

## European Court of Justice



The EU's own court interprets the withdrawal deal for both sides.

- ✓ Easily negotiable
- ✗ ECJ would not be neutral in disputes between UK and EU member states
- ✗ Crosses the Prime Minister's red lines on ECJ jurisdiction

## EFTA Court



The EFTA Court with UK judges added interprets the withdrawal deal for UK. The ECJ interprets it for EU.

- ✓ Could resolve citizens' rights issue
- ✓ EU already accepts the EFTA court
- ✓ EFTA court interferes less in domestic law than the ECJ
- ✗ EFTA Court's close relationship with the ECJ may cross the Prime Minister's red lines

## New EFTA-style court



A new UK-only court, modelled on EFTA, interprets the withdrawal deal for the UK. The ECJ interprets it for the EU.

- ✓ Allows the UK to 'take back control'
- ✓ Unlikely to threaten EU legal autonomy
- ✗ Brussels unlikely to accept UK 'marking its own homework'
- ✗ Disruptive to UK courts system – UK Supreme Court no longer highest in the land

## New joint court



A court with UK and EU judges interprets the withdrawal deal for both sides.

- ✓ Would put the UK and EU on equal footing
- ✗ ECJ has rejected a similar proposal for a joint EU-EFTA court in the past

## Joint committees



Committees of diplomats and ministers resolve disputes.

- ✓ Would not cross the Prime Minister's red lines
- ✗ EU highly unlikely to accept as it is dissatisfied with the function of this system in Switzerland
- ✗ Bad for legal certainty, because disagreements can linger for years

## Arbitration



A new panel of arbitrators is convened to resolve each dispute.

- ✓ Could work for UK-EU future partnership and parts of the withdrawal deal not related to EU law
- ✗ ECJ likely to reject arbitration for parts of the deal related to EU law
- ✗ High cost if caseload is big
- ✗ Less transparent and consistent than a court, so worse for legal certainty