



Foreign Affairs Committee

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From The Chair

Rt Hon William Hague MP
Secretary of State for Foreign and Commonwealth Affairs
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17 January 2012

In advance of your next appearance before the Foreign Affairs Committee to give evidence on *Developments in UK Foreign Policy*, it would be useful if you would supply written answers to the following questions arising from the 8-9 December meeting of the European Council. It would be helpful if you could respond by 2 February, or as soon as possible thereafter in light of developments at the extraordinary meeting of the European Council to be held on 30 January.

Before the 8-9 December European Council meeting

1. At what meeting(s) before the Chancellor spoke to the *Financial Times* in July 2011 was it decided that the Government supported tighter fiscal integration in the Eurozone?
2. What did the FCO advise should be the Prime Minister's demands in return for supporting EU Treaty change?
3. When and by whom was it decided that the Prime Minister's condition for supporting Treaty change of any sort at the December European Council meeting would be agreement on requests relating to regulation of the financial sector?
4. Did the FCO give the Prime Minister any advice on the advisability of seeking to restore the unanimity requirement for regulatory issues which are currently subject to QMV as part of the single market?
5. Who in the Government agreed to the specific items included in the proposed protocol?
6. When was the Government's proposed protocol circulated to other Member States? Was it FCO advice not to make the Government's requests known to other Member States any earlier?

7. Was the possibility raised by any party at any stage in the process, up to the breakdown of the talks on 9 December, of the UK Government seeking a declaration or statement rather than a legally binding protocol?
8. Did the Government take legal advice of its own, to set alongside that of M. Legal, on whether Member States could make use of the EU institutions in an inter-governmental agreement outside the EU Treaties? If so, what was that advice?
9. Was it an agreed Government position beforehand that the Prime Minister would veto EU Treaty change at the 8-9 December European Council meeting if the Government's requests could not be secured? If so, at what meeting(s) was this position agreed?
10. Did the Government take soundings from Member States apart from France and Germany to try to establish how many might sign up to any inter-governmental agreement outside the EU Treaties? If so, what was the upshot of those soundings?

At the 8-9 December European Council meeting

11. The *Financial Times* has reported (17 December) that President Van Rompuy, not any of the Member State leaders, decided to terminate discussion of Treaty change at 27 at some point in the early hours of 9 December. Was this the case?
12. As Foreign Secretary, what was the last contact you had with the Prime Minister on 8 or 9 December before the talks at the European Council broke down?
13. Immediately before the talks at the European Council broke down in the early hours of 9 December, was it clear whether the Treaty change that was in prospect would be Treaty revision under the TEU Article 48 simplified revision procedure, or purely amendment of Protocol 12 under the TFEU Article 126 procedure?
14. Without the European Union Act 2011, could the UK have ratified any amendment to Protocol 12 without primary legislation?
15. Immediately before the talks at the European Council broke down, did the possible Treaty text that seemed likely to emerge include any provisions affecting the financial sector or the single market, along the lines of the proposals set out in the joint letter of Chancellor Merkel and President Sarkozy to President Van Rompuy on 7 December?

Following the 8-9 December European Council meeting

16. Who is representing the UK Government as an observer in the meetings of the working group developing the text of the proposed inter-governmental treaty, and with what rights?

17. What is the relationship in law between the existing Treaties and the proposed inter-governmental treaty?
18. Will the existing Treaties have primacy in all respects over the proposed inter-governmental treaty?
19. Will the European Court of Justice have jurisdiction over the new inter-governmental treaty as well as the existing Treaties?
20. How will conflict between the obligations of Member States under the existing Treaties and the proposed new inter-governmental treaty be resolved?
21. What is the FCO doing to try to mitigate the possibly damaging effects on the UK's influence in the EU of the creation of a new treaty at 26?
22. To the Government's knowledge, has the possibility been raised of obliging states which have not yet joined the EU (whether Croatia, or states which have not yet signed accession treaties) to sign up to the new inter-governmental treaty?

Thank you in advance for your assistance.

A handwritten signature in blue ink, appearing to read 'Richard Ottaway', with a horizontal line above it.

Mr Richard Ottaway MP
Chair