

Select Committee on the European Union

Corrected oral evidence: Scrutiny of Brexit negotiations

Wednesday 12 July 2017

3.30 pm

Members present: Lord Teverson (The Chairman); Lord Crisp; Baroness Falkner of Margravine; Earl of Kinnoull; Baroness Suttie; Lord Woolmer of Leeds.

Evidence Session No. 1

Heard in Public

Questions 1 - 8

Witnesses

[I](#): Guy Verhofstadt MEP, European Parliament Chief Brexit Negotiator; Markus Winkler, Deputy Secretary-General; Nikolas Lane, Director for Institutional Affairs and Legislative Coordination, DG PRES; Guillaume McLaughlin, Head of Mr Verhofstadt's Cabinet; Pekka Nurminen, Head of Unit for Institutional Cooperation, Directorate for Relations with National Parliaments, DG PRES.

Examination of witnesses

Guy Verhofstadt, Markus Winkler, Nikolas Lane, Guillaume McLaughlin and Pekka Nurminen.

Q1 **The Chairman:**

I am aware of the time, so perhaps we can go straight into these matters. I shall start off by asking about the European Parliament's role. I am not really asking about its technical role, because we can just about get that from our briefings. I am more interested in how these things will really work. What is the European Parliament's role in Brexit, and how will it work with your own role? I am thinking about the particular role of the European Parliament Brexit steering group, because I know it includes some people but excludes others. How will that work in practice with regard to the negotiations, not just at the end for the consent procedure or whatever?

Guy Verhofstadt: The consent procedure is the final stage of the whole process. Formally, we could say, "Okay, we have nothing to do with Brexit". By the end of 2018 a file would come to the European Parliament and we would have to say yes or no, and we would appoint a committee, the Constitutional Affairs Committee, to do so, which would then prepare an opinion on voting yes or no. That is the formal process.

However, we have decided that if that happens we have to prepare for it, and whatever the outcome of the negotiation, if we want to have a positive vote in March 2019, the only way to ensure that is if the European Parliament is on board and involved in the negotiations from day one, otherwise there will be a very difficult moment in March 2019, which is three months before the European elections. You know the mood in a parliament three months before an election. Everyone is thinking about his own re-election, not "What is in the general interest of the EU?" So we are preparing for this.

For that, we have done two things. First, we now have a basic resolution of 50 paragraphs and recitals. We voted with a huge majority of more than two-thirds, I think, on our position on Brexit and what it means for the European Parliament, and that is our framework. Later we will compare the outcome of the negotiation with this initial resolution to decide whether we can approve it or not. We have created a framework, a reference point, with which we can compare the ultimate result.

Secondly, the groups that voted in favour have created this Brexit steering group, which depends on the Conference of Presidents, the conference of the group chairs here in the Parliament. They are steering the process, and the Brexit steering group is preparing for their work. Only the groups that voted in favour of the initial resolution are present in the steering group, because the others who did not vote in favour are not really in agreement with the basic position of—

The Chairman: That is a very neat solution.

Guy Verhofstadt: It is the only practical solution, because we have to exchange documents and so on, and we cannot do that with people who say that they do not agree with the basic position. That is why we have limited

membership to the five groups, mainly the pro-European groups, so the extreme right wing, the Farage group and the ECR are not in it. I can tell you that the ECR wants to join it and has appointed someone, an Italian representative, to be a member. The decision that has been taken is that they can enter the Brexit steering group if they agree with the basic resolutions that are the basis of our work. That is the minimum condition that you have to set: that everyone has the same understanding of the work that has to be done in the Brexit steering group.

The steering group consists of six people, not only the representatives of the five groups but Mrs Hübner, who is the chair of AFCO—the constitutional affairs committee—with Mr Brok and Mr Gualtieri representing the two biggest groups in the Parliament, the Christian Democrats and the Socialists. That is the format. It mirrors what is happening on the Council side with the Brexit working group, consisting of representatives of the 27 chaired by a diplomat at the European level representing the President of the European Council, Mr Tusk. The titles are funny because normally we are working and they are steering, but now it is the opposite: we are steering and they are working. That reflects everyone's real task; the member states are helping and defining the mandate of the negotiator, Mr Barnier, and we are steering, overseeing all this, with the intention of preparing for a yes or no vote at the end of the whole process.

Every two or three months there will be meetings where Mr Barnier, I as representative of the Brexit steering group and the representative from the working group come together to see how far we have got after three or four negotiation rounds, where we are in the process and what obstacles remain for us to overcome. So besides the technical and the political negotiations, which will now start on Monday, there will be what we call political stocktaking meetings where the three institutions will meet our UK counterparts.

The Chairman: Are the British Government themselves talking to you sufficiently or taking sufficient interest in the European Parliament and its views?

Guy Verhofstadt: I had a number of contacts with Mr David Davis, yes, and with Mrs May at the beginning of the process. I race old cars, so I practise a very British sport. I am going to Silverstone Classic and I hope to meet David Davis there. That is one example. It does not always have something to do with the Brexit process.

The Chairman: I am trying to get at whether there is a serious engagement.

Guy Verhofstadt: On their side, they certainly recognise the role of the European Parliament. From time to time, when there is some other form of communication, they say, "This Parliament doesn't play such a big role", but in the normal contacts they recognise the role. That was already the case when we made the agreement with Mr Cameron. The deal with Mr Cameron was made here, on the top floor of this building. It was not made in the Council; we made the final deal here in February 2016. That is not a problem for the moment. We recognise that it is a negotiation between Mr Barnier, who was appointed by us and the two other institutions—by Parliament, the Council, and the British Government.

Q2

Lord Woolmer of Leeds: You are a deeply experienced politician. Do you think that there is sufficient clarity on the UK's broad approach to a negotiation and broad negotiating position? If not, what further detail do you think would be helpful?

Guy Verhofstadt: It is quite a long list, because the only clarity that we have is, first, the letter from Mrs May of 29 March. That was a clear letter in which she more or less described a hard Brexit scenario. Secondly, we now have clarity on citizens' rights through the position paper. You can be in favour of it or against it—we were quite critical of it—but that is another issue.

The Chairman: We will come on to that.

Guy Verhofstadt: But that is the only clarity that we have today. We have no position paper from the UK on the financial settlement and, until now, we have no position paper on the other issues. Mr Barnier will send seven position papers from tomorrow afternoon, because tomorrow we have our last meeting with him, after which he sends out position papers on Euratom, governance, the position of goods, what is happening in criminal and civil matters and so on. There are seven position papers that are ready to be sent out. On all these issues, certainly on the financial settlement, the only paper that we have from the British side is the proposal on citizens' rights.

Baroness Falkner of Margravine: I think that some more will come tomorrow.

Guy Verhofstadt: That could be. In any case, the European side will send papers on these seven specific issues from tomorrow. We need to have clarity on the financial settlement and so on. You cannot start the negotiation if there are not at least two position papers on the table so that you can compare them and see what the differences are and start the negotiation. This lack of clarity is for the moment quite a problem.

Lord Woolmer of Leeds: What position papers over the next month or so would be most helpful to the European Parliament to receive?

Guy Verhofstadt: Two. The first is on the financial settlement—a recognition that there needs to be a financial settlement. If that does not happen, it blocks the whole process. That is not about the outcome, which as we know will be the result of a classical, fantastic negotiation.

The second is on the border issue between Northern Ireland and the Irish Republic. That is absolutely needed, because that is also one of the building blocks of the withdrawal agreement. As you know, our position is that we can only go into phase two and start the negotiation about the future relationship when there is sufficient progress on the withdrawal agreement. My impression is that if Britain waits to give its position on the financial settlement and other issues such as the border, it is in fact penalising itself, because then we lose time. Until there is certainty about that, we cannot start phase two of the negotiation.

Britain has asked to start negotiations about the future relationship as quickly as possible, but it knows very well that that is possible only if we make sufficient progress on the withdrawal agreement. If it waits, as it has done now for three months, to give us its position papers about the different elements of

the withdrawal agreement, it penalises itself, because we cannot go into phase two of the negotiation.

Lord Woolmer of Leeds: Do you think that since the UK general election there has been any change of language or positioning by the UK Government?

Guy Verhofstadt: I think that everyone can see that since the election in Britain there has been a lack of clarity and some doubt about what Britain's position now is. No changes have been made since the letter of 29 March—the letter of withdrawal is still fully in place. The key feeling here in the Parliament and I think in the other institutions is that the outcome of the general election was not one that supported a hard Brexit. The general feeling is that that was not the conclusion of the election.

Lord Woolmer of Leeds: So how would you respond—or how do you think the European Parliament would respond—to those in the UK who are calling for a repositioning of the single market relationship, for customs union membership and for a greater emphasis on the economic issues, rather than taking back control of immigration and leaving the jurisdiction of the ECJ? What would be the European Parliament's feeling about a change of mood in the UK?

Guy Verhofstadt: Again, I refer to the resolution, in which the Parliament indicated that in our view the best solution is that Britain stays in the single market and the customs union and continues to accept the oversight of the European Court of Justice. But that is linked to a number of conditions. For example, you cannot say, "I want to be in the single market but I don't accept the four freedoms". You cannot be in the customs union and say, "I'll do the trade agreements myself". Those are linked to the customs union and the single market. We have indicated in the resolution that the best solution for us and for everybody is that Britain continues to be part of the single market and part of the customs union.

Lord Woolmer of Leeds: Do you think that the United Kingdom will actually leave the EU? As I said, you a very experienced politician.

Guy Verhofstadt: If I knew that, I would be a very rich man from predicting the future. How can you predict it?

Q3 **The Chairman:** Can I ask something slightly shorter-term than that? You talked about the important area of tying up the transition between the relationship as it was and the future relationship. There is a feeling that that should happen in October or November at the latest. Do you feel that that is at all credible, or, from what you were saying, do you think that it is impossible?

Guy Verhofstadt: No, that is still possible, but it depends completely on what happens next week, in the second round in the last week of August and in the third round in the third week of September. What we have to do and we are going to do, and these are the guidelines of the European Council, is assess whether "sufficient progress has been made"—you know that wording. The Council will decide on this, but the Parliament will give its assessment on it before the Council. I do not think it impossible that if we say there has been sufficient progress, the Council will say no—or the opposite: that we say there is not sufficient progress but the Council says there is. It will be very important when at the end of October and the beginning of November we assess whether

or not we can go into phase two and whether there has been sufficient progress.

The Chairman: Who will really make that decision? Will it go back to the member states?

Guy Verhofstadt: It is a Council decision, after an assessment made by the Parliament. We have decided to make a resolution in October/November indicating whether or not sufficient progress has been made. Can we say today? No, we cannot. Is there sufficient time? Yes, if there is the will. I know that political will is everything. I have seen difficult agreements made in 24 hours, and I have seen things that could have been solved very easily remain unsolved for months because the political will was not there. Everything depends on political will.

Q4 **The Earl of Kinnoull:** Turning to the British government paper that came out recently about rights for EU nationals living in the UK, could you summarise the parliamentary reaction to that paper? Obviously we have the benefit of the resolutions and the position paper of 12 June—

Guy Verhofstadt: And have you received the reaction of the Parliament to it? There is a four-page assessment of the UK position paper by the European Parliament.

The Earl of Kinnoull: It would be helpful of you to put a gloss over the top of that and say what the big issues are, and I have a supplementary question to ask you after that.

Guy Verhofstadt: The main point is the imbalance that will exist between the settled status offered by the UK Government compared with the status that will continue to apply to UK nationals living on the continent. The problems of the imbalance are easy to understand. All 3 million people will have to apply for settled status. They will have to have a file opened. They will have to prove a number of things, such as the number of years of residence. None of this will apply to UK nationals living on the continent because we simply want to continue their status without any—

The Earl of Kinnoull: You are going to have to issue some sort of documents to them to allow them to stay there, are you not? They cannot just be there without a piece of paper. They are going to have to have some document.

Guy Verhofstadt: For me a piece of paper is no novelty, but I thought you did not have identity cards.

Baroness Falkner of Margravine: But do you not have national ID cards? Maybe that is the distinction. We have no national ID.

Guy Verhofstadt: You do not have that. I find what you have a fantastic system. I do not see why you want to apply ours when you have a fantastic system. You are going to ask people to have cards that you do not have yourselves.

Baroness Falkner of Margravine: No, that is not it. I should declare that I am married to a German national, so I do not really want to talk about this, but that is not what you are describing.

Guy Verhofstadt: The first problem is that we wonder why we cannot simply continue with the 3 million people—and we know who they are—having their existing rights. Why is it necessary for all 3 million of them to apply for settled status?

Our second problem is that settled status is less than the rights they have today. There is a difference on family reunification, and they are losing participation in local elections. At least on those points, that is less than they have today. The third problem is the other categories, who can have settled status only later on if they stay longer in Britain. So we see an imbalance between UK nationals living on the continent, who will simply continue with the rights that they have today without applying for anything, and the more than 3 million EU citizens living in Britain who will need to request new status, which will be part of the immigration system and British legislation. That is in the UK's proposal, but we are saying, "No, that is not possible. It has to be part of an international agreement". Then the oversight can be done by both sides rather than just one.

So that is what we are looking for. What we are not looking for, and what we do not want, is to start a little war by saying, "If you give EU citizens fewer rights, such as on family reunification, and make them have to apply for their status or participate in local elections, we will do exactly the same and change a number of regulations and directives in Europe, lowering the rights of UK nationals". That we do not want to do. We do not think that democracy has been created and established in Europe to lower people's rights. UK nationals should not have to pay the price for the UK's decision to leave the EU. We want to keep those rights, but we want balance. So the first thing Mr Barnier has to do in the negotiations is say, "You're going to have to upgrade this proposal from the UK and make it an international agreement between both sides, not a unilateral proposal from the British side".

The Earl of Kinnoull: That is very helpful, and thank you very much for it. I have one tiny point of clarification on how the European Court of Justice fits into this. The particular issue I want to ask you about is whether there is any third country in the world in which the European Court of Justice actually has jurisdiction. On reading your papers, it appeared as though you were looking for the ECJ to have jurisdiction in Britain when Britain is a third country. I wondered whether that happened anywhere else in the world.

Guy Verhofstadt: There is a practical answer to this. If there is an international agreement, there will be oversight on both sides, no? Otherwise it is not an international agreement; it is a unilateral legislation by a country.

The Earl of Kinnoull: In an international agreement there will always be a dispute resolution mechanism, but it will not necessarily be one side's court, as it were.

Guy Verhofstadt: I agree with you, but in any event we have said that the European Court of Justice must play a role in this, although we have not defined the extent of it, and in an international agreement it is quite possible for it to do so.

The Earl of Kinnoull: That is also very helpful.

The Chairman: That is interesting, thank you. Baroness Falkner has a question about the financial side.

Baroness Falkner of Margravine: Regarding the beginning of your point, I wonder where you are getting your information from. They will be allowed to vote in local elections because they are currently allowed to, and all current rights will remain. I find that an extraordinary misunderstanding. They are very much allowed to vote in local elections. All EU citizens are allowed to vote in local elections. I just wanted to put that on the record.

Guy Verhofstadt: That is not in the British Government's paper.

Baroness Falkner of Margravine: Because it exists from a law from the Nice treaty or something like that—the Amsterdam treaty, perhaps.

The Chairman: Perhaps we can move on to the financial side.

Guy Verhofstadt: Maybe you can send a letter to the British Government to include some additional information.

Q5 **Baroness Falkner of Margravine:** You have your own research teams, of course. That is a long-standing EU citizens' right in all EU countries, so it is not unique to this.

Coming to the financial settlement, I can understand your frustration with the silence of the British Government on this. I have two points. Obviously we are interested to hear from you how you think the issue would be resolved, but from what I have heard you say—to save us some time—I think you would like a position paper from the British on how they intend to resolve it.

Guy Verhofstadt: Just as we have sent a position paper on this to the British.

Baroness Falkner of Margravine: Quite. We in the United Kingdom, in our Parliament when we take scrutiny, have been told that the UK Government have accepted that they will comply with their legal obligations. That was in Mrs May's letter, actually; she said that they would comply with their legal obligations. The difference is in what comes under legal obligations and what does not; it is a matter of interpretation. As you are such a long-standing politician, particularly in a country that has long negotiations—so I would say you are an expert negotiator—I would expect you to recognise that it is very hard in the opening salvos of a negotiation to put a number on the table. Your side is not doing it, and neither is the British side. Speaking candidly between us, and let me go a little further than my brief, what kind of resolution would you expect, beyond meeting the MFF, until 2020?

Guy Verhofstadt: The problem for the moment is that neither I personally, nor Mr Barnier, have heard the British counterpart say that there needs to be a financial settlement.

Baroness Falkner of Margravine: There needs to be?

Guy Verhofstadt: Yes. There needs to be a financial settlement. That is what I think. The British Government have not expressed that until today, and it is crucial that they have said that there needs to be a financial settlement. That does not speak to the method or to the principles that apply, and certainly not to the number. That is not the question for the moment. We will work on that in the coming months. You would certainly have felt that if you had seen the

press conference that Mr Barnier gave today. The whole press conference was about that: that at least on the other side they recognise that there needs to be a financial settlement. That is the point.

On the question of how to tackle that, everything that has to happen is quite easy and quite normal. First, we have the figures. We have the European Court of Auditors, which can give the basic information and the basic figures. Secondly, we need to have an agreement on the principles. I will give you one principle: is there a need for contingent liabilities to be part of the settlement? Yes or no? That is a principle. Saying yes to that is different from saying no. An agreement on the principles is part of it. So, first, we have the figures from the European Court of Auditors. Can we accept them? Okay. We already have the figures.

Secondly, can we agree on the principles? I have given one example. Only then comes the negotiation on the figures and how the final figure will be established. I have had enough meetings about budgets and budget control in my life—I was the Minister of budgets for a number of years in another life when I was young—to know how it works in the end and how objective all this is in the end. But that is the way to do it. That is the way it happens in every negotiation in every country. But we are not there yet. The first thing to say to each other is, “Yes, we need a financial settlement”. Then, “Let’s find a method, let’s find the figures, let’s agree on the principles, and then let’s get to the hard matter”. Two figures will confront each other and the matter will be solved by a figure in the end. That is the way it has to go. The problem for the moment is that we did not start with phase one: the recognition that we need to find agreement on a financial settlement.

Baroness Falkner of Margravine: Your English is very good, but I was going to say that it might have been lost in translation. We believe that our Government have recognised that there will be a financial settlement, but clearly it is not lost in translation and we will take the message home.

Guy Verhofstadt: I think that will be one of the key topics in the negotiation next week.

Lord Woolmer of Leeds: How far along that line would you hope to be by October? You went far beyond accepting that there needs to be recognition—and I am not disagreeing with you at all on those matters—and talked about which areas in principle should be included, and even—

Guy Verhofstadt: In the financial settlement?

Lord Woolmer of Leeds: Yes, and in which areas. “We have the figures”, you said—

Guy Verhofstadt: I gave the example of the contingent liability, which is a guarantee that has been given. You can manage that in two ways. You can say, “Okay, I’ll have this contingent liability, but I’ll put it in the financial settlement as an uncertainty that can happen later on”, or, “I can do it another way. I can say that there is a 20% chance that the contingent liability will be used later on, so I’ll translate it into a figure now”. That is a different way to do it.

There are other issues. If, for example, you have an agreement on a figure, will it be paid immediately or in a number of years? There are things like that that are all the subject of negotiation. That is what makes it so fascinating to discuss.

The Chairman: I think we will probably do it the British way, which is by credit card.

We now turn to Ireland, which is a key issue for all of us.

Q6 **Baroness Suttie:** You have already said how important our British position paper is on the island of Ireland. I have seen the European Parliament's resolution, which spells out clearly the special circumstances confronting the island. What practical solutions would be acceptable to the European Parliament if, say, the UK leaves the customs union, and what practical solutions would not be acceptable to the European Parliament?

There are planes flying over us.

Guy Verhofstadt: 21 July is Belgium's national day of—

Baroness Suttie: Fly-pasts.

Guy Verhofstadt: Yesterday it was the Flemish community's national day. In a few days, it is the Belgians'. For the French, it is on the 14th, but not here.

Your question is a difficult one. The question about principles is not difficult.

Baroness Suttie: Everybody agrees with the principles.

Guy Verhofstadt: The European Parliament's basic position is very clear: nothing is as good as the Good Friday Agreement, so that has to be the basis. We can do nothing that endangers the Good Friday Agreement. That means that we do not want a hard border between Northern Ireland and the Irish Republic and that nothing can be done that endangers the very difficult balance that exists in the process in Northern Ireland. It would create a huge number of problems for at least 600,000 Northern Irish citizens—one-third of Northern Irish citizens—who will continue to be EU citizens and will still be part of the EU citizenship and who have rights that are linked to that.

To be honest with you, to date I have not heard a solution to that problem from anyone. Everybody is saying, "We'll find one". Okay. In politics, in the end, we will find one. Some people are saying, "Okay, but border issues are easy issues today, with all the modern techniques and instruments that we have: scanners, this and that". I do not believe that, because whatever we do there could be a border once more that puts at risk the whole peace process in Northern Ireland and the good relationship between the different communities there.

Today, even with everything that we have prepared, we do not have a solution or ideas that solve the problem between Northern Ireland and Ireland and keep the peace process in place. We have clearly indicated that all parts of the peace process have to be kept in place, because the Good Friday Agreement is not only about one element; there are a lot of elements to it. Also, if the European Parliament adopts a new resolution in September or October on a number of outstanding issues, that will certainly be one of the topics covered by the resolution.

Q7

Baroness Suttie: Given that you are doing that resolution and assessing whether sufficient progress has been made to move on to phase two, what do you think would be regarded at this stage as sufficient progress on that question?

Guy Verhofstadt: At least a basic idea of how to solve it: how you can avoid a hard border, how you can keep the peace process intact and how you can apply all the elements of the Good Friday Agreement. We need to have a clear understanding about that.

Baroness Suttie: Do you think there has been sufficient dialogue from the British Government on this issue with the European Parliament?

Guy Verhofstadt: A special procedure has been put in place between Mrs Weyand, Barnier's deputy, and Olly Robbins, which has advantages. If I understand correctly, it was the Prime Minister of the Irish Republic who was in favour of doing it that way rather than in an official working group. The disadvantage is that it creates uncertainty in Northern Ireland. People have the perception that no one is busy with this issue, and they worry about what will happen. There is a growing uncertainty in a number of communities in Northern Ireland; they feel that they have disappeared from the radar screen, eclipsed by the issues of the money, the citizens' rights and the bulk of seven separate issues. That is what I have heard in recent days from different communities in Northern Ireland and in Ireland: uncertainty among the population about what will happen.

Baroness Suttie: Would a paper from the British Government be a minimum requirement to move on to the next stage?

Guy Verhofstadt: We are waiting for their reaction on the issue of Northern Ireland and how they think we can solve the problem. It is quite a specific issue; there are 1.8 million people living there and nearly one-third of them are still Irish and EU citizens. You do not want to have a hard border. Nevertheless, Northern Ireland will not be part of the single market, so how do you do that? Where do you put the border, on land or at sea? It would be difficult. I do not think a unionist living in Northern Ireland wants to show his passport when he goes from London to Belfast.

The Chairman: That is probably true.

Q8

Lord Crisp: I have found this an extremely useful exchange. In fact, that is the prelude to my question. We as a Committee have thought that we need to have closer and structured dialogue between the UK Parliament and the European Parliament. Do you agree? Even more specifically, would you be willing to come and see us in London and appear before our Committee to discuss these issues further?

Guy Verhofstadt: I am certainly ready to do that. At the moment we are preparing for a visit to the House of Lords, and we cannot forget the Commons, naturally, and to meet David Davis and a number of others. We are in the middle of scheduling that for the coming period. That will give me the opportunity to explain what the role of Parliament is and will be in the coming weeks and months. I am ready to do so, and we are working on a whole schedule for that.

The Chairman: In the one and a half minutes or so that are left, are there any particular questions that you would like to put to any of us?

Guy Verhofstadt: Maybe one. I am not a specialist on constitutional and institutional matters in Britain, but, if I understand correctly, the role of the House of Lords is based on an agreement—

Lord Woolmer: The Salisbury convention.

Guy Verhofstadt: Yes. Is that still 100% accurate? I have heard from a number of Lords that there is no real majority in the House of Commons, so while normally they treat things that come from the Commons according to the agreement, is that still valid with no majority? What new or renewed role will the Lords play? That is what I am asking myself.

The Earl of Kinnoull: I shall answer this as a justice and a barrister. The Salisbury convention itself does not apply because of the election result. However, the instinct for self-preservation does apply, so something like the Salisbury convention would probably apply if anything was put to the Lords. The Commons is the supreme House, so it can always clobber the Lords, and the ultimate threat is always that the Commons or the Government could interfere in the Lords in some way.

The Chairman: Mind you, the House of Lords is probably more secure, given that there is no legislative time for anything apart from Brexit at the moment.

Baroness Falkner of Margravine: The only thing I would say about the Salisbury convention is that when we had the coalition between us, the Liberals, and the Conservatives in 2010, all the same people who did not like the coalition said, "Ah, the Salisbury convention doesn't apply". By the time they saw the votes going through the House of Commons, though, the instinct for self-preservation, the desire to remain in their jobs, convinced noble Lords that they should accept the Salisbury convention after all.

Lord Woolmer of Leeds: The Salisbury convention does not apply in these circumstances. The Lords will be most influential in the following way. The legislation will go first to the House of Commons and will then come to the Lords. If the Lords make amendments that, when they go back to the Commons, have a very good chance of the Commons not overturning them, the Lords could be influential, albeit in the sense of giving the House of Commons the chance to think again. No doubt there will be a lot of discussion between people in the Commons and people in the Lords about where it can be agreed that the Government may need to change their course in some ways. So, although not through the Salisbury convention, the House of Lords will have quite an influence.

Guy Verhofstadt: Because of the circumstances in the House of Commons?

Lord Woolmer of Leeds: There is no point in the House of Lords changing anything if, back in the House of Commons, that does not result in, as it were, not a rebellion against the Government but a change of heart.

The Chairman: The convention is actually a political agreement between the Conservative and Labour parties, technically. That is all it is.

Lord Woolmer: Ooh, no.

Guy Verhofstadt: Ah, you are a Lib Dem?

The Chairman: The Cross-Benches are not part of it, nor are the Liberal Democrats. It is a political convention. It is not part of the British constitution. As you can see from the conversation breaking out, though, it is quite a hot topic. The real politics that come into it, though, are exactly as Charles said: intimidation tends to work best.

Guy Verhofstadt: Thank you. See you in London.