



# European Union Act 2011

## 2011 CHAPTER 12

### PART 1

#### RESTRICTIONS ON TREATIES AND DECISIONS RELATING TO EU

##### *Restrictions relating to amendments of TEU or TFEU*

#### **4 Cases where treaty or Article 48(6) decision attracts a referendum**

- (1) Subject to subsection (4), a treaty or an Article 48(6) decision falls within this section if it involves one or more of the following—
- (a) the extension of the objectives of the EU as set out in Article 3 of TEU;
  - (b) the conferring on the EU of a new exclusive competence;
  - (c) the extension of an exclusive competence of the EU;
  - (d) the conferring on the EU of a new competence shared with the member States;
  - (e) the extension of any competence of the EU that is shared with the member States;
  - (f) the extension of the competence of the EU in relation to—
    - (i) the co-ordination of economic and employment policies, or
    - (ii) common foreign and security policy;
  - (g) the conferring on the EU of a new competence to carry out actions to support, co-ordinate or supplement the actions of member States;
  - (h) the extension of a supporting, co-ordinating or supplementing competence of the EU;
  - (i) the conferring on an EU institution or body of power to impose a requirement or obligation on the United Kingdom, or the removal of any limitation on any such power of an EU institution or body;
  - (j) the conferring on an EU institution or body of new or extended power to impose sanctions on the United Kingdom;

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*Status: Point in time view as at 19/08/2011. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the European Union Act 2011, Section 4. (See end of Document for details)*

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- (k) any amendment of a provision listed in Schedule 1 that removes a requirement that anything should be done unanimously, by consensus or by common accord;
  - (l) any amendment of Article 31(2) of TEU (decisions relating to common foreign and security policy to which qualified majority voting applies) that removes or amends the provision enabling a member of the Council to oppose the adoption of a decision to be taken by qualified majority voting;
  - (m) any amendment of any of the provisions specified in subsection (3) that removes or amends the provision enabling a member of the Council, in relation to a draft legislative act, to ensure the suspension of the ordinary legislative procedure.
- (2) Any reference in subsection (1) to the extension of a competence includes a reference to the removal of a limitation on a competence.
- (3) The provisions referred to in subsection (1)(m) are—
- (a) Article 48 of TFEU (social security),
  - (b) Article 82(3) of TFEU (judicial co-operation in criminal matters), and
  - (c) Article 83(3) of TFEU (particularly serious crime with a cross-border dimension).
- (4) A treaty or Article 48(6) decision does not fall within this section merely because it involves one or more of the following—
- (a) the codification of practice under TEU or TFEU in relation to the previous exercise of an existing competence;
  - (b) the making of any provision that applies only to member States other than the United Kingdom;
  - (c) in the case of a treaty, the accession of a new member State.

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**Commencement Information**

**II** S. 4 in force at 19.8.2011 by [S.I. 2011/1984](#), [art. 2](#)

**Status:**

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**Changes to legislation:**

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