

EUROPEAN UNION (ACCESSIONS) ACT 2003

EXPLANATORY NOTES

COMMENTARY

Section 1 Accession treaty

13. *Subsection (1)* amends section 1(2) of the [European Communities Act 1972 \(c.68\)](#), so as to include the new Accession Treaty within the list of treaties implemented by the 1972 Act in UK law. As amended by the Act, the 1972 Act reads:

“1 “1 Short title and interpretation

(1) ...

(2) In this Act...-

...

“the Treaties” or “the Community Treaties” means, subject to subsection (3) below, the pre-accession treaties, that is to say, those described in Part I of Schedule 1 to this Act, taken with –

(a) ...*[list of treaties]*; and

(q) the treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003.”

14. *Subsection (2)* approves, for the purpose of section 12 of the [European Parliamentary Elections Act 2002 \(c.24\)](#), the provisions of the Accession Treaty insofar as they relate to the powers of the European Parliament. Section 12 of the 2002 Act says:

“12 “12 Ratification of treaties

(1) No treaty which provides for any increase in the powers of the European Parliament is to be ratified by the United Kingdom unless it has been approved by an Act of Parliament.

(2) In this section “treaty” includes –

(a) any international agreement, and

(b) any protocol or annex to a treaty or international agreement.”

Three provisions of the Act of Accession, annexed to the Accession Treaty, affect the powers of the European Parliament. Article 11 specifies the number of representatives allocated to each of the 25 Member States with effect from the start of the 2004-9 parliamentary term. Article 25 performs a similar task for the transitional period from

1 May 2004 until the election of the new Parliament shortly afterwards. Article 43 requires the Parliament to make the necessary adaptations to its rules of procedure. Although none of these provisions creates new powers for the Parliament, they have the effect of applying existing powers to persons to whom they could not otherwise have been applied prior to the entry into force of the Accession Treaty. For this reason, approval is required under the 2002 Act.

Section 2 Freedom of movement for workers

15. This section enables the Secretary of State to make regulations allowing nationals of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia (“the eight relevant states”) to work in the UK on the same terms as are enjoyed by nationals of the existing Member States of the European Union. It achieves this in the following way:

- *Subsection (1)* – allows for regulations to be made to provide that the rights of nationals of the European Economic Area (EEA) to enter and reside in the UK in order to work apply to nationals of the eight relevant states; such rights are currently implemented in the UK by the [Immigration \(European Economic Area\) Regulations 2000 \(SI 2000/2326\)](#) (as amended);
- *Subsection (2)* - enables the regulations to extend the rights of EEA nationals to nationals of the eight relevant states in a modified or partial fashion; this will allow the application of safeguards if, e.g., it becomes necessary to restrict freedom of movement for workers from some but not all of the eight relevant states;
- *Subsection (3)* – allows for transitional or consequential provisions and enables the regulations to make different provisions for different cases; this could be used to make different provisions for different states;
- *Subsection (4)* – provides that the regulations will apply only in respect of states that have ratified the Accession Treaty;
- *Subsection (6)* – requires the regulations to be subject to the affirmative resolution procedure in each House of Parliament;
- *Subsections (7)-(10)* – allow regulations, notwithstanding subsection (6), to be made subject to the delayed affirmative resolution procedure in each House of Parliament, if it appears to the Secretary of State that this should be done because of urgency. However, the delayed affirmative resolution procedure cannot be used for the first set of regulations made under this section, which are subject to the affirmative resolution procedure.