

**NATIONAL PARLIAMENT OFFICE**

**HOUSE OF COMMONS**

**BRUSSELS BULLETIN NO. 532**

2 March 2017

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## Future of the EU

*Commission publishes White Paper ahead of Rome anniversary*

On Wednesday 1 March, the Commission published a *White Paper on the Future of Europe: Reflections and scenarios for the EU27 by 2025*, with Commission President **Jean-Claude Juncker** presenting the Paper to MEPs during an EP mini-plenary session in Brussels.<sup>1</sup>

### Background

March marks the 60th anniversary of the signing of the Treaty of Rome. Two Treaties were actually signed on 25 March 1957, creating the European Economic Community (which would later become the EU) and the European Atomic Energy Community (Euratom). On 25 March 2017, an informal meeting of EU Heads of State or Government will take place in Rome to mark the anniversary. EU leaders are expected to discuss, and agree, a Declaration on the future of the EU, with the Commission's White Paper a contribution to that debate. UK Prime Minister Theresa May will not attend the event.

### Opening remarks

Before presenting the White Paper to MEPs, Juncker said that the 60th anniversary of the Treaty of Rome was not just a birthday celebration but also the birth of the EU at 27. It was therefore time to seek new answers to questions that were as old as the EU itself. Juncker stressed that the future of the EU could not be held hostage to national elections, party politics or short-term domestic events. Turning directly to Brexit, he said that however painful the process would be, the UK leaving the Union would not stop the EU of the future.

In Juncker's view, discussions on the future of the EU at 27 had to take into account the "essential task" of explaining what the EU could and could not do, and he noted that for too long, what people had expected from the EU was far removed from what the EU was able to offer. In that light, the starting point for the Commission White Paper had been a clear explanation of what the EU could and could not do. In addition, debate on the EU's future had often been limited to "more Europe" or "less Europe", but in Juncker's eyes this was misleading. The White Paper set out five different scenarios for the future of the EU of 27, although Juncker acknowledged that there could be more. Not all had the "spontaneous agreement" of the Commission, but all five were under discussion.

Juncker then outlined the five scenarios set out in the White Paper:

- Scenario 1: carrying on: the EU focusses on delivering its positive reform agenda;
- Scenario 2: nothing but the single market: the EU is gradually re-centred on the Single Market;
- Scenario 3: those who want more do more: the EU allows willing Member States to do more together in specific areas;
- Scenario 4: doing less more efficiently: the EU focusses on delivering more and faster in selected policy areas, while doing less elsewhere in specific areas; and
- Scenario 5: doing much more together: the EU decides to do much more together across all policy areas.

Juncker said that he would not tell MEPs his preferred option from the five scenarios, but he did reject the idea that the EU should be reduced to a Free Trade Area. He said that the

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<sup>1</sup> See Commission press release at [http://europa.eu/rapid/press-release\\_IP-17-385\\_en.htm](http://europa.eu/rapid/press-release_IP-17-385_en.htm). The White Paper is available at [https://europa.eu/european-union/sites/europa.eu/files/whitepaper\\_en.pdf](https://europa.eu/european-union/sites/europa.eu/files/whitepaper_en.pdf)

Commission would prefer to listen before speaking: it would be for the EP, national Parliaments, national governments, and civil society to give their views on the future of the EU.

In order to contribute fully to the discussion, Juncker said that the Commission would come forward with a series of “reflection papers”, on:

- developing the social dimension of Europe (expected at the end of April);
- harnessing globalisation (expected in mid-May);
- deepening the Economic and Monetary Union, on the basis of the Five Presidents’ Report of June 2015 (expected at the end of May);
- the future of Europe’s defence (expected in early June); and
- the future of EU finances (expected at the end of June).

Juncker said that he would give his personal views on the future of the EU, and address the three EP reports on the future of the EU,<sup>2</sup> in his September State of the Union speech. Heads of State or Government would be asked to agree first conclusions on the EU’s future at the December European Council summit.

#### Debate

With political group leaders and MEPs having very little time to consider the White Paper, the reactions given were initial ones. **Esteban González Pons** (EPP, Spain) said that the EU had done many things wrong, and Brexit was a consequence of this. He expressed his hope that it would be the last such consequence. González Pons saw the debate on the future of the EU as timely and necessary and welcomed the Commission White Paper. **Gianni Pittella** (S&D, Italy) said that the White Paper was disappointing for the S&D Group. He saw only one viable option, the fifth scenario, for the future of the EU. In Pittella’s view, there was still much to do, and he called on the Commission to show leadership and to create a better future for everyone.

**Ulrike Trebesius** (ECR, Germany) said that the EU and Eurozone had been intended to provide stability and prosperity, but these had fallen flat, something she attributed to centralism. She called for new institutional rules to adapt to new challenges. In her view, the idea of doing less but doing it more efficiently was the best place to start. **Guy Verhofstadt** (ALDE, Belgium) welcomed the Commission White Paper. Verhofstadt said that the Treaty of Rome had been a “fallback option”, and that the EU’s founding fathers had wanted a more ambitious EU. In Verhofstadt’s view, the reason behind the lack of solutions to the migration crisis and the financial crisis was the lack of European capacity and capability. He called for an inter-institutional reflection, with the goal of a positive, optimistic reform of the EU.

**Patrick Le Hyaric** (GUE/NGL, France) said that the EU had to work for all citizens, while **Philippe Lamberts** (Greens/EFA, Belgium) asked why a growing number of citizens mistrusted or felt hostility towards the EU. The answer, in his opinion, was a loss of institutional legitimacy. He called for ambition in the fields of transparency, democratic control, and EU policies and agreements.

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<sup>2</sup> See Brussels Bulletin No. 531

For **Gerard Batten** (EFDD, UK), the White Paper did not recognise that many of the EU's problems had been caused by the EU itself. He said that the Euro was the biggest single reason for high youth unemployment in Portugal and Spain. **Vicky Maeijer** (ENF, the Netherlands) was equally disparaging about the EU, while **Diane James** (NI, UK) implored Juncker to look at the White Paper again and to come up with something new; something that did not just "paper over the cracks".

Juncker did not respond in depth to comments made, noting that the White Paper contained detailed information.

#### March European Council Summit

The mini-plenary debate on Wednesday 1 March also covered preparations for the European Council Summit of Thursday 9 and Friday 10 March, the agenda for which includes: the economy; migration; security and defence; and external relations. EU leaders are also expected to note the lack of unanimity on the proposed European Public Prosecutor's Office (EPPO) and to agree on enhanced cooperation in this field. Finally, EU Heads of State or Government are also expected to agree on the reappointment of European Council President Donald Tusk for a second 30-month term, despite the Polish Government confirming on Tuesday 28 February that they would vote against his reappointment. Tusk is therefore expected to be reappointed by qualified majority vote as opposed to unanimity. UK Prime Minister Theresa May will attend the first day of the summit only. On the second day of the summit, there will be an informal meeting of the EU27 to prepare for the 60th anniversary of the Rome Treaties.

#### Article 50

Although it was thought that UK Prime Minister Theresa May could formally trigger Article 50 at the March European Council meeting, Lords Amendments to the European Union (Notification of Withdrawal) Bill and further stages of debate mean this is not possible, with reports now suggesting a triggering date of Wednesday 15 March.<sup>3</sup> Once Article 50 has been triggered, the European Parliament is expected to agree a resolution setting out its priorities and "red lines" for the upcoming negotiations.<sup>4</sup> The EP plans to agree its resolution before the EU27 Heads of State or Government agree their negotiating guidelines. With the next European Council summit scheduled for Thursday 22 June to Friday 23 June, an emergency summit is expected to be arranged in March or April. Reports have suggested a date of Thursday 6 to Friday 7 April for this summit.<sup>5</sup> It is not clear exactly how detailed and in what format notification of Article 50 will take place. Some reports have suggested that both the UK's formal Article 50 notification and the subsequent Council negotiating mandate will not be overly detailed, in order to leave "wiggle room" as talks progress.

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<sup>3</sup> The UK Government has committed to triggering Article 50 by the end of March

<sup>4</sup> The EP must give its consent to the final withdrawal agreement by simple majority (at least 376 of 751 MEPs in favour)

<sup>5</sup> See EURACTIV article at <https://www.euractiv.com/section/politics/news/eu-leaders-told-to-be-ready-for-6-7-april-brex-it-summit/>

## Freedom of Movement

*MEPs debate current freedom of movement rights of EU citizens residing in the UK*

On Wednesday 1 March, at a mini-plenary in Brussels, MEPs debated breaches of current freedom of movement rights of EU citizens residing in the UK and the use of six-month expulsions. The debate came from an oral question tabled by Dutch MEP Sophie in 't Veld (ALDE), and was supported by the ALDE, S&D, Greens/EFA and GUE/NGL political groups. The Commission was represented at the exchange of views by **Věra Jourová**, Commissioner for Justice, Consumers and Gender Equality.

There was general consensus among most MEPs present that, until the UK had formally left the EU, it must continue to abide by Union laws on free movement. Many speakers also stressed that, should this not be the case, then the Commission was within its rights to take appropriate action to preserve and protect the “integrity” of the EU in the weeks and months ahead. A third general theme put forward by a number of MEPs was that the fundamental rights legally enjoyed by EU27 citizens currently living in the UK and British citizens living in other Member States should not be used as “bargaining chips” in upcoming Brexit negotiations. There was, however, disagreement among the UK MEPs that took to the floor on where the blame for perceived breaches of freedom of movement rights should lie.

### Opening remarks

**Catherine Bearder** (ALDE, UK), the motion’s co-author, described the EU as “union of sovereign nations” that agreed among themselves to uphold all fundamental rights for all citizens coming from all of its Member States. She stressed how EU27 citizens paid their way in the UK and made a valuable contribution to British society in a number of areas. Bearder said that the time had come for the UK Government to immediately guarantee that the rights of EU27 nationals currently living in Britain would be maintained “before, during and after” the formal Article 50 process and she added that the British authorities needed to stop using the issue as a political bargaining chip ahead of opening withdrawal talks with the EU27 countries. Bearder said that recent rhetoric from the British Government was not befitting of the UK she knew; a country that was “open, tolerant and united”, and she added that if the British authorities were falling short on this, then the Commission was perfectly within its rights to enforce Union rules and ensure that the UK complied with these for as long as it remained an EU Member State. **Jourová** described the freedom of movement as “the most fundamental basic right” that citizens of the EU enjoyed. She emphasised that the Commission would continue to uphold this and stressed that correct application of Union law within the UK had to be upheld for as long as the UK remained an EU Member State; “all rights and all obligations”. Jourová continued by noting that this principle worked both ways and that guaranteeing the rights of UK citizens living in EU27 countries was just as important as ensuring that those rights enjoyed by EU27 nationals living in the UK were respected. For her, all citizens needed “certainty and stability”, yet they could not begin to get this until the UK exercised the outcome of the referendum vote and formally triggered the country’s intention to withdraw from the Union. Jourová also added that, while freedom of movement legislation did not require Member States to share extensive data relating to residency applications, expulsion levels or appeal rates, the Commission was working hard with Member States to improve transparency and consistency in the area. She said that mal-application of the Freedom of Movement Directive was not a uniquely British issue and noted that the Commission currently had infringement inquiries open against eight Member States for perceived breaches of

freedom of movement entitlements. The two pending infringement procedures against the UK related to access residence rights of economically non-active citizens and rights of UK nationals returning to the UK after residing in another Member State. Jourová closed by stating that another key component of Commission work in the field was to raise citizens' awareness of their rights, provide guidance where necessary, and to help them when such fundamental rights came under threat. In her view, the Commission would continue to do so with respect to the UK for as long as Britain remained an EU Member State.

#### Debate

**Claude Moraes** (S&D, UK) posed Jourová a direct question and asked her when the Commission would take formal action to ensure that the Freedom of Movement Directive was being upheld in the UK “regardless of the status” of Britain’s EU membership. He said that it was plainly obvious that many EU27 citizens currently living in Britain were worried and he criticised the UK Government for not upholding its “moral, legal and political duty” to protect EU27 citizens who presently called Britain their home. Moraes cited recent statistics showing that 28% of EU27 citizens applying for residency status within the UK since the referendum vote had seen their application rejected and he also criticised recent “negative rhetoric” from the British Government as two issues that proved “unhelpful” ahead of formal withdrawal negotiations taking place. Moraes said that, throughout the Article 50 process, EU27 citizens living in the UK and UK citizens living in EU27 Member States had to be treated with dignity and respect. Should this not be the case, then the EP would stand up for European citizens on all sides of the debate. **Richard Corbett** (S&D, UK) accused the British Government of intending to use EU27 citizens living in the UK as a “pawn” in the Article 50 process and labelled this approach “a disgrace”. He welcomed developments that evening from the House of Lords - whereby the Government’s Brexit Bill had been amended so as to unilaterally guarantee the acquired rights of EU27 citizens currently living in the UK - but noted that this could be overturned once again when the legislation returned to the House of Commons. Corbett stressed the important role that the EP had to play in Britain’s EU withdrawal and said that all MEPs had a duty to be “vigilant” and ensure that they looked closely at the EU/UK withdrawal agreement so as to ensure its compatibility with the EU Treaties.

In contrast, **Anthea McIntyre** (ECR, UK) defended the UK’s “long and celebrated” history of immigration and noted that the UK had always welcomed people from all over the world. She said that immigration had made Britain “stronger, richer and more tolerant” and stressed the fact that Theresa May had emphasised the positive contribution that EU27 citizens made to life in the UK. McIntyre said that, therefore, guaranteeing the rights of citizens on both sides of the debate was essential, but that any delay in doing so was due to political procedure and not a lack of will. She suggested that Theresa May had already sought an informal agreement on this component of Britain’s withdrawal, but had been knocked back in these efforts by leaders of other EU27 Member States. More generally, McIntyre suggested that this was the ideal time to debate how to improve the wider freedom of movement concept that had caused many EU citizens to “turn towards the political fringes” and that, by simply limiting the discussion to current events in the UK, MEPs were “missing a trick”. **Jean Lambert** (Greens/EFA, UK) said that the UK was not the only Member State with long-standing residency issues, but she did acknowledge that it was the most “time-sensitive”. Like Corbett, she welcomed the House of Lords vote on guaranteeing acquired rights for EU27 nationals currently living in the UK and she paid tribute to the work and contribution that they made to British society at large. Lambert called on the British Government to make it clear that EU27 nationals were valued and, by doing so, she suggested that this would go some way to reducing the rising racism and xenophobia that she had observed in the UK since last year’s vote. Regarding a steep increase

in the proportion of EU27 nationals having their British residency applications rejected, Lambert described this as either “wilful incompetence” or “deliberative administrative targeting”. For her, both were extremely damaging at a time when there was a lack of goodwill between the UK and its European partners. **Raymond Finch** (EFDD, UK) criticised MEPs for trying to defend the principle of free movement at the very time that many European citizens were calling for a reduction in immigration and strengthened border controls. He said that the British people were right to vote Leave and that, by doing so, they would now be the sole custodians of “who gets to come in, who gets to stay and who has to leave”. Finch added that watching the evening’s debate between “elitists who didn’t listen” was just one more reason why he was glad the UK had voted out. Lastly, **Janice Atkinson** (ENF, UK) simply said that the British people had spoken and had decided to take back control of their borders. She said that she was looking forward to a time when the UK could hand pick the “best and brightest” talent from India and China, rather than being “defenceless” against unlimited EU27 migration.

#### Closing remarks

**Jourová** finished the debate with some brief closing remarks. She stressed that, as the guardian of the Treaties, the Commission would do everything in its power to uphold EU law. For her, it was essential that the UK continued to enjoy all rights and meet all obligations of its EU membership until the time that it was no longer a Member State and she added that this approach would be maintained throughout the upcoming Article 50 withdrawal process. Jourová ended on a personal note by saying that she believed freedom of movement to be the centrepiece of European integration and by outlining her own hope that it would survive current challenges and flourish for many years to come.

## Other News

### *French MPs take CETA to Constitutional Court; Latvia ratifies the Agreement*

On Tuesday 21 February, over 100 French MPs decided to refer the EU-Canada Comprehensive Economic and Trade Agreement (CETA) to the French Constitutional Court. The MPs are from a number of left-wing parties. Just two days later, on Thursday 23 February, Latvia became the first EU Member State to ratify the Agreement.

### *Dutch House of Representatives approves EU-Ukraine Association Agreement*

On Thursday 23 February, the Dutch House of Representatives approved the EU-Ukraine Association Agreement. The draft Bill to ratify the Agreement will now go to the Dutch Senate, although that vote is not expected until after the 15 March parliamentary elections. On 6 April 2016, Dutch voters rejected the EU-Ukraine Association Agreement in a consultative and non-binding referendum. Following discussions between The Hague, Kiev and Brussels, EU leaders adopted a Decision at the December 2016 European Council summit setting out their “common understanding” of what the EU-Ukraine Association Agreement meant. The Decision was intended to alleviate Dutch concerns and allow the Netherlands to ratify the deal.

### *EP’s EMIS Committee agrees final report*

On Tuesday 28 February, at its last meeting, the EP’s Committee of Inquiry into Emission Measurements in the Automotive Sector (EMIS) agreed its final inquiry report and a draft EP resolution.<sup>6</sup> The two texts will now go to the 3-6 April plenary session in Strasbourg, for debate and adoption respectively. The Committee was set up in December 2015, for a one-year period, to investigate alleged contraventions and maladministration in relation to emission measurements in the automotive sector.

### *Council agrees conclusions on EU relations with Switzerland*

On Tuesday 28 February, Ministers meeting in the Environment Council agreed Council conclusions on Switzerland.<sup>7</sup> With regards to the February 2014 Swiss referendum on freedom of movement and the subsequent EU-Swiss agreement reached in December 2016, the Council re-affirmed that “the free movement of persons is a fundamental pillar of EU policy and that the internal market and its four freedoms are indivisible”. The Council also stressed the need to finalise the negotiations on the EU-Switzerland Institutional Framework Agreement as soon as possible.

### *EP’s IMCO Committee holds Workshop on Brexit*

On Tuesday 28 February, the EP’s Internal Market and Consumer Protection (IMCO) Committee held a Workshop on the consequences of Brexit.<sup>8</sup> The Workshop covered areas including: the legal basis for Brexit; the role of the EP; the cost of Brexit; and the impact on various sectors falling under the Committee’s remit. During the Workshop, the issue of EP ties with the UK Parliament was raised. Several participants, including Lord Soley (House of Lords) saw the benefit in establishing and maintaining close links between the two Houses. An example put forward was a joint EU-UK Parliamentary Committee.

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<sup>6</sup> See EP press release at <http://www.europarl.europa.eu/news/en/news-room/20170224STO63921/car-emissions-scandal-inquiry-committee-votes-on-report-and-recommendations>

<sup>7</sup> See Council press release at <http://www.consilium.europa.eu/en/meetings/env/2017/02/28/>

<sup>8</sup> For more information see <http://www.europarl.europa.eu/committees/en/imco/events-workshops.html?id=20170214WKS00341>



## Calendar

*Maltese Presidency: forthcoming European Council meetings (January-June 2017)*

9-10 March: **European Council**

22-23 June: **European Council**

*Maltese Presidency: forthcoming inter-parliamentary meetings in Valletta and Brussels (January-June 2017)*

23-24 March: Chairpersons' Meeting of the Committees on Social Affairs

6-7 April: Chairpersons' Meeting of the Economic and Environmental Affairs Committee

26-28 April: Inter-parliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP)

28-30 May: COSAC Plenary Meeting

*Forthcoming inter-parliamentary Committee meetings (ICMs) in the European Parliament*

8-9 March: ICM on the occasion of the 2017 International Women's Day, on "Women's Economic Empowerment: Let's act together" (organised by the EP's Women's Rights and Gender Equality Committee)

April or May: ICM: "The future of regional policy after 2020" (organised by the EP's Regional Development Committee)

(tbc): ICM: "State of play of the CFSP/CSDP" (organised by the EP's Foreign Affairs Committee)

(tbc): ICM: "The implementation of Treaty provisions concerning national Parliaments" (organised by the EP's Constitutional Affairs Committee)

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