

LABOUR MOVEMENT FOR EUROPE

BULLETIN

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QUESTIONS AND ANSWERS ON

THE EU REFORM TREATY

1. What happened at the June 2007 EU Summit meeting?

There is no doubt at all about what happened at the EU Summit meeting held in Brussels on 22nd to 24th June 2007. Taking into account the divergent decisions by EU member states - 18 to ratify the proposed European Constitution and two to reject it - the national leaders of the EU countries agreed to seek a compromise acceptable to all. They agreed to abandon the idea of a constitution, and instead draw up a Reform Treaty which would simply amend the already existing treaties, retaining many of the pragmatic reforms to the EU system envisaged in the constitution, but dropping controversial elements that had given cause for concern in some countries. In addition, some special provisions, including opt-outs, were agreed for Britain.

2. How much of the proposed Reform Treaty is the same as the original Constitution?

The Reform Treaty retains a large number of the less controversial elements of the abandoned constitution, which is why it is claimed that it is 90% identical. However, scientific research has concluded that humans and mice share 90% of the same DNA – which shows just how crucial the 10% difference can be! We no longer have a proposal to repeal all the existing treaties and replace them with a constitution. Nor a proposal to change the name of the EU's external representative to "foreign minister", nor what some criticised as the "trappings of statehood" such as a flag and anthem. The extra opt-outs for Britain make this a more different treaty for Britain than for other member states.

What it does keep are some of the reforms designed to make the enlarged EU work more effectively and also to achieve better democratic scrutiny. The package is hardly revolutionary but consists of practical adjustments to what we already have. Many of the changes are things that genuine sceptics (as opposed to people who have a visceral hatred of the EU and want Britain to leave it) should be pleased about: a smaller

Commission; stronger safeguards against centralisation; a fairer voting system in the Council of Ministers (which, incidentally, will increase Britain's share of the votes); a cap on the size of the European Parliament; a 30-month instead of a six-month presidency of the European Council (thereby strengthening the main intergovernmental body of the Union at the expense of the Commission); an obligation on the Council to meet in public when debating legislation; the laying down in the treaty of the obligation to respect the national identities of member states and the underscoring of the principle of conferred powers (whereby the Union only has the competences bestowed on it by member states); a requirement for EU legislation to be subject to the prior scrutiny of national parliaments and the double approval of both national governments in the EU Council and the directly elected MEPs — a level of scrutiny that exists in no other international structure. In other words, it will deliver a more focused EU, better capable of delivering in those policy areas where we benefit from common European action, but subject also to stronger safeguards and more scrutiny. It will also strengthen the social provisions of the treaty, which is why Labour and every one of our sister socialist parties in Europe and the ETUC support the Reform Treaty.

Some have questioned the fact that the EU will have 'legal personality'. But the EC has always had legal personality (the right to sign binding agreements and to be sued), as most international organisations do. Others have queried the extension of majority voting. It should be remembered that the veto is a double edged sword: if you have one, so does everybody else. Things that Britain wants can be blocked by the veto of just one of 26 other countries. Of course, unanimity is retained for all the sensitive areas (the famous "red lines" of the government: tax, social security, foreign policy, defence and decisions on the method of financing the EU, including the British budget contribution). In fact, most of the extensions to majority voting are in areas that are either technical or where Britain has an opt-in/out. The few that are politically important are where it is in Britain's interest not to be blocked by the vetoes of others. In any case, the new system of voting, linked to the size of each country, will actually increase Britain's share of the votes.

3. Did the British government manage to hold the line on the four supposedly critical issues it identified in advance of the Summit?

Before the Summit took place, the British government set out four points which it stated were non-negotiable. These were making the Charter of Fundamental Rights justiciable within the UK, curtailing Britain's ability to pursue an independent foreign policy, undermining our Common Law legal system and displacing the UK's right to run its own social security system. The Foreign Office has confirmed that the UK has maintained all of these safeguards in the Reform Treaty. On the Charter, the Government has negotiated a package (including a legally binding Protocol – a UK-specific guarantee) which confirms that nothing in the Charter extends the ability of any court, domestic or European, to strike down UK law. Instead, it obliges the EU institutions to respect the rights that its member states already abide by, which will therefore be protected from being undermined by EU law. On foreign policy, a declaration was agreed by all clarifying that foreign policy will remain in the hands of the member states. Where they agree on a common position, the existing High Representative, as now, can speak on behalf the whole EU. Where they don't agree,

member states are free to pursue individual foreign policies. The two existing posts of Commissioner for External Relations and High Representative will be merged to avoid duplication. On Justice and Home Affairs, the UK has the right to opt-in or opt-out of European policies in this field, as it chooses. This means that should the UK decide a policy in this field is not in the interests of the UK, we are under no obligation to take part in it. This ensures our Common Law legal system is in no way undermined by EU policies. Finally, we maintained our safeguard on the right to run our own social security system. We did not accept anything in the new treaty that would force us to change the scope, cost or financial structure of our social security system. The Reform Treaty will explicitly allow member states to kill off social security measures they strongly disagree with through an 'emergency brake' mechanism.

4. How much power of self government does Britain stand to lose?

The Reform Treaty creates no new competences for the EU, so there is no transfer of responsibilities from Westminster to collective EU responsibility (unlike the Maastricht treaty, for example, which added new chapters on the environment and monetary union to the previous treaties).

5. Do all these changes justify having a referendum?

The UK has never ratified an international treaty by means of a referendum. Nor has it settled controversial national issues by referendums, despite suggestions that they be held on subjects like nuclear energy, congestion charging, the monarchy, the death penalty, nuclear weapons and others. It would be odd to start on a set of institutional adjustments to the European institutions such as changing the term of office of the President of the European Council from six months to 30 months! A referendum was envisaged on the Constitution, precisely because it was called a "constitution", but now that it is a modest set of changes to the existing treaties, that no longer applies. Indeed, none of the 27 EU countries other than Ireland (which has to, for constitutional reasons) currently consider that a referendum is warranted - not even Mirek Topolánek, the fiercely Eurosceptic Czech Prime Minister.

6. Why is a referendum being called for?

Why, then, is there such a strong call for a referendum by Eurosceptics? There is a very simple explanation. Eurosceptics are mostly right-wing ideologues who object to Britain's membership of the EU because they dislike the European social model and want Britain to adopt an American-style unregulated market, and/or because they see emerging European co-operation on foreign policy as a threat to George Bush's neo-conservative foreign policy. They hope that the years of anti-European myths in much of our daily press will load the dice in a referendum campaign. They would use a negative result, not just to undermine the Labour government, but to engineer a British withdrawal from Europe. They are well organised and financed and have the support of the Daily Mail, the Telegraph, the Express, the Sun and others.

7. What are the benefits of the EU and the Reform Treaty to the UK?

There are idealistic, pragmatic and selfish reasons for us to remain an important part of Europe. The idealistic reason is that the EU has helped create, in a continent previously torn apart by warfare, an area of peace and stability, where we can have our arguments around a negotiating table or across a debating chamber rather than on the battlefields of Europe. The pragmatic reason is that we are a set of highly interdependent countries with a need to find common solutions to common problems in a whole range of areas. The selfish reason is that it is vital for the British economy and British jobs, with the overwhelming majority of our exports going to other countries in the EU single market, that we have a voice in the institutions that set the rules for that market. This is especially true from a socialist perspective, as we don't want that market to be an unregulated free-for-all, but to be corrected by social, environmental and consumer protection legislation and other measures that we want to adopt at European level. We need the EU to be capable of delivering.

There is a real danger that without reforming the decision-making processes, the EU could grind to a halt as it expands. As we saw above, the Reform Treaty will make moderate but helpful changes. It will allow the UK to continue to reap the benefits we already receive due to our membership in the EU, whilst simultaneously providing the UK with safeguards on policy areas we believe should remain for the UK, and not for the EU.

8. What can we do?

The biggest obstacle the EU faces is a lack of knowledge about what it is and what it does amongst the general public. The right-wing media has been relatively successful in its campaign of lies, myths and untruths about the EU. We need to educate the public about how the EU functions and how beneficial it is. If you require any information about the EU, please either contact LME or your local Labour MEP who will be more than happy to answer any of your questions or provide you with an abundance of information on any issue concerning the EU you can think of.