

**BREXITER “PURIST IDEOLOGY” IS CAUSING “UNNECESSARY DAMAGE” TO THE COUNTRY  
WARN UK’S FORMER EU JUDGE AND ADVOCATE GENERAL**

- Eleanor Sharpston KC and Ian Forrester KC are two of the most senior Brits to ever serve in the European courts
- Their legal opinion paper for Gina Miller calls on the government to “displease a faction of Brexit purists” to restore EU relations
- True & Fair Party leader Miller says “Tory extremists don’t care that they are making a difficult Brexit absolutely devastating”
- The mechanisms to fix the devastating effects of Brexit exist in agreements signed by both sides but are being “wilfully ignored”

**30.01.23.** Problems created by Brexit could be resolved if “pragmatic good sense were to replace purist ideology”, senior lawyers have argued in the most substantive legal opinion paper since Brexit.

Ian Forrester was a Judge in the General Court of the EU in 2015-20 and Eleanor Sharpston served as Advocate General in the Court of Justice of the EU in 2016-20. They have written the paper for Gina Miller. Marking the third anniversary of the UK’s secession from the EU tomorrow (31 January) they warn that damage caused by Brexit thus far “is not inevitable”, but the result of political leaders pandering to ideological “purists”.

Sharpston and Forrester argue that there are legal tools in the Trade and Co-operation Agreement (TCA) that allow the UK to “negotiate intelligently with the EU to achieve mutually advantageous solutions”. These would address problems ranging from the Northern Ireland Protocol (NIP) to restrictions for touring musicians. They add: “Recognising that the problems exist and realising that they are curable is essential if the UK is once again to thrive and prosper.”

**The Addressing Brexit Problems legal opinion states:**

*“Addressing Brexit Problems does not try to ‘undo Brexit’. It urges the government to acknowledge the various problems frankly and to negotiate intelligently with the EU to achieve mutually advantageous solution.*

*“The legal and administrative routes are already available. The UK’s political leaders and key players now require the political courage, in the national interest, to displease a faction of Brexit purists. The result will not be Brexit betrayal. It will be to palliate unnecessary damage.”*

**True & Fair Party leader Gina Miller said:**

*“Brexit did not need to be like this. Ministers have taken a ludicrous and counterproductive approach, even threatening to breach EU law. Without their aggressive, bad faith approach we could have reached accommodation on issues that have already damaged so many sectors in the UK, from farming to the NHS, logistics to research.*

*“Yet Tory extremists don’t care that they are making a difficult Brexit absolutely devastating. Routes to resolving problems resulting from Johnson’s paper-thin Brexit agreements are being wilfully ignored.*



*Rishi Sunak – or whoever the PM is in the coming weeks – needs to take note of this paper and start talking to all sectors, to find out what they need to reduce the Brexit damage they are experiencing daily. It is now urgent that the government brings common sense to our negotiations with the EU, rather than wasting time and resources on legislation such as the Retained EU Laws (REUL) Bill, which will only make matters worse. It's not too late, but we're probably at five to midnight."*

**Eleanor Sharpston KC and Ian Forrester KC said:**

*"European history makes us believe deeply in friendly cooperation as a route to peace and prosperity. The UK has left the EU, but we have not established sensible relationships with our EU neighbours. As concerned citizens, we observe with dismay the unnecessary damage currently being caused to our country and our fellow countrymen by the way Brexit is being implemented. Small businesses and ordinary people on both sides of the Channel are suffering in multiple ways. It is not their fault, and it is not unavoidable.*

*"That is why, as specialists in European law and as former UK members of the EU court, we accepted the invitation from Gina Miller to summarise how our country could address better the challenge of Brexit. She has demonstrated commitment and understanding of the UK's constitutional principles. We undertook this work for no fee. We wish to urge those in power to admit that there are real problems. They should then start real negotiations with the EU in order to palliate the widespread damage Brexit is currently causing."*

The senior lawyers are particularly damning of the government's attempts to repeal Retained EU Laws (REUL) by the end of this year, simply to "please" a Conservative faction of Brexiteers. The report states: *"The immense resources that will need to be devoted to eradicating or replacing REUL against a tight timeline would be better devoted both to identifying genuine opportunities that Brexit has made available and to focusing our regulatory effort on resolving particular problems which Brexit has created."*

**MEDIA ENQUIRIES AND REQUESTS TO INTERVIEW GINA MILLER**

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**NOTES TO EDITORS**

Link to ['Addressing Brexit Problems' Legal Opinion](#)

Paragraphs 71-75 cover some of the mechanisms available to the UK and EU to resolve their disagreements.

**ENDS**