

Chapter 10 The Internal (or Common, or Single) Market

Context for this chapter

'I really don't think [Brexit] would make a blind bit of difference to trade with Europe. There has been far too much scaremongering about things like jobs. I don't think we or Brussels will put up trade barriers.'

'What is needed is a lot less red tape. ... Some of it is costly for us and, quite frankly, ridiculous. Whether that means renegotiating or exiting [the EU], I don't think it can carry on as it is. It's a burden. ... It's easier selling to North America than to Europe sometimes.'

Graeme Macdonald, CEO of JCB (a construction equipment producer), quoted in Vincenzo Scarpetta, "Cutting red tape must be at the heart of any EU reform agenda" (18 May 2015, OpenEurope) <https://openeurope.org.uk/today/blog/cutting-red-tape-must-be-at-the-heart-of-any-eu-reform-agenda/>

Discuss the quote.

Approaching the question: taking a position

Graeme MacDonald effectively sets out two separate but related points in the quote at the start of the chapter. First, he believes that after Brexit there will be no new trade barriers (or that trade will not be impeded in any way). Second, he believes that the EU produces far too much 'red tape' and seems to imply that Brexit presents an opportunity to scrap some of it. Your instructions are to address his points: do you agree or disagree with Graeme MacDonald, both on the issue of trade barriers after Brexit and on the issue of 'red tape'?

Once you have taken a clear **position** on that question, you can (as you did in Chapters 1, 2, 4, 6, and 9) proceed to use Chapter 10 to compile **evidence** to build the **arguments** that support your **position**. It is not a question to which there is a clear 'correct' answer in full. While it would be very hard to argue that Brexit will not result in *any* new trade barriers, you can argue that the issue is overstated and those barriers will be minimized. Similarly, it cannot be argued that the EU does not overregulate—it agrees itself that it has done so!—but a significantly more nuanced debate about the volume and nature of 'red tape' in the EU is nonetheless possible.

The one thing that we wish to avoid is that you engage in what we call **sitting on the fence**: rather than adopting a position, you try to write an answer that, for example, just *describes* how the EU produces some legislation that can be seen as 'red tape', but it also produces some legislation that should not be termed as 'red tape' because of its importance to consumers, and so the EU produces some 'red tape' but also some good legislation. This kind of answer, which fails to develop a clear **argument**, usually falls into

the trap of being very descriptive. It is likely to result in just a list of qualities of the EU (i.e. the evidence), without actually using those qualities to tackle the question and present a clear **position**.

Examples of possible positions you could take include, but are not limited to:

Agreeing with the statement: *‘The Political Declaration makes clear that both the UK and the EU will seek to avoid putting up trade barriers. What businesses will instead gain after Brexit is a better regulatory regime, as the UK will no longer have to comply with internal market standards where they are unsuitable for the UK.’*

Disagreeing with the statement: *‘Even with a future trade agreement, there will be many trade barriers arising between the UK and the EU after Brexit. If the UK starts dismantling what it thinks of as ‘red tape’, these barriers to trade will only become bigger—and consumers in the UK are unlikely to benefit from their dismantling.’*

Mostly agreeing with the statement: *‘The EU is guilty of overregulation, and one of the main opportunities that arises with Brexit is reconsidering which of the EU’s rules and standards actually work for the UK. That said, the idea that this will result in no new trade barriers at all is optimistic—it will result in a few.’*

Mostly disagreeing with the statement: *‘Not all EU law is fit for purpose, much like not all domestic law is fit for purpose. When trading conditions change (as they will when the UK leaves the EU), it is a good idea to consider if all EU law is necessary. That said, the idea that Brexit and the scrapping of ‘red tape’ will result in trade barriers misunderstands the effects of leaving the Single Market.’*

Building your argument: evidence

In an exam question, or even in a piece of coursework, you cannot cover *every aspect* of Brexit’s effects on trade between the EU and the UK and regulation of products and businesses in the UK. Part of writing university-level essays is making smart decisions on what your response should and should not include.

A first step is determining what, specifically, the question *needs* you to discuss. What are the **key issues** that come up in the quote that you have to engage with in order to actually answer the question?

In this specific quote, there are two **key issues** that must be addressed to answer the question:

- 1) What will Brexit mean for trade between the EU and the UK, in terms of trade *barriers*?
- 2) Does the EU produce a lot of ‘red tape’ that the UK can scrap after Brexit?

Now that you know what key issues you need to discuss, you can start thinking about what the best **evidence** is for your position. This will depend on your position. If you agree with the quote, you will need to focus on what the parties are doing to ensure that trade barriers do not arise. You will need to discuss the ‘future relationship’, and probably mention that this aims to address a lot of the issues that arise for trade in goods after

Brexit. You should also consider EU over-regulation and what powers the UK gains to re-draft regulation on certain key areas. It is probably also important for you to address the different types of 'red tape', and to be *specific* about where you see advantages arising; this will help you be persuasive in your argument.

This will feel frustrating, but there is no *right or wrong* answer to what works as the 'best evidence'. It is a matter of you thinking about which of the material covered in Chapter 10 stood out to you most.

For those of you who instinctively disagree with the quote, your focus will be on what is unique about the Single Market and how that means trade barriers are inevitable, and on how 'red tape' slashing will result in further difficulties in accessing the EU market after Brexit. Additionally, you could discuss the benefits of so-called 'red tape' and how much of it the EU actually produces. Again, it is your choice which specific examples you focus on.

Following the '**Discussing the quote**' boxes throughout the chapter will mean you have already reflected on the following potential issues to raise as evidence:

- The impact of UK withdrawal from the EU customs union and the absence of a free trade agreement on the ease of 'trade' and the presence of trade barriers;
- The nature of the Single Market and its product regulation system, and what changes will affect the UK and its products when it has left the Single Market;
- To what extent 'red tape' is a matter that can be renegotiated with the EU (which also enables you to consider how much of it actually exists);
- The impact of the Withdrawal Agreement (and especially the Protocol on Ireland/Northern Ireland) on 'red tape'.

For the purposes of making your approach workable, the emphasis here is on selecting your **best** evidence. As mentioned, you cannot possibly discuss everything! So perhaps pick around 3 pieces of evidence that best support your position, and get ready to discuss them in detail before concluding that *you* are correct.

Dealing with counterarguments

In building an **argument**, it is important that you are consistent in arguing for the **position** you start your essay with. If you are not, you risk falling into the '**fence-sitting**' trap, whereby you describe a number of different views but do not clearly argue in favour of one.

That said, you cannot ignore the arguments that you disagree with! Doing that would make you far less persuasive to anyone that you are arguing with (including your future markers). For example, it will not make for a winning argument if you ignore that, in leaving the Single Market, the EU *must* start applying some checks to UK products so as to ensure that products circulating the internal market continue to comply with EU standards. Anyone reading your argument would be thinking, 'But what about...?'. And at that point, you are failing to convince the reader that your **position** is the correct one.

Likewise, pretending that the EU produces no 'red tape' at all, or *only* produces 'red tape', is unlikely to be persuasive; a more nuanced analysis is necessary.

In other words, you must address counterarguments and explain *why* you think they are less persuasive. While you should make clear that outside of the Single Market mutual recognition of regulatory standards will not exist, your position is that this would not result in extensive trade barriers—or that the UK and the EU should be able to negotiate these down through a detailed free trade agreement, resulting in limited trade barriers rather than extensive ones. On ‘red tape’, you need to make it clear that while all jurisdictions produce legislation that poses a ‘burden’ to business, you think the EU is either particularly bad on this front, as demonstrated by its own failures to tackle superfluous legislation. —or you think the EU is actually not much worse than any other jurisdiction, as demonstrated by the fact that the Member States have in reality not revolted against excessive EU legislative activity.

Both of these positions are far more difficult for any reader to disagree with: you have not ignored evidence that is inconvenient for your **position**. Instead you have made it clear why that evidence does not *change* your **position**. This is the most effective way to tackle arguments that you do not agree with, and you should find some room to do this in your response.

Again, in terms of identifying possible counterarguments to your position, having another look at the material you prepared for the ‘**Discussing the quote**’ boxes should help you identify the different positions on the development of the EU.

Answer the question!

As a final and general note on essay-writing at university, it is imperative that you *conclude* your argumentation by ending on your **position** again. Be sure to explain how what you are discussing *proves* your **position**, and conclude with a firm statement of the position that you have by now proven to be correct. You can follow this up with a short summary of the **evidence** you have discussed, but in general, you need to ensure that the reader comes away from your essay with a clear understanding of your position on the quote.