

HOUSE OF LORDS

European Union Committee

1st Report of Session 2015–16

Report on 2014–15

Ordered to be printed 23 June 2015 and published 3 July 2015

Published by the Authority of the House of Lords

London : The Stationery Office Limited
£price

HL Paper 11

The European Union Committee

The European Union Committee is appointed each session “to scrutinise documents deposited in the House by a Minister, and other matters relating to the European Union”.

In practice this means that the Select Committee, along with its Sub-Committees, scrutinises the UK Government’s policies and actions in respect of the EU; considers and seeks to influence the development of policies and draft laws proposed by the EU institutions; and more generally represents the House of Lords in its dealings with the EU institutions and other Member States.

The six Sub-Committees are as follows:

Energy and Environment Sub-Committee
External Affairs Sub-Committee
Financial Affairs Sub-Committee
Home Affairs Sub-Committee
Internal Market Sub-Committee
Justice Sub-Committee

Membership

The Members of the European Union Select Committee are:

<u>Baroness Armstrong of Hill Top</u>	<u>Lord Green of Hurstpierpoint</u>	<u>Baroness Suttie</u>
<u>Lord Blair of Boughton</u>	<u>Lord Jay of Ewelme</u>	<u>Lord Trees</u>
<u>Lord Borwick</u>	<u>Baroness Kennedy of the Shaws</u>	<u>Lord Tugendhat</u>
<u>Lord Boswell of Aynho</u> (Chairman)	<u>Lord Liddle</u>	<u>Lord Whitty</u>
<u>The Earl of Caithness</u>	<u>Lord Mawson</u>	<u>Baroness Wilcox</u>
<u>Lord Davies of Stamford</u>	<u>Baroness Prashar</u>	
<u>Baroness Falkner of Margravine</u>	<u>Baroness Scott of Needham Market</u>	

Further information

Publications, press notices, details of membership, forthcoming meetings and other information is available at <http://www.parliament.uk/hleu>.

General information about the House of Lords and its Committees is available at <http://www.parliament.uk/business/lords>.

Select Committee staff

The current staff of the Committee are Christopher Johnson (Principal Clerk), Stuart Stoner (Clerk) and Karen Sumner (Committee Assistant).

Contact details

Contact details for individual Sub-Committees are given on the website. General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London, SW1A 0PW. Telephone 020 7219 5791. Email euclords@parliament.uk.

Twitter

You can follow the Committee on Twitter: [@LordsEUCom](https://twitter.com/LordsEUCom).

CONTENTS

	<i>Page</i>
Summary	5
Chapter 1: Introduction	7
The European Union Committee	7
Table 1: Sub-Committees and their remits	9
Chapter 2: Scrutiny	10
The process	10
Table 2: Explanatory Memoranda considered	10
Figure 1: The scrutiny process: flow-chart	11
Scrutiny overrides	12
Table 3: Scrutiny overrides by Department	12
Box 1: Addressing scrutiny overrides	13
Delegated and implementing legislation	13
Pre-European Council evidence sessions	14
Significant items of scrutiny	14
Environmental issues	14
Financial and economic affairs issues	15
Home affairs issues	17
Institutional and process issues	19
Conclusions	22
Chapter 3: Inquiry work	23
The process	23
Inquiries in 2014–15	23
The impact of the European Public Prosecutor’s Office on the United Kingdom	23
The post-crisis EU financial regulatory framework: do the pieces fit?	24
The EU and Russia: before and beyond the crisis in Ukraine	24
Civilian use of drones in the EU	25
A new EU Alcohol Strategy?	26
The UK’s opt-in Protocol: implications of the Government’s approach	27
The North Sea under pressure: is regional marine co-operation the answer?	27
Capital Markets Union: a welcome start	28
The Review of the Balance of Competences between the UK and the EU	28
Follow-up work	29
Women on boards	29
No country is an energy island: security investment for the EU’s future	30
Financial Transaction Tax: alive and deadly	30
The role of National Parliaments in the European Union	30
Counting the cost of food waste: EU food waste prevention	31
Youth unemployment in the EU: a scarred generation?	31
The Transatlantic Trade and Investment Partnership	32
Conclusions	32

Chapter 4: Communicating the work of the Committee	34
Print and broadcast media	34
Figure 2: News stories on the EU Committee in 2014–15	34
@LordsEUCom	35
Report postcards	36
EU Committee Digest	36
Looking inward	36
Conclusions	36
Table 4: Report debates	38
Chapter 5: Interparliamentary cooperation	41
Enhancing the role of national parliaments in the EU	41
Reforming the procedure for Reasoned Opinions	41
The Green Card	42
Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU (COSAC)	43
Other interparliamentary conferences	43
UK-France Parliamentary Working Group	44
Cooperation within the UK	44
European Chairs UK	45
Tripartite	45
Conclusions	45
Chapter 6: Looking ahead to the 2015–16 Session	46
EU reform and a referendum	46
An Investment Plan for Europe	46
Capital Markets Union	46
Circular Economy	46
Digital Single Market	47
Energy Union	47
European Agenda on Migration	47
Sanctions and the restrictive measures policy	48
Conclusion	48
List of conclusions and recommendations	49
Appendix 1: List of members and declaration of interests	51
Appendix 2: Select Committee and Sub-Committee members in 2014–15	54
Appendix 3: Terms of reference, Scrutiny Reserve Resolutions and Ashton-Lidington undertakings	56
Appendix 4: Reports published and report debates	59
Appendix 5: Interparliamentary meetings	62

SUMMARY

The European Union Committee of the House of Lords scrutinises the UK Government's policies and actions in respect of the EU; considers and seeks to influence the development of policies and draft laws proposed by the EU institutions; and represents the House of Lords in its dealings with the EU institutions and other Member States.

During the 2014–15 session, the Committee:

- Scrutinised nearly 150 EU legislative proposals and other significant documents, on issues such as: the climate and energy policy framework; occupational retirement provision; a single market for telecoms; structural reforms of EU credit institutions; the European Police College; data protection; and handling asylum applications.
- Conducted detailed scrutiny of key issues and processes including the Commission Work Programme, the Draft EU Budget and the UK's block opt-out from Justice and Home Affairs measures.
- Heard oral evidence from 180 witnesses and received 161 written submissions.
- Successfully introduced a system of pre-European Council evidence sessions with the Minister for Europe, giving the Committee an opportunity to examine publicly and influence the Government's negotiating position on key issues.
- Published 12 reports on some of the most important issues currently affecting the UK and the EU.
- Took forward its proposals for enhancing the role of national parliaments in the EU, in particular by promoting the establishment of a 'Green Card', to help national parliaments to play a positive, constructive role in setting priorities for EU action.
- Was featured in nearly 400 regional, national and international broadcast features and print articles.
- Launched a dedicated Twitter account @LordsEUCom.
- Participated in 19 interparliamentary conferences, as well as engaging with Government Ministers, Ambassadors, Commissioners and senior representatives of the EU institutions, other national parliaments, the devolved institutions, and UK MPs and MEPs.

In 2015–16 the Committee will scrutinise the Government's proposals for a renegotiation and referendum on UK membership of the EU. It will also continue to explore core EU proposals, such as the digital single market or energy union, which are and will continue to be of huge significance for the UK, whatever its future place within, or outside, the EU.

Report on 2014–15

CHAPTER 1: INTRODUCTION

1. This report is a consideration of our work over the 2014–15 Session: it reflects upon this work and evaluates the approach taken by the Committee and its Sub-Committees. The Session saw the culmination of significant pieces of scrutiny for the Committee, with the UK’s block opt-out decision in respect of justice and home affairs measure (and the subsequent negotiation to re-join a number of these); and the conclusion of the Government’s Review of the Balance of Competences between the UK and the EU. As the new Government sets out its proposals to reform the EU, this is an opportune moment to reflect on the lessons of these experiences.
2. 2014 was also a year of significant institutional change in the EU. By December, there was a new President of the European Council, a newly appointed Commission and a recently elected European Parliament. This has reinvigorated the approach to governance in the EU, and we have made a concerted effort to ensure that the appropriate relationships are established. Although the early signs are encouraging, this is also a suitable moment to evaluate how we have approached these essential relationships, and to consider how to build upon this work.
3. Finally, this report considers how we have communicated our work, and touches on our plans for the 2015–16 Session and beyond.

The European Union Committee

4. EU scrutiny is one of the key activities of the House of Lords. During the 2014–15 Session, the European Union Committee and its Sub-Committees involved at any given time 74 members of the House, supported by 24 staff. This is among the most exhaustive systems of national parliamentary scrutiny of EU legislation in Europe.

“The House of Lords is one of the best in Europe in terms of analysis. Very, very competent analysis of the legislation.”

José Manuel Barroso, former President of the European Commission, October 2014¹

5. The Committee’s terms of reference, along with the underpinning Scrutiny Reserve Resolution, can be found at Appendix 3. The Committee seeks to inform the House of Lords, to influence and hold to account the Government, to influence the European institutions, and to engage with stakeholders. As well as through its reports, the Committee does this through a great deal of direct communication, much of it online (at <http://www.parliament.uk/hleu>), including a dedicated Twitter account and a recently redesigned monthly newsletter. The Committee also strives to

¹ Chatham House, *Ten Years at the Helm of the European Commission: Some Reflections on Europe* (October 2014): http://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20141020BarrosoQA.pdf [accessed 19 May 2015]

ensure effective media coverage of its work. This is discussed in greater detail in Chapter 4.

6. During the 2014–15 Session the European Union Select Committee had six Sub-Committees, each with a specific policy remit. At its final meeting of the Session, the Committee agreed to simplify the names of the Sub-Committees, with effect from the start of the new Parliament. Their remits have not been altered in any way. Table 1 details the name changes, and the remits of the Sub-Committees. The Sub-Committees are referenced by their new names throughout the remainder of this report.
7. Finally, the House of Lords is represented in Brussels by our National Parliament Representative, who forms part of the UK's National Parliament Office, based in the European Parliament in Brussels. The National Parliament Representative's job is twofold: informing this Committee of the activities of the European and other national parliaments; and informing our European colleagues of the work being undertaken by the Committee and the House. This includes distributing our substantive reports and liaising with other national parliaments' officials about subsidiarity issues.
8. Along with this report, the Committee has published online:
 - (a) Activity indicators for the Select Committee and each Sub-Committee during the 2014/15 financial year;
 - (b) A full list of all evidence sessions held by the Select Committee and each Sub-Committee; and
 - (c) A list of all scrutiny and opt-in overrides between January and December 2014.
9. **We make this report to the House for debate.**

Table 1: Sub-Committees and their remits

New Sub-Committee Name	Former Sub-Committee Name	Remit
Financial Affairs	Economic and Financial Affairs (Sub-Committee A)	Financial regulation, customs, tax, structural cohesion funds and economic policy cohesion amongst the EU Member States. The Sub-Committee also has responsibility for scrutinising the European Semester and the draft EU Annual Budget.
Internal Market	Internal Market, Infrastructure and Employment (Sub-Committee B)	Employment, internal market, infrastructure and transport. The Sub-Committee's remit also includes competitiveness, research and innovation, the digital single market, the services industry and the free movement of goods, services and workers.
External Affairs	External Affairs (Sub-Committee C)	Foreign affairs, trade, development and defence. Members of the Sub-Committee represent the House at inter-parliamentary conferences on the Common Foreign and Security Policy and the Common Security and Defence Policy.
Energy and Environment	Agriculture, Fisheries, Environment and Energy (Sub-Committee D)	Environmental issues, climate change and energy policy, Common Agricultural and Fisheries Policies (CAP and CFP).
Justice	Justice, Institutions and Consumer Protection (Sub-Committee E)	Criminal and civil justice and procedures, fundamental rights, copyright and intellectual property, consumer protection and institutions.
Home Affairs	Home Affairs, Health and Education (Sub-Committee F)	Home affairs, including police cooperation, asylum and migration, counter-terrorism, civil protection and data protection. The Sub-Committee is also responsible for health, education and sport.

CHAPTER 2: SCRUTINY

10. This chapter considers the work done by the Committee and its Sub-Committees to scrutinise proposals emanating from the European institutions, and the Government's policies towards them.

The process

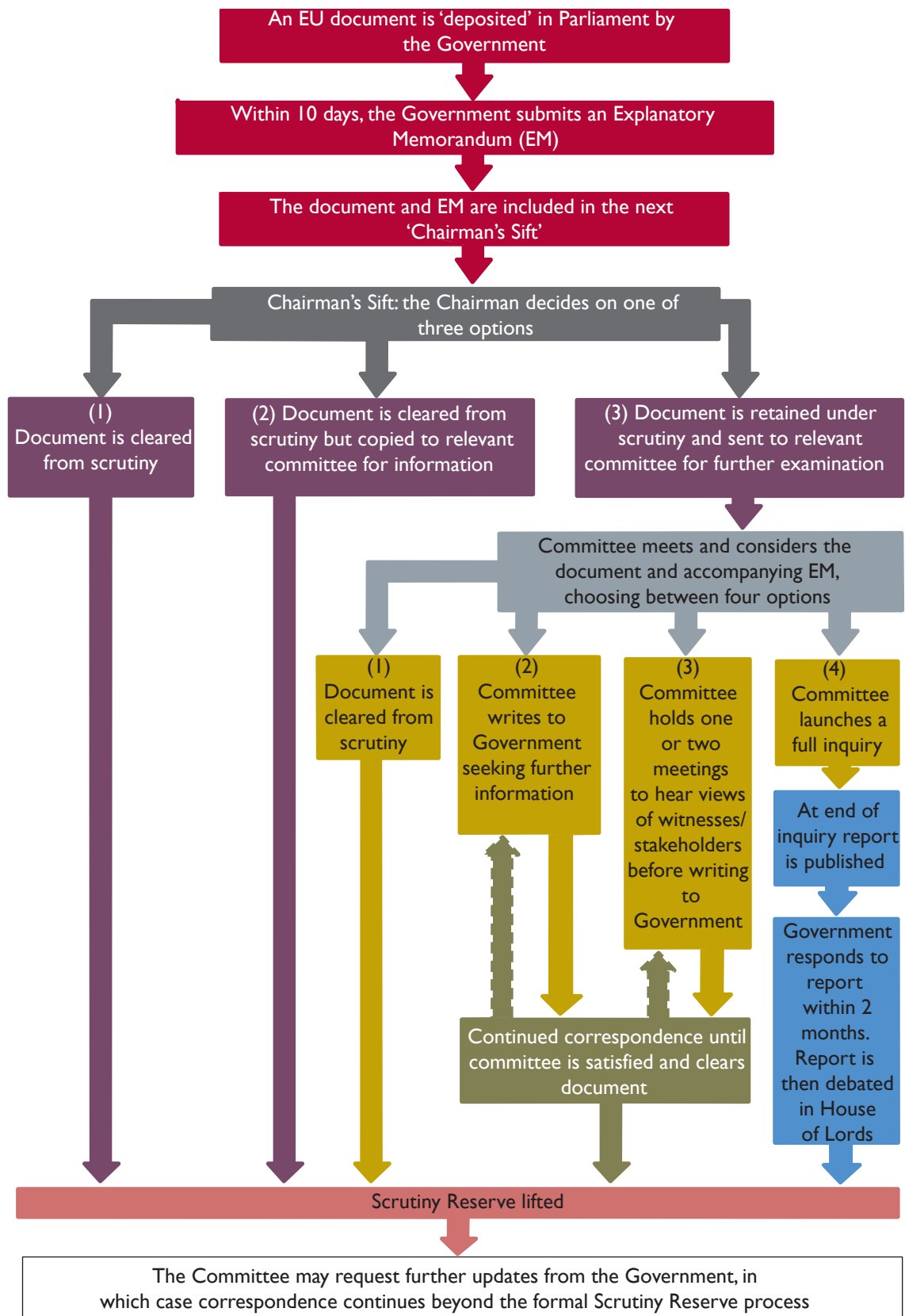
11. This Committee and the European Scrutiny Committee in the House of Commons have agreed with the Government the types of documents that need to be deposited by the Government in Parliament for consideration, such as Communications and legislative proposals made by the European Commission.
12. During the 2014–15 Session, the Chairman sifted 567 Explanatory Memoranda (EMs) relating to deposited documents, of which 144 were referred to the Select Committee or a Sub-Committee for examination. The figures for the previous session were 884 and 257 respectively. The lower number for the most recent session can be attributed to the change in the European Commission: there was both a legislative pause prior to the change in Commission, and, once it was in place, a desire by the new Commission to bring forward fewer proposals. The distribution among Sub-Committees is shown in Table 2 below.

Table 2: Explanatory Memoranda considered

Committee	Number of EMs considered
Select Committee	7
Energy and Environment	25
External Affairs	45
Financial Affairs	35
Home Affairs	10
Internal Market	13
Justice	9

13. The scrutiny of documents that have been sifted for examination is a substantial undertaking and forms a large part of the work of the Sub-Committees. Typically, examination includes an exchange of correspondence with the relevant Minister, but it can also result in a one-off evidence session or a seminar with stakeholders to discuss important issues raised by the document. Where appropriate, the Committee may produce a short report on its findings. A flow-chart, illustrating in simplified form the scrutiny process as a whole, is given opposite.

Figure 1: The scrutiny process: flow-chart



Scrutiny overrides

14. Scrutiny overrides occur when Ministers give agreement to a proposal without waiting for one or both of the parliamentary committees to complete their scrutiny work. In certain circumstances they can be difficult or impossible to avoid, for example in fast moving international situations, but overrides are inherently undesirable, and can represent a failure either of the proper conduct of EU scrutiny by Parliament, or of the Government to respect its commitments to Parliament. Table 3 shows the number of scrutiny overrides, broken down by Department, from January 2011 to December 2014.

Table 3: Scrutiny overrides by Department²

Period	Total	Departments responsible
Jan–June 2011	33	FCO (30); DEFRA (2); HMT (1)
July–Dec 2011	41	FCO (36);HMT (4); DFT (1)
Jan–June 2012	46	FCO (33); HMT (5); DEFRA (3); BIS (2); HO (2); MOD(1)
July–Dec 2012	19	FCO (15); HMT (3); BIS (1)
Jan–June 2013	25	FCO (23); BIS (1); HMT (1)
July–Dec 2013	18	FCO (15); BIS (2); DEFRA (1)
Jan–June 2014	23	FCO (19); BIS (4)
July–Dec 2014	45	FCO (34); BIS (5); CO (3); HMT (1); HO (1); MOJ (1)

15. Many of the overrides for 2014 can be attributed to fast moving foreign policy and Common Foreign and Security Policy (CFSP) matters, but we are also concerned by the significant increase in overrides that were not the responsibility of the Foreign and Commonwealth Office (FCO). In the second half of 2014, there were 11 such overrides, all largely avoidable. Given that there were between two and four in each of the four preceding six-month periods, this is a significant increase, which appears to be symptomatic of a reluctance by the Government to engage with the scrutiny process properly at the end of the Session.
16. We took up the overrides as they occurred with the relevant Ministers and Departments. Many Departments (but not all) have taken steps to prevent avoidable overrides in future.

² Cabinet Office (CO); Department for Business, Innovation and Skills (BIS); Department for Environment, Food and Rural Affairs (DEFRA); Department for Transport (DFT); Foreign and Commonwealth Office (FCO); HM Treasury (HMT); Home Office (HO); Ministry of Defence (MOD); Ministry of Justice (MOJ)

Box 1: Addressing scrutiny overrides

In July 2014, the scrutiny reserve was overridden on a dossier dealing with cross-border insolvencies in the European Union. The Justice Sub-Committee had written to the then Minister (Jo Swinson MP) and the Department for Business, Innovation and Skills (BIS) in June 2013 asking for further information to inform its scrutiny work—the Minister did not respond for a year. The eventual response failed even to refer to the Committee’s letter, let alone address the concerns it had raised.

In October 2014, The Minister was invited before the Sub-Committee to account for this failure to respond to the correspondence and the resulting override of the Parliamentary scrutiny reserve; and to spell out what steps the Department was taking in order to improve its performance in the future.

Since this evidence session, BIS has become an exemplar in how to handle European scrutiny matters—keeping staff and members well informed as progress is made on relevant dossiers. The session has also been drawn to the attention of many Ministers across Government involved in the scrutiny process and has prompted improvements in their performance similarly.

17. **The increase in the number of avoidable overrides of the Scrutiny Reserve Resolution in the 2014–15 Session was unacceptable. We are encouraged by the rapid improvements made by some Government departments in their handling of scrutiny. We recommend that the FCO and Cabinet Office put in place measures to ensure that the lessons learnt by these Departments and the processes put in place are shared with all Departments in future in order to minimise the number of overrides.**

Delegated and implementing legislation

18. The Lisbon Treaty introduced significant changes to the legal framework for the Commission’s adoption of subordinate legislation. This legislation, formerly adopted under “comitology” procedures, but now referred to as delegated and implementing legislation,³ often deals with highly technical matters. The Commission can be given the power to adopt “delegated acts”, which are “non-legislative acts of general application” designed to “supplement or amend certain non-essential elements” of parent legislation.⁴ The parent legislation must explicitly set out the “objectives, content, scope, and duration” of the power conferred on the Commission to adopt such subordinate legislation. The Commission can also adopt “implementing legislation” where “uniform conditions for implementing legally binding Union acts are needed”. Implementing legislation is subjected to scrutiny by committees of Member State representatives chaired by the Commission. There is some overlap between delegated and implementing legislation, but the power to adopt delegated legislation is more likely to be conferred in more politically sensitive areas.
19. The volume and nature of subordinate legislation pose challenges for our scrutiny procedures. Under our terms of reference delegated legislation is, on the face of it, depositable in every case, while implementing legislation tends

³ Articles 290 and 291 (TFEU)

⁴ Article 290 (TFEU)

not to be. Government departments have promised to consult with the Committee staff with a view to dispensing with the deposit of individual delegated legislation which is agreed to be neither politically nor legally sensitive. Departments have also been asked to alert Committees to proposed implementing legislation deemed politically or legally sensitive with a view to timely deposit.

20. In the 2012–13 Session Government departments consulted us only on around two-thirds of delegated legislation. Session 2013–14 saw an improvement to around 80 per cent. For the 2014–15 Session, consultation has remained at the same level. **We welcome the high level of consultation on delegated and implementing legislation during the 2014–15 Session. However, as we said in our report on the 2013–14 Session, and given the ever increasing levels of subordinate legislation being adopted, we urge Departments to continue to focus on improving the level of consultation in this area.**

Pre-European Council evidence sessions

21. One of the recommendations in our report on *The Role of National Parliaments in the European Union* was that instead of taking evidence from the Minister for Europe after European Council meetings, such sessions should take place beforehand, giving the Committee an opportunity to examine publicly and influence the Government's negotiating position on key issues.⁵ Although there was some initial resistance from the FCO, two pre-Council meetings were held in the second half of 2014, and another in March 2015. They enabled the Committee to engage directly with the Minister on pressing issues that required urgent attention. For example, in June 2014 the Council was due to consider the granting of candidate status to Albania as a potential member of the EU. The Government had yet to formulate its own position, and was unlikely to do so with sufficient time to consider the Committee's views prior to voting in the Council. Meeting the Minister ahead of time, we were able to ask him questions that otherwise would have been asked only after the event via correspondence.
22. **It is clear to us that the practice of meeting the Minister for Europe ahead of European Council meetings has proved to be worthwhile, and we recommend that it continue in the new Parliament. We shall further consider ways to follow up the Minister's evidence effectively after the European Council has met.**

Significant items of scrutiny

Environmental issues

A policy framework for climate and energy in the period from 2020–2030

23. At the European Council meeting in October 2014, Member States reached an agreement on the key features of the EU's future policy on climate and energy.⁶ The agreement included reforms to the Emissions Trading System

⁵ European Union Committee, *The Role of National Parliaments in the European Union* (9th Report, Session 2013–14, HL Paper 151)

⁶ A policy framework for climate and energy in the period from 2020 to 2030, [COM\(2014\) 15 final](#)

(ETS),⁷ improvements to energy security, and increasing the use of renewable energy.

24. In January the UK Government shared with us a joint UK-Czech ‘non-paper’, detailing their proposals for the future governance of EU energy and climate policy.⁸ Our Energy and Environment Sub-Committee pressed the Government on the approach outlined in this non-paper. In particular, we were concerned over how an EU-wide strategy would be able to function if the policy adopted by each Member State were to be ignored, given the implications that policy could have for another Member State. The Government clarified its position by explaining that it did not anticipate the introduction of a regime affecting the Commission’s right to comment upon the details of national energy and climate change policies with cross-border implications.
25. Although governance has not yet been addressed in a separate paper as part of the Energy Union Package, the Sub-Committee will continue to monitor the implications of Energy Union for Member States’ ability to formulate and pursue their individual energy policies.

A prohibition on driftnet fisheries

26. In May 2014 the Commission proposed a regulation prohibiting driftnet fisheries.⁹ We have consistently advocated a regionalised, decentralised approach to EU fisheries management measures, and we welcomed the outcome of the Common Fisheries Policy reform in 2013, which reflected this position. It was disappointing that there appeared to be reluctance on the part of the Commission to respect the principle of the reform when preparing the driftnet prohibition. The Government opposed the proposal for a blanket ban on driftnet fisheries and agreed with the Energy and Environment Sub-Committee’s suggestion that mesh size restrictions might be considered as a management measure at the regional level, in preference to an EU-wide ban. Negotiations on the proposal have made slow progress, and agreement is unlikely in the short term.

Financial and economic affairs issues

Institutions for occupational retirement provision

27. Since 2011 the Commission has been reviewing the 2003 Directive on the activities and supervision of institutions for occupational retirement provision (IORP).¹⁰ Occupation retirement provisions are schemes which manage financial assets on behalf of employers in order to provide retirement benefits for their employees. There are approximately 125,000 schemes in the EU, which manage assets of around £2 trillion for 75 million beneficiaries. The

⁷ The European Union Emissions Trading System (EU ETS) was launched in 2005 to combat climate change. A maximum is set on the total amount of greenhouse gases that can be emitted by all participating installations. ‘Allowances’ for emissions are then auctioned off or allocated for free, and can subsequently be traded.

⁸ Non-papers are discussion documents drawn up either by one of the EU’s institutions or by a Member State government. They are designed to stimulate discussion on a particular issue and do not represent the official position of the institution or country which drafted them.

⁹ Proposal for a Regulation laying down a prohibition on driftnet fisheries, [COM\(2014\) 265 final](#)

¹⁰ Directive on the activities and supervision of institutions for occupational retirement provision, [2003/41/EC](#)

majority of schemes are located in just four Member States, including the UK.

28. In April 2014 the Commission published a proposal containing new rules governing IORP schemes and the information they should provide their beneficiaries.¹¹ It was aimed at removing obstacles for cross-border provision of IORP schemes; and encouraging IORPs to invest in the wider European economy. We concluded that this proposal breached the principle of subsidiarity, given the small number of Member States that have significant schemes and the Commission's lack of evidence that Member States would be unable to address these themselves. The Commission's own Impact Assessment Board also made it clear that there were doubts over the need for the proposal—twice issuing a negative opinion on the proposal.
29. The publication of the proposal coincided with prorogation at the end of the 2013–14 Session. As a result, we were unable to recommend the adoption of a formal Reasoned Opinion within the eight-week deadline. Instead we wrote to the Commission on 9 July 2014 laying out our concerns over the proposal, and indicating that we would be minded, were the proposal be adopted in its existing form, to recommend that the House mount a legal challenge before the CJEU.¹² Negotiations proceeded rapidly towards the end of 2014, with the proposal being significantly revised, although some of our concerns about the proposal's compliance with subsidiarity remain. We are also concerned at the Commission's failure to take account of its own Impact Assessment Board's advice.

Single market for telecoms

30. The Internal Market Sub-Committee has continued to scrutinise the Commission's ambitious proposal to create a single market for telecoms, brought forward in September 2013.¹³ The initial timeline for the proposal soon slipped, and the Commission has now sought to focus on achieving agreement on the roaming charges and net neutrality provisions.¹⁴ The practice of bandwidth throttling, whereby the Internet service provider (ISP) slows down its Internet service to manage traffic or encourage users onto more expensive packages, has caused us and the Commission concern. The Government favours self-regulation of ISPs, with ISPs being more transparent about their traffic management policies. We have pressed the Government to consider alternative, regulatory options. A text on net neutrality was agreed in March 2015, but the Government voted against the proposal due to its potential impact on the UK's online child protection regime.
31. A compromise was proposed by the Latvian Presidency of the Council and the Commission to introduce a roaming allowance, instead of the initial

¹¹ Proposal for a Directive on the activities and supervision of institutions for occupational retirement provision (recast), [COM\(2014\) 167 final](#)

¹² Letter from the Chairman, 9 July 2014. Under Article 8 of Protocol (No 2) of the EU Treaties, national parliaments have a right to challenge EU legislation after it has been adopted on grounds of non-compliance with subsidiarity. The litigation is brought by the Member State government acting on behalf of the national parliament.

¹³ Communication on the Telecommunications Single Market, [COM \(2013\) 634 final](#)

¹⁴ Net neutrality is the principle that providers are obligated to provide unhindered access to all content being accessed by users.

proposal to abolish roaming charges. Even though the Council has agreed on this compromise, MEPs may still vote against it in order to push for the abolition of roaming charges altogether. Progress is slow on this proposal, and the Internal Market Sub-Committee will continue to scrutinise it closely.

Structural reforms of EU credit institutions

32. The Financial Affairs Sub-Committee has continued its scrutiny of the proposal to tackle concerns over ‘Too-Big-To-Fail’ banks, a proposal which seeks to address the remaining unmanaged risks in the Union’s banking system.¹⁵ The Sub-Committee’s scrutiny has focused on the proposed ban on proprietary trading and the so-called derogation provision, by which the UK would be permitted to implement the Vickers reforms in full.¹⁶ The latter provision has proved contentious with some Member States and there have been suggestions of legal objections to its use.
33. Our report on *The post-crisis EU financial regulatory framework*¹⁷ noted that the proposed ban was controversial, and that the optimal moment for such a reform might have passed by the time it was brought forward by the Commission. We are also concerned that the financial sector may have overstated its objections in an effort to encourage the Commission to drop the proposals. A general approach was reached in Council in June 2015, although the Sub-Committee continues to hold the document under scrutiny.

Home affairs issues

CEPOL (European Police College)

34. For proposals with a Justice and Home Affairs (JHA) legal base,¹⁸ the UK is able to exercise an opt-in. Under Protocol (No 21) of the Treaties, the UK is able to opt into a proposal within three months of its being made, or once the measure has been adopted by other Member States.
35. The Committee's scrutiny of measures to which the opt-in applies is governed by a separate scrutiny procedure, agreed by Baroness Ashton of Upholland, then Leader of the House, prior to the Lisbon Treaty entering into force,¹⁹ and supplemented by an agreement with the Minister for Europe in January 2011. These agreements are now known as the Ashton-Lidington undertakings. Further details of the Ashton-Lidington undertakings and the House's procedures on opt-ins are set out in Appendix 3.

¹⁵ Proposal for a Regulation on structural measures improving the resilience of EU credit institutions, [COM \(2014\) 43 final](#)

¹⁶ The Vickers reforms resulted from the Independent Commission on Banking’s inquiry into structural and related non-structural reforms to the UK banking sector to promote financial stability and competition in the wake of the 2007–08 financial crisis.

¹⁷ European Union Committee, *The post-crisis EU financial regulatory framework: do the pieces fit?* (5th Report, Session 2014–15, HL Paper 103)

¹⁸ This includes proposals coverings such things as judicial cooperation in civil and criminal matters, police cooperation, asylum and immigration.

¹⁹ The Committee reported more fully on the Ashton undertakings in our Report entitled [Enhanced scrutiny of EU legislation with a United Kingdom opt-in](#) (2nd Report, Session 2008–09, HL Paper 25).

36. CEPOL is the European Police College. It is currently constituted under a Council Decision (which is binding on the UK), but on 16 July 2014 the Commission brought forward a proposal to re-establish CEPOL under a Regulation which was subject to a United Kingdom opt-in.²⁰
37. Currently CEPOL brings together senior police officers from across the EU, to encourage cross-border cooperation in the fight against crime through training and exchange programmes, and the sharing of best practice. The Commission proposed broadening the mandate of CEPOL, in particular to allow it to deal with the training of police officers, customs officers and border guards of all ranks.
38. The Home Affairs Sub-Committee considered the proposal, and prepared a report which was published on 24 October.²¹ We sympathised with the Government's anxieties about the content of the proposal, but we nevertheless urged the Government to opt in, pointing to the legal confusion over the UK's position which would arise from a failure to opt in. Our report was debated on the floor of the House on 3 November 2014.²² In the event, the Government decided not to opt in at that stage but, as in the case of Europol, to reconsider its position after the Regulation was adopted. Despite its undertaking to inform the Committee, and both Houses, of opt-in decisions as soon as they are taken, the Government failed to inform us of its decision not to opt into the CEPOL proposal until over three months after that decision had been taken.

Data protection

39. In January 2012 the Commission put forward a proposal for a new General Data Protection Regulation to supersede the 1995 Directive, which is now hopelessly outdated. Negotiations have been progressing painfully slowly, but the Latvian Presidency has stated (as did its three predecessors) that it hopes to have a general approach agreed by the end of its Presidency.
40. One of the more controversial issues is whether the Regulation should include, as the current Directive does, a so-called 'right to be forgotten': a right for a data subject to require a data controller to erase links to data which the data subject regards as prejudicial. On 13 May 2014 the Court of Justice interpreted the relevant provisions of the 1995 Directive to mean that search engines like Google, the defendant in the case, should be classed as data controllers, and that a data subject should have the right, not to have accurate data removed, but to have links to those data provided by search engines eliminated. This judgment, although interpreting the 1995 Directive, influenced the direction of the negotiations on the draft Regulation, and our Home Affairs Sub-Committee carried out a brief inquiry into the topic.
41. The Sub-Committee talked to representatives of Google and took evidence from a number of witnesses, including the Information Commissioner's Office and the Rt Hon Simon Hughes MP, the then Minister for Justice and Civil Liberties. We published a report on 30 July, pointing out that the 'right

²⁰ Proposal for a Regulation establishing a European Union agency for law enforcement training (CEPOL), repealing and replacing the Council Decision 2005/681/JHA, [COM\(2014\) 465](#)

²¹ European Union Committee, *The United Kingdom opt-in to the draft CEPOL regulation* (3rd Report, Session 2014–15, HL Paper 52)

²² HL Deb, 3 November 2014, [cols 1490–1507](#)

to be forgotten’ was a misleading name, and warning that an attempt to assert such a right might well have the opposite effect of giving extra publicity to the data in question.²³ We concluded that, whatever the merits might have been for a right to be forgotten in 1995, before Google even existed, 20 years on it was misguided in principle and unworkable in practice, and we recommended that no such provision should be included in the new Regulation.

42. The Government agreed with our view but the Commission, and some other Member States, still believe that such a right should be included in the Regulation. The Government continues to attempt to minimise the damage which such a provision may cause.

The Dublin III Regulation

43. Dublin III is the latest version of the Regulation determining which Member State has jurisdiction to decide asylum applications.²⁴ On 26 June 2014 the Commission put forward a proposal for a Regulation to give effect to a judgment of the Court of Justice delivered 10 days earlier, amending Dublin III to allocate jurisdiction to the Member State in which the unaccompanied minor had lodged his application for asylum and was present. This draft Regulation was subject to a United Kingdom opt-in. The Committee believed the Government should opt in, since not to do so would have left laws in different parts of the EU allocating jurisdiction to the courts of different Member States. Although we did not issue a report, because of the summer recess, the Government did opt in on 15 October 2014.
44. As in the case of CEPOL, the Committee and both Houses were informed of the Government’s decision to opt into the Dublin III Regulation over three months late.

Institutional and process issues

Commission Work Programme 2015

45. In December 2014 the new Commission published its Work Programme for 2015.²⁵ The Work Programme was concise, bringing forward only 23 new initiatives, while proposing the withdrawal of 80 measures deemed either inappropriate or requiring amendment in order to make them fit for purpose. We welcomed the emphasis on reducing regulation, which is consistent with President Juncker’s promise that his Commission will “always look for the most efficient and least burdensome approach.”²⁶ We also welcomed many of the new initiatives. Each Sub-Committee considered the elements of the Work Programme relevant to its remit, and the relevant committees in the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly shared their views on the Work Programme with us.

²³ European Union Committee, *EU Data Protection law: a ‘right to be forgotten’?* (2nd Report, Session 2014–15, HL Paper 40)

²⁴ Proposal for a Regulation amending Regulation (EU) No.604/2013 as regards determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State, [COM\(2014\) 382](#)

²⁵ Communication on the Commission Work Programme 2015, [COM\(2014\) 910](#)

²⁶ Mission Letter to First Vice-President Timmermans, from President Juncker ([1 November 2014](#))

46. In February we wrote to President Juncker to welcome the Commission's change in approach while asking for more information on the initiatives—the deposited document did not contain much detail. The Commission responded to us in May and has published proposals on a number of the initiatives detailed in the programme, including on the Digital Single Market and the Interinstitutional Agreement for better regulation.²⁷ Many of these initiatives will provide the basis for significant scrutiny work in the 2015–16 Session.
47. **The publication of the Work Programme at the end of 2014 meant that there was no realistic opportunity for proper engagement with its content (as has been called for by the Dutch Tweede Kamer) prior to its adoption in the Council. We hope that the Commission Work Programme for 2016 will be published in enough time for national parliaments to consider the proposals in more depth, so that they can contribute constructively to the Commission's plans. We also urge the Commission in its next Work Programme to outline its plans for initiatives beyond December 2016, so as to help national parliaments to engage upstream in policy development.**

Draft EU budget 2015

48. The scrutiny of the EU's annual budget forms a key part of the Financial Affairs Sub-Committee's Work Programme. In June and July 2014 evidence was taken from senior Commission officials,²⁸ as well as the then Financial Secretary to the Treasury, the Rt Hon Nicky Morgan MP. On 9 July the Chairman wrote to the Minister, outlining a number of concerns with the budgetary process.²⁹ In particular, the evidence taken highlighted the growing disconnect between payments and commitments (evident in the growing backlog of outstanding payments and the use of the Contingency Margin by the Commission) and we were concerned that the front-loading of payments under the 2014–2020 Multiannual Financial Framework agreement was placing the budgetary process under intolerable strain. We also criticised the Government's lack of engagement on these issues, and its failure to identify concrete proposals for amending the budget.
49. Further evidence was taken from a number of MEPs in September.³⁰ They all expressed frustration with the weaknesses in the budgetary process. Richard Ashworth MEP criticised HM Treasury for its failure to take the EU budgetary process seriously, and also drew attention to the weaknesses of the system of budgetary control in the European Parliament.
50. In the midst of the negotiations on the draft 2015 budget, the outgoing Commission announced that it was requesting that the UK should make a €2.1 billion payment to the EU Budget on account of GNI and VAT adjustments. We sought clarification from the Government of the

²⁷ Communication on A Digital Single Market Strategy for Europe, [COM\(2015\) 192](#); Communication from the Commission to the European Parliament and the Council on the Proposal for an Interinstitutional Agreement on Better Regulation, [COM\(2015\) 216 final](#)

²⁸ Nadia Calviño, Director General, DG Budget (BUDG), and Silvano Presa, Director, DG Budget (BUDG)

²⁹ Letter from the Chairman to Nicky Morgan MP, Financial Secretary to the Treasury ([9 July 2014](#))

³⁰ Jean Arthuis MEP, Chair of the European Parliament Committee on Budgets (BUDG), Dr Ingeborg Gräßle MEP, Chair of the European Parliament Committee on Budgetary Control (CONT), and Richard Ashworth MEP, a UK MEP and member of both Committees.

circumstances behind this request, and called into question the Chancellor of the Exchequer's statement at the conclusion of negotiations that he had "halved the bill" in the final agreement by taking into account the UK's rebate. We disputed the Chancellor's assertion that "it had not been clear that we would receive a rebate, let alone such a large one".³¹

51. The contentious negotiations on the Draft Annual Budget for 2015 were finally concluded in December 2014. The Sub-Committee subsequently heard evidence from the new Financial Secretary to the Treasury, David Gauke MP, on the outcome of negotiations and on how the budgetary process could be improved in the future. We welcomed his suggestions for improving the process, and hope they are realised in time for the 2016 draft EU budget.

The UK's block opt-out

52. 1 December 2014 was the fifth anniversary of the entry into force of the Treaty of Lisbon, and so the date on which, under Article 10 of Protocol (No. 36) to the Treaties, the Government's block opt-out from all Justice and Home Affairs (JHA) measures adopted before 1 December 2009 took effect, as did its application to rejoin some of those measures.
53. These were matters of great importance and considerable complexity. In April 2013 we published a report that concluded that the Government should not exercise the UK block opt-out, but, in case it did so, specified which measures it should rejoin.³² After the Government exercised the UK block opt-out in July 2013, we issued a follow-up report in October 2013, commenting in particular on the 35 measures which the Government sought to rejoin.³³
54. Previously, in October 2012, the Home Secretary had informed the House of Commons of the "Government's full commitment to holding a vote on the 2014 decision in this House and the other place, [and] the importance that we will accord to Parliament in the process leading up to that vote".³⁴ In May 2014 Lord Faulks QC, Minister of State for Justice, repeated this undertaking: "The Government have been clear throughout this process that Parliament will be given a vote on the final list of measures that the Government apply to rejoin".³⁵ Thus in the six months between June and the end of November 2014 it was incumbent upon the Government to keep the scrutiny Committees, and both Houses, fully informed of the progress of negotiations on opting back in to 35 measures; and to ensure that the negotiations were completed, and the draft legislation (both UK and EU) prepared in good time to be considered by Committees, if necessary reported on, and in any case debated, before 1 December 2014.
55. The Government signally failed on every count. It was not until 30 October 2014 that Ministers were able to resolve discrepancies between their list of 35

³¹ HC Deb, 10 November 2014, [col 1183](#)

³² European Union Committee, *EU police and criminal justice measures: The UK's 2014 opt-out decision* (13th Report, Session 2012–13, HL Paper 159).

³³ European Union Committee, *Follow-up report on EU police and criminal justice measures: The UK's 2014 opt-out decision* (5th Report, Session 2013–14, HL Paper 69)

³⁴ HC Deb, 15 October 2012, [col 35](#)

³⁵ HL Deb, 8 May 2014, [col 1587](#)

measures and that of the Commission, and finally to confirm which 35 measures they were seeking to opt back into. The UK Regulations to transpose some of these measures into UK law, which were required before the Commission would implement the opt-in, were laid before Parliament only on 3 November. A debate on 17 November on a motion to approve those Regulations (which did not include controversial measures such as the European Arrest Warrant) was the only opportunity given to the House to debate the Government's policy on opting back in, notwithstanding the undertakings already referred to.

56. Moreover, although the Commission and Council Decisions implementing the opt-in were adopted and came into force on 1 December, the Committee did not receive the text of the Decisions, and Explanatory Memoranda, until some days later. The Government's handling of the whole Protocol (No. 36) exercise reflects poorly on Ministers and was an entirely avoidable own-goal.

Conclusions

57. **The handling of scrutiny by certain Government departments was flawed over the course of the Session. It was noticeably poor when more complex scrutiny arrangements were required, for example when the JHA opt-in was engaged. We urge Ministers to revisit the Ashton-Lidington undertakings and to remind themselves of their obligations to Parliament.**
58. **Looking ahead, there is the prospect of still more complex negotiations over the Government's plans to seek reform of the EU prior to a referendum. Against this backdrop, we recommend that the Government review carefully how it approaches the handling of scrutiny in order to address the shortcomings we have outlined.**
59. **When errors have been made they have, in the most part, been swiftly addressed. We recommend that the FCO and Cabinet Office ensure that lessons are learnt by those Departments that made particularly egregious errors in the handling of simple scrutiny matters over the course of the 2014–15 Session, and that these lessons are shared across Government.**

CHAPTER 3: INQUIRY WORK

The process

60. Typically, inquiries involve a public Call for Evidence, to which any interested party can reply, and one or more oral evidence sessions with the Government, stakeholders, and sometimes the European institutions. All evidence is made available online. The final report is agreed by the Sub-Committee and Select Committee. It draws conclusions based on the evidence and makes recommendations to the Government and, on occasion, to other bodies, such as the European Commission.

Inquiries in 2014–15

The impact of the European Public Prosecutor's Office on the United Kingdom

61. The Justice Sub-Committee launched an inquiry on the impact of the European Public Prosecutor's Office (EPPO) in January 2014. This followed a Reasoned Opinion issued by the House in October 2013,³⁶ which contributed to a yellow card by national parliaments against the proposal to establish an EPPO, and the subsequent dismissal of the yellow card by the Commission. After the Sub-Committee had finished taking evidence, the Presidency of the Council of the EU brought forward a rival text to that proposed by the Commission. The Sub-Committee offered all those who gave evidence to the inquiry an opportunity to comment on this rival proposal, and the subsequent report was published on 3 November 2014, the first working day of the newly appointed Commission.³⁷
62. The report identified a number of significant problems with the Commission's proposal.³⁸ The report also identified a number of issues with the Council's alternative text.³⁹ We warned that the EPPO could seriously undermine the UK's relationship with the European Anti-Fraud Office (OLAF) and with Eurojust. In response to the Home Secretary's suggestion that the UK might not be legally obliged to cooperate with the EPPO's requests for legal assistance, the report called on the Government to launch a consultation on the potential legislative response in this regard to the EPPO's creation.
63. Unsurprisingly, given its opposition to the EPPO, the Government shared many of our concerns. The only point of departure centred on the Government's rejection of our call for a consultation on its responsibility, or otherwise, to reply to the EPPO's requests for assistance. A debate was held on 19 March 2015, during which this issue was explored further, and the

³⁶ European Union Committee, *Subsidiarity Assessment: The European Public Prosecutor's Office* (3rd Report, Session 2013–14, HL Paper 65)

³⁷ European Union Committee, *The impact of the European Public Prosecutor's Office on the United Kingdom* (4th Report, Session 2014–15, HL Paper 53)

³⁸ Impracticalities of exclusive competence to prosecute crimes against the EU's financial interests; the dangers of an overwhelming workload born out of the EPPO's exclusive competence; and, an overly centralised structure.

³⁹ A lack of clarity about sharing competence with Member States, and, the introduction of an overly complicated collegiate structure.

Sub-Committee will continue to consider the proposal as negotiations progress.⁴⁰

The post-crisis EU financial regulatory framework: do the pieces fit?

64. The Financial Affairs Sub-Committee's main inquiry during the 2014–15 Session was on the post-crisis EU financial regulatory framework, leading to a report published in February 2015.⁴¹ The report considered the 41 legislative proposals that had been brought forward by the European Commission in the aftermath of the financial crisis, which had cumulatively brought about a dramatic transformation in the financial regulatory landscape.
65. The report concluded that the bulk of the new regulatory framework was necessary and proportionate, and that the EU institutions had performed well given the scale of the crisis they faced. Nevertheless, we concluded that there were some weaknesses in the construction of the new regulatory framework. Impact assessments were not always up to standard. Some regulatory reforms were the result of political pressures to take action, and/or to make the financial sector pay for the crisis. The need to promote the growth agenda was only belatedly recognised and there was not enough recognition of the cumulative impact of the reforms on the financial sector. We therefore called on the Commission to launch a comprehensive internal audit of the entire legislative framework to date. The new Commissioner for Financial Stability, Financial Services and Capital Markets Union, Lord Hill of Oareford, has already committed to undertake a review of the cumulative effect of the legislation.

The EU and Russia: before and beyond the crisis in Ukraine

66. The External Affairs Sub-Committee conducted an extensive inquiry into the EU's relationship with Russia. The main focus of the inquiry was, unsurprisingly, Ukraine, and the Sub-Committee found itself following highly sensitive and constantly changing events. As part of the inquiry, the Sub-Committee took evidence from, among others, Ambassadors, former diplomats and a former Prime Minister of Russia. The Sub-Committee also visited Brussels in order to question Commission and European External Action Service (EEAS) officials, as well as the Russian Ambassador to the EU. In order to obtain the German perspective, the Sub-Committee visited Berlin where, among others, they took evidence from Chancellor Merkel's Foreign Policy and Security Adviser and the German Federal Foreign Office.
67. The report was published on 20 February 2015.⁴² While we are clear that Russia's action in a sovereign territory was unacceptable, we outlined the mistakes made in the run-up to the crisis on both sides, by the EU as well as Russia: there was an element of 'sleep-walking' into the Ukraine crisis. The Committee found a glaring absence of political oversight, that the Foreign and Commonwealth Office had lost expertise and analytical capacity on Russia and Eastern Europe, and that the UK and other EU Member States

⁴⁰ HL Deb, 19 March 2015, [cols 1179–1194](#)

⁴¹ European Union Committee, *The post-crisis EU financial regulatory framework: do the pieces fit?* (5th Report, Session 2014–15, HL Paper 103)

⁴² European Union Committee, *The EU and Russia: before and beyond the crisis in Ukraine* (6th Report, Session 2014–15, HL Paper 115)

were unable to read events on the ground in Ukraine or offer an authoritative response. The Committee urged the Government to consider how it could regain these skills. We also stressed the need for the EU to look beyond the present crisis by reviewing the terms of its long term relationship with Russia. Finally, the report highlighted areas where the EU might be able to work with Russia to develop a genuinely collaborative relationship.

68. The publication of the report was covered across a broad range of broadcast, print and online media. A month after publication we held a public seminar to debate the report's findings with relevant stakeholders, including academics, think-tanks, journalists and representatives of the FCO and the Russian Embassy. The seminar was led by presentations from Michael Binyon OBE (*The Times*), Sir Rodric Braithwaite OBE (former British Ambassador to the Soviet Union and Russia) and Rory Stewart OBE MP (Chairman, House of Commons Defence Committee). This allowed the more nuanced findings of the report to be discussed, in addition to those covered widely by the press on the publication day itself. In an unusual move, the report was debated before a formal Government response had been received. The debate, held on 24 March, saw 28 speakers, many of whom were not members of the EU Committee, contribute their thoughts on the continuing crisis in EU-Russia relations.⁴³

Civilian use of drones in the EU

69. The Internal Market Sub-Committee's inquiry into the civilian use of drones in the EU evaluated the Commission's plans to make Europe a leader in the Remotely Piloted Aircraft Systems (RPAS) industry. Drones are no longer used solely by the military. In the UK alone, there are now hundreds of companies looking to exploit the opportunities provided by civilian use of RPAS. Businesses across Europe are using small drones for photography, surveying, cargo shipping and search and rescue.
70. The report was published in March 2015.⁴⁴ Evidence bore out the Commission's estimate that around 150,000 new jobs could be created across Europe from drone activity by the year 2050. But we noted that public approval remained a barrier, and that the safety of drone operations would have to be demonstrated. We supported the Commission's ambition to establish an appropriately regulated internal market for the commercial use of RPAS, but expressed concern about the governance of the body nominated to develop safety rules, JARUS.⁴⁵
71. We acknowledged the legitimate public concerns about potential threats to safety and privacy as a result of the increase in use of drones, but concluded that current EU and UK legislation adequately covered any data protection issues. Nonetheless, we recommended that there should be increased guidance on data protection and insurance requirements for commercial operators. We also recommended measures to improve the enforceability of existing safety and privacy laws. These included developing the CE marking for drones, creating an online database of

⁴³ HL Deb, 24 March 2015, [cols 1323–1385](#)

⁴⁴ European Union Committee, *Civilian Use of Drones in the EU* (7th Report, Session 2014–15, HL Paper 122)

⁴⁵ Joint Authority for Rule Making on Unmanned Systems

drone operations to track and manage drone traffic, and expanding the use of geo-fencing technology.

72. Following publication the Sub-Committee held a seminar, attended by many key stakeholders, on 12 March. The Government also responded quickly to the report, endorsing many of our findings. We look forward to debating our report early in the new session.

A new EU Alcohol Strategy?

73. Alcohol abuse is the third leading risk factor for disease and mortality in Europe. It is also a major fuel for public disorder and crime. Europe has the highest *per capita* alcohol consumption of any part of the world, and United Kingdom consumption is well above the European average. In 2006 the Commission proposed, and the Council adopted, “an EU Strategy to support Member States in reducing alcohol-related harm”. Its five priorities were to protect young people, children and unborn children; to reduce deaths and injuries from alcohol-related road accidents; to reduce alcohol-related harm among adults; to increase education and awareness; and to develop and maintain a common evidence base. The Strategy was given an end date of 2012, and when that date was reached the Commission did nothing to renew or replace it.
74. The Home Affairs Sub-Committee decided to look at what had been achieved, and what should come next. The report, published on 6 March 2015, concluded that the previous strategy failed to differentiate between those few topics where the EU has competence to act, and those areas where it can carry out a useful coordinating role.⁴⁶ A new EU Alcohol Strategy which was simply a continuation of the previous one would only perpetuate its deficiencies.
75. We concluded that future action at EU level should concentrate on the initiatives which the EU can take and which would make a difference. The structure of alcohol taxation must be made more rational. The labelling of alcoholic beverages, for too long exempt from the Food Labelling Regulation, must be brought within its scope. The uncertain mandate of the EU-level bodies set up under the Strategy should be clarified. The UK Government should monitor the effects of the proposed introduction of minimum unit pricing (MUP) in Scotland, and, if it appears to be successful in targeting the heaviest drinkers, it should fulfil its undertaking to introduce MUP in England and Wales. Finally, the Committee noted the disagreement and lack of trust between public health professionals and the manufacturing, retailing and advertising industries about the available evidence, research and statistics, and suggested how changes in the commissioning of research might produce a more trustworthy evidence base.
76. The Council of Health Ministers met in Riga on 20–21 April to consider a discussion paper, put forward by the Latvian Presidency, on whether there should be a new EU Alcohol Strategy. The Paper quoted at some length from our report, and concluded: “In the light of the proposals made by European Parliament, House of Lords, health ministers, CNAPA [Committee on National Policy and Action] and NGOs, the emphasis must be changed to take into account the existing evidence-based cost-effective

⁴⁶ European Union Committee, *A new EU Alcohol Strategy?* (8th Report, Session 2014–15, HL Paper 123)

strategies to reduce alcohol-related harm in society, which are: pricing and taxation measures, restrictions on commercial marketing of alcohol and on its availability, enforced legislative measures to reduce drinking and driving and individually directed interventions in the case of already at-risk drinkers.”⁴⁷ The paper was endorsed by the Health Ministers present. Although we later learnt that the Commission had decided not to bring forward a new Strategy, we look forward to further action in areas where there is undoubted EU competence.

The UK’s opt-in Protocol: implications of the Government’s approach

77. The Justice Sub-Committee conducted an inquiry into the UK’s interpretation of the opt-in Protocol,⁴⁸ under which the UK has a right not to participate in EU JHA measures. The inquiry was prompted by correspondence with the Home Secretary and the Minister for Justice, which led us to conclude that the Government was pursuing a policy seemingly at odds with legal norms. The Government was reluctant to engage with the inquiry from the outset. Four months elapsed from the launch of the inquiry before the Government submitted written evidence and confirmed its willingness to appear before the Sub-Committee. The report was eventually published on 24 March 2015.⁴⁹
78. None of the independent, expert witnesses who gave evidence to the inquiry supported the Government’s broad interpretation of the opt-in Protocol, under which it said the UK was allowed unilaterally to decide when the Protocol applied, or its approach to determining the legal base of EU measures with JHA content, which contravened clear EU legal rules. The Committee concluded that the Government’s approach was misconceived and risked creating legal uncertainty. We therefore called on the incoming Government to abandon this interpretation of the Protocol and to seek an alternative approach.

The North Sea under pressure: is regional marine co-operation the answer?

79. The Energy and Environment Sub-Committee’s inquiry into regional marine co-operation in the EU, focusing on the North Sea, culminated in the publication of its report, *The North Sea under pressure: is regional marine co-operation the answer?*, on 17 March 2015.⁵⁰ The North Sea, as one of the most industrialised seas in the world, is under many pressures, and attempts to manage those pressures strategically are embryonic and unpredictable. The Committee concluded that no existing body or mechanism had a broad enough remit to facilitate the political co-operation required to make the necessary step-change in the management of the North Sea basin, and we argued for the re-establishment of a North Sea Ministerial Conference. We called for greater progress on electricity interconnection in the North Sea, proposing that further support could be provided to the Fisheries’ Advisory

⁴⁷ Latvian Council of the European Union, *Towards a new framework for EU alcohol policy*, 20–21 April: http://www.vm.gov.lv/images/userfiles/Prezidentura/nonpaper_alcohol.pdf [accessed 12 June 2015]

⁴⁸ Protocol (No.21) to the Treaties

⁴⁹ European Union Committee, *The UK’s opt-in Protocol: implications of the Government’s approach* (9th Report, Session 2014–15, HL Paper 136)

⁵⁰ European Union Committee, *The North Sea under pressure: is regional marine co-operation the answer?* (10th Report, Session 2014–15, HL Paper 137)

Councils, in light of their new role promoting regional engagement with the Common Fisheries Policy.

80. The report was published in the wake of the new Maritime Spatial Planning Directive, and we hope that the conclusions and recommendations of the report will influence policy making at national- and EU-level. Informal soundings suggest that the report has been well received in other North Sea states, including Germany and the Netherlands. Responses from the Commission and the UK Government are expected early on in the 2015–16 Session.

Capital Markets Union: a welcome start

81. In March 2015 we published our report on *Capital Markets Union: a welcome start*, following a brief inquiry by the Financial Affairs Sub-Committee.⁵¹ The report is the Committee's response to the Commission's consultation on its February 2015 Green Paper, *Building a Capital Markets Union*.⁵² Capital Markets Union (CMU) is a flagship policy of the new Commission, and in publishing the report only a month after the release of the Commission Green Paper we sought to influence the policy agenda at an early stage. The report took account of oral evidence provided by Lord Hill of Oareford, the Commissioner for Financial Stability, Financial Services and Capital Markets Union, along with a successful interactive seminar with a number of experts and practitioners in the field.
82. The report welcomed the CMU proposals, which form a key element of the Commission's jobs and growth agenda, as a timely and necessary step in promoting a sustainable economic recovery across the EU. In particular, CMU provides an opportunity to create a properly functioning single market in capital by diversifying funding and improving investment opportunities across the EU. We also welcomed the consultations on the Prospectus Directive and on developing a framework for high-quality securitisation.⁵³ However, the report warned of the need for realism: capital markets cannot and should not replace the banking sector, but should complement it as an alternative source of funding. The state of development of capital markets varies considerably between Member States. In addition, the 'SMEs' who are expected to benefit from these more diverse sources of funding are in reality made up of an extremely broad range of companies, not all of whom will benefit from CMU. The onus is on companies themselves to take advantage of the opportunities that will be created.
83. We expect the report to be debated early in the new session.

The Review of the Balance of Competences between the UK and the EU

84. The Select Committee conducted a brief inquiry after the completion of the Government's Review of the Balance of Competences between the UK and

⁵¹ European Union Committee, *Capital Markets Union: a welcome start* (11th Report, Session 2014–15, HL Paper 139)

⁵² Green Paper: Building a Capital Markets Union, [COM\(2015\) 63 final](#)

⁵³ The Prospectus Directive is an EU-wide regime for capital market prospectuses which are required when a public offer of securities is made or admission on a regulated market is sought. Prospectuses are legal documents required to be used by companies to seek investment. Prospectuses help to provide an equivalent level of investor protection across the EU and to enable the comparability of investment options for investors across the EU.

the EU.⁵⁴ Although we had engaged with the Review throughout, the aim of our inquiry was to consider the Review in its entirety. Our report, published in March 2015,⁵⁵ welcomed the Review as an ambitious and high-quality piece of work, but criticised the Government for its failure to promote the Review effectively and for a lack of clarity on its true costs. We noted that the Government had gone back on an earlier commitment to draw together the analysis in the 32 reports in a single document. Such an overall analysis is vital if the Review is to have an impact on the wider public debate on the UK-EU relationship.

85. In April 2015 Lord Wallace of Saltaire, who had coordinated the Review for the Government, was quoted in an interview as saying that “the exercise demonstrated the opposite of what they [Government Ministers] had expected, so in some cases they tried to find more critical evidence and, when that failed, they did their best to bury the exercise.”⁵⁶ His remarks confirmed a number of our concerns over the conduct of the Review.
86. The Government has not yet responded to our report.

Follow-up work

87. Our work is not done once our reports are published. Following up the recommendations in our reports, and actively engaging with the Government and the EU institutions, is crucial in delivering results. There are several ways to conduct effective follow-up, from continuing scrutiny correspondence, to one-off evidence sessions with Ministers, to launching follow-up inquiries.
88. We have followed up a number of reports from previous sessions in recent months, as detailed below.

Women on boards

89. Following an inquiry in 2012 by the Internal Market Sub-Committee, we published a report arguing against a Commission proposal to improve the gender balance among non-executive directors on company boards through the use of quotas.⁵⁷ On 18 December 2012 the House also issued a Reasoned Opinion, on the grounds that the Commission had not made the case that measures taken at a national level were ineffective.⁵⁸ In July 2014 the Sub-Committee followed up its report in a one-off evidence session with the then Secretary of State for the Department for Business, Innovation and Skills,

⁵⁴ In 2012, the Government launched a review to examine the balance of the UK and the EU’s competences. The Review was conducted over four ‘semesters’, with each containing 6–10 reports on individual competences. Before each set of reports was published, and in order to inform their content, the Government departments responsible took evidence, by issuing 12-week Calls for Evidence to relevant stakeholders and parliamentary committees. Each report addressed an aspect of the competences listed under Title I of the Treaty on the Functioning of the European Union. By the time the Review was completed in December 2014, 32 reports had been published.

⁵⁵ European Union Committee, *The Review of the Balance of Competences between the UK and the EU* (12th Report, Session 2014–15, HL Paper 140)

⁵⁶ ‘Revealed: how Tories covered up pro-EU evidence in key Whitehall report’, *The Observer* (19 April 2015): <http://www.theguardian.com/world/2015/apr/18/tories-covered-up-eu-evidence-conservatives> [accessed 28 May 2015]

⁵⁷ European Union Committee, *Women on Boards* (5th Report, Session 2012–13, HL Paper 58)

⁵⁸ European Union Committee, *Subsidiarity Assessment: Gender Balance on Boards* (9th Report, Session 2012–13, HL Paper 97)

the Rt Hon Vince Cable MP. The Secretary of State told us that the business-led approach adopted by the Government was yielding results. The Government then wrote to us in March 2015 stating that it “now feels optimistic that the target of 25 per cent by the end of 2015 can be attained.”⁵⁹ We welcome this development, and the Sub-Committee will continue to monitor progress towards achieving it.

90. The dossier has been retained under scrutiny, and a minority of Member States opposed to mandatory quotas (including the United Kingdom) continue to block the proposal in the Council. Although Germany introduced domestic legislation enforcing quotas in 2014, it appears that little progress will be made on the Commission’s proposal in the near future.

No country is an energy island: security investment for the EU’s future

91. The Committee’s 2013 report on the EU’s energy policy,⁶⁰ following an inquiry by the Energy and Environment Sub-Committee, argued strongly for further investment in the energy sector and looked forward to an ambitious European 2030 Framework in 2015, which has now been agreed.⁶¹ Perhaps more importantly, the report argued for an EU-wide approach to energy security and sustainability, a conclusion which has been acknowledged in the new Commission’s strategic priority for a resilient Energy Union with a forward-looking climate change policy. The report specifically called for greater interconnection, and targets recently agreed at European Council level have signalled progress in this area.⁶²

Financial Transaction Tax: alive and deadly

92. On 10 December 2013 the Committee published a follow-up report to the Financial Affairs Sub-Committee’s 2012 inquiry into the Financial Transaction Tax (FTT).⁶³ The new report reflected on the decision by 11 Member States to pursue a tax under the enhanced cooperation procedure. The Sub-Committee continued to scrutinise this controversial proposal during the 2014–15 session. The 11 countries pursuing the FTT have thus far failed to reach agreement, in spite of having set themselves an end of 2014 deadline to reach a deal. Negotiations have yet to progress beyond first principles, and it remains to be seen what progress will be made during 2015.

The role of National Parliaments in the European Union

93. Both the Government and Commission responded to the Committee’s report, *The Role of National Parliaments in the European Union*, in the course of

⁵⁹ Letter to the Chairman from Jo Swinson MP, Parliamentary Under-Secretary of State for Employment Relations, Consumer and Postal Affairs, Department of Business, Innovation and Skills, 24 March 2015

⁶⁰ European Union Committee, *No Country is an Energy Island: Security Investment for the EU’s Future* (14th Report, Session 2012–13, HL Paper 161)

⁶¹ European Council Conclusions on the 2030 Climate and Energy Framework, [23/24 October 2014](#)

⁶² European Council Conclusions on the Energy Union, [19 March 2015](#)

⁶³ European Union Committee, *Financial Transaction Tax: Alive and Deadly*, (7th Report, Session 2013–14, HL Paper 86); *Towards a Financial Transaction Tax?*, (29th Report, Session 2010–12, HL Paper 287), published 30 March 2012.

the Session.⁶⁴ We considered these responses in September, and focused on following up five key themes of the report over the 2014–15 Session:

- (1) Reforming the procedure for Reasoned Opinions;
 - (2) Introducing a ‘Green Card’ procedure;
 - (3) Improving the mechanism for considering amendments made as a result of first reading deals;
 - (4) Scheduling pre-European Council evidence sessions with the Minister for Europe; and
 - (5) Reviewing the requirements for document deposit in both Houses.
94. Significant progress has been made in most of these priority areas. At an interparliamentary level, we have contributed to discussions on reforming the Reasoned Opinion procedure, with strong support from colleagues in a number of parliaments, including the Polish Sejm and Dutch Tweede Kamer. The Minister for Europe also appeared before the Committee for three pre-Council evidence sessions (instead of post-Council); we believe these meetings have successfully demonstrated the benefits this approach can bring. The staff of the Committee have also worked with the staff of the European Scrutiny Committee in the House of the Commons to review the requirements for document deposit; this work will continue once both Houses have established the Committees for the new Parliament. The most positive outcome of our follow-up work has been the impetus gathering behind the establishment of a ‘Green Card’ procedure. More detail on this can be found in Chapter 5.

Counting the cost of food waste: EU food waste prevention

95. The Committee published its report on *Counting the Cost of Food Waste: EU Food Waste Prevention* in 2014, following an inquiry by the Energy and Environment Sub-Committee.⁶⁵ The report called for urgent action to address the worsening levels of wasted food within the EU. Over the course of the 2014–15 Session the Sub-Committee met a range of stakeholders to discuss potential solutions and measures in light of the Report’s recommendations. In the short term, the Sub-Committee is seeking to influence the content of the temporarily withdrawn Circular Economy Package at European Commission level by means of a proposed ‘Green Card’ (see Chapter 5).

Youth unemployment in the EU: a scarred generation?

96. Youth unemployment remains stubbornly high in many Member States, and is above 50 per cent in Spain and Greece. The Committee’s report on *Youth unemployment in the EU: a scarred generation?*, following an inquiry by the Internal Market Sub-Committee, recognised the benefits that the Youth Guarantee Scheme could bring, if implemented properly.⁶⁶ Unfortunately,

⁶⁴ European Union Committee, *The Role of National Parliaments in the European Union* (9th Report, Session 2013–14, HL Paper 151)

⁶⁵ European Union Committee, *Counting the Cost of Food Waste: EU Food Waste Prevention* (10th Report, Session 2013–14, HL Paper 154)

⁶⁶ European Union Committee, *Youth unemployment in the EU: a scarred generation?* (12th Report, Session 2013–14, HL Paper 164)

the scheme has been faced with significant delays in funding. In response, the Commission introduced a proposal to speed up the distribution of funds to Member States through the Youth Employment Initiative (YEI).⁶⁷ The proposal aimed to distribute funds directly to Member States to spend on Youth Guarantee projects instead of Member States having to spend money on projects in advance and then claim for reimbursement.

97. In March 2015 the Internal Market Sub-Committee met the then Minister for Employment, the Rt Hon Esther McVey MP, to discuss the proposal. While the Minister supported the Commission’s initiative, she said that it would not affect the way in which funding was distributed in the UK. The Minister outlined the Government’s success in following its own youth unemployment policy, the Youth Contract. While we recognised the Government’s achievements, we noted that aspects of the Government’s policy—such as its work incentive scheme—had not lived up to expectations, with only 10,000 participants against an initial target of 160,000. This will continue to be a significant area of scrutiny for the Sub-Committee.

The Transatlantic Trade and Investment Partnership

98. The External Affairs Sub-Committee has continued to scrutinise the progress of negotiations into the Transatlantic Trade and Investment Partnership (TTIP), following its inquiry during the 2013–14 Session.⁶⁸ The Sub-Committee met the head of the Transatlantic and International Unit in BIS, and questioned him on progress in negotiating the TTIP, and on the efforts being made to communicate the potential benefits of the TTIP to the general public (a key recommendation of our 2014 report).
99. The TTIP’s perceived impact on the NHS has been an ongoing cause for public concern. Lord Livingston of Parkhead, then Minister of State for Trade and Investment, and responsible for the TTIP negotiations, wrote to the Chairman to set out his belief that that the NHS would be safe under the TTIP.⁶⁹ The External Affairs Sub-Committee will continue to scrutinise the negotiations as they proceed.

Conclusions

100. **The 2014–15 Session saw a number of extensive inquiries leading to detailed and forensic examinations of policy areas and significantly contributing to the public debate. We also published a number of shorter reports when there has been a need to respond precisely, and quickly, in order to influence developing policy. Sub-Committees will continue to seek to strike a balance between shorter and more detailed inquiries when appropriate.**
101. **The 2014–15 Session also demonstrated the benefits of concentrated and focused follow-up to key recommendations from previous reports. While a one-off report may have significant impact, the influence of committee work is more often cumulative: the EU**

⁶⁷ Proposal for a Regulation amending Regulation (EU) No.1304/2013 ... on the European Social Fund, as regards an increase of the initial pre-financing amount paid to operational programmes supported by the Youth Employment Initiative, [COM\(2015\) 46 final](#)

⁶⁸ European Union Committee, *The Transatlantic Trade and Investment Partnership* (14th Report, Session 2013–14, HL Paper 179)

⁶⁹ Letter to the Chairman from Lord Livingston of Parkhead, BIS, 1 October 2014

Committees will therefore continue to make effective follow-up to previous work a top priority in the coming Session.

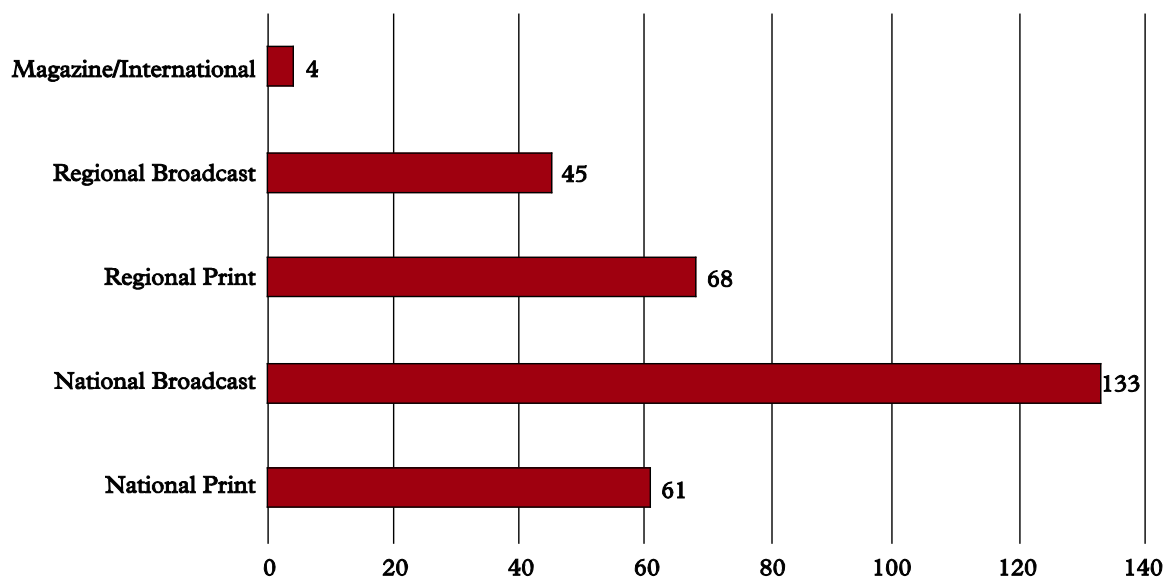
CHAPTER 4: COMMUNICATING THE WORK OF THE COMMITTEE

102. Communicating what we do as a Committee is an essential part of our work. We aim to be as open and accountable as possible, and to engage stakeholders throughout the scrutiny process and the conduct of our inquiries. Except in exceptional cases, all evidence and correspondence are published online; evidence sessions are web-cast live. This chapter considers how we have communicated our work, the steps we have taken to improve that communication, and steps we intend to take in the 2015–16 Session.

Print and broadcast media

103. Between 4 June 2014 and 7 April 2015, the Committee's work was discussed in 397 broadcast features and print articles in national and regional media (excluding online articles).⁷⁰ For the 2013–14 Session, the figure was 176 broadcast features and print articles, with an estimated reach of nearly 124 million. In the 2012–13 Session the estimated reach was 35 million. Once the circulation of the relevant publications is factored in, there were in 2014–15 nearly 330 million opportunities for UK citizens to read or hear about the work of the Committee by means of traditional news media. The number of articles, broken down by type of publication or platform, is illustrated in Figure 2.

Figure 2: News stories on the EU Committee in 2014–15



104. The coverage achieved in the 2014–15 Session was remarkable. In particular, our EU-Russia report, published the day after Russian military aircraft had been identified flying along the English Channel, and in the midst of tense peace negotiations for Ukraine, featured prominently in print and broadcast media for several days. This report alone accounted for approximately 180 features in print and broadcast media, including front page stories in *The Times*, *The Guardian* and *The Independent* newspapers. It was also covered extensively abroad, featuring in *Le Monde*, the *International New York Times*

⁷⁰ These figures represent the minimum number of articles generated. There may have been others that were not recorded by the press office.

and the *Wall Street Journal*. The report helped to shape the continuing public debate over the relationship between the EU and Russia.

105. The tone, as well as the scale, of the coverage given to our reports has been encouraging. The continued media engagement with a number of reports following their publication has been a particular feature of the past year. One example is our report on EU Data Protection law (see above, paragraphs 39–42).⁷¹ *The Daily Telegraph*, which carried an article by the Chairman of the Home Affairs Sub-Committee at the time of the report’s publication, has itself realised one of the risks foreseen by the report, by publishing an article on 25 March 2015, entitled ‘Telegraph stories affected by EU “right to be forgotten”’—citing our report and reproducing the stories to be ‘forgotten’, thereby giving them additional publicity.⁷²

@LordsEUCom

106. In October 2014 a dedicated Twitter account for the Lords EU Committee as a whole was launched, entitled @LordsEUCom. The account is used to communicate our scrutiny and inquiry work, as well as events such as international conferences, debates in the House and other relevant news.
107. Success on social media can be measured in a number of different ways. The two main aims behind launching a dedicated account were:
- (1) To raise awareness of the Committee and its work among those with an interest in EU issues, particularly individual members of the public; and
 - (2) To allow the staff of the Committee to promote the Committee’s work more directly to non-UK, particularly Brussels-based, organisations who might be unlikely to follow the existing House of Lords corporate Twitter account.
108. We are confident that set against these two aims the Committee’s Twitter account has been a success. We have gained followers from EU institutions (including Commissioners and MEPs), other national parliaments, think-tanks, commentators, commercial organisations, and members of the general public—many of whom engage actively with our output. The number of followers continues to rise steadily, for example in response to the publication of reports. One benefit of having a presence on social media has been that when the Committee has been represented at a conference we have been able to engage with fellow delegates directly during debates, furthering a sense of common endeavour.
109. Thus the Twitter account has helped to raise the EU Committee’s profile, particularly outside the UK. In the future, we will seek to use it to gather evidence from a wider, more diverse range of witnesses. We may also be able to use Twitter to communicate our scrutiny in an effective and immediate manner.

⁷¹ European Union Committee, *EU Data Protection law: a ‘right to be forgotten?’* (2nd Report, Session 2014–15, HL Paper 40)

⁷² ‘Telegraph stories affected by EU ‘right to be forgotten’’, *Daily Telegraph* (25 March 2015): <http://www.telegraph.co.uk/technology/google/11036257/Telegraph-stories-affected-by-EU-right-to-be-forgotten.html> [accessed 25 May 2015]

Report postcards

110. At the 52nd COSAC⁷³ in Rome, the Chairman gave a key-note speech on the role of national parliaments in the EU (see chapter 5). To accompany the speech a postcard was produced, with a summary of the conclusions and recommendations of the report on *The Role of National Parliaments in the European Union* on one side,⁷⁴ and an illustration on the other. The postcards were warmly received, and subsequently we produced similar postcards outlining the reports on EU-Russia relations and the civilian use of drones, to help promote the reports at conferences that happened to coincide with publication. This is a low-cost way to publicise reports and to communicate headline conclusions and recommendations in an easily digestible and portable format.

EU Committee Digest

111. For a number of years the Committee has produced a monthly newsletter, detailing what the Committee and Sub-Committees have been doing in the previous month. Following feedback from key audiences in Brussels (MEPs, Commission staff, national parliament representatives), we redesigned the newsletter tailoring it to the needs of those who wanted to know more about the Committee's work and also wanted to know how to engage with it. It was launched in February 2015, as the *EU Committee Digest*, with interactive content highlighting forthcoming events, alongside work on key dossiers we know to be of interest to MEPs, Commissioners, and other national parliaments.

Looking inward

112. Our core responsibility is to report to the House, and it is essential therefore that we communicate our work effectively to other members. We have sought to improve this communication by working with the Library to provide briefing on our reports when they are due to be debated, and seeking to hold those debates on the floor of the House and at appropriate times. Table 4 shows the participation of members in debates on our reports.
113. We are encouraged to see that on average as many participants in debates on our reports are not members of the relevant Sub-Committee as are. In the case of the debate on our report on EU-Russia relations, there was House-wide interest in debating the report before a formal Government response had been received. We were grateful to the Government business managers for enabling an early debate, in Government time, on our report.⁷⁵

Conclusions

114. **We are committed to improving how we communicate our work within the House and beyond. Many members have now sat on one or more Sub-Committees, and we will continue to try to communicate our work as effectively as possible within the House, as we do beyond Westminster.**

⁷³ The Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU, which is discussed further below.

⁷⁴ European Union Committee, *The Role of National Parliaments in the European Union* (9th Report, Session 2013–14, HL Paper 151)

⁷⁵ HL Deb, 24 March 2015, [cols 1323–1385](#)

115. **We shall build upon our success on social media, and continue to seek innovative ways to communicate our work to a wider audience.**
116. **At a time when the United Kingdom is to be asked to decide if it would like to remain within the European Union, it is incumbent on us to play our part in ensuring the decision is taken on the basis of a well-informed debate on the pros and cons of membership.**

Table 4: Report debates

Report	Date of debate	Total members participating	Members of the relevant committee	Other members of the House	Length of debate
The Transatlantic Trade and Investment Partnership	17 June 2014	13	8	5	2hr35min
Youth unemployment in the EU: a scarred generation?	17 June 2014	13	8	5	2hr31min
'Genuine Economic and Monetary Union' and the implications for the UK	2 July 2014	15	7	8	2hr48min
Strategic guidelines for the EU's next Justice and Home Affairs programme: steady as she goes	22 July 2014	5	2	3	55min
Euro area crisis: an update (QSD)	23 July 2014	7	4	3	1hr1min
Report on 2013-14	24 July 2014	12	10	2	2hr5min
The United Kingdom opt-in to the draft CEPOL regulation	3 November 2014	7	3	4	1hr8min
Counting the Cost of Food Waste: EU Food Waste Prevention (QSD)	6 November 2014	10	6	4	1hr25min
The Role of National Parliaments in the European Union	15 December 2014	17	8	9	2hr49min

Report	Date of debate	Total members participating	Members of the relevant committee	Other members of the House	Length of debate
The impact of the European Public Prosecutor's Office on the United Kingdom	19 March 2015	7	2	5	58min
The EU and Russia: before and beyond the crisis in Ukraine	24 March 2015	28	7	21	4hr20min
Average		12	6	6	2hr3min

CHAPTER 5: INTERPARLIAMENTARY COOPERATION

117. The Committee’s terms of reference require it “To represent the House as appropriate in interparliamentary cooperation within the EU”. The Committee cooperates with the European Parliament and the other national parliaments through a variety of formal and informal means. A list of all interparliamentary meetings attended by Committee members during the 2014–15 Session is given in Appendix 5.

Enhancing the role of national parliaments in the EU

Reforming the procedure for Reasoned Opinions

118. As outlined in the previous chapter, much of the Select Committee’s effort in the past Session was devoted to taking forward recommendations from its report on *The Role of National Parliaments in the European Union*.⁷⁶ Improvements to the Reasoned Opinion procedure were a particular priority, and we were clear that attempts should be made to improve and speed up internal as well as EU-level processes.
119. On 28 October 2014 a small delegation, led by the Chairman, travelled to Brussels for an informal meeting with the incoming First Vice President of the Commission, Mr Frans Timmermans. The meeting reinforced our expectation that the new Commission would respond more sympathetically than its predecessor to Reasoned Opinions, as well as engaging proactively with national parliaments in developing new policies. In his mission letter to First Vice-President Timmermans, President Juncker set out his intentions for relations with national parliaments, indicating that he wanted “all Commissioners to commit to a new partnership with national Parliaments: they deserve particular attention and I want ... important proposals or initiatives to be presented and explained in national Parliaments by Members of the Commission.”⁷⁷ The make-up of the new Commission, which took office on 1 November, gave Mr Timmermans a pivotal role with regard to relations with national parliaments, and he has continued to engage personally with representatives of national parliaments and others at both the Rome COSAC in December 2014 and the Riga COSAC Chairs in January 2015.
120. On the other hand, some more formal statements by the Commission have highlighted the requirements of the Treaty, and suggest that the Commission will not contemplate a concession that would breach those requirements, such as allowing 12 or 16 weeks for Reasoned Opinions.
121. In the meantime, the tone of the Commission Work Programme for 2015, with its emphasis on withdrawing and simplifying EU-level regulation, suggests that the Commission is seeking first and foremost to avoid clashes over subsidiarity—which is of course to be welcomed. Mr Timmermans continues to emphasise that the Commission must engage with national parliaments and take their views seriously: only when another proposal

⁷⁶ European Union Committee, *The Role of National Parliaments in the European Union* (9th Report, Session 2013–14, HL Paper 151)

⁷⁷ Mission Letter to First Vice-President Timmermans, from President Juncker ([1 November 2014](#))

appears that raises subsidiarity concerns will it be possible to put these professions of good will to the test.

122. In May 2015, the Polish Sejm hosted an informal working group meeting in Warsaw to discuss possible changes to the Reasoned Opinion procedure. As Parliament had dissolved, our National Parliament Representative attended on behalf of the Committee. Those in attendance agreed that national parliaments needed more time to produce Reasoned Opinions, and to coordinate a Yellow Card; and that the Commission needed to respond more quickly and in more detail to those national parliaments who do submit Reasoned Opinions. The outcome of the meeting was reported back to the 53rd COSAC in Riga on 2 June. We welcome the greater collaboration of national parliaments on these issues and look forward to continuing to support such work in future.
123. The Committee also sought to explore ways to accelerate the House's internal process for agreeing Reasoned Opinions. This led the Chairman to write to the Chairman of the Procedure Committee to propose that, in exceptional circumstances, where there is not enough time to allow for the House to debate and adopt a Reasoned Opinion, that the power to agree a Reasoned Opinion on behalf of the House should be formally delegated to the EU Committee. The Procedure Committee considered the Chairman's proposal in January 2015, but decided not to proceed with it.

The Green Card

124. Of all the priorities set out in our 2014 report, the 'Green Card' is the one to which the Committee has devoted most effort. At the COSAC plenary in Rome in December committee staff agreed with staff from the Folketinget and the Tweede Kamer to organise a cluster meeting, to take forward both our thinking on the Green Card, and the Tweede Kamer's ideas on scrutiny of the Commission Work Programme.
125. The cluster meeting, hosted by the Dutch Permanent Representation, took place on 19 January. Fourteen chambers were represented, and our Chairman's paper on the Green Card was well received. Further discussion at the COSAC Chairs meeting in Riga on 24–25 January was positive, and the Presidency subsequently included a number of questions on the Green Card in its latest Biannual Questionnaire. In the meantime, we remain convinced that the best way to make progress is to bring forward a specific policy proposal, rather than focusing too narrowly on procedure. Committee staff have therefore been working on a possible Green Card on food waste, arising out of the Committee's 2014 report on the subject. The format of the Green Card will be underpinned by the suggestions made in the Chairman's paper and, it is hoped, will set a precedent for future initiatives.⁷⁸
126. In summary, a lot of work remains to be done to persuade other national parliaments, the European Parliament and the Commission, of the benefits of the Green Card. But progress so far is encouraging. The UK Government remains positive towards the idea, as do many Member State governments. We believe that, if the democratic legitimacy of the EU is to be renewed, national parliaments should be given a positive, constructive role in setting

⁷⁸ The newly appointed Select Committee formally agreed to propose the Green Card on food waste at its meeting on 9 June 2015.

priorities, alongside the existing right of objection, and that the Green Card may facilitate this.

Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU (COSAC)

127. The main formal mechanism for interparliamentary cooperation is COSAC, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU. COSAC meets twice each year, and a meeting of chairmen precedes each plenary meeting. During the 2014–15 Session there were two plenary COSAC meetings: the 51st meeting on 15–17 June 2014 in Athens, Greece, and the 52nd meeting on 30 November–2 December 2014 in Rome, Italy. The meetings were both attended by the Chairman, accompanied in Athens by the Chairmen of the Financial Affairs and Energy and Environment Sub-Committees; and in Rome by the Chairman of the Justice Sub-Committee and a member of the Home Affairs Sub-Committee.
128. At the Rome COSAC, the Chairman delivered a key-note speech in a debate on ‘The Future of Supranational Democracy Five Years after Lisbon’, which was opened by the First Vice-President of the Commission, Frans Timmermans. In his speech, the Chairman outlined ways in which national parliaments, the European Parliament, the European Commission, and national governments could work together to make the EU more democratic, more secure and more prosperous.

Other interparliamentary conferences

129. Committee members also represent the House at a range of interparliamentary conferences on different policy areas, usually held either in the country holding the rotating Council presidency, or at the European Parliament in Brussels. These meetings give members of the EU Committee and its Sub-Committees the opportunity to exchange views with national parliamentarians from other EU Member States, MEPs, Commissioners and senior Commission officials, Ministers from Member State governments, and others.
130. During the 2014–15 Session members of the Committee and Sub-Committees attended meetings on, among other topics:
- fundamental rights;
 - agriculture, industrial development and SMEs;
 - employment, research and innovation;
 - empowering women and girls through education;
 - counterterrorism measures;
 - economic and financial governance of the European Union; and
 - the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP).
131. Our staff engage with those of other parliaments to ensure that interparliamentary meetings produce useful outcomes, and to seek value for

money. These meetings also often provide an opportunity to increase awareness of our inquiries and scrutiny, and to build connections with other committees who are conducting similar work.

132. The Session also saw the beginnings of a resolution to the discussion of the rules of procedure for the Conference under Article 13 of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. For a number of years, the conference itself, and the Conference of Speakers of European Parliaments, have been deliberating on the appropriate title, scope and structure for the conference. This is a complex issue, owing to the diverse roles and responsibilities of national parliaments and the European Parliament in this sphere, and to the different levels of integration between subsets of the EU Member States. The principles underpinning the Rules of Procedure were agreed at the Speaker's Conference in Rome on 20–21 April 2015, and its name was finally agreed as the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union.

UK-France Parliamentary Working Group

133. The regular UK-France Parliamentary Working Group meetings enable the Committee to discuss defence matters with members of the House of Commons Defence Committee and the defence committees of the French Sénat and Assemblée Nationale. These regular Parliamentary Working Groups allow all four committees to work together in order to scrutinise the work of the High Level Working Group of French and UK Ministers, and to monitor the implementation of UK-French defence and security treaties signed in November 2010. In November 2014, the meeting was hosted by our External Affairs Sub-Committee. The day included presentations by Mr Philip Dunne MP (Parliamentary Under Secretary of State, Minister for Defence Equipment, Support and Technology), Mr Will Jessett (Director Strategic Planning, MoD) and Rear Admiral Tim Fraser (Assistant Chief of Defence Staff, Capability and Force Design).
134. These meetings have remained a useful opportunity to conduct direct, face-to-face scrutiny with those involved in the UK-French defence relationship. In the next Session and beyond, the meetings will provide useful fora for scrutinising the UK Government's 2015 Strategic Defence and Security Review.

Cooperation within the UK

135. We conduct our work largely in parallel with the House of Commons European Scrutiny Committee: the two Committees, like their respective Houses, are constitutionally independent, and their work is underpinned by separate but similar resolutions of the two Houses. But more informally, there is close collaboration at staff level, and we seek wherever possible to achieve a synergy between our work and that of the Commons Committee, particularly in the area of scrutiny.
136. There are also regular opportunities for us to meet Commons colleagues, along with representatives of other legislatures across the UK, at European Chairs UK (ECUK) and tripartite meetings.

European Chairs UK

137. ECUK is an opportunity for the chairs of the EU scrutiny committees in the House of Lords, the House of Commons, the National Assembly for Wales, the Scottish Parliament, and the Northern Ireland Assembly to come together. The group generally meets twice a year. In the course of the 2014–15 Session it met in June (hosted by the House of Commons) and in December (hosted by the Scottish Parliament). Both meetings were excellent opportunities to discuss the concerns of the devolved parliaments and assemblies and to factor these concerns into our own scrutiny work. In particular, the points raised with President Juncker with regard to the Commission’s Work Programme for 2015 were informed by concerns shared with us by the European and External Relations Committee in Edinburgh, the Office of the First Minister and Deputy First Minister in Belfast, and the Constitutional and Legislative Affairs Committee in Cardiff, all of whom have responsibility for EU scrutiny in their assemblies.

Tripartite

138. Tripartite meetings bring together members of our Committee, members of the European Scrutiny Committee in the Commons, and UK MEPs. The group met twice during the 2014–15 Session: on 16 October 2014 in the House of Commons, and on 3 March in Brussels, hosted by the European Parliament. The House of Lords will host the next meeting, in autumn 2015.
139. Tripartite meetings should enable UK politicians to share their experience and knowledge, and even develop a shared position on certain dossiers. It is frustrating that the meetings do not necessarily live up to this potential. The October tripartite was promising, with a high level of engagement between the newly-elected MEPs and the Westminster-based Committees. The March tripartite was less successful. It was poorly attended by MPs, and even though it was held in Brussels, MEPs were not able to stay for the entire duration of the meeting. It is understandable that they will have other commitments, and may therefore be able to attend only the items on the agenda of relevance to their own work, but such poor attendance precludes opportunities for networking between MEPs and MPs—one of the core purposes of the tripartite meetings. In future meetings, we hope that agendas will be more focused on issues of UK interest.

Conclusions

140. **A willingness to engage with international partners in a range of settings has led to the Committee’s recommendations on the role of national parliaments being followed up effectively. There is increasing acknowledgement that the role of national parliaments needs to be strengthened in the European Union, and the Committee’s work has helped bring about this change in perceptions.**
141. **Dialogue with MEPs and Commissioners has informed our reports, and improved their recommendations and conclusions. The Committee must continue to work closely with the relevant Committees in the European Parliament and Directorate Generals in the Commission. We will work closely with parliamentarians across the UK to improve our scrutiny of European Union legislation, and we will also seek to build closer relationships with UK MEPs.**

CHAPTER 6: LOOKING AHEAD TO THE 2015–16 SESSION

142. The Select Committee and the Sub-Committees will decide on subjects for new inquiries in due course. This chapter gives a flavour of some of the scrutiny and other work we expect to conduct during the 2015–16 Session.

EU reform and a referendum

143. The Queen’s Speech opening Parliament on 27 May 2015 announced that “early legislation will be introduced to provide for an in-out referendum on membership of the European Union before the end of 2017.”⁷⁹ The following day, the Prime Minister embarked on a tour of some Member States (France, Germany, the Netherlands and Poland) to discuss potential reforms to the Union. The substance of these reforms are not yet known, but the Committee will be considering how best to scrutinise both the negotiation process and its outcome effectively and proportionately.

An Investment Plan for Europe

144. On 28 May 2015, the European Parliament and Council agreed on the Investment Plan for Europe—President Juncker’s ambitious vision aimed at unlocking public and private investment into the economy of up to €315 billion.⁸⁰ The plan comes into force with the establishment of the European Fund for Strategic Investment (EFSI). The Fund aims to reverse the decline in investment levels, which have been falling since the onset of the global economic and financial crisis. The Fund will finance investment projects through existing European Investment Bank (EIB) structures, and uses money from the EU budget, the EIB, and other public and private contributors. A troublesome point in negotiations has been the earmarking and eventual reallocation of existing funds within the EU budget to finance the Fund, in particular those affecting the Horizon 2020 and Connecting European Facility. The EFSI will be formally established by September, and we will scrutinise it closely.

Capital Markets Union

145. Following the close of its consultation process on Capital Markets Union in May 2015, the Commission is expected to publish an Action Plan on Capital Markets Union later in the year, with a view to “putting in place the building blocks for a fully functioning Capital Markets Union by 2019.”⁸¹ The Financial Affairs Sub-Committee will continue to scrutinise the Commission’s proposals as they take shape in the coming months.

Circular Economy

146. In late 2015 we expect the European Commission to table an ambitious legislative proposal to support the development of a circular economy, whereby the added value in products is kept for as long as possible and waste is eliminated. An earlier attempt at such an initiative was proposed in July 2014 but subsequently withdrawn in March 2015. It contained stringent

⁷⁹ Queen’s Speech, 27 May 2015: <https://www.gov.uk/government/speeches/queens-speech-2015> (accessed 5 June 2015)

⁸⁰ Communication on An investment plan for Europe, [COM\(2014\) 903 final](#)

⁸¹ Green Paper on Building a Capital Markets Union. [COM \(2015\) 63 final](#)

targets to boost recycling, proposals to simplify existing legislation and initiatives on specific waste streams, including food waste. If sufficient support from national parliaments is forthcoming, the first ‘Green Card’ will be issued to request the inclusion of non-legislative measures to address the issue of food waste in the proposed package (see Chapter 5).

Digital Single Market

147. On 6 May 2015 the Commission announced its strategy to implement a Digital Single Market.⁸² The strategy is based on three pillars: improving access by consumers and business to digital goods; developing the conditions to support the development of digital networks and innovative services; and encouraging the growth of the digital economy. It is proposed that the 16 initiatives underpinning the strategy will be agreed by the end of 2016. The initiatives include introducing a VAT threshold for small businesses trading across borders, improving parcel delivery and building a European Cloud for the future of Big Data (data on a scale or of a complexity that makes it challenging to use). As the Government’s own recently published *Digital Economy Strategy for 2015–2018*⁸³ demonstrates, the success of the digital single market is a high priority for the United Kingdom, and we shall scrutinise it accordingly.

Energy Union

148. Over the next year we shall examine closely the Commission’s strategy for the development of an Energy Union. An initial strategic document was published on 25 February 2015, and will be followed by more detailed plans. The strategy covers the following areas: energy security (making better, more efficient use of domestic energy sources while diversifying to other sources and supplies); internal energy market (ensuring that energy can flow freely across the EU without any technical or regulatory barriers); energy efficiency; reducing greenhouse gas emissions (reforming the EU Emissions Trading System and investing more in the development of renewable energy sources); and supporting research and innovation.
149. In the course of the Energy and Environment Sub-Committee’s previous scrutiny of EU energy policy, effective governance—balancing the individual energy policies of 28 Member States against the collective interest enshrined in the EU’s single energy policy—has emerged as crucial to the implementation of the Energy Union. We are likely to return to this theme when considering the development of the Energy Union.

European Agenda on Migration

150. The Commission published the European Agenda on Migration on 28 April 2015.⁸⁴ The Agenda sets out the Commission’s plans for both legislative and non-legislative proposals in the field of migration, including asylum, irregular and legal migration from third countries, for the short, medium and long term. The Agenda is divided into two parts. The first part outlines immediate

⁸² Communication on A Digital Single Market Strategy for Europe, [COM\(2015\) 192](#)

⁸³ Technology Strategy Board, *Digital Economy Strategy 2015–2018*: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404743/Digital_Economy_Strategy_2015-18_Web_Final2.pdf [accessed 26 June 2015]

⁸⁴ Communication on A European Agenda on Migration, [COM\(2015\) 240 final](#)

action in response to the tragedies in the Mediterranean, while the second sets out four pillars to manage migration better in the medium and long term (reducing the incentives for irregular migration; an EU standard for border management; maintaining a strong common asylum policy; and a new policy on legal migration).

151. With the crisis in the Mediterranean likely to worsen over coming months, the need for action is ever growing. The Home Affairs Sub-Committee will be considering the Agenda early in the new Session and examining its implementation closely.

Sanctions and the restrictive measures policy

152. The crises in Ukraine, North Africa and the Middle East have led to a marked increase in the use of sanctions by the EU to restrict the economic activity of political actors in third countries. Following a series of judgments of the General Court of the EU⁸⁵ annulling individual listings, we have become increasingly concerned by the procedural safeguards in place when the Council lists and re-lists individuals who have been subject to sanctions. At the same time, the Council has agreed changes to the General Court's Rules of Procedure.⁸⁶ Included, for the first time, in part to deal with the problems caused with the handling of sensitive material in sanctions appeals, a proposed closed-material procedure is to be introduced.⁸⁷ The Justice and External Affairs Sub-Committees held a joint public meeting with the Minister for Europe, the Rt Hon David Lidington MP, on 2 March 2015 to discuss these issues. We will continue to pay close attention to the EU's approach to the listing of individuals under sanctions regimes.

Conclusion

153. **The coming year would be a pivotal one for the EU even without the challenge posed by the UK Government's negotiations on EU reform. The year will see progress on key priorities of the Juncker Commission, the success of which will be vital to the long-term prosperity of the EU and the UK. We shall continue to give all these proposals the serious and constructive scrutiny that they merit.**

⁸⁵ Formerly the Court of First Instance.

⁸⁶ Draft Rules of Procedure for the General Court, [Council Document 7795/14](#)

⁸⁷ A procedure where the court is entitled to make an order for a witness to give evidence in such a way that the identity of the witness and the substance of the evidence remains confidential.

LIST OF CONCLUSIONS AND RECOMMENDATIONS

Scrutiny

1. The increase in the number of avoidable overrides of the Scrutiny Reserve Resolution in the 2014–15 Session was unacceptable. We are encouraged by the rapid improvements made by some Government departments in their handling of scrutiny. We recommend that the FCO and Cabinet Office put in place measures to ensure that the lessons learnt by these Departments and the processes put in place are shared with all Departments in future in order to minimise the number of overrides. (Paragraph 17)
2. We welcome the high level of consultation on delegated and implementing legislation during the 2014–15 Session. However, as we said in our report on the 2013–14 Session, and given the ever increasing levels of subordinate legislation being adopted, we urge Departments to continue to focus on improving the level of consultation in this area. (Paragraph 20)
3. It is clear to us that the practice of meeting the Minister for Europe ahead of European Council meetings has proved to be worthwhile, and we recommend that it continue in the new Parliament. We shall further consider ways to follow up the Minister’s evidence effectively after the European Council has met. (Paragraph 22)
4. The publication of the Work Programme at the end of 2014 meant that there was no realistic opportunity for proper engagement with its content (as has been called for by the Dutch Tweede Kamer) prior to its adoption in the Council. We hope that the Commission Work Programme for 2016 will be published in enough time for national parliaments to consider the proposals in more depth, so that they can contribute constructively to the Commission’s plans. We also urge the Commission in its next Work Programme to outline its plans for initiatives beyond December 2016, so as to help national parliaments to engage upstream in policy development. (Paragraph 47)
5. The handling of scrutiny by certain Government departments was flawed over the course of the Session. It was noticeably poor when more complex scrutiny arrangements were required, for example when the JHA opt-in was engaged. We urge Ministers to revisit the Ashton-Lidington undertakings and to remind themselves of their obligations to Parliament. (Paragraph 57)
6. Looking ahead, there is the prospect of still more complex negotiations over the Government’s plans to seek reform of the EU prior to a referendum. Against this backdrop, we recommend that the Government review carefully how it approaches the handling of scrutiny in order to address the shortcomings we have outlined. (Paragraph 58)
7. When errors have been made they have, in the most part, been swiftly addressed. We recommend that the FCO and Cabinet Office ensure that lessons are learnt by those Departments that made particularly egregious errors in the handling of simple scrutiny matters over the course of the 2014–15 Session, and that these lessons are shared across Government. (Paragraph 59)

Inquiry work

8. The 2014–15 Session saw a number of extensive inquiries leading to detailed and forensic examinations of policy areas and significantly contributing to the public debate. We also published a number of shorter reports when there has been a need to respond precisely, and quickly, in order to influence developing policy. Sub-Committees will continue to seek to strike a balance between shorter and more detailed inquiries when appropriate. (Paragraph 100)
9. The 2014–15 Session also demonstrated the benefits of concentrated and focused follow-up to key recommendations from previous reports. While a one-off report may have significant impact, the influence of committee work is more often cumulative: the EU Committees will therefore continue to make effective follow-up to previous work a top priority in the coming Session. (Paragraph 101)

Communicating the work of the Committee

10. We are committed to improving how we communicate our work within the House and beyond. Many members have now sat on one or more Sub-Committees, and we will continue to try to communicate our work as effectively as possible within the House, as we do beyond Westminster. (Paragraph 114)
11. We shall build upon our success on social media, and continue to seek innovative ways to communicate our work to a wider audience. (Paragraph 115)
12. At a time when the United Kingdom is to be asked to decide if it would like to remain within the European Union, it is incumbent on us to play our part in ensuring the decision is taken on the basis of a well-informed debate on the pros and cons of membership. (Paragraph 116)

Interparliamentary cooperation

13. A willingness to engage with international partners in a range of settings has led to the Committee's recommendations on the role of national parliaments being followed up effectively. There is increasing acknowledgement that the role of national parliaments needs to be strengthened in the European Union, and the Committee's work has helped bring about this change in perceptions. (Paragraph 140)
14. Dialogue with MEPs and Commissioners has informed our reports, and improved their recommendations and conclusions. The Committee must continue to work closely with the relevant Committees in the European Parliament and Directorate Generals in the Commission. We will work closely with parliamentarians across the UK to improve our scrutiny of European Union legislation, and we will also seek to build closer relationships with UK MEPs. (Paragraph 141)

Looking ahead to the 2015–16 Session

15. The coming year would be a pivotal one for the EU even without the challenge posed by the UK Government's negotiations on EU reform. The year will see progress on key priorities of the Juncker Commission, the success of which will be vital to the long-term prosperity of the EU and the UK. We shall continue to give all these proposals the serious and constructive scrutiny that they merit. (Paragraph 153)

APPENDIX 1: LIST OF MEMBERS AND DECLARATION OF INTERESTS

Members of the EU Select Committee for the 2015–16 Session

Baroness Armstrong of Hill Top
 Lord Blair of Boughton
 Lord Borwick
 Lord Boswell of Aynho (Chairman)
 The Earl of Caithness
 Lord Davies of Stamford
 Baroness Falkner of Margravine
 Lord Green of Hurstpierpoint
 Lord Jay of Ewelme
 Baroness Kennedy of The Shaws
 Lord Liddle
 Lord Mawson
 Baroness Prashar
 Baroness Scott of Needham Market
 Baroness Suttie
 Lord Trees
 Lord Tugendhat
 Lord Whitty
 Baroness Wilcox

Declarations of interest

Baroness Armstrong of Hill Top
Chair, Changing Lives (a charity based in Tyneside which may benefit from European Union funds)
Member, Advisory Board, GovNet Communications (publisher and event organiser)
Trustee, Africa Governing Initiative
Trustee, Voluntary Service Overseas

Lord Blair of Boughton
No relevant interest declared

Lord Borwick
Shareholdings as set out in the Register of Lords' Interests

Lord Boswell of Aynho (Chairman)
In receipt of salary as Principal Deputy Chairman of Committees, House of Lords
Shareholdings as set out in the Register of Lords' Interests
Income is received as a Partner (with wife) from land and family farming business trading as EN & TE Boswell at Lower Aynho Grounds, Banbury, with separate rentals from cottage and grazing
Land at Great Leighs, Essex (one-third holding, with balance held by family interests), from which rental income is received
House in Banbury owned jointly with wife, from which rental income is received
Lower Aynho Grounds Farm, Northants/Oxon; this property is owned personally by the Member and not the Partnership

The Earl of Caithness
Shareholdings as set out in the Register of Lords' Interests

Lord Davies of Stamford

Owns a flat in France (sometimes rented out)

Land let for grazing in Lincolnshire

Baroness Falkner of Margravine

Member, Advisory Board, Cambridge YouGov Stone (market research and events agency)

Member, British Steering Committee: Koenigswinter, The British-German Conference

Vice President, Liberal International: The International Network of Liberal Parties

Member, Advisory Board, British Influence

Member, Advisory Board, Demos

Ownership of a house in Italy, jointly owned with member's husband

Non-Executive Director, Hyde Group

Member, House of Lords Foreign Policy Network

Lord Green of Hurstpierpoint

Shareholdings as set out in the Register of Lords' Interests

Chair, International Advisory Council, British Chambers of Commerce

Chair, Advisory Council for the Centre for Anglo-German Cultural

Relations, Queen Mary University, London

Chair, Natural History Museum

Lord Jay of Ewelme

Non-Executive Director, Associated British Foods

Trustee, Thomson Reuters Founders Share Company

Chairman, British Library Advisory Council

Vice-Chairman, Business for New Europe

Member, Chatham house Panel of Senior Advisers

Member, Senior European Experts Group

Baroness Kennedy of The Shaws

Chair, Justice

Lord Liddle

Chair, Policy Network and Communications Ltd (think-tank)

Co-author of a report which the City of London Corporation commissioned

Policy Network to write on developments in thinking on the regulation of financial services in the European Union

Personal assistant at Policy Network carries out secretarial work which includes work in relation to the member's parliamentary duties

Lord Mawson

No relevant interest declared

Baroness Prashar

Deputy Chair, British Council

President, UK Council for International Student Affairs

Baroness Scott of Needham Market

No relevant interest declared

Baroness Suttie

Associate with Global Partners Governance Limited in respect of their Foreign and Commonwealth Office contract to provide mentoring and training for parliamentarians and their staff in Jordan

Trustee, Institute for Public Policy Research (IPPR)

Campaign Council Member, British Influence

Lord Trees

Chair, Moredun Research Institute, Edinburgh (independent animal health research institute) which applies for competitive research grants from the EU

Lord Tugendhat

Shareholdings as set out in the Register of Lords' Interests

Chairman, Advisory Council, European Policy Forum

Member of Advisory Council, Official Monetary and Financial Institutions Forum Limited

Member of Advisory Council of the Institute of Policy Research, University of Bath

Former Member and Vice President of the European Commission, in receipt of a pension from that Commission

Lord Whitty

Chair, Road Safety Foundation

Chair, Cheshire Lehmann Fund

Vice President, Environmental Protection UK

Vice President, Local Government Association

Vice President, Chartered Trading Standards Institute

Board Member, Smith Institute

Member, GMB

Baroness Wilcox

Shareholdings as set out in the Register of Lords' Interests

A full list of Members' interests can be found in the Register of Lords Interests: <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

APPENDIX 2: SELECT COMMITTEE AND SUB-COMMITTEE MEMBERS IN 2014–15

Select Committee

Lord Boswell of Aynho (Chairman)	Lord MacLennan of Rogart
The Earl of Caithness	Baroness O’Cathain
Lord Cameron of Dillington	Baroness Parminter
Baroness Corston (until November 2014)	Baroness Prashar
Baroness Eccles of Moulton	Baroness Quin
Lord Foulkes of Cumnock	The Earl of Sandwich
Lord Harrison	Baroness Scott of Needham Market
Baroness Henig (appointed in November 2014)	Lord Tomlinson
Baroness Hooper	Lord Tugendhat
Lord Kerr of Kinlochard	Lord Wilson of Tillyorn

Economic and Financial Affairs Sub-Committee

Lord Balfe	Lord Flight
Viscount Brookeborough	Lord Hamilton of Epsom
The Earl of Caithness	Lord Harrison (Chairman)
Lord Carter of Coles	Lord Kerr of Kinlochard
Lord Davies of Stamford	Lord Shutt of Greetland
Lord Dear	Lord Vallance of Tummel

Internal Market, Infrastructure and Employment Sub-Committee

Lord Brooke of Alverthorpe	Baroness Hooper
Lord Clinton-Davis	Lord Kakkar
Lord Cotter	The Earl of Liverpool
Lord Fearn	Baroness O’Cathain (Chairman)
Lord Freeman	Baroness Valentine
Lord Haskel	Lord Wilson of Tillyorn

External Affairs Sub-Committee

Baroness Billingham	Lord Maclennan of Rogart
Baroness Bonham-Carter of Yarnbury	Lord Radice
Baroness Coussins	The Earl of Sandwich
Lord Foulkes of Cumnock	Lord Trimble
Baroness Henig	Lord Tugendhat (Chairman)
Lord Jopling	Baroness Young of Hornsey
Lord Lamont of Lerwick	

Agriculture, Fisheries, Environment and Energy Sub-Committee

Lord Bowness	Lord Plumb
Baroness Byford	Lord Renton of Mount Harry
Lord Cameron of Dillington	Baroness Scott of Needham Market (Chairman)
Lord Cunningham of Felling	Lord Trees
Baroness Howarth of Breckland	Lord Whitty
Baroness Parminter	Lord Williams of Elvel

Justice, Institutions and Consumer Protection Sub-Committee

Lord Anderson of Swansea	Lord Hodgson of Astley-Abbotts
Lord Blair of Boughton	Baroness Liddell of Coatdyke
Baroness Corston ((Chairman) until November 2014)	Baroness O’Loan
Lord Dykes	Baroness Quin (Chairman from November 2014)
Viscount Eccles	Lord Richard (appointed to the Sub- Committee in November 2014)
Baroness Eccles of Moulton	Lord Stoneham of Droxford
Lord Elystan-Morgan	

Home Affairs, Health and Education Sub-Committee

Baroness Benjamin	Lord Morris of Handsworth
Lord Blencathra	Baroness Prashar (Chairman)
Viscount Bridgeman	Lord Sharkey
Lord Faulkner of Worcester	The Earl of Stair
Lord Jay of Ewelme	Lord Tomlinson
Lord Judd	Lord Wasserman

APPENDIX 3: TERMS OF REFERENCE, SCRUTINY RESERVE RESOLUTIONS AND ASHTON-LIDINGTON UNDERTAKINGS

Terms of reference

16 May 2013

- (1) To consider European Union documents deposited in the House by a Minister, and other matters relating to the European Union;

The expression “European Union document” includes in particular:

- (a) a document submitted by an institution of the European Union to another institution and put by either into the public domain;
- (b) a draft legislative act or a proposal for amendment of such an act; and
- (c) a draft decision relating to the Common Foreign and Security Policy of the European Union under Title V of the Treaty on European Union;

The Committee may waive the requirement to deposit a document, or class of documents, by agreement with the European Scrutiny Committee of the House of Commons;

- (2) To assist the House in relation to the procedure for the submission of Reasoned Opinions under Article 5 of the Treaty on European Union and the Protocol on the application of the principles of subsidiarity and proportionality;
- (3) To represent the House as appropriate in interparliamentary co-operation within the European Union.

Scrutiny Reserve Resolution

30 March 2010

That—

- (1) Subject to paragraph (5) below, no Minister of the Crown shall give agreement in the Council or the European Council in relation to any document subject to the scrutiny of the European Union Committee in accordance with its terms of reference, while the document remains subject to scrutiny.
- (2) A document remains subject to scrutiny if—
 - (a) the European Union Committee has made a report in relation to the document to the House for debate, but the debate has not yet taken place; or
 - (b) in any case, the Committee has not indicated that it has completed its scrutiny.
- (3) Agreement in relation to a document means agreement whether or not a formal vote is taken, and includes in particular—

- (a) agreement to a programme, plan or recommendation for European Union legislation;
 - (b) political agreement;
 - (c) agreement to a general approach;
 - (d) in the case of a proposal on which the Council acts in accordance with the procedure referred to in Article 289(1) of the Treaty on the Functioning of the European Union (the ordinary legislative procedure), agreement to the Council's position at first reading, to its position at second reading, or to a joint text; and
 - (e) in the case of a proposal on which the Council acts in accordance with Article 289(2) of the Treaty on the Functioning of the European Union (a special legislative procedure), agreement to a Council position.
- (4) Where the Council acts by unanimity, abstention shall be treated as giving agreement.
- (5) The Minister concerned may give agreement in relation to a document which remains subject to scrutiny—
- (a) if he considers that it is confidential, routine or trivial, or is substantially the same as a proposal on which scrutiny has been completed;
 - (b) if the European Union Committee has indicated that agreement need not be withheld pending completion of scrutiny; or
 - (c) if the Minister decides that, for special reasons, agreement should be given; but he must explain his reasons—
 - (i) in every such case, to the European Union Committee at the first opportunity after reaching his decision; and
 - (ii) if that Committee has made a report for debate in the House, to the House at the opening of the debate on the report.

Scrutiny of opt-ins

Ashton-Lidington undertakings

The “Ashton-Lidington undertakings”, originally reflecting commitments made by the then Leader of the House, Baroness Ashton of Upholland, in 2008, require Government departments to produce an EM within 10 working days of the publication of any proposal to which the UK opt-in applies, and to indicate the Government's preliminary views on whether they will opt in. The Government will not reach a final view on the matter for eight weeks following publication, and will take account of any views expressed within that time by the EU Select Committee or the European Scrutiny Committee of the House of Commons. A Resolution formalising the eight-week scrutiny reserve was adopted on 30 March 2010, and is reproduced below.

Where the Committee makes a report to the House that it recommends for debate, the Government also undertakes to arrange a debate as soon as possible, on an

amendable motion. The procedure for handling such reports was agreed by the House on 16 March 2010.⁸⁸

On 20 January 2011, the Minister for Europe, the Rt Hon David Lidington MP, made a Written Statement undertaking that the Government would continue to honour the Ashton undertakings, and would also extend them.⁸⁹ He committed to making “a written statement to Parliament on each opt-in decision, and the reasons for it”, and undertook to make an oral statement “where appropriate and necessary”. He urged the Houses' EU Committees to “take full advantage of their existing right to call a debate on an amendable motion on any opt-in decision”. He also undertook to set aside Government time for a debate where there was a “particularly strong Parliamentary interest”. In addition, the Government’s commitments were extended to proposals to opt out of Schengen-building measures under Article 5(2) of Protocol 19, which had not been specifically mentioned in the Ashton undertakings.

Opt-in Scrutiny Resolution

30 March 2010

That, in relation to notification to the President of the Council of the European Union of the wish of the United Kingdom to take part in the adoption and application of a measure following from a proposal or initiative presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union—

- (1) No Minister of the Crown may authorise such notification within 8 weeks after the proposal or initiative has been presented to the Council.
- (2) A Minister may however authorise such notification sooner than provided by paragraph (1) if he decides that for special reasons this is essential; but he should explain his reasons—
 - (a) in every such case, to the European Union Committee at the first opportunity after giving that authorisation; and
 - (b) in the case of a proposal awaiting debate in the House, to the House at the opening of the debate.
- (3) Where the European Union Committee is scrutinising the question of notification independently of the substance of the measure to which it relates, scrutiny of the substance of the measure will continue to be governed by the Resolution of the House of 30 March 2010, as amended.

⁸⁸ Procedure Committee, *The Lisbon Treaty: procedural implications; Standing Order 19; Private notice questions; Guidance on motions and questions* (2nd Report, Session 2009–10, HL Paper 51)

⁸⁹ HL Deb, 20 January 2011, col [WS20-22](#)

APPENDIX 4: REPORTS PUBLISHED AND REPORT DEBATES

Report [Sub-Committee Responsible]	Published	Government response received	Commission response received	Debated in the House of Lords
‘Genuine Economic and Monetary Union’ and the implications for the UK (8th Report, Session 2013–14, HL Paper 134) [Financial Affairs]	14 February 2014	28 April 2014	27 May 2014	2 July 2014
The Role of National Parliaments in the European Union (9th Report, Session 2013–14, HL Paper 151) [Select]	24 March 2014	22 July 2014	23 June 2014	15 December 2014
Counting the Cost of Food Waste: EU Food Waste Prevention (10th Report, Session 2013–14, HL Paper 154) [Energy and Environment]	6 April 2014	3 June 2014	28 July 2014	6 November 2014
Euro area crisis: an update (11th Report, Session 2013–14, HL Paper 163) [Financial Affairs]	4 April 2014	2 June 2014	23 June 2014	23 July 2014
Youth unemployment in the EU: a scarred generation? (12th Report, Session 2013–14, HL Paper 164) [Internal Market]	10 April 2014	16 June 2014	22 July 2014	17 June 2014

Report [Sub-Committee Responsible]	Published	Government response received	Commission response received	Debated in the House of Lords
Strategic guidelines for the EU's next Justice and Home Affairs programme: steady as she goes (13th Report, Session 2013-14, HL Paper 173) [Home Affairs]	14 April 2014	5 June 2014	17 September 2014	22 July 2014
The Transatlantic Trade and Investment Partnership (14th Report, Session 2013-14, HL Paper 179) [External Affairs]	13 May 2014	11 July 2014		17 June 2014
Report on 2013-14 (1st Report, HL Paper 6) [EU Select]	1 July 2014	N/A	N/A	24 July 2014
EU Data Protection law: a 'right to be forgotten'? (2nd Report, HL Paper 40) [Home Affairs]	30 July 2014	3 October 2014	31 October 2014	N/A
The United Kingdom opt-in to the draft CEPOL regulation (3rd Report, HL Paper 52) [Home Affairs]	24 October 2014		N/A	3 November 2014
The impact of the European Public Prosecutor's Office on the United Kingdom (4th Report, HL Paper 53) [Justice]	3 November 2014	5 January 2015	15 April 2015	19 March 2015
The post-crisis EU financial regulatory framework: do the pieces fit? (5th Report, HL Paper 103) [Financial Affairs]	2 February 2015	26 March 2015	Due on 2 May 2015	

Report [Sub-Committee Responsible]	Published	Government response received	Commission response received	Debated in the House of Lords
The EU and Russia: before and beyond the crisis in Ukraine (6th Report, HL Paper 115) [External Affairs]	20 February 2015	Due on 20 April 2015	Due on 20 May 2015	24 March 2015
Civilian Use of Drones in the EU (7th Report, HL Paper 122) [Internal Market]	5 March 2015	26 March 2015	Due on 6 June 2015	
A new EU Alcohol Strategy? (8th Report, HL Paper 123) [Home Affairs]	6 March 2015	Due on 6 May 2015	29 May 2015	
The UK's opt-in Protocol: implications of the Government's approach (9th Report, HL Paper 136) [Justice]	24 March 2015	Due on 22 June 2015	Due on 24 June 2015	
The North Sea under pressure: is regional marine co-operation the answer? (10th Report, HL Paper 137) [Energy and Environment]	17 March 2015	Due on 17 May 2015	25 June 2015	
Capital Markets Union: a welcome start (11th Report, HL Paper 139) [Financial Affairs]	20 March 2015	Due on 20 May 2015	Due on 20 June 2015	
The Review of the Balance of Competences between the UK and the EU (12th Report, HL Paper 140) [EU Select]	25 March 2015	Due on 25 May 2015	Due on 25 June 2015	N/A

APPENDIX 5: INTERPARLIAMENTARY MEETINGS

Date	Event	Location	Delegation
9 June 2014	European Chairs of the United Kingdom meeting	London	Lord Boswell of Aynho
15–17 June 2014	LI COSAC Plenary	Athens	Lord Boswell of Aynho Lord Harrison Baroness Scott of Needham Market
17–18 July 2014	COSAC Chairpersons Meeting	Rome	Baroness Hooper
29–30 September 2014	Conference under Article 13 of the Fiscal Compact	Rome	Lord Harrison
13–14 October 2014	Fundamental Rights	Rome	Baroness Quin
16 October 2014	Tripartite	London	Lord Boswell of Aynho The Earl of Caithness Baroness Eccles of Moulton Lord Foulkes of Cumnock Lord Harrison Baroness Hooper Baroness O’Cathain Baroness Scott of Needham Market Lord Tugendhat
26–27 October 2014	Agriculture, Industrial Development and SMEs	Rome	Baroness Scott of Needham Market

Date	Event	Location	Delegation
5–7 November 2014	Interparliamentary conference for the Common Foreign and Security Policy and the Common Security and Defence Policy	Rome	Lord Bowness
20–21 November 2014	Employment, Research and Innovation	Rome	Baroness O’Cathain
30 November–2 December 2014	LII COSAC	Rome	Lord Boswell of Aynho Baroness Quin Lord Sharkey
8 December 2014	European Chairs of the United Kingdom meeting	Edinburgh	Lord Boswell of Aynho
19 January 2015	The Green Card and the Commission’s Work Programme: cluster of interest meeting	Brussels	Lord Boswell of Aynho
1–2 February 2015	COSAC Chairpersons Meeting	Riga	Lord Boswell of Aynho
4–5 February 2015	Interparliamentary conference under Article 13 of the Treaty on stability, coordination and governance in the Economic and Monetary Union	Brussels	Lord Davies of Stamford Lord Harrison
22–23 February 2015	Meeting of the Chairpersons of the Committees on Employment and Social Affairs	Riga	Baroness O’Cathain

Date	Event	Location	Delegation
3 March 2015	Tripartite	Brussels	Lord Boswell of Aynho The Earl of Caithness Baroness Eccles of Moulton Lord Foulkes of Cumnock Lord Harrison Baroness O’Cathain Baroness Quin
4–6 March 2015	Interparliamentary conference for the Common Foreign and Security Policy and the Common Security and Defence Policy	Riga	Lord Tugendhat Lord Bowness
5 March 2015	Interparliamentary meeting on empowering women and girls through education	Brussels	Baroness Benjamin
30 March 2015	Interparliamentary meeting on European measures against terrorism	Paris	Lord Boswell of Aynho