



### ERG: Government spending on EU leaflets

- There will be a statement today by the Minister for Europe regarding the Government's decision to spend £9.3m on EU leaflets.<sup>1</sup>
- The designated campaigns are permitted to spend £7 million in the last 10 weeks and will receive a free mail shot.<sup>2</sup>
- The Electoral Commission has said "governments should conduct no taxpayer-funded advertising activity during the regulated period." The regulated period is the last 10 weeks prior to the referendum.
- The sending of a leaflet in this manner does not conform to the Electoral Commission's or the Council of Europe's best practice.
- The claims made in the leaflet are heavily contested by the Vote Leave campaign.

### What the Government has said previously:

**9 June 2015:** The Foreign Secretary, Rt. Hon. Philip Hammond MP:

*"it will be for the Yes and No campaigns to lead the debate in the weeks preceding the poll. These campaigns will be designated by the Electoral Commission and will receive a number of benefits, including a public grant, eligibility to make a referendum broadcast and to send a free mailshot to voters.*

*"I can assure the House that the Government has no intention of undermining those campaigns and is not proposing to spend large sums of public money during the purdah period prescribed by Section 125."*<sup>3</sup>

**16 June 2016:** The Rt. Hon. David Lidington MP:

*"We have always been clear that it is not our intention that the Government should be a lead campaigner in the referendum. It is right that the Committee should seek reassurance from us on that point."*

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<sup>1</sup> Gov, EU leaflet;

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/514655/why-the-government-believes-that-voting-to-remain-in-the-european-union-is-the-best-decision-for-the-uk.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514655/why-the-government-believes-that-voting-to-remain-in-the-european-union-is-the-best-decision-for-the-uk.pdf)

<sup>2</sup> UK Gov, European Union Referendum Act 2015, schedule 1, para 25;

<http://www.legislation.gov.uk/ukpga/2015/36/schedule/1/paragraph/25/enacted>  
Electoral Commission; [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0005/194594/Designation-process-for-the-EU-referendum.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/194594/Designation-process-for-the-EU-referendum.pdf)

<sup>3</sup> Hansard 9 June 2015: <https://www.gov.uk/government/speeches/a-simple-but-vital-piece-of-legislation-to-deliver-on-our-promise-to-give-the-british-people-the-final-say-on-our-eu-membership>

And

*"The Government must be able, and legitimately should be able, to offer their views, including up to the day of the referendum. However, as I have said, the Government are not a campaign: it is not the Government's job to supplant the role of the lead campaign organisations during the referendum campaign, and it is certainly not our intention to act in that way."<sup>4</sup>*

**21st July 2015:** The Rt. Hon, David Lidington MP and Sir Jeremy Heywood gave evidence to PACAC on as part of its purdah inquiry.<sup>5</sup>

**Lidington:** *"Yes, that is the concern. It is understandable but misplaced, because things can be done in a way where, as the Foreign Secretary described on Second Reading, the Government would act with restraint. They would be able to express a view without looking over their shoulder at lawyers the whole time and be able to respond factually to criticisms that had been made. **We are not in the business of talking about the Government going for mass email campaigns, leaflet drops, glossy brochures, advertising or anything like that.**"*

**Sir Jeremy Heywood:** *"The Government have no intention of using the Government machine in the last 28 days of the referendum period for promotional material or campaigning, but there is a risk that the provision will catch normal business in Brussels when Ministers are fighting our corner."*

**8 December 2015:** In response to an amendment to the Referendum Act by Sir Bill Cash:

**Sir William Cash:** Before I declare whether I am going to withdraw my amendment, I have asked my right hon. Friend several times to make it absolutely clear, on behalf of the Government, that when they give information under Lords amendments 5 and 6 they will do so with due accuracy and impartiality. Is he going to do that or not?

**Mr Lidington:** *"Certainly, that is the case, because it would probably have a perverse impact on the Government's recommendation if they were to be seen to be acting in an excessively partisan manner. I say again to my hon. Friend that, at the end of the negotiation, **the Government will express their view, their recommendation and their reasoning, but we see the statutory provisions laid out in the Lords amendments as being about the provision of actual and factual information....**"*

**Sir William Cash:** I simply say that in the light of the clear assurance that there will be due impartiality and accuracy, I will not press my amendments to Lords

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<sup>4</sup> Hansard, 16 June 2016 column 234:

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150616/debtext/150616-0002.htm>

<sup>5</sup> Parliament, PACAC 21 July 2015:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-administration-and-constitutional-affairs-committee/eu-referendum-bill-part-one-purdah-and-impartiality/oral/18787.html>

amendments 5, 6 and 13. I beg to ask leave to withdraw amendment (a) to Lords amendment 5.<sup>6</sup>

8 December 2015: David Lidington:

*"In our view, the most useful role for the Government is to give information on the renegotiation deal that is achieved, and on the factual nature of membership, to try to aid understanding and to inform the public. Then it will be for the designated lead campaigners to interpret that information and provide their own arguments on both sides."*<sup>7</sup>

**20 December 2015:** A Government spokesman told the Telegraph that:

*"As part of the EU Referendum Act we have committed to provide public information on the outcome of the renegotiation. We've always been clear that it is important that the British public are provided with the information they need to understand the consequences of their choice in the referendum."*<sup>8</sup>

### **The Electoral Commission:**

*"After the referendum on Scottish independence, the Electoral Commission recommended that governments should conduct no taxpayer-funded advertising activity during the regulated period. However, Parliament decided not to put any legal restrictions on government activity until 28 days before the poll, 27 May. These are the same rules that were in place for other recent referendums."*<sup>9</sup>

### **Council of Europe Venice Commission:**

#### **EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) CODE OF GOOD PRACTICE ON REFERENDUMS:**

*"The situation is different in the case of referendums, since it is legitimate for the different organs of government to convey their viewpoint in the debate for or against the text put to the vote. They must not abuse their position, however. In any event, the use of public funds for campaigning purposes must be prohibited in order to guarantee equality of opportunity and the freedom of voters to form an opinion. In addition, the public authorities at every*

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<sup>6</sup> Hansard, 8 December 2015:

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151208/debtext/151208-0002.htm#151208-0002.htm> spnew85

<sup>7</sup> Hansard 8 December;

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151208/debtext/151208-0002.htm#151208-0002.htm> spnew8

<sup>8</sup> Telegraph; <http://www.telegraph.co.uk/news/newstopics/eureferendum/12060814/EU-referendum-David-Cameron-already-planning-pro-Europe-dossier-to-keep-Britain-in-the-Union.html>

<sup>9</sup> The Electoral Commission, 7 April 2016: <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/electoral-commission-statement-on-uk-government-leaflet-ahead-of-eu-referendum?>

level (national, regional or local), must not engage in excessive, one-sided campaigning, but show neutrality.

Clearly, this does not mean they will not take a stand, but they must provide a certain amount of necessary information in order to enable voters to arrive at an informed opinion. Voters must be able to acquaint themselves, sufficiently in advance, with both the text put to the vote and, above all, a detailed explanation (point I.3.1.d):

- the best solution is for the authorities to provide voters with an explanatory report setting out not only their viewpoint or that of persons sharing it, but also the opposing viewpoint, in a balanced way”<sup>10</sup>

## 1975 EU referendum:

The 1975 EU leaflets have been cited as a precedent.

- In 1975 the Yes and No campaigns were given free mailshots that were sent out at the same time along with the Government's leaflet.<sup>11</sup>



Some of the claims in the 1975 Government leaflet:

*“We confidently believe that these better terms can give Britain a **New Deal** in Europe.”*

*“There was a threat to employment in Britain from the movement in the Common Market towards an Economic & Monetary Union. This could have forced us to accept fixed exchange rates for the pound, restricting industrial growth and putting jobs at risk. This threat has been removed.”*

*“We have also maintained our freedom to pursue our own policies on taxation and on industry, and to develop Scotland and Wales and the Regions where unemployment is high.”<sup>12</sup>*

## Vote Leave criticisms of the EU leaflets:

<sup>10</sup> CofE, Venice Commission guidance on referendum;

[http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2007\)008-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)008-e)

<sup>11</sup> <http://blogs.lse.ac.uk/brexitvote/2016/03/02/from-the-lse-library-rarely-seen-campaigning-literature-from-the-1975-referendum/>

<sup>12</sup> 1975 leaflet; <http://www.harvard-digital.co.uk/euro/pamphlet.htm>

# Government bailing out remain campaign with false and misleading propaganda

The Government's £9.3 million [document](#) is propaganda and contains a number of false claims.

## False Claim 1: 'The UK has secured a special status in a reformed EU'.

- Despite the Government's claims to have secured a 'special status' in the EU, this term is nowhere used in the Decision of the Heads of Government (European Council, 19 February 2016, [link](#)).
- It does not bind the European Court, which will continue to treat the UK as it treats every other member state. In 1979, it stated that 'the equality of Member States before Community law' was 'at the very root of the Community legal order' (*Commission v United Kingdom* [1979] ECR 419, para [12], [link](#)).
- The EU is fundamentally unchanged. Even if promised changes to the Treaties were made (and there is no guarantee of this), the Treaties would remain 99% the same as they were before the renegotiation (Vote Leave, February 2016, [link](#)).
- The leaflet even claims that as a result of the renegotiation, 'we will not join the euro'. The Prime Minister admitted in November that: 'the United Kingdom has a permanent opt-out from the Eurozone' (Letter to Donald Tusk, 10 November 2015, [link](#)).

## False Claim 2: 'We will keep our own border controls'.

- Every EU citizen will retain the right to enter the UK, including serious criminals.
- The European Court is undermining what limited checks we can still carry out. In December 2014, it decided that the UK could not require third country nationals who are married to EU citizens to obtain a permit from UK authorities to be able to enter the UK. The British Government is instead obliged in principle to accept as valid permits issued by other EU countries (*R (McCarthy) v Secretary of State for the Home Department*, Case C-202/13, [link](#)). This is despite the fact that Mr Justice Haddon-Cave had found that forgery of such permits was 'systemic' (*R (McCarthy) v Secretary of State for the Home Department* [2012] EWHC 3368 (Admin), para [99], [link](#)). This decision makes it easier for terrorists and criminals to enter the UK using forged documents.
- EU law also prohibits the UK from automatically denying EU citizens who lack travel documents entry into the UK, and forbids the UK from checking on a systematic basis whether EU citizens are lawfully resident in the UK (Directive 2004/38/EC, arts 5(4) & 14(2) [link](#)). EU law requires the UK to admit EU citizens who can produce an EU passport. Yet we have no control over the way other EU countries issue their passports. Some EU member states even sell passports to the highest bidder (*Reuters*, 30 January 2014, [link](#)).

## False Claim 3: 'The UK will not be part of further political integration.'

- Such claims have been made time and time again by successive British Governments. On every occasion, they have been proven to be false.
- In 1971, the Heath Government claimed that 'there is no question of any erosion of essential national sovereignty' (HM Government, July 1971, [link](#)).
- The Wilson Government claimed in 1975 that the UK's sovereignty would not be compromised because 'it is the Council of Ministers, and not the market's officials, who take the important decisions. These decisions can be taken only if all the members of the Council agree' (HM Government, 1975, [link](#)).

- John Major even claimed that British sovereignty had been enhanced by the Maastricht Treaty, asserting that 'the very centralising tendency that many are so worried about was addressed and corrected at Maastricht' (*Independent*, 7 September 1992, [link](#)).

**False Claim 4: 'there will be tough new restrictions on access to our welfare system for new EU migrants'.**

- The Government admitted after the European Council that these proposals may never come into force, stating: 'Details of the proposals for restricting in-work benefits for EU nationals will be subject to further negotiation and we cannot speculate on these' (Social Security Benefits: EU Nationals: Written question - HL5972, 22 February 2016, [link](#)).
- The 2015 Conservative Manifesto stated 'We will insist that EU migrants who want to claim tax credits and child benefit must live here and contribute to our country for a minimum of four years' (Conservative Manifesto 2015, [link](#)). This promise has been broken. The denial of 'non-contributory in-work benefits' will 'be graduated, from an initial complete exclusion but gradually increasing access to such benefits to take account of the growing connection of the worker with the labour market of the host Member State.' This makes clear EU migrants will be able to claim in-work benefits during their first four years in the UK.
- Even if these proposals do come into force, they are far short of what the Prime Minister promised. The OBR has said they will have 'not much' impact on migration (*BBC News*, 8 December 2015, [link](#)).
- The emergency brake can only be invoked 'during a period of 7 years' (European Council, 19 February 2016, [link](#)). This means that the UK will not be able to use the emergency brake after 2023. The emergency brake can only be invoked 'on a proposal from the Commission' by the EU Council. The Decision states that 'the Council could authorise' the brake, not that it will (European Council, 19 February 2016, [link](#)). The UK has no right to activate the emergency brake by itself.
- In November 2014, the Prime Minister rightly dismissed 'some arcane mechanism within the EU, which would probably be triggered by the European Commission and not by us... some sort of EU led, EU determined brake, which would be determined and applied probably by the European Commission, I don't actually think that would be effective' (Prime Minister's Office, 28 November 2014, [link](#)).
- Since child benefit, unlike certain tax credits, is not a 'non-contributory in-work benefit', it would appear the emergency brake will not apply to it, contrary to the Conservative Manifesto (Social Security Contributions and Benefits Act 1992, s. 141, [link](#)).

**False Claim 5: 'The EU is by far the UK's biggest trading partner. EU countries buy 44% of everything we sell abroad'.**

- You do not have to be part of the EU to trade with the EU. As the Prime Minister has accepted: 'If we were outside the EU altogether, we'd still be trading with all these European countries, of course we would... Of course the trading would go on. Sometimes ... There's a lot of scaremongering on all sides of this debate. Of course the trading would go on' (*The Andrew Marr Show*, 6 January 2013, [link](#)).
- The UK's trade with the EU has been in decline over the last decade. It is down from 52% in 2005 (ONS, *Pink Book*, 2015, [link](#)).
- Switzerland sells more to the EU as a proportion of its exports than we do, but is not part of the EU (European Commission, 27 October 2015, [link](#)).

**False Claim 6: 'By contrast, leaving creates uncertainty and risk.'**



- Even the Head of the IN campaign has admitted this claim is false. Lord Rose of Monewden has said that ‘nothing is going to happen if we come out of Europe... It’s not going to be a step change or somebody’s going to turn the lights out and we’re all suddenly going to find that we can’t go to France, it’s going to be a gentle process’ (*The Times*, 17 October 2015, [link](#)).

**False Claim 7: The Government cites industries it claims would be affected by a leave vote. In each sector, it is in the EU’s interests to maintain access to the UK’s markets or in the UK’s interests to escape from EU red tape.**

- **‘Aerospace’.** The vast majority of British exports of aerospace are sold to countries outside the EU. The ONS notes: ‘In 2013, non-EU exports accounted for around 74% of total aerospace exports, with EU exports making up the remaining 26%’ (ONS, 6 November 2014, [link](#)).
- **‘Chemicals and pharmaceuticals’.** In 2014, the EU sold the UK £11.0 billion more in chemicals than the UK sold to the EU (OECD, 2015, [link](#); HMRC, 2015, [link](#)). In the same year, the EU sold the UK £4.7 billion more in medicinal and pharmaceutical products than the UK sold to the EU (OECD, 2015, [link](#); HMRC, 2015, [link](#)). They need us more than we need them.
- **‘Financial services’.** The Head of the IN campaign has admitted that: ‘We are very good at what we do in terms of financial services. They cannot do without us’ (Evidence to Treasury Select Committee, 2 March 2016, [link](#)). According to the Bank of England, in February 2015, 75 banks located in the European Economic Area ‘passported’ their services into the UK, including ABN AMRO, BNP Paribas, Deutsche Bank and Société Générale (Bank of England, February 2016, [link](#)). According to the Bank of England, over 800 insurance firms in the EEA could passport their services into the UK as of September 2015 (Bank of England, September 2015, [link](#)). There is no prospect of EU firms choosing to cut off their access to the world’s greatest financial centre. Deutsche Bank alone employs 8,000 people in the UK and has chosen ‘to base its largest investment banking operations in the City of London, a centre of global flows of trade and wealth’ (Deutsche Bank, December 2013, [link](#)).
- **‘Food manufacturing’.** In 2014, the EU sold the UK £14.6 billion more in food and live animals than the UK sold to EU (OECD, 2015, [link](#); HMRC, 2015, [link](#)). They need us more than we need them.
- **‘IT and telecoms’.** In 2014, the EU sold the UK £4.5 billion more in food and live animals than the UK sold to EU (OECD, 2015, [link](#); HMRC, 2015, [link](#)). They need us more than we need them.
- **‘Transport’.** In 2014, the EU sold the UK £46.5 billion more in machinery and transport equipment than the UK sold to the EU (OECD, 2015, [link](#); HMRC, 2015, [link](#)). They need us more than we need them.

**False Claim 8: ‘The Single Market makes it easier and cheaper for UK companies to sell their products outside the UK, creating jobs as a result.’**

- It is widely accepted that the costs of the ‘single market’ outweigh the benefits. As the UK Government admitted in 2005, the ‘single market’ ‘could cost Europe’s consumers up to 7 per cent of EU GDP’ (HM Treasury, October 2005, [link](#)). In 2004, the incoming European Commissioner for Trade, Peter Mandelson, admitted that the cost of EU regulation was as high as 4% of GDP, twice the estimated benefits of the ‘single market’ (*The Times*, 8 November 2004, [link](#); *The Guardian*, 9 November 2004, [link](#)).
- The European Commission claims (in a document which says the single currency has boosted GDP by 3.6%) that the single market has raised GDP by 2.13%, without making any attempt to quantify the costs (European Commission, 2012, [link](#)).

- Just 6% of British businesses export to the EU (Business for Britain, 2014, [link](#)). Nonetheless, 100% of British business must comply with EU law.
- EU legislation costs British businesses at least £33.3 billion per year, over £600 million per week (Open Europe, March 2015, [link](#)).
- There is no evidence that the single market has been of macro-economic benefit. Countries outside the 'single market' have seen their exports to countries in the EU rise faster than those within the 'single market' (Civitas, January 2016, [link](#)). As the pro-EU commentator Wolfgang Münchau has noted, 'The single market had no discernible impact on aggregate productivity' (FT, 3 April 2016, [link](#)).

**False Claim 9: 'Being inside the EU also makes it more attractive for companies to invest in the UK, meaning more jobs. Over the last decade, foreign companies have invested £540 billion in the UK, equivalent to £148 million every day.'**

- This is extremely misleading. The Government counts every single pound invested into the UK over the last decade from every country, regardless of whether the country is in the EU or not (ONS, 3 December 2015, [link](#)). It is ridiculous to link all investment into the UK to the UK's membership of the EU.
- The Head of the IN campaign has admitted this argument is 'all a red herring and it is just scaremongering', stating: 'The reason that people want to come to this country is because we have a flexible workforce, because we have stability, because we've got a growing economy, because we've got strong IPR, because this is a place to do business. I think it's ridiculous to suggest that everybody is going to suddenly go offshore, I don't believe that for one moment and to make sure that that doesn't happen we have to ensure that we continue to have the right environment, an environment which is invested in, i.e. let's invest in infrastructure. To make sure that we've got the right tax regime, to make sure that corporation tax is attractive to people who invest here. To make sure that we invest in the right number of people so that we've got these apprenticeships, we've got these people who are fit and ready to come into the workforce, that will dictate whether people want to have their businesses domiciled here so I think this is all a red herring and it is just scaremongering' (Sky News, 19 April 2015, [link](#)).

**False Claim 10: 'Over 3 million UK jobs are linked to exports to the EU'.**

- The Government deliberately conflates trade with countries in the EU with EU membership. It is not necessary to be part of a political union to trade freely with the EU. Many countries around the world have free trade agreements with the EU without accepting the supremacy of EU law or paying billions to the EU. We will strike a free trade deal.
- The Executive Director of the IN Campaign, Will Straw, has admitted: 'We have not and have never claimed that 3 million jobs would be lost if we left the EU' (Evidence to Treasury Select Committee, 2 March 2016, [link](#)).
- The Prime Minister, David Cameron, has accepted trade would continue, meaning jobs would not be put at risk. He said: 'If we were outside the EU altogether, we'd still be trading with all these European countries, of course we would ... Of course the trading would go on ... There's a lot of scaremongering on all sides of this debate. Of course the trading would go on' (The Andrew Marr Show, 6 January 2013, [link](#)).
- The '3 million jobs' figure was invented by the pro-euro campaign group, Britain in Europe, in 2000, as part of their attempts to scrap the pound (Britain in Europe, 2000, [link](#)). The economist whose work they traduced, Dr Martin Weale, has dismissed the figure as 'pure Goebbels', stating that 'in many years of academic research, I cannot recall such a wilful distortion of the facts' (The Sun, 14 November 2015, [link](#)).



**False Claim 11: 'If the UK voted to leave the EU the resulting economic shock would risk higher prices of some household goods'.**

- The Governor of the Bank of England, Dr Mark Carney, refused to agree with the claim that leaving would lead to an economic shock, despite being asked his view several times during a recent Treasury Committee hearing (Evidence to Treasury Committee, 8 March 2016, Q993, [link](#)).
- The Governor confirmed that: 'the global risks, including from China are bigger than the domestic risk' (Evidence to Treasury Committee, 8 March 2016, Q993, [link](#)).
- The pro-EU CBI released a report that states 'our model estimates suggest that [t]otal real UK GDP could be around 36-39% higher in 2030 than in 2015 in the two exit scenarios'. The paper also admits that growth will continue in the short term and that, in the long term, economic growth will be *stronger* outside the EU compared to remaining inside (CBI/PwC, March 2016, [link](#)).
- The independent House of Commons Library has concluded that EU membership actually *increases* the costs of consumer goods, stating that the EU's Common Agricultural Policy 'artificially inflates food prices' and that 'consumer prices across a range of other goods imported from outside the EU are raised as a result of the common external tariff and non-tariff barriers to trade imposed by the EU. These include footwear (a 17% tariff), bicycles (15% tariff) and a range of clothing (12% tariff)' (House of Commons Library, 18 September 2013, [link](#)).

**False Claim 12: There would be 'pressure' on the value of the pound.**

- The UK recorded a current account deficit of £96.3 billion in 2015 (ONS, 31 March 2016, [link](#)). This could be substantially reduced if we Vote Leave. In 2014 (the last year for which data are available), the UK recorded a £12.3 billion balance of payments deficit with the EU institutions (ONS, *Pink Book*, 2015, [link](#)). This means we could substantially cut the current account deficit if we Vote Leave.
- The EU-funded Oxford Economics group has concluded that if the UK voted to leave the EU, 'In most cases... the UK's trade balance improves' (Oxford Economics, March 2016, [link](#)).
- There is no evidence that the increased prospect of a leave vote is having a substantial effect on the currency or is driving movements in the foreign exchange markets. The pound has been strengthening against the US dollar over the last month from \$1.3871 on 26 February to \$1.4013 on 6 April (Bloomberg, 6 April 2016, [link](#)). This is despite the fact that the polls have shown a consistent improvement in the leave campaign's position.

**False Claim 13: 'A vote to leave could mean a decade or more of uncertainty.'**

- ***Greenland left the EU in less than three years.*** It voted to leave the then European Economic Community on 23 February 1982 and the new Treaty was signed at Brussels on 13 March 1984 (SI 1984/1820, 22 November 1984, [link](#)). It entered into force on 1 February 1985 and provided for the abolition of tariffs, quotas and measures equivalent to quotas on Greenland's principal export, fish (Irish Ministry of Foreign Affairs, 2010, [link](#); Protocol (No 34) to the EU Treaties, [link](#)).
- ***The US-Australia Free Trade Agreement was concluded in less than two years.*** Formal negotiations for a free trade agreement began in Canberra on 18 March 2003 (Library of Congress, 3 August 2003, [link](#)). The agreement came into effect on 1 January 2005 (Australian Government, 2016, [link](#)). The US Government states that: 'as a result of the U.S.-Australia Free Trade Agreement, tariffs that averaged 4.3 percent were eliminated on more

than 99% of the tariff lines for U.S. manufactured goods exports to Australia' (US Government, 2011, [link](#)).

- ***The Switzerland-China free trade agreement was negotiated in a little over two years.*** There were 9 rounds of negotiations between April 2011 and May 2013 which 'produced a deal praised by both sides for its quality and its breadth, covering goods, services, investment, and competition' (Centre for Security Studies, February 2014, [link](#)). The agreement entered into force on 1 July 2014 (Swiss State Secretariat for Economic Affairs, 2016, [link](#)).

**False Claim 14: 'From next year, mobile phone roaming charges will be abolished across the EU, saving UK customers up to 38p per minute on calls.'**

- The Minister of State for Culture and the Digital Economy, Ed Vaizey MP (who supports the IN campaign) has admitted that market access in telecommunications would continue if we Vote Leave. He has said that if 'we were to withdraw from the European Union, I still think that British consumers would benefit. It is dangerous for any government Minister to comment on what may or may not impact on people's views when they vote in this referendum. As we experienced with the Scottish referendum, it may be that everything, including the kitchen sink, is thrown into the argument and that roaming charges become part of that debate, but my instinct is that, should the British public decide to leave the European Union, that will not impact on their roaming ability in Europe' (Evidence to European Union Committee, 7 September 2015, [link](#)).

**False Claim 15: 'Canada's deal with the EU will give limited access for services'.**

- The Government has already admitted that: 'The EU will open its market in services significantly for Canadian firms' (HM Government, March 2016, [link](#)).
- The Canadian Government states that: 'CETA covers all aspects of our broad trading relationship with the EU, including goods, services, investment, government procurement and regulatory cooperation' (Government of Canada, February 2016, [link](#)).
- The deal includes services, financial services, mutual recognition of qualifications and procurement (European Commission, 2016, [link](#)).

**False Claim 16: 'Our EU membership magnifies the UK's ability to get its way on the issues we care about.'**

- The UK has been outvoted every time it has voted against an EU measure - 72 times in total. 40 of these defeats have taken place since David Cameron became Prime Minister. This costs the UK taxpayer £2.4 billion a year (Vote Leave, October 2015, [link](#)). We do not get our way on the issues we care about.
- Since the UK joined the EU in 1973, it has lost 101 out of 131 cases before the European Court, a failure rate of 77.1%. Since David Cameron became Prime Minister in May 2010, the UK has been defeated on 16 occasions: a failure rate of 80% (Vote Leave, 2 March 2016, [link](#)).
- EU rules mean that we don't have the power to intervene to get our way at home. The Government has acknowledged that its scope to intervene in the steel crisis is limited by EU state aid rules. The Business Minister, Anna Soubry MP, has said 'We have to be very careful because we have to be compliant with state aid rules' (BBC News, March 2016, [link](#)).

**False Claim 17: 'EU cooperation makes it easier to keep criminals and terrorists out of the UK.'**

- **The EU's own Frontex Agency has recently concluded the EU makes us less safe.** Frontex has said that: 'The Paris attacks in November 2015 clearly demonstrated that irregular migratory flows could be used by terrorists to enter the EU... there is a risk that some persons representing a security threat to the EU may be taking advantage of this situation... there is clearly a risk that persons representing a security threat maybe entering the EU' (Frontex, 5 April 2016, [link](#)).
- **EU law makes it much harder to remove suspected terrorists.** Where the Home Secretary believes a suspected terrorist should be excluded from the UK, but believes disclosing the case to the suspect would damage national security, the European Court of Justice has ruled that: 'the person concerned must be informed, in any event, of the essence of the grounds on which a decision' against him is taken (*ZZ (France) v Secretary of State for the Home Department*, Case C-300/11, [link](#)). The Court of Appeal has since ruled that these rights under EU law 'cannot yield to the demands of national security' (*ZZ (France)* [2014] QB 820, [link](#)). This means the Home Secretary either has to disclose information that might prejudice national security or allow suspected terrorists into the UK.
- **EU law prevents the UK from removing violent criminals.** EU law prevents us from removing serious criminals, such as violent killer Theresa Rafacz, a Polish national who killed her husband, including by kicking him in the face with a shod foot while he lay on the ground defenceless and drunk. Mr Justice Hart ruled the offence involved 'gratuitous violence'. She was sentenced to four years' imprisonment (*R v Rafacz* [2011] NICC 5, [link](#)). Nonetheless, Mr Justice Blake later ruled that EU law prevented her removal, stating that there was 'no basis' which could 'justify her deportation on the grounds of public policy' (*Telegraph*, 5 April 2013, [link](#)).

**False Claim 18: 'Since 2004, using the European Arrest Warrant, over 1,000 suspects have faced justice in UK courts and over 7,000 have been extradited.'**

- This deliberately conflates EU membership with the ability to have working extradition agreements. We have extradition agreements with many countries around the world, including the United States, without accepting the supremacy of US federal law.
- Recently, we extradited a murder suspect from Ghana in just a few weeks (*Telegraph*, 10 January 2016, [link](#); *Daily Mail*, 12 February 2016, [link](#)).
- The UK could continue to be part of the European Arrest Warrant if we Vote Leave. As the Independent Reviewer of Terrorism Legislation, David Anderson QC, has confirmed, police and security cooperation would continue if we Vote Leave. Asked: 'But we could still have tools like the European Arrest Warrant and sharing of databases even if the UK left the EU?', David Anderson replied: 'I think that's very likely' (*BBC Daily Politics*, 1 March 2016).
- The European Court has just made it much harder to extradite suspects, ruling they cannot be removed to face trial because of prison conditions in another member state (*Aranyosi*, Joined cases C-404/15, C-659/15 PPU, [link](#)).
- If we end the supremacy of EU law, we could also stop the European Arrest Warrant being abused by foreign prosecutors which is currently illegal under the EU's Charter of Fundamental Rights (*Melloni v Ministerio Fiscal*, Case C-399/11, [link](#)).

**False Claim 19: '[the EU] also guarantees many employment rights.'**

- If the Government are claiming that employment rights are at risk, they are effectively claiming that the Prime Minister cannot be trusted to protect your rights at work if we Vote Leave.

- The UK introduced employment rights before it joined the EU, for instance, the right to strike (1913), the right to paid holiday (1938) and the right to equal pay for equal work (1970).
- Leave campaigners have been clear, employees' rights will be protected after we Vote Leave.

**False Claim 20: 'EU membership brings economic security, peace and stability'.**

- The Governor of the Bank of England, Dr Mark Carney has said: 'we do think there are risks from remaining in the European Union and risks particularly related to the development of the euro area' (Evidence to Treasury Committee, 8 March 2016, Q993, [link](#)).
- Leading historians, including the former head of history at Cambridge University, Professor David Abulafia, have dismissed the claim that the EU has brought peace to Europe. Instead historians have shown that it was NATO that was responsible for peace in Europe (Historians for Britain, January 2016, [link](#)).
- The Secretary of State for Defence during the Falklands War, Sir John Nott, has pointed out that: 'The only time the EU actually took charge of security was during the Bosnian War. Its mishandling of that crisis led to more than one million people being displaced and up to half a million being killed or wounded' (*Daily Telegraph*, February 2016, [link](#)).
- The EU has handled the situation in the Ukraine extremely badly. Leaked telephone conversations have shown that US officials have taken to requesting that the EU is excluded from the whole process (*BBC News*, February 2014, [link](#)).