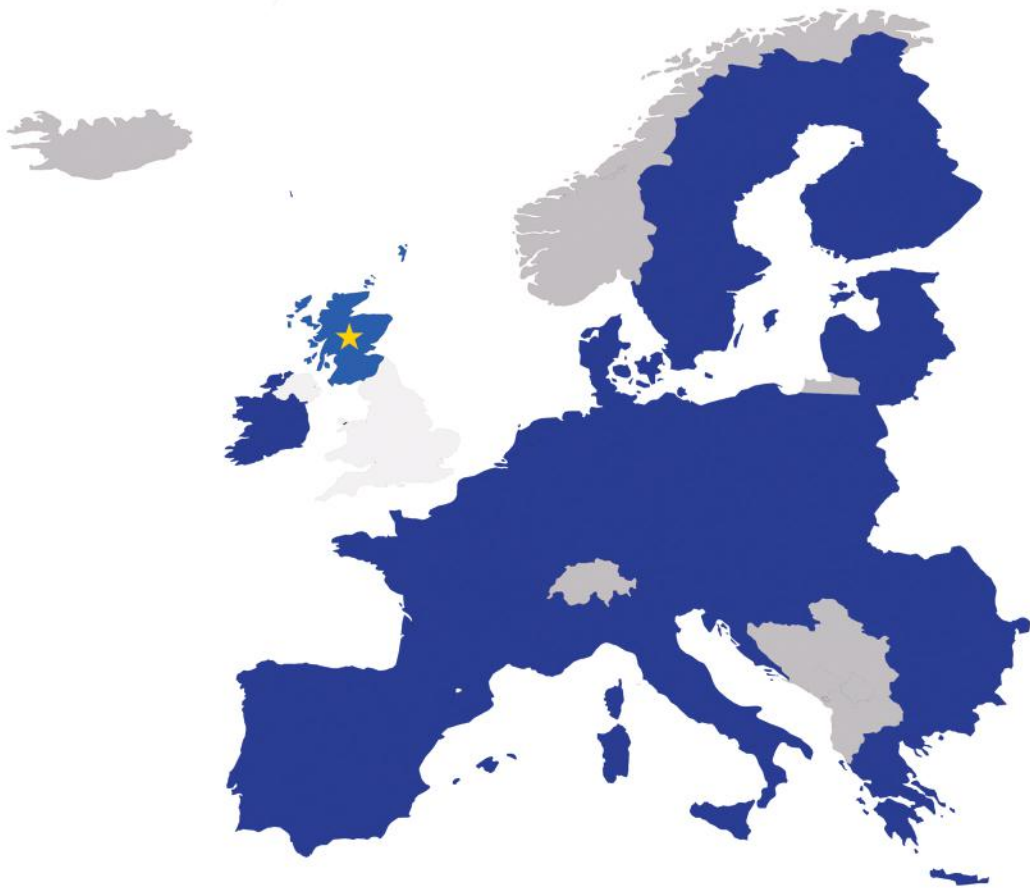


Scotland in the European Union



Why the EU, Not EFTA, Will Unlock Our Independent Future



scotlandineurope.eu

From the Office of Alyn Smith MP



Preface

The primary purpose of independence is not to be separate or apart, but to join the world, making our own decisions at home and working together with our friends and allies in the world.

The SNP adopted independence in Europe many years ago and our success since has been underpinned by that policy. We are not “going it alone” ... we are joining something bigger.

The 2016 EU referendum has rendered that policy even more urgent and independence, as a route to EU status, all the more attractive. There were Scots who honestly believed we had the ‘best of both’ UK and EU membership in 2014, only to have those rights removed from them in 2016.

SNP policy is that an independent Scotland will join the European Union.

There are other organisations, and the European Free Trade Association, EFTA, is certainly an option, as is the European Economic Area (EEA). They are not the best options, either practically or politically, and would deliver nothing like the advantages of EU membership.

Independence in Europe will bring us the same rights and status as Ireland or Denmark, representation at the top table, a say in the EU’s laws and budgets and the benefits of being part of them.

EFTA or EEA membership would leave us ‘outside the room’, obliged to contribute billions but with no say in how it is spent, and bound by EU laws but unable to influence them. The SNP is in favour of EU membership precisely because we have looked at the other options and found them wanting. This paper outlines why.

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What is the European Union?



The European Union (EU) is a political and economic union of 27 member states. With a population of nearly 450 million, it is also one of the largest trading blocs in the world alongside the United States and China.

The EU is not just a trade bloc; it is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. It aims to promote peace and prosperity, freedom of movement within its borders, establish and maintain an internal market as well as enhance economic, social and territorial cohesion and solidarity among EU countries.

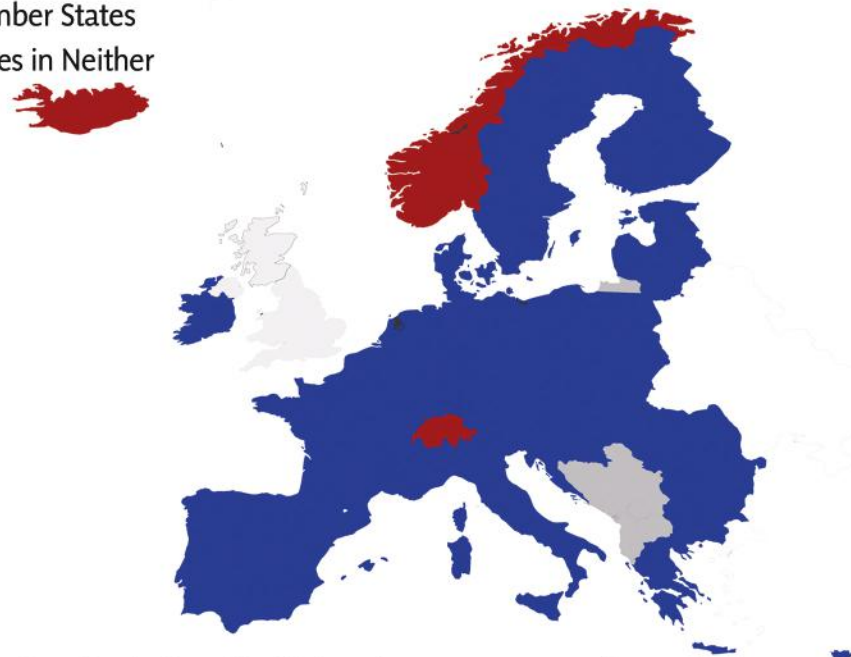
Within the EU, there are different layers of integration:

- Within the Single Market, there is free movement of goods, services, capital and persons across Europe.
- The Customs Union ensures that there is a common tariff on imports from outside the EU and associated members, with no tariffs between member states.
- The Schengen Area allows member states' citizens to move between different EU countries without being subject to border checks.

Legislation in the EU is developed between the Council of the EU (composed of member state governments), the European Parliament (which is directly elected by EU citizens) and the European Commission (who are appointed by the Member States and whose membership is approved by the Parliament). Any EU law only enters into effect in the member state when approved by the member state Parliament.

What is the European Free Trade Area (EFTA)?

-  EFTA Member Countries
-  EU Member States
-  Countries in Neither



The European Free Trade Area (EFTA) is an intergovernmental organisation set up for the promotion of free trade and economic integration to the benefit of its four Member States: Iceland, Liechtenstein, Norway and Switzerland.

All four states participate in the Single Market and Schengen Area and so are bound by those laws, but are not part of the Customs Union.

Members must have a coordinated trade policy with the EU but have full rights to enter into third-country trade arrangements.

EFTA has been overtaken by the EEA. Iceland, Liechtenstein and Norway are also part of the European Economic Area (EEA), which also includes the member states of the EU. The EEA extended the EU's internal market to those three countries which sees them incorporate the Four Freedoms of movement of goods, persons, services and capital as well as various related policies.

Switzerland is not a member of the EEA, instead separately negotiating bilateral agreements with the EU in order to access the Single Market in a never ending series of talks.

EFTA and the EU - What's the difference?



EFTA does not envisage political co-operation. It does not issue legislation, nor does it establish a customs union. EFTA states can sign their own bilateral free trade agreements with other countries but in practice choose to do so in a coordinated manner between the four members. EFTA members must also pay, significantly, to access the Single Market and are required by law to implement the EU's laws and regulations in this area.

In contrast, the EU member states pool their sovereignty together to agree common legislation, set the direction of the EU, as well as negotiate together on the world stage. As such, the EU enables smaller countries such as Slovenia, Malta or the Lithuania to punch above their weight in global affairs and the internal policy of the EU – whether it be in terms of economics or politics.

At the same time, whilst EU member states contribute to the collective budget of the EU, they have a say in how this money is spent, including for EU programmes such as Erasmus+ or Horizon Europe. EFTA states have no say despite contributing billions of Euros.

Equally, EFTA states have no say when it comes to approving or rejecting legislation and are required by law to implement any new laws by the EU as soon as possible. As such, it means that EFTA states often implement new EU legislation far quicker than even member states – since if they do not, they have no access to the EU's Single Market.

Is joining EFTA a “half-way house”, making it easier to join the EU later?



No, it is not.

That is like saying having a contract with Scottish Water makes it easier to take out a contract with Scottish Gas. They're not the same thing.

Article 56 of the EFTA Convention states that, “any State may accede to the Convention provided that the EFTA Council decides to approve its accession, on such terms and conditions as may be set out in that decision.” A request for membership of EFTA would be considered by the EFTA Council (consisting of ambassadorial or ministerial representatives) where decisions are taken by consensus, and of course in close co-operation with the EU members.

Membership of EFTA is not an entry ticket to membership of the EEA, again, they're not the same thing. Under Article 128 of the EEA Agreement, Scotland could apply to join the EEA by addressing its membership to the EEA Council, consisting of all EU member states and the three EFTA members of Iceland, Liechtenstein and Norway.

Is joining the EU any simpler?

Acceding to the EU is a well-trodden path which 21 other countries have done since it was originally founded as the European Steel and Coal Community in 1952. As outlined by the European Commission, accession involves the following steps:

1. Country submits an application to the European Council. It is assessed according to the Copenhagen Criteria.
2. The European Commission submits an Opinion on the application.
3. EU Member States decide unanimously to grant the country candidate status.
4. After conditions are met, the accession negotiations are opened with the agreement of all Member States.
5. The Commission proposes a draft negotiating framework as a basis for the talks. Accession negotiations formally start once Member States agree on the negotiating framework.
6. During negotiations which are structured according to clusters and chapters (35 in total), the country prepares to implement EU laws and standards, also known as the Acquis Communautaire. Having been part of the EU for so long, Scotland is already well advanced in this. All EU Member States must agree that all requirements are met in each case.
7. Once negotiations on all areas are finalised, the Commission gives its Opinion on the readiness of the country to become a Member State.
8. Based on this Opinion, EU Member States decide unanimously to close the negotiation process. The European Parliament must also give its consent.
9. All EU Member States and the candidate country sign and ratify an Accession Treaty which enables the country to become an EU Member State.



Is it worth the bother? At least we know what we have with the UK.



The UK option is not risk-free, as Liz Truss' damaging mini-budget and Boris Johnson's poor Brexit deal demonstrate. Even if the Labour party win the next election, Sir Keir Starmer's government will not rejoin Single Market, the Customs Union or restore Freedom of Movement. The UK is becoming the sick man of Europe again as it struggles to find its place in the world.

In contrast, we already know what it was like to be part of a global A-Team with 27 other countries. Scots had the right to live, work, travel, study and love across the EU – rights that will not be returned under the UK or even under EFTA membership.

This time though, we will be able to speak with our own voice instead of having the UK speak for us. An independent Scotland could expect to have around 14 Members of the European Parliament instead of the 6 it had as part of the UK.

EU membership means that Scotland would not only contribute to the EU's programmes but could shape their direction and actively benefit from schemes such as Horizon Europe, Erasmus+, Energy Just Transition and Structural funds. With independence in Europe we will be able to put rocket boosters on the Scottish economy as borders with 27 other states come tumbling down.

And independence means Scotland would have a seat at the table in its own right in European institutions, such as at the European Council or being guaranteed one Commissioner like every other Member State.