



**POLITEIA**

22 Charing Cross Road, WC2H 0QP

Email: [info@politeia.co.uk](mailto:info@politeia.co.uk) Telephone: 0207 240 5070

[www.politeia.co.uk](http://www.politeia.co.uk)

**PRESS RELEASE PRESS RELEASE PRESS RELEASE PRESS RELEASE**

**Publication: Monday 4<sup>th</sup> January 2010**

**Hague Promises Sovereignty Bill Will Be Part of Conservative Policy to guarantee national sovereignty in respect of the EU. New Bill proposed in Politeia's next pamphlet would put UK 'on a par' with other Member States, says Shadow Foreign Secretary, William Hague.**

The Lisbon Treaty has now become law in the UK and throughout the EU - although without the referendum pledged by the Government. EU powers have increased: the EU is now a new body with a legal personality and its own 'Union law'. It also claims primacy over the laws of the Member States. As a result the sovereignty of Parliament is threatened.

In Politeia's new pamphlet, *Safeguarding Sovereignty: A Bill for UK Constitutional Rights in the EU*, Martin Howe explains that the problem for Britain may be worse than elsewhere. Although Parliament is sovereign under the UK constitution and has the ultimate power to accept or reject international and EU treaties, that 'doctrine' has been modified and its validity questioned. This is the result both of Britain's 1972 European Communities Act, which implements EC law, and the EU's European Court of Justice (ECJ). The ECJ insists that EU law has primacy within the courts of the Member States and over the State's own fundamental constitutional rules.

Other Member States have rejected the ECJ's doctrine of EU primacy. The German Constitutional Court has 'totally repudiated the ECJ's assertion ... that EC law has primacy over the constitutions of the Member States'. The German Court, not the ECJ or other institutions have, it also says, the ultimate say over the extent of the powers conferred on the EU under the Treaties. In France too, says Howe, 'a similar principle, that the French constitution ultimately limits the scope of EU law, has been established'; the Constitutional Court in Italy has ruled that Community law is subject to the Italian constitution; while in Denmark, Danish constitutional law takes precedence over Union law.

What can be done to put the UK on the same footing as other Member States? The pamphlet proposes a new Sovereignty Bill which would:

- Assert Parliament's supremacy and amend the 1972 Act
- Make explicit that the EU Treaties or other measures under the 1972 Act cannot interfere with Parliament's right to legislate inconsistently with EU laws
- Put the UK on a par with Germany, France and Italy with the same relationship between Community law and the national constitution
- Mean that there is nothing the ECJ might do or say which is capable of ending Parliament's ultimate sovereignty

Such a Bill would be a defensive measure 'one which puts beyond any doubt or possibility of future erosion the position which now ... exists, that in the UK, Parliament is sovereign'.

And in his foreword to the pamphlet, William Hague, the Shadow Foreign Secretary, explains that the case for such a legal remedy 'is compelling'; a Sovereignty Bill of the kind outlined by Martin Howe, would play 'an important part' in a Conservative Government's work 'to sort out the particular, but characteristic mess' made by the Labour Government.

**Hard copies are available to journalists on request from [press@politeia.co.uk](mailto:press@politeia.co.uk) or to the general public from Politeia, 22 Charing Cross Rd, London WC2H 0QP.**

\* Martin Howe is a practising Queen's Counsel specialising in European law and intellectual property law. For Politeia he has written *Tackling Terrorism: The European Human Rights Convention and The Enemy Within* (2001, 2003) and, with Oliver Letwin and John Marenbon, *Conservative Debates: Liberty under the Law* (2002).

Enquiries to Politeia at [press@politeia.co.uk](mailto:press@politeia.co.uk)