

**3 Dec 2009 : Column 1365**

**4.20 pm**

**Ms Gisela Stuart (Birmingham, Edgbaston) (Lab):** It is a pleasure to follow the hon. Member for Scarborough and Whitby (Mr. Goodwill), who is one of the few people who understands how the European Parliament works. He is quite right about those committees. At one stage, about six years ago, I thought that we were at a point at which the Committee of the Regions had been abolished and had fallen off the table but, like everything else, it just crept back in again.

I am very sorry that the right hon. Member for Richmond, Yorks (Mr. Hague) is not here today. Last time we had a debate on the European Council I offered him a wager that the Conservative party would not have left the EPP group by the time of the next debate. I am happy to say that I was wrong, but in time, he will probably realise that he was wrong to have done that.

I know that we have talked a lot today about the Lisbon treaty and everything associated with it—perhaps this will be the last time that we talk about it—but we do need to consider a project that has taken eight years of gestation to come to fruition. Looking at the result, I would not recommend eight years of gestation. Another thing that strikes me, looking at the list of Commissioners, is that I recognise names like Karel De Gucht. These people were around during the Convention on the Future of Europe. The address book of the European Union is extraordinarily small. We are talking about 350 million people, but that political elite recycles itself. I include Commissioner Barnier in that, because he was a representative of the Commission at the time of the Convention. I remember him, on one occasion, defending most persuasively the idea that the provisions for subsidising the French film industry had to remain by unanimity because they were good for France and therefore good for Europe. In my discussions with him, I have not seen him to be the greatest liberal free trader—but I hope that the leopard has changed his spots.

As I listened to the debate I wondered how the Opposition would have reacted if Britain had got Mr. Barnier's job and a French person had got the High Representative job. I am sure that some would have said that it was a great triumph for the French to have the foreign portfolio. It always strikes me that we all peddle the national xenophobia and stereotypes with such great joy. In particular, the entire speech by the hon. Member for Ribble Valley (Mr. Evans) was permeated by the extraordinary realisation that Europe is full of foreigners, and he does not recognise them. They probably feel the same about him. Let us move on from that, and talk about the important things.

One of those important things is the disgraceful situation with regard to the referendum. It was promised by all three parties, but I would say that all three parties reneged on their promise in different ways. Labour pretended that it was a different document, and the Lib Dems changed the question; they had to, otherwise the noble Lords would have revolted, so it became a question of whether to be in or out. The Opposition were very clever, particularly the right hon. Member for Richmond,

Yorks. He made us laugh during those Lisbon debates. He was so funny that I even purchased a copy of his speech on Second Reading. It was worth it.

The question is, why did the right hon. Gentleman make us laugh? He made us laugh to cover the fact that there was no real opposition from the Opposition-

### **3 Dec 2009 : Column 1366**

[Hon. Members: "Oh!"] Indeed not. They agreed to the programme motions, although they could have negotiated a different debate. There was no serious attempt to do so, because in the hope of winning the next election, the last thing that the right hon. Member for Witney (Mr. Cameron) wanted to have on his hands was a European referendum, and for the question of Europe to be reopened.

That brings me to the Leader of the Opposition's other promise about a referendum when powers are transferred in future. I have really bad news for him: what further powers does he think will be transferred on which he can have a referendum? Such cases will either already have been moved to qualified majority voting or will be subject to the passerelle clause. By the way, his suggestion is that a passerelle clause will be subject to the full parliamentary process.

So there is no change then, is there? Hon. Members should remember that in our parliamentary system Governments have the majority-that is why they are the Government-so they can always whip through votes. A Government that went to Brussels and agreed on the passerelle vote but thought that they might lose the vote here would be a pretty ropy Government, so that point is meaningless. As for a sovereignty Act, I think a sufficient number of people have already said what nonsense that idea is, because it implies that we do not already have sovereignty. What if there were not a Conservative Government next time around, or if a successor Government repealed the Act? Would that imply that we no longer had sovereignty? If that is not so, what would be the point of it?

**Mr. Cash:** Will the hon. Lady give way?

**Ms Stuart:** I will, but only this once.

**Mr. Cash:** The problem that the hon. Lady is missing is the competition for sovereignty between the primacy of the European Court and the sovereignty of the UK Parliament. Where there is uncertainty, which there certainly is regarding declaration 17, which is annexed to the treaty, the Supreme Court will-not may, but will-take a position regarding which of those two prevails. The way in which the Court is moving makes it more likely to go along with the idea of the primacy of the European Union, and, if necessary, to take the matter to the European Court, which would be definitive in relation to the Costa and Handelsgesellschaft cases and all the others. That is the real problem, and that is why the sovereignty Bill is necessary and has to be comprehensive.

**Ms Stuart:** I thought that the hon. Gentleman would take that view, but I disagree with him. Sovereignty to me is a bit like pregnancy: one either is or is not. However, his point leads to me something much more important. Rather than screaming about sovereignty, this is about the presumptions of the negotiations. People have already mentioned financial regulation. The headline "Darling loses key EU battle over fiscal sovereignty" has been brought up in relation to the presumption about the burden of proof. The presumption is not that the Commission has to justify what it is doing; the member state has to make a case, on a majority, that what is being done is not justified. The real way around this is to change those presumptions. The hon. Member for Scarborough and Whitby talked

**3 Dec 2009 : Column 1367**

about what has happened to the word "subsidiarity". My argument is that rather than argue about reclaiming powers, we should have a different presumption.

Subsidiarity has disappeared from the scene because it does not work. In the past 10 years, the Commission has only ever had one proposal rejected because it was deemed to breach subsidiarity—the zoo directive, which we tried to bring in during our presidency. That is hardly a great record. Every EU directive that comes forward ought to contain in the preamble proof that the measure cannot be implemented in nation states, and therefore has to be handled at EU level. That would change the whole argument and would mean that rather than people always having to defend what is done at EU level, the EU would make the case that the nation state cannot do certain things.

That point brings me to an issue that we never mention here. The debate is about European affairs, and we ought at some stage to talk about the nature of the nation state. I want to do that briefly today. What is our relationship? We say that Europe is great because we are all in favour of co-operation, but co-operation and political integration are two very different things. We saw this earlier when we talked about fiscal stimulus. That was not about political integration: it was about co-operation, and member states doing something at the same time.

The reason why I am so angry about the referendum is that with the passing of the Lisbon treaty, we have created a supranational institution. There is all the talk about rowing back, but it has gone. Forget it, folks; it has been sold. There is now a supranational institution that has never had the endorsement or consent of the 350 million people across the European Union, because referendums were either ignored or were rubbished on the basis that the issue was too complicated and people were too stupid to take part. That is an argument worth talking about. Governments should show leadership and take people to places that they do not yet know are good for them—but although political leaders have to adopt that leadership role on occasion, there is always the reality test of a general election, when a Prime Minister who takes the country in a direction that it disagrees with gets kicked out.

There is no mechanism in the EU that allows the people to be asked whether this new supranational institution is what they want. My suspicion is that they probably do not, but that is neither here nor there. I have become agnostic on this matter. I grew up in a federal state so I have no problem with federalism, but I also remember the Austro-Hungarian empire— [ *Interruption.* ] Not personally, of course, but I grew up with its heritage. That extremely authoritarian institution finally collapsed because it tried to

replace national identity with ethnicity. It is always very bad when identity is represented through ethnicity rather than through institutions in the nation state, and we need to be extremely careful in that regard.

**Mr. Bone:** As usual, the hon. Lady is making a very powerful speech on Europe. Can she tell us what the solution is? We are now part of this supranational entity, even though there has not been a referendum. How do we change that, and get the situation back to what I believe both she and I would prefer?

### **3 Dec 2009 : Column 1368**

**Ms Stuart:** I think that it is extremely difficult. A couple of weeks there was a programme on Radio 4 called "Analysis: Divorcing Europe", which was starting to look at some of the options for challenging these presumptions.

I want to make two other points, and the first is about this place. We are kidding ourselves if we think that by voting on Select Committee Chairmen, setting up better visitor centres or going online and so on, we will achieve a deepening of parliamentary democracy. We are losing power every step of the way: we have not even begun to come to terms with how we deal with legislation coming out of Brussels, because merely being told more about it is very different from actually having power and influence over it.

We have devolved power to Wales and Scotland, but we did not think about what would happen to England as a result of that process. We sit in Westminster, but we have lost power on both sides and we have lost our purpose. I suggest that that is why the expenses scandal has been so damaging. We have failed to defend ourselves, individually and collectively, because we have lost our sense of purpose as an institution. The real challenge for the next Parliament, when it comes in after the election, is to remind itself that its function is not just to talk about things but to hold the Executive to account. We have singularly, totally and completely failed to do that in respect of Europe.

I shall finish with one example to illustrate that. We have known that there was going to be a President of the European Council and an External Action Service, because they have been in the pipeline for years. Nothing has changed: it is just that the negotiations have dragged on, but do we know what the Government's position in those negotiations has been?

I have here a letter to the Chairman of the European Scrutiny Committee, dated 20 November. The Europe Minister always glares at me when I say something, and then he always assures me that my challenges are baseless. However, I want him to prove that he can be a serious politician and engage with the question that I am putting to him. I should like some precise answers to the questions raised by the letter, which speaks of the

"establishment of the European Council as an institution under the Lisbon Treaty".

That is important, because it is the first time that the Council of Ministers has been recognised as an institution. The fact that it is an institution that can define its own powers is much more significant than who the current President is. At the moment it might be a Belgian, but it could be anybody in five, 10 or 20 years' time.

The rules of procedure will be agreed. The letter says that

"a set of Rules of Procedure for the European Council"

is being drawn up,

"which we expect to be tabled for adoption by the European Council either at the December European Council or by written procedure".

So if we already have the rules of procedure-if it is known what they will be-it would be helpful for the House to know them. I hope that the Minister does not just fudge things by saying that this will be done by written procedure, and the House will not be involved. We need to know what the rules will be, because that will decide who draws up the agendas and final conclusions,

**3 Dec 2009 : Column 1369**

and who has a role in the Internal Affairs Council. It is no good the Minister frowning like that; these are incredibly important institutional questions about which the House is never told, and which we are never even given the chance to discuss. We would like to see the draft text and know what the review procedure is.

As I have said, this is the last such debate before the general election. An extraordinarily select few Members keep turning up, and 90 per cent. of the speeches that we give could be, and probably have been, given at every one of our six-monthly debates, so I suggest that we take them seriously. If they are meant to be about European affairs and the run-up to a Council, will the Minister give me some indication whether any Foreign Secretary, on going to a European Council meeting, has changed their mind or position as a result of such speeches?

4.37 pm