

## BRIEFING SERIES ON THE EUROPEAN UNION

### THE CURRENT POSITION OF THE EU REFORM TREATY

#### **Introduction**

This briefing is prepared for the Members of the Committee of the Office of First and Deputy First Minister (COFMDFM) to help inform their views on the proposed European Union (EU) Reform Treaty. This briefing outlines:

1. Background to the proposed EU Reform Treaty;
2. The current Treaty proposals;
3. Reform Treaty Timescales;
4. The UK Governments position on the Reform Treaty;
5. Potential issues arising from theses proposals from a regional perspective.

#### **1. Background to the Proposed EU Reform Treaty**

Ever since the expansion of the European Union to a total of 27 Member States, it has become necessary to reform the European Institutions in order to function effectively. The European Constitution has been the proposed vehicle to achieve these reforms but was abandoned in 2005 in the wake of unsuccessful Member State referendums.<sup>1</sup>

In the aftermath of these unsuccessful referendums, the Member States established an Intergovernmental Conference (IGC) to draw up proposals for the EU Reform Treaty. These proposals sought to “amend existing treaties with a view to enhancing the efficiency and democratic legitimacy of the enlarged Union as well as the coherence of its external action”.<sup>2</sup>

In the IGC negotiations, the UK Government set out a number of preconditions or ‘red lines’ relating to the Treaty. As it had done previously in relation to the European Constitution, these pre-conditions related to; (i) social and labour legislation; (ii) tax and social security systems; (iii) common law legal system; (iv) the police and judiciary ;and (v) maintaining a foreign and defence policy.

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<sup>1</sup> See [www.euaffairs.ie/news/default.asp](http://www.euaffairs.ie/news/default.asp)

<sup>2</sup> <http://www.consilium.europa.eu/showPage.asp?id=1297&lang=en>

## 2. Current Reform Treaty Proposals

At present key Reform Treaty proposals include;<sup>3</sup>

- creates a permanent President for the Council of Europe;
- creates a High Representative of the Union for Foreign Affairs;
- enables national Member States parliaments participation in European law making. This would mean that national parliaments would be given advance notice of European legislative proposals and an opportunity to express their opinion to the European Commission that the proposal is better dealt with on a national level than on EU level;
- Reduces the size of the European Commission; the number of commissioners will be reduced by 2014 to only two thirds of Member States providing a Commissioner at any time, with member states taking equal turns.<sup>4</sup>
- Increases the number of areas to which qualified majority voting applies;
- Introduces a double majority voting system “ which means a minimum of 55% of the Member States (ie 15 out of 27 countries) representing a minimum of 65% of the EU’s population must vote in favour for European legislation to be passed”<sup>5</sup>;
- Increases the involvement of European Parliament in the legislative process;
- Makes it easier for sub-groups of the Member States to work together within the EU;
- Incorporates the EU Charter of Rights but the UK has negotiated an opt out clause in respect of the Charter.

## 3. Reform Treaty Timescales and Referendum Requirements

The IGC is expected to finish the task of drawing up a new Treaty in October 2007.<sup>6</sup> Subsequently it is expected a signing ceremony will take place in December 2007.<sup>7</sup> It is envisaged that the ratification process will be completed before the European Parliament election in 2009.<sup>8</sup> The Reform Treaty will require unanimous ratification by the Member States.<sup>9</sup>

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<sup>3</sup>This section focuses on information obtained from the Foreign and Commonwealth Office, see <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1184758215286>

<sup>4</sup><http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1184758215286>

<sup>5</sup>Ibid.

<sup>6</sup>[www.euaffairs.ie/news/default.asp](http://www.euaffairs.ie/news/default.asp)

<sup>7</sup><http://www.timesonline.co.uk/tol/news/world/europe/article1967539.ece>

<sup>8</sup>Ibid.

<sup>9</sup> Foreign and Commonwealth Office, “The Reform Treaty: The British Approach to the European Union Inter-Governmental Conference.” July 2007 p7

#### 4. The UK Government's position on the Reform Treaty

The position of the UK Government is that ratification merely requires Parliamentary approval. However, opposition political parties and others such as the Trade Union Congress recently called for a referendum on the Reform Treaty.<sup>10</sup> Those calling for a referendum point the earlier commitment of the Labour Party to hold a referendum on the Treaty on the European Constitution. They argue that the Reform Treaty is identical to the EU Constitution.<sup>11</sup>

#### 5. Potential Issues from a Regional Perspective

Potential issues arising from a regional perspective include:

1. Was Northern Ireland afforded a full and fair opportunity to help formulate the UK government's negotiations on the Reform Treaty? If so, what was the role of the Office of First and Deputy First Minister (OFMDFM) in this process?
2. In the opinion of OFMDFM, does the UK Government's position on the Reform Treaty reflect Northern Ireland's (NI) regional views?
3. What are the areas of concern/interest under the proposed Reform Treaty for NI, for example, the division of competences, the role of national parliaments, the principles of subsidiarity and proportionality? How will these impact on OFMDFM's working practices with the Northern Ireland Assembly?
4. Given the ratification procedure for EU Treaties in the UK, should there be a referendum on the proposed Reform Treaty?<sup>12</sup>
5. What effect will the procedures and powers prescribed in the proposed Reform Treaty have on devolved governance in the UK, particularly from a NI regional perspective?

14 September 2007

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<sup>10</sup> TUC ignores Brown Appeal and calls for EU Referendum. *The Guardian*. September 13 2007

<sup>11</sup> "MPs Push for Referendum over disputed EU Treaty". *The Times*, September 6 2007

<sup>12</sup> IPRN Briefing. "The Proposed Treaty Establishing a Constitution for Europe". 7 November 2003, page 52 <http://www.scottish.parliament.uk/business/research/briefings-03/iprn03-01.pdf>