

*These notes refer to the European Union Act 2011
(c.12) which received Royal Assent on 19 July 2011*

EUROPEAN UNION ACT 2011

EXPLANATORY NOTES

BACKGROUND

General

10. The provisions contained in the European Union Act give effect to commitments contained in *The Coalition: Our Programme for Government*. This document can be found online at the following web address:

http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf

11. This document set out the following Government commitments:

“We will ensure that there is no further transfer of sovereignty or powers [from the UK to the EU] over the course of the next Parliament... Any proposed future treaty that transferred areas of power, or competences, would be subject to a referendum on that treaty – a ‘referendum lock’... The use of any *passerelle* would require primary legislation.

“We will examine the case for a United Kingdom Sovereignty Bill to make it clear that ultimate authority remains with Parliament.

12. The Minister for Europe made a statement in the House of Commons on 13 September 2010 (HC Deb, cols 31–33WS) setting out that these commitments would be provided for by this Act, as would the necessary Parliamentary approval of the Transitional Protocol on MEPs. The Minister for Europe also stated that in specified cases where the existing Treaties provide for decisions that would transfer power or competence from the UK to the EU, these decisions would also be subject to a referendum. This statement was repeated by Lord Howell of Guildford in the House of Lords on 27 September 2010 (HL Deb, cols 170-172WS).

13. Lord Howell of Guildford made a statement in the House of Lords on 6 October 2010 (HL Deb, cols 5–6WS) setting out that the Government had examined the case for a statutory provision on Parliamentary sovereignty, and had decided to include such a provision in the European Union Bill. This statement was repeated by the Minister for Europe in the House of Commons on 11 October 2010 (HC Deb, cols 3-4WS).

14. Following the introduction of the European Union Bill to Parliament, the House of Commons European Scrutiny Committee conducted an inquiry into the European Union Bill in two parts. The first part concluded with the publication of a report on clause 18 on 7 December 2010, which is available at:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeuleg/633/633i.pdf>

15. The Government published a response to this report on 10 January 2011, which is available at:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeuleg/723/723.pdf>

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16. On 21 January 2011, the same Committee published a report on Part 1 of the Bill, which is available at:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeuleg/682/682.pdf>

17. The Government response to this report was published on 3 March 2011, and is available at:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeuleg/852/852.pdf>

18. Following the First Reading of the European Union in the House of Lords, the **House of Lords Select Committee on the Constitution** published a report on the European Union Bill on 17 March 2011. This is available at:

<http://www.publications.parliament.uk/pa/ld201011/ldselect/ldconst/121/121.pdf>

19. The Government's response to the report was published on 30 March 2011, and is available at:

<http://www.parliament.uk/documents/lords-committees/constitution/GovernmentResponse/GvtResEUBillReport.pdf>