

## Sovereignty

- o EU law takes effect within the UK by operation of the European Communities Act 1972 and any other specific implementing legislation: see s. 18 of the European Union Act 2011 and Pham [2015] UKSC 15 at §80
- o The UK retains sovereignty both through Parliament but also as a matter of democratic oversight through elections and referenda and in its prerogative over fundamental issues such as foreign and security policy.
- o The scope of EU law remains limited by the terms of the EU Treaties and the principles of conferral and subsidiarity.
- o Outside that scope, UK law is unaffected by EU law – for example, UK education, health and criminal policy are very largely unaffected by EU law.
- o Within the scope of EU law, the principles of supremacy and direct applicability of EU law were well established before the UK joined the European Communities.
- o Although each of the Member States, including the UK, can be outvoted on certain measures by a ‘qualified majority’ of the other Member States, this is relatively rare and the UK has the right to challenge the legality of such measures before the ECJ.