brussels at the last Council. She wanted to leave on 30 June. The EU Council instead gave her the ultimatum of a delay until April 12th, unless she could carry the Withdrawal Agreement which could hold up our departure until May 22nd. These different delays had not been agreed by Parliament or even explained to Parliament. As soon as the PM said Yes to the Council we were told they were good EU law which trumped all that Parliament had enacted to get us out on 29 March. After a legal wrangle the government decided to put it beyond doubt by legislating in the UK as well, whilst claiming the supremacy of EU law.

The upcoming Council on Wednesday raises the same difficult issue again. The Prime Minister is requesting a delay until June 30th for a second time. If the EU grants it she will tell Parliament we have to put up with it whether we like it or not. Treaty law is superior to UK law, and apparently a mere written statement by the EU Council can flex this Treaty.

The question is how will the EU want to respond this time to a request for yet more delay? The EU minus the UK has big plans to press on with greater political, monetary and economic integration. Many of its members will be pleased to see the end of UK resistance to these centralising plans, as the UK has for years been trying to slow down the movement to greater integration. France may be tempted to get rid of the UK more quickly so she can press Germany harder for a closer union. Germany may be more attracted to delay so the UK has to pay in money for longer which helps Germany most as the biggest paymaster, and dilutes French and other centralising influences as well.

What will be clear is that once again our future will be settled by the rest of the EU, probably under the influence of Germany and France. They will decide whether the UK can delay, and if so on what terms. They after all have encouraged the Commission to settle the penal terms for long delay that are represented in the Withdrawal Agreement at great cost to the UK. The UK public has been too wise to fall for that so the EU does need to think again. The UK government is humiliating our country by putting us through this repeated begging to the European Council.