



A look at the

LISBON TREATY

Exposing the revived and
renamed EU Constitution



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THE BRUGES GROUP is an independent all-party think tank. Set up in February 1989, its aim was to promote the idea of a less centralised European structure than that emerging in Brussels. Its inspiration was Margaret Thatcher's Bruges speech in September 1988, in which she remarked that "We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level...". The Bruges Group has had a major effect on public opinion and forged links with Members of Parliament as well as with similarly minded groups in other countries.

The Bruges Group spearheads the intellectual battle against the notion of "ever-closer Union" in Europe. Through its ground-breaking publications and wide-ranging discussions it will continue its fight against further integration and, above all, against British involvement in a single European state.

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The Bruges Group holds regular high-profile public meetings, seminars, debates and conferences. These enable influential speakers to contribute to the European debate. Speakers are selected purely by the contribution they can make to enhance the debate.

For further information about the Bruges Group, to attend our meetings, or join and receive our publications, please contact us:

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THE LISBON TREATY KEY FACTS

The Lisbon Treaty's technical name will be the Treaty amending the Treaty Establishing the European Union and the Treaty Establishing the European Community. It will change those treaties so that the combined text will be essentially the same as the original EU Constitution. Don't just take our word for it; Michael Connarty MP, the Labour Chairman of the European Scrutiny Committee, said in Parliament "Every provision of the Constitutional Treaty, apart from the flags, mottos and anthems, is to be found in the Reform [*Lisbon*] Treaty. We think that they are fundamentally the same, and the Government have not produced a table to contradict our position."

THE RED LINES

The Government's so-called opt-out clauses, designed to enforce the red lines, in the Protocols and Declarations annexed to the treaty do not have sufficient legal force, and are often too vaguely worded to defend Britain's interests from encroachment by the EU.

Michael Connarty MP has said on behalf of the European Scrutiny Committee, "We believe that the red lines will not be sustainable. Looking at the legalities and use of the European Court of Justice, we believe these will be challenged bit by bit and eventually the UK will be in a position where all of the treaty will eventually apply to the UK. If they can't get these things firmed up, we think they will leak like a sieve."

Michael Connarty MP, has also stated that, "There will be a steady transfer of jurisdiction to the Commission and the European Court of Justice in the areas of civil and criminal justice. Although the Government has secured the right to opt-in in

respect of justice and home affairs matters, it is clear that if the Government opts in on any measure, ultimate jurisdiction will transfer from UK courts." He also said that if the UK chooses not to opt-in Britain would face "new and unquantifiable risks".

The red lines are being used by the Government as an excuse to deny the referendum, however, the Government claimed to have achieved exactly the same red lines when they signed the EU constitution and still promised to hold a referendum.

THE THREAT TO CIVIL LIBERTIES

EU legal control will be established by the Lisbon Treaty.

Article 4a (2) has been added to the Treaty protocol, giving the EU the legal right to put pressure on the UK to participate in the EU's plans to control Britain's legal system. The treaty



will lead to pressure on the British Government to comply with EU rulings in areas of justice and home affairs. **Article 61 (4)** will pressure Britain into recognising the judicial decisions of other EU member states, this will lead to a harmonisation of civil law. **Article 61 I** and **Article 65 (1)** will give additional powers to standardise member states laws and law enforcement.

Article 69A (1) and **Article 69 B** will allow the EU to pressurise Britain into harmonising our criminal law, and legal system with those of other member states. Article 69 B will also seek to “establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension”. The EU will even try to take a hand in training the judiciary and judicial staff.

Article 69 D (a) will give the EU’s Eurojust arm the power to initiate criminal investigations and the authority to instruct national authorities to begin prosecutions. Under **Article 69 E (4)** there will also be a European Public Prosecutor **Article 69 F** will allow the EU to pressurise Britain into its plans for cooperation between member states police forces. The EU will also plan to take control over exchanges of information, training, equipment, research methods, and investigation techniques.

Article 69 G will expand the power of Europol, making it the EU’s Police Force.

Identity Cards can be introduced by the EU.

Under **Section 3 of Article 68** all the EU needs is the acquiescence of the Government. This will give the Brussels institutions the power to force Britain to adopt identity cards and our own Parliament will be unable to reject them. Biometric passports, and how information is stored on them, are already controlled by the EU.

ASYLUM AND IMMIGRATION

The Treaty will blow a hole wide open in Britain’s borders allowing the EU to take full control over Britain’s asylum and immigration policies.

There will also be more costs placed on the taxpayer. Under **Article 63b** there will be increased demands on the taxpayer as Britain will be expected to share the financial burden of immigration. This will lead to Britain supporting asylum seekers in EU states that have a lower GDP than the UK.

Article 62 1 (a) will ensure that there are no ‘controls on persons, whatever their nationality, when crossing internal borders’. **Article 62 1 (c)** will allow the EU to control external borders via its own ‘integrated management system for external borders’. Furthermore, **Article 63 (1)** will give the EU the power to decide on who and for how long residents of non-EU states, even those from the Commonwealth, will be able to stay in Britain. The European Union will also determine the border checks that those people face.

THE THREAT TO JOBS

The Treaty will allow the European Union to undermine the last vestiges of Britain’s competitive free market, bringing to an end the reforms introduced by Margaret Thatcher.

Britain is clearly losing the arguments in Europe. Many British workers may lose their jobs as a result of the Lisbon Treaty moving the EU further away from the British vision of a competitive free-trade area towards the French style over-regulated Social Model.



Protectionism

A new paragraph will be added to **Article 58 (4)** that will allow for state protectionism via the tax system to be used against competitors in third countries. Article 58 could also be used by the EU to pressurise and damage the economies of developing nations.

Article 1 of the **Protocol on services of general interest** widens the opportunity for state monopolies and subsidies. This is through its reference to the support of 'Services of General economic interest'. This will allow the socialist governments in the EU to give subsidies to selected businesses. Such companies are likely to be; German coal and steel producers, Italian, Belgian and Spanish airlines, and French businesses in general.

Those measures come on top of the removal from the main text of the treaty the commitment to undistorted competition. This will give the green light to those, like President Sarkozy of France, who want to pick winners, who no doubt have good political connections, creating corporations that are tantamount to state monopolies at the expense of a dynamic and competitive economy.

Corporatism returns

Article 136a will force Britain and the EU to have a system where trade unions are elevated to the position of 'social partners'. This will allow them to contribute to policy making along with big business. The EU's new name for the discredited corporatist polices of the 1950's is 'social dialogue'.

The Charter of Fundamental Rights

Regardless of what the Government claim about 'red lines'; both the House of Commons European Scrutiny Committee and the Foreign Affairs Scrutiny Committee believe that the Charter could well be made binding on the UK. The Charter of Fundamental Rights will allow the European Commission and the European Court of Justice to interfere even more in Britain's economic affairs.

Michael Connarty MP, has said, "We express doubts on the effectiveness of the protocol on the Charter of Fundamental Rights and do not consider that it guarantees that the Charter can have no effect on the law of the United Kingdom when it is combined with consideration of the implementation of Union law."

The EU will use the Charter to undermine our flexible labour market and impose its costly bureaucratic anti-business laws on Britain; thus threatening investment in the UK.

Staying in a single market after the Lisbon Treaty has been ratified will see British businesses face a double-whammy. On one hand they will be hamstrung by increased costs and more regulation, and on the other they will be pressurised by continental firms who will be taking advantage of the changes in EU state aid policy.

IMPACT ON THE CITY OF LONDON

Even the former head of the EU Directorate for Financial Services, Geoffrey Fitchew, argues that the revived Constitution could threaten the City.

This is because the UK will be less able to defend the City from damaging EU regulations. The European Union has already taken control over large areas of the work of the City. Yet even more burdensome regulations are being proposed by the EU, which threaten this important sector of the British economy.

THE THREAT TO DEMOCRACY

The Lisbon Treaty is the biggest ever single transfer of power to the EU.

The number of vetoes given away in the Lisbon Treaty is more than twice the number given away at Maastricht and five times more than in the creation of the Single Market.



The Treaty of Rome (plus extensions) gave away 38 vetoes, The Single European Act 12, the Maastricht Treaty 30, Amsterdam 24, Nice 46, but the Lisbon Treaty surrenders a massive 63 vetoes from British control to EU control. That is sixty three areas where our Government cannot stop the EU from passing new laws that add costs onto British businesses and as members of the EU there is nothing that our own democratic process can do to overturn those decisions.

Add the 24 vetoes lost as part of the Amsterdam Treaty, the 46 from Nice and the 63 from this agreement creates a total of 133 vetoes lost since Labour came to power in 1997. That is over a dozen vetoes a year surrendered by Blair and Brown.

Loss of influence

The Lisbon Treaty will reduce British voting influence in the Council of Ministers by 30%. The UK's vote will be worth just 8% of the votes!

Britain will also lose influence internationally as the EU under **Article 46 A (Legal Personality)** will expand upon the EU's ability to sign international agreements that will be binding upon the UK. This will in effect make the European Union a state.

GIVING THE EU A BLANK CHEQUE

The Lisbon Treaty will be self amending.

The new **Article 308** will allow more expansions in EU power without national Parliaments and electorates having to agree to further transfers. The original Article 308 said it had the power to do this only to assist the Single Market. Article 308 in the Lisbon Treaty deletes the reference to the operation of the Single Market, thus allowing the EU to expand its power beyond the limits of the Lisbon Treaty.

Furthermore, under **Article 249 B** the European Commission can authorise any administrative action, unless there is an objection in Council that carries a majority. Such actions will be binding upon the UK.

ENERGY

The proposed treaty will give the EU power for the first time over the whole field of energy and Britain's oil and gas reserves.

Under the new **Article 176a** the European Union will take control over energy policy and usage. This will be introduced under Qualified Majority Voting, meaning that Britain will not be able to veto damaging EU laws, nor protect the North Sea reserves.

Article 176a will hand Brussels the power to decide where and how the oil and gas are sold. **Article 176b** could mean that the UK must supply energy to another member-state if they are having problems with their network. **Article 176c** will make the debate in Britain about how energy is produced irrelevant because Brussels will be making those decisions. **Article 176d** will give the EU a key role as the system guarantor, thus threatening British control over the North Sea reserves. Brussels will also be able to decide issues relating to the taxation of the reserves without Britain's Parliament having a say.

EU involvement in this area is especially worrying because the looming treaty also adds another clause on energy, **Article 100 (1)**, which will force Britain to share its reserves in a time of crisis. After concerns were raised by the oil and gas industry about the implications of **Article 100 (1)** that proposal was removed from the final text of the then EU Constitution. Now, however, by slight-of-hand it has found its way back into the text of the Lisbon Treaty. In this respect the Lisbon Treaty will pose more of a threat to Britain's energy reserves than the original EU Constitution.



EXPOSING THE EU CONSTITUTION APPEAL

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Robert Oulds, M.A.

Dear Supporter,

The EU Constitution is back. Unless we can force the Government, either in the House of Commons or the House of Lords, to concede a referendum the Lisbon Treaty will receive the Royal Assent in just a matter of months.

The British people must be made aware of how the government is seeking to avoid a referendum by cynically pretending that a few cosmetic changes make obsolete its manifesto commitment at the last election to hold a referendum. But they must also be made aware of the dire consequences that our country faces if the once thought dead EU Constitution is forced upon us.

To encourage public involvement in the campaign to oppose the Lisbon Treaty the Bruges Group is exposing how the revived and renamed EU Constitution is a threat to jobs, prosperity, democracy and our nation's independence.

The Bruges Group are playing a unique role in the campaign to oppose the EU Constitution:

Firstly, as an originator of high quality research, analysis and publications on the treaty, both to inform key political figures in the debate and the wider public through; the media, our literature and public meetings.

Secondly, as support for grass-roots pressure groups campaigning at a local level against the EU Constitution, by providing them with the assistance they need to ensure leaflets feature the most powerful and accurate arguments against the treaty.

Our plans are being complemented by our continuing efforts to demonstrate to the country the damage that EU laws already force upon us.

The Bruges Group has exposed the enormous economic cost of the EU and how ever closer Union is making our democratic institutions redundant. Now we must expose the implications of the EU Constitution.

Time, though, is short. Please help the Bruges Group's fight against this anti-democratic attempt to push through more integration.

Enclosed with this letter is a booklet on the implications of the Lisbon Treaty. Please find within it a donation form and send us your support for the Bruges Group's Exposing the EU Constitution Fund.

With my very best wishes,
Yours faithfully,

Robert Oulds

Robert Oulds
Director

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IN THEIR OWN WORDS

HOW THE BRITISH PEOPLE HAVE BEEN LIED TO

"A referendum now would bring Europe into danger. There will be no Treaty if we had a referendum in France, which would again be followed by a referendum in the UK."

Nicolas Sarkozy
French President, *The Daily Telegraph*,
14th November 2007

"Sometimes I like to compare the EU as a creation to the organisation of empire. We have the dimension of empire."

José Manuel Barroso
President of the European
Commission, *EUobserver*,
10 July 2007

"The substance of the constitution is preserved. That is a fact."


Angela Merkel
German Chancellor, speech
to the European Parliament,
27th June 2007

"The good thing is that all the symbolic elements are gone, and that which really matters – the core – is left."

Anders Fogh Rasmussen
Prime Minister of Denmark, in Jyllands-
Posten, 25th June 2007

"In terms of content, the proposals remain largely unchanged, they are simply presented in a different way... The reason is that the new text could not look too much like the constitutional treaty."

Valéry Giscard d'Estaing
former French President and Chairman of the
Convention which drew up the EU Constitution,
addressing the Constitutional Affairs
Committee in the European Parliament,
17th July 2007



"A great part of the content of the European Constitution is captured in the new treaties"

José Zapatero

Spanish Prime Minister, *El País*,
23rd June 2007

"There's nothing from the original institutional package that has been changed."

Astrid Thors

Finnish Europe Minister, *TV-Nytt*,
23rd June 2007

"For Austria it was important to keep the essence, to keep the institutional side of it intact, and also to keep the Charter of Fundamental Rights. This is the essence, and we were able to safeguard that."


Ursula Plassnik

Austrian Foreign Minister,
BBC 10 o'clock news,
7th September 2007

"They haven't changed the substance - 90 per cent of it is still there."

Bertie Ahern

Irish Prime Minister, *Irish Independent*,
24th June 2007



"Only cosmetic changes have been made and the basic document remains the same."


Václav Klaus

Czech President, *Hospoarske Noviny*,
13th June 2007

"The good thing about not calling it a Constitution is that no one can ask for a referendum on it."

Giuliano Amato

former Italian Prime Minister and Vice-Chairman
of the Convention which drew up the Constitution,
speech to the London School of Economics
20th February 2007



We will put the European Constitution to the British people in a referendum and campaign whole-heartedly for a 'Yes' vote".

Gordon Brown

General Election Manifesto, 2005

"If we needed a referendum we would have one. But I think most people recognise that there is not a fundamental change taking place as a result of this amended treaty."

Gordon Brown

The UK Prime Minister, interviewed by the *BBC*,
24th September 2007



BUSTING THE GOVERNMENT'S PROPAGANDA

The Bruges Group has obtained Foreign Office propaganda, which is also being distributed by Labour MPs, which seeks to deny the importance of the Treaty. Here the Bruges Group dissects the pro-EU misinformation.

1. **The Government claim that they have secured their red lines and are not surrendering vital powers over fundamental issues of sovereignty to Brussels.**

They also claim that they have maintained national control over justice and home affairs, social security, tax, foreign policy, and defence.

The Truth

The EU has the legal right to pressurise Britain into becoming bound by its justice and home affairs policies. Via **Articles 5a** and **18 (3)** the EU can also seek to influence Britain's social security system.

Despite the so-called red line in taxation that the Government claims it has secured the reality is that much of our taxation is already becoming controlled by the EU, such as; indirect taxation (VAT) energy taxation. Business tax law is also becoming dominated by decisions made by the European Court of Justice. Britain's tax sovereignty is also being eroded by the EU's taxation code of conduct which seeks to use stealth to harmonise taxes by eliminating tax competition, i.e. the EU wants to stamp out low taxes.

What is more, as a result of the Government's surrender of the rebate, the British taxpayer will have to surrender over

£10 billion to the EU each year. And as their accounts are not properly audited we do not even know where most of the money ends up.

The European Scrutiny Committee does not think that the red lines will hold water. And even if they were as effective as the Government claims **they can only defend British interests as long as the Government is determined to protect our freedoms and independence.**

2. **The Government claim that there will be no EU Foreign Minister with control over foreign policy.**

Their propaganda also states that Britain will keep control over our foreign policy.

The Truth

Instead of calling the Foreign and Security Policy supremo an EU Foreign Minister, they have changed the title to 'the High Representative of the Union for Foreign Affairs and Security Policy'.

Article 9 E (1) will abolish the UK veto over the appointment of the High Representative. Under **Article 28 (4)** the High Representative of the Union for Foreign Affairs and Security Policy will also have the authority to propose EU military missions. **Article 188**



BUSTING THE GOVERNMENT'S PROPAGANDA

R, the Solidarity Clause, seeks to undermine and duplicate the role of Nato in areas of common defence.

3. The Government claim that Britain's position at the UN is not affected by the revived Constitution.

Again their misinformation repeats the myth that the Treaty will not affect our foreign and defence policy.

The Truth

Article 13a (2) says, "The High Representative shall represent the Union for matters relating to the common foreign and security policy. He or she shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations and at international conferences."

Article 19 (b) (iii) reads, "When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be asked to present the Union's position."

Defence integration is already underway, but the revived EU Constitution will accelerate this. **Article 28 E (2)** will allow the EU to control whether or not Britain will be taking part in Permanent Structured Cooperation (the deployment of the EU army) without the UK having a veto. **Article 28 D (2)** will also abolish the UK's veto over control of the European Defence Agency (the EDA) allowing the EU to harmonise Britain's forces with EU defence programs.

The revived EU Constitution will reduce the role of Parliament to that of a mere regional assembly.

4. The Government claim that UK diplomats will not be affected by an EU diplomatic service.

They also claim that the EU European External Action Service (EEAS) is merely about coordination and support for the High Representative.

The Truth

Under **Article 13a (3)** both national and EU embassies will have to cooperate. As a result of the common foreign policy the UK diplomatic service will be receiving direction from the EU's High Representative.

5. The Government claim that we will retain control over our borders.

It also states that British control over asylum and immigration is secure.

The Truth

It is surprising that the Government thinks that we have control over our borders at present. The situation where our borders are open to the EU will be exacerbated by the Lisbon Treaty, which will allow the EU to pressurise Britain into surrendering what is left of our asylum and immigration policy.

6. The Government deny that there will be a President of Europe.

Their propaganda also states that the full-time President of the European Council will give more power to the nation-states.

The Truth

Article 9 B (5) will create a President of the European Council. The President will be able to drive forward ever-closer Union. Britain will not be able to veto their appointment. The existence of that position will encourage national leaders to curry favour with the EU by



surrendering their people's freedom in the hope that they will be considered for the job once their career in their own country has ended.

7. The Government say that the Treaty will not free prisoners from jail.

They are alleging that the pro-democracy groups are claiming that criminals will be freed by the revived EU Constitution.

The Truth

Those concerned about the Lisbon Treaty have not made such an argument. However, Directive **2004/38/EC** prevents the UK from deporting European criminals and the Human Rights Act has already caused havoc with the UK's attempt to fight crime. We can be sure that the European Court of Justice will use the Charter of Fundamental Rights and **Article 69** to interfere with our legal process.

8. The Government deny that the revived EU Constitution will reduce the role of Parliament to that of a mere regional assembly.

Conversely they claim that the role of national parliaments will be enhanced by the Treaty.

The Truth

Article 8 C actually lays down a legal duty on national parliaments to 'contribute actively to the good functioning of the Union'. The Lisbon Treaty will also exacerbate the dire situation where the vast majority of new laws emanate from Brussels, not from our elected representatives.

Britain's Parliament has already been sidelined by the EU and in most cases is not even needed as a rubberstamp. The European Commission has managed to bypass national parliaments by legislating via what are known as Regulations. Regulations, unlike Directives, come into force automatically and it is not possible for national parliaments or civil servants to amend them.

9. The Government deny that the Lisbon Treaty is the same as the EU Constitution.

They also claim that the Constitutional approach has been abandoned by all 27 EU member states, and that it does not have Constitutional characteristics. The Government also pronounce that they will not transfer powers away over issues of fundamental importance to our sovereignty.

The Truth

The Government's claims are nothing less than deceit; don't just take our word for it read the key quotes on page 9.

Government ministers have even argued that the Lisbon Treaty does not warrant a referendum because no mention is made of an EU flag or anthem, which were included in the Constitution. However, there is no need to include provision for them in the Lisbon Treaty because the EU flag has been used since 1986, the anthem since 1985, and both were officially adopted by the EU in the Maastricht Treaty.

10. The Government deny that the Charter of Fundamental Rights will extend the powers of The European Court of Justice (the ECJ) and judicial activists at home.

In line with Bruges Group arguments which have exposed that the Charter is already being brought in by the back door, the government concede that it is already being applied.

The Truth

The Charter's principles are coming into law via the EU's legislation and its enforcement is being monitored by the European Union Fundamental Rights Agency. Furthermore, the claim that we have an effective opt-out is not supported by the European Scrutiny Committee. The Swedish Foreign Minister, Fredrik Reinfeldt, has also said in a speech to the Swedish Parliament on 26th June 2007 that, "It should be stressed that the UK was given a clarification, not an opt-out."



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