

OPAL Country Reports

The British Parliament and EU Affairs

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To cite this report: A. Huff and J. Smith (2012), *OPAL Country Reports: The British Parliament and EU Affairs*, weblink

OPAL Country Report on the British Parliament¹

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I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	Parliamentary
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	The UK has a bicameral parliament, comprising a lower chamber, the House of Commons, and the upper chamber, House of Lords, collectively known by the shorthand 'Westminster'. Both Houses are involved in legislation and scrutiny. However, the Lords cannot veto bills approved by the Commons (although it can make amendments), and is not involved with the passage of bills relating to finance/the budget (revenue & expenditure).
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Formally a unitary state, in practice the UK has a system of asymmetric devolution . In addition to Westminster the UK has three devolved assemblies – the Scottish Parliament, the Welsh Assembly and the Northern Irish Assembly – all of which were legally established in 1998 (Scotland Act, Government of Wales Act, Northern Ireland Act). The system is asymmetric in that the three do not all have the same levels of power & their formats are different from one another, nor does England have its own legislature with England-only powers. Thus England-only legislation is passed at Westminster, where MPs from Scotland, Wales and Northern Ireland can vote on decisions that do not affect their states.
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	<p>The House of Commons has a first-past-the-post system in which each party fields a single candidate per constituency. Voters choose their preferred candidate (or political party); whoever wins the most votes is elected.</p> <p>The House of Lords is non-elected. Most members of the Lords (peers) are appointed for life on the advice of the Prime Minister and other party leaders (the independent House of Lords Appointments Commission also makes recommendations). A small number, 26, are archbishops and bishops of the Church of England. Finally, there are 92 hereditary peerages.</p>

¹ This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

1-5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)
	Courts cannot override parliamentary sovereignty and until 2011 there was no provision for referenda on EU matters. Since the passage of the EU Act (2011), a referendum must be held before the Government can agree to amend the TEU and TFEU in a way that transfers powers from Westminster to Brussels. The Act requires at least an Act of Parliament in the event of the use of the Lisbon Treaty's 'passarelle' clause, and potentially a referendum if the use of the passarelle will transfer powers/competences from UK to EU.

2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	Coalition		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election in the LOWER HOUSE:	6 May 2010	
	Name of the party (major parties only listed)	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, Christian democrat, extreme right, ethnic minority or regionalist party)
	Conservatives	306/47.1%	Conservative
	Labour	258/39.7%	Centre-left
	Liberal Democrats	57/8.8%	Liberal
	Democratic Unionists	8/1.2%	Regional, right-wing
	Scottish National Party	6/0.9%	Regional, left-wing
	Latest election in the UPPER HOUSE:	Not applicable – current statistics used as of July 2012	
	Name of the party	No. and percentage of seats in parliament (if applicable)	Ideological position (if not mentioned above)
	Labour	226 / 29.5%	
	Conservative	213 / 27.8%	

	Crossbench (no party political allegiance)	177 / 23.1%	The Crossbenchers frequently work effectively together, offering a non-party political opposition to the Government
	Liberal Democrats	90 / 11.7%	
	Bishops	26 / 3.4%	No affiliation
	Other	33 / 4.3%	Mixture (regional, UKIP [Eurosceptic, right wing], non-affiliated)
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	<p>The debate was extremely polarised and focused in large part on whether or not the Treaty required a referendum, as one had been promised for the Constitutional Treaty. Ratification was opposed by one of the three major parties (the Conservatives).</p> <p>Supported: Labour, Liberal Democrats, SNP</p> <p>Opposed: Conservatives, Democratic Unionists, Ulster Unionists, UKIP (House of Lords only)</p>		

3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3.1	<p>Has your member state adopted any regulations to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <p>a. Constitutional provisions</p> <p>b. Legal provisions - Statutory provisions</p> <p>c. Parliamentary Standing Orders</p> <p>d. Other (please specify)</p> <p>Is this process complete or ongoing?</p>
Lower house	No regulations have changed as a direct result of Lisbon. However, the domestic political implications of the Lisbon ratification process (and the lack of a referendum) were such that the Government introduced and passed the EU Act in 2011, which requires a referendum in the event of further transfers of competence/sovereignty from the UK to the EU.
Upper house	No change except as above.
3.2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...
3.2 i	The "Political Dialogue" with the Commission

Lower house	The ESC decides whether to send an opinion to the Commission and is responsible for writing to the Commission to transmit this opinion. There is some dialogue between the two Houses (especially through the representatives in Brussels) but they are not bound to take the same position on every issue.
Upper house	The EUSC decides whether to send an opinion to the Commission and is responsible for doing so. In addition, the EUSC often sends its reports to the Commission in the context of the 'political dialogue'.
3.2 ii	The Early Warning Mechanism (EWM)
Lower house	The ESC makes a recommendation to send a Reasoned Opinion to the Commission, and the plenary must then vote on this.
Upper house	The EUSC makes a recommendation to the plenary, which then votes (typically approving the EUSC's decision).
3.2 iii	The "Passarelle clause"
Lower house	The EU Act (2011) requires at least an Act of Parliament in the event of the use of the Lisbon Treaty's 'passarelle' clause, and potentially a referendum if the use of the passarelle will transfer powers/competences from UK to EU.
Upper house	The EU Act (2011) requires at least an Act of Parliament in the event of the use of the Lisbon Treaty's 'passarelle' clause, and potentially a referendum if the use of the passarelle will transfer powers/competences from UK to EU.
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
Lower house	The rules for this are currently under discussion between the House of Commons and the Government, and have not yet been decided. Each House has the right to exercise these powers – and to decide how they will do so in practice – independently of one another.
Upper house	Each House has the right to exercise these powers – and to decide how they will do so in practice – independently of one another. While the House of Commons has not yet made a decision, the House of Lords has. Should the House of Lords consider that a legislative act breaches the principle of subsidiarity, the Government will take the action forward on behalf of the House.
3.2 v	Accession of new member states to the EU
Lower house	Must be ratified by Parliament (the plenary)
Upper house	Must be ratified by Parliament (the plenary)
3.3	How actively does the parliament engage in the political dialogue and "early warning mechanism" with the Commission?
Lower house	The HoC is quite active. The House of Commons issued five opinions (both Reasoned and as part of the political dialogue) in 2011 according to the European Commission website.
Upper house	The HoL is very active, issuing 11 opinions (both Reasoned and as part of the political dialogue) in 2011 according to European Commission website.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity

	concerns?
Lower house	Not to date.
Upper house	Not to date.
3-5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
Lower house	Not applicable
Upper house	Not applicable