

An unlikely Brexit boost

CJEU ruling on trade deal may change the interpretation of EU law but will not change the politics of Brexit, writes Euromat general secretary **Kieran O’Keeffe**



THE Court of Justice of the European Union in Luxembourg is normally the object of derision from proponents of the UK’s exit from the EU.

Characterised as a remote and unaccountable institution that has far reaching powers to impact national laws, the ability to remove the UK from its jurisdiction was one of the Leave campaign’s promises to voters. It’s therefore somewhat surprising to see its judgement on the EU-Singapore Free Trade Agreement interpreted as a boost for Brexit.

The CJEU ruled that many aspects of the EU-Singapore deal were within the competence of the European Commission to agree with a qualified majority of member states. However, certain aspects, to do with foreign direct investment and investor state dispute resolution, would still need unanimous approval.



It requires considerable optimism to conclude that this will hasten the agreement of an EU-UK trade deal post-Brexit. An agreement between the EU and the UK will remain highly political. A deal will not be forced through in the face of concerns from even a small number of member states; preserving consensus among the EU 27 will be the foremost concern for EU negotiators and, unlike the UK, they have the time to find it.

The CJEU’s latest ruling is probably good news for proponents of free trade, with the process of agreement on future EU deals likely to be less complicated. However, as with many aspects of Brexit, the normal rules do not apply and while this ruling may change legal interpretation it won’t change the political reality that the UK will have to face.