



BRIEFING PAPER

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Treaty negotiations: when has the Government published its position?

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Summary

Following the vote on 23 June 2016 to leave the European Union there has been a lot of parliamentary interest in treaty negotiations - particularly the Government's provision of information to Parliament about its negotiating position and 'red lines' ahead of negotiations and progress reports during negotiations.

Treaty negotiation is a matter for the UK Government. There is no formal requirement or mechanism in the UK for parliamentary scrutiny before or during treaty negotiations (when changes could still be made to the text), although Ministers will commonly "communicate with the relevant select committee" before signing a treaty.¹

The Government also sometimes publishes information about its negotiating position.

This paper provides some examples of green and white papers and other consultation the UK Government has used to set out its position in negotiating EU and other international treaties:

- Accession Treaty (EEC membership)
- Renegotiation of UK's terms of entry
- Treaty on European Union (Maastricht)
- Treaty of Amsterdam
- Treaty of Nice
- Treaty Establishing a Constitution for Europe
- Treaty of Lisbon
- The Biological Weapons Convention
- The Arms Trade Treaty

The documents do not always set out a negotiating strategy and they vary in the amount of detail provided.

¹ [HL Deb 31 January 2008 c796.](#)

1. UK Accession (EEC membership)

1.1 *The Legal and Constitutional Implications of the UK's EEC membership*, [Cmnd. 3301](#), May 1967.

This White Paper set out all the pros and cons of EU membership for the UK, including the likely constitutional, legal and economic effects, but no government strategy as such. *The Common Agricultural Policy of the European Economic Community*, [Cmnd. 3274](#), May 1967. This White Paper sets out the EU's agricultural policy and its potential effects on the UK, but again, no government strategy.

1.2 *Membership of the European Communities: Prime Minister's statement to the House of Commons*, 2 May 1967, [Cmnd. 3269](#).

This White Paper set out the reasons underlying the decision to apply for EEC membership and the issues it would be necessary to resolve during the negotiations for that purpose:

Her Majesty's Government have today decided to make an application under Article 237 of the Treaty of Rome for Membership of the European Economic Community and parallel applications for Membership of the European Coal and Steel Community and Euratom.

As the House will recall, I stated on the 10th of November last that my right hon. Friend the Foreign Secretary and I would embark on "a series of discussions with each of the Heads of Government of the Six, for the purpose of establishing whether it appears likely that essential British and Commonwealth interests could be safeguarded if Britain were to accept the Treaty of Rome and join E.E.C.". These discussions took place between January and March. Since then the Government have carried out an exhaustive examination of all the issues involved, resulting in the decision I have just announced. The reports I have made to the House have made it clear that during the discussions in the Six capitals we were not engaged in negotiations. But my right hon. Friend and I, and indeed the House, have reason to be grateful to our hosts for the very frank exchanges which preceded today's decision.

These exchanges have enabled us to identify the major issues which we, for our part, shall wish to see settled in the negotiations. On the Treaty of Rome itself, as I informed the House on the 10th of November, we have throughout our discussions taken the view that, as I then said, ". . . the Treaty of Rome is not in itself or necessarily an impediment. There are anxieties . . . but the Treaty need not be an obstacle if our problems can be dealt with satisfactorily, whether through adaptations of the arrangements made under the Treaty or in any other acceptable manner". In short, as I said then, "the Government would be prepared to accept the Treaty of Rome, subject to the necessary adjustments consequent upon the

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accession of a new member and provided that we receive satisfaction on the points about which we see difficulty”.

Our discussions in the capitals of the Six have confirmed the validity of this approach in terms of the practical working of the Community and its institutions. It is in this spirit that the Government intend to embark on the negotiations which must precede entry. The House will, I am sure, agree that they ought not to be unnecessarily complicated with lesser issues, many of which can be best dealt with after entry. It is our hope that the negotiations will be followed through swiftly, and will relate to the small number of really important issues which have been identified through our recent discussions, issues on which agreement should be reached if the House and the country are to be satisfied that essential British and Commonwealth interests will be safeguarded. This is the spirit in which the original partners to the Community conducted their own negotiations over ten years ago. Our recent meeting with our E.F.T.A. partners has confirmed that they too view the matter in the same light. They will, we hope, also be making their approaches to E.E.C.

I now turn to the major issues which it must be our purpose to resolve during the negotiations. First, there are the problems associated with the operation of the Common Agricultural Policy of the Community—the problems of its potential effects on the cost of living and on the structure and wellbeing of British agriculture; problems of the budgetary and balance of payments implications of its system of financing; and certain Commonwealth problems with which I will deal in a moment. As I have already made clear, publicly, we must be realistic and recognise that the Community’s agricultural policy is an integral part of the Community; we must come to terms with it. But the Government recognise that this policy would involve far reaching changes in the structure of British agriculture. This will require suitable arrangements, including an adequate transitional period, to enable the necessary adjustments to be made.

It is also the Government’s view that the financial arrangements which have been devised to meet the requirements of the Community’s agricultural policy as it exists today would, if applied to Britain as they now stand, involve an inequitable sharing of the financial cost and impose on our balance of payments an additional burden which we should not in fairness be asked to carry.

There are also highly important Commonwealth interests, mainly in the field of agriculture, for which it is our duty to seek safeguards in the negotiations. These include, in particular, the special problems of New Zealand and of Commonwealth sugar producing countries, whose needs are at present safeguarded by the Commonwealth Sugar Agreement. We have, as the House knows, been in touch with all our Commonwealth partners, and will make special arrangements to keep in close consultation with them, as with our E.F.T.A. partners, throughout the negotiations.

Again, as the House knows, capital movements raise questions of special importance. Our discussions suggest that these can be dealt with by suitable arrangements.

Another important issue is the question of regional policies. Here too we had to satisfy ourselves that we should be able, as members of the Community, to continue to take the necessary steps to ensure the industrial and social development of those areas of the country with which this House is always, and rightly,

especially concerned. Our discussions with the Heads of the Governments of the Community, not least the information we were given about the policies currently being pursued by member countries, have reassured us on this score.

As I have said these are major and important issues, but I can tell the House that the Government believe that there is nothing either in the Treaty of Rome, or in the practical working of the Community which need make them insoluble.

1.3 *Statement to the Western European Union, The Hague, in July 1967, [Cmnd. 3345](#).*

Here the Foreign Secretary, Rt. Honourable George Brown, spelled out in some detail everything the Government hoped to achieve in the accession negotiations. His statement was subsequently published as a Command paper:

The questions to be settled before our entry are few.

22. It has been generally recognised that all of us, you no less than we, will need a transitional period or periods to permit mutual adaptation to the circumstances of an enlarged Community. I would like to propose, following your example at the outset of the Community's life, that the first year of the transitional period should be a standstill period. We see mutual advantage in following the example which you set in 1958.

23. There would be the further advantage that it could give other members of the European Free Trade Association seeking membership of, or association with, the Community time to conclude their negotiations. If, in the event, any of these EFTA countries, or the Irish Republic, were, by the end of that twelve-month period, in sight of, or at least well advanced towards, agreement, I am confident that we could agree together on the obvious consequences for the tariff treatment we extend to them.

24. In the case of EURATOM we seek nothing more than this twelvemonth initial period. In the case of the European Coal and Steel Community we seek only a limited period of transition. Thereafter we are prepared fully to implement these two Treaties and all the arrangements made under them.

25. There is nothing in our law and practice which is irreconcilable with Community requirements. Many of the necessary adaptations could be made immediately following on a twelve months standstill. In other cases, we shall be able to adapt our arrangements with very little delay; but some of the changes which we shall be called on to make, particularly in the field of agriculture, will be very considerable and an adequate period of adaptation will be needed. You needed it yourselves.

What the period should be will be a matter for discussion with you.

26. So much for transitional periods, which are clearly something which you will want just as much as we in order to allow adaptations to take place over a reasonable period of time.

27. I now turn to certain other questions which we are convinced it is in our common interest to discuss together and resolve,

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beginning with those which I wish to raise in the field of agriculture.

28. First, there is the question of an annual review. When the Community and Britain negotiated in 1962, the Community readily agreed that it would be in the common interest that existing procedures should be developed to ensure that the Commission and the Council of Ministers were each year fully and accurately informed of the agricultural situation and prospects in the Community before taking decisions on the levels of common prices; and that these procedures should provide for taking effectively into account the views of the agricultural industry throughout the Community. A procedure for an annual agricultural review held in conjunction with the producer organisations could, we believe, contribute materially to the smooth running and effectiveness of the common agricultural policy.

29. Secondly there is milk. Here our aim is quite simple: that the Community arrangements should ensure that we have adequate supplies of liquid milk to meet demand for consumption throughout the year. I am sure you will recognise that, in conformity with the aims of the Treaty, we must be able to offer our consumers a continued assurance of supplies. We believe that this can be done without upsetting present Community arrangements.

30. For pig meat and eggs, we should wish to see support arrangements to ensure adequate market stability in the enlarged Community.

31. As regards the financing of the common agricultural policy, on which we had most useful discussions with all the Six Governments and with the Commission earlier this year, I think it is recognised that the existing financial arrangements would put an inequitable burden on the United Kingdom. But those for the period after 1969 will necessarily be affected by our entry into the Community. We shall look forward to taking part as a full member of the Community in the negotiation of the agricultural finance arrangements for the period after the end of 1969, including the question of the aid which, in common with the members of the Community, we give to farmers in areas where there are special difficulties, for example in our case the hill farmers.

32. There are two main questions which arise in relation both to Commonwealth interests and to agriculture: sugar and New Zealand.

33. For sugar, as you know, we have an agreement with Commonwealth sugar producers which runs until the end of 1974. Your own transitional arrangements are due to expire six months later. The commitment we have under the Commonwealth Sugar Agreement is a contract which we must fulfil.

We believe that the sugar exported to Britain under the Commonwealth Sugar Agreement can be accommodated within a reasonable production quota under existing Community arrangements, and without departure from the precedents which you have set for yourselves. We have also to look to the longer-term interests of the developing countries and territories many of whose economies are overwhelmingly dependent on their exports of sugar and we believe that it is in the Community's longer-term

interest that we should do so. In due course, we shall wish to discuss with you how these interests can be safeguarded in the longer term.

34. Turning to New Zealand: in 1962, and again when the Prime Minister and I visited the capitals of the Community countries in the first months of this year, we found general recognition that her case was of an altogether special kind, and should be treated by the Community as such.

I do not believe that this should present the Community with problems which we cannot resolve together. New Zealand's economy largely depends on her trade in butter, cheese and lamb. Because of the size of the British market for dairy produce, we believe that provisions for exports of butter and cheese from New Zealand would in no way be inconsistent with substantial benefits accruing to other members of a wider Community; and we shall need to discuss such provisions with you. In the case of cheese it may be found that in practice there will be little or no problem. But we could turn out to be wrong about this. So we shall ask you to agree to a review procedure to enable action to be taken if it is necessary. For butter, more precise provision will have to be made.

I am confident that in discussions together we can find a constructive and realistic solution. Community farmers have a strong interest with New Zealand in wishing to see the level of butter consumption maintained in Europe.

35. I now turn to the remaining questions relating to the Commonwealth.

36. During the 1961-63 negotiations between the Community and Britain it was provisionally agreed that, with one or two exceptions, association under Part IV of the Treaty of Rome would be appropriate for our dependent territories. We trust that you would still agree that for these territories this is the best arrangement. We should discuss together the position of any dependent territories for which association is not appropriate.

37. It was also provisionally agreed during the 1961-63 negotiations that association under what was later negotiated as the Yaounde Convention should be open to independent Commonwealth countries in Africa and the Caribbean. The Community subsequently repeated this offer in the Declaration of Intent issued by the Council of Ministers of the Community in July, 1963—a Declaration of Intent which was in no way dependent on Britain's becoming a member of the Community. I trust that we can quickly confirm that the alternatives contemplated in this declaration will be open to independent Commonwealth countries in Africa and in the Caribbean.

38. I realise that the Yaounde Convention is due to expire in May, 1969. It would scarcely be practicable for the Commonwealth countries in question to negotiate accession to the present Yaounde Convention. I therefore suggest that these countries should be allowed to continue their present trading arrangements with Britain until new arrangements come into force after the expiry of the Yaounde Convention in the negotiation of which it should be open to them to take part.

39. Agreement was also reached in principle in the 1961-63 negotiations that there should be certain trading arrangements for developing independent Commonwealth countries for whom association was not thought appropriate.

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We hope it will be possible to revive that agreement.

40. Another aspect of Community development to which we referred in our preliminary talks with your Governments was capital movements. I believe the discussions we then had about this were particularly useful. We fully accept the obligations of membership of the Community in this field subject only to a transitional period during which we would by stages bring our policies into line with yours.

41. During our preliminary talks we referred to the problem of the possible leak of portfolio investment from the United Kingdom into third countries, particularly into North America. We have given further consideration to this problem and we would propose, if it proves necessary, to take action to deal with it ourselves, after consulting you as provided for in Article 70 (2) of the Treaty.

42. So far as tariffs are concerned we shall be prepared to accept the Common External Tariff as it will stand after the Kennedy Round reductions have been made. We shall of course also need to discuss how our tariff structure will be adjusted to that of the Community within the period of adjustment to which I have referred earlier.

43. There will be a limited number of other points which will need to be considered. The points of this kind which we have in mind at present include our accession to the Agreements associating Greece and Turkey with the Community, and certain matters affecting the harmonisation of laws in the agricultural and food field: we think that most of these could be settled after we join the Community.

44. In all other fields we accept, as I have already made clear, the obligations of the Treaty establishing the European Economic Community and the regulations, directives and other decisions taken under it, subject only to a transitional period and, of course, to developments in the Community in the meantime.

45. I recognise that the Member States of the Community on their side may wish to propose other questions for consideration during our negotiations. We shall of course be perfectly ready to discuss these questions. I would only add this. I have set out fully and frankly the issues which we believe will require attention in negotiations to provide for our entry into the European Communities. Our list is not a formidable one.

More than ever we hold to our view that it presents no questions to which an answer cannot reasonably be found in our common interest. I hope that, when the Community comes to respond, it will be as full and frank as I have been and will mention in full any additional points which you think should occupy the negotiations ahead. We shall then, between us, have a complete view at the outset of the task which faces us.

46. I will not make any suggestions at this stage about the procedures we might adopt for the conduct of those negotiations. I am sure that we shall be able to fall in with whatever is proposed.

47. It only remains for me to say that the British Government and those who will be responsible for the conduct of our negotiations with the Community will spare no effort to bring them to a successful and speedy conclusion. We are confident that you will do no less. It will be a negotiation, certainly, but with a difference.

The wider interests of Europe must prevail. Europe as a whole can gain, or lose, from our endeavours. And Europe, already, is all of us.

48. This application is therefore not just a matter of economics and politics. The history and culture of our continent is the birthright of us all. We have all contributed to it and we all share in it. Our application flows from the historical development of our continent, from the sentiments, which, as Europeans, we all share and from the idea we all have of the part our continent should play in the world. To-day the European spirit flows strongly in the movement towards a greater unity. Surely it is in the interests of all our countries that Britain should make her full contribution to this unity. With Britain as a member of the Community, Europe will be enabled to play a greater role in terms of power and influence, and to contribute in far greater measure not only to the development of her own potential but to that of the world as a whole.

49. The opportunity is now before us to take a decisive step towards this greater unity. I have pledged the full determination of my country to succeed in this task. History, I am sure, will judge us all harshly if we fail in this endeavour.

50. I hope that the statement which I have made to you this afternoon will help the Community in its consideration of our application and enable negotiations to open as soon as the opinion of the Commission has been given in September. I am therefore conveying formally the text of my statement to you, Herr Brandt, as Chairman of the single Council of Ministers of the European Communities. I shall also convey copies to the President of the Commission. I am also arranging for the text to be made public in the United Kingdom.

1.4 *Britain and the European Communities: an economic assessment, [Cmnd. 4289](#), February 1970*

The White Paper sets out the main questions in the field of agriculture which the Government wished to discuss with the Community before entry. The Minister refers at para. 16 to "preliminary discussions" with EEC Member States:

We seek to reduce the area of negotiations to the minimum. Much useful preliminary work was in fact done in the series of discussions which the Prime Minister and I had with your Governments earlier this year. These discussions isolated the major issues and pointed to ways of resolving them.

2. Renegotiation of UK terms of EEC membership

There were two important differences from other EC/EU negotiations: (1) the Labour position was set out when it was in opposition, not in government; and (2) the Member States agreed to change the UK's terms of entry without changing the EEC Treaty.

2.1 Labour election manifesto commitment

In 1974-75 the EEC renegotiation objectives were set out in the [Labour Party election manifesto](#) for the February 1974 General Election, and [confirmed](#) in October that year. Labour rejected the terms under which Britain's entry in to the Common Market had been negotiated, and promised that, if returned to power, a Labour Government would aim to negotiate better terms. The manifesto set out Labour's objectives:

'Major changes in the COMMON AGRICULTURAL POLICY, so that it ceases to be a threat to world trade in food products, and so that low-cost producers outside Europe can continue to have access to the British food market.

'New and fairer methods of financing the COMMUNITY BUDGET. Neither the taxes that form the so-called "own resources" of the Communities, nor the purposes, mainly agricultural support, on which the funds are mainly to be spent, are acceptable to us. We would be ready to contribute to Community finances only such sums as were fair in relation to what is paid and what is received by other member countries.

'As stated earlier, we would reject any kind of international agreement which compelled us to accept increased unemployment for the sake of maintaining a fixed parity, as is required by current proposals for a European ECONOMIC AND MONETARY UNION. We believe that the monetary problems of the European countries can be resolved only in a world-wide framework.

'The retention by PARLIAMENT of those powers over the British economy needed to pursue effective regional, industrial and fiscal policies. Equally we need an agreement on capital movements which protects our balance of payments and full employment policies. The economic interests of the COMMONWEALTH and the DEVELOPING COUNTRIES must be better safeguarded This involves securing continued access to the British market and, more generally, the adoption by an enlarged Community of trade and aid policies designed to benefit not just "associated overseas territories" in Africa, but developing countries throughout the world.

'No harmonisation of VALUE ADDED TAX which would require us to tax necessities.

'If re-negotiations are successful, it is the policy of the Labour Party that, in view of the unique importance of the decision, the people should have the right to decide the issue through a General Election or a Consultative Referendum. If these two tests are passed, a successful renegotiation and the expressed approval of the majority of the British people, then we shall be ready to play our full part in developing a new and wider Europe.

'If re-negotiations do not succeed, we shall not regard the Treaty obligations as binding upon us. We shall then put to the British people the reasons why we find the new terms unacceptable, and consult them on the advisability of negotiating our withdrawal from the Communities.'

An incoming Labour Government will immediately set in train the procedures designed to achieve an early result and whilst the negotiations proceed and until the British people have voted, we shall stop further processes of integration, particularly as they affect food taxes. The Government will be free to take decisions, subject to the authority of Parliament, in cases where decisions of the Common Market prejudice the negotiations. Thus, the right to decide the final issue of British entry into the Market will be restored to the British people.

A White Paper of 26 February 1975, "The Referendum on UK Membership of the European Community" (Cmnd 5925) announced that a referendum would be held after the outcome of the renegotiation was known.²

A Referendum Information Unit headed by an FCO official, Martin Morland, was set up to brief the press and provide the public with factual information on the renegotiation and the referendum.

2.1 Government White papers and Parliamentary debate

On 18 March ([HC Deb 18 March 1975 cc1456-80](#)) Harold Wilson set out to the Commons what had been asked for and what had been achieved at the renegotiation (the PM's [statement](#) became Cmnd 5999). Another White Paper, Cmnd 6003, 31 March 1975, set out the results of the renegotiation and the Government's recommendation. A shortened, simpler version of this was sent to every UK household before the referendum.

On 7 April 1975 the Commons [debated](#) the renegotiated terms of membership on the motion: "That this House approves the recommendation of Her Majesty's Government to continue Britain's Membership of the Community as set out in the White Paper on the Membership of the European Community (Command No. 5999)".

The debates continued over the following two days: [HC Deb 8 April 1975](#) and [HC Deb 9 April 1975](#). On 9 April 1975 the Commons approved the renegotiation and continued EEC membership by 396 to 170. At the same time the Government drafted the Referendum Bill.

² The draft White paper on the referendum was considered in a [Memorandum by the Lord President of the Council](#) (Edward Short) of 17 February 1975.

3. Maastricht Treaty

There were *Developments in the European Community* White Papers in 1989, 1990 and 1991, all of which referred to the Intergovernmental Conference which led to the Maastricht Treaty. Links to these papers can be found on the Parlipapers website at <http://parlipapers.proquest.com/parlipapers/search/searchbynumber/bynumber?>.

Cm. 801, September 1989

Cm. 1023, April 1990

Cm. 1234, October 1990

Cm 1857, March 1992

None of these sets out a government strategy as such. On the other hand, there were more statements and debates linked to this EU Treaty reform than most others, including regular statements in both Chambers on progress at the IGC and after each ministerial session; for example:

HC Deb 24 January 1991 cc470-551 [Economic and Monetary Union](#)

HC Deb 06 March 1991 cc203-4W, EC [Political Union](#)

HL Deb 7 March 1991 cc77-8WA [Political Union: IGC](#)

HC Deb 22 March 1991 cc264-5W [Economic and Monetary Union](#)

HC Deb 18 April 1991 189 c231W, [European Political Union](#)

HL Deb 19 April 1991, c95WA, [Political Union IGC](#)

HL Deb 20 May 1991, cc1-1WA, [Political Union IGC, 13/14 May](#)

HC Deb 17 May 1991 c306W, [Political Union](#)

HC Deb 21 June 1991 cc350-1W [European Political Union](#)

HL Deb 24 June 1991 cc31-2WA, [Political Union IGC](#)

HC Deb 13 June 1991 cc626-7W [EC Meetings](#)

HC Deb 1 July 1991, cc21-41, [European Council \(Luxembourg\)](#)

HC Deb 16 October 1991 cc156-7W [Political Union](#)

HC Deb 08 November 1991 c301W [Political Union](#)

HC Deb 11 December 1991, cc859-78, [European Council \(Maastricht\)](#)

HC Deb 20 November 1991 c 269, [European Community \(IGC\)](#)

HC Deb 6 December 1991 c263W, [Political Union](#)

HL Deb 9 December 1991, cc19-20WA, [Political Union: Ministerial Meeting, 2 and 3 December](#)

4. Amsterdam Treaty

4.1 *A partnership of nations: the British approach to the European Union Intergovernmental Conference (IGC) 1996, Cm 3181, March 1996.*

This White paper, like the earlier “British Approach” paper sets out the Government’s aims and objectives for the future IGC:

The British Approach

6. The Government is clear about the sort of Europe it believes in. We are committed to the success of the European Union, and to playing a positive role in achieving that success. We are confident that it can be achieved if the EU develops as a Union of nations cooperating together under Treaties freely entered into and approved by the national Parliaments of every Member State; a Union which respects cultural and political diversity; which concentrates single-mindedly only on what needs to be done at a European

level, and doing it well; which does not interfere where it is not needed; and which is outward-looking, free-trading, democratic and flexible. We shall not accept harmonisation for its own sake, or further European integration which is driven by ideology rather than the prospect of practical benefit. Above all, we shall be guided by a cool assessment of the British interest. Common European decision-making, as opposed to cooperation, can only be justified where it brings benefits for British security, prosperity and quality of life which are so significant that they justify some loss of unfettered national control over decision-making in the area concerned, or where common action enables nation states to exercise joint control which is not open to them individually.

7. In pursuit of these ideas, British efforts within the EU have been consistently aimed at making its workings more effective, particularly by promoting an agenda of deregulation and enterprise. The change of approach under the Commission’s new President Jacques Santer, whose motto has been “less but better”, sends a welcome signal.

Flexibility

8. The Government believes that, especially with the prospect of enlargement, the European Union should be able to respond more sensitively to the needs of an increasingly diverse membership. The Union needs to accept a degree of flexibility or, as it is sometimes described, "variable geometry", without falling into the trap of a two-tier Europe with a hard core either of countries or of policies. The pillared structure introduced at Maastricht was welcome recognition that structures which work well for the single market are inappropriate for the Common Foreign and Security Policy or Justice and Home Affairs issues. Strict disciplines are right and necessary in certain areas, such as the rules which govern international trade and the single market. But conformity should never be sought for its own sake. There may be areas in which it is perfectly healthy for some Member States to integrate more closely or more quickly than others. It is important however that such policies only become Union policies, and draw on the Community's institutions, including the budget, where this is agreed by all. In addition, no Member State should be excluded from an area of policy in which it wants to participate, and is qualified to do so. Policies must be open to all.

to gather opinions before proposals are presented to the Council. The Government will nevertheless be pressing for a number of measures to improve the quality of legislation and resist integrationist developments, including:

- a) **Subsidiarity:** The inclusion of the principle of subsidiarity in the Treaty was a UK success at Maastricht. The principle has been developed at subsequent European Councils in order to achieve a careful balance. On the one hand, as the Commission has said, action at the level of the nation state should be the rule, and Community action the exception. The Community should act only where it has been given express competence, and where action at the European level will bring clear benefits which cannot be achieved by Member States acting alone. On the other hand, it is important that subsidiarity should not be used to avoid Single Market obligations or to circumvent requirements for the proper management of funds from the EC Budget. The Commission has presented regular reports on the implementation of subsidiarity to the European Council, including one to the Madrid Council in December. The next will be to the European Council in Florence in June.

In the IGC, the Government will bring forward proposals to entrench subsidiarity further into the Treaty. The UK has suggested including in the Treaty elements of the subsidiarity guidelines agreed at the 1992 Edinburgh European Council. This idea was picked up in the IGC Study Group report.

The Government will also press for more systematic consultation by the Commission of business, parliaments and other interested parties, before introducing proposals for new legislation.

- b) **Sunset Clauses:** The UK has proposed the automatic withdrawal of Commission proposals if not adopted within a certain deadline. We have also supported a proposal for greater use of "sunset clauses" in Community legislation providing for expiry or automatic review after a fixed period. Both these ideas were picked up in the IGC Study Group report.
- c) **Deregulation:** The Government will continue its efforts to reduce the regulatory burdens of European law. Not all this work requires Treaty change, and most of it will continue outside the IGC, but it is none the less important if we are to achieve a more effective and competitive Single Market which will generate new business and new jobs. Our paper *UK Priorities for Regulatory Reform* called for improved systems for developing new legislation; a rolling programme of reviews of areas of legislation (we have suggested Standards and Food Hygiene as particularly ripe for review in 1996); and amendment or repeal of specific Directives which are particularly burdensome. The Madrid European Council of December 1995 strongly supported action in this area. The Commission has been invited to report on progress to the Florence European Council in June.
- d) **European Court of Justice opinions on legal bases:** The Government is considering a proposal to enable the Council to seek an early opinion from the European Court of Justice where one or more Member States dispute the legal base which the Commission recommends for a proposed measure.
- e) **Comitology:** Comitology refers to the committee procedures adopted when the Council confers powers on the Commission for the implementation of certain acts. The Government is considering proposals to improve these procedures.
- f) **Limitation of Community action:** The Government is considering ideas for limiting the scope for Community action in certain areas, in particular to prevent the health and safety article being used for social policy by the back door and to prevent fiscal measures being tacked onto single market or environmental proposals.

- g) **Enforcement of legislation:** The Government is considering ideas for improving the monitoring and enforcement of European legislation. In particular, we are considering annual reports by the Commission on its monitoring activities; clearer rules of procedure for complaints; a more systematic approach to enforcement by the Commission; and better use of Article 171 (which provides for action by the Commission and the European Court of Justice to ensure that Member States comply with their Treaty obligations).
21. Some have proposed that a so-called "hierarchy of norms" should be introduced to distinguish between different categories of legislation, some of which might be managed by the Commission with minimal Council oversight. The Government opposes that approach.

Qualified Majority Voting

22. The weighted voting system (or "qualified majority voting") works against the background of a political agreement known as the Luxembourg Compromise whereby, in the last resort, a Member State may insist that where it has a very important national interest at stake in a particular decision, discussion should continue until its fundamental problem has been resolved. There is no question of weakening this national safeguard at the IGC. As agreed at the informal Foreign Affairs Council in Ioannina in March 1994, however, the IGC will be discussing the **arrangements** for majority voting, and notably the weighting of votes in the system. The IGC will also consider the **scope** of majority voting (ie the Treaty articles to which it applies).
- i) **Arrangements for Majority Voting**
23. In the present voting system the UK, like France, Germany and Italy, wields 10 votes out of 87. Yet these four Member States represent more than two-thirds of the EU's population. The Government believe there

is a strong case on grounds of democratic legitimacy for increasing the relative influence of the more populous Member States. At present, the system gives one vote for every 200,000 Luxembourgers but only one vote for 8 million Germans or 6 million people in the United Kingdom, France or Italy. Without reform, the bias against the more populous Member States, which are also the largest net contributors to the EC Budget, will become even further pronounced with the accession of more, mainly small, states. Malta has only 400,000 inhabitants, Cyprus 700,000, and Estonia 1.5 million. An EU of 27 members, (ie containing all the current candidates for accession) would include 15 with populations of less than 10 million people (about the size of Greater London), and only six (including the UK) with populations of more than 30 million. The EU must decide how to weight votes in the Council to reflect such differences.

24. Two broad approaches have been suggested for overcoming the present bias. The simplest solution would be to change the numbers of votes accorded to each Member State within the system so that the weighting of votes is in better proportion to the population of each Member State. Another approach would be to establish a second, population-related, criterion. For their adoption, acts of the Council would require both a given number of votes and votes representing a certain proportion of the EU's population. In both cases a decision would need to be reached on an appropriate voting threshold. A system which allowed countries representing a significant percentage of the EU's population or the major net contributors as a group to be outvoted would not be acceptable to the UK.
25. Population cannot be the only factor in determining relative influence. Other less tangible factors such as the sovereign right of even the smallest states to have a say and a Member State's global political responsibilities are also relevant in achieving a sensible balance. The Government therefore believes that the four largest Member States should continue to have equal voting weight and that the smaller Member States should have reasonable influence within the system. Of the two approaches described above, it might be easier to reflect these wider considerations by changing the number of votes within the current system than by introducing a second voting criterion.

ii) Scope of Majority Voting

26. The scope of majority voting was extended by the Single European Act of 1986 and at Maastricht. Majority voting now applies to a wide range of issues such as the single market, agriculture, transport, external trade questions and most decisions on research and development and environmental issues. Unanimity has been retained, however, for issues of particular national sensitivity. Unanimity applies, for example, to decisions on such matters as Treaty change, new Community resources, tax questions, and new accessions to the European Union. It also applies within the Common Foreign and Security Policy and cooperation in Justice and Home Affairs (except where partners agree unanimously that certain implementing measures can be decided by majority).

27. At a time when there is serious public concern about the centralisation of decision-making, the case has not been made for making it easier to override the objections of Member States in matters of particular sensitivity. The Government will therefore oppose further extension of qualified majority voting. We do not accept the argument that unanimity in those areas to which it currently applies would be incompatible with effective decision-making, even in an enlarged Union. The EU has been able to reach decisions on highly contentious issues such as the Maastricht Treaty itself and the 1992 financing package – in spite of the unanimity requirement. Unanimity ensures that decisions on the most sensitive issues take proper account of vital national interests – as they should.

The Presidency System

28. Under the current system the Presidency of the Council of Ministers is held by a different Member State every six months, according to an agreed rotation. This arrangement is likely to be discussed in the IGC. The Conference will need to consider whether the present system would remain appropriate in a much enlarged Union, especially if a number of very small countries join as we hope and expect. In a Union of 27 Members which included the Baltic States, for example, would it be sensible that each Member State (whether the size of Latvia or Malta, or of Germany) should hold the Presidency for six months every thirteen years?
29. The Government sees some attractions in so-called “team Presidencies” of three or four Member States presiding for a year or even longer. This could

be particularly well suited to the CFSP pillar, where the presence in each team of one of the large Member States with global foreign policy interests would bring extra credibility to the EU’s external representation. But the Government also acknowledges practical problems with this approach, and is examining whether other models can be found which would improve on existing arrangements.

New Community competences

30. The IGC is required to consider the case for new Treaty chapters on energy, civil protection and tourism. The Government, however, opposes the extension of Community competence in these areas. It welcomes the confirmation by Jacques Santer, President of the Commission, that the Commission, for its part, will not be seeking more competences at the IGC.

The Number of Commissioners

31. The Government will continue to work for a more efficient, streamlined and accountable Commission which concentrates on effective enforcement of European law, proper financial management and strong action against fraud. It is right that the IGC should re-examine the current system whereby the size of the college of Commissioners is determined by the number of members of the Union (with two Commissioners, however, for the large Member States).

32. The Government understands the importance which Member States attach to having their own Commissioner. With further enlargements, however, it may not be appropriate to retain the present system. The IGC will consider how to achieve an acceptable balance. Among other options it has been suggested, for example, that large Member States might always appoint one Commissioner, while smaller Member States did not always enjoy this privilege; there might be a two-tier Commission, with voting and non-voting members; or one in which not all Commissioners were given specific portfolio responsibilities.

The role of national parliaments

33. National parliaments remain the primary focus of democratic legitimacy in the European Union, holding national Ministers in the Council to account. The Government is keen to develop this role and is considering a range of ideas, some of which have been suggested by Parliamentary Committees. These include making the main elements of Maastricht Declaration 13 (on the role of national parliaments) legally binding by entrenching them in the Treaty; including a minimum period for parliaments to scrutinise Community documents and notably draft legislation (with exceptions for urgent cases); and a greater role for national parliaments in the Justice and Home Affairs Pillar.

The European Parliament

34. The European Parliament is a young institution which already plays a significant role in the European legislative process. Yet, despite its directly-elected status, it still lacks popular respect and affection. This is demonstrated, for example, in the very low turn-out at European Parliamentary elections.
35. The Government believes that the European Parliament is most likely to win public support, and develop its role, by the responsible exercise of powers it already enjoys, and particularly by monitoring and restraining Community spending; by contributing to the fight against fraud and mismanagement; and by doing more to oversee details of spending by the European Commission. The Government does not feel, however, that the European Parliament needs new powers. Nor do we accept, in a Union of nation states, that the European Parliament can displace the primary role of national Parliaments. It was given new rights in the Maastricht Treaty, for example to appoint an Ombudsman, to set up temporary committees of inquiry, and to participate more fully in the legislative process through the codecision procedure. The European Parliament has been slow to use these powers effectively. Its Ombudsman was only inaugurated in September 1995, and it set up its first temporary committee of inquiry in December 1995. Conciliation under the codecision procedure which was introduced only at Maastricht, is not yet operating smoothly. The European Parliament has sometimes used its powers under this procedure irresponsibly, to try to force the Council to accept institutional changes not directly related to the legislation under discussion. The Government believes that if the European Parliament is to win public trust and confidence, it will need to demonstrate that it has been using its new powers responsibly.

The European Court of Justice

36. The IGC will provide an opportunity to examine the role of the European Court of Justice (ECJ). The Government is committed to a strong, independent Court without which it would be impossible to ensure even application of Community law, and to prevent abuse of power by the Community institutions. It was the threat of Court action by the UK and others in 1994 that led to Italy paying the biggest fine in EC history for breaching milk quota rules. In 1995 the Court found that the European Parliament had abused its powers in relation to the EC budget. Britain is scrupulous in meeting its Community obligations. Between 1990 and 1994, for example, only six cases against the UK were referred to the ECJ, compared with an average of 30 for other Member States. Only Denmark (with four cases referred) did better. The ECJ safeguards all Member States by ensuring that partners meet their Community obligations.
37. The functioning of the Court, however, could be further improved. There have been judgments in recent years that have given cause for concern, particularly where they have imposed disproportionate costs on Governments or business, even when they have made every effort to meet their EC obligations. There is concern that the ECJ's interpretation of laws sometimes seems to go beyond what the participating Governments intended in framing these laws. The Government is working up a number of proposals to enable the Court to address these concerns better. These include: strengthening the ability of the Court to limit retrospective application of its judgments; introducing the principle that a Member State should only be liable for damages in cases of serious and manifest breach of its obligations; applying national time limits to all cases based on EC law except where the Member State's failure to implement a Directive is in serious and manifest breach of its obligations; an internal appeals procedure; streamlined procedures for the rapid amendment of EC legislation which has been interpreted in a way which was never intended by the Council; an accelerated procedure for time-sensitive cases; and a Treaty provision clarifying the application of subsidiarity in the interpretation of EC law. The Government will shortly be issuing a Memorandum setting out its proposals in detail.

The White Paper went on to set out the Government's position on the Common Foreign and Security Policy, Justice and Home Affairs, European citizenship, human rights and non-discrimination, employment and the Social Protocol, openness and transparency, fraud, financial management and waste, EU budgetary provisions, the Common Fisheries Policy and animal welfare.

4.2 Debate on the White Paper

Further information on the Government's strategy at the IGC was forthcoming in a [debate](#) on the White Paper on 12 March 1996. The Foreign Secretary, Malcolm Rifkind, made the following statement, setting out **ten Government intentions** with regard to the IGC:

The Maastricht treaty came into force little more than two years ago. We agree with the conclusion of the study group that was set up to prepare for the IGC that "the Conference should focus on necessary changes, without embarking on a complete revision of the Treaty".

British objectives, such as a major reform of the common agricultural policy, do not need treaty amendment and will be pursued in other negotiations.

The IGC has yet to begin. In common with other member states, the Government are still considering their detailed approach. We may have further proposals to make as the negotiations proceed. The following represent our specific proposals for this intergovernmental conference.

First is subsidiarity. That is the key to ensuring that the Union concentrates single-mindedly on doing what needs to be done at a European level, and only that. The United Kingdom introduced that vital concept into the treaty of Maastricht. The principle has been developed at subsequent European Councils. It is having the effect that we intended, but more clarity is needed in the treaty. We shall therefore make proposals at the intergovernmental conference to entrench subsidiarity still further in the treaty.

Secondly, we are concerned at the way in which certain directives have been used or may be used for purposes that were never intended by the Governments who agreed to them—for example, health and safety articles that may be used for social policy, or fiscal measures that may be added on to single market or environmental proposals. Another example is the common fisheries policy, where the practice of "quota hopping" is preventing fishing communities from enjoying a secure benefit from national quotas, thereby undermining their entire purpose. The Government do not believe that directives, once enacted, are irreversible, and will press for treaty amendment if that proves to be the best way of ensuring that the original purpose of those directives is fully respected.

Thirdly, the President of the Commission, Jacques Santer, has said that the Union should do "less but better". Britain agrees. The volume of new legislative proposals being put forward has been falling rapidly, with only 19 proposals for principal legislation expected in 1996 compared with 61 in 1990, but there is also an urgent need to improve the quality of European legislation, and we shall be pressing for a range of measures to achieve that, including much wider consultation of interested parties via the Commission before proposals are put forward, and the automatic withdrawal of proposals that are not adopted by the Council within a given time.

Fourthly, national Parliaments are the primary focus of democratic legitimacy in the Union. The House, like the Government, rightly attaches importance to the role of national Parliaments in European Union decision making. We have taken careful note of views expressed in several helpful reports by Committees of the House.

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We are examining a range of ideas, including a binding period for Parliaments to scrutinise Community documents before decisions are taken in the Council, and a greater role for national Parliaments in the justice and home affairs pillar.

The European Parliament, by contrast, already has a major role in the European legislative process, including a number of new powers acquired at Maastricht, some of which have yet to be fully tested. The Government do not, therefore, see the case for new powers for the European Parliament at the expense of national Parliaments or Governments.

Fifthly, we believe that foreign and defence policy must remain the responsibility of national Governments. The common foreign and security policy has, since its inception, achieved more than many had expected. It is in this country's national interest that members of the European Union should speak and act together on the world stage where our objectives are the same. Our joint support for the Middle East peace process or for democratic institutions and market economies in central and eastern Europe is an obvious example. We shall be pressing for a more effective common foreign and security policy at the forthcoming conference. But, crucially, Britain believes that the common foreign and security policy must remain based on unanimity and be intergovernmental in character if it is to succeed. As the House knows, I put forward our ideas in a speech in Paris last week. Ultimately, the common foreign and security policy will carry weight internationally only if it represents a genuinely common policy, not a majority one.

Sixthly, the intergovernmental conference will also be considering the arrangements for European defence co-operation. The Government set out their approach in a full memorandum last year. That memorandum has been attached to the White Paper that is being issued today. We believe that it would be useful to improve defence co-operation in Europe by closer co-operation between the European Union and the Western European Union. We do not, however, believe in the integration of those two bodies or in the subordination of the WEU to the European Union. NATO must remain the bedrock of western security. The European Union, four of whose member states are neutrals, and which are neither in NATO nor in the WEU, cannot expect to take decisions on defence policy or on the use of military forces.

Seventhly, co-operation in justice and home affairs will be of particular importance in the intergovernmental conference, because terrorism, organised crime, illegal immigration and drug trafficking are among the greatest challenges facing modern society. They require a co-ordinated, multinational response. Substantial progress has been achieved in the past few years in that area, and Britain has proposals for improving that co-operation. But, as with foreign policy, the Government believe that those issues must remain intergovernmental and subject to unanimity if they are to carry the support of the peoples of Europe. Those are matters of high political sensitivity, involving questions of national sovereignty.

Eighthly, the European Court of Justice is another area in which we shall be pressing for improvements at the intergovernmental conference. Britain is committed to a strong and independent Court, without which it would be impossible to ensure even application of Community law or to prevent abuse of power by the Community's institutions. But the functioning of the court can

and, in the Government's view, must be improved. There is very great concern that the court's interpretations sometimes seem to go beyond what Governments intended when laws were framed.

The Government are working up a number of proposals to enable the court to address those concerns better. They include: strengthening the ability of the court to limit retrospective application of its judgments; introducing the principle that a member state should be liable for damages only in cases of serious and manifest breach of its obligations; applying national time limits to all cases based on European Community laws, except where the member state's failure to implement a directive is in serious and manifest breach of its obligations; an internal appeals procedure; streamlined procedures for the rapid amendment of European Community legislation that has been interpreted in a way that was never intended by the Council; an accelerated procedure for time-sensitive cases; and a treaty provision clarifying the application of subsidiarity in the interpretation of Community laws. The Government will shortly be issuing a memorandum setting out their proposals in detail.

Ninthly, certain changes to the Council voting system will be necessary if the Union is to continue to function democratically in an enlarged Union. At present, the system of weighted votes is biased against the larger member states. There is growing acceptance across Europe that a way must be found to address that imbalance. Possible alternatives include changing the number of votes of larger countries so that population is better reflected. What is clear is that the system must not allow countries representing a significant percentage of the European Union's population or the major net contributors as a group to be outvoted.

Tenthly, as the Union enlarges to as many as 27 members, it will be necessary to change the current policy whereby every member state, however small, has a Commissioner and is responsible for a six-month presidency. Such a structure would quickly become unworkable in an enlarged Union.

As the White Paper makes clear, there are a number of other specific areas where the Government see scope for improving the treaty at this intergovernmental conference. Those areas include animal welfare and possible changes to the common fisheries policy, as announced by my right hon. and learned Friend the Minister of Agriculture, Fisheries and Food last week. There are many areas where the countries of the Union could and should co-operate more closely in their own national interests, and in the interest of Europe as a whole. But at a time when there is concern about Europe trying to do too much, we do not believe that the rules on qualified majority voting in the treaty should be changed to make it easier to override national concerns in matters of particular sensitivity. That is why we shall oppose the extension of majority voting at the intergovernmental conference.

Nor do we favour further harmonisation or the extension of Community competence in the area of employment. The need to create jobs is one of the highest priorities facing the European Union. But jobs cannot be wished into being simply by legislating for them; it is businesses that make jobs. That is why the Prime Minister negotiated Britain's social chapter opt-out at Maastricht-- and our opt-out is here to stay.

The Government approach this intergovernmental conference with confidence and determination. This country's national

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interest is the starting point for our approach as, for all free nations, the national interest can be defined as the collective expression of the democratic process. In many spheres, our national interest coincides with that of our European partners and, in those spheres, working with our partners enables our collective effort better to achieve our ends. We shall argue constructively for treaty changes to improve the operation of the Union. We want to strengthen the treaty so that Europe can face and overcome the challenges ahead and, in particular, so that we can prepare for further enlargement.

As I have said, the conference is only one forum where we shall press for our vision of Europe. There are others and we shall argue robustly in all of them. Britain will be at the heart of the debate about the future of the European Union, because it is our future and we can best shape our national destiny by working with our closest neighbours to make a strong and effective partnership of nations.

5. Nice Treaty

5.1 *IGC: Reform for Enlargement. The British Approach to the European Union Intergovernmental Conference 2000, [Cm 4595](#), February 2000.*

The first half of the White Paper sets out the Government's views on the benefits of EU membership and the remainder sets out its approach to the issues that were most likely to feature on the IGC agenda. The Government gave its views on:

- the size of the European Commission (move to one per Member State);
- reform of Qualified Majority Voting system, which it supported but said it had "also made clear that we shall insist on retaining unanimity for other key issues of national interest such as Treaty change, taxation, border controls, social security, defence and 'Own Resources' (the EU's revenue-raising mechanism)";
- reform of Court of Justice, which it supported;
- Co-decision, which it generally supported;
- Responsibilities and accountability of Commissioners, about which it said: "the Government does not believe that giving the European Parliament the power to sack individual Commissioners would be the right way to achieve greater accountability, as it would weaken the collegiality of the Commission and lead to a significant change in its relationship with the European Parliament. It would also overlook the important role of the Member States in nominating Commissioners in the first place".
- Number of EP seats, about which it said: "the UK will support retention of the 700-seat ceiling for the European Parliament. We are willing to look at different models for the re-allocation of seats and would like to see a sustainable formula that can then be applied at successive enlargements".
- Closer cooperation, which it supported as long as it didn't undermine the Single Market, and "could not be used against the interests of a minority of Member States".

6. Constitutional Treaty

6.1 *A Constitutional Treaty for the EU: The British Approach to the European Union Intergovernmental Conference, Cm 5934, September 2003.*

The White Paper begins with an account of the benefits of EU membership for the UK and an analysis of why changes to the EU Treaties were needed. It outlined the Convention process which preceded the IGC, and considered its outcome in the light of the Government's own views on Treaty change.

This proposed Treaty amendment, which did not come into force, involved on the EU side national politicians, civil society, NGOs etc in the pre-IGC Convention, and on the UK side a grand committee which reported on the work of the Convention. This White Paper was published after the Convention had finished its work and produced a draft treaty which the ensuing IGC would consider. For each policy area for discussion at the forthcoming IGC, it gives the Government's views (which I won't reproduce here), setting out clearly the Government's reasoning for or against the draft proposals and its own ambitions for the IGC.

At the end of the IGC the Government published a White Paper on the Treaty establishing a Constitution for Europe, [Cm 6309](#), September 2004, setting out its views on the negotiations and the draft treaty.

7. Lisbon Treaty

7.1 *The Reform Treaty: The British Approach to the European Union Intergovernmental Conference, July 2007, [Cm 7174](#), July 2007*

This White Paper was published after an IGC Mandate had been agreed by the European Council in June 2007. The then 27 EU Member States agreed to a detailed mandate for an IGC to finalise a Reform Treaty. Political agreement was reached on the main parameters for the final deal, but this was not the final text of the Treaty. The text of the Mandate was included in the White Paper.

The White Paper preceded the IGC which was based on the agreed Mandate and resulted in the Lisbon Treaty. Many of the issues had already been discussed during the earlier Constitutional Treaty process.

The White Paper states the Government's 'red lines':

- protection of the UK's existing labour and social legislation;
- protection of the UK's common law system, and our police and judicial processes;
- maintenance of the UK's independent foreign and defence policy;
- protection of the UK's tax and social security system;
- national security is a matter for Member States.

It goes on to say what the Mandate proposed and gives the Government's position on each proposal (Treaty structure, CFSP, ESDP, JHA, Charter of Fundamental Rights, EU accession to the ECHR, tax and social security, subsidiarity and national parliaments, legal personality, President of the European Council, the Presidency system, Commission reform, the EP, QMV and the voting system, simplified Treaty revision, enhanced cooperation, the exit clause, the Single Market and competition).

8. Other treaties

8.1 Biological Weapons Convention

Between April and September 2002, the UK carried out a public consultation on the position to be adopted during negotiations on amending the 1972 Biological and Toxin Weapons Convention. The **Green Paper** (Cm 5484) expressly sought views from MPs, non-governmental organisations (NGOs) and other organisations and individuals with an interest in the subject: FCO, [Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons, Cm 5484](#), 2002

The Green Paper set out the UK's priorities, given the failure of the States Parties to the 1972 Biological and Toxin Weapons Convention to agree a new Protocol, some of which involved Treaty change:

The UK sees five specific areas for immediate action: establishment of an effective and legally binding process for investigation into suspected non-compliance with the Convention, to include misuse of facilities, unusual outbreaks of disease believed to be connected to a violation of the Convention, and alleged use of BW; greater efforts to tackle the threat posed by natural infectious disease to human, animal and plant health; criminalisation of violations of the Convention; the implementation by more countries of effective physical protection, containment measures and operating procedures for dangerous pathogens and toxins, and genetic modification; and greater transparency between States Parties about their legitimate activities whose dual-use capabilities might be in danger of being misconstrued or misused. Other options, as noted in paragraph 47 above, are possibilities and the UK is ready to examine these and any others that may serve to counter the threat.

8.2 Arms Trade Treaty

The UK's [Explanatory Memorandum on the 2013 Arms Trade Treaty](#) says:

The UK Government have consulted regularly throughout the treaty's formation with civil society, industry and Parliament. These consultations have helped to inform the UK negotiating position on the treaty and these groups have expressed their support for this treaty following its adoption on 2 April.

The consultations to which the Government refers were not formal in nature. They took place on an ongoing basis. The Government at points also provided public funds for wider consultation exercises on the Treaty by key stakeholders – for example, the 'Control Arms' NGO coalition.

All this was in a context where the Government had already come out in favour of the Treaty and had decided to advocate actively for it.

The European Commission, on the other hand, published a Green Paper in June 2011 as part of its review of the EU system of export control of dual-use items, entitled "The dual-use export control system of the European Union: ensuring security and competitiveness in a changing world". The UK Government referred to this in its Strategic Export

Controls Annual Reports, most recently in the 2016 [Report](#) covering 2015, as did the UK Committees on Arms Export Control in its [Report](#) on Scrutiny of Arms Exports and Arms Control (2013).

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