

Piece for The House Magazine on the Great Repeal Bill.

By David Howell, January 27th 2017

The Great Repeal Act must be seen as the great gateway. It opens the way not just to the re-labelling of countless regulations and orders but to something much more fundamental – namely a dual shift in the organisation and culture of Britain’s civil administration in line with the new and growing realities of the digital age.

The challenge has an internal, or domestic, and an external dimension.

Within the UK the ‘decentralised spirit of the internet age’ (to use the words of Frances Maude) is beginning to permeate public administration and needs to go much further. So many EU laws and regulations, now being tipped out onto the table for sorting through, come from a previous pre-digital age and from the philosophies of a past. In these were embedded beliefs about centralised control and direction, economies of scale, massive energy installations, standardised procedures and production, which the immense and multiplying power and flexibility of the micro-chip has simply invalidated.

The platform technology which is revolutionising business, with constant feedback from the consumer and more specific and instant tailoring to different markets and needs, now has to be applied throughout the public sector, and woven together with much greater localism, far more innovation, more openness, and more variety and diversification in the delivery of public services.

Many of the EU regulations we now inherit work actively against this spirit, and against the opportunities of a digitalised world. The corporatist flavour still runs strong in many of them, whilst all modern industrial trends are racing the other way – towards millions more micro-businesses, much more devolution and variety, including in tax arrangements.

On the external, or outward-facing front the requirements of change are even greater. Two developments now predominate

The first is the radical change in the whole pattern of world trade in recent years and the second is the huge impact of China’s new trade routes and supply chains on the global scene.

The flows of data and digital information and data exchange –now generate more economic value than global goods trade -according to McKinsey. A THIRD of UK GDP now arises from digital business as more and more UK exporters adopt platform business models and as blockchains and distributed ledger technology take over. We are moving into an era of so-called ‘borderless production’. These trends play havoc with traditional ideas about international trade – especially from a predominantly service-based economy like ours. The point is that digital flows know almost no frontiers or boundaries. For them the Single Market or a Customs Union are decreasingly relevant.

As for the China impact it is becoming clear that China’s opening up of the vast new trade routes between Asia and Europe, what we call the new Silk Roads and they call One Belt One Road, make nonsense of the old notion of Europe as a single protected trade zone.

And now with President Trump’s dismissal of the Trans Pacific Partnership, the whole network of Asian trade is being shaken up.

Clearly the need now is to broaden and fluidise our international trade patterns considerably and to combine a smooth transition in Europe with expanding all forms of trade, supplemented where desirable by actual FTAs, in Asia, Africa and the Americas.

But is our pattern of governance and law set up to do this?

Technology and the digital age allow almost instant and modular one-off coalitions and partnerships to deal with specific problems with new flexibility. This is clearly not understood by Brussels mandarins with their tramline vista of future EU integration and trade blocks as the only international future.

Even when it comes to security the same awareness of digital possibilities and procedures needs to be opened up.

The Great Repeal Bill legacy will include some areas demanding closer, not more distant, cooperation with Continental neighbours, such as crime and policing and smarter defence linkages. But even here there are new types of alliance to be formed and silo-thinking to be broken open.

In short, while some EU legislation may still have a useful life and can be absorbed, and some can be recycled, many other EU measures must be discarded, not just because they are wrongly labelled but because they are simply *obsolete*.