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Parts Of The Specification This Lesson Covers

UK Government

4 Relations Between the Branches

- 4.3 The aims, role and impact of the European Union (EU) on the UK government.
 - The aims of the EU, including the 'four freedoms' of the single market, political and economic union, and the extent to which these have been achieved.
 - The impact of leaving the EU on UK Parliamentary sovereignty in relation to policy making.

? Potential Essay Questions/Key Debates ?

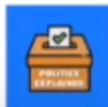
Key Debates

- It is difficult to imagine what question could be asked about this topic, as it was recently changed by Edexcel.
 - I think the most likely questions will be similar to the ones in bold below, particularly the first one.
 - If you make detailed essay plans on the questions in bold below, which you can then adapt to different, more specific questions that will come up, this will prepare you well for your exams.
 - These essay plans will soon be available on the Politics Explained website as part of a package of UK Government essay plans.

? Past/Possible Essay Questions ?

- **Evaluate the view that leaving the European Union has improved Parliamentary Sovereignty. (30)**
- **Evaluate the view that the European Union has achieved its aims. (30)**
- Evaluate the view that the sovereignty gained by Parliament since leaving the EU has been limited. (30)

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🇪🇺 The Aims Of The European Union 🇪🇺



Introduction To The EU

The History Of The EU

- The EU began as a coal and steel pact between 6 countries in 1950. France and Germany in particular wanted to pool control of those industries needed for waging war as a means of promoting peace.
- The 1957 Treaty of Rome made it a trading bloc (customs union) known as the European Economic Community or common market.
 - The UK joined this European Economic Community in 1972.
- In 1986 the EEC became the 'single market' with a single set of rules and 4 freedoms.
- The 1992 Maastricht Treaty committed most member states to formal political and monetary union with a single currency; the Euro.
 - Within the single market, the EU has also set out common policies on worker rights and other social policies, as well as environmental standards, creating a level playing field for businesses and workers.
 - Britain opted out of the monetary union.
- The 2007 Lisbon Treaty furthered political union by giving the European Council and permanent president and the EU a foreign policy minister.

What Policy Areas Does The EU Control?

- The EU has exclusive competence over trade with non-EU states, customs and tariffs and competition policy.
- The EU also has some control over immigration, agriculture, fishing, environmental policy, regional development, social & employment policy and parts of foreign & security policy.
- Other policy areas, including most taxation, national defence, education, health and social security are controlled by member states.

Achieving Peace

- Promoting peace was a key reason for the European Economic Community in the first place and has been important to further European integration since.
 - European integration fosters cooperation and economic interdependence, which makes war much less likely.
 - Peace was also a significant motivator for EU enlargement following the collapse of the Soviet Union, with 13 new member states.

- This has been a major success, with no wars between EU member states since the end of the Second World War.

The Four Freedoms Of The EU Single Market



What Are The Four Freedoms Of The EU Single Market

- The four freedoms of the EU single market are:
 - Free movement of goods.
 - Free movement of services.
 - Free movement of people.
 - Free movement of capital.
- They were intended to create a single European market that would facilitate trade, cooperation, economic growth and freedom.

To What Extent Have They Been Achieved?

- The four freedoms of the EU have been largely achieved, with free movement of EU citizens to live and work in other member states and the seamless movement of goods and services across Europe.
- There have been some limitations on this, however, particularly in relation to free movement of people:
 - When the Schengen Area was introduced in 1995, which abolished border controls between member states, the UK and Ireland negotiated opt-outs.
 - Further, some member states introduced border restrictions in response to the 2015 migrant crisis and the COVID-19 pandemic.
- There has also been rising euroscepticism across the EU in response to freedom of movement in particular, with the free movement of individuals from poorer Eastern European nations to richer Western European nations controversial.
 - Even though EU migrants are net contributors to national economies, many feared they were taking local people's jobs and putting pressure on public services.
 - This was one of the key reasons Britain voted to leave the EU.

Political and Economic Union

How is Economic Union an Aim of the EU?

- Establishing an Economic and Monetary Union was a goal for the majority of EU states.
 - This entailed the creation of the Eurozone including a European Central Bank (ECB) which set interest rates and a single currency; the Euro.

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- Economic union was aimed to facilitate cross-border trade and travel by eliminating the uncertainty caused by fluctuating exchange rates and the costs of converting currencies. In the long term, the project was also meant to underpin closer political union.

To What Extent Has Economic Union Been Achieved?

- The Euro was introduced as a trading currency in 1999 and was issued as notes and coins from 2002.
 - By 2014, 19 states had become members of the Eurozone, but Britain and Denmark exercised their right to opt out as they were not prepared to surrender economic sovereignty and have their interest rates set by the European Central Bank.
- After the 2008 financial crash, some Eurozone members in Southern Europe encountered difficulties, because they didn't follow the rules laid down to prevent countries from running up unsustainable levels of government debt.
 - As a result, they had to be bailed out by EU funds, which created a lot of tensions and opposition from other areas of the EU.
- During COVID, there were also tensions between richer and poorer member states over the Pandemic Emergency Purchase Programme, in which the European Central Bank lent out €1,350 billion.

How is Political Union an Aim of the EU?

- Creating closer political union and cooperation has been another key aim of the EU.
 - This has included the establishing of a wide range of institutions including the European Commission (the bureaucracy), the European Parliament (elected representatives), the European Court of Justice (Judiciary) and the European Council (consists of the Heads of Governments from the member states).

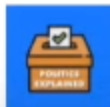
To What Extent Has Political Union Been Achieved?

- There are now a range of EU institutions, including some which are supranational in character, meaning that decision making power is transferred to a higher body, which operates independently of nation states.
 - The European Council remains the key decision-making body, however, and is an intergovernmental body based on the cooperation of member states in decision making.
 - The number of policy areas in which one state can exercise a veto has also steadily reduced, leading to a decrease in national sovereignty and greater political union.
- There have also been moves to create a common foreign and security policy, with the pooling of the defence forces of member states.
 - This ultimately has little support, however.
- Even greater political union seems unlikely in the near future, as there is increasing euroscepticism and anxiety over loss of national sovereignty across Europe.
 - This was an important factor in Britain voting to leave the EU.

🇬🇧 How Brexit Happened 🇬🇧

The Referendum

- In the early 2010s, there was growing euroscepticism and support for the United Kingdom Independence Party (UKIP) which campaigned for Britain to leave the EU.



- This growth in support for UKIP threatened the Conservative Party, which was divided over Europe.
- As a result, David Cameron decided the best option was to promise a Brexit referendum in the Conservative Party's 2015 Manifesto.
 - The Referendum was held on the 23rd June 2016.
 - The campaign was extremely divisive and split both the Conservative and Labour parties, though the majority of both supported Remain, including the Prime Minister David Cameron.
 - 52% of voters voted to leave.
- Cameron, who had led the Remain campaign, resigned as Prime Minister as a result.



The Theresa May Years

- Theresa May then formed a new government and the House of Commons voted to trigger Article 50 in December 2016 to start the process of leaving the EU.
 - May then calls an election in June 2017 to try and strengthen her position, but this resulted in the Conservative Party losing its majority and relying on the Democratic Unionist Party (DUP) to form a government,
- May struggled to negotiate a Brexit deal with the EU that would please the different wings of her party, particularly the European Research Group (ERG) who supported a hard Brexit and allied with the DUP to vote down May's Withdrawal Agreement 3 times in early 2019.
- After the May 2019 European Parliament Elections, in which the Conservatives finished 4th behind Nigel Farage's Brexit Party, the Liberal Democrats and Labour, Theresa May resigned as Conservative Party leader.

The Boris Johnson Years

- May was replaced as Prime Minister by hard-Brexiteer Boris Johnson in the summer of 2019.
- Boris Johnson failed a number of times to pass his own Brexit deal, as the one-nation wing of the Conservative Party, which supported a softer Brexit, allied with the Labour Party to vote against it.
 - He was then forced by Parliament to ask for an extension to article 50 in October 2019, in order to avoid a no-deal Brexit.
- Johnson then pushed for a general election and succeeded with an election held on the 12th December 2019.

- The Conservative Party under Johnson won a 80-seat majority in the election, in which they used the slogan 'Get Brexit Done'.
 - Johnson is then able to pass his Withdrawal Agreement in late December 2019 and Britain finally leaves the European Union on 31st December 2020, over four years after the referendum result.

The Impact Of Leaving The EU On UK Parliamentary Sovereignty

Ways In Which Leaving The EU Has Increased Parliamentary Sovereignty

There Is No Longer A Higher Court That Can Strike Down Laws

- When Britain was a member of the EU, the UK accepted the supremacy of EU Law over laws passed by Parliament and therefore the sovereignty of EU law.
 - This meant that if a law was passed by the UK Parliament that contradicted EU law, the European Court of Justice and Supreme Court could strike it down and force Parliament to remove/change it.
 - The supremacy of EU law was confirmed in the 1990 Factortame Case, when the Law Lords ruled that the Merchant Shipping Act 1988 passed by the UK Parliament breached EU law as it required UK registered ships to have a majority of British owners. As a consequence, the UK Parliament was forced to unmake the law.
- Now that Britain has left the EU, there is no higher court that can strike down laws passed by Parliament, therefore increasing parliamentary sovereignty and reducing the power of the UK Supreme Court.

Parliament Can Now Legislate On Issues The EU Used To Have Control Over

- When the UK was a member of the EU, the EU controlled many significant areas of policy, in particular trade, agriculture, fisheries and many other aspects of regulation.
 - This therefore limited the extent to which Parliament was the key law making body in the UK, as there were key areas of policy it couldn't legislate on.
 - Between 1993 and 2014 there were 231 Acts of Parliament passed that implemented EU obligations.
- Now that the UK has left the EU, Parliament has the power to legislate on all of these areas of policy in any way it wants, rather than having to draft legislation that is in line with EU law.
 - In order to simplify the process of leaving the EU, all EU legislation was copied into UK law and kept its special, higher status. By the end of 2023, however, the government intends to remove this special status with its Retained EU Law (Revocation and Reform) Bill and therefore amend/replace/repeal a lot of formerly EU regulations.
 - A good example of Parliament legislating in an area of policy the EU used to have significant control over is the Illegal Immigration Bill introduced by the government in March 2023.
- Parliament has arguably regained a significant amount of this sovereignty from the UK government, as it used to be the government (and the Prime Minister in particular) that represented Britain in EU negotiations over policy controlled by the EU, however now Parliament has significant control.

Key Court Cases In Relation To Brexit Strengthened Parliamentary Sovereignty

- A number of Supreme Court cases during the process of leaving the EU strengthened parliamentary sovereignty against an overarching executive.
 - The Article 50 Case (Miller v Secretary of State for Exiting the European Union) confirmed that a majority vote in Parliament was necessary to unmake a treaty that had originally required the consent of Parliament.
 - The case also ruled that the Scottish, Welsh and Northern Irish Parliaments had no rights to veto an Act of Parliament giving consent to Article 50.
 - The 2019 Prorogation Case (Miller v The Prime Minister) reaffirmed the sovereignty of Parliament and protected its ability to hold the government to account against an overarching executive.
 - The 2018 Legal Continuity Scotland Bill Case ruled that control over legislation previously held by the EU that related to devolved matters should not be immediately granted to Scotland, but retained by the UK Parliament which could then decide whether to devolve them to Scotland.

Ways In Which The Increase In Parliamentary Sovereignty Since Leaving The EU Has Been Limited

Parliament Doesn't Have The Same Level Of Sovereignty Over Northern Ireland As It Does For The Rest Of The UK



- Northern Ireland remains aligned with EU law in some areas, in order to maintain a frictionless border with the Republic of Ireland.
 - Over 300 EU directives and regulations continue to apply in Northern Ireland.
 - For example, goods produced in Northern Ireland must comply with EU law in some areas covered by the Northern Ireland Protocol, even after changes made by the Windsor Framework.
- Even following the Windsor Framework changes to the Northern Ireland Protocol, the application of EU law in Northern Ireland is subject to EU oversight as if it were a member state.
 - The UK government/parliament could therefore be taken to the European Court of Justice if it didn't comply with the areas of EU law that still apply in Northern Ireland.
 - This shows how parliamentary sovereignty is still limited in relation to Northern Ireland, as EU law is still higher law in some areas and the European Court of Justice enforces this.



Significant Sovereignty Has Been Given To The Executive Rather Than Parliament

- Whilst it is true that the UK has gained a lot of control over areas of policy previously controlled by the EU, much of this control has been gained by the executive rather than by Parliament.
 - A great deal of EU law that has been incorporated into UK law has been done through secondary legislation (controlled by the government), rather than through primary legislation.
 - Between 1993 and 2014, whilst just 231 Acts of Parliament were passed that implemented EU obligations, over 4200 pieces of secondary legislation were passed that did so.
 - The Retained EU Law (Revocation and Reform) Bill introduced by the government intends to give the vast majority of the power to amend/replace/repeal formerly EU regulations to the executive rather than to Parliament.
- For example, a significant area of policy control regained by the UK since leaving the EU is over trade. The UK government has the power to make trade deals without parliamentary approval, with Parliament only scrutinising deals once they've already been agreed.
 - The March 2023 UK-Asia trade deal (joining the The Comprehensive and Progressive Agreement for Trans-Pacific Partnership - CPTPP), for example, was signed without parliamentary consent.

The UK Has Lost The Pooled Sovereignty Of Being In The EU



- Those who supported EU membership argued that sovereignty wasn't lost through EU membership, but pooled with the sovereignty of other countries, and the UK therefore gained influence on the global stage it couldn't have on its own.
 - By leaving the EU, the UK has lost this greater global influence it had through pooled sovereignty.
- Further, whilst in the EU, the UK was able to have this pooled sovereignty whilst also having opt-outs from some EU policies it opposed, therefore limiting the amount of sovereignty that was lost by the UK Parliament.
 - For example, Britain opted out from adopting the Euro as a currency as they were not willing to surrender economic sovereignty and control over interest rates to the European Central Bank.
 - Britain also opted out from the Schengen Agreement, which abolished border controls between member states.

Leaving The EU Has Increased The Chances Of The UK Breaking Up

- Brexit has arguably increased the chances of Scotland or Northern Ireland becoming independent, as both countries had a majority support for Remain during the referendum and would be economically incentivised to rejoin the EU.
 - This would significantly reduce parliamentary sovereignty if so, as the UK Parliament would lose control over a part of the UK.
- Further, in the future, some of the powers regained from the EU may be given to the devolved bodies rather than held by the UK Parliament.

? Practice Essay Questions ?

- Evaluate the view that leaving the European Union has improved Parliamentary Sovereignty. (30)
 - Evaluate the view that the European Union has achieved its aims. (30)
 - Evaluate the view that the sovereignty gained by Parliament since leaving the EU has been limited. (30)
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