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Go for Zero Plus, says distinguished lawyer. Martin Howe QC sets out the agenda for Britain's negotiations with the EU - and for Britain to withdraw if the EU obstructs.

Martin Howe's new Politeia publication sets out the way forward for Britain and Europe

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In the run up to next year's General Election, Britain's relationship with the EU will be central to the campaign. Can voters' concerns be met so that Britain maximises her trade with the EU and the wider world, while retaining vital control over borders and immigration? In Politeia's next publication, *Zero Plus: The Principles of EU Renegotiation*, **Martin Howe QC** sets out the legal and constitutional principles for a new deal with the EU.

In approaching the negotiations, he explains that two options exist: either to seek modification of existing treaties and EU regulations and directives, or to set out on a clean sheet what this country wants, and be ready to withdraw from the EU, if it is not forthcoming. Mr Howe warns that the former, issue-by-issue changes to EU treaties and laws, would be a complex, lengthy business, needing unanimous agreement by all Member States and ratification under their national constitutional requirements. That process could certainly delay any settlement beyond 2017. As the author says:

'The longer the list of demands, the longer the list of difficulties which will have to be faced and the larger the coalition of Member States which will be built up in opposition to agreeing to the UK's demands'.

Mr Howe, a distinguished EU lawyer whose proposal for *Safeguarding [UK] Sovereignty* was adopted by William Hague for the European Union Act 2011, explains the arrangements needed for international treaties and domestic matters. He shows how, if Britain were to withdraw, it could refashion its relationship with the EU member states. The relationship which Britain could obtain by withdrawing should be the backdrop against which it should negotiate its terms of membership as an alternative to withdrawal. The EU, he explains, already has many

'different categories of membership, in the sense that special Protocols to the EU treaties exclude certain states from some aspects of membership or at least modify their obligations in certain areas of policy.'

Britain could therefore forge a different relationship. Far from damaging Britain's future prosperity, proposing a new special category of membership with treaty obligations limited to mutual free movement of goods, services and capital could make a renegotiation not only quicker and easier, but also more effective in keeping the goodwill of other Member States and promoting Britain's own interests, at home and abroad.

Martin Howe QC is the author of *Zero Plus: The Principles of EU Renegotiation* published by Politeia, 33 Catherine place, London SW1E 6DY on Tuesday 22nd July 2014

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