

A wider debate on how Europe shapes British policy making is now needed.

 blogs.lse.ac.uk/europpblog/2013/05/02/europe-uk-public-policy/

02/05/2013

*The UK's forty-year relationship with the EU and its predecessors has seen a significant integration of EU policies into the UK's institutional culture. **Janice Morphet** looks at how the UK has implemented EU legislation in recent decades, finding that there has been little public discussion of their potential implications. She argues that it may now be time to promote a more engaged discussion and debate on how the EU shapes UK public policy.*



Since 1972, it has been difficult to have a conversation about the pooling of the UK's powers within the EU. While the lead up to joining the EU saw a strong and coordinated campaign for membership, the 1975 referendum on 'staying in' may have created a continuing uncertainty in the relationship which can be characterised as 'out of sight, out of mind'. But over the following forty years, why has this position persisted? And what effects has it had?

The UK joined the EU with its head not with its heart. Changes in world trade and the growing European market meant a re-evaluation of the UK's position. Whilst an Atlanticist longing remained for some British politicians, it was clear that the US defined the UK as being the friend in the EU not the partner outside it. Once a member, the UK retained its post-war position, assuming leadership and policy transfer without revising its focus of attention or its negotiating methods to suit the emerging institutional culture. Whitehall absorbed the processes of developing EU policy within its own internal methods, welcoming praise from other member states for internal coordination and overlooking their cultural practices of negotiation.



Credit: Kaptain Kobold (Creative Commons BY NC SA)

Whilst Margaret Thatcher, as Prime Minister, was associated with exposing the public sector to competition – resulting in 'privatisation', this was not in the 1979 Conservative manifesto. Rather it was a GATT agenda that the Labour Cabinet had agreed in 1976 and an issue where EU member states then negotiated individually. But it was Jacques Delors, then President of the European Commission, who understood how the objectives of 'ever closer union' and Thatcher's marketisation could be brought together, through the means of the creation of the Single Market.

Delors laid his plans skilfully. Firstly the process of developing the Single Market was put in the hands of the UK Commissioner, Arthur Cockfield, a former Secretary of State for Trade. Secondly, he gave him full backing to roam over the whole of the EU's policies in support of an integrated approach. Thirdly, Delors adopted an artificial date – of 1992 – for the single market to be implemented – a date that coincided with the UK's Presidency of the Council.

In 1986, the UK was in the midst of opening the public sector to competition. The Single Market was regarded as a vehicle to enhance the potential for both competition and expansion. The UK failed to recognise that the single market would require wider regulatory reform

crossing many areas of public policy. These included the environment, population mobility, transfer of professional qualifications, transport, employment rights, finance and regulatory reform. As Cockfield found, the Prime Minister did not understand the nature of the UK's EU membership and its implications. Further, he found that during the

negotiations, Parliament was kept at a distance, knew little and seemed to care less about the Single European Act, in ways that fundamentally alarmed him.

It was no surprise, then, to find that the implications of the Single Market came as a jolt to Whitehall and Westminster. The old assumptions, for example, that the UK's environmental standards were equal to or better than those in other member states took a sharp knock as EU legislation was poorly implemented or misunderstood. The Whitehall machine responded with a language of distancing and denial. As Whitehall and Westminster were involved in discussions on the increasing swathes of legislation required to implement the Single Market, there was talk of this being advisory or aspirational rather than agreed commitments.

So the UK was hoist on its own petard as further areas of policy were pooled but no open discussions about the potential implications of Treaties and their subsequent programmes of legislation were undertaken in the media – a topic that is a [current consideration](#) for the House of Commons Select Committee on European Scrutiny. A major interest for Westminster and Whitehall became how could the pooled policy agreements be implemented under the cover of domestic policy? A number of policy orphans appeared – such as the creation of the Government Offices of the Regions to give a nod towards applying the principle of subsidiarity introduced in the Treaty on European Union in 1992. This was followed by their abolition in 2010 as the subsidiarity principle reached its full expression in the 2009 Lisbon Treaty.

In the EU, the programmed approach is important, giving enough 'wriggle room' for all member states to implement any reforms required over more than one government's term. This approach has been adopted since 1992 in the UK with the introduction of Spending Reviews that mirror EU budget periods and are useful policy vehicles for incorporating the 'new' without openly discussing their provenance. Nevertheless, the UK still characterises its approach through machinery of government steps rather EU flows. As Gisela Stuart MP recently [said](#) in evidence to the EU Scrutiny Select Committee 'whenever the Government comes in, you wipe the slate clean and you start anew. The European Commission has no similar process'.

So what effects has this longstanding approach had? Although a key issue is a lack of public understanding of the current UK's pooled policy objectives and agendas within the EU, there is a more disquieting concern that there is a lack of appreciation of these processes across the wider academic and policy communities in civil society. It is hard to have discussions on those policies which the UK develops and implements through its EU membership if there is no common discourse that stretches back over 40 years. Ministers and civil servants are negotiating today what will be implemented in 2020, whilst tomorrow they will be discussing how to implement what was agreed five or ten years ago. Unlike other member states, these jobs are not regarded as necessary stages in a high-flying career but a specialist backwater. Is it time to make good this deficit and engage in these policy discussions from an informed perspective?

You may also be interested in Janice Morphet's new book: [How the EU shapes British Public policy](#).

[Please read our comments policy before commenting](#).

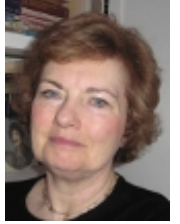
Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

Shortened URL for this post: <http://bit.ly/10slpgu>

About the author

Janice Morphet – *University College London*

Janice Morphet is a Visiting Professor in at the Bartlett School of Planning, UCL and consultant. She has extensive experience at all scales of governance and was formerly a local authority Chief Executive, Central Government senior adviser on local government, local authority association adviser on EU environmental policy and head of a planning school. Janice has written extensively about local government, planning and the EU.



-