

The Purported EC Derogation

The Department of Environment, Transport and Regions encourages the belief that Britain has a permanent "opt out" of kilometre/metre road signs in respect of EC directive 89/617. A typical letter from the DETR will say:

"...the UK has an indefinite derogation from the part of the EC directive on harmonisation of units of measurement which concern the metrication of length units for road traffic signs and related speed measurements" (21/9/00).

However, although Britain was granted a derogation from metric signage by the EC in 1989, this carries no guarantee of permanence since the EC can bring further proposals at any time for which Britain has no certain means of blocking. The situation was outlined in the House of Commons on April 11th 1989 during exchanges between the then Parliamentary Under-Secretary for Corporate Affairs, Francis Maude, and interested MPs:

Francis Maude	Now, let us consider the detail of the [European] Commission's proposals. The first proposal covers the mile, yard, foot and inch for road transport purposes, the pint for dispensing draught beer and cider, the pint for milk in returnable bottles, and the acre. We and Ireland would be able to continue to authorise those units for these purposes for as long as we wish, without any need for a further EC decision.
Dame Elaine Kellett-Bowman (Lancaster)	Did my hon. Friend say, "as long as we wish" or will there be a termination date of 1999?
Francis Maude	There is no termination date and it would be for the member states concerned to set a termination date if and when they wish.
Austin Mitchell (Great Grimsby)	The Minister said that the directive will be determined under article 100A. The Select Committee on European Legislation said in its report, "It appears to the Committee, in the light of the Department's response to the second point [article 100A] that there is no impediment to the Commission, if the present proposal is adopted by the Council, subsequently submitting a further proposal, under article 100A, to fix the date for ending". That means the use of this particular group of measures could be ended under article 100A?

Francis Maude	There is nothing to prevent the Commission from making further proposals about anything which lies within its competence to do. In the same way, there is nothing to stop anyone making a legislative proposal in this House. However, we are discussing the final step along the road. The Commission has accepted the concerns expressed by our government and the proposals reflect those concerns. Fears that there will suddenly be another tranche of proposals are misguided.
Austin Mitchell	Surely it means that the derogation could be ended unilaterally without consultation with us and without our consent.
Francis Maude	For the derogation to be ended would require the Commission to make a proposal which would have to be agreed by a qualified majority. That would have to be negotiated in the usual way and, as with this proposal, the United Kingdom and Ireland would not, alone, have a blocking minority. There is no reason to suppose -
Dennis Skinner (Bolsover)	It is not for ever, then?
Francis Maude	Nothing is for ever, as the hon. Gentleman knows. There is no reason to suppose, however, that the Commission has any desire to introduce further measures.

The above exchanges show just how carefully subsequent government assurances should be read. Most people receiving a letter from the DETR saying that Britain has an "indefinite derogation" from metric road signs would take indefinite to mean "permanent". However, as Francis Maude's remarks in 1989 reveal, the government uses the word indefinite only in the sense that it need not rely on further EC action to use non-metric signs. Britain has no permanent or guaranteed exemption from metric signage should the EC wish it, and no means of blocking such a proposal should it be made.