



Forever Closer Union?

**The Strength of British Influence
Within the European Union**

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Introduction

In his 1991 speech to the Conservative Central Council, John Major claimed that Britain needed to be, ‘at the heart of Europe’ in order to fight for her interests, ‘from the inside where we will win’.¹ Other advocates of Britain’s membership have made similar arguments, claiming that only by providing leadership in Europe can Britain make her terms of membership more agreeable. But does Britain have sufficient influence to provide a leadership role in Europe, halt the slide towards ever closer union and deliver better terms for Britain? David Cameron certainly thinks so, given his proposed renegotiation of terms in the next Parliament. Assessing the strength of Britain’s influence is necessary to set realistic targets and expectations for this proposed renegotiation. Furthermore, with increasing support for a looser relationship with Europe, similar to Norway, or a withdrawal from the European Union entirely, gauging the ability of Britain to affect change in European affairs is crucial. If Britain’s influence is sufficient to challenge the doctrine of ever closer union in Europe, support for looser or severed ties with Europe could wane.

To assess Britain’s ability to improve her position in Europe two aspects must be considered. Firstly, the influence that the British government alone can exert over European legislative process needs to be examined. The second aspect requiring analysis is the position of other member states regarding further integration and Britain’s ability to cultivate alliances with similarly inclined member states. These two aspects will determine the United Kingdom’s ability to halt ever closer union in future legislation in order to prevent a worsening of Britain’s terms of membership.

Current British Influence Over Legislation

In a review of British influence within Europe it seems appropriate to start with the European Commission as it is this institution with which the legislative procedure begins. Under the Ordinary Legislative Procedure, the Commission introduces legislation proposals to the Council of Ministers and the European Parliament for amendment and approval. Only if the Council and the Parliament agree on the legislation and its amendments is the legislation passed. This procedure allows either the Council or the Parliament to block most types of legislation if they deem it necessary. However, as Robert Thomson rightly argues, because

1 J. Major, Speech to Conservative Central Council (23 March 1991), <http://www.johnmajor.co.uk/page2017.html> [accessed 15 July 2013].

the Council and the Parliament can only request a proposal, and not determine its contents, 'the Commission has an effective monopoly on the introduction of legislative proposals'.² Furthermore, the Commission retains the right to alter proposals during the legislative process which, 'approximates a traditional veto' as Christophe Crombez asserts.³ Analysing British influence over the Commission's policy positions is therefore crucial to comprehending British influence over European Union legislation.

The College of Commissioners consists of one Commissioner from each member state, selected by the President of the Commission from a list of candidates supplied by member states. Whilst this implies that each member state can influence the Commission through their representative this is not the case, as the President can select candidates who share his policy positions. For example, a British government which sought a halt or reverse the process of ever closer union policies could still be represented by a Ted Heath instead of a Bill Cash due to the President's role in selecting Commissioners. Furthermore, according to the Treaty of the European Union, member states must respect the principle that Commissioners, 'shall neither seek nor take instructions from any government' by refraining from influencing the Members of the Commission.⁴

As a result, the United Kingdom's influence over the Commission is very weak, meaning that Britain cannot influence the direction of the EU away from further integration without the President sharing this objective. As any President of the Commission is unlikely to weaken the European Union's powers by his own volition, Britain's only real option is to block legislation, not provide alternatives to it. However, as Thomson points out, with Presidents being nominated by member states and approved by the European Parliament, 'the ideological leanings of the Commissioners (and the President) vary as the success of Left and Right-wing parties varies at national and EP elections'.⁵ Consequently, in the event of a major shift to the Right in member states' national governments and the European Parliament, a Commission willing to abandon ever closer union could theoretically emerge.

2 R. Thomson, 'Resolving Controversy in the European Union: Inputs, Processes and Outputs in Legislative Decision-Making before and after Enlargement' (Dublin, 2011), p. 69 http://www.robertthomson.info/wp-content/uploads/2011/01/Resolving_controversy_full_text2.pdf [accessed 15 July 2013].

3 C. Crombez, T. Groseclose and K. Krehbiel, 'Gatekeeping', *The Journal of Politics*, 68, no. 2 (May 2006), p. 331

4 Article 213.2, Treaty of the European Union

5 Thomson, op.cit., p.72

Within the Council of Ministers there exists the unanimity and the Qualified Majority Voting systems. Each is applicable to different policy areas. Since the Single European Act in 1986, the system of Qualified Majority Voting within the Council has expanded into the majority of policy areas, with only 10% of Council votes between July 2009 and June 2012 requiring unanimity.⁶ This has reduced the capacity of individual member states to block legislation and thus Britain's ability to prevent legislation promoting further integration without the support of other member states has been curtailed. In the areas in which unanimity is still required however, such as foreign policy, defence and taxation, Britain can still veto proposals without allies if she wishes.⁷

Following Croatia's accession to the European Union on the 1st of July, a group of member states controlling 260 of the 352 votes and representing 62% of the European Union population is required to pass legislation under the Qualified Majority Voting system.⁸ Therefore, a blocking minority can be formed with over 92 votes or by a group of states comprising of over 38% of the European population. Table 1 shows the number of votes each member state possesses, as well as the population of each member state according to Eurostat's 2012 data.⁹ As Britain has 29 votes (8.24% of votes) and 12.48% of the European population, it would need several allies under the current Qualified Majority Voting system in order to block legislation.

6 'Agreeing to Disagree: The voting records of EU Member States in the Council since 2009', VoteWatch (2012), <http://www.votewatch.eu/blog/wp-content/uploads/2012/07/votewatch-annual-report-july-2012-final-7-july.pdf> [accessed 15 July 2013].

7 V. Miller, 'Voting Behaviour in the EU Council', House of Commons Library (May 2013), <http://www.parliament.uk/briefing-papers/SN06646> [accessed 14 July 2013].

8 Article 20 of the Treaty of Ascension for the Republic of Croatia, 2011, <http://www.delhrv.ec.europa.eu/files/file/articles-Copy%20of%20st14409.en11-1330425931.pdf> [accessed 20 June 2013].

9 <http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tps00001&language=en> [accessed 15 July 2013].

State	Current Votes	Current % of Vote	Population in Millions (2012)	November 2014 % of Vote
Belgium	12	3.41	11.09	2.19
Bulgaria	10	2.84	7.33	1.45
Czech Republic	12	3.41	10.51	2.07
Denmark	7	1.99	5.57	1.10
Germany	29	8.24	81.84	16.15
Estonia	4	1.14	1.29	0.26
Ireland	7	1.99	4.58	0.90
Greece	12	3.41	11.29	2.23
Spain	27	7.67	46.20	9.11
France	29	8.24	65.33	12.89
Croatia	7	1.99	4.40	0.87
Italy	29	8.24	59.39	11.72
Cyprus	4	1.14	0.86	0.17
Latvia	4	1.14	2.04	0.40
Lithuania	7	1.99	3.00	0.59
Luxembourg	4	1.14	0.52	0.10
Hungary	12	3.41	9.93	1.96
Malta	3	0.85	0.42	0.08
Netherlands	13	3.69	16.73	3.30
Austria	10	2.84	8.44	1.67
Poland	27	7.67	38.54	7.60
Portugal	12	3.41	10.54	2.08
Romania	14	3.98	21.36	4.21
Slovenia	4	1.14	2.06	0.41
Slovakia	7	1.99	5.40	1.07
Finland	7	1.99	5.40	1.07
Sweden	10	2.84	9.48	1.87
United Kingdom	29	8.24	63.26	12.48
EU28	352		506.82	

Table 1 – Votes per Member State in the Qualified Majority Voting system

From the 1st of November 2014 the Qualified Majority Voting system will change, with a qualified majority sufficient to pass legislation being defined as 15 states representing 65% of the European Union population. Consequently, a blocking minority from November 2014 will need to represent over 35% of the European

Union population, and also consist of at least four member states.¹⁰ However, there is a transitional period between November 2014 and April 2017 where member states can demand previous QMV rules.¹¹ Whilst Britain's share of the votes increases once the new rules apply (from 8.24 to 12.48%), as before Britain would still need several allied member states in order to block legislation.

State	Current MEPs	Current % of MEPs	2014 MEPs	2014 % of MEPs
Belgium	22	2.87	21	2.80
Bulgaria	18	2.35	17	2.26
Czech Republic	22	2.87	21	2.80
Denmark	13	1.70	13	1.73
Germany	99	12.92	96	12.78
Estonia	6	0.78	6	0.80
Ireland	12	1.57	11	1.46
Greece	22	2.87	21	2.80
Spain	54	7.05	54	7.19
France	74	9.66	74	9.85
Croatia	12	1.57	11	1.46
Italy	73	9.53	73	9.72
Cyprus	6	0.78	6	0.80
Latvia	9	1.17	8	1.07
Lithuania	12	1.57	11	1.46
Luxembourg	6	0.78	6	0.80
Hungary	22	2.87	21	2.80
Malta	6	0.78	6	0.80
Netherlands	26	3.39	26	3.46
Austria	19	2.48	18	2.40
Poland	51	6.66	51	6.79
Portugal	22	2.87	21	2.80
Romania	33	4.31	32	4.26
Slovenia	8	1.04	8	1.07
Slovakia	13	1.70	13	1.73
Finland	13	1.70	13	1.73
Sweden	20	2.61	20	2.66
United Kingdom	73	9.53	73	9.72
EU28	766		751	

Table 2 – Number of MEPs per Member State

10 Amendment 17 to the Treaty on European Union, Article 9C, Treaty of Lisbon, 2007.

11 Miller, op.cit., p. 18

Co-decision between the European Parliament and the Council of Ministers in the legislative process was introduced in the Maastricht Treaty (1992) and has since been expanded to become the main legislative procedure within the European Union. Other areas, such as taxation, are ratified by the Council of Ministers alone, with the European Parliament merely giving an advisory opinion on the subject. To pass legislation or suggest amendments in the first reading of Commission proposals, the European Parliament only needs a simple majority; a majority of the MEPs voting. To pass amended legislation or suggest further amendments in the second reading of Commission proposals however, an absolute majority is required (currently 384 MEPs). An absolute majority is also needed to pass budgetary votes and approve international treaties with non-member states. Table 2 shows how many MEPs each member state is entitled.¹²

Britain currently has 73 MEPs within the European Parliament, which is only between 9 and 10% of all MEPs. Furthermore, the British political party of government will not control all 73 of these seats, meaning that the British government's influence within the European Parliament is even weaker than this. For example, currently only 26 of the British MEPs are Conservatives.¹³ Therefore, substantial support from other member states will be required to block legislation in the European Parliament, just as it is within the Council of Ministers.

Britain's Potential Allies

There are already Eurosceptic European political parties with which British political parties are affiliated within the European Union. The European Conservatives and Reformists (ECR) is a Centre-Right grouping containing national political parties including the British Conservative Party. Further to the Right, the Europe of Freedom and Democracy group (EFD) contains, amongst other parties, the United Kingdom Independence Party. This encourages the notion that a coalition of European anti-federalist political parties could be capable of blocking policies within the European Parliament that promote the doctrine of ever closer union. Disappointingly, this is not the case. The ECR currently only has 56 MEPs and the EFD 33, nowhere near the 384 MEPs currently required for a majority. It is possible

12 'Elections 2014: share-out of MEPs' seats among 28 EU countries' (passed 12 June 2013), <http://www.europarl.europa.eu/news/en/pressroom/content/20130610IPR11414/html/Elections-2014-share-out-of-MEPs-seats-among-28-EU-countries> [accessed 15 July 2013].

13 European Parliament List of MEPs per Country <http://www.europarl.europa.eu/meps/en/map.html;jsessionid=26CA95E4EDC07F117FDEB31C78FC3B2B.node1> [accessed 15 July 2013].

that in the 2014 the ECR and EFD groups may increase the number of their MEPs. However, it is unlikely that between them they will gain the 287 seats more that they would require for a majority in the next European Parliament.

The voting behaviour of the Council of Ministers suggests a great deal of consensus regarding the future direction of Europe. Of the 90% of Council of Minister votes that required a Qualified Majority between July 2009 and June 2012, 65% were passed unanimously.¹⁴ However, this is likely due to “shadow voting” which is the term for states not voting against the majority if they know they will be outvoted. Instead, member states who wish to oppose legislation in these circumstances often make formal statements recording their concerns. This suggests that if the United Kingdom wins enough allies against the doctrine of ever closer union, the rest of the member states may not oppose the United Kingdom due to shadow voting. But which member states have the potential to become Britain’s allies?

One analysis of voting in the Council of Ministers between 1995 and 2010 by Wim Van Aken, shows four recurrent groups of member states. Van Aken argues that a vocal minority of six member states exists - Sweden, Finland, the Netherlands, Malta, Denmark and the Czech Republic - who frequently exhibit similar voting behaviour. He also argues that the United Kingdom is not similar enough in its voting behaviour to any other group of member states, leaving it isolated in its own group. Germany and Austria make up a third group as they both, ‘stand somewhat apart and form a pivot that joins ... the vocal minority’ to the fourth group, the silent majority of the rest of the member states.¹⁵ Van Aken also hypothesises that the United Kingdom was close enough in voting behaviour to the rest of the vocal minority group, up until the enlargement of the European Union in 2004. As such, a rapprochement between this group and the United Kingdom could be attainable. An alliance between Britain and one of these states, namely the Netherlands, is certainly possible.

Recently the Dutch government have launched an audit of European Union powers similar to the British government’s balance of competences review. More importantly, the Dutch Prime Minister Mark Rutte has stated he believes the time of ever closer union in every policy area is over.¹⁶ Although the Dutch have not called

14 ‘Agreeing to Disagree: The voting records of EU Member States in the Council since 2009’, VoteWatch (2012)

15 W. Van Aken, ‘Voting in the Council of the European Union: Contested Decision-Making in the EU Council of Ministers (1995-2010)’, Swedish Institute for European Policy Studies (2012), p. 53 http://www.sieps.se/sites/default/files/2012_2rap_1.pdf [accessed 15 July 2013].

16 ‘Dutch government review criticises EU powers’, BBC News (21 June 2013), <http://www.bbc.co.uk/news/world-europe-23005499> [accessed 15 July 2013].

for treaty changes that would be needed for Cameron's proposed referendum, the Dutch move away from ever closer union is certainly a hopeful sign that Britain's isolation in Europe could be ending.

However, according to Aken's model, even if the United Kingdom was to win the support of the vocal minority group, together they would still only have 81 votes in the current QMV system, 11 votes short of a blocking minority. Furthermore, from November 2014, the vocal minority and the United Kingdom would only contain 21.97% of the European Union population, 13% short of a blocking minority. Therefore, it is clear that the United Kingdom would have to win over Germany and Austria as well as the vocal minority to block ever closer union decisions. This coalition would control 120 votes and 39.79% of the population allowing blocking minorities for each set of QMV system rules.

It seems unlikely that Britain would be able to gain German support for an opposition to ever closer union. The two largest German political parties, the CDU and the SPD, are both broadly in favour of continued European integration. Fighting the 2013 German Federal Election later this year is a new mildly Eurosceptic party, called the Alternative for Germany (*Alternative für Deutschland*) led by Professor Bernd Lucke, which wants to abolish the euro and repatriate legislative powers to national parliaments. The emergence of this new party suggests that the principle of ever closer union is coming under pressure in Germany. However, given it is only a recently established party, it is unlikely to be successful enough in the upcoming election to pressure Germany into abandoning continued European integration.

Indeed the Eurozone countries, with the exception of the Netherlands, seem determined to integrate further in order to fight through the Eurozone crisis. Unfortunately for Britain, the more integrated the Eurozone becomes, the more the interests of the Eurozone states coalesce and, by extension, the more likely those states are to vote in tandem. Currently the Eurozone states only control 213 votes, 47 votes short of a Qualified Majority, but as the Eurozone states contain 65.39% of the European Union's population, from the 1st of November 2014, if the Eurozone votes as a bloc will be able to outvote the non-Eurozone nations. The Eurozone's majority will increase further when Latvia and Lithuania join the Euro, which they are aiming to do from the 1st of January 2014 and 2015 respectively. As Lord Lawson has stated, '*we are doomed to being consistently outvoted by the Eurozone bloc*'.¹⁷

17 C. Hope, 'Lord Lawson: David Cameron must lead Britain out of the EU', The Telegraph (7 May 2013), <http://www.telegraph.co.uk/news/worldnews/europe/eu/10040506/Lord-Lawson-David-Cameron-must-lead-Britain-out-of-the-EU.html> [accessed 15 July 2013].

Conclusion

Britain has neither the influence nor the allies to prevent the passage of legislation increasing further the level of European integration. The notion that Britain can form a blocking minority against Commission proposals it does not approve of, either within the European Parliament or the Council of Ministers is ultimately unrealistic. The anti-federalist European parties in the European Parliament currently consist of a mere 11.62% of all MEPs, and the only member states Britain could win over as allies are insufficient to form a blocking minority in the Council of Ministers. Britain's only hope to prevent further integration is that the governments of several European member states and the European Parliament will swing dramatically to Eurosceptic parties in future elections.

If the idea that Britain could form a blocking minority is unrealistic, then the idea that Britain could renegotiate its terms in order to repatriate powers to Westminster is farcical. If Britain is unable to garner enough support from member states to block integrationist legislation, it will be unable to convince all of the member states to agree to treaty changes which reverse the principle of ever closer union. Whilst David Cameron and his Ministers will attempt to reform the European Union through a renegotiation, we should reconcile ourselves to the high probability that any such renegotiation will be fundamentally unsuccessful. The arcane workings of the EU make any realistic renegotiation impossible. The process of treaty change affords next to no opportunity for the return of powers back to the nation-state; it even gives little opportunity for demands for renegotiation to get onto the agenda. What is more, there needs to be unanimity, not just amongst EU leaders but also amongst national Parliaments in every EU member state. It is fanciful that a significant change in Britain terms of membership can be achieved by 2017. Those undecided regarding Britain's future in Europe should begin to consider whether they can accept Britain's current terms of membership as they are, given that any renegotiated terms are likely to be, in the words of Lord Lawson, entirely 'inconsequential'.¹⁸

To conclude, the influence that Britain can exert in the European legislation process is wholly negligible, as it can neither introduce its own legislation nor block Commission proposals in the majority of policy areas. As such, Britain has little influence within Europe to lose by either pursuing a looser relationship with Europe, such as Norway or Switzerland, or withdrawing altogether. Ever closer union has

18 *Ibid.*

been the key doctrine underpinning the European project since its inception and consequently continued integration will remain the direction of the European Union. As such, the United Kingdom must decide whether it wants to be one of the states sliding inexorably towards forever closer union or to become independent.

* * *

THE BRUGES GROUP

The Bruges Group is an independent all-party think tank. Set up in February 1989, its aim was to promote the idea of a less centralised European structure than that emerging in Brussels. Its inspiration was Margaret Thatcher's Bruges speech in September 1988, in which she remarked that "We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level...". The Bruges Group has had a major effect on public opinion and forged links with Members of Parliament as well as with similarly minded groups in other countries. The Bruges Group spearheads the intellectual battle against the notion of "ever-closer Union" in Europe. Through its ground-breaking publications and wide-ranging discussions it will continue its fight against further integration and, above all, against British involvement in a single European state.

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