

EPIN Briefing Note: The UK and the Convention

National debate on future of Europe

The national debate in the UK about the future of Europe is notable mainly for its absence. Some newspapers did lambaste one of the suggestions in Valéry Giscard d'Estaing's draft constitutional treaty to possibly rename the EU "the United States of Europe" (a name invented by Winston Churchill). But apart from that controversy the Convention and the future of Europe debate are receiving little media coverage.

Europe crops up primarily as part of the UK's ongoing euro debate. There is much speculation over whether or not a euro referendum will occur during 2003, or if it will happen at all before the next general election (due by 2006). The British Treasury has still not decided if the British economy has converged adequately with the eurozone – a prerequisite for holding the referendum. The eurozone's recent poor economic performance – especially Germany's – is reported with glee by those sectors of the press that are against British membership of the euro. Immigration is increasingly surfacing as a major political issue, and discussion of the EU's role in this area is growing. But aside from the euro and immigration, Europe, and more specifically the Convention, is not a major political issue in the UK at present.

The British position at the Convention

Despite the lack of public debate, the UK government is taking the Convention very seriously. Peter Hain, a cabinet minister and British government representative at the Convention, has been extremely active in the Convention debates. The British are the only government so far to commission a (publicly available) draft constitution for the EU, drawn up by Cambridge legal expert Alan Dashwood. Tony Blair is especially keen to show that Britain is no longer a straggler in EU developments, letting others decide what happens and then catching up. But the British government insists that the EU will never be a "superstate". Instead it is and will remain a Union of sovereign nations.

The main areas of contention for the UK are the incorporation of the Charter of Fundamental Rights into an EU constitutional treaty; harmonisation of taxation; ensuring EU defence policy does not undermine NATO; and reform of the European Council and the Council of Ministers.

On the Charter of Fundamental Rights, the British government is willing to consider different forms of incorporation of the Charter into an EU constitution, but it has difficulty with the idea of inserting the whole Charter article by article into the constitution. The UK says that many of the Charter's articles are too open to interpretation and would be difficult for judges and legislators to apply. New EU laws that enlarge EU competence over national law are anathema for many in the UK. Some of this opposition is based on the perception of "fundamental differences" between England and Wales' common law system and the Continental and Scandinavian legal systems used by most of the other members. But there are also concerns about how the Charter could affect British industrial and labour policies by expanding social rights.

Harmonisation of taxation is another bone of contention for the British. The government is firmly opposed to extending qualified majority voting (QMV) to tax. This opposition is partly due to fears that tax harmonisation will lead to tax hikes in the UK – British taxes are generally lower than the continental average. Also, at a time when the British economy is doing well relative to the eurozone, to “give up” taxation to Brussels would further lessen the chances of a euro referendum being passed. The UK government would already have a hard enough task convincing the British public of the merits of switching to the euro without having to sell tax harmonisation as well.

On defence, the UK supports proposals that help Europeans increase their military capabilities. But the government is keen to ensure that the revision of EU defence tasks does not lead to a mutual defence agreement in the EU constitution. The government argues that the North Atlantic Treaty already guarantees a mutual defence commitment. If the British government did sign up to an EU defence pact, the opposition and the right-wing press would say that the Labour government is not committed to NATO, is going soft on the war on global terrorism, and is sacrificing close ties with the US for links with unreliable and militarily weak continentals. Any perception that the UK is choosing Europe over the US would rally anti-Europe forces, making it more difficult for Tony Blair to hold a euro referendum before the next election.

The most pressing institutional issue for the British government at the Convention is reform of the European Council and the Council of Ministers, especially the present six-monthly rotation system, whereby each member-states takes a turn at chairing the Council. The UK is one of the strongest advocates for appointing a President to chair European Council meetings. This idea is controversial, especially with smaller member-states, who fear it will strengthen the Council at the expense of the Commission. Tony Blair indicated in his Cardiff speech of November 28th 2002, that the UK government would also consider having a less aggressive “Chair” of the European Council, in conjunction with team presidencies, combining big and small states, to chair the sectoral Councils.

Briefly on other issues, the UK is not against strengthening the role of the Commission in some aspects of Justice and Home Affairs. Furthermore, the UK is advocating extending QMV in the Council on immigration and asylum against German reluctance. But there is no indication that the UK will sign up to the EU’s Schengen agreement on common borders. On foreign policy the UK supports giving the High Representative more powers, including a right of initiative and chairing the foreign ministers Council. But the UK does not believe that any combination of the High Representative and the Commissioner for external relations should result in a stronger role for the Commission in EU foreign policy. In addition, the UK government is lukewarm about the idea that the European Parliament should elect the Commission President, or that he should be elected at all.

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