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## **What would it take for Scotland to rejoin the EU as an independent state?**

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# What would it take for Scotland to rejoin the EU as an independent state?

*If Scotland voted for independence, it would probably apply to rejoin the EU. Despite its unique history, it would have to follow the normal path to EU accession, says **Anthony Salamone**. Scots are not keen on the euro and fisheries would be a flashpoint. While the Scottish government would be well-advised not to seek opt-outs of the kind the UK had, Scotland would have the potential to become a successful EU member.*

Independence is perennially high on the Scottish political agenda – and Brexit has cemented its salience. The Scottish government is currently seeking the transfer of power from Westminster to hold another independence referendum. Although the UK government has to date simply refused, the [argument over another vote](#) will continue until either it is resolved or the next Holyrood election takes place in May 2021.



First Minister Nicola Sturgeon demands an independence referendum in December 2019.  
Photo: [Scottish Government](#) via a [CC-BY-NC 2.0 licence](#)

Over the months ahead, the independence debate will only intensify. Even in the absence of Brexit, Scotland's [relationship with the European Union](#) has long been a cornerstone of discussion. If Scotland were to vote for independence in a future referendum, what would the road to EU membership look like?

In the first instance, it is not predestined that an independent Scotland would apply to join the EU. A minority in the independence movement favours a Norway-style relationship of membership of the European Free Trade Association and participation in the European Economic Area. Some supporters of independence also voted for Brexit – and might wish for Scotland to have an equally distant relationship with the EU.

However, the Scottish electorate as a whole has endorsed EU membership on multiple occasions. It voted decisively to remain part of the EU in the 2016 referendum. In last May's European elections, 71 per cent of the popular vote in Scotland went to pro-EU parties, and 90 per cent of Scotland's MPs elected last month favoured staying in the EU. On balance, it is probable that a clear majority of people in Scotland would support rejoining the EU.

Scotland's prospective candidacy for EU membership would be completely novel in two respects. First, it was previously part of the EU for 47 years. Second, it was a constituent of an EU member state, rather than a member state in its own right. While the former would facilitate a faster accession process, the latter would necessitate significant domestic preparations.

Formal independence would have to be achieved before Scotland could submit its application to the European Council. The process of its separation from the rest of the UK (rUK) could realistically take around 2-3 years after an independence referendum, during which period Scotland's relationship with the EU would continue to be governed by the EU-UK partnership. The EU and Scotland could conclude an Association Agreement on their relationship after Scotland became independent and presumably exited the EU-UK partnership. Provided that the EU, rUK and Scotland all consented, it is possible that discussions on this agreement could take place during the transition to independence.

Scotland would apply for EU membership in the normal way, under the procedure set out in [Article 49 TEU](#). While in 2014 it was debated whether Scotland could instead become a member state by simply amending the EU treaties under [Article 48](#), such 'internal enlargement' would not be possible since Scotland will now be a third country (and in any case it was never clear that the EU would have agreed to this special route).

The essential objective for the government of Scotland would be to advocate an acceleration of the process while still following the prescribed modalities of accession. Scotland is a European nation with an advanced democracy and a developed free-market economy. It should meet the political and economic dimensions of the [Copenhagen criteria](#) fairly straightforwardly. Its greatest task would be to demonstrate the institutional capacity to carry out the functions and responsibilities of membership.

Future enlargement of the EU is a notable topic of debate at present. France has been vocal in [reiterating its desire](#) to reform the EU's political institutions before allowing new members. Potential [reforms of the process](#) are being discussed, although Germany and the European Commission among others remain supportive of continuing to advance the perspectives of Western Balkan candidate countries like Albania and North Macedonia.

How would an independent Scotland seeking to join the EU fit into this reassessment of enlargement? It could present itself as a well-prepared candidate with robust democratic institutions, strong public consensus for EU membership and a high degree of existing compliance with the EU *acquis*. With good strategy, the government of Scotland would be in a favourable position to persuade the member states to enable its accession process.

Scotland's journey to EU membership would be deeply linked with the construction of the Scottish state. In the post-referendum transition and formative years of independence, it would establish government departments (such as a department for European and external affairs) and state architecture such as a comprehensive system of taxation, a central bank and a competition agency. It would also ensure a stable basis for UK parliament legislation remaining in Scots law and undo whatever divergence from EU law had taken place during the Brexit era. These measures would all be direct or indirect requirements for EU membership. Excellent domestic preparations would facilitate more expeditious accession negotiations.

Like any EU candidate country, Scotland would have its priorities for the negotiations. The government of Scotland would probably seek a special arrangement on the Schengen Area in order to maintain the Common Travel Area between Ireland, Scotland and rUK. In the post-Brexit context, it is difficult to imagine the EU granting a treaty-level opt-out, but perhaps a model of deferred participation could be agreed.

As an obligation of membership, Scotland would have to make a good faith commitment to join the euro. However, despite its pro-European sentiment, the euro is remarkably unpopular in Scotland. Opinion polls suggest that only [18 per cent](#) of people believe that an independent Scotland should take up the single currency. Committing to the euro would therefore be politically challenging. The currency is a highly salient issue in the independence debate and reflects the strong economic focus which pervades Scottish and British politics. Nevertheless, Scotland would have to confront the [political and strategic consequences](#) of not being part of the eurozone, given it has increasingly become the locus for future integration.

Fisheries is another emotive issue, with the Common Fisheries Policy disliked by Scottish fishing communities, particularly in the North East of the country. It would be awkward for the government to simply sign up to the policy unchanged. Scotland might also look for transitional provisions on national fiscal and budgetary standards.

A recurring question is how long Scotland's EU accession process would take. Considering its current political and economic institutions and its previous relationship with the EU, Scotland's accession would probably take around 4-5 years. By comparison, Finland took about 3 years to join the EU – but it was already an independent state and part of the European Economic Area.

The EU now has more members than in previous enlargement rounds. As a result, the process of national ratifications of an accession treaty takes longer. For Croatia, the most recent accession country, it took 15 months from [first to last ratification](#). Ultimately, the speed of the accession process for Scotland would depend upon its own approach, the attitudes of the member states and the assessments of the European Commission as the Union negotiator.

Scotland would be a European small state. Consistent pro-EU electoral support demonstrates its [mainstream Europeanism](#), which would enable Scotland to conduct a more positive EU membership than the UK. Indeed, Scotland could only become a successful EU member state by jettisoning the UK's confrontational approach to the EU and instead defining itself as a constructive co-constituent of the European project. The government of Scotland would therefore be well advised not to expend its political capital on arguing for a special accession process or opt-outs which it would be extremely unlikely to secure. Instead, it would be best placed to ensure a beneficial accession by advocating its positions within the existing rules and prioritising negotiation objectives which would be deliverable.

At the moment, Scotland's debate on independence and the EU is focused on a narrow set of issues (such as whether Scotland could join at all, how long it would take and whether its budget deficit is too high), largely ignoring the actual challenges and choices which the country would face. This debate must now be expanded to encompass the full range of issues at stake, including Scotland's [European interests](#), its potential negotiation priorities and its proposed contributions to the future of Europe. An independent Scotland would have the potential to be a successful EU member state – but it would have to significantly widen its horizons.

*This post represents the views of the author and not those of the Brexit blog, nor LSE.*