



HOUSE OF LORDS

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The Select Committee on the European Union

Inquiry on

VISIONS OF EU REFORM

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4 pm

Witnesses: Axel Schäfer MdB and Detlef Seif MdB

Members present

Lord Boswell of Aynho (Chairman)
Baroness Armstrong of Hill Top
Lord Blair of Boughton
Earl of Caithness
Lord Davies of Stamford
Baroness Falkner of Margravine
Lord Green of Hurstpierpoint
Lord Jay of Ewelme
Baroness Prashar
Baroness Scott of Needham Market
Lord Trees
Lord Tugendhat
Lord Whitty

Examination of Witnesses

Axel Schäfer MdB, Deputy Chairman of the SPD Parliamentary Group (with responsibility for European Affairs) and Substitute Member of the Bundestag Committee on European Affairs, and **Detlef Seif MdB**, Deputy CDU/CSU Parliamentary Group Spokesperson on EU Affairs and Member of the German Bundestag Committee on European Affairs

Q181 The Chairman: Good afternoon, Detlef Seif and Axel Schäfer, and others who have come to this public evidence session. It is the final session of an inquiry that this Committee is conducting on visions of EU reform, in which we are looking at the objectives and visions of our Government in conducting these negotiations and the extent to which other countries may share them or not, and at working towards a shared vision of the future. You will understand that we are conducting this on the basis on consecutive translation, for which we are very grateful. We will be recording the session and it is being webcast. We will also send you a copy of the transcript for any corrections. Beyond that, my wife always says to me, “Kein Deutsch in publicum”, so I will merely say, “Erst einmal willkommen”. We are delighted that you have been able to come. We have valued our operations with the Bundestag in international and bilateral gatherings, so it is a pleasure to see you. We appreciate that you are giving your time. We have details of your biographies and we would be happy to start with the questions, unless there is anything you particularly wish to say first.

Q182 Detlef Seif: *[Interpretation]* Let me start by thanking you very much indeed for your kind invitation, and I am sure that I also speak for Mr Schäfer. It is a great privilege and honour to be here today to give evidence on this very important subject at such an important juncture. Of course, last week Donald Tusk published his letter to Heads of State and

Government. The day after tomorrow the Sherpas will have their next meeting, while on 18 and 19 February the European Council will once again meet. It is very important to us as well that we are taking part in this evidence session. I believe that in the last session you had the Foreign Secretary from Great Britain. This is a subject of the utmost importance not just for the United Kingdom but for Europe as a whole as well as for Germany.

Axel Schäfer: Thank you too for the invitation. In the German Parliament it is normal to speak English with guests from other member states, but today I will have the opportunity to speak German in your Parliament. Thank you very much for that.

[*Interpretation*] It is indeed a special occasion for us to be here in such a traditional Parliament as yours. I must admit that we are in a slightly difficult position, because out of the 630 Members of Parliament in Germany, there is not a single one who is in favour of the so-called Brexit. Every single Member of Parliament, no matter which political denomination, fully wants, in their hearts and with their heads, the UK to stay in the EU. It does not divide us on party lines because it is our common experience that we should stay together as one in the European Union.

Q183 The Chairman: When we move from the principles of politics to the decisions, we have to make those decisions and read the small print. Although we will not be discussing it with you, the Committee has just received our Government's memorandum on the documents that were published and circulated along with the letter from President Tusk on 2 February. We know too that that will be the basis of the discussion at the upcoming Council later this month. Given what you have already told us about your colleagues' views and what you know through your own contacts are the views of colleagues in other member states, how confident are you that an agreement can be reached at the February Council? Perhaps we should start with Mr Seif. I understand that Mr Schäfer will begin. We are used to working together and we do not have too much in the way of party politics in these proceedings.

Axel Schäfer: [*Interpretation*] It is usually our rule that the larger political party starts the talks, but when there are only two representatives it is not such an important point. I am of the firm conviction that on Thursday and Friday next week when the European Council meeting takes place, an agreement will be reached. I believe that the preparatory work and the proposal put forward by Donald Tusk are close to moving towards a result that will make it possible. I am also personally of the conviction that there will be a referendum on 23 June in this country, and I can say clearly that from the EU perspective I do not expect any delay in it. I am also certain that we will have clarity on the position within the first half of the year.

The Chairman: Can I ask a supplementary question? I shall come on to Mr Seif in a moment. If that is the view of the Bundestag, do you want to comment on the views of the European Parliament: that is, those of other member states as well as German Members of the Parliament?

Detlef Seif: I thought it was an additional question for Mr Schäfer.

The Chairman: If you want to answer it, that is fine. We are used to co-working, so it is not a problem for us.

Detlef Seif: *[Interpretation]* If I may, I would like to open up the perspective on this a little. I did not think it possible that Donald Tusk's proposal would have been quite as far-reaching as it is. He said that he has tried to accommodate quite a large proportion of the British requests, and I think that is clearly reflected in his proposals. The British signature is clearly visible in them. Of course, there can now be many debates about the different points of view, perhaps of the Visegrad countries and Romania and Bulgaria. The Committee may remember that the President of the European Parliament made two criticisms of the Tusk proposals, but we should remember how these documents were presented to the public. I believe they are a clear signal from the EU that it wants the UK to stay within it. This is close to our hearts. While of course there can be many different laws, Acts and regulations, in the end it is what is being done here that is the most important thing. Contracts, treaties and wording can be changed, and while the details might need to be debated, the clear principle and signal that the UK should stay within the EU is very clear. It could have been very different; it was not clear from the beginning that Donald Tusk would be so welcoming to the UK and would agree to do what had been requested, but he was willing, so I believe that this is a solid basis for reaching an agreement.

Axel Schäfer: *[Interpretation]* I was a Member of the European Parliament from 1994 onwards and I have been a European activist since 1978, so I have seen all the British MEPs since 1979 in live session. In the European Parliament there will of course now be a debate on the decision—because that is what it is: a decision of the Heads of State and Government. After the debate, a law or an Act will be passed. I can already tell the Committee that the debate will lead to the majority saying, “Yes, we will implement what has been decided”. But even if the text that is then put forward as a law is the same in all the different languages, the interpretation of that text will vary in those different countries. Such a difference in interpretation is in fact necessary, because while we all want to co-operate in the European community, we do not want to create a uniform view of history, of culture or of our states. We want to remain different; that is the essence here. Diversity is necessary in this area, not

uniformity. As I say, we do not want a uniform Union. So the difference of views is most important, and perhaps I can say what Monnet once said: that it is the solidarity of deed that is of the utmost importance.

The Chairman: I should just like to record for our German visitors that I had a very positive session with President Schulz when I visited the Parliament at the beginning of July. That was helpful, as are your comments on those areas and the general political scene.

Q184 Lord Jay of Ewelme: Herr Schäfer said, I think, that every Member of the Bundestag wants the UK to remain in the European Union, which certainly as far as I am concerned is an extremely encouraging thing to hear. However, Herr Seif said that the details would need to be debated. Can you give us some idea of the process in the European Community or in the Bundestag more generally over the next few weeks to consider the details of President Tusk's proposals, and whether there are any particular aspects that you think might in some way be difficult or controversial?

Detlef Seif: [*Interpretation*] Perhaps I will start. I would like first to look back a little. Of course there are many different important subjects for the Bundestag to discuss. We have had Greece and the debt crisis, Greece III and now the migration crisis, but, throughout, the question of whether the UK will stay within the EU has remained an important issue for us. There has been a regular exchange with the Government about the position and the developments. So colleagues who are looking in particular at the question of the UK staying in the EU have had conversations not only with the former ambassador, Sir Simon McDonald, but with the current ambassador, Sir Sebastian Wood. We have therefore followed closely the Bloomberg speech and the explanations that have been made in the United Kingdom, the public debate over here, as well as the statements made in November. All this has led in the end to the four baskets as proposed by Donald Tusk.

Axel Schäfer: [*Interpretation*] The process in the Bundestag is really quite simple and transparent. The Bundestag meets for 22 weeks a year, and during those sessions we have committee meetings that are attended by either the Defence Minister, the Minister in charge of Europe or sometimes the Finance Minister. We also have the under-Secretaries of State who are responsible for these areas, and they attend these meetings every week. They inform us about the current situation. So this coming Wednesday we will be given information about the status quo, while on the following Wednesday we will hear about the outcome of the European Council. It is clear that it is for the Bundestag to decide what to do with the information it has received. It might decide to hold a plenary debate on the subject, or it might decide that the Chancellor and the Government have to give a full declaration to the whole

Parliament, which might result in a debate entirely on this topic that lasts for two and a half hours. It is also clear that until the referendum takes place, this work will continue and the question of whether the UK stays in the EU will remain clearly in our focus. It is also possible for us to call for an evidence session or a hearing before our committee in which the four political parties in the Parliament can call for experts to come forward and give us further updates.

Q185 Baroness Scott of Needham Market: Do you see the so-called four baskets essentially as a collection of particular UK issues that have been designed around UK sensitivities and the political situation here, or do you see within them something that might be thought of as a vision for Europe going forward, perhaps with more flexibility and a more diverse Europe? Where on the spectrum do you see the four baskets?

Detlef Seif: *[Interpretation]* The four baskets are only part of the answer to the criticisms that have been made of the EU. I would like to stress that the UK and others have been saying for years that there is too much red tape and bureaucracy, and that there is a lack of impact assessment of the decisions and regulations that come out of the EU. The current Commission under President Juncker has, I think, done something about it. He could see that 28 different Commissioners in the EU were simply too much, and he had, I believe, a very good idea. He said that instead we should have clusters and concentrate on the main strands. So now if a Commissioner has a new idea, he needs to get support from the Vice-President, and Frans Timmermans is the first Vice-President to have been really beneficial in terms of change in this area. We are not in a position to say, "How can we improve the EU? Here are the four baskets and that is how we will do it". We are already involved in a process of change and reform that has actually been kicked off mainly by the United Kingdom. Other countries such as Germany, the Netherlands and Sweden are in support of these changes, and the reforms are already under way. One of the baskets, of course, looks at reducing the bureaucratic burden and aims to find a better way of implementing the regulations. Of course, the REFIT programme is part of this, but it is not all of it, because progress has already been made. If you want more information I will be happy to respond, but this may be enough for the interpreter.

The Chairman: Thank you. Please remember that if you want to write a letter to the Committee, we would find a German speaker to translate it for us.

Axel Schäfer: *[Interpretation]* As you can see, we divide our work even though we are not always of the same opinion or political affiliation. I would like to add to the idea of the four baskets. Perhaps we should think back to the original position: that is, where all this came

from. The criticisms of the EU that have been mentioned are about things that certainly need to be improved. If something is repeated over a long period of time by many people, it becomes something that probably should be implemented. But what we are living through at the moment is not only that; I think it is more. Right now we have a situation that is as it was back in 1974 when the question was: do we stay in the EU at all or do we leave? That is more than just asking whether reform of the EU is necessary. In 1973, Ted Heath had brought the UK into what was at the time the European Community. There was also a referendum in France, the result of which was in favour of the UK joining the EU. Then Harold Wilson, as you will know better than I, negotiated - the Tories were all for being in the EU while Labour was split on the subject - and told the British people: "If you are happy with my negotiations, vote yes and we will stay. If you are not happy with them, vote no and we shall leave". But since that time the European Union, or the European Community as it was then, has quite clearly received a British stamp on it; it has also been formed by the United Kingdom. When we look at the EU today, much of it is actually the UK. The best example of that is the fact that nowadays the most important politicians all have to speak English. If the UK had not joined, the language would probably have been French, Spanish or perhaps German, but it certainly would not have been English as it is today. For those of us who are very much in favour of the UK being in the EU, it is not always easy to follow the debate in Britain and to understand the mind-set over here. Indeed, we have to put our own German mind-set to one side in order to try to understand you. So this is also a very valuable discussion and debate for us.

The Chairman: I can assure you that it most certainly is valuable to us.

Q186 Baroness Prashar: I too was interested to hear that no Member of the Bundestag wants the UK to leave the EU, but I would like to hear about the attitudes in Germany towards the UK's proposals for EU reform and its future relationship. What is the position of the federal Government, the principal parties and your citizens generally?

The Chairman: Can I add a short question to that? Given that we see on our televisions a saddening tendency in many countries towards extreme politics, albeit in a minority, in the form of reactions against migrants and other attitudes that we may well deplore, how often are people in Germany saying, "Why are you giving concessions to the British?", or even, "Why are you even thinking of giving concessions to the British when we have our own problems at home?" You both come from mainstream parties and it is very useful to have your dialogue, but can you give the Committee some sense about the outliers in this debate and whether they influence colleagues in your own parties or opinion more generally?

Detlef Seif: *[Interpretation]* I think we probably differ from some of our French colleagues, who might say that no concessions whatever should be made to Britain. I do not think it is on the German agenda. The issue in question is how far you go with concessions. The four freedoms of the European Union are a basic principle: the free movement of goods, of people, of services and of capital. Of course, opinions differ on what exactly that means. Another principle of the European Union is that there is to be no discrimination in Europe. Where there are organisations and people, there can always be developments to a worse point. We have seen this in the EU, so the criticism that has been applied to the EU has come not only from Britain but from Germany, for instance.

To come back to your earlier question, it is not only British preoccupations that are in effect criticisms of the EU; our country also has certain points of criticism to make. The accession of new states can certainly also lead to a disruption of the usual procedures, which is why there is this one basket in Donald Tusk's proposal that actually says that if there is undue stress on the system in one country, benefits may be withdrawn for certain people for a certain period of time.

Axel Schäfer: *[Interpretation]* I should like to differentiate two different points, even though in the public's opinion they are often mixed together. First, the draft decision—and it is a decision by the Heads of State and Government—to keep the United Kingdom in the EU is one thing, and it was taken for the sake of the United Kingdom. On the other hand, there is the issue of what we do to improve the European Union as such. How do we reduce the bureaucratic burden? How do we improve the legislation and the regulation by the EU? At the same time there needs to be a relationship between both areas, because we need a clear majority that says, “Yes, we want the EU to function as a union, and we want it to stay together”. For you to understand the German perspective, I have to tell you that of course in Germany we have a specific problem: what our constitution, our basic law, tells us. It was written in 1948-49, and the top priority of this basic law, which makes our country, is that no war must ever start on German soil again and that Germany is there to serve peace. So the ultimate priority of the German state is not that of national sovereignty, and here it probably differs from your own perception of the world. We have a different European obligation from yours in this country. Churchill said at the time that there had to be a United States of Europe and a special role for the UK. The development has been slightly different from what he envisaged, but we need to take both points of view into account and further both ideas.

Baroness Prashar: That is extremely interesting, but you did say earlier that there is some criticism, and it would be helpful to hear what reforms, if any, you would like to see for the European Union and how far they coincide with those in the UK's proposals.

Detlef Seif: [*Interpretation*] We are of course from different political parties, so our political attitudes may be different. I personally think that we should investigate the errors of the past and, as I said earlier, take into account the work that has already been started, such as the REFIT programme and the Commission's changes and the introduction of impact assessments. But all this would then need to be put into treaties. That is because when the Commission under Juncker goes, who can say whether everything will not go back to the way it was before? Things can change, so we need something more concrete. The way the reforms are going at the moment is all very well, but they should be put into treaties as well. While it is not a Dutch idea as such, Prime Minister Mark Rutte has said that the EU should focus on the bigger picture and leave the nitty-gritty detail to individual states. That would certainly seem to be a good idea, but then we need to think about what subsidiarity actually means. There is of course Protocol 2, with its different interpretations, but what subsidiarity means needs to be made much clearer. We also need to learn from our past errors.

We should also analyse whether migration has in the end been all that bad. All in all it probably has not, because it has brought a lot of prosperity to the United Kingdom. There have been several different waves of migration, from the Commonwealth, from non-EU countries and from the EU, so perhaps there should be a clearer analysis of the real disadvantages to EU migration. By doing that, the problems would be found and something would be done about them by incorporating certain decisions into treaties. One aspect that has not been mentioned at all yet is that it is not only a question, on the one hand, of one country receiving too many people as migrants. On the other hand, you have a country that is probably losing its most important people from its own economy through a brain drain. The contracts and treaties that we will need in the future should not be about cherry picking and asking, "What in this will be to my advantage?" We should analyse what has gone wrong and look at what can be done to improve the situation. Great Britain has been a good and constructive critic of the European Union, and if it was to lead the debate about change within the EU, that would be extremely valuable.

It is not only about the four baskets, which have more to do with the internal policies of the United Kingdom and the referendum, and with appeasing current thinking in the UK. If we want a European Union that is really worth while, we have to make sure that we have a common strategy for reform to make it a valuable institution.

Axel Schäfer: [Interpretation] The question is about the changes that we want to make. One of those changes, which I know the UK is also very much in favour of, is the wish for economic strength for the European community. It is one of the main aspects. The reforms that we are looking at, independent of the British referendum, have to be ones that will turn this union of 510 million citizens into the strongest economy in the world. We are already more economically important than the United States or China, and we have to make this position a benefit for all the countries of the EU. It means that the EU has to be more and greater than the sum of its 28 member states. The Tusk proposals are going in the right direction in this regard. On the one hand, we have to make sure that the economic strength of the European Union is broadened and deepened, while on the other hand we have to ensure that countries such as Denmark, Britain and Sweden, which held a referendum to stay out of the eurozone, are not excluded from the progress of this economic strengthening with the resulting benefits for all. In 2014, I had a discussion with the former UK Minister for Europe. I asked him, “Which country do you think the UK exports more to, India or my country?” He replied, “Well, it is obvious that we export more to Germany.” I said, “No, not to Germany. The UK exports more to my Bundesland, the state of North-Rhine Westphalia. It has 18 million people and its most beautiful city is Cologne.” That, in essence, is what the European Union is.

The Chairman: We have only half an hour left in this evidence session. I should warn the Committee and our witnesses to try to pick up on what you call the *Schwerpunkte* of the discussions: that is, the detailed issues that have given rise to concern. If we can all be restrained, I think that we can explore at least three of those topics. At the end perhaps I may summarise the areas that interest us, and perhaps you might like to write to the Committee about those in whichever language you find the most comfortable.

Q187 Lord Blair of Boughton: Thank you, Lord Chairman. This question is about sovereignty, particularly legal sovereignty. In his Chatham House speech in November 2015, the British Prime Minister suggested that one of the models that the UK might wish to adopt is that of the German constitutional court, which I understand is entitled the *Bundesverfassungsgericht*. He has suggested that that is where we should go, but one of the sub-committees of the group on which I sit has discovered a lecture on 31 October 2013 by the president of that court, Professor Voßkuhle, who says specifically, “In their case law, the federal constitutional court and the European Court of Justice fundamentally agree that EU law is in principle accorded primacy over national German law”. Is the Prime Minister right to point to the constitutional court as a way out for British sovereignty?

Detlef Seif: *[Interpretation]* In Germany, we of course have a jurisdiction that is also determined by the result of the Second World War. The constitutional court is an independent court that also examines political decisions and laws that have been passed by the political arena. An example that I provided is the OMT decision, where the question was whether the European Central Bank could go ahead and buy the government bonds of countries that had debt issues. At the time, the constitutional court of Germany asked for a preliminary statement from the European Court of Justice to see what the European law was on this and how that would combine. We are both probably looking forward with quite a bit of anticipation to the German constitutional court's imminent decision as to whether this was also against European law; it is not just our own constitution which the German constitutional court is looking at but European law. In our constitution certain articles will always exist. Article 1 specifies that the dignity of the human being is inviolable. Fundamental rights are enshrined in our basic law, as we call the constitution. Article 20 makes a democracy and a republic certain in Germany. Article 79.3 specifies that these articles can never be changed and are eternally valid. The constitutional court in Germany was introduced to make sure that every new law and political decision was in keeping with the basic law to prevent a breach of the guaranteed principles (Article 79.3). If you were to consider having such a court, you would have to have a Supreme Court that is absolutely independent of the political process and of the judiciary below it. It would be a court that could repeal any Acts of Parliament, so you have to ask yourself whether that is really what you want to have. Otherwise, it will probably remain a German solution only.

Axel Schäfer: *[Interpretation]* My response may show a different aspect of your concrete question. You could ask who is right: Professor Voßkuhle or Mr Cameron? The answer is that both are right. Why is that? The EU is a community of states and it is the decision of a sovereign state whether it wants to join this community or not. As soon as a state joins the community, it decides that part of its sovereign decision-making process is also exercised in communion with the other states. For instance, the European Court of Justice and the Court of Auditors have members from all over the European Union, including from Great Britain. There are 73 British European parliamentarians and thousands of British civil servants working in the EU. In the end, it is all about co-operation. This is also true for the European Court of Justice, which is a body that symbolises co-operation between individual sovereign states. Neither German politicians nor the German constitutional court would say that the German solution is the best one and that everyone else should follow it. But it is always in the interests of the European Court of Justice to combine national law and European law in such a

way that both are preserved. Since its inception, there have of course been developments within the community of the given status or the acquis. There is the direct influence of the European Parliament, which has led to certain developments so that a British Commissioner, when he is in Brussels or Strasbourg, is not a Brit but a European. That is why I say in answer to the question, “Is Mr Cameron right or is Professor Voßkuhle right?”, that they are both right.

Lord Blair of Boughton: I have a very brief question to which the response can almost be yes or no. Article 23 of the German basic law permits the transfer of sovereign powers to the European Union. Is that correct?

Detlef Seif: Yes.¹

Axel Schäfer: It is a sovereign decision when it is taken by you and by the Members of House of Commons in London. It is then your sovereign decision.

Baroness Falkner of Margravine: I think Mr Schäfer has covered what I was going to ask.

The Chairman: We have two more topics to cover.

Q188 Earl of Caithness: Can I take you on to the eurozone and the members of the non-eurozone? Do you think that Britain was right to look for a lasting agreement on a modus operandi between the eurozone countries and the non-eurozone countries? The second question is that that has a caveat to it, because the non-eurozone countries cannot exercise a veto or delay the urgent decisions of the eurozone. We do not know the details of that, so how do you think it is going to work in practice? What happens when the eurozone agrees something and says, “This is what we want,” but it will injuriously affect the non-eurozone countries?

Detlef Seif: *[Interpretation]* This is of course an extremely important question. It is clear that we do not have a Union that incorporates several currencies within the eurozone. If a country does not want to be part of the eurozone, that is okay, and it is what the United Kingdom has decided. But the core questions for the countries in the eurozone cannot then be vetoed or delayed by a country that is not part of the club, if I may put it that way. Someone who decides not to join a club cannot decide what the rules of that club should be. It is also clear that there must be no discrimination and that nothing must be done to the detriment of any country outside the eurozone. But through discussions and the decisions that are taken in the European Council, there is a sufficient exchange of knowledge for the UK to feel happy with

¹ Note from witness: However, the Constitutional Court has the power to review whether acts of the European institutions are based on a legal transfer of sovereign powers and to review if parts of the basic law, which cannot be transferred (Art. 79.3), have been breached.

the position. Of course there will always be a disadvantage due to the mere fact that there are different currencies. There are risks attached to foreign exchange rates, and we have different financial markets and supervisory bodies for the banks. In the end the only solution for the UK, in order to avoid any disadvantage from not being a eurozone member, would be to join the eurozone. At the moment that is probably not the political path that the UK will choose, but I hope that the worries of the UK in this area can be eliminated.

Regarding the practical solution as to how to ensure this, I have to say that I do not know how to stop eurozone members proceeding along their own paths. The fiscal compact was also something that the UK was against. While there can be bilateral negotiations, that is not really the purpose of a union.

The Chairman: We will now ask our final formal question. I referred to *Schwerpunkte* earlier, and I suppose migration is just that.

Q189 Lord Davies of Stamford: I have always thought, and indeed said on many an occasion, that migration would end up being the biggest issue in this referendum campaign. It has been a sensitive matter for British public opinion for a long time. There has been a lot of confusion, in my view deliberately generated in many cases, between freedom of movement within the EU, which on the whole has been a happy experience for us economically and otherwise, and illegal immigration, bogus asylum seekers and so forth. We have now had three traumatic events, which probably account for the hysteria that you notice on this subject in the British press and which I am sure will continue for a long time—at least until June. The first was the mass murders in Paris, then there were the very horrid incidents in Cologne, and before that, of course, the federal Chancellor's decision to admit 800,000 Syrians to the federal republic. All Eurosceptics are saying that in three years' time those 800,000 will all have German citizenship, and therefore EU citizenship, and that they will all come here. Of course, that is absurd. Most things written in the *Daily Mail* are absurd, often risibly so, but they have influence. It appears that the European Union has mastered the problem of migration, that you have successfully strengthened the external frontier of the Schengen area, that there are proper controls, that proper distinctions are being made between legal and illegal migrants and that illegal migrants are being returned, so the systemic danger that is now being mooted so widely in the press in this country is not there. You are kind enough to say that you want to sustain the European Union. If you want to sustain the European Union, you can help us most by trying to resolve that problem.

Axel Schäfer: [*Interpretation*] Dear colleague, you certainly left the most difficult question until last. Nobody in the whole wide world has the answer to that question, so here is my part-

attempt to answer the question of how to deal with a migrant situation where millions of people are fleeing all over the globe. Whether you are in a state like the United States, whether you are in Britain or in Germany, in a country that has a tradition of immigration or a country that has no such tradition, whether you are part of the Commonwealth of Nations or whether your own immigration laws have their basis in the events of 1918 does not matter, there are three fundamental problems.

First, the EU is facing its biggest challenge since 1951, a challenge that has led to all sorts of national movements that seem to take away from the central force of the European Union: nations doing their own thing. I believe that all countries and all continents have similar problems with migration and have similar issues on which they do not agree with one another, which often leads in other regions to civil war and unrest.

Secondly, we know that there is a different tradition, a different history, a different situation in the UK regarding migration. For us it is a new experience. We decided, in a very dramatic situation, to open our borders, and I believe it was the right decision to take at the time. Now, of course, we also believe that the burden of migrants has to be shared evenly among the countries.

Thirdly, we should not mix up the different subjects. Paris would have been possible independent of the migration crisis. In the case of the United States and 9/11, the attackers were not migrants to the USA.

Lastly, on your point about Cologne, I personally love Cologne—I come from there—and I think we have to be realistic: if I was to give you the number of sexual assaults and even rapes at, say, the Munich Oktoberfest or other major events in Germany, you would probably, quite reasonably, be shocked. Even though what happened in Cologne on New Year's Eve was totally unacceptable, we must not focus on the fact that in this particular situation there were a large number of migrants among the perpetrators. It is very important not to mix up these different issues.

Q190 The Chairman: Will Mr Seif also reflect, perhaps as a lawyer, on the separate issue, which our Prime Minister has taken an interest in, of the freedom of movement and non-discrimination on the one hand and the wish to avoid internal EU migration or population transfer, or at least to regulate that, on the other in order to make that tolerable for the host community?

Detlef Seif: [*Interpretation*] Lord Davies asked his question because of the referendum. If the referendum was to take place in June, then of course I would say that the current migration situation will not be the best stroke of public relations ingenuity that one could think of, so the

question of the timing of the referendum is rather important. I believe that we are only at the beginning of the migration problem as we see it. If in June—and these are my expectations—we see 8,000 to 10,000 migrants coming to Germany every day, it is quite clear that different steps will be necessary to address the problem. Of course, no one knows what is really going to happen and it could be very different. Perhaps there will not be 8,000 to 10,000 people knocking on our door every day and then maybe the timing of the referendum over here will be perfect. But if I was the Prime Minister, I would consider it to be too risky a strategy. Of course, you also have the election in Scotland in May and national elections taking place in the EU in the following year, so maybe October or November would be a better time.

There is obviously a certain pull effect within the migration problem that we are all aware of. When we say that we want to help those who are being persecuted, which is something that the UK is doing as well of course, it often means that economic migrants are also encouraged to come. I think in all honesty that the highest figures for migration are only just starting. There are all the genuine refugees that the United Nations has counted, but on top of those you have hundreds of millions who just want to improve their standard of living and have a better life, and who are we to say that they should not try for that? But it means that on a long-term basis, the European Union has to change its position on migration. It may also mean that the Geneva convention for refugees needs to be clarified or adapted because at the moment it allows refugees to travel through transit countries in order to get to their point of destination. As Mr Schäfer has already said, a great deal has been done to address the problem, but we need to think about the neighbouring countries when we consider, for instance, the Syrian conflict. We have to think of Jordan, Turkey, the safe regions in Iraq and Lebanon, and work out how to protect refugees in those areas. Only last week an important conference on Syria and the region was held here that was meant to gather funding for such projects. On the one hand we are all in agreement that persecuted people need our protection. There are different approaches to that. The UK has decided on a quota and is applying it, and therefore is not experiencing the influx of refugees and migrants that we are currently seeing in Germany. I hope that this migrant situation or crisis will not influence the referendum and shift the result by several percentage points. That should be avoided.

The Chairman: Thank you very much. Unfortunately, we are running out of time. I am going to record for our German colleagues three areas that may be of interest. If you wish to correspond with us, please do so. The first is the issue of competitiveness, which is within the British Prime Minister's negotiating package, and whether the Tusk text is satisfactory in this area. The second is the question of so-called ever closer union, or ever closer union of the

peoples within the treaties, and whether the Tusk text offers sufficient assurance to make it clear that that is not the same as political integration. The third is a more practical one, which seeks any suggestions that you may have about the powers of national Parliaments.

Before I thank our witnesses and close the formal part of the public evidence session, it is only fair, since you have been so generous with your time, to offer each of you the opportunity to send one or two sentences in the form of a message to this Committee. Who would like to go first?

Axel Schäfer: *[Interpretation]* Thank you, Chair. We will certainly answer those other questions and we can do so in writing, or if you have time we can have a personal talk afterwards. I think our English will be sufficient for that. The most important thing for all of us in the European Union is to look at what we have achieved through our co-operation over the decades and ask whether we really could have done all that on our own. For me this goes back 65 years, because my personal involvement in co-operation with the UK stems from the twinning of my town of Bochum with that of Sheffield. During those 65 years there have been exchanges among pupils and citizens as well as economic exchanges that in my opinion are certainly worth keeping. While in Germany we often put a price on things, there is a value in co-operation at the European level that cannot have a price tag put on it.

I have one hope. I think that all members of the Committee are probably fans of the game that is football. The five most important leagues in the European world of football are those of Spain, France, Italy, Germany and of course England. All these leagues have at some point won the World Cup or have been the European Champions. In 1966, England was the world champion of football. My wish is that 50 years later, in 2016, you also become the European champions.

The Chairman: You are very gracious. Mr Schäfer.

Detlef Seif: To be or not to be, that is the question, and I add: to be strong together.

[Interpretation] The first part of this sentence was a part of the letter from Donald Tusk, and I think he chose the analogy with Shakespeare quite consciously, because if the UK took the wrong decision during the referendum regarding staying in or leaving the EU, that could certainly turn into a tragedy—an economic tragedy and maybe a tragedy of further political repercussions, with Scotland possibly holding its own referendum afterwards, the fragile situation in Northern Ireland maybe coming to the fore again, and Wales even deciding to say, “We are not part of this any more”. You might end up with a Great England, which would be a great shame in our opinion.

I am all for strong co-operation, and I do not think there is any room for a vacuum. A leap in the dark would be too risky, so I believe that the voters must know when it comes to a referendum that the right decision is for the United Kingdom to stay in the EU. My colleague and I are certainly working very hard on trying to achieve the United Kingdom staying in, not just for the economic benefit but for the co-operation on a human level. My wish is therefore for a positive outcome to the referendum.

The Chairman: Thank you. We now close the public evidence session. I would like first to remind our witnesses that we will send a transcript for their correction. The other business, which I can assure you is not formal, although it is not typical to say it, is that I think we would all like to express our appreciation for the excellent interpretation, which has helped many of us today.

Beyond that, I thank our two witnesses, Detlef Seif and Axel Schäfer, very much for their contributions. I am in a dilemma as to which has been more impressive—I am talking not about the two contributions, which have been of equal value and very helpful, but about the friendliness or the sheer attention and intellectual firepower of your answers. In concluding, perhaps I can say that this has been a very valuable conversation, and I hope that for us and our countries it will not be the final conversation on European matters.