

## European Union Bill

### House of Lords Committee Stage – Day 1 Tuesday 5 April 2011

This briefing sets out the Commission's view on key amendments to the European Union Bill ahead of the Committee Stage Day 1 in the House of Lords.

While we do not take a view on the main subject of the Bill, which we believe is a matter for Parliament, we would expect these referendums to be held under the framework provided by the Political Parties, Elections and Referendums Act 2000. In addition, there will need to be further legislation setting out the specific rules about how such referendums would be run.

Please note that this briefing paper comments only on certain amendments which the Commission believes raise significant issues of workability or policy. We also welcome amendments that give effect to recommendations we have previously made. The note does not comment on every amendment tabled, and the absence of comment on an amendment does not imply that we support it.

### Restrictions relating to amending or replacing TEU or TFEU - Clause 2 and 3

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**Amendment 6** would amend the provisions in Clause 2 setting out the conditions under which a Treaty may be ratified by Parliament.

The amendment seeks to replace the condition requiring a majority vote in favour of the decision with the condition that more than 40% of the persons entitled to vote in the referendum have voted in it. The Electoral Commission would be required to issue a certificate stating whether or not the turnout threshold had been met.

The question of whether any referendum should be subject to any minimum turnout threshold is for Parliament to decide. However, in order for the Commission to issue a certificate that would provide Parliament with the information it would need to consider whether the threshold had been reached, it is essential that two elements of the clause - the size of the electorate and definition of turnout - are clearly defined.

While Clause 11 of the Bill defines the franchise for any referendum held under this legislation, the amendment does not clarify whether it would include amendments made to the electoral register up to and including polling day to

correct clerical errors. In addition, the amendment does not specify whether the turnout figure should be based on all ballot papers included in the count for the referendum (including spoiled ballots) or only valid votes.

In the event that Parliament decided to agree to this amendment, we believe that clarity on these points is essential.

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