

The Potential Impact of the EU Bill for UK-EU Relations

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- Seems nothing particularly controversial (from perspective of UK-EU relations) about “parliamentary sovereignty clause” which makes up Part 3 of EU Bill **or** enhanced parliamentary scrutiny provisions found in Clauses 7-10 of EU Bill
- Source of potential problems lies in referenda requirements under Clauses 2-6:
 - EU Bill is based primarily upon system of *a priori* choices about when to hold referenda; only limited scope for subsequent political judgment about necessity / appropriateness of given referendum **but** those *a priori* choices are so comprehensive that “referendum lock” could be triggered even by proposals of little / no real constitutional / political importance
 - experience of EU referendum debates in other Member States hardly suggests they seriously engage public on merits of proposed EU reforms in an informed and balanced way **yet** such problems are likely to be exacerbated in UK context, not least due to design of EU Bill itself – leading to risk of low voter turnout / hijacking on ideological grounds
- Referenda provisions of EU Bill: from the UK’s perspective?
 - potential for “spillover” from EU matters into purely domestic ones
 - danger of devaluing referenda as tool of direct democracy **and** reinforcing mistrust of representative democracy
- Referenda provisions of EU Bill: from the EU’s perspective?
 - referendum requirements proposed by EU Bill go far beyond comparable regimes in force in any other Member State
 - perception that UK is creating constitutional mechanism with inherent tendency to block EU changes; consequential risk to UK’s influence / leadership within EU
 - pressure for greater use of flexibility mechanisms, **e.g.** enhanced cooperation? In which case, bear in mind that (under current version of EU Bill) UK Government could decide to participate in existing enhanced cooperation, where latter has already abolished national veto, free from any form of parliamentary or popular control as otherwise provided for under EU Bill

*See further: European Scrutiny Committee, Tenth Report of Session 2010-11
Volume II: Ev 11 (Re: Part 3 of EU Bill) and Ev 32 (Re: Part 1 of EU Bill)*