

# Review of the Balance of Competences

The British Foreign Secretary, William Hague, launched this review of the EU's competences in July 2012. It will run until Autumn 2014. The review is an *audit* of whether the EU's power to undertake specific action in different policy areas is *exclusive*, *shared* or *supporting*. Beyond this, the aim is to assess whether the current balance of power is appropriate. The review calls upon British and European businesses and civil society to contribute evidence and evaluation of the current arrangement, including the Treaties and European Court of Justice rulings. Coming at a time when a British renegotiation or In/Out Referendum is expected, many suspect the review will be used as a political tool to argue for the repatriation of powers.

## History

The EEC/EU has undergone a great deal of change since the British people directly voted for it in the 1975 Referendum. No extensive government evaluation of the relationship has ever been attempted. Dissatisfaction with aspects of EU membership has grown in Britain ever since the Maastricht Treaty. There was great civil opposition to the possible introduction of the European currency, to the Lisbon Treaty and to the Fiscal Compact. Since a large proportion of British legislation and regulation derives from EU decisions, politicians agree that the government and the public need to be well informed on the situation's detail before they could vote. Submissions are supposed to be fact-based and aim for objectivity. The review aims to invite evaluation on specific competences, not on "Whether Britain should be in the EU" on a broad scale.

## How does the Review work?

The review is split into four Semesters, which are further divided into 32 different Chapters, each of which examine one area of competence, e.g. 'Taxation' or 'Civil Justice'. The Semesters are each roughly eight months long. Each Chapter review is run by the relevant government department, e.g. the Home Office runs the Chapters on 'Asylum & Immigration', 'Free Movement of Persons' and 'Police and Criminal Justice'. Departments publish 'Calls for Evidence' for their appropriate Chapter, which invite contributors to submit answers to a series of broad questions. At the end of the review, each department will create a report summarising their findings. All evidence will be published online.

## Facts and Figures

<sup>35</sup> Almost everyone is invited to contribute, including Parliament, government committees, business representatives, civil society, Devolved Administrations (Scottish and Welsh Assemblies), European and global partners and EU institutions.

<sup>35</sup> The House of Commons Library estimates 20.9% of legislation from 1997-2009 derived from the European Union.<sup>1</sup>

## Arguments

### For

<sup>35</sup> For any debate or referendum on Britain's EU membership, it is important to be accurately informed.

<sup>35</sup> Inviting anyone to submit evidence and promising to publish all submissions increases transparency and democratic involvement.

### Against

<sup>35</sup> It is impossible to retain objectivity when making a value judgement as to how good/bad a certain competence arrangement is.

<sup>35</sup> Critics suspect the review will become a partisan 'shopping list' for David Cameron's renegotiation.

## Quotes

*"We have launched our balance of competences review to give us an informed and objective analysis of where the EU helps and where it hampers... We need to examine whether the balance is right in so many areas."*  
David Cameron, British Prime Minister, 2013

*"(The review will inform people about the coalition's positive agenda for Europe (with a) constructive and serious British-led contribution to the wider European debate about how to modernise, reform and improve the EU."*

Charles Kennedy, former leader of the Liberal Democrats, 2012

### Technical Terms

**Audit:** An official inspection or examination of an organisation, usually financial.

**Exclusive competence:** A policy area in which only the EU can act, such as the Customs Union.

**Shared competence:** A policy area in which the EU or member states can act, but member states may be unable to act after the EU has some so, e.g. environment.

**Supporting competence:** A policy area in which the EU or member states can act, but the EU acting does not rule out member state action, e.g. tourism and sport.

### Links

<sup>35</sup> [Government explanation](#)

<sup>35</sup> [BBC story](#)

<sup>1</sup> [House of Commons Library](#)