



## THE EU REFORM TREATY: 10 MYTHS

### 1. The UK will lose or have to vacate its seat on the UN Security Council

No. There is no question of this. The UN Charter is clear that international organisations like the EU cannot be members of the UN (including holding seats on the Security Council).

The EU Presidency (currently Portugal) and the current High Representative (Javier Solana) can already address the UN Security Council where invited to do so on an issue where the EU has an agreed policy. This is in addition to national statements made by each member. The German Presidency, during the first 6 months of 2007, addressed the Security Council on behalf of the EU on 8 occasions.

The Reform Treaty package will include a clear Declaration stating that the new Treaty will not affect the responsibilities of the Member States for the conduct of their foreign and defence policy – including at the UN.

It is strongly in the UK's interest that, where we have agreed a position with our EU partners, the EU makes its voice heard. The recent EU statement supporting the UK on the Litvinenko case is a good example.

### 2. An 'EU Foreign Minister' will control Britain's foreign policy

No. The proposed High Representative for Foreign Affairs and Security Policy will report to the Member States on foreign policy – ie. the 27 national Foreign Ministers in the Foreign Affairs Council and the 27 national leaders at the European Council.

The post will bring clarity to the EU's existing external actions by combining the roles of the current EU High Representative for the Common Foreign and Security Policy (Javier Solana) and the Commissioner for External Relations (Benita Ferrero-Waldner). This is intended to avoid wasteful institutional wrangling and enable the EU to act effectively at the international level.

As is the case now, it will be the Member States, acting by unanimity, who set the EU's common foreign and security policy (CFSP) objectives. And it will be the Member States who task the High Representative to take forward activity under the CFSP. Where we don't agree we can still act independently.

3. British Embassies will be replaced by an EU "diplomatic service" and EU embassies

No. The new European External Action Service (EEAS) will not replace the UK diplomatic service. It simplifies the existing arrangements to support the High Representative more effectively.

The European Commission already has around 118 offices in third countries. These delegations will now become an important resource, helping to make the EU's external action more effective and coordinated. For example, the EU is the world's largest aid donor: the new EEAS will help ensure that the aid budget managed by the European Commission (almost £5bn) is delivered more effectively and is more in line with the foreign policy objectives set by the Member States.

4. The UK will lose control of its borders

No. The UK will retain its border controls. We will be able to choose whether to participate in justice and home affairs measures on issues such as immigration, asylum and combating international terrorism and organised crime.

We will only do so if it is in the interests of the UK and consistent with retaining control of our borders.

5. There will be a new "President of Europe"

No. The permanent President of the European Council will simply take on the existing role of Council President – but for two years instead of changing every 6 months. He or she will be chosen by, and responsible to, elected national leaders, not the European Parliament.

6. Giving the EU a single legal personality will create a European superstate

No. Single legal personality will create no new powers for the EU.

It is usual for international organisations to have legal personality – the UN organisations, the World Bank, the Universal Postal Union all have it – it doesn't make them States. The European Community has had legal personality since it was founded and has concluded hundreds of agreements with third countries and organisations around the world on a wide range of matters. Giving the EU single legal personality will simplify the existing arrangements and enable the EU operate more effectively internationally.

7. The UK is surrendering vital powers over fundamental issues of sovereignty to Brussels

No. The UK has maintained national control over key areas including justice and home affairs, social security, tax, foreign policy, and defence (our 'red lines'). The Reform Treaty will not transfer power away from the UK on issues of fundamental importance to our sovereignty.

8. The Treaty will reduce national parliaments to the level of regional assemblies.

No. The Reform Treaty will increase the role and powers of national parliaments. National parliaments will have a direct role - for the first time - in deciding whether EU legislation is necessary.

9. The Reform Treaty is the same as the Constitutional Treaty

No. The EU's 27 leaders have agreed that the Constitutional Treaty has been abandoned.

There are substantial differences between the two Treaties, in form and in content. The Constitutional Treaty would have replaced all the existing Treaties and effectively re-founded the EU. The Reform Treaty takes the same approach as all previous amending Treaties. It amends the existing Treaties which Parliament has ratified and will not have constitutional characteristics.

We have also secured a UK-specific deal different to that in the other 26 Member States – and different from the Constitutional Treaty – because we have secured extra safeguards for the UK (the four "red lines"):

- The UK has a right to opt-in to JHA, thus protecting our common law system and criminal and judicial processes.
- The UK has a legally-binding Protocol on the Charter, thus protecting our social and labour legislation.

- There is clarification on the role of the High Representative including a Declaration confirming that foreign policy will remain in the hands of the Member States.
- There are stronger safeguards for protecting our social security system.

The Government will not agree to anything that transfers power away from the UK on issues of fundamental importance to our sovereignty.

10. The Charter of Fundamental Rights will harm UK business by creating new rights to strike

No. The Government has negotiated a package (including a legally-binding Protocol – a UK-specific guarantee) which confirms that nothing in the Charter extends the ability of any court, domestic or European, to strike down UK law. The Charter will have no new impact on UK domestic law and creates no new powers for the EU to legislate.

The Protocol also confirms that workers are not given any new rights to strike other than the rights they already have under UK law.

The Charter simply sets out in one place the rights which citizens across the EU already have. Its aim is to ensure that EU legislation, and the implementation of that legislation, respects those fundamental rights.