

In a referendum, objectively promoting the EU in face of a strong tide of misinformation would be a difficult task - which of course we would undertake with energy if we had to. But the sooner we can move on from discussing EU structures to public examination of important EU policies and activities, the better.

Alan Forrest

The treaty

And so, the Reform Treaty, replacing the Constitutional Treaty, was signed at an “informal meeting” of the Heads of State and Government (HSG) in Lisbon in the early hours of 19 October. Why “informal” and why not in Brussels, where the HSG are nowadays supposed to meet instead of going walkabout? Perhaps because the Portuguese would like the outcome to be known as the Treaty of Lisbon – in the lineage of Rome, Maastricht, Amsterdam and Nice.

Signature marks acceptance by the signatories, who now proceed to ratification. When all have done it the Treaty, or more accurately, two new Treaties, will ready to come into force.

.The pre-meeting atmospherics were as usual overdone. The spinners of tales told the credulous of the forthcoming determined effort to maintain the safeguards Britain had wrung out of earlier negotiation. In fact they were never in question, for the simple reason that Britain would not have signed up without them. There were unresolved issues about voting rights (Poland), an additional appointment to the European Court of Justice (also Poland) more seats in the European Parliament to maintain historical parities (Italy), whether Austria can restrict Germans who want to study medicine there, how you spell “euro” in Cyrillic script (Bulgaria), but they were never going to jeopardize a successful conclusion.

Ireland will, by constitutional law, have a referendum to secure ratification. Others, including those who had referendums - Spain, France, Netherlands and Luxembourg - will probably not.

Opinion is divided over whether the Reform Treaty is radically different from the draft Treaty establishing a Constitution for Europe, in the amended form in which Heads of State and Government adopted it in June 2004. Half a dozen leaders, including some who piloted national ratification of that version, say that it is virtually the same. For them it is awkward to have to explain why they have changed their bets. Mr Brown’s Government maintains that the new Reform Treaty is radically different. In support, the Government prays in aid paragraph 1 of the Conclusions of the summit meeting held in June this year which says of the Reform Treaty:

“The constitutional concept which consisted in repealing all existing Treaties and replacing them by a single text called ‘Constitution’ is abandoned.”

The next sentence is not recalled in the same breath. It reads:

“The Reform Treaty will introduce into the existing Treaties, which remain in force, the innovations resulting from the 2004 I(nter)G(overnmental)C(onference) as set out below in a detailed fashion”

...which might seem to suggest that the form will be changed but the effect will not be. True, Mr. Blair drew and Mr. Brown manned their “red lines”, protecting national sovereignty over foreign policy and defence, taxation, social security and immigration and asylum policy; and the Reform Treaty includes a broadened “UK opt-out unless UK opt-in” provision for measures in the field of police and judicial co-operation and maintains that UK law is superior to the Charter of Fundamental Freedoms. . These reservations can be regarded as subtracting from the “constitutional concept” of the Reform Treaty. The dropping of the former Articles establishing the European flag, motto and anthem is of minor constitutional significance. These symbols already exist and survive part of an unwritten constitution.

All that said, Mr. Blair’s concurrence in the demand for a referendum following parliamentary ratification (Hansard, 24.04.04, col. 155) is not now operative. The House of Commons European Scrutiny Committee, reporting on 9 October, makes two comments. First, it considers that references to “abandoning a constitutional concept” are unhelpful and likely to be misleading. Second it concludes that for those countries (unlike us) *which have not sought opt-outs or derogations*, (emphasis added – Ed.) the effect of the draft Reform Treaty is substantially the same as that of the Constitutional Treaty. This last observation seems to have been overlooked in Press comment.

The Conservative Party has announced root and branch opposition to the change from unanimity to qualified majority vote in , it says,60 areas; to the setting up of a Union Diplomatic Service, to the appointment of a standing President of the European Council and of a Foreign Minister and doubtless to much more.

The voting change is designed to help the enlarged Union to reach agreements within itself. The External Action Service will give the political collective of the Member States for the first time the capacity to act collectively. The fixed term President of the European Council takes on a task which hitherto has been the spare time job of already overloaded Prime Ministers, without continuity of purpose. The High Representative for Foreign Affairs and Security Policy, double-hatted as Vice-President of the Commission brings together in one purview the political and economic sides of the Union’s external relations. The change to majority voting as standard is designed to facilitate decision-taking They all look like sound efficiency measures, and are in substance answers to incessant Eurosceptic criticism of the Union’s weaknesses.

The Opposition Case: one version

Faithful to its wonted Europhobia, the *Sunday Times* of 21 October set out a series of one-liners to compare pro-Treaty spin with the harshness of its brand of reality.

“President of Europe” (i.e. of the European Council)

‘Reality’: 3,500 servants will be a power base. The individual could combine the post with the Presidency of the Commission, becoming the world’s most powerful unelected.

Super-reality: Apart from the fact that the President of the Commission is elected by the European Parliament, and the President of the Council is chosen by Heads of State and Government, not noted for shedding power, the team of 3,500 is insignificant beside national bureaucracies.

Foreign Minister

‘Reality’: The new foreign minister will displace Britain (and France) in the UN Security Council.

Super-reality: Simply untrue. If they wish, Britain and France can ask permission for the High Representative to speak in the Security Council. If they choose not to, they do the speaking. (NB in equity the US sometimes remarks that it has only one vote whereas the EU has two)

Cutting the Commission

‘Reality’: Reducing the number of Commissioners makes no odds. It is the bureaucracy that matters.

Super-reality: Getting rid of job-creation is always a good idea.

Legal personality

‘Reality’: With a legal personality the EU will be able to sign agreements on foreign, security and judicial issues.

Super-reality: since Maastricht it already can.

More power to the European Parliament

‘Reality’: The European Parliament can push through changes which national leaders have already rejected

Super-reality: Plain wrong. Co-decision means what it says. If no co-, no go.

Majority voting as the norm

'Reality': The veto will be lost in 61 areas.

Super-reality: so in a lot of new areas there will be the chance of decisions, without compromise, favourable to us.

More about majority voting

'Reality': changes in the voting weights remove safeguards. "The fear is that decisions will be waved through"

Super-reality: changes in the voting rules need a majority of countries and two thirds of the overall population. They also get rid of recurrent tiresome argument about individual national weighting.

The Charter

'Reality': The Charter of Fundamental Freedoms could have damaging implications for industrial relations and social questions such as abortion.

Super-reality: Not for us it won't. It could also have favourable implications for freedom at a time when there is concern over its loss.

The tally. From its analysis the ST calculated a "federalism factor" of 30 where a full blown federation would score 35. Only a bigot could imagine that we are within touching distance of the Federated States of Europe.

Commission President

In an interview in the German newspaper Die Welt (17 October), the President of the Commission, Mr. Barroso remarked that in British policy there is one or the other contradiction. He cited British support for measures to combat terrorism, but observed that there was no support in other important areas. He concluded that in essence Britain is pro-Europe.

Mr. Barroso might have been encouraged by Mr. Brown's declaration, after the signing ceremony, that he would not stand for yet more institutional introspection and would insist that the Union from now on concentrate its efforts on improving the economy and the well-being of the people. After four years of what the German call navel inspection, the way is clear for the Union to move on

Beside all this exegesis, other matters of European concern pale into relative insignificance.

Pedal aggravation... or how many lightbulbs?

The Union has decided to prolong anti-dumping duties on imports of low energy lamps from China and to impose them on such imports from Vietnam, the Philippines and Pakistan. Imports are damaging home production. Since at least one carbon reduction idea is to ban filament lamps altogether, this restriction might be considered to be shooting one's own foot.

For the birds

As long ago as 1978 the then EEC instituted protection for migratory birds. One of the migration routes overflies Malta. Maltese are keen hunters. In its accession treaty Malta was given a transitional derogation to phase out the shooting of some species rather than cut the "sport" off abruptly. Malta is not respecting the rules. Every spring it has authorized the shooting of turtle doves and quail. The European Commission has given a final warnings but unaccountably has failed to follow up with prosecution.

For the first time in 14 years, Cyprus in spring this year licensed the shooting of turtle doves. This is a clear violation. Thankfully the Commission has opened infringement proceedings.

World trade

After successive missed deadlines, the talks on the freeing up of world trade, in the framework of the Doha round, now seem to be in the terminal phase. The EU has seemed to be on the sidelines when the USA and India were meeting, corresponding to the sides of the division, to look for common ground. The silence which followed their meeting in London in mid-October is not auspicious.

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