

José Manuel Barroso
President of the European Commission

10. 12. 2012

Brussels,
BARROSO (2012) 1300171
BARROSO (2012)

Dear Lord Tugendhat,

Thank you for your letter of 29 October and for inviting the European Commission to contribute in the context of the Economic Affairs Committee's inquiry into "The Economic Implications for the United Kingdom of Scottish Independence".

The Committee will understand that it is not the role of the European Commission to express a position on questions of internal organisation related to the constitutional arrangements of a particular Member State.

Whilst refraining from comment on possible future scenarios, the European Commission has expressed its views in general in response to several parliamentary questions from Members of the European Parliament. In these replies the European Commission has noted that scenarios such as the separation of one part of a Member State or the creation of a new state would not be neutral as regards the EU Treaties. The European Commission would express its opinion on the legal consequences under EU law upon request from a Member State detailing a precise scenario.

The EU is founded on the Treaties which apply only to the Member States who have agreed and ratified them. If part of the territory of a Member State would cease to be part of that state because it were to become a new independent state, the Treaties would no longer apply to that territory. In other words, a new independent state would, by the fact of its independence, become a third country with respect to the EU and the Treaties would no longer apply on its territory.

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The Lord TUGENDHAT
Acting Chairman
House of Lords
Committee Office

E-mail: economicaffairs@parliament.uk

Under Article 49 of the Treaty on European Union, any European state which respects the principles set out in Article 2 of the Treaty on European Union may apply to become a member of the EU. If the application is accepted by the Council acting unanimously, an agreement is then negotiated between the applicant state and the Member States on the conditions of admission and the adjustments to the Treaties which such admission entails. This agreement is subject to ratification by all Member States and the applicant state.

On a more personal note, thank you for your good wishes, which I would warmly reciprocate.

Yours sincerely,

A handwritten signature in black ink, consisting of a vertical line on the left and a long, sweeping horizontal line that curves upwards at the end.

José Manuel BARROSO