


Another EU threat to national sovereignty

There was an excellent article in the **THE DAILY TELEGRAPH** today which is reproduced below:

One of the few “successes” of the British negotiations over the Lisbon Treaty, which came into force in 2009, was a partial opt-out from the Charter of Fundamental Rights. This political agreement was proclaimed by EU institutions some 14 years ago to replicate the European Convention on Human Rights. The difference is that while the convention comes under the auspices of the Council of Europe, an organisation of more than 40 countries -including Russia and Turkey – the charter is an EU document. The distinction is significant.

Whereas the convention is administered through the European Court of Human Rights (ECHR) in Strasbourg, the charter is enforced by the European Court of Justice (ECJ) in Luxembourg. The former, at least in theory, has no direct jurisdiction over our courts; but the latter is the supreme judicial body, whose decisions are binding. This is because EU law has a direct effect under the European Communities Act 1972 and therefore overrides British courts and Parliament. Increasingly, these rights are being transferred to the EU.

 Viviane Reding, the vice-president of the European Commission, says she wants the charter to be the EU’s “very own” Bill of Rights, which would apply to all member states and have legally binding force. The UK’s so-called exemption would effectively be null and void.

In fact, the ECJ is already attempting to impose charter rights on Britain, much to the alarm of senior judges and MPs. Lord Mance, a justice of the Supreme Court, recently

warned of the EU “steamrolling” national courts into imposing European human rights rules on the UK. He echoed comments by Mr Justice Mostyn, a High Court judge, suggesting that many of the rights in the charter have already taken effect in the UK despite the opt-outs.

At a time when Britain’s future in Europe is such a controversial political issue, Commissioner Reding’s intervention could hardly have come at a worse time for David Cameron. He wants to renegotiate the terms of membership yet finds that plans are afoot to water down national sovereignty even further.

Moreover, the Conservatives also want sweeping reforms of the human rights convention and the Strasbourg court. But these will be meaningless if the powers are simply taken on by the EU, since they would then trump anything that MPs decide.

This sort of statement from the Commission is grist to Ukip’s mill ahead of European elections on May 22 – and the possible in/out referendum. If Commissioner Reding and her colleagues want Britain to remain in the EU, then they have a funny way of showing it