

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

European Committee B

ELECTORAL LAW

Tuesday 2 February 2016

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED

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Saturday 6 February 2016

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chair: MR GEORGE HOWARTH

† Blackman, Kirsty (*Aberdeen North*) (SNP)
† David, Wayne (*Caerphilly*) (Lab)
† Flynn, Paul (*Newport West*) (Lab)
Hodge, Dame Margaret (*Barking*) (Lab)
† Johnson, Gareth (*Dartford*) (Con)
† Kinnock, Stephen (*Aberavon*) (Lab)
† McGinn, Conor (*St Helens North*) (Lab)
† Penrose, John (*Parliamentary Secretary, Cabinet Office*)

† Rees-Mogg, Mr Jacob (*North East Somerset*) (Con)
† Robinson, Mary (*Cheadle*) (Con)
† Tracey, Craig (*North Warwickshire*) (Con)
† Tugendhat, Tom (*Tonbridge and Malling*) (Con)
† Wragg, William (*Hazel Grove*) (Con)

Glenn McKee, *Committee Clerk*

† **attended the Committee**

European Committee B

Tuesday 2 February 2016

[MR GEORGE HOWARTH *in the Chair*]

Electoral Law

8.55 am

Chair: Before we begin, it may be helpful if I remind Members of the procedure in European Committees. The proceedings must conclude no later than two and a half hours after we begin. I will begin by calling a member of the European Scrutiny Committee to make a brief statement about why the Committee decided to refer the documents for debate. I will then call on the Minister to make a statement followed by questions for up to an hour, although I have some discretion to extend that time if there is an appetite to do so. The Committee will then debate the Government motion, and I will put the question on that motion when the debate or the time available is exhausted, whichever comes first.

Does a member of the European Scrutiny Committee wish to make a brief explanatory statement about the decision to refer the documents to the Committee?

8.56 am

Mr Jacob Rees-Mogg (North East Somerset) (Con): May I say what a pleasure it is to be serve under your chairmanship for the first time in the new year, Mr Howarth?

The proposed Council decision, which is, I am glad to say, subject to unanimity and ratification by member states, aims to harmonise certain aspects of the conduct of European Parliament elections in member states. Initiated by the European Parliament on the basis of article 223(1) of the treaty on the functioning of the European Union, its more significant measures include common deadlines for establishing lists of candidates and electoral registers; making members of regional parliaments and legislative Assemblies ineligible for election as MEPs; proposals concerning the gender equality of candidates; proposals on electronic and postal voting; some mandatory 3% to 5% thresholds for winning seats; proposals relating to voting by EU mobile citizens and their data; incorporating the spitzenkandidaten process, under which there is a pretence of electing the Commission President; and making provision for detailed implementing rules. However, it does not include aspirational proposals, only set out in the European Parliament's resolution, such as a common minimum voting age of 16 and a common voting day.

On 13 January, the European Scrutiny Committee recommended a reasoned opinion on the proposed Council decision. The reasoned opinion procedure, introduced by the Lisbon treaty, allows national Parliaments to object to a draft legislative act if they consider that it breaches subsidiarity. That principle requires that decisions should be taken as close to the citizen as possible. National Parliaments have eight weeks from transmission of a proposal to submit a reasoned opinion. If such opinions represent one third of all votes of national

Parliaments, they constitute a yellow card. The initiator of the proposal, in this case the European Parliament, must review it. The EU Committee in the House of Lords has also decided to recommend a reasoned opinion. The Government have expressed some subsidiarity concerns, saying that some aspects of the proposal are best decided at national level. Their main concern appears to be that uniform practice for European parliamentary elections would be inconsistent with domestic electoral practices, making it difficult for the UK to hold European parliamentary and local elections at the same time, resulting in further reduced turnouts for European parliamentary elections.

The European Scrutiny Committee concluded in its reasoned opinion that there is no detailed subsidiarity statement in the draft legislative act, so the European Parliament has failed to comply with an essential procedural requirement; there is, in any case, insufficient substantiation in the resolution and the European "added value" assessment; and the proposal's objective of creating a uniform electoral procedure to enhance the European Parliament's democratic legitimacy through electoral equality is undermined by harmonisation at a level of detail which divorces the European Parliament's electoral procedure from well-established and recognised domestic procedures. Bearing that in mind, the European Scrutiny Committee has raised specific objections questioning the European Union's "added value" benefits of all of the significant measures outlined, excepting the measures on spitzenkandidaten and implementing rules.

The European Scrutiny Committee was not assisted greatly in this task by the Government's inadequate subsidiarity and financial assessment of the proposal for the reasons set out in paragraphs 1.7 and 1.8 of its report, and so asks the Minister to comment on that.

Chair: I call the Minister to make an opening statement.

8.59 am

The Parliamentary Secretary, Cabinet Office (John Penrose): It is a pleasure to have you in charge, Mr Howarth, as my parliamentary neighbour and hon. Friend the Member for North East Somerset said at the start of his remarks.

It is always a pleasure to receive proposals from Brussels, particularly when they contain suggestions on how it feels our democracy could be improved. We in this mother of Parliaments will consider them carefully. More seriously, the European Scrutiny Committee fulfils a very important role in analysing proposals from European institutions. I welcome the opportunity to consider the Committee's concerns about the documents, particularly the concern that the proposals from the European Parliament do not comply with the principle of subsidiarity.

As I am sure we all agree, democratic accountability in Brussels could usefully be improved in the light of a turnout of 43% across Europe—and just 36% in the UK—in the last European elections. That said, changes cannot be imposed that disregard the practices of individual member states. Reforms need to be made in accordance with those practices, and should not be a one-size-fits-all process.

I do not plan to go through things in huge detail at this stage, because we will have a formal debate on the motion, as you mentioned in your earlier remarks,

Mr Howarth, so I am happy to answer any questions from hon. Members at this point. I will then expand in more detail on any remaining points at the start of the formal debate.

The Chair: We have until 10 am for questions to the Minister. I remind Members that they should be brief. It is open to a Member, subject to my discretion, to ask a related supplementary question.

Mr Rees-Mogg: I have only one question for my hon. Friend and neighbour. The proposal before the Commission is subject to unanimity. Will the Government undertake to veto the proposal?

John Penrose: I am not sure of the formal status of our reasoned opinion, but as I plan to state later on, we disagree with large chunks of the proposal, so I cannot see that we will approve it in any form.

Wayne David (Caerphilly) (Lab): These are, of course, early days in terms of negotiations on what has been suggested by the European Parliament. I think the proposals will initially be considered under the Dutch presidency. Will the Government commit, rather than simply waiting until the end of the process and exercising their veto then if necessary, to contributing positively to make sure that we have allies among other member states on what the European Parliament has suggested?

John Penrose: Everybody in all parts of the House keeps telling one another—and the Government—that we need to engage early in any deliberations going on in Brussels to influence what is happening before it is too fully baked—before proposals start to harden. I hope that we are contributing constructively, but in this case, quite critically, to what is proposed. I would expect that with the aid of my colleagues in the Foreign and Commonwealth Office, we will continue to do so during the passage of this proposal.

The Chair: That brings us to the end of the time allotted for questions. If no more Members wish to ask questions, we will proceed to the debate on the motion.

9.3 am

John Penrose: I beg to move,

That this Committee takes note of Unnumbered European Union Documents, a European Parliament Resolution of 11 November 2015 on the reform of the electoral law of the European Union, and a Proposal for a Council Decision adopting the provisions amending the Act concerning the election of members of the European Parliament by direct universal suffrage; supports the Government's initial view that it is not persuaded of the merits of many of the proposed measures, and that a number of the proposals concern issues that should be decided at a national level; further notes that there is a power of national veto in respect of the European Parliament's Proposal, and that the Government is therefore not committed to agreeing to any of the proposed measures; and considers that the Proposed Council Decision does not comply with the principle of subsidiarity for the reasons set out in annex 2 to Chapter 1 of the Nineteenth Report of the European Scrutiny Committee (HC 342-xviii) and, in accordance with Article 6 of Protocol (No. 2) annexed to the EU Treaties on the application of the principles of subsidiarity and proportionality, instructs the Clerk of the House to forward this reasoned opinion to the Presidents of the European Institutions.

On 11 November last year, the European Parliament adopted the resolution and proposal that set out a number of proposed changes to the law governing the conduct of European elections. The proposed measures are wide-ranging, and I have noted them with interest—that is, I think, a polite way of putting it.

Although our consideration of the proposed measures is at an early stage, our initial view is that we are not persuaded of the merits of many, if not most, of the proposals, and we do not consider that they would achieve the European Parliament's stated objectives. Moreover, the Government share the Committee's concerns that some of the measures do not comply with the principle of subsidiarity, and the issues that they are designed to address should be decided at national, not European, level. I should also make it clear that all member states need to approve the proposals, as my hon. Friend the Member for North East Somerset mentioned, in order for them to take effect. There is therefore a power of national veto in respect of the proposals from the European Parliament.

I am pleased to report that many member states agree with us that there are shortcomings in democratic accountability in the EU, as shown by the poor turnout that I mentioned. There is widespread support for enhancing the role that national Parliaments play. That is why the Prime Minister made it clear in his letter to President Tusk that we

“want to enhance the role of national parliaments, by proposing a new arrangement where groups of national parliaments, acting together, can stop unwanted legislative proposals.”

I am sure that we have all read newspaper reports of progress in that direction, but we will have to wait for developments today or tomorrow before we see the all-important detail in that area.

Related to that is the issue of subsidiarity, which goes to the heart of the debate that we, and national Governments and Parliaments around Europe, are having on reform of the EU. Subsidiarity—or localism, to use a more familiar British synonym—governs whether legislation should be enacted at local, national or European level. It is therefore at the core of the idea that the EU must respect the layers of government that are closest and most accountable to European citizens.

It makes sense to take action at the EU level only when it is clearly necessary and in the collective interest of member states to do so. However, the default assumption should be that in all other circumstances, it is better for decision making to be done at the national, regional, or local government level. All too often, that presumption has not been rigorously applied. The gap between the EU and its citizens is growing, and while that is felt acutely in the UK, the concerns are far from limited to our own.

The European Parliament has proposed that it should not be possible for Members of a regional Parliament or Assembly vested with legislative powers to hold the office of MEP. EU law prevents certain office holders from holding that office, including Members of national Parliaments such as hon. Members here today. Clearly, the proposal has the potential to impact on membership of the devolved bodies in the UK, and the Government will want to consider it carefully. My inclination is that it should be firmly left to individual member states to decide this issue. What is right for a Member of the Scottish Parliament, Welsh Assembly or the Northern

[John Penrose]

Irish Assembly may be entirely inappropriate for office holders in a German Land, a French département or a Greek island.

It is proposed that the lists of candidates that political parties put forward at elections should ensure gender equality. I am not sure why the proposals focus on gender equality and ignore the equally important question of equality for other groups such as those from black and minority ethnic communities, and those with different sexual preferences or religious views, to name only a few. It is not right to mandate a legal quota for only one of those groups and not the others. Nor would it be right to install a one-size-fits-all solution for all countries, and all political parties within them.

I am pleased to report that the proportion of women in the British MEP group, and who are MPs in Westminster, has risen steadily over the years. I hope and expect that those figures will keep rising, but the mechanics used to achieve those outcomes have been understandably different in each political party, depending on our respective beliefs and traditions. Some use quotas, some use targeted selections and others use zipped candidate lists. Mandating a single approach and forbidding all others risks missing out on opportunities to move faster, and to reflect changing societal views. Importantly, it takes no account of different approaches across other European countries.

The European Scrutiny Committee has highlighted the proposal that, for all member states, a common deadline should be set for registering to vote at European elections and for candidates to submit their nomination papers. The deadlines would be eight weeks and 12 weeks before polling day, respectively. The suggested deadlines would be considerably earlier than the existing deadlines for those actions at UK elections.

This week is national voter registration drive week. We are trying, on a cross-party, cross-community basis, to improve and increase voter registration, not reduce it. The proposals would make it hard to sign people up and add complexity to a UK system that desperately needs simplification and clarity. They would, I am afraid, move us in precisely the wrong direction.

The European Parliament has proposed that member states should consider adopting electronic voting at European elections. We recognise that the European Parliament is seeking to encourage participation. However, there are serious concerns that electronic voting is not yet sufficiently transparent or secure. In many parts of our lives, more and more communications and transactions take place online, and that change is happening quickly, but we are not yet sure about the security and safety of electronic voting. The risks are inevitably high if we are talking about an attempt to steal the government of a country or influence the leadership of a continent. We have to be conscious of cyber-security risks and the serious threats they might present to the integrity of an election where electronic voting is more widely available.

Currently, the Government have no plans to introduce online voting in UK elections, although we are keeping a close watch on the technology as it develops. I certainly agree with the European Scrutiny Committee that the decision to adopt this method of voting should be taken by individual member states, not at EU level. The European Parliament has proposed the introduction of

a threshold ranging between 3% and 5% for candidates elected at European elections. That proposal may stem from concerns that it is possible for extreme parties to win MEP seats on a small share of the vote in some countries. The UK does not generally have provision for thresholds in its statutory elections, and in principle does not support them, as they can be seen as undemocratic, although it is realised that a party or a candidate, in practice, needs to secure a certain level of support in order to be elected. However, the UK would not fall within the scope of these proposals, which apply only in countries with only one constituency, or constituencies with more than 26 seats. We have 12 constituencies; the largest has 10 MEPs, so it is very unlikely that, under the existing provisions, we would qualify and this would affect us.

The European Parliament has proposed that ballot papers and campaign material should show any UK party's affiliation with European parties, should they wish, during the course of an election campaign. I suspect the Committee will be unsurprised to learn that UK political parties have, by and large, chosen not to follow this approach, for reasons which I think are rather clear—because it would not be a popular move, and would quite possibly lose them votes. Rather than mandating this idea in law, I think we might suggest that Brussels consider why this might be unpopular, as it would tell them something rather profound, I think, about some of the EU's underlying problems.

The European Parliament has also proposed changes to the way in which the President of the European Commission is selected—the so called *spitzenkandidaten* process. The position of President of the European Commission is very important, so any proposed changes need to be closely scrutinised. If there are to be changes in the way this post is selected, the changes must be seen as wanted and necessary by all member states. Consensus is vital.

The Government remain of the view that selection of the Commission President should remain a European Council decision and based on current EU law. The Government have been consistent in stating that it is the prerogative of the European Council to select the candidate for President of the Commission, and I welcome the views of the House on the recommended changes from the European Parliament to this process.

The final measure is ratifying these measures. The European Parliament has suggested that this should be done by qualified majority voting, rather than through unanimity, which is how things are currently decided. As has been stated by the Government, we are making decisions that affect all of Europe. Consensus among member states is vital, and this must be reflected in the decision-making process—or to put it another way, no.

I hope that I have reassured the Committee on a number of points raised by these proposals, and shown that the Government share the Committee's concerns that a number of the proposed measures do not comply with the principle of subsidiarity either. As I have explained to the Committee, the Government will wish to look at the proposed measures carefully. We are not committed to agreeing to any of them, and would need to be fully persuaded of the merits of any of the proposals before agreeing to take them forward with other member states across the EU. I look forward to hearing colleagues' comments.

9.12 am

Wayne David (Caerphilly) (Lab): It is a pleasure, Mr Howarth, to serve under your chairmanship. For 10 years I was a Member of the European Parliament.

John Penrose: Our deepest condolences.

Wayne David: I hope I have recovered from that experience, but obviously I have learned from it. Certainly by the end of the 10 years I was there, I was a convinced European—and still am. I think Britain's future lies in co-operation with our European partners, and that makes good practical sense, in the modern world especially. But I have to say that does not make me uncritical of the European Union—indeed, I am not uncritical of the European Parliament.

One of the concerns I had then, and still have now, is about the desire of the European Parliament, as an institution, to continually obtain more powers for itself, almost irrespective of the subject under consideration. The automatic position was to gain more powers. Sometimes that is correct, but quite often it is incorrect, because I firmly believe that the European Union fundamentally is an association of independent, democratic states, which come together and pool their sovereignty from time to time, where appropriate. I think that is the essence of the European Union, and I think that should be respected by all the member states, but also all the institutions that make up the European Union.

Fundamental to that concept of the European Union is the principle of subsidiarity. Decisions should be taken at the most appropriate level, but as close to the people as possible. That implies a clear role in the construction of Europe for local and regional government, but also member states, and also, where appropriate, the institutions of the European Union. Given that over the past few years the principle of subsidiarity has become, by common consent, more and more important, the European Scrutiny Committee believes that, on this occasion, the Government have not attached sufficient weight to it. That worries me greatly, because although I do not agree with the European Scrutiny Committee on everything, nevertheless I recognise that a great deal of time, effort and detailed consideration have gone into its deliberations. It worries me that, in its view, the Government have not paid sufficient attention to that principle.

Equally, it also worries me that the European Scrutiny Committee has come to the conclusion that the Government have not given due weight to the financial implications of the European Parliament's suggestions. All the measures are practical and they have a cost implication. It is very important that when the Government set out their case, they consider the financial ramifications. Unfortunately, the Minister has not really touched on those, and I hope that he will have an opportunity in the debate to give us some indication of the cost implications should the measures be adopted in part or in whole.

I am also concerned about the European Parliament's innate desire always to accrue more powers for members of that Parliament. Linked to that is my concern that, all too often, the European Parliament believes in the desirability of uniformity across member states. Of course, one of the great things about Europe is that it is a celebration of diversity, and we should not only

recognise that but be proud of it. That certainly holds in terms of our commitment to democracy. We are all in favour of the universal franchise. In the case of the European Parliament elections, we have all signed up to a system of proportional representation for elected Members of the European Parliaments, but that differs markedly from one member state to another, as does the system of election. There are certain traditions and practical reasons why that should be the case, and therefore I am concerned that the European Parliament should propose basically a straitjacket by suggesting that all member states should adhere to a rigid set of proposals that the Parliament thinks is appropriate. I do not think that there is any logical, intellectual reason for that bland uniform approach. It would be far better to adhere to the principle of recognising that there are different ways of conducting elections, domestic or for the European Parliament, in democratic countries.

Can the Minister tell us what is the member states' position on this, in particular that of the British Government? What is the role of the European Commission, because I understand that it is currently engaged in its own review of the last European Parliament elections, and that it will make proposals to improve the system in respect of next elections to that Parliament? The European Commission has its own proposals, but the European Parliament, another European institution, has its proposals as well. It will be interesting to hear how those two sets of proposals fit together, assuming that they do, and what the response of the Council, representing the member states, will be to that other institution's response.

More specifically—I do not want to go through all the points listed by the Minister that have been made by the European Parliament—I shall focus on two points. First, on electronic and postal voting, as the Minister said, postal voting is used widely in this country and, increasingly so in the past few years. Not only is it popular but it is an effective way for voters to express their democratic view. Clearly, on electronic voting, there are cost implications and, as he suggested, there are security implications too. I do not think that technology is sufficiently advanced for me to say, hand on heart, that it is possible, perhaps in any member state, to have a watertight system that would ensure full participation along with security and confidence in the system.

Will the Minister look to the future and say whether or not the Government are considering more generally the issue of online voting to enhance the democratic process in this country? We are all surprised by the way in which technology has advanced in the past few years, and the Government should give active consideration to whether that is a feasible option in the not too distant future.

I should also like to raise the issue of the President of the European Commission and the Spitzenkandidaten. To be honest, I was slightly confused when I read the recommendation from the European Parliament. I understood the first proposal that European Parliament elections should be contested by formal EU-wide lead candidates, but I did not understand precisely what was meant when I read that a joint constituency should be established in which lists were headed by each political family's candidate. The Government are not inclined to adopt any of these suggestions, but will the Minister shed some light on what the European Parliament meant? On the face of it, it appears to be a radical

[Wayne David]

suggestion that is not in keeping with custom and practice in most member states, and certainly not in this country.

I would appreciate clarification on those points, and I should like in general terms to have a cast-iron commitment from the Government that they will do everything possible, rather than simply waiting until the end of the process and exercising a veto, to engage actively with other member states, which I am sure share our concerns that the proposals should be put to one side, so that the EU can focus on more consensual and immediate matters.

9.23 am

Mr Rees-Mogg: It is always a pleasure to follow the hon. Member for Caerphilly. Like him, I am a convinced European, but I am convinced about it as a geographic entity, rather than as a political one—I have rather more suspicions than him about that, and those suspicions are highlighted by the documents that we are considering.

The text adopted by the European Parliament is something to which all hon. Members should pay careful attention, because it sets out with great clarity and honesty the ambition of the European Parliament: how it views itself, and what it wants to get out of the process. It is a fascinating document, because although the view it expresses is the opposite of mine, that is the reality of where the European Union aims to go. It is clear in the document that the European Parliament sees itself at the forefront of creating a single European state.

Looking at the 35 reasons for why this proposal is necessary which are set out by the European Parliament, a common thread runs through them of our fundamental nature as citizens not of the United Kingdom but of a state called Europe. I promise that I will not go through all these points. Although the time is available, it would try the patience of hon. Members. Point B states that the aim is to,

“reinforce the concept of citizenship of the Union, improve the functioning of the European Parliament and the governance of the Union, make the work of the European Parliament more legitimate”.

It is about giving the European Parliament more power and more authority because of this concept of citizenship. Point E addresses voters’ lack of interest, with a particular concern for younger voters, stating that,

“voters’ lack of interest in European issues is posing a threat to the future of Europe, and whereas there is therefore”

—that is a particularly ugly construction, even considering that it must have been translated from several languages. I hate to think what the Finnish might be for “whereas there is therefore”—

“a need for ideas that will help to revive European democracy”.

I do not believe in European democracy. I believe in the democracy of the United Kingdom and of France and of Germany coming together as nation states, not in this broader concept. However, the European Parliament is quite clear about it. The document continues with a statement, as the hon. Member for Caerphilly said, of the power of the European Parliament, which,

“now has equal status as co-legislator with the Council in most of the Union’s policy areas”.

The European Parliament’s competencies have been gradually increasing, so it has got a long way towards what it wants to achieve with these advancing competencies. Point K sets out that the concept of citizenship of the Union,

“includes the right of Union citizens to participate in European and municipal elections”.

This focuses on the creation of citizenship of a single state, with the concern that electoral campaigning remains national. In this country it is entirely national, and there was hardly any mention of what was going on in continental Europe during our last European Parliamentary elections. That is because we believe in the nation state. The European Parliament is pushing again and again towards the creation of a single state. Point M states that,

“European political parties are best placed to ‘contribute to forming European political awareness’”.

Well, I am a member of the Conservative party, as people may have realised, or, if hon. Members prefer, the Tory party—that may in some ways be more suitable for me. It is technically a European party. It has a function within the geographic continent of Europe, but I must confess that I have never thought it was my role to contribute to forming European political awareness except as something to object to. The European Parliament has adopted a European awareness about Europe as a single state. This is made clear in point U, which states that,

“establishing a common European voting day would better reflect common participation by citizens across the Union, reinforce participatory democracy and help create a more coherent pan-European election”.

It is trying to create a legitimacy that is certainly not there at the moment for their scheme to create a single federal state. This is of the greatest importance. Point AI, which is the last point to which I shall refer and indeed the last point in the document, refers to,

“the principle of degressive proportionality”.

Again, I do not really know what “degressive proportionality” means. This is one of the problems with European documents. One has to get into the interstices of these documents to try to find out what they might mean in plain English, and then reveal that as far as one can in these Committees. It continues,

“the principle of degressive proportionality enshrined in the TEU has contributed significantly to the common ownership of the European project between all Member States”.

We all know what that European project is. It is about the advance to a single state in which the European Parliament is the Parliament of the European Union and we become a mere assembly within it, perhaps somewhere between a county council and the Scottish Parliament but not a proper national assembly. This document shows the route of travel of the European Union. That is where the current context is so important, because the Government are trying to paint a picture of it going our way—that over there, they are not as ambitious as they once were and they accept that closer European integration was yesterday’s story. We hear it again and again—with magnificent renegotiation, we are finally halting the tide of pro-Europeanism.

Then we have an unnumbered European document, a European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union, that gives the game away. This is a usurping and

pretending Parliament that seeks to take powers from us and is looking towards fulfilling its ambition of a single European state. The Government must oppose it by veto and we must send forth our clear concern about subsidiarity, but most importantly—above and beyond all the technicalities that we get from reading these papers—we must understand what is happening, what the aim is and what the ambition is. If we quietly discuss it in a Committee of a dozen people, and we do not make sure that it is more widely known that this is what is happening, we will find—regardless of renegotiation or referendum—that we are in a greater European state.

Wayne David: Does the hon. Gentleman agree that it is important to keep things in perspective? What we have here is a view from the European Parliament, expressed—I suspect—by just a few MEPs who happened to get together in a Committee. It does not reflect the view of member state Governments or the people of Europe.

Mr Rees-Mogg: The hon. Gentleman is brilliant, and it is always a pleasure to take his interventions and hear his wonderful exposition of how this is all fine. He says it is a very mild document from the European Parliament, and that the European Parliament does not really matter. I am sure that he did not say that when he was sitting in Strasbourg or going back and forth between Strasbourg and Brussels.

This is a document that has been approved by the European Parliament. The European Parliament is one of the three pillars of the European Union, alongside the Commission and the Council. The idea that this is a quiet paper put forward by a few MEPs on the European Parliament equivalent of an all-party parliamentary group, to be read in a village hall in Surbiton—if it has one—is absurd. This is a really serious document that has gone before the Council and is now a Council proposal. It is within one unanimous vote by the Council of being adopted as law across the European Union.

Fortunately, the Government have a veto and have indicated that they will use it. That is extremely good news, but it is a wonderful concoction to suggest that the document is something mild that can just be ignored. I wish it were so and that the European Parliament could be so easily dismissed, but regrettably it has become a major player in the development of the European project—understandably, because MEPs want power for themselves. That is probably why they stand for election and, as the hon. Gentleman said, Parliaments are always looking for more powers. But since Lisbon, it has a lot of them and this is a further push. What is so important about it is that it shows the reality of what is aimed for in the EU—the direction of travel has not changed. We may go down the road at a slightly slower pace—we may be on a bicycle when other members of the European Union are in Ferraris—but the destination is the same.

9.33 am

John Penrose: I shall try to respond briefly to the points that have been raised. In spite of the slightly different starting precepts of the various contributions, there is a fair amount of cross-party agreement in the Committee. We all cleave to and support pretty strongly the notion of subsidiarity—the principle that things should be done at the place closest to the citizen,

whether at a local elected level, a regional elected level or at a national level. Only when something requires international co-operation should sovereignty be voluntarily pooled as part of that process.

Tom Tugendhat (Tonbridge and Malling) (Con): I have a specific question: how many other nations does the Minister think will also veto this proposal?

John Penrose: It is a little early in the process to have a precise count. However, I am told that the mood music from other capitals around Europe is that they are equally concerned and that many other countries share our point of view on most if not all of these proposals. We do not need a huge degree of consensus, because, as we have all observed, there is a veto, but we are far from alone on this matter. I hope that the Committee is reassured by the fact that many other countries share the view that has been widely expressed, which is that there is no such thing currently as a European polity—a European demos.

As the hon. Member for Caerphilly pointed out, we are a diverse continent, with many different points of view and many different inheritances and traditions. We are hugely religiously diverse, ranging from Catholic and Orthodox Christians to many other more newly arrived religions as well. We are enormously different in our heritage and in our attitudes, so it would be perverse for us to assume that a one-size-fits-all solution is either desirable or likely to be effective. Neatness is an outcome that is usually beloved only of accountants and lawyers and very rarely something that politicians should go for as a starting point. I share his suspicion of something that comes out as a one-size-fits-all solution across Europe. It is very revealing that he, as a former Member of the European Parliament, feels so strongly in that respect.

The hon. Gentleman asked about finances. It is rather early in the process to have a precise, detailed accounting, but as we are politely but pretty firmly demurring from most of the contents of this proposal, we hope not to get to the point at which the finances become relevant, because we do not want this to happen in the first place, but should we get to that point in the process, of course we would have to add up which bits would cost money and which would not.

The hon. Gentleman also asked about the role of the Commission, which I think he had heard was analysing the results of previous elections. I am not familiar with that process or with any proposals; I do not think that any proposals have been issued from there at all so far. I guess the point I would make is this, and it goes back to the points underlying the speech made by my hon. Friend the Member for North East Somerset. These proposals focus mainly on the plumbing of democracy—the dates on which the nomination papers need to be filled in, the way in which electoral registration is handled and the way in which elections are conducted. There will be a suspicion in this country and, I suspect, in many others that through changing the plumbing of European countries' democracies, Brussels will be trying to advance the case of more Europe—the case of more Brussels.

I just gently suggest, both to everyone in the Committee and to the wider audience, that what is needed is not, in this case, changes to plumbing. What is needed is not

[John Penrose]

plumbing, but poetry. People in Europe—certainly in this country and, I suspect, in many other countries—need to be persuaded of the benefits of Brussels. They need to be persuaded about why Brussels feels that it has something to add—the principle of added value—and to understand where it does not. At the moment, given the turnout in European parliamentary elections, it is clear that that poetry is lacking and that many people are not persuaded of the way in which Europe could, in its view, add value. Therefore, I suggest that focusing on the plumbing is not the answer. These proposals are not the solution. This will seem to many to be an attempt to achieve by stealth what cannot be achieved through honest, genuine democratic debate and persuasion.

If people were persuaded, if there were at some future point some kind of European demos, a shared European view on the benefits or demerits of more or less Europe, we would be able to have a much more straightforward, pan-European and honest democratic debate, but that is not where we are. It is not the direction of travel at the moment, because levels of trust in the European project have been falling more widely

Conor McGinn (St Helens North) (Lab): Does the Minister agree that there is a shared concept of European democracy and that that was what defeated fascism in the second world war and totalitarian communism in the cold war? It is important, when we use poetry as a persuader to people here about the value of Europe, that we do not forget that legacy and that history.

John Penrose: That is a very important point and it illustrates the difference that I think we are all gesturing towards in the Committee. Despite all the different heritages around the geographic entity of this continent, the different approaches to how we do democracy, and the different hot buttons and persuasive issues in one country versus another, there is a common commitment to the concept of democracy. It is one of the things that is distinctive about the collective European countries, across the continent. However, we do not all do it in the same way. There is a huge difference between a commitment to the principle and an acceptance that we all think about things in the same way, do them in the same way and cleave to the same issues in, for example, Finland, Spain, Greece or Britain. It is vital not to forget that distinction.

Additionally, the hon. Member for Caerphilly asked me about e-voting and about spitzenkandidaten. I agree with him that e-voting is not yet safe. He asked about the future. What this Government want to do—I hope future Governments do too—is to keep a close eye on the way in which the technology is developing. In the past few years, we have all become used to doing our

banking and all other kinds of transactions online. Life is becoming more online and more e-enabled. I suspect we will increasingly look at our voting process and say, “Why can’t that be more online and more like the rest of our lives?” The crucial thing, however, is that because the risks of an e-election are that much higher and the notion of stealing the government of a city, a country or even the leadership of a continent is so profound, we would need to be really, really sure about the security of the technology used and treat it with great care, even though the advantages are manifest in many other parts of our life. We will therefore want to keep close tabs on how that develops and to weigh up the balance of risks and rewards.

Finally, the hon. Member for Caerphilly asked about the details of the EU proposals on how the spitzenkandidaten process could be changed. I could not begin to think myself into the heads of the people who made the proposals in the EU documentation, particularly because the Government oppose those proposals on principle. I am afraid he will have to ask those people what their proposals would involve and why they think the proposals are good. I hope that everyone here has had a relatively clear answer from the Government—it is fairly clear on both sides of the House more broadly—that we do not think those proposals are a sensible idea and that we would not want to go ahead with spitzenkandidaten. With that, I hope I have responded to everyone’s questions and queries.

The Chair: The question is on the motion, which I note does not set up a binary choice between plumbing and poetry.

Question put and agreed to.

Resolved,

That this Committee takes note of Unnumbered European Union Documents, a European Parliament Resolution of 11 November 2015 on the reform of the electoral law of the European Union, and a Proposal for a Council Decision adopting the provisions amending the Act concerning the election of members of the European Parliament by direct universal suffrage; supports the Government’s initial view that it is not persuaded of the merits of many of the proposed measures, and that a number of the proposals concern issues that should be decided at a national level; further notes that there is a power of national veto in respect of the European Parliament’s Proposal, and that the Government is therefore not committed to agreeing to any of the proposed measures; and considers that the Proposed Council Decision does not comply with the principle of subsidiarity for the reasons set out in annex 2 to Chapter 1 of the Nineteenth Report of the European Scrutiny Committee (HC 342-xviii) and, in accordance with Article 6 of Protocol (No. 2) annexed to the EU Treaties on the application of the principles of subsidiarity and proportionality, instructs the Clerk of the House to forward this reasoned opinion to the Presidents of the European Institutions.

9.43 am

Committee rose.