

The
BOW
GROUP

POLICY IN THE MAKING

**WHO
REALLY
GOVERNS
BRITAIN?**

by Nirj Deva MEP



About the Bow Group

The Bow Group has three aims:

- To create new and thought-provoking research for the Conservative Party
- To provide a forum for its members to meet each other socially
- To provide opportunities for its members to meet senior Party figures to discuss the issues of the day

The Group has no corporate view, which allows it to approach each issue on its merits and with an open mind. Accordingly, the views expressed in Bow Group publications are those of the authors, and do not represent a statement of Conservative Party policy, or the views of other members of the Group.

This paper is published by Bow Publications Ltd, 1a Heath Hurst Road, London NW3 2RU. Tel 020 7431 6400. www.bowgroup.org

Bow Group research is organised by Jocelyn Ormond, the Research Secretary. He can be contacted by e-mail: research@bowgroup.org

© Bow Publications Ltd 2001

ISBN 0-86129-167-0

About the Author

Nirj Deva DL FRSA MEP is a Member of the European Parliament for the South East of England having been elected in 1999.

He is the Conservative Spokesman for Overseas Development and Co-operation.

Nirj was a Member of the House of Commons for Chiswick Brentford and Isleworth from 1992-97 and served as a PPS to the Scottish Office in John Major's Government. In doing so he became the first Asian Conservative MP to sit in the House of Commons in the last century and indeed is the first Asian to represent his country at both National and European Parliamentary levels.

Nirj is Her Majesty's Deputy Lord Lieutenant for London, an office bestowed upon him in 1985.

Nirj was elected Chairman of the Bow Group in 1981-82 and was Editor of Crossbow between 1984-86.

Executive Summary

Who Really Governs Britain?

An Audit of Who Initiates and Authors the Legislation that Governs Us Today

*"The duty of a democracy is to know then - what it knows now"*¹

This paper finds that the continuing debate on Britain's future role in the EU is futile, ill informed and marginalised, *unless* we determine the full extent of the transference of legislative powers that has already taken place over the last 27 years.

It sets out to identify where the legislation that affects all our citizens is now initiated, drafted and promulgated. It determines what proportion of our laws originates with the European Union (EU) institutions and what proportion is inspired by the British Government through the UK Parliament independent of any European input.

The 40,000 or more legislative paragraphs that govern the 15 Member States, and will govern the accession countries, are categorised into groupings within the 30 Chapters of the *Acquis Communautaire*. The groupings are three distinct categories:

- a. Legislation *Surrendered to EU* or made where *EU takes the Authorship and Initiative*
- b. Legislation which is either '*Complementary*' i.e. where the EU shares the authorship or initiative or where the EU attempts to '*Strengthen*' national legislation and British officials invariably 'gold plate' such legislation
- c. Legislation *which is non binding*, (advisory or guidelines) or voluntarily co-operative

The paper finds:

- that every Government since 1975 has diminished, almost by stealth, the powers of the UK Parliament in favour of Ministerial Power exercised *in camera* through European Institutions – particularly the Council of Ministers, the Commission and the trans-national bureaucracies of the EU.
- that alarmingly, since 1997 Labour has accelerated the process. Today new areas of foreign policy, defence, regional policy, social policy, consumer protection, public health and working time, have new European competences either through the Commission or through the new and growing bureaucracy of the Council of Ministers.
- that until May 1997 *about 40% of the legislation that affects Britain was initiated and authored in Brussels and Strasbourg.*
- that since Labour came to power, this proportion has increased sharply and *is now hovering around the 55% level.*
- that if we also join the Single currency this proportion will shoot up to *about 70%.*

¹ E.B White

- that if later, judicial co-operation, corpus juris and other Home Office policies are submerged into European co-operation, the proportion will increase *to about 80%*
- that this would leave Education and Health as the only areas of *exclusive* policy making for the UK Government and Parliament.
- that the powers of the European Parliament have also correspondingly grown and that it makes *new laws* over a wide range of policy areas under the new Co-Decision powers.

Given these astonishing facts the paper asks:

- What sort of Europe should Conservatives have been creating for the past 28 years?
- Whether is it now too late to create that Europe that we all instinctively know we should have created
- How do we develop new safeguards for the rights of Member States?
- How should Europe do less, and do it better?
- How do we allow a repatriation of powers under subsidiarity, two-way flexibility, with opt-outs available to member states in policy areas other than the internal market, competition policy and trade?

The paper recognises that the quantification of exactly where we are is the beginning of the process of a national debate as to where we *should be in Europe* - now that we know *Who Really Governs Britain*.

The author is grateful for the research and support given by Nigel Evans MP, Ben Harnwell, Gawain Towler and William Nash, the information provided by the library of the House of Commons, the European Commission Directorate General for Enlargement, Alain Lamassoure MEP, and the Directorate of Research of the European Parliament.

"The English people, possibly even above other free nations, is fair. But a free nation rarely can be - and the English nation is not - quick of apprehension. It comprehends only what is familiar to it- what comes into its own experience, what squares with its own thoughts. 'I never heard of a such a thing in my life', the middle class Englishman says, and he thinks he so refutes an argument. The common disputant can not say in reply that his experience is but limited, and that assertion may be true, though he had never met with anything at all like it. But a great debate in Parliament does bring home something of this feeling. Any notion, any creed, any feeling, any grievance which can get a decent number of English Members to stand up for it, is felt by almost all Englishmen to be a perhaps a false and pernicious opinion, but at any rate possible - an opinion within the intellectual sphere, an opinion to be reckoned with. And it is an immense achievement."

Bagehot

Introduction

- **The erosion of the powers of the UK Parliament without the knowledge of the people**

The general election campaign focused in part on the issue of "*keeping the pound*". Our campaign in this respect apparently did not connect with the electorate, which was otherwise preoccupied with the issues surrounding public services, education, health and transport. The Tories were resoundingly defeated and William Hague resigned amidst claims that he had focused on the wrong issues and that Europe was not a vote-winning issue for the party in the general election. Could it be, however, that William Hague was right all along to focus on saving the pound, but that the British electorate had somehow worked out that matters European were now outside the exclusive purview of the House of Commons; and that by promising a referendum Tony Blair had sealed the role of the House of Commons, from being a factor in whether we kept the pound or not.

At a stroke the House of Commons was further reduced in power. Following the United Kingdom's accession to the European Community on 1st January 1973, Parliament endorsed, on 9th April 1975, the 're-negotiation package' promised by the Wilson government. On 5th June 1975 Britain voted in a referendum by 67.2% for a Yes vote on continued EC membership.

Either this was a deliberate act of choice by the British people in the full knowledge that by saying "yes" they were also saying "let the UK Parliament have less power"; or those who voted in favour of EC membership in 1975 were misled into believing otherwise because they were totally ignorant of the 1970 European Court of Justice case, *Hauptzollamt Hamburg v Bollman (1970) CMLR 466* – where the Court ruled that if Community Law occupies a certain field in a matter within Community competence, the Court does not recognise the right of Parliament to pass any law on the matter, unless to implement the law.

It would thus appear to a later political generation that the 1975 referendum was secured without the informed consent of the British electorate as to the exact legal ramifications the Act of Accession would have on the sovereign nature of the UK Parliament thereafter. The *Hauptzollamt* case of 1970 was ruled on a full five years before the British referendum and yet even today people, including many British MPs, evince surprise when they are informed of its content.

Since then two further rulings have further reinforced the supremacy of European Law over that of the UK and yet successive British governments carry on "treaty-making" without initiating a genuine public debate on how we should govern ourselves as a nation.

On 3rd Dec 1985 the Luxembourg Summit agreed the Single European Act which came into force in the UK on 1st July 1987. On 1st Nov 1993, after a long running battle in the House of Commons in which I was a participant, the Maastricht Treaty came into force. All this happened in spite of and ignoring the European Court of Justice Ruling of 1991 *R v Secretary of State for Transport ex-parte Factortame Ltd ECJ 213/89* where "*the European Court ruled in a case concerning Spanish fishing companies seeking to register their vessels as British notwithstanding the Merchant Shipping Act 1988, that where a British Act of Parliament conflicts with European legislation the Act of Parliament is not enforceable in the courts.*"

On 1st June 1997 the new Labour Government signed the Social Protocol. This endorsed the Social Chapter. On 1st May 1999 the Amsterdam Treaty came into force further eroding the independent law-making capacity of the UK Parliament by shifting a new tranche of legislative authority under co-

decision powers to the Council of Ministers and the European Parliament. In Dec 2000 Ministers on behalf of the Crown signed the Treaty of Nice.

All these measures have taken place, with each successive Government since 1975 flying in the face of one of the most treasured of Parliamentary conventions as enunciated in 1932 in the case of *Vauxhall Estates v Liverpool Corporation* K.B. 733 where it was ruled that "*Parliament cannot bind its successors as to the subject matter of legislation*"

Every Government since 1975 has thus diminished, almost by stealth, the powers of the UK Parliament in favour of ministerial power exercised *in camera* through European institutions - particularly the Council of Ministers.

Parliament's scrutiny of European legislation is almost risible with hundreds of measures being "whipped and nodded through" the European Legislation Scrutiny Committee and the European Standing Committees "A" "B" and "C" as delegated legislation. Last year alone, over 4000 statutory instruments were pushed through the House of Commons by ministers, much of them involved with the transposition of European directives and regulations and almost all of them rushed through without proper debate.

Any attempt by a backbencher to amend such legislation meets the full wrath of the Whips Office, who state that they should "*not interfere as this legislation was agreed as a deal between Ministers of different Member States in the high office of the Council of Ministers where lowly House of Commons backbenchers are not privy to their informed deliberations.*"

This diminution of Parliamentary accountability corresponding to an increase in the heated atmosphere of constant horse trading behind the closed doors of the Council of Ministers did not come about by the legislative acts of one Parliament binding successor Parliaments to such an undemocratic procedure.

Rather it came about by the application by Ministers of another device – namely the process of treaty-making using the Royal Prerogative. Thus the Treaties of Rome, Maastricht, Amsterdam and Nice were **signed** by Ministers of the Crown on behalf of the Crown **before** consultation, debate and ratification by Parliament - at a stroke, diminishing and transferring the powers of Parliament without its consent. The government of the day then presented the backbenchers of the Party in power and other MPs with a fait accompli – as will now be the case with the Treaty of Nice.

However, the purpose of this paper is not to examine the constitutional legalities and niceties of how British legislation came to be dominated by trans-national European legislation. Instead this paper is an attempt to determine the *extent* to which Britain today is governed by legislation which is first initiated and authored in places such as Brussels and Strasbourg and not in the UK Parliament.

This analysis has never been done before and without such an assessment, the continuing debate on Britain's future role in the EU is futile, ill informed and marginalised. Most alarmingly this debate has so far actually ignored the obvious – how are we to talk about further or lesser European integration when we have no idea as to the full extent of the transference of legislative powers that has already taken place over the last 27 years?

• Analysis

To determine the division of powers we need first to examine three areas.

The first is to recognise that European legislation is multi-faceted

1. The division of powers between the EU Institutions – on the one hand Commission, Council of Ministers, European Parliament, European Court of Justice, and on the other hand the Member States' Parliaments – is an issue which is very often debated but rarely discussed in-depth.

2. Contrary to what is all too often claimed, the treaties already contain a division of powers: the EC and the Union have jurisdiction based on 'rationae materiae,' with areas in which they have exclusive jurisdiction (external trade policy, general competition rules, currency, etc) and areas of shared jurisdiction.

However, there are three drawbacks to analysing the division of powers in this manner:

(a) The relevant articles are scattered throughout treaties. This flaw could be remedied quite easily, as has been demonstrated by the exercise carried out by the European University Institute in Florence at the request of the Commission but it is cumbersome as there are to the best of my knowledge 40,000 paragraphs of legislation in the Directory of Community Legislation.

(b) The articles concerned are not worded consistently as they reflect different stages in the process of European integration. Sometimes they are excessively detailed, sometimes extremely succinct.

(c) Above all, the relevant articles of the treaties confuse the definition of *competence* with the description of the spirit in which it must be exercised, or even the substance of the policy to be pursued.

The author had a choice: either make the assessment by analysing every piece of delegated legislation presented to the House of Commons for transposition into national laws from 1973 to present – which runs into several thousand pages – and then publish this paper in 5 years' time; or synthesise the division of powers using another and more effective means.

The other more effective means was the identification and analysis of the ensuing and continuing work being undertaken by the European Commission in the Accession Negotiations of the enlargement process; whereby the applicant countries most ready for accession in the next few years, have to complete the various chapters and stages of transposing their national laws to comply with the existing chapters of the *Acquis Communautaire*. Since the EU laws that will govern Poland upon accession are in fact the same laws that govern Britain today, by identifying each of these chapters, the work of assessing "*Who Governs Britain*" was made much more practicable.

I have therefore conducted an analysis of these laws and their chapter headings; in addition I have given a detailed index of what is bound under each chapter heading. For each chapter I have provided a qualified assessment of the level of European competence providing a realistic and accurate assessment of how much and to what extent the EU is the dominant, initiating power in that particular area of law making.

• The Accession Negotiation

National Laws the Applicant Countries have to change and to harmonise in order to meet current EU legislation.

The Applicant Countries have to complete 30 Chapters of the *Acquis Communautaire* in order to qualify for full membership and accession to the European Union as Member States.

Chapters which require closing by the Applicant Countries are as follows:

Chapter 1	Free Movement of Goods
Chapter 2	Freedom of Movement for persons
Chapter 3	Freedom to provide services
Chapter 4	Free movement of capital
Chapter 5	Company law
Chapter 6	Competition Policy
Chapter 7	Agriculture
Chapter 8	Fisheries
Chapter 9	Transport Policies
Chapter 10	Taxation
Chapter 11	Economic and Monetary Union
Chapter 12	Statistics
Chapter 13	Social Policy and Employment
Chapter 14	Energy
Chapter 15	Industrial Policy
Chapter 16	Small and medium sized undertakings
Chapter 17	Science and Research
Chapter 18	Education and Training
Chapter 19	Telecommunications and Information Technologies
Chapter 20	Culture and Audio-visual policy
Chapter 21	Regional policy and co-ordination of structural instruments
Chapter 22	Environment
Chapter 23	Consumer and health protection
Chapter 24	Co-operation in Justice and Home affairs
Chapter 25	Customs Union
Chapter 26	External Relations
Chapter 27	Common Foreign and Security Policy
Chapter 28	Financial Control
Chapter 29	Budgetary provisions
Chapter 30	Institutions

They do so by changing their national legislation to meet EU requirements, standards, conditions and expectations and forgo their own national aspirations – something older Member States such as Britain have already done so as to be fully in accord with the “Acquis”. An analysis of what they have to change gives us an accurate idea of what we have already changed in Britain – and thus the legislative audit of whether the EU or the UK Parliament is in charge of that particular area of governance if any future change is required. Further analysis later gives the extent to which EU competences can override national preferences or aspirations as amplified in the texts of the various Treaties.

THE DUTIES OF THE MEMBER STATES ARE CLEARLY SPELT OUT:

Within the Union:

- Compliance with the procedures and material obligations of the Treaty.
- Applying and transposing Community law faithfully and in full: requirement referred to in Declaration 19
- Pursuing national policies that are compatible with the spirit of the internal market.
- Status of public undertakings subject to the regime under Article 86 TEC.
- Non-discriminatory tax treatment of partners' products (Articles 90 to 93 TEC).
- Duty of solidarity, even for common policies in which the Member State is not participating.
- Common Foreign and Security Policy: 'the Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity' (Article 11).
- The same applies to closer co-operation (Cf. Article 43(2) TEU), where non-participating Member States must not impede such co-operation.

Duties of Member State Governments at Home:

- Compliance with the principles of the rule of law: Article 60 TEU.
- In the event of violations, sanctions are provided by Article 7 (suspension of rights).
- Respect for the Charter of Fundamental Rights and, in particular, abolition of the death penalty (Declaration 1, post-Amsterdam).
- Equality of men and women at the workplace (Article 141 TEC).

Additional Powers in Reserve

Article 308 (ex 235), authorises the Council, acting unanimously and after consulting Parliament, to take appropriate measures for action to be taken to attain one or more of the objectives of the Community where the Treaty has not provided the necessary powers.

This article has had profound consequences and it is thanks to it that the Community managed to develop and adapt even before the Single European Act, establishing the Single Internal market, came into being.

THE DIVISION OF LEGISLATIVE AUTHORITY, AUTHORSHIP AND INITIATIVE.

The Community has a number of exclusive powers, the main provision which is set out in Article 3, complemented by powers shared with the Member States but where the Community is expected to provide a kind of leadership initiative.

This establishes the hierarchy of **Seven Levels of Community Intervention**. A detailed description is given below.

The Seven Levels of Community Intervention are:

1. Where the Member States have **Surrendered Policies** which cover almost all powers in regard to the Internal Market to the EU and the initiation of new legislation – to the Commission. Since the Single Act, the Community has had general jurisdiction for all matters relating to the internal market

This has been achieved by the establishment of the general legal framework for abolition of customs duties and obstacles to freedom of movement of goods, persons and services; the right of establishment within the Union, to competition rules; economic and monetary policy for those in the Euroland, and approximation of national laws covering these areas

2. Then come the **'Common Policies'**: namely external trade, agriculture and fisheries, transport, and environmental policy – areas in which the Member States have relinquished powers of initiation and general jurisdiction to the Community. Here the House of Commons and Ministers automatically transpose EU legislation into national legislation often by the use of Statutory Instruments or Delegated legislation without debate and often 'on the nod'.

3. At a lower level are the **'Complementary Policies'**, which are assumed to be complementary to policies that are basically national: social policy, development co-operation policy. In the sphere of social policy, there is the drawing up of a 'common programme' on vocational training.

4. Then there are policies designed to **Strengthen** existing national policies particularly in the areas of the competitiveness of industry, economic and social cohesion, research/development and consumer protection where the EU may add to existing national policies. Here much 'copper plating' by British officials is undertaken.

5. More modestly, the Community also makes a **'Contribution'** in the areas of health, education and culture by providing policy guidelines and advise.

6. It has to be content with taking **"Measures"** in the areas of energy, tourism and sport

7. Finally there is the sensitive area of policy **'Co-operation'** namely in common foreign security policy, home affairs and judicial policy, and employment policies, where the EU tries to enhance their effectiveness by developing a co-ordinated strategy.

1. Surrendered Policies where Member State Parliaments have absolutely no jurisdiction

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.	Former Depart. Respons.
02.40.10	Movement of goods	Free Movement of Goods	Chapter 1	DTI
02.40.10.10	Free movement of goods			DTI
02.40.10.11	Community transit			DTI
02.40.10.12	Other arrangements concerning movement of goods			DTI
02.40.10.13	Turkey			DTI
02.40.10.20	Extra-Community trade: EFTA agreements			DTI
02.40.10.30	Export procedures			DTI
02.40.10.40	Elimination of barriers to trade			
02.05	General	Customs Union	Chapter 25	Treasury
02.10	General customs rules			Treasury
02.10.10	Common customs territory			Treasury
02.10.20	Procedures for presentation and clearance			Treasury
02.10.30	Definition of "declarant"			Treasury
02.10.40	Customs debt inception, eligibility and extinction			Treasury
02.10.50	Carry-over of duties			Treasury
02.10.60	Recovery or remission of duties			Treasury
02.10.70	Post-clearance collection of duties			Treasury
02.10.80	Information binding the administration			Treasury
02.20	Basic customs instruments			Treasury
02.20.10	Customs tariffs			Treasury
02.20.10.10	Common Customs Tariff			Treasury
02.20.10.20	ECSC unified tariff			Treasury
02.20.10.30	European Community's Integrated Tariff			Treasury
02.20.20	Value for customs purposes			Treasury
02.20.30	Origin of goods			Treasury
02.20.30.10	Common definition used in non-preferential traffic			DTI
02.20.30.20	Rules of origin defined in the context of preferential arrangements			Treasury
02.20.30.21	EFTA countries			Treasury
02.20.30.22	Mediterranean countries			Treasury
02.20.30.23	ACP countries and OCT			Treasury
02.20.30.25	Countries benefiting from the system of generalised preferences			Treasury
02.30	Application of the Common Customs Tariff			Treasury
02.30.10	Tariff classification			Treasury
02.30.20	Particular destinations			Treasury
02.30.30	Tariff derogation's			Treasury
02.30.30.10	Tariff suspensions			Treasury
02.30.30.20	Tariff quotas			Treasury

02.30.30.30	Tariff ceilings			Treasury
02.30.30.40	Reintroduction of customs duties			Treasury
02.30.40	Standard rate of duty			Treasury
02.30.50	Reliefs from duty			Treasury
02.30.50.10	Returned goods			Treasury
02.30.50.20	Victualling procedures			Treasury
02.30.50.30	Other reliefs from duty			Treasury
02.40	Specific customs rules			Treasury
02.40.20	Economic customs arrangements			Treasury
02.40.20.10	Inward processing			Treasury
02.40.20.20	Outward processing and harmonization of standard trade			Treasury
02.40.20.30	Free zones, bonded warehouses, handling			Treasury
02.40.20.40	Other economic customs arrangements			MAFF
02.50	Mutual assistance			MAFF
02.50.10	In the application of customs or agricultural rules			Treasury
02.50.20	For the recovery of claims in customs or agriculture			Treasury
02.60	Proceedings and penalties			FCO
02.60.10	Settlement of disputes			Treasury
02.60.20	Prevention of infringements of Community law			
02.60.30	International customs co-operation			
05.10	Freedom of movement for workers	Freedom of movement of workers	Chapter 2	Home Office / and Depart. of Employt.
06.10	Principles and conditions	Right of establishmt. and freedom to provide services	Chapter 3	
06.20	Sectoral application			
06.20.10	Production and processing activities			DTI
06.20.10.10	Agriculture			MAFF
06.20.10.20	Other production and processing activities			DTI
06.20.20	Service activities			
06.20.20.10	Insurance			Treasury
06.20.20.20	Banks			"
06.20.20.25	Stock exchanges and other securities markets			"
06.20.20.30	Transport			Transport
06.20.20.40	Real property			Environmen t
06.20.20.50	Leisure services			
06.20.20.60	Personnel services			DCMS
06.20.20.70	Services provided to undertakings			Employmt
06.20.20.80	Other service activities			DTI
06.20.30	Business activities			"
06.20.40	Self-employed activities			"
06.20.50	Medical and para-medical activities			Health
06.20.60	Other activities	DTI/		
06.30	Public contracts	Treasury		

06.30.10	General			DTI
06.30.20	Public works contracts			Environ.)/
06.30.30	Public supply contracts			Treasury
06.30.40	Public services contracts)
06.30.50	Other public contracts			
08.10	Competition principles	Competition policy	Chapter 6	DTI
08.20	Restrictive practices			DTI
08.20.10	Prohibited agreements			DTI
08.20.20	Authorized agreements, exemptions and negative clearances			DTI
08.20.30	Supervision procedures			DTI
08.30	Dominant positions			DTI
08.40	Concentrations			DTI
08.50	Application of the rules of competition to public undertakings			DTI
08.60	State aids and other subsidies			DTI
08.70	Intra-Community dumping practices			DTI
08.80	Obligations of undertakings			DTI
08.90	National trading monopolies			DTI
10.40	Free movement of capital			Free movement of capital
01.40	Provisions governing the institutions	Provisions governing the institutions	Chapter 30	Parliament,
01.40.10	General			Parliament
01.40.20	European Parliament			HM Govt.
01.40.30	European Council			Cabinet
01.40.40	European Commission			Office
01.40.50	Court of Justice			Law Lords
01.40.65	Committee of the Regions			Parliament
01.40.70	Economic and Social Committee			Bank of
01.40.75	European Central Bank			Eng.
01.40.80	European Investment Bank			
01.40.85	European Monetary Institute			
01.40.90	ECSC Consultative Committee			
01.40.95	European System of Central Banks			

2. Common Policies where Member State Parliaments have relinquished powers of initiation and general jurisdiction to the EU

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.	Former Department Responsible
11.10 11.20 11.30 11.30.10 11.30.10.10 11.30.10.20 11.30.20 11.30.30 11.30.40 11.30.50 11.30.60 11.30.70	General European political cooperation Multilateral relations Relations in the context of the General Agreement on Tariffs and Trade (GATT) Basic standards Bilateral questions International Commodity Agreements Multilateral customs cooperation Cooperation with international and non-governmental organizations Multilateral transport cooperation Multilateral cooperation for protection of the environment, wild fauna and flora and natural resources Other spheres of multilateral cooperation	External relations	Chapter 26	DTI DTI DTI DTI DTI DTI DTI DTI/Treas FCO Transport Environmt FCO
11.50 11.50.10 11.50.20 11.50.30 11.60 11.60.10 11.60.20 11.60.30 11.60.30.10 11.60.30.20 11.60.30.30 11.60.30.40 11.60.40 11.60.40.10 11.60.40.20 11.60.40.30 11.60.50 11.60.60	Action in favour of countries in transition European Bank for Reconstruction and Development Financial and Economic Aid Specific aid actions Commercial policy General Extension or renewal of agreements with State-trading countries Trade arrangements Preferential arrangements Common import arrangements Common export arrangements Export guarantees and financing Trade protection Countervailing duties Anti-dumping measures Specific ECSC measures Other commercial policy measures Statistics on external trade (Nimexe)	External relations	Chapter 26	FCO Treasury DfID DfID DTI DTI FCO/DTI DTI DTI DTI ECGD DTI DTI FCO/DTI DTI DTI DTI
03.05 03.10 03.10.10	General Basic provisions National aid	Agriculture	Chapter 7	MAFF MAFF MAFF/Treas.

03.10.20	Common agricultural policy mechanisms			MAFF
03.10.30	Accessions			MAFF
03.20	European Agricultural Guidance and Guarantee Fund (EAGGF)			MAFF
03.20.10	General			MAFF
03.20.20	EAGGF (Guidance Section)			MAFF
03.20.30	EAGGF (Guarantee Section)			MAFF
03.30	Agricultural structures			MAFF
03.30.10	Social and structural measures			MAFF
03.30.20	Process. and marketing of agricultural products			MAFF
03.30.30	Accountancy data network			MAFF
03.30.40	Agricultural statistics			MAFF
03.30.50	Agricultural research			MAFF
03.30.60	Forests and forestry			MAFF
03.40	Monetary measures			MAFF/Treas.
03.40.10	Fixing of compensatory amounts			MAFF
03.40.20	Other monetary measures			MAFF
03.50	Approximation of laws and health measures			MAFF
03.50.10	Animal feedingstuffs			MAFF
03.50.20	Plant health			MAFF
03.50.30	Animal health and zootechnics			MAFF
03.50.40	Seeds and seedlings			MAFF
03.60	Products subject to market organization			MAFF
03.60.05	Arrangements covering more than one market organization			MAFF
03.60.51	Cereals			MAFF
03.60.52	Pigmeat			MAFF
03.60.53	Eggs and poultry			MAFF
03.60.54	Fresh fruit and vegetables			MAFF
03.60.55	Wine			MAFF
03.60.56	Milk products			MAFF
03.60.57	Beef and veal			MAFF
03.60.58	Rice			MAFF
03.60.59	Oils and fats			MAFF
03.60.60	Sugar			MAFF
03.60.61	Flowers and live plants			MAFF
03.60.62	Dried fodder			MAFF
03.60.63	Products processed from fruit and vegetables			MAFF
03.60.64	Raw tobacco			MAFF
03.60.65	Flax and hemp			MAFF
03.60.66	Hops			MAFF
03.60.67	Seeds			MAFF
03.60.68	Sheepmeat and goatmeat			MAFF
03.60.69	Other agricultural products			MAFF
03.70	Products not subject to market organization			MAFF
03.70.10	Silkworms			MAFF
03.70.20	Isoglucose			MAFF
03.70.30	Peas and beans			MAFF

03.70.40	Albumens			MAFF
03.70.50	Non-Annex II products			MAFF
03.70.60	Cotton			MAFF
03.70.70	Other agricultural products			MAFF/FCO
03.80	Agreements with non-member countries			
04.05	General, supply and research	Fisheries	Chapter 8	MAFF
04.10	Common fisheries policy			MAFF
04.10.10	Structural measures			MAFF
04.10.20	Market organization			MAFF
04.10.30	Conservation of resources			MAFF
04.10.30.10	Catch quotas and management of stocks			MAFF
04.10.30.20	Other conservation measures			MAFF
04.10.40	State aids			MAFF/
04.20	External relations			Treas.
04.20.10	Multilateral relations			MAFF/ FCO
04.20.20	Agreements with non-member countries			MAFF
				MAFF
07.05	General	Transport policy	Chapter 9	Transport
07.10	Transport infrastructure			Transport
07.10.10	Coordination and investment			Trans./Treas.
07.10.20	Financial support			Trans./Treas.
07.10.30	User tariffs			Transport
07.20	Inland transport			Transport
07.20.10	Competition rules			Transport/
07.20.20	State intervention			DTI
07.20.30	Market operation			Trans./Treas.
07.20.30.10	Market monitoring			Transport
07.20.30.20	Market access			Transport
07.20.30.30	Transport prices and terms			Transport/
07.20.40	Structural harmonization			DTI
07.20.40.10	Technical and safety conditions			Transport
07.20.40.20	Social conditions			Transport
07.20.40.30	Taxation			Transport
07.20.50	Combined transport			Trans./DHS
07.20.60	ECSC provisions			Transport
07.30	Shipping			Transport
07.30.10	Competition rules			Transport
07.30.20	Market operation			Transport
07.30.20.10	Market monitoring			Transport
07.30.20.20	Code of Conduct for Liner Conferences			Transport
07.30.20.30	Market access			Transport
07.30.30	Safety at sea			Transport
07.30.40	Structural harmonization			Transport
07.30.40.10	Technical conditions			Transport
07.30.40.20	Social conditions			Transport
07.30.40.30	Taxation			Transport
07.30.40.40	Flags, vessel registration			Trans./DHS

07.30.50	International relations			Transport
07.30.50.10	Consultation procedure			Transport
07.30.50.20	Conventions with non-member countries			Transport
07.40	Air transport			Transport
07.40.10	Competition rules			Transport
07.40.20	Market operation			Transport
07.40.20.10	Market access			Transport
07.40.20.20	Route distribution			Transport
07.40.20.30	Prices and terms			Transport
07.40.30	Air safety			Transport
07.40.40	Structural harmonization			Transport
07.40.50	International relations			Transport
07.40.50.10	Consultation procedure			Transport
07.40.50.20	Conventions with non-member countries			Transport
				Transport
15.10	Environment	Environmt	Chapter 22	Environment
15.10.10	General provisions and programmes			Environment
15.10.20	Pollution and nuisances			Environment
15.10.20.10	Nuclear safety and radioactive waste			Environment
15.10.20.20	Water protection and management			Environment
15.10.20.30	Monitoring of atmospheric pollution			Environment
15.10.20.40	Prevention of noise pollution			Environment
15.10.20.50	Chemicals, industrial risk and biotechnology			Environment
15.10.30	Space, environment and natural resources			Environment
15.10.30.10	Management and efficient use of space, the environment and natural resources			Environment
15.10.30.20	Conservation of wild fauna and flora			Environment
15.10.30.30	Waste management and clean technology			Environment
15.10.40	International cooperation			Environment

4. Strengthening Policies where the EU may add to existing National legislation

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.	Current Department Responsible
15.20	Consumers	consumers and health protection	Chapter 23	DTI
15.20.10	General			DTI
15.20.20	Consumer information, education and representation			DTI Employment
15.20.30	Protection of health and safety			DTI
15.20.40	Protection of economic interests			DTI/Health
15.30	Health protection			Home
15.40	Protection of animals			
13.10	Industrial policy: general, programmes, statistics and research			Industrial policy
13.10.10	General	DTI		
13.10.20	Programmes and statistics	DTI		
13.10.30	Research and technological development	DTI		
13.10.30.10	General principles	DTI		
13.10.30.20	Research sectors	DTI		
13.20	Industrial policy: sectoral operations	DTI		
13.20.10	Iron and steel industry	DTI		
13.20.10.10	Competition prices and other conditions of sale	DTI		
13.20.10.20	Other measures relating to iron and steel	DTI		
13.20.20	Shipbuilding	DTI		
13.20.30	Aeronautical industry	DTI		
13.20.40	Textiles	DTI		
13.20.50	Leather, hides, skins and footwear	DTI		
13.20.60	Information technology, telecommunications and data-processing	DTI		
13.20.70	Other industrial sectors	DTI		
13.30	Internal market: approximation of laws	DTI		
13.30.05	General, programmes	DTI		
13.30.10	Motor vehicles	DTI		
13.30.11	Agricultural and forestry tractors	DTI		
13.30.12	Metrology	DTI		
13.30.13	Electrical material	DTI		
13.30.14	Foodstuffs	DTI		
13.30.14.10	Colouring matters	DTI		
13.30.14.20	Preservatives	DTI		
13.30.14.30	Other provisions	DTI		
13.30.15	Proprietary medicinal products	DTI		
13.30.16	Cosmetics	DTI		
13.30.17	Textiles	DTI		
13.30.18	Dangerous substances	DTI		
13.30.19	Fertilizers	DTI		
13.30.99	Other sectors for approximation of laws	DTI		

13.40	Internal market: policy relating to undertakings			DTI
13.50	Miscellaneous			DTI
13.60	Trans-European networks			Transport
17.10	Company law	Law relating to undertakings	Chapter 16	DTI
17.20	Intellectual property law			DTI
17.30	Economic and commercial law			DTI
17.30.10	Business procedures			DTI
17.30.20	Other economic and commercial provisions			DTI

5. Contributory Policies where the EU may make policy guidelines and give advice

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.	Current Department Responsible
16.10	Science	Science and Information	Chapter 17	Science
16.10.10	General principles			
16.10.20	Research sectors			
16.20	Dissemination of information			
16.30	Education and training	education	Chapter 18	DfES
16.40	Culture	culture	Chapter 20	DCMS

6. Legislative Measures where the EU's policies are provided as non-binding advice to member states

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.	Current Department Responsible
12.10	General principles and programmes	Energy	Chapter 14	DTI
12.10.10	General			DTI
12.10.20	Rational utilization and conservation of energy			DTI
12.20	Coal			DTI
12.20.10	Promotion of the coal industry			DTI
12.20.20	Competition: rates and other conditions of sale			DTI
12.20.30	Coal products			DTI
12.20.40	Other measures relating to coal			DTI
12.30	Electricity			DTI
12.40	Nuclear energy			DTI
12.40.10	Fuel supplies			DTI
12.40.20	Power stations and joint undertakings			DTI

12.40.30	Safeguards			DTI
12.40.40	Nuclear research			DTI
12.40.50	Other measures relating to nuclear energy			DTI
12.50	Oil and gas			DTI
12.50.10	Supplies and stocks			DTI
12.50.20	Intra-Community trade			DTI
12.50.30	Other measures relating to oil or gas			DTI
12.60	Other sources of energy			DTI
	Tourism			
	Sport			

7. Co-operation Policies where the EU having no legislative authority attempts to co-operate with the UK Parliament particularly as the UK is not a signatory to the Schengen Agreement nor a member of the euro-12 committee of the single currency

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.	Current Department Responsible		
11.40	Bilateral agreements with non-member countries	External Relations: Common Foreign and Security Policy (CFSP)	Chapter 26	FCO		
11.40.10	European countries			FCO		
11.40.10.10	Member countries of the European Free Trade Association (EFTA)			FCO		
11.40.10.20	Mediterranean countries			FCO		
11.40.10.30	Countries in transition			FCO		
11.40.10.40	Other European countries			FCO		
11.40.20	The Near and Middle East			FCO		
11.40.30	African, Caribbean and Pacific (ACP) Group of States			FCO		
11.40.40	North America			FCO		
11.40.50	Central America and Latin America			FCO		
11.40.60	Asian countries			FCO		
11.40.70	Oceanian countries			FCO		
19.10	Free movement of persons			freedom, security and justice	Chapter 24	Home Office
19.10.10	Elimination of internal border controls					Home Office
19.10.20	Crossing external borders	Home Office				
19.10.30	Asylum policy	Home Office				
19.10.30.10	Right to asylum (Application of international rules on asylum within the European Union)	Home Office				
19.10.30.20	Right of refugees and displaced persons (not eligible for asylum)	Home Office				
19.10.40	Immigration and the right of nationals of third countries	Home Office				
19.20	Judicial co-operation in civil matters	Home Office				
19.30	Police and judicial co-operation in criminal and customs matters	Home Office				

19.30.10	Police co-operation			Home Office
19.30.20	Judicial co-operation in criminal matters			Home Office
19.30.30	Customs co-operation			Home Office
19.40	Programmes			Home Office
19.50	External relations			Home Office

8. Policies yet to be surrendered if we join the Euro

EUR-Lex No.	Detail Legislation	Subject Matter	Acquis Communitaire No.
10.10	General	Economic and monetary policy	Chapter 11
10.20	Monetary policy		
10.20.10	Institutional monetary provisions		
10.20.20	Direct instruments of monetary policy		
10.20.30	Indirect instruments of monetary policy		
10.30	Economic policy		
10.30.10	Institutional economic provisions		
10.30.20	Instruments of economic policy		
10.30.30	Economic and monetary union		

- **Consolidation**

These Seven Legislative Divisions above need to be grouped into three distinct categories for the purposes of this paper.

I. Legislation *Surrendered to EU* or made where *EU takes the Authorship and Initiative*

Subject Matter	Former Department	Percentage Lost to EU
Free Movement of Goods	DTI	100%
Customs Union	Treasury	100%
Freedom of movement of workers	HomeOffice/DoEmp	50%
Freedom to Provide Services	DoT/DoE/Treas/DTI	70%
Competetion Policy	DTI	80%
Bilateral Trade Relations	DTI	80%
Agriculture	MAFF	90%
Fisheries	MAFF	90%
Transport	Dept Transport	60%
Environment Policy except RegionalPolicy	DoE	80%

II. Legislation which is either 'Complementary' - i.e. where the EU shares the authorship or initiative or where the EU attempts to 'Strengthen' national legislation and British officials invariably "gold plate" such legislation.

Subject Matter	Involved Department	Percentage Lost to the EU
International	Dept Intl Dev (DfiD)§	50%
Development		
Social Policy(Social Chapter)	DHSS	50%
Working Time etc	Dept of Empl	40%
Directive		
Regional Policy	Dept of Environment	50%
Consumer protection	DTI	50%
Public Health	Dept of Health	50%
Industrial Policy	DTI	70%
Company		
Business Law	DTI	30%

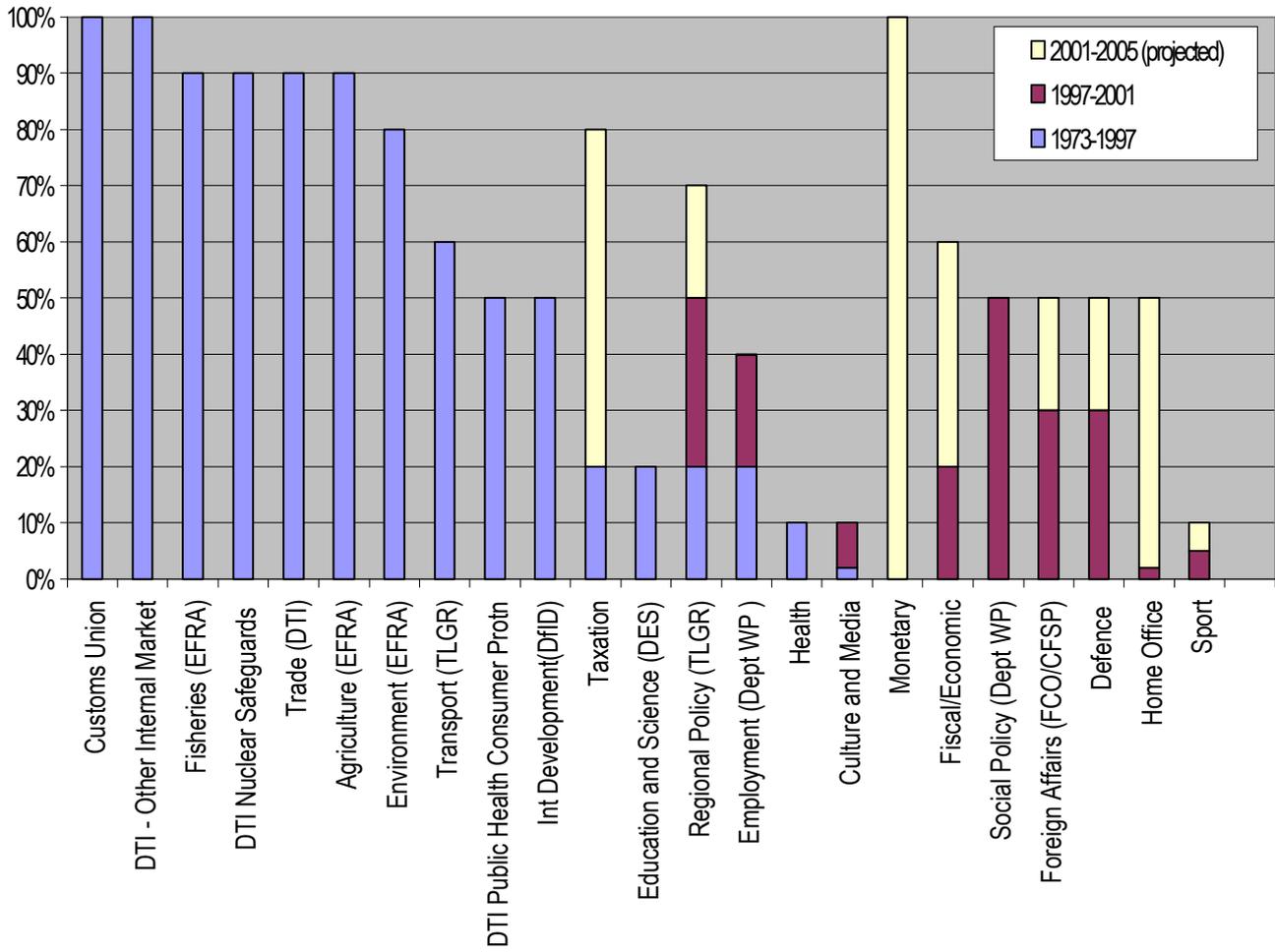
III. Legislation which is non binding, (advisory or guidelines) or voluntarily co-operative

Subject Matter	Department	Percentage Lost to the EU <i>(Estimated)</i>
■ a. Science and Information	DfES	20%
■ b. Education	DfES	10%
■ c. Culture	DCMS	10%
■ d. Energy Policy (except Euroatom Treaty)	DTI/Energy	20%
■ e. Nuclear Safeguards	DTI	90%
■ f. Tourism	Transport	10%
■ g. Sport	DCMS	5%
■ h. External Relations CFSP	FCO	30%
■ i. Defence CFSP	Min of Defence	30%
■ j. Immigration	Home Office	5%
■ Asylum	Home Office	10%
■ Border Controls	Home Office	0%
■ Police Coop (Civil)	Home Office	0%
■ Police Coop (Criminal)	Home Office	10%
■ Judicial Coop (Civil)	Lord Chancellor	0%
■ Judicial Coop (Criminal)	Lord Chancellor	10%

• **Summary Table of Where Legislation is Initiated or Authored and its Future Direction**

Dept of State	Percentage of the Legislative Programme Initiated/ Authored	
	in the EU	in UK/Parliament
■ Treasury Customs Union	100%	0%
■ DTI - Other Internal Market	100%	0%
■ Trade (DTI)	90%	10%
■ Agriculture (EFRA)	90%	10%
■ Fisheries (EFRA)	90%	10%
■ DTI Nuclear Safeguards	90%	10%
■ Competition	80%	20%
■ Environment (EFRA)	80%	20%
■ Transport (TLGR)	60%	40%
■ Int Development(DfID)	50%	50%
■ Social Policy (Dept WP)	50%	50%
■ Employment (Dept WP)	40%	60%
■ Regional Policy (TLGR)	50%	50%
■ DTI Public Health Consumer Protn	50%	50%
■ Energy	40%	60%
■ Laws on Undertakings	30%	70%
■ Foreign Affairs (FCO/CFSP)	30%	70%
■ Defence (Min of Def/CFSP)	30%	70%
■ Education and Science (DES)	20%	80%
■ Economic/Monetary/Tax Policy	20%	80%
■ Health/Hospitals	10%	90%
■ Culture and Media	10%	90%
■ Sport	5%	95%
Home Office :		
■ Police Co-op (Crimnl)	10%	90%
■ Jud Co-op (Crimnl)	10%	90%
■ Immigration	0%	100%
■ Border Controls	0%	100%
■ Asylum	0%	100%

• The Transfer of Power to Brussels



Conclusions

This analysis, so far as the author is aware, is unique. For the first time we can get a measure of how much of the legislative authority, ownership and initiative formerly vested in the UK Parliament has been 'given away' by successive British Governments.

What is clear from our analysis is that in attempting to create a Single Market the European and British elites actually set about, and are well succeeding in, creating a Single Government

On the anvil of 'harmonisation', the powers of the trans-national institutions were extended to encompass an all-pervasive legislative and executive role. Consequently the National Parliaments surrendered their traditional law making role in matters such as Customs Unions, Free movement of goods, people and capital, trade relations but also on matters such as competition policy, transport, agriculture and environmental policy over the 28 years since British accession

Graph 1 shows the transfer of powers from the UK Parliament to unelected trans-national institutions based in Brussels over the past 28 years. What is significant and alarming is that since 1997 after the Conservatives left office, Labour has accelerated the process. Today new areas of foreign policy, defence, regional policy, social policy, consumer protection, public health and working time, have new European competences either through the Commission or through the new and growing bureaucracy of the Council of Ministers.

What is also clear from the various tables and graph is that until May 1997 **about 40% of the legislation that affects Britain was initiated and authored in the corridors of power in Brussels and Strasbourg, that after Labour came to power, this proportion has increased sharply and is now hovering around the 55% level** and that if we also join the Single currency this proportion will shoot up to **about 70%** and that if later, judicial co-operation, corpus juris and other Home Office policies are submerged into European co-operation, the proportion will increase **to about 80%, leaving Education and Health policies as the ONLY areas of exclusive policy making for the UK Government and Parliament.**

Concurrently with the growth in the power of the Council of Ministers and the unelected Commission, the powers of the European Parliament have also correspondingly grown.

Annexe 1 is a brief illustrative summary of the Reports that the European Parliament debated and passed as *legislation* in the Plenary Session at Strasbourg in July at the time that this pamphlet was being published in London. The session Reports (or Bills) are included here as an example of the enormous range of legislative activity the European Parliament now indulges in, using the new Co-Decision powers vested in it after the Treaty of Amsterdam. Even a cursory glance at the legislative index for July will show 'Solvency margins requirements for life assurance undertakings' (Ettl report), 'Institutions for occupational retirement for pensions: legislative, regulatory and administrative provisions' (Karas -Report), 'Promotion of renewable energy' (Rothe report), 'Creation of a .EU internet domain' (Flesch report), 'Harmonisation Policies in the assignment of the radio spectrum' (Niebler report), 'Company law concerning take-over bids,' (Lehne Report); 'Integrated Coastal zone management in Europe,' (McKenna Report) 'Noise and Gas Emissions from Recreational craft,' (Callanan Report), 'Aid to uprooted people in developing countries' (Carrilho Report). These reports make new laws, they will effect all our lives - and they will all be transposed into national legislation by the respective national parliaments 'on the nod' without debate and certainly without any public awareness.

As a Conservative one has now to take a view. Is this really the Europe that we thought we were creating into a Single Market? The answer is obviously no. Which then begs the question: what sort of Europe should Conservatives have been creating for the past 28 years? Is it now too late to create that Europe that we all instinctively know we should have created? Having identified the shape of the Europe we want, is it then realistic and practicable to set about achieving that end?

As Conservatives who are outward looking, free market oriented and in favour of greater individual freedom and less regulation, we should be asking the following questions:

- How do we make the EU to be of smaller government and more powerful citizens?
- How should Europe do less, and do it better?
- How do we develop new safeguards for the rights of Member States?
- How should subsidiarity be strengthened: by a Subsidiarity Panel; or new treaty provisions on interpretation; or a States' Rights' clause?
- What Legislative areas should we repatriate and how?
- How can – and how far should – National Parliaments otherwise be more closely involved in EU decision-making (by pre-Council meeting mandates for ministers, for example) or by sitting as the revising Upper Chamber of the European Parliament to review Subsidiarity and intergovernmental pillars or through a permanent "Congress of National Parliaments" to review Subsidiarity and pass treaty amendments (except those of "constitutional" nature).
- How do we open up the Council of Ministers: should its legislative work be held in public?
- How should we increase reporting requirements to National Parliaments of Ministers before and after they attend the Council of Ministers?
- How do we make enterprise, employment growth and wealth creation central to the EU's instincts and philosophy?
- Should we make even greater use of "mutual recognition", rather than "harmonisation", in completing the single market?
- Is there much further scope for self-regulation by sectors on the basis of EU-wide guidelines and codes of conduct?
- Which European social legislation poses the biggest burden on the labour market and needs to be repealed?
- Is further action needed to tackle the continuing problem of anti-competitive price differentials across Europe, as the 1999 manifesto proposed?
- How much co-financing or re-nationalisation of the CAP should there be?
- How far should the CAP provide financial incentives for environmental protection?
- Should the CFP be abolished? If so, what should replace it?
- How do we allow two-way flexibility, with opt-outs available to member states in policy areas other than internal market, competition policy and trade?

These are profound questions; ones that require detailed studied answers - they should be the subjects for another pamphlet. It is suffice here to have started that process by first quantifying exactly where we are. This could lead to a debate at both National and European level as to where we should be – now that we know *Who Really Governs Britain*.

Recently the international community and its leaders have witnessed a growing and alarming tendency by so called anarchists, single issue lobbyists, environmental warriors etc to disrupt, riot and wreck international conferences, the most notable being Seattle in Dec 1999, Prague in Sept 2000, Davos in Jan 2001, and Gotenburg last month. Their complaints range from injustice to the third world, to environmental degradation and WTO. The issues underlying the protests are not new. There have always been those who have had a misplaced though well developed sense of social justice and found ways to challenge the established way of doing things. What is new is the pattern of violent rage that is being manifested in the present day protests.

When interviewed by the media, those who resort to violent street protest justify their actions on the ground that this is the only way to make their presence felt. Instead of lobbying the politicians who should be representing their interests in the legislature, they run amok on the streets. They say that they have given up lobbying their politicians for good reason; elected politicians, they claim, no longer make the decisions about which the street protesters feel so passionately about. Issues of economic justice, environment and trade are no longer being decided on in the elected legislatures of individual countries. Instead, the anarchist argument continues, unelected officials whom hardly anyone on the street would know of are making decisions in remote inaccessible places, such as the European Commission and WTO. Not knowing who these unaccountable decision makers are, not knowing how to access them, not knowing how to influence them, it makes more sense to riot on the streets in front of the forums in which they periodically gather.

Our governments need to find ways to reverse this trend in which decisions that matter to the people are made by those in inaccessible places. Trans-national bureaucracies have obtained powers to which the people cannot hold them accountable. But our governments were not elected to abdicate their powers to these unelected officials to whom the people have no access. By granting legislative and regulatory powers to institutions that are not answerable to the electorate, but which can impose laws on the people is a recipe for more violence in the days to come.

For over 800 years, at the end of each period of office the UK Parliament is prorogued and the power that Parliamentarians hold in trust is returned back to the people. At the election the people then delegate their powers again to their representatives. At no time in this transaction is permission given by the people for those powers to be given away. They expect them back in five years. It is in effect a loan.

No Government has ever enjoyed the process of accountability and scrutiny, which was the traditional role of Parliament, a role that is being deliberately and systematically diminished. Parliament and its processes are messy and inefficient, how much more sensible to hive off its authority to the Council of Ministers and Commission? There the proper business of Government can be effected without distractions. The fact that those distractions are the rights and freedoms of the people is unfortunate, but a minor point.

The Council of Ministers and the Commission operate in secret, votes are cast and counted and the results of those votes are rubber stamped by the National Parliaments. Nobody outside the gilded circle ever gets to discover in which way any government voted. Trades are done behind closed doors and no

notes are taken. Even the translator's notes are burned at the end of each meeting. The public must not find out. There, in effect must be no possibility of accountability.

The purpose of this paper has been to draw attention to some of the facts of modern political life. From all sides of the European debate we hear, like a mantra, that we must all join in "rational debate". One cannot make informed discussions about our nation's future without accurate information. Hitherto no one has made these facts widely available. The facts themselves are not hiding; they are available to every citizen, sitting on the shelves and in the websites of the European Union. All the figures in this paper are available in the Official Journals of the EU, but no politician, particularly a national one, will ever make it public. No politician will stand on the stump and cry "Vote for Me, I have less and less power to help". And so, in concert with a lazy and supine media, the truth lies gaining in size and gathering dust.

"Practical diplomatists say that free government is harder to deal with than a despotic government: you may be able to get the despot to hear the other side; his ministers, men of trained intelligence, will be sure to know what makes against them; and they may tell him. But a free nation never hears the any side save its own. The newspapers only repeat the side their purchasers like: the favourable arguments are set out, elaborated, illustrated; the adverse arguments maimed, misstated, confused. The worst judge, they say, is a deaf judge; the most dull government is a free government on matters its ruling classes will not hear. I am disposed to reckon it as the second function of Parliament in point of importance, that to some extent it makes us hear what otherwise we should not."

Bagehot, The English Constitution

Annex

Plenary – July 2001

Environment, Public Health and Consumer Protection

Callanan report - on gas and noise emissions from recreational crafts

- This report hopes to approximate laws and regulations of Member States on recreational craft and lays down limits for emissions of CO, HC, NOx and particulate pollutants.

McKenna Report - on the integrated coastal zone management in Europe

- This report commits Member States to a binding common strategy, the aim of which is to decrease the rate of degradation of conditions in coastal zones, particularly in the light of the last report of the European Environment Agency.

Lannoye Report - on sugars, honey, fruit juice etc. for human consumption

- Definitions and labelling requirements for the products concerned are given.

Sjostedt Report - on safe operation of mining activities

- The future directive on mining waste should include legislation requiring the responsible mining company to establish de-commissioning plans for new and existing mines and tailing ponds and to set aside sufficient funds for closure, restoration and after-care measures. The safe and sustainable disposal of mining waste is also to be included in the legislation. The establishment of common minimum rules concerning tailing ponds is suggested.

Citizens' Freedoms and Rights, Justice and Home Affairs

Cornillet Report - on the report on the situation concerning fundamental rights in the European Union

- This report examines the Annual Report on Human Rights in the EU with particular regard to racism and xenophobia, justice and security, social exclusion, children's rights and women's rights.
- The UK is called upon to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women. One of the national plans suggested to promote gender equality is the encouraging of political parties to introduce quota systems into their electoral lists.
- It is recommended that Member States' legislation is amended to recognise non-marital relationships between same sex or opposite sex partners and assign equal rights to these relationships. Legislation to prohibit discrimination for long term co-habitants, providing the same

judicial protection as for legally married couples, is called for. Legal recognition for same sex marriages is also called for.

- Common minimum standards for some aspects of procedural law are suggested, in such areas as the rights of the defence.

WUORI Report on Human Rights in the world

- Wuori reaffirms the importance of human rights as a cornerstone of EU foreign policy. The report reviews the EU's activities in the year 1999-2000 and sets out the priorities for the future. Above all the rapporteur calls for transparency, coherence and consistency in the Union's human rights policies.
- It calls for better staff training and for an increase in the human rights assistance budget.
- In addition the report looks at ways in which the European Parliament can improve its own structures for dealing with human rights-related matters, exploring the idea of a special parliamentary "representative" to pursue all human rights-related issues.

BROK Report on the proposal for a Council decision providing macro-financial assistance to the Federal Republic of Yugoslavia

- This report supports the Commission's proposal to make available to the Federal Republic of Yugoslavia (FRY) a sum of EUR 300 million in macro-financial assistance, which would cover the whole one-year IMF stand-by programme period. The assistance would consist of a loan element of up to EUR 180 million and a grant element of up to EUR 120 million.

CARRILHO Report on the proposal for a European Parliament and Council Regulation on operations to aid uprooted people in Asian and Latin American developing countries

- Carrilho strongly approves the Commission proposal for an indefinite regulation on aid to uprooted people in the countries of Latin America and Asia.
- Carrilho's report aims to clarify the Commission proposal and bring in a few other elements. Among other things, it makes reference to the importance of preventive action and underlines the need to integrate action to help uprooted people with the goals of development cooperation policy.
- The rapporteur points out that the Commission submitted its proposal for a new regulation only a few days before the expiry of the old one and urges the Commission not to make the same mistake in the future.

Economic and Monetary Affairs

KARAS Report - on institutions for occupational retirement pensions: legislative, regulatory and administrative provisions

- The directive sets out to provide a common regulatory framework for pillar two, occupational pensions as part of the Commission's plans.

- The rapporteur proposes that all insurance companies wishing to provide occupational pensions should either set up a separate legal entity or a separate clearing system. Uniform use of the prudent persons rule and the offering of bio-metric cover will ensure that employees are provided with the greatest flexibility and a guaranteed pension.
- Whilst the proposals call for the elimination of tax distortions and the uniform use of deferred taxation (EET). Another area where tax harmonisation is beginning.

ETTL Reports - The solvency margins requirements for life assurance undertakings

The solvency margin requirements for non-life insurance undertakings

- The aim of this directive is to protect policy holders more effectively against possible insolvency, primarily by means of minimum capital resources growing constantly to keep pace with the risks assumed and more efficient State supervision of life assurance undertakings.

RANDZIO-PLATH Report - The European Central Bank annual report 2000

- Primary concerns surround calling the ECB to reflect on the possible introduction of an inflation target. It further calls for an ECB initiative on the voting procedures after enlargement.
- Whilst commending the ECB for the frank nature of its quarterly dialogue with the Parliament, criticises it for refusing to be fully transparent regarding monthly meetings and discussions of its governing board.

MAATEN Report - Preparation of economic operators for the changeover to the euro

- This own-initiative report is aimed at facilitating a smooth changeover by highlighting some important but as yet neglected issues concerning the technicalities of the actual changeover in January 2002
- The report re-iterates the need for more focused information campaigns and is critical of the ECB for failing listen to concerns about the front-loading of ATM machines. It claims that the single currency represents the main identity-building factor for European integration.

RANDZIO-PLATH Report - Quarterly non-financial accounts for general government

- The regulation specifies the method and timetable for submission of data, as well as the actual data required, to provide for a quarterly statistical analysis to allow fuller assessment of economic development within the European Union.
- The regulation will oblige Member States to provide the quarterly data no later than three months after the end of the quarter and will include all government expenditure and revenue.
- The report fully accepts the Commission proposal for a regulation without any need for amendment. The regulation is being considered under co-decision. Data collection will begin in 2002, with a review to be held in 2005 to establish the accuracy of government estimates for each quarter.

RANDZIO-PLATH Report - European Central Bank minimum reserves

- This report approves the ECB's proposed amendments to the regulation governing the procedure for judicial review of sanctions imposed by the Executive board of the ECB.
- Currently, the ECB has fifteen days to review sanctions imposed on undertakings, if so requested, before the undertaking can request a full judicial review from the Court of Justice. Consequently since fifteen days is rarely long enough for thorough review, many cases are referred needlessly to the Court of Justice.
- In order to avoid this increased workload for the Court of Justice and to ensure the ECB is not effectively bypassed, it has suggested extending this initial time limit to two months.

Industry, External Trade, Research and Energy

ROTHE Report - Promotion of electricity from renewable energy sources

- At the end of its examination the Council concluded that the main focus of the Directive should be on promoting the contribution of RES to electricity production rather on creating a common framework to that effect. It further clarifies that the national targets to be set by Member States for the future consumption of electricity produce from RES should be of an indicative nature and therefore non-binding.

FLESCH Report - Implementation of the top level domain .EU

- The Heads of Government agreed at the Lisbon European Council that the creation of .eu should figure among measures to accelerate e-commerce listed in the eEurope Action Plan 2002.
- The creation of a .eu top level domain will offer the potential for traders, especially SMEs to project themselves across borders at the same time as indicating a European identity and legal base.

NIEBLER Report - Regulatory framework for radio spectrum policy

- The report moves to delegate open ended harmonisation powers to the Commission in the use and assignment of radio spectrum policy.

GRONFELDT BERGMAN Report - Measuring instruments

- This proposal aims to rationalise existing legislation and to create an internal market for measuring instruments that are subject to legal metrological control.
- The subsidiarity principle can be invoked by Member States as to whether the measuring instruments need to be regulated

Women's Rights and Equal Opportunities

FIGUEIREDO Report - Framework strategy for gender equality 2001 work programme

- It calls upon the Commission to propose revision of directives on health and safety for breastfeeding mothers and equal pay and equal treatment in both statutory and occupational social security systems. Furthermore it calls for gender impact assessment and gender-streaming in the structural funds.

Budgets

HAUG/FERBER Report - Supplementary and amending budgets 3 & 4 SAB 3

- 27 additional new posts are requested by the Commission for the European Research area. The rapporteur accepts the Commission's proposal on the 12 scientific A posts, however he demands that the distribution of the administrative posts should be revised towards the lower grades of A, B and C categories.
- Concerning OLAF (Fraud Office), the Commission had proposed the unblocking of the 76 posts currently in reserve, however, the rapporteur is against such modifications, which would reverse the decisions made by the Parliament under Budget 2001.

SAB 4

- This report deals with the balance for the year 2000 and the rapporteur criticises the Commission for the surpluses, which are caused by poor implementation of schemes.
- The report also includes the correction of budgetary imbalances in favour of the UK.

HAUG Report - EU own resources

- The rapporteur observes that traditional own resources are in constant decline due to an increase in the amount to be kept by the Member States to cover costs, and the reduction in resources drawn from VAT. The rapporteur criticises the increase in collection costs being retained as a kind of 'hidden rebate' which will make the own resources system less transparent.
- The rapporteur supports the idea of a European tax, and hopes to see the EU move towards greater financial autonomy from the individual Member States.

COSTA NEVES Report - 2002 Budget-conciliation procedure

- Under agriculture, the increase of compulsory spending, such as direct support payments to farmers is criticised, as this can only be financed by sacrificing some of the resources intended for rural development.

Budgetary Control

BOURLANGES Report - Management of Community programmes

- The report states that tasks related to the Commission's public service activities may only be delegated to external agencies when justified because of their temporary nature or technical complexity.
- Furthermore, the Commission should also be responsible for the overall implementation of the budget of those agencies, as it was made clear that separate discharge procedures for each individual agency would not be accepted

Fisheries

BUSK Report - Multiannual guidance programmes for fishing fleets

- There is a call for the suspension of public aid for fleet renewal in cases where Member States do not comply with Community rules.
- Finally the rapporteur regrets that the adjustment of fleet size is not happening to a sufficient extent and calls upon the Commission to produce further instruments to adjust the size of the fishing fleet in MAGP V.

NICHOLSON Report - Recovery of cod stocks in the Irish Sea

- The technical measures proposed concern mesh sizes and selectivity of fishing gear and are aimed at protecting juvenile stock.

Legal Affairs and the Internal Market

Wallis Report - on action taken on the Community policy on out-of-court settlement of consumer disputes

- This report recommends measures to improve the EEJ Net, including an information and awareness-raising campaign throughout the EEA and stresses the need for longer-term funding, particularly in those Member States with little experience of alternative extra-judicial systems.
- Before extra-judicial solutions are put in place, it is preferable for attempts to be made to solve the dispute directly. Minimum service level guarantees are to be set in Member States as a means of supplementing the memorandum of understanding.
- Attention is drawn to the importance of the use of the consumer's own language in dispute situations as well as the need for simple and straightforward complaint forms.

Rothley Report - with recommendations on a fifth European Parliament and Council Directive on motor vehicle liability insurance to improve the legal protection of accident victims

- The insurer is required to pay compensation within three months of receiving a claim or, if this is not possible, explain the reasons why it is not possible. Where the insurer fails in his obligation, penalties should be imposed and interest should be charged on the amount owed.
- It is proposed that all vehicles with foreign number plates should be re-registered within three months.
- For those who take up temporary residence in another Member State, re-registration would be delayed for a period of one year and home insurers would be obliged to extend cover for the same period of time.
- A uniform minimum amount to be insured of EUR 2 000 000 is suggested but it is envisaged that the sum will be adjusted periodically.
- Compulsory insurance ought to be extended to cover vehicles which were initially exempted, such as agricultural vehicles- More costs for farmers.
- Each insurer's representative in every other Member State should have the capability of settling claims.
- Attention is drawn to the need for insurance for vehicles purchased and registered in one Member State for use in another for a period of 30 days; this will aid those people who buy a vehicle in one Member State with the sole intention of driving it back to their Member State of residence.

Palacio Vallelersundi Report - on recasting of legal acts

- This report approves the notion of an interinstitutional agreement on a more structured use of the recasting technique for legal acts provided that an assessment of the agreement takes place three years after its entry into force.
- It is hoped to ease EU citizens' understanding of Community law.