

# EUROPEAN UNION ACT 2011

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## EXPLANATORY NOTES

### SUMMARY

4. A summary of the Act is set out below.

#### **Part 1: Restrictions on Treaties and Decisions Relating to EU**

5. **Part 1** of the Act provides that, in future, a referendum would be held before the UK could agree to an amendment of the Treaty on European Union ('TEU') or of the Treaty on the Functioning of the European Union ('TFEU'); or before the UK could agree to certain decisions already provided for by TEU and TFEU (also collectively referred to as 'the Treaties' in these Notes) if these would transfer power or competence from the UK to the EU. Part 1 also makes provision for the persons who would be entitled to vote in a referendum held as a result of this Act; provides that a separate question would need to be framed for each issue requiring a referendum; and provides that the Electoral Commission will pursue additional awareness-raising activities in relation to any future referendum held in accordance with this Act.
6. In addition, Part 1 provides that an Act of Parliament would be required before the UK could agree to a number of other specified decisions provided for in TEU and TFEU, either in the European Council or in the Council of the European Union (referred to as 'the Council' in the Act and in these Notes); and that certain other decisions would require a motion to be agreed without amendment in both Houses of Parliament before the UK could vote in favour of specified decisions in either the European Council or the Council.

#### **Part 2: Implementation of Transitional Protocol on MEPs**

7. **Part 2** of the Act provides for the Parliamentary approval, for the purposes of section 5 of the European Union (Amendment) Act 2008, of the Transitional Protocol on MEPs agreed at an Inter-Governmental Conference held on 23 June 2010. This approval would enable the UK to ratify this Protocol. Part 2 also provides for the process for returning the additional MEP gained by the UK as a result of the Protocol.

#### **Part 3: General**

8. **Section 18** of the Act concerns the status of EU law within the UK's domestic legal order. The section, which is declaratory, provides that directly applicable and directly effective EU law is given effect in the law of the UK only by virtue of an Act of Parliament.
9. **Part 3** of the Act also contains provisions dealing with the territorial extent of the Act and its commencement.