

## Possible Questions:

### Loss of UK veto over Eurozone policy making:

- Does the Prime Minister believe the decision is legally binding, and if so which Court will adjudicate on the UK's agreement not to, quote "*create obstacles to but facilitate such deepening*" of the Eurozone, the UK's commitment to "*sincere cooperation*" with the Eurozone and to quote, "*not impede the implementation of legal acts directly linked to the functioning of the euro area and shall refrain from measures which could jeopardise the attainment of the objectives of economic and monetary union*"?
- Does the Prime Minister believe that the commitment contained in Section A of the agreement to "*not impede the implementation of legal acts directly linked to the functioning of the euro area and shall refrain from measures which could jeopardise the attainment of the objectives of economic and monetary union*" – could hinder the UK's ability to block Eurozone policies that may indirectly harm UK interests?
- Does the Prime Minister believe that the commitment contained in Section A of the agreement to "*refrain from measures which could jeopardise the attainment of the objectives of economic and monetary union*" is legally binding on the UK and if so what UK measures could Eurozone states block the UK from carrying out?
- Would the Prime Minister agree with me that many of the Eurozone policies it is possible to envisage that could indirectly harm the UK can be put forward by Qualified Majority voting, where the Eurozone now has a majority, under this agreement we have agreed to "*not impede the implementation of legal acts directly linked to the functioning of the euro area*", if defending the UK interest would arguably impede the functioning of a Eurozone policy, would we be obliged to vote against the UK interest?
- Does the Prime Minister believe the decision is legally binding, and if so could the wording committing us not to "*create obstacles to but facilitate such deepening*" of the Eurozone be interpreted as blocking us from vetoing EU Treaty Change?

### Treaty Change?

- Can the Prime Minister confirm to the House whether it is true that the German Chancellor told the European Council, as a diplomatic report quoted by the Independent on Sunday claims that: "on the question of amending the Treaties, we do not know if we ever will have a change of them", and if so will the contents of this agreement ever find its way into the EU treaties?<sup>1</sup>
- Can the Prime Minister confirm that this agreement does not in itself change the EU treaties, is itself in conformity with the Treaties, and as such could he explain to what extent he believes the European Court of Justice will follow its meaning?

### Need for Parliamentary Scrutiny

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<sup>1</sup> <http://www.independent.co.uk/news/uk/politics/eu-referendum-michael-gove-david-cameron-brexit-national-security-a6886711.html>

- Can the Prime Minister confirm that this agreement is a legally binding Treaty that binds the United Kingdom as well as the other EU27, as such will its ratification in the UK be done in accordance with the Constitutional Reform and Governance Act 2010 (the old Ponsonby Convention) and will sufficient time be given for this House to scrutinize the extent of UK's new obligations?

#### **Red Card:**

- To use the Red Card 55% of EU Parliament must agree a draft law infringes subsidiarity, this is a higher threshold than the current similar and unworkable Yellow Card at 33% and a blocking majority in the European Council of 35% - given it would require coordinated parliamentary rebellions across the EU to implement - when does the Prime Minister believe it will be used?

#### **Welfare/Migration:**

- Could the Prime Minister confirm to the House which benefits described as “in work” and “non-contributory” will be withheld from EU citizens, as Child Tax Credit and Housing Benefit are paid to people whether they are in work or not?
- Can the Prime Minister confirm to the House that the agreement to curb payments of in work non-contributory benefits requires the approval of the European Council, the European Parliament, is limited to 7 years in total, and to 4 years for each individual new migrant, will be tapered out and will require domestic legislation and IT – assuming the UK votes to stay in the EU how long does the Prime Minister believe it will take to implement and run for?
- Can the PM tell the House what evidence he has that the measures on welfare claims will reduce EU migration and if so by how much?
- Could the Prime Minister tell the House what estimates he has of the average claim of an EU citizen the year after they arrive in the UK?
- Could the Prime Minister tell the house what % of EU citizens claim in-work non-contributory benefits in the year of their arrival?

#### **Non-Euro safeguards**

- Can the Prime Minister explain to the House whether it is legal in EU law for Eurozone states to discriminate against non-Eurozone states at the moment, and if not what extra protection will restating this fact give to the UK?
- Can the PM Confirm that the draft decision attached to the settlement that allows non-euro states to refer economic governance matters back to the European Council if they believe that a measure contravenes the EU's non-discrimination principles can only pause a proposal and does not override Qualified Majority Voting?
- Can the Prime Minister confirm that the words “ever closer union” will remain in the EU treaties and that the ECJ can still rely on them and its existing case law?

## General

- Can the Prime Minister confirm that nothing in this agreement changes the Lisbon Treaty in any way?
- Can the Prime Minister confirm that nothing in this agreement returns powers to the UK Parliament?
- Can the Prime Minister name a single EU law that this agreement will repeal or a single potential EU proposal or law that the UK may be able to use this agreement to block that it could not have done otherwise?

## Child Benefit

- Given that the Polish Government has said it will raise Polish Child benefit to 500 zloty a month - £22 a week for a second child, and that UK child benefit for a second child will be paid out at a rate of £13.70 per child – is it not the case that the indexation of child benefit to the local countries rate may not save the UK taxpayer very much money?<sup>2, 3</sup>

## Social Housing

- In the Conservative Party Manifesto we pledged to “*We will introduce a new residency requirement for social housing, so that EU migrants cannot even be considered for a council house unless they have been living in an area for at least four years*” Given that in 2015 over 1.2 million households were on the waiting list for social housing, can the Prime Minister confirm to them that their chances of finding a home to live in would be improved if we voted to leave?<sup>4</sup>

## Commitments re migration

### Conservative Party Manifesto 2015:

***“Changes to welfare to cut EU migration will be an absolute requirement in the renegotiation.”***

- In-work benefits block for 4 years: “*We will insist that EU migrants who want to claim tax credits and child benefit must live here and contribute to our country for **a minimum of four years.***”
- No initial out of work benefits / EU citizens must have a job offer “*we will end the ability of EU jobseekers to claim any job-seeking benefits at all. And if jobseekers have not found a job within six months, they will be required to leave.*”
- No export of child benefits “*If an EU migrant’s child is living abroad, then they should receive no child benefit or child tax credit, no matter how long they have worked in the UK and no matter how much tax they have paid.*”

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<sup>2</sup> <http://www.ft.com/cms/s/0/c8837faa-d6fd-11e5-969e-9d801cf5e15b.html>

<sup>3</sup> <https://www.gov.uk/child-benefit-rates>

<sup>4</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-rents-lettings-and-tenancies>

- No Council housing for 4 years: “We will introduce a new residency requirement for social housing, so that EU migrants cannot even be considered for a council house unless they have been living in an area for at least four years.”<sup>[1]</sup>

#### **David Cameron: Speech: 25 March 2013:**

- “explore whether we can make **economically inactive migrants the responsibility of their home country** before they gain any eligibility for UK benefits, and also whether we can
- work with like-minded European partners to **limit the amount we pay in child benefit towards the upkeep of children living abroad.**”<sup>[2]</sup> <sup>[3]</sup>

#### **Plans for “Emergency Brake” floated then sunk**

- 16 October 2014: Emergency Brake “considered”: “David Cameron is considering demanding that Britain be given an “emergency brake” on the number of European jobseekers after promising MPs a “game-changing” new immigration policy.”<sup>[4]</sup> <sup>[5]</sup>.
- 26 November 2014: Emergency Brake “ditched”: “Plans for a cap on the number of European migrants coming to Britain were dropped by David Cameron just 48 hours before they were due to be unveiled after protests by Angela Merkel, Government sources say... One senior source said the proposal had been included in drafts of a speech by Mr Cameron late last year until a ‘very late stage’. Another official confirmed **the proposal had been ditched from the speech** setting out his plans for EU reform – 48 hours before it was delivered.”<sup>[6]</sup>

#### **David Cameron Speech to JCB workers: 28 November 2014 – specific EU pledges**

- In-work benefits block for 4 years: “I will insist that in the future those who want to claim tax credits and child benefit must live here and contribute to our country for **a minimum of four years.**”
- No initial out of work benefits: “as Universal Credit is introduced we will pass a new law that means EU jobseekers will not be able to claim it. And we will do this within existing EU law.”
- EU citizens must have a job offer: “we want EU jobseekers to have a job offer before they come here and to stop UK taxpayers having to support them if they don't.”/ “if an EU jobseeker has not found work within six months, they will be required to leave.”
- No export of child benefits: “If their **child is living abroad**, then there should be no child benefit or child tax credit at all”

<sup>[1]</sup> Conservative Party Manifesto 2015; <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015.pdf>

<sup>[2]</sup> UK Gov, 25 March 2015; <https://www.gov.uk/government/speeches/david-camersons-immigration-speech>

<sup>[3]</sup> Damian Chalmers and Stephen Booth proposed something similar based on a new EU Citizens Directive in November 2014; [http://archive.openeurope.org.uk/Content/Documents/European\\_labour\\_market\\_with\\_national\\_welfare\\_systems\\_Chalmers\\_and\\_Booth\\_November\\_2014.pdf](http://archive.openeurope.org.uk/Content/Documents/European_labour_market_with_national_welfare_systems_Chalmers_and_Booth_November_2014.pdf)

<sup>[4]</sup> *The Times*, 16 October 2014; <http://www.thetimes.co.uk/tto/news/politics/article4238001.ece>

<sup>[5]</sup> *Financial Times*, 16 October 2014; <http://www.ft.com/cms/s/0/1157c58a-5502-11e4-89e8-00144feab7de.html#axzz3qXfuT2Pc>

<sup>[6]</sup> *The Daily Mail*, 7 January 2015; <http://www.dailymail.co.uk/news/article-2899747/EU-migrant-cap-ditched-appease-Germany-Plans-dropped-48-hours-announcement-protests-Merkel.html>

- No Council housing for 4 years: *"you can't even be considered for a council house unless you have been here for **at least four years**."*
- Stronger Powers to deport and re-entry bans: *"stronger powers to deport criminals and stop them coming back." / "**longer re-entry bans** for all those who abuse free movement including beggars, rough sleepers, fraudsters and people who collude in sham marriages."*
- Tighten up rules on non-EU spouses: *"We must also deal with the extraordinary situation where it's easier for an EU citizen to bring a non-EU spouse to Britain, than it is for a British citizen to do the same."<sup>[7]</sup>*

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<sup>[7]</sup> BBC, 28 November 2014; <http://www.bbc.co.uk/news/uk-politics-30250299>