

## Conservative European policy

The Lisbon Treaty has now been signed by President Klaus and will shortly become part of EU law, coming into force on 1 December. This is a situation which has been brought about by the Labour Party (aided by the Lib Dems), who could have instigated a referendum at any time prior to the Treaty's ratification. Given this situation, we have today announced a series of measures, which are summarised below and for which we will seek a mandate at the next general election.

The measures are essentially in three areas:

### 1. 'Never Again' unilateral measures which we can take ourselves

- **An Irish style 'referendum lock' on any treaty handing over further powers from Britain to the EU.** We will amend the 1972 European Communities Act so that any future treaty which transfers competences (powers) from Britain to the EU would have to be subject to a referendum, as is already effectively the case in Ireland. We will campaign on challenging our opponents to confirm that they will never seek to overturn this.
- **A legal lock ensuring a referendum if any British government tries to take Britain into the Euro.** We are pledged never to take Britain into the Euro. But to prevent any future British Government from trying to do so without a referendum, we will amend the 1972 Act to provide that safeguard too.
- **A United Kingdom Sovereignty Bill, to ensure the ultimate sovereignty of the UK Parliament.** Unlike many other European countries, Britain does not have a written constitution. Given the increasing amount of EU law with which we have to deal, we would amend the law to insert a sovereignty clause to make it explicit that, ultimately, Britain's Parliament is sovereign and cannot be overruled by the EU against its will. This is similar in principle to the situation in Germany whereby the German Constitution (the Basic Law) is ultimately supreme. This would not mean striking down individual items of EU legislation but would provide ultimate constitutional safeguards against any attempts by EU judges to erode our sovereignty.
- **Full Parliamentary control over the self-amending or 'ratchet' clauses in the Lisbon Treaty.** The Lisbon Treaty contains a number of ratchet clauses (sometimes called 'passerelles') whereby the powers of the EU could be expanded in the future without a new treaty. These clauses require all EU nations to agree, so we retain a national veto on their use. We do not believe that any of these ratchet clauses should be used to increase the EU's powers but, as a safeguard, we would change the law so that using any passerelle would require a British government to pass an Act of Parliament (rather than a simple motion and a 90 minute debate, as currently proposed under Labour).

These measures can be brought in unilaterally by an incoming Conservative government without the need to seek approval from our European partners.

## 2. 'British guarantees' on the operation of Lisbon and social and employment legislation, which require negotiation with our EU partners

We will use the forthcoming general election deliberately to seek a mandate to negotiate 'British guarantees' on the application of the Lisbon Treaty and on seeking to restore key powers to Britain.

These would include:

- **A full opt-out from the Charter of Fundamental Rights (CFR).** Tony Blair told us that he had obtained an opt-out from the CFR, but he did not. As Ministers have subsequently admitted, he only obtained a 'clarification' as to how it would apply. We want to upgrade this to a full opt-out so that the CFR, which for instance would interfere with our trade union legislation, cannot be made to apply in Britain.
- **Greater protection against EU encroachment into the UK's Criminal Justice System.** Lisbon provides us with an 'opt-in' over criminal justice matters but we want broader protection provided by an additional protocol. This would protect against EU judges extending their control over our Criminal Justice System, and we also want to ensure that only British authorities can initiate criminal investigations in Britain.
- **Restoration of national control over social and employment legislation.** Lastly, we want to restore national control over those parts of social and employment legislation which have proved most damaging to the British economy. For instance, we would seek guarantees over the application of the Working Time Directive in our public services, such as the fire service and the NHS.

We will establish a European Policy Committee of the Shadow Cabinet, chaired by William Hague, to work on the detail of these proposals.

We will seek to give these measures legal effect by adding them to a future accession treaty. This is the same mechanism that will give effect to the 'Irish guarantees' and also the more recent 'Czech guarantees' and we would seek to mirror it for the above British guarantees too.

## 3. The longer term

We will aim to implement these measures over the course of the next Parliament. We believe that they can stop Britain's relationship with the EU from heading in the wrong direction. But if, over the lifetime of this Parliament, we do not succeed in negotiating the return of these powers; or if, in fact, the EU does move in the wrong direction, in those circumstances then of course we can return to this subject in a manifesto for the Parliament after that. This is not something we want to happen. Nor is it something we expect to happen. But if those circumstances were to occur, we would not rule out a referendum on a wider package of guarantees to protect our democratic decision-making, while remaining a member of the European Union. However, that would be a judgement for the future, not for this election or for the next Parliament.

### In summary

**A Conservative government will never allow us to become part of a federal Europe and we have devised a series of specific measures which will protect Britain from this. We will seek a mandate from the British people to implement these measures at the forthcoming general election.**