



House of Commons  
European Scrutiny Committee

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# Seventy-fourth Report of Session 2017–19

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Documents considered by the Committee on 2 October 2019

*Report, together with formal minutes*

*Ordered by the House of Commons  
to be printed 2 October 2019*

**Numbering of documents**

Three separate numbering systems are used in this Report for European Union documents: Numbers in brackets are the Committee's own reference numbers.

Numbers in the form "5467/05" are Council of Ministers reference numbers. This system is also used by UK Government Departments, by the House of Commons Vote Office and for proceedings in the House.

Numbers preceded by the letters COM or SEC or JOIN are Commission reference numbers.

Where only a Committee number is given, this usually indicates that no official text is available and the Government has submitted an "unnumbered Explanatory Memorandum" discussing what is likely to be included in the document or covering an unofficial text.

**Abbreviations used in the headnotes and footnotes**

AFSJ	Area of Freedom Security and Justice
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
ECA	European Court of Auditors
ECB	European Central Bank
EEAS	European External Action Service
EM	Explanatory Memorandum (submitted by the Government to the Committee) *
EP	European Parliament
EU	European Union
JHA	Justice and Home Affairs
OJ	Official Journal of the European Communities
QMV	Qualified majority voting
SEM	Supplementary Explanatory Memorandum
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

**Euros**

Where figures in euros have been converted to pounds sterling, this is normally at the market rate for the last working day of the previous month.

**Further information**

Documents recommended by the Committee for debate, together with the times of forthcoming debates (where known), are listed in the European Union Documents list, which is published in the House of Commons Vote Bundle each Monday, and is also available on the parliamentary website. Documents awaiting consideration by the Committee are listed in "Remaining Business": [www.parliament.uk/escom](http://www.parliament.uk/escom). The website also contains the Committee's Reports.

\*Explanatory Memoranda (EMs) and letters issued by the Ministers can be downloaded from the Cabinet Office website: <http://europeanmemoranda.cabinetoffice.gov.uk/>.

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# Meeting Summary

The Committee looks at the significance of EU proposals and decides whether to clear the document from scrutiny or withhold clearance and ask questions of the Government. The Committee also has the power to recommend documents for debate.

## Brexit-related issues

The Committee is now looking at documents in the light of the UK's decision to withdraw from the EU. Issues are explored in greater detail in report chapters and, where appropriate, in the summaries below. The Committee notes that in the current week the following issues and questions have arisen in documents or in correspondence with Ministers:

- Preparing EU fisheries for a no-deal Brexit
- Coach and bus passenger rights

## Summary

### ***EU No-deal Brexit-preparedness: Fisheries***

The Commission's earlier fisheries Brexit-preparedness plan applied only to 31 December 2019. This proposal extends that plan until 31 December 2020. It allows UK vessels to be granted the right to fish in EU waters post-Brexit as long as the combined fishing opportunities set by the EU and UK are in line with the sustainable management of the relevant stocks as required by international law and as provided for under the Common Fisheries Policy. The Regulation is likely to be adopted swiftly. As the framework set is uncontroversial, the Committee clears the proposal for scrutiny while pressing the Minister for the details of the Government's policy in the event that the UK and EU fail to reach agreement on the management of shared stocks. In particular, the Committee asks if the UK would set quotas in line with EU law in order to facilitate the mutual UK-EU assessment of sustainability.

*Cleared; further information requested; drawn to the attention of the Environment, Food and Rural Affairs Committee*

### ***Workers' rights: work-life balance, and transparent and predictable working conditions***

The two files under scrutiny were last considered by the Committee on 5 June 2019 and scrutiny waivers granted in order for the Government to support adoption at Council. Both files were adopted at Council at the start of August 2019.

The first (the Work-Life Balance Directive), will provide for: 10 working days of paternity leave; a payment or allowance for a minimum of 2 months parental leave per parent, per child; and a minimum of 5 days carers' leave. The second (the Transparent and Predictable Working Conditions Directive), will: set a flexible definition of 'worker'; provide an 'enhanced' written statement of employment terms for workers; limit probationary periods to 6 months; protect a worker's right to undertake parallel employment; provide

a minimum level of work predictability; ensure that mandatory training is provided free of charge; and extend the right to request a contract variation to all workers falling under its purview.

As both Directives have been adopted, the Committee clears them from scrutiny. The Committee draws attention to the domestic context against which the Directives have been adopted; considering the UK's withdrawal from the EU—namely with regard to domestic political commitments to workers' rights—and the 'Taylor review' into modern working practices.

*Cleared from scrutiny; drawn to the attention of the Business, Energy and Industrial Strategy Committee, the Women and Equalities Committee, and the Work and Pensions Committee*

### **EU exit Statutory Instrument: coach and bus passenger rights**

The report under consideration was cleared from scrutiny by the Committee on 15 May 2019. It concerns the functioning of Regulation (EU) No 181/2011 (on the rights of passengers in coach and bus transport). The associated explanatory memorandum did, however, raise some concerns relating to the Government's approach to the incorporation of the Regulation in domestic law in preparation for the UK's withdrawal from the EU (under the EU (Withdrawal) Act 2018).

The Committee wrote to the Minister with charge over the report—Nusrat Ghani MP—regarding these concerns on 15 May 2019 and received a response on 17 June. The Minister's response is set out in the Committee's Report chapter alongside an examination of the 'EU exit Statutory Instrument' (SI) that will amend the 'retained' Regulation.

*Cleared from scrutiny on 15 May 2019; drawn to the attention of the European Statutory Instruments Committee, and the Public Administration and Constitutional Affairs Committee*

### **Documents drawn to the attention of select committees:**

('NC' indicates document is 'not cleared' from scrutiny; 'C' indicates document is 'cleared')

**Business, Energy and Industrial Strategy Committee:** Proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU [C]; Proposal for a Directive of the European Parliament and of the Council on transparent and predictable working conditions [C]; Proposal for a Directive discontinuing seasonal changes of time and repealing Directive 2000/84/EC [NC]

**Committee on Exiting the European Union:** Proposal for a Directive discontinuing seasonal changes of time and repealing Directive 2000/84/EC [NC]

**European Statutory Instruments Committee:** Report from the Commission to the European Parliament and the Council Exemptions granted by Member States under Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 [C]

**Environment, Food and Rural Affairs Committee:** Proposal for a European Parliament and Council Regulation on Common Agricultural Policy Strategic Plans [C]; Proposal

for a European Parliament and Council Regulation on the financing, management and monitoring of the Common Agricultural Policy [C]; Proposal for a European Parliament and Council Regulation amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands [C]; Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters [C]

**Public Administration and Constitutional Affairs Committee:** Report from the Commission to the European Parliament and the Council Exemptions granted by Member States under Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 [C]

**Women and Equalities Committee:** Proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU [C]; Proposal for a Directive of the European Parliament and of the Council on transparent and predictable working conditions [C]

**Work and Pensions Committee:** Proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU [C]; Proposal for a Directive of the European Parliament and of the Council on transparent and predictable working conditions [C]

# 1 MFF Horizon Europe

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Committee's assessment	Politically important
<a href="#">Committee's decision</a>	(a) Not cleared from scrutiny; further information requested (b) (c) (d) (e) Cleared from scrutiny
Document details	(a) Proposal for a Regulation of the European Parliament and of the Council establishing Horizon Europe—the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination; (b) Proposal for a Council Decision amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel; (c) Commission Staff Working Document: Implementation Roadmap for the European Open Science Cloud; (d) Court of Auditors Special report No 28/2018: The majority of simplification measures brought into Horizon 2020 have made life easier for beneficiaries, but opportunities to improve still exist; (e) Report from the Commission to the European Parliament and the Council: Annual Report on Research and Technological Development Activities of the European Union and Monitoring of Horizon 2020 in 2018
Legal base	(a) Article 173(3) TFEU, Article 182(1) TFEU, Article 183 TFEU, Article 188 TFEU (second paragraph); ordinary legislative procedure; QMV (b) Article 2 of Council Decision 2003/76/EC; special legislative procedure EPconsent; QMV (c)—(d)—(e)—
Department	Business, Energy and Industrial Strategy
Document Numbers	(a) (39882), 9865/18 + ADDs 1–6, COM(18) 435 final; (b) (39007), 11947/17, COM(17) 452; (c) (39570), 7188/18, SWD(2018) 83; (d) (40164), Unnumbered ; (e) (40717), 10977/19, COM(2019) 315 final

## Summary and Committee's conclusions

1.1 This report takes stock of the progress of negotiations regarding the Horizon Europe package—the EU's proposal for the next, ninth, Framework Programme for research which will run from 2021—2027—and the implications for UK stakeholders post-exit.

1.2 The Horizon Europe financial programme, which the Committee summarised in its report of 21 November 2018,<sup>1</sup> forms part of the wider Multiannual Financial Framework

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1 Forty-fifth Report (HC 301–xliv), [chapter 2](#) (21 November 2018).

(MFF). The Committee cleared the proposal for a Decision establishing the specific programme implementing Horizon Europe in its report on 27 March 2019<sup>2</sup> and therefore this report focuses on the proposed Regulation establishing the programme (document a).

1.3 A number of minor legacy documents related to Horizon 2020 have also been combined with this Report.<sup>3</sup>

1.4 In the Government’s Explanatory Memorandum regarding the proposal,<sup>4</sup> the then, Minister of State for Universities, Science, Research and Innovation at the Department for Business, Energy and Industrial Strategy (Sam Gyimah MP) stated that as the UK wanted the option to fully associate with the EU’s science and innovation programmes it would seek to influence the shape of the proposal. He also noted that the programme was broadly aligned to the Government’s position paper,<sup>5</sup> published in February 2018, and therefore “left the door open to UK association to Horizon Europe based on the principle of a fair balance of contribution and benefit”.

1.5 In its first report on the proposal the Committee concluded that although the proposed Framework Programme did not preclude comprehensive ongoing UK participation, the various conditions on participation which were introduced gave the EU greater flexibility to adopt a less standardised, more tailored approach to any future UK association to the Programme, according to the nature of wider UK-EU economic and political relations. The Committee also noted that UK exclusion from those parts of the Programme from which third countries are currently excluded would potentially have a significant impact on UK stakeholders: grants from these programmes currently account for about 44% of total UK receipts from Horizon 2020. There would also potentially be a range of different types of disruption to ongoing Horizon 2020-funded projects.<sup>6</sup>

1.6 The Committee also granted the Government a waiver to support a Partial General Approach on the Regulation on 30 November 2018.

1.7 In the response of the Minister’s successor (Chris Skidmore MP) to the Committee on 7 January 2019,<sup>7</sup> he answered the Committee’s questions concerning the implications of EU exit for the sector as follows:

- Regarding a non-negotiated exit from the EU, the Minister confirmed the Committee’s analysis that in a no deal scenario the UK would not be able to

2 Sixty-first Report (HC 301-lix), [chapter 3](#) (27 March 2019).

3 Documents (c) (d) and (e) are minor, non-legislative documents which relate to Research and have here therefore been combined with the main Horizon Europe proposal. The Government supports the proposed Implementation Roadmap for the European Open Science Cloud, the proposed simplification measures noted in the Court of Auditors Report (d), and notes the Annual Report on the Monitoring of Horizon 2020. Document (b) relates to a Council Decision to allow the Research Fund for Coal and Steel to authorise the recycling of all the de-commitments made in the RFCS research programme since 2003, in order to maintain current levels of funding. The Committee had retained this under scrutiny, not in relation to the content of the proposal itself, but to seek more information from the Government on the implications of EU exit for this research fund. As the Government subsequently provided the Committee with [further information](#) on this issue, and has since published a detailed [guide](#) on how its guarantee (from which the UK derives approximately £3–4m annually) would apply to UK beneficiaries in the event of there being no deal, the document can now be cleared from scrutiny.

4 Explanatory Memorandum from the Government ([25 June 2018](#)).

5 Department for Business, Energy and Industrial Strategy, UK Position Paper on the ninth EU Framework Programme for Research and Innovation (FP9) ([March 2018](#)).

6 Forty-fifth Report (HC 301–xliv), [chapter 2](#) (21 November 2018).

7 Letter from the Minister to the Chair of the Committee ([7 January 2019](#)).

participate in the European Research Council (ERC) grants, Marie Skłodowska-Curie Actions (MSCA) and the SME instrument. He stated that the Government recognised the importance of this funding for individual researchers, institutions and businesses in supporting world-class research and innovation, and was looking at what other measures might be necessary in a no deal scenario to enable the UK to retain and attract world class researchers and support SMEs. He said that the Government was “continuing to look at what other measures might be necessary in a no deal scenario to enable the UK to retain and attract world class researchers and support SMEs”.

- In terms of the level of influence over the Programme that would be acceptable to the Government, the Minister said the UK would “expect to have an active role in the management of the Programme” but that “the exact level of influence that is acceptable to the UK will depend on the UK’s contribution to the Programme”. The Minister noted that this would need to be discussed with the Commission as part of negotiations on an association agreement, should the UK decide to pursue this option. He also noted that the meaning of the term “decisional power”, contained in the Horizon Europe Regulation, had not yet been clarified.
- On the UK associating to the Programme, the Minister indicated, following the Partial General Approach regarding the Horizon Europe Regulation, that the text did not significantly affect the probability of this, and that the UK remained open to the option of seeking association in the future, but that it remained too early to predict the probability of this happening.

1.8 Trilogue negotiations commenced shortly after the Council’s Partial General Approach was agreed, and at the sixth trilogue discussion on March 16 2019, a common understanding<sup>8</sup> on most of the Regulation text was reached. The compromise text included a commitment to spend 35% of the total budget on climate-related research, for 3.3% of the budget to be earmarked to improve participation of newer EU states, with efforts by countries to set “attractive salaries for researchers”, and for Parliament to get a say over the research missions and partnerships, including a review planned for 2023.

1.9 The compromise text was confirmed at COREPER on 27 March, and on 17 April the European Parliament voted in favour of the compromise text in plenary.

1.10 However, key sections of the Regulation text - those which have not been marked green in the common understanding text<sup>9</sup> - remain to be negotiated. These relate to provisions for third country participation (Article 12), entities eligible for funding (Articles 18 and 19), the programme budget (Article 9), synergies between EU programmes (Articles 11 and 23, Annex IV), and the protection of financial interests of the Union (Article 49). There has been no further discussion in the Council of the EU on these provisions. Officials note that many of these provisions are aligned with text in other Multiannual Financial Framework (MFF) files and may therefore be subject to modification in line with the approach and timelines across all MFF-dependent negotiations.

8 <https://www.consilium.europa.eu/en/press/press-releases/2019/03/27/eu-agreement-on-future-research-and-innovation-programme/> .

9 <https://data.consilium.europa.eu/doc/document/ST-7942-2019-INIT/en/pdf> .

1.11 In his letter of 15 May 2019,<sup>10</sup> the then Minister informed the Committee that the outcome of trilogues was in line with the UK’s policy priorities, and noted in particular that the Regulation text on exploitation of research and innovation funded by Horizon Europe “does not require participants to exploit their results principally in the Union, giving them the flexibility to follow their commercial markets”.

1.12 Following the agreement of the common understanding on the Regulation on 17 April 2019, the European Parliament adopted its first reading position on the whole text of the Regulation - including those sections excluded from the common understanding.<sup>11</sup>

1.13 From the UK’s perspective, the Parliament’s text contains a number of noteworthy changes. In particular, Article 12(2) (Third Country participation) adds new requirements regarding the scope of association of each third country, requiring that, in addition to taking into account the objective of driving economic growth in the Union, the association should “avoid the brain drain from the Union”. The same paragraph also states that “mono-beneficiary” parts of the Programme may be excluded from an association agreement, “in particular those dedicated to private entities”. Mono-beneficiary parts of the programme are those such as the next phase of the Marie Skłodowska-Curie Actions (MSCA) and the European Research Council (ERC) where there is a single beneficiary; the reference to private entities relates specifically to the proposed third pillar of the Programme dedicated to innovation. While the wording remains flexible and would not mandate the automatic exclusion of these parts of the Programme from association agreements (associated countries “may” be excluded from these parts of the Programme), it is nevertheless significant that the Parliament is pressing to expand the scope for potential restrictions in relation to individual programmes in the text of the Regulation itself. Such restrictions would normally be specified in the work programmes, which would be developed after the adoption of the Regulation establishing the Framework Programme.

1.14 Regarding the Regulation, the Council expects the negotiations with the next European Parliament to resume as soon as possible, with a view to them being finalised on the basis of the progress achieved as reflected in the common understanding.

1.15 More detailed information regarding the state of play of both legislative procedures, and the milestones that remain to be reached, is provided in an appendix at the end of this chapter.

1.16 Other developments of note include that:

- On 8 August 2019, the Prime Minister announced that he had instructed the Home Office and BEIS to work on a fast-track visa route to attract elite researchers and specialists in the fields of science, engineering and technology to be launched later this year.<sup>12</sup>
- In the same speech, the Prime Minister confirmed<sup>13</sup> that applications submitted to Horizon 2020 ‘mono-beneficiary’ schemes (European Research Council, Marie Skłodowska-Curie Actions and SME instrument programmes) before EU Exit would, if the European Commission stopped assessing these applications,

10 Letter from the Minister to the Chair of the Committee (15 May 2019).

11 [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0395\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0395_EN.html?redirect)

12 [https://www.bbc.co.uk/news/amp/science-environment-49282689?\\_twitter\\_impression=true](https://www.bbc.co.uk/news/amp/science-environment-49282689?_twitter_impression=true).

13 <https://www.ukri.org/news/government-announces-major-boost-for-uk-research-and-innovation/>.

be reviewed by UKRI and receive funding from it. This would not apply to such applications post-exit, only to those which were already “in-flight” at the moment of exit.

- The Government announced that it would be withdrawing UK officials from most Council meetings. Officials have clarified that it is not yet clear whether this applies to negotiations regarding Horizon Europe.
- The EU adopted a ‘no deal’ Brexit Budget Regulation<sup>14</sup> which would mean that researchers / consortia bidding for / receiving Horizon 2020 funding on the basis of a UK participant will continue to receive their funding until the end of 2019 even if the British participant becomes a ‘third country’ institution as of exit day, which would otherwise render the whole project ineligible for EU support (article 6 of Regulation 2019/1197). This is subject to a range of conditions, including that the UK continue to make its financial contribution to the issues with uncertainty for future bids and accept EU oversight of the Programme. While this arrangement would terminate at the end of 2019 and therefore only buy UK institutions two additional months of participation, the EU could in principle bring forward a similar proposal arrangement for 2020.

**1.17 We have taken note of the Government’s updates regarding the proposal for a regulation establishing Horizon Europe, which however predate the appointment of the current Prime Minister and the current Minister of State for Universities, Science, Research and Innovation.**

**1.18 In terms of the progress of negotiations on the proposal for a Regulation establishing the next Framework Programme for research, Horizon Europe, a common understanding covering most of the text has been agreed which was acceptable to the Government; however, the key sections from a UK perspective—those concerning third country participation and entities eligible for funding—<sup>15</sup>have yet to be decided. The Council will establish its position on these sections of the text in the coming months, and trilogue negotiations will then resume.**

**1.19 The European Parliament has already published its position going into trilogue negotiations.<sup>16</sup> On the question of third country association, its proposed text would require the scope of each association agreement to take into account, in addition to the objective specified by the Commission (“driving economic growth in the Union”), the aim to “avoid the brain drain from the Union”—an addition which could potentially affect the scope of any UK association to the Programme. The Parliament also proposes to specify that mono-beneficiary parts of the Programme (notably, the Marie Skłodowska-Curie Actions (MSCA), the European Research Council (ERC), and the SME instrument), “in particular those dedicated to private entities” (i.e. the proposed third pillar of the Programme dedicated to innovation) may be excluded from any association agreement. Whether these changes would in practice restrict the scope of any UK association to the Programme would depend on the approach taken**

14 See the Committee’s report on this Regulation [here](#).

15 We do not reiterate here our assessment of the restrictiveness of the Commission’s original proposal in this regard, which was set out in detail in our [report](#) on 21 November 2018.

16 [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0395\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0395_EN.html?redirect).

to negotiations with the UK, and might have no negative effect at all; however, the European Parliament is clearly taking pains to ensure that the Union has maximum flexibility to protect its interests in any negotiations with the UK.

1.20 In response to our questions, the then Minister informed the Committee that the texts which had been agreed to date did not significantly affect the probability of the UK seeking to associate with the programme in the future, but that it remained too early to predict the probability of this happening.

1.21 A key decision point for the UK regarding whether to associate to the Horizon Europe is likely to take place at the end of the first quarter of 2020 when it is anticipated that the Regulation will have been agreed.

### *Brexit issues*

1.22 The prospect of a non-negotiated exit continues to present the UK research community with a number of challenges.

1.23 When the UK becomes a third country, UK-based participants in the European Union’s research programmes will in many cases no longer be eligible to continue to participate in and/or receive funds from research calls. The Horizon 2020 research portal informs UK stakeholders that the eligibility criteria of Horizon 2020 projects “must be complied with for the entire duration of the grant” and that if there is a non-negotiated exit, UK participants “will cease to be eligible to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 50 of the grant agreement”.<sup>17</sup>

1.24 The Government’s successive funding guarantees have gone some way towards mitigating stakeholders’ most immediate concerns regarding disruption to EU-based research funding for UK stakeholders in the short term, if there is no deal. The then Chancellor’s undertook<sup>18</sup> to continue to fund successful pre-Brexit bids for Horizon research funding; the ‘extended guarantee’ announced in July 2018<sup>19</sup> extended this to cover all successful bids where third country participation is allowed which were made prior to the end of 2020, for the lifetime of the projects.

1.25 The key funding-related concern which was not addressed by these guarantees, highlighted in our report of 21 November 2018,<sup>20</sup> related to those elements of the Horizon 2020 programme in which third country stakeholders are not permitted to participate, notably European Research Council (ERC) grants, Marie Skłodowska-Curie Actions (MSCA) and the SME instrument. In response, the (then) Minister (Chris Skidmore MP) confirmed<sup>21</sup> that in a ‘no deal’ scenario the UK would not be able to participate in these parts of the Programme, which in the Government’s analysis account for about 44% of total UK receipts from Horizon 2020—although

17 European Commission Participant Portal H2020 Online Manual, ‘Find partners or apply as individual’: [http://ec.europa.eu/research/participants/docs/h2020-funding-guide/grants/applying-for-funding/find-partners\\_en.htm](http://ec.europa.eu/research/participants/docs/h2020-funding-guide/grants/applying-for-funding/find-partners_en.htm) [accessed 14 December 2018].

18 <https://www.gov.uk/government/news/funding-from-eu-programmes-guaranteed-until-the-end-of-2020>.

19 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-07-24/HCW5926/>.

20 Forty-fifth Report (HC 301–xliv), chapter 2 (21 November 2018).

21 Letter from the Minister to the Chair of the Committee ([7 January 2019](#)).

other stakeholders have estimated the figure to be as high as 60%.<sup>22</sup> We therefore welcome the Government's announcement on 8 August<sup>23</sup> that applications submitted to these programmes which are 'in-flight' at the moment of exit will be reviewed by UKRI and, if successful, receive funding from it. However, this guarantee only relates to applications which have already been submitted at the moment of exit and will not assist UK researchers who would have submitted applications to these programmes post-exit.

1.26 In the meantime there is little clarity regarding what the UK's future research funding landscape will look like. It thus appears highly possible that, in the event of a non-negotiated exit, there will be a period of time during which some UK researchers will be unable to apply to EU research programmes from which they currently secure important funding, and an alternative domestic scheme will not be in place.

1.27 One option which would enable the Government to avoid this situation is provided by the EU Brexit contingency Budget Regulation (EU, Euratom) 2019/1197<sup>24</sup> which establishes that, if the UK continues to pay its contribution to the EU budget for the duration of 2019 then UK researchers will continue to be able to participate in Horizon 2020 as at present, until the end of 2019. An amending proposal was brought forward on 4 September 2019 which would permit the UK to extend this arrangement until the end of 2020. However, this is not a standalone arrangement on research and would require continued UK contributions to the EU budget as a whole.

1.28 Finally, even if there is a non-negotiated exit, the UK could in principle still seek to become associated to Horizon Europe. However, the EU regards future cooperation on research as part of the future economic relationship, and has consistently indicated that future relationship issues will not be addressed in a no deal scenario until the principal withdrawal issues, including those addressed by the Protocol on Ireland and Northern Ireland, have been addressed. The circumstances therefore do not appear particularly propitious, in the event of an acrimonious non-negotiated exit, for the conclusion of an association to Horizon Europe which was favourable to the UK.

1.29 We ask the Minister to respond to the following questions:

- Has the Government's position on association to Horizon Europe evolved in any way, since the appointment of the new Prime Minister?
- Following the Government's announcement<sup>25</sup> on 20 August that UK officials would stop attending most EU meetings from 1 September 2019, can the Government confirm whether or not it intends for its officials to participate in the remaining negotiations regarding the Horizon Europe Regulation while the UK remains a Member State?
- In the event of a non-negotiated exit, UK researchers will no longer be able to bid to participate in certain key elements of the Horizon 2020 Programme

22 Vivienne Stern, the Director of Universities UK International, told the House of Lords EU Internal Market Committee that the ERC and MSCA accounted for "about 60% of all the funding that the UK wins" from Horizon 2020": see Question 5 of [this transcript](#).

23 <https://www.ukri.org/news/government-announces-major-boost-for-uk-research-and-innovation/>.

24 Council Regulation (EU, Euratom) 2019/1197 on measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union.

25 <https://www.gov.uk/government/news/uk-officials-will-stop-attending-most-eu-meetings-from-1-september>.

(principally those for mono-beneficiaries). The Government’s financial guarantees do not address these stakeholders’ concerns, and there is no indication that replacement domestic arrangements will be in place at the moment of exit. There is thus a risk of a significant funding gap arising for researchers. What additional actions does the Government propose to take and further mitigate these immediate concerns, beyond the provisions described above?

- If the Government chooses not to seek to become associated to Horizon 2020/Horizon Europe, how soon will it realistically be able to put alternative domestic arrangements in place for these stakeholders?

1.30 We retain document (a) under scrutiny, and ask to receive responses to these questions 7 working days from when your officials are first provided with a copy of the conclusions. We also ask to receive updates in advance of any Ministerial vote in Council, or, if the UK is no longer a Member State / is not exercising its voting rights in Council, for an update on the outcome of trilogue negotiations with the European Parliament, with a particular focus on the provisions regarding third country participation and eligibility of third country stakeholders. We now clear documents (b) (c) (d) and (e) from scrutiny.

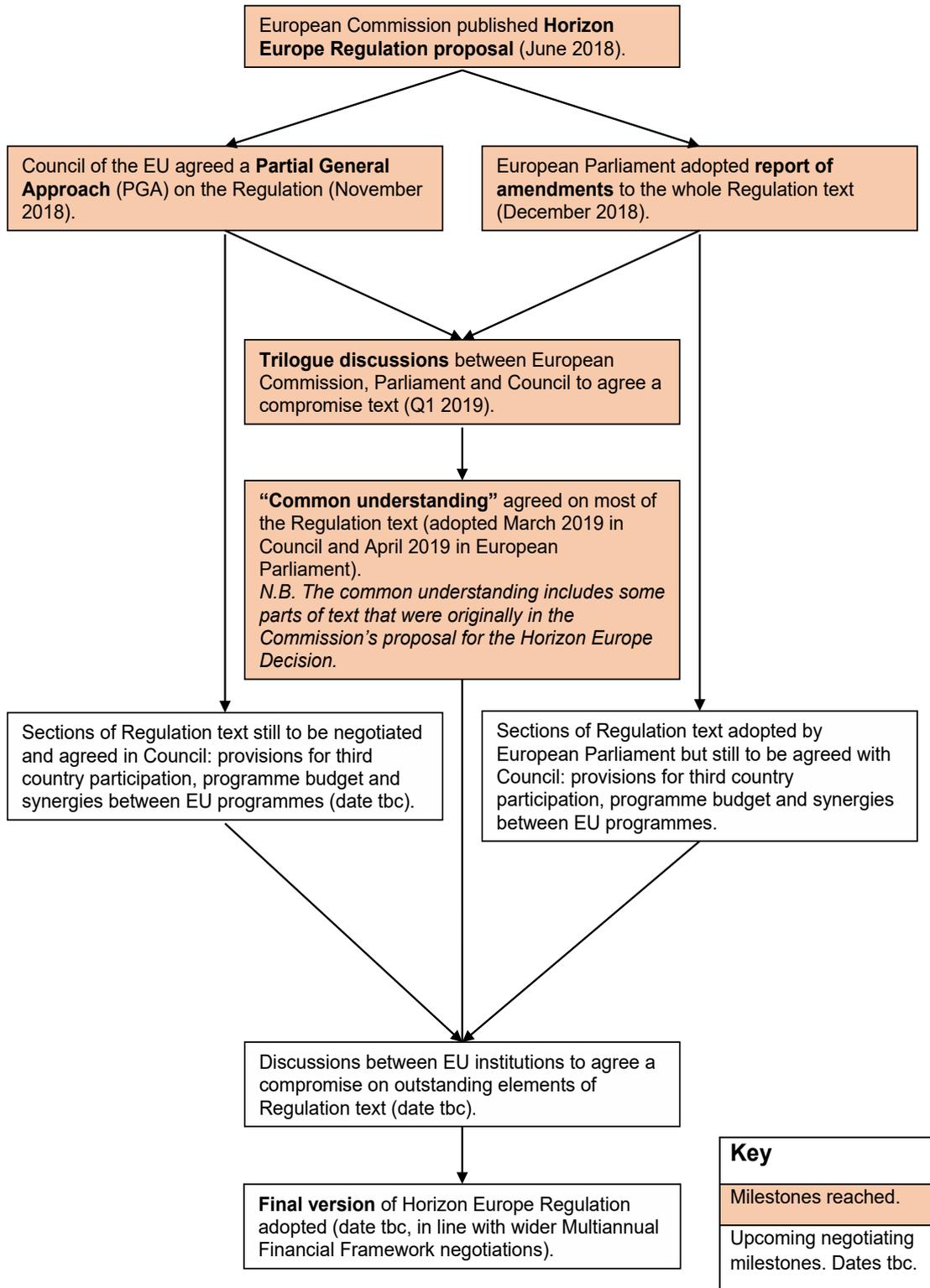
### Full details of the documents

(a) Proposal for a Regulation of the European Parliament and of the Council establishing Horizon Europe—the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination: (39882), 9865/18 + ADDs 1–6, COM(18) 435 final; (b) Proposal for a Council Decision amending Decision 2003/76/EC establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel: (39007), 11947/17, COM(17) 452; (c) Commission Staff Working Document Implementation Roadmap for the European Open Science Cloud: (39570), 7188/18, SWD(2018) 83; (d) Court of Auditors Special report No 28/2018: The majority of simplification measures brought into Horizon 2020 have made life easier for beneficiaries, but opportunities to improve still exist: (40164), Unnumbered; (e) Report from the Commission to the European Parliament and the Council: Annual Report on Research and Technological Development Activities of the European Union and Monitoring of Horizon 2020 in 2018 (40717), 10977/19, COM(2019) 315 final.

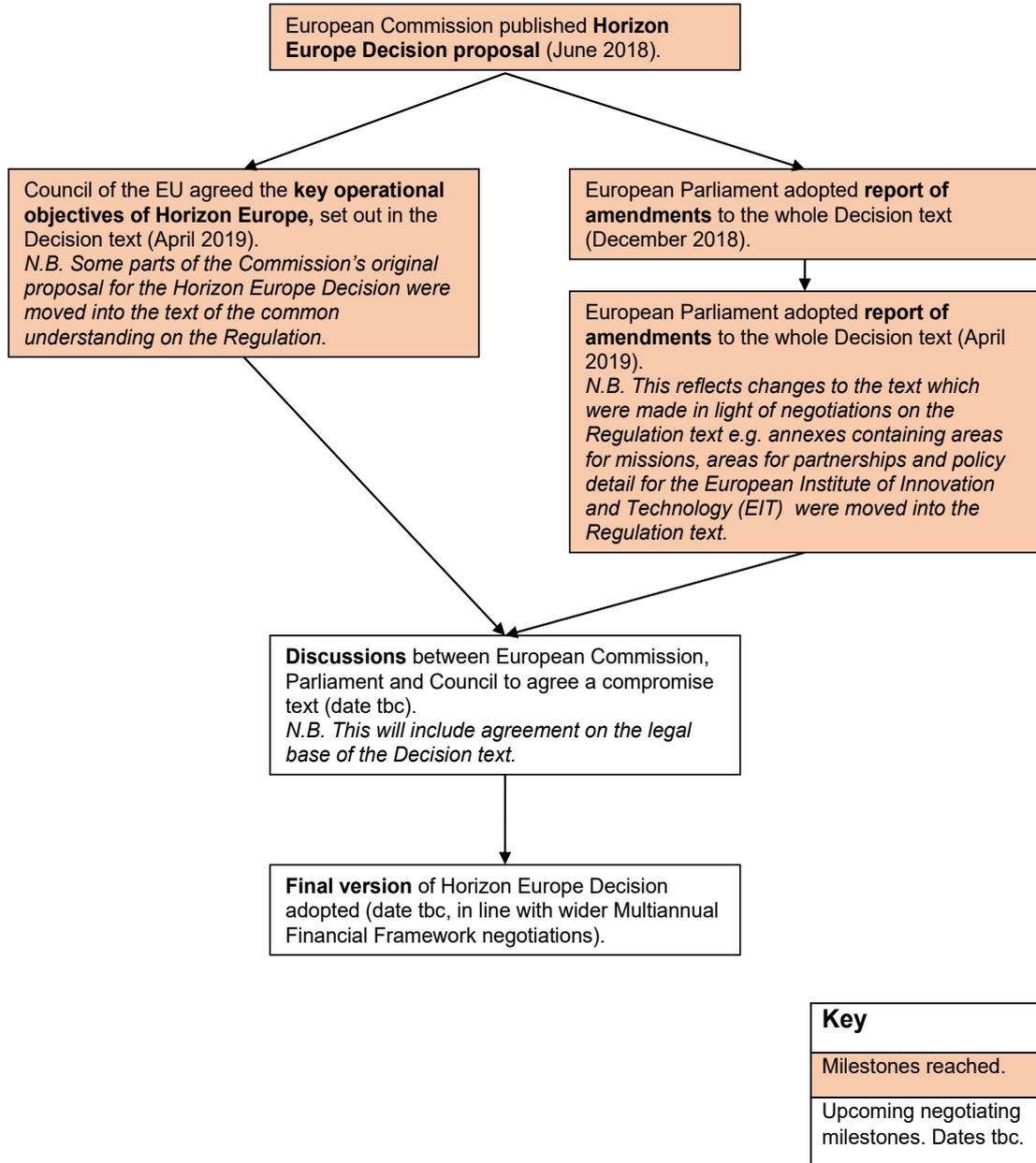
### Previous Committee Reports

Sixty-first Report (HC 301-lix), [chapter 3](#) (27 March 2019); Forty-fifth Report (HC 301-xliv), [chapter 2](#) (21 November 2018).

## Annex 1: Negotiations progress on Horizon Europe Regulation text



## Annex 2: Negotiations progress on Horizon Europe Decision text



## 2 Ending seasonal time changes

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Committee's assessment	Legally and politically important
<a href="#">Committee's decision</a>	Not cleared from scrutiny; further information requested; drawn to the attention of the Business, Energy and Industrial Strategy Committee and the Committee on Exiting the European Union
Document details	Proposal for a Directive discontinuing seasonal changes of time and repealing Directive 2000/84/EC
Legal base	Article 114 TFEU, ordinary legislative procedure, QMV
Department	Business, Energy and Industrial Strategy
Document Number	(40063), 12118/18 + ADD 1, COM(18) 639

### Summary and Committee's conclusions

2.1 The [proposed Directive](#) would repeal the current EU law which requires Member States to move their clocks forward by an hour on the last Sunday in March and move them back by an hour on the last Sunday in October.<sup>26</sup> EU laws on summertime arrangements were first introduced in 1980 to prevent uncoordinated seasonal time changes disrupting the operation of the EU's internal market. The proposed Directive would discontinue the twice-yearly clock changes and require each Member State to decide whether to opt for permanent summer or winter time arrangements, without the possibility of introducing any seasonal variation in subsequent years. Our earlier Reports listed at the end of this chapter provide a detailed overview of the proposal.

2.2 The Government opposes the proposed Directive. In her [Explanatory Memorandum of 11 October 2018](#), the Minister for Small Business, Consumers and Corporate Responsibility (Kelly Tolhurst MP) questioned whether the European Commission had provided a sufficient evidence base to support the ending of seasonal time changes. She shared the Committee's concern that the proposal risked creating more rather than less divergence within the EU internal market and that the use of a legal base—Article 114 of the Treaty on the Functioning of the European Union (TFEU)—intended to approximate laws affecting the functioning of the internal market was not therefore justified.<sup>27</sup>

2.3 The Transport Council has oversight of the negotiations. In December 2018, Transport Ministers considered a revised (Austrian) Presidency text which pushed back the date for implementing the proposed Directive by two years to April 2021, making it less likely that it would apply to the UK during any post-exit transition/implementation period. The European Parliament has similarly recommended a later implementation date—1 April

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26 The current rules on summertime arrangements are set out in [Council Directive 2000/84/EC](#).

27 There are currently three standard time zones within the EU: Western European or Greenwich Mean Time (GMT) covering the UK, Ireland and Portugal; Central European Time (GMT+1) covering 17 Member States; and Eastern European Time (GMT+2) covering eight Member States. Existing EU law coordinates the dates on which seasonal time changes begin and end, meaning that there is never more than two hours' difference in time across all EU Member States. Depending on the decisions taken by each Member State, the proposed Directive could create further variation (GMT+3) in some parts of the EU.

2021 rather than 1 April 2019 as originally proposed by the European Commission—and envisages that this time should be used to carry out a wide-ranging consultation at Member State level on the implications of discontinuing seasonal time changes.

2.4 The Government supports efforts to delay the implementation of the Directive, describing the Commission’s original timescale as “entirely unrealistic”.<sup>28</sup> The Minister told us in June that the Devolved Administrations shared the Government’s position and that officials would be working together “to develop an updated evidence base”. In our [Report agreed on 10 July 2019](#), we asked her to:

- set out what (if any) plans the Finnish Presidency had in mind to advance discussions on the proposed Directive;
- confirm that the Governments of the UK and Ireland were consulting one another on the implications of the proposed Directive and indicate whether Ireland was one of the “like-minded Member States” with which the Government was seeking to agree a common approach in negotiations; and
- clarify whether the opinion of the Council Legal Service had been sought and how any advice given might affect the choice of legal base, the content of the Commission proposal and/or the progress of negotiations.

2.5 In her [letter of 10 September 2019](#), the Minister reiterates that the Government continues to oppose the proposed Directive, and that it is “committed to leaving the EU on 31 October” with “no plans to implement this proposal after we have left.”

2.6 The Finnish Presidency has yet to announce its plans for progressing the proposed Directive but a further discussion is expected at the Transport Council on 20 September. The Minister confirms that discussions have been held with the Irish Government and that the Irish Department for Justice and Equality has issued a press release stating that Ireland opposed the proposed Directive and would not support any proposal which could result in different time zones on the island of Ireland and disruption to the EU Single Market. The press release also states that “it would be profoundly serious if two different time zones were to exist on the island of Ireland, creating significant unnecessary problems for people living on the border and for the all-island economy”.<sup>29</sup>

2.7 The Minister confirms that the Council Legal Service has issued an Opinion on the proposed Directive but that a full version cannot be shared as the advice given to the Council is privileged. She reiterates, however, that the UK and “many other Member States” do not consider that the use of an Article 114 TFEU (internal market) legal base is justified, adding:

Proposals brought forward under this Article must genuinely have as their object the improvement of conditions for the establishment and functioning of the internal market. We believe that the evidence presented by the Commission so far does not demonstrate this or justify the proposals. There has been an increasing number of calls from a wide group of Member States

28 See the Minister’s [letter of 26 June 2019](#) to the Chair of the European Scrutiny Committee.

29 See the press release dated 17 July 2019, [Ireland to oppose ending of seasonal clock changes](#).

(including the UK) for a full impact assessment. Although the Commission has previously resisted these calls, we understand that it is now considering them more seriously.

## Our Conclusions

**2.8 We thank the Minister for her update. We welcome the decision to seek the Opinion of the Council Legal Service on the use of an internal market legal base (Article 114 TFEU) though it is disappointing that the Minister is unable to share more details of its analysis and how it may feed into negotiations on the proposed Directive.**

**2.9 We note the Irish Government’s intention to oppose the proposed Directive following a public survey and stakeholder consultation. We look forward to hearing how this might affect the balance of opinion within the Council and the prospects for securing an agreement. We ask the Minister to report back to us on the outcome of the September Transport Council if any significant progress is made and to update us on the Finnish Presidency’s plans for taking forward negotiations on the proposed Directive.**

**2.10 Pending further information, the proposed Directive remains under scrutiny. We draw this chapter to the attention of the Business, Energy and Industrial Strategy Committee and the Committee on Exiting the European Union.**

## Full details of the documents

Proposal for a Directive discontinuing seasonal changes of time and repealing Directive 2000/84/EC: (40063), [12118/18](#) + [ADD 1](#), COM(18) 639.

## Previous Committee Reports

Seventy-first Report HC 301-lxix (2017–19); [chapter 2](#) (10 July 2019); Sixty-third Report HC 301-lii (2017–19), [chapter 1](#) (24 April 2019); Fifty-third Report HC 301-lii (2017–19), [chapter 1](#) (30 January 2019); Forty-sixth Report HC 301-xlv (2017–19), [chapter 4](#) (28 November 2018) and Forty-second Report HC 301-xli (2017–19), [chapter 1](#) (31 October 2018).

### 3 Workers' rights: work-life balance, and transparent and predictable working conditions

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Committee's assessment	Legally and politically important
<u>Committee's decision</u>	Cleared from scrutiny; drawn to the attention of the Business, Energy and Industrial Strategy Committee, the Women and Equalities Committee, and the Work and Pensions Committee
Document details	(a) Proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU; (b) Proposal for a Directive of the European Parliament and of the Council on transparent and predictable working conditions
Legal base	(a) Article 153(1)(i) and 153(2)(b) TFEU, ordinary legislative procedure, QMV; (b) Article 153(1)(b) and 153(2)(b) TFEU, ordinary legislative procedure, QMV
Department	Business, Energy and Industrial Strategy
Document Numbers	(a) (38689), 8633/17 + ADDs 1–3, COM(17) 253; (b) (39396), 16018/17 + ADDs 1–2, COM(17) 797

#### Summary and Committee's conclusions

3.1 [Documents \(a\) \(on work-life balance\)](#) and [\(b\) \(on transparent and predictable working conditions\)](#) were last considered on 5 June 2019 by the Committee and scrutiny waivers granted in order for the Government to support adoption at Council. Waivers were granted on the basis that the Committee was satisfied that the Government had fully explained its position(s) on the proposals and had adequately addressed the Committee's questions and requests for further information.

3.2 The Committee requested that the Minister with charge over the proposals, Kelly Tolhurst MP, provide a full report on the outcome of the Council at which both were put forwards for adoption. The Minister now writes—11 July 2019—explaining that the proposals were adopted at 13 June EPSCO Council.<sup>30</sup> The UK is said to have voted in favour of adoption and the Minister explains that the final text of the Directives remains the same as that reached following negotiations between the Romanian Presidency and the European Parliament in April.

3.3 By way of background, as per its final form, the Directive on Work-Life Balance will introduce rights to: 10 working-days of paternity leave (compensated at a level equivalent

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30 [Letter from Kelly Tolhurst MP to Sir William Cash MP](#), 11 July 2019.

to at least sick pay); a payment or allowance for a minimum of 2 months parental leave per parent, per child, compensated at a level to be determined by Member States; and a minimum of 5 days carers' leave (the details of which are to be defined by Member States).<sup>31</sup>

3.4 Likewise, the Directive on Transparent and Predictable Working Conditions will, primarily, serve to update the Written Statements Directive (which requires new employees to be informed in writing about their conditions of employment).<sup>32</sup> It will, however, also seek to introduce new substantive employment rights. In no particular order, these include: setting a flexible definition of a 'worker'; providing an 'enhanced' written statement of employment terms; limiting probationary periods to 6 months; protecting a worker's right to undertake parallel employment; providing a minimum level of work predictability; ensuring that mandatory training is provided free of charge; and extending the right to request a contract variation to all workers falling under its purview.

3.5 The Work-Life Balance Directive must be transposed into national law by Member States by 2 August 2022; whilst the Transparent and Predictable Working Conditions Directive has a transposition date of 1 August 2022.

3.6 **We thank the Minister for her letter of 11 July 2019.**

3.7 **The Directives under scrutiny constitute a significant update to the EU's employment and social *acquis*. Whilst primarily concerned with updating the Parental Leave Directive and the Written Statements Directive,<sup>33</sup> respectively, both measures also provide for important new substantive rights that are not currently available in UK law.**

3.8 **As examples, under UK law, parental leave is not paid, however, the Work-Life Balance Directive will provide for two months non-transferable leave per parent set at a level to be determined by Member States. With regard to the Transparent and Predictable Working Conditions Directive, probationary periods—broadly understood as a 'trial' period during which new employees are exempt from some contractual obligations—will be restricted to 6 months. In the UK, there is currently no restriction on the length of probationary periods.**

3.9 **As of yet, the Government has not *directly* committed to give effect to the rights provided for by the Work-Life Balance Directive or the Transparent and Predictable Working Conditions Directive. The transposition periods for both Directives fall beyond the end of the proposed transitional period under the draft Withdrawal Agreement and,<sup>34</sup> as such, the Government would not be under a legal obligation to**

31 [Directive \(EU\) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.](#)

32 [Directive \(EU\) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union; Council Directive of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship \(91/533/EEC\).](#)

33 [Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.](#)

34 If agreed and ratified, the end of the transitional period—as provided for by the draft Withdrawal Agreement—would fall almost 2 years short of the transposition dates set by both Directives. This is the period during which the UK would be obliged to give effect to new EU legislation (with some limited exemptions, for example, measures relating to the European Citizens Agreement).

give effect to either. Despite this, during negotiations on the UK’s withdrawal from the EU, the Government has made a number of general and more specific commitments relating to both Directives.

3.10 First, the Government has made statements—both publicly and to the House—that it will not reduce workers’ rights after EU exit. In his first speech to the House as Prime Minister, Boris Johnson, in response to a question from Chris Stephens MP (on whether he would make a commitment that EU-derived workers’ rights would be protected after the UK’s withdrawal from the EU), agreed that they would and, furthermore, stated that the Government would enhance workers’ rights.<sup>35</sup> In this regard (and in relation to the two Directives under scrutiny), the Government has opened a number of consultations on the future of UK employment law and policy.

3.11 These consultations follow on the back of the ‘Taylor review of modern working practices’ and cover inquiries into ‘supporting families’ and ‘addressing one-sided flexibility’.<sup>36</sup> With regard to the ‘supporting families’ consultation, specific mention is made of the Work-Life Balance Directive and the fact that the UK’s current approach does not “provide any income support...”. The consultation, however, does not directly address whether parental leave should be paid; asking only “how should the government balance the length of leave for parents of older children with the level of pay in order to incentivise take up”. On the Government’s consultation ‘addressing one-sided flexibility’, a number of questions are dedicated to exploring whether a right to ‘reasonable notice of work schedules’ should be established in UK law. This idea corresponds most closely with Article 10 of the Transparent and Predictable Working Conditions Directive (on the ‘Minimum predictability of work’), in particular, the right of a worker to refuse work—without sanction or penalty—when adequate notice has not been given. As required by the Directive, the Government’s consultation seeks the thoughts of stakeholders on whether such a notice period should be provided for in the UK and, furthermore, the level—or baseline—against which it should be set.

3.12 Second, and as explored in further detail in previous Reports to the House,<sup>37</sup> the Government has confirmed that the Directives would fall under its ‘consultation commitment’ on future EU workers’ rights;<sup>38</sup> whereby Parliament would be given the right to consider any future changes to EU law concerning workers’ rights and whether these changes should be given effect to in domestic legislation. In spite of the recent change in Prime Minister—and with no suggestion to the contrary—the Committee considers this commitment to still stand. If this is not the case, the Committee would expect the Government to inform the House—explaining this change in policy—as soon as possible. At the same time, when introduced as a Command Paper, the Government’s consultation commitment was not tied to any one Bill; rather it was

35 See [HC Deb, 25 July 2019, vol 663, col 1473](#).

36 Department for Business, Energy and Industrial Strategy, ‘[Good work: the Taylor review of modern working practices](#)’ (July 2017). See also Department for Business, Energy and Industrial Strategy, ‘[Good work plan: proposals to support families](#)’ (July 2019) and Department for Business, Energy and Industrial Strategy, ‘[Good work plan: consultation on measures to address one-sided flexibility](#)’ (July 2019). ‘One-sided flexibility’ is explained in the Taylor review as a concept that refers to a situation where an excessive amount of risk is transferred to workers with no corresponding benefit.

37 See, in particular, House of Commons European Scrutiny Committee, [Sixtieth Report HC 301-lviii \(2017–19\)](#).

38 See HM Government, ‘[Protecting and Enhancing Worker Rights after the UK Withdrawal from the European Union](#)’, CP66, 6 March 2019.

published as a standalone Bill clause (or text).<sup>39</sup> As such, the Committee does not view the future of any such arrangements as being dependent upon the publication and passage of the Withdrawal Agreement Bill (or any similar Bill designed to give effect to ‘a’ withdrawal agreement reached between the UK and EU).

3.13 The Committee draws the House’s attention to the Government’s confirmation that both the Work-Life Balance Directive and the Predictable and Transparent Working Conditions Directive will be the first (new) EU workers’ rights instruments to be considered under its proposed consultation commitment. We encourage the Government to provide clarity on when the Bill designed to give effect to this commitment will be brought forwards (if this remains its plan).

3.14 As both Directives have been adopted, we clear both files from scrutiny.

### Full details of the documents

(a) Proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU: (38689), 8633/17 + ADDs 1–3, COM(17) 253; (b) Proposal for a Directive of the European Parliament and of the Council on transparent and predictable working conditions: (39396), 16018/17 + ADDs 1–2, COM(17) 797.

### Previous Committee Reports

(a) Forty-sixth Report HC 301-xlv (2017–19) [chapter 2](#) (28 November 2018); Thirty-first Report HC 301-xxx (2017–19) [chapter 2](#) (13 June 2018); Twelfth Report HC 301-xii (2017–19) [chapter 3](#) (31 January 2018); Third Report HC 301-iii (2017–19) [chapter 1](#) (29 November 2017); Fifty-seventh Report HC 301-lvi (2017–19) [chapter 1](#) (6 March 2019); Sixty-fourth Report HC 301-lxii (2017–19) [chapter 1](#) (1 May 2019); and Sixty-seventh Report HC 301-lxv (2017–19) [chapter 1](#) (5 June 2019); (b) Twelfth Report HC 301-xii (2017–19), [chapter 5](#) (31 January 2018); Thirty-first Report HC 301-xxx (2017–19), [chapter 2](#) (13 June 2018); Fifty-seventh Report HC 301-lvi (2017–19), [chapter 2](#) (6 March 2019); and Sixtieth Report HC 301-lviii (2017–19) [chapter 1](#) (20 March 2019).

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39 In response to a question in the Chamber from Chris Stephens MP on whether a ‘new workers’ rights bill’—that in question—would rely on the Withdrawal Agreement Bill being passed, the then Prime Minister, Theresa May, answered that both would be published and that they would “progress in tandem”. See [HC Deb, 22 May 2019, vol 660, col 755](#).

## 4 EU No-deal Brexit-preparedness: Fisheries

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Committee's assessment	Politically important
<a href="#">Committee's decision</a>	Cleared from scrutiny; further information requested; drawn to the attention of the Environment, Food and Rural Affairs Committee
Document details	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters
Legal base	Article 43(2) TFEU, Ordinary legislative procedure, QMV
Department	Environment, Food and Rural Affairs
Document Number	(40803), 11943/19, COM(19) 398

### Summary and Committee's conclusions

4.1 Given the continued uncertainty over the terms of the UK's withdrawal from the EU, the European Commission has published a proposal amending its existing arrangements to mitigate the impact on the EU fisheries sector of a 'no deal' Brexit scenario.

4.2 EU fishing vessels have equal access to EU waters and resources subject to the rules of the Common Fisheries Policy (CFP).<sup>40</sup> In the absence of a withdrawal agreement, the CFP will no longer apply to the UK as from the withdrawal date, and UK waters will no longer be part of EU waters. The default position would therefore be that EU vessels would not be able to fish in UK waters and vice versa. Even under that scenario, and as the Commission observes, both the EU and the UK would be required under international law<sup>41</sup> to cooperate on the management of shared stocks.

4.3 In advance of the original Brexit deadline (29 March 2019), the EU agreed a simplified framework<sup>42</sup> to allow the EU to grant fishing authorisations to UK vessels to enter EU waters and to manage authorisation requests for EU vessels entering UK waters should reciprocal access rights to waters be confirmed and in line with the applicable rules on fishing opportunities. The agreed framework was an amendment to the EU Regulation on the sustainable management of external fishing fleets (SMEFF Regulation), which was considered to be too burdensome to apply to EU-UK fisheries relations if unamended.

4.4 The new Commission proposal would extend that simplified framework from 31 December 2019 until 31 December 2020 given the absence of any EU-UK fisheries agreement to manage the relationship.

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40 Regulation 1380/2013.

41 United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations Fish Stocks Agreement (UNFSA).

42 Regulation (EU) No 2019/498.

4.5 The Commission states that there are two possibilities for establishing sustainable fishing opportunities in 2020. First, the Regulation on fishing opportunities for 2020 could reflect possible common arrangements between the United Kingdom and the Union on fishing opportunities for the relevant stocks as an outcome of consultations and provided that the management measures applied by the United Kingdom and the Union guarantee the sustainable management of stocks.

4.6 Second, should it prove impossible for the United Kingdom and the Union to conclude such common arrangements (e.g. through an agreed record) in time to be incorporated into the fishing opportunities Regulation for 2020, because of the short timespan between the withdrawal of the United Kingdom from the Union on 1 November 2019 and the December Council of Fisheries Ministers, the Council will set the annual fishing opportunities for 2020 for the Union. Once the UK has set its fishing opportunities for 2020, it will be possible to assess whether the combined fishing opportunities comply with the conditions for sustainable management of the relevant stocks.

4.7 The absence of a common arrangement does not therefore as such prevent the United Kingdom and the Union from granting access to each other's waters. In that case, both would be able to issue fishing authorisations to vessels of the other party provided the conditions for sustainable management of fishing opportunities are met by the United Kingdom and the Union.

4.8 For fish stocks regulated under the CFP, the objective of sustainable management is established in accordance with maximum sustainable yield, reflected not only in the overarching CFP Regulation but also in the Regulations on multiannual plans for the North Sea and the Western Waters. For other stocks, the Commission states that assessment of sustainability would be based on the best available scientific advice for those stocks in the light of binding EU law.

4.9 The Minister of State for Environment, Food and Rural Affairs (George Eustice MP) says in his [Explanatory Memorandum](#) (EM) that any future access for EU vessels to fish in UK waters and vice versa will be a matter for negotiation and nothing in this proposal pre-empts a negotiated agreement. This proposal, says the Minister, ensures that the EU has in place a mechanism to implement any agreements which it may negotiate with the UK providing for access in 2019 or 2020 in a no-deal scenario.

4.10 While the Minister reminds us that the UK is no longer attending most EU meetings, he says that the UK has been present at Council Working Group meetings concerned with this proposal, although it passed with no comments. The UK will be present at the relevant COREPER (Committee of Permanent Representatives of EU Member States) and Council meetings, although no date is yet known.

**4.11 As the Minister notes, this draft Regulation does not pre-empt the outcome of any EU-UK negotiation on access to stocks post-Brexit. That said, it does explicitly address a situation where the EU and UK do not reach an agreement and therefore set quotas unilaterally. As the Commission notes, both the EU and UK are required under international law to ensure that stocks are fished sustainably, a goal which is of course more challenging if quotas are set unilaterally for shared stocks.**

**4.12 In the absence of any common arrangement agreed between the EU and the UK for fishing opportunities in 2020, the Commission states that the combined fishing**

opportunities established by the EU and UK would be assessed to ensure that they complied with the conditions for sustainable management of the relevant stocks. Where those stocks are regulated under the CFP, the EU would make that assessment with reference to the CFP, including any multiannual plans such as those adopted for the North Sea and the Western Waters. Bearing that in mind, can the Minister confirm whether the UK would set its own quotas in line with those plans—which are both part of the CFP and part of retained EU law—in order to facilitate mutual assessment of sustainability? How else might the UK approach its international obligation to ensure the sustainability of shared stocks?

4.13 As this Regulation is likely to be adopted swiftly and the framework established is uncontentious, we clear the proposal from scrutiny. We look forward to a response to our outstanding queries within ten working days. This chapter is drawn to the attention of the Environment, Food and Rural Affairs Committee.

### Full details of the documents

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters: (40803), [11943/19](#), COM(19) 398.

### Previous Committee Reports

None, but the following is relevant: Sixty-fifth Report HC 301-lxiii (2017–19), [chapter 3](#) (8 May 2019).

## 5 EU exit Statutory Instrument: coach and bus passenger rights

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Committee's assessment	Legally and politically important
<a href="#">Committee's decision</a>	Cleared from scrutiny; drawn to the attention of the European Statutory Instruments Committee and the Public Administration and Constitutional Affairs Committee
Document details	Report from the Commission to the European Parliament and the Council Exemptions granted by Member States under Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004
Legal base	Articles 2(6) and 18(2) of Regulation (EU) No 181/2011
Department	Transport
Document Number	(40520), 8606/19, COM(19) 179

### Summary and Committee's conclusions

#### *Background*

5.1 The [report under consideration](#) was cleared from scrutiny by the Committee on 15 May 2019. It was prepared by the Commission pursuant to Articles 2(6) and 18(2) of Regulation (EU) No 181/2011 (concerning the rights of passengers in coach and bus transport).<sup>43</sup> By way of background, the Regulation applies, in general, to 'regular' coach and bus services for non-specific categories of passengers where boarding or alighting points are situated in the territory of a Member State. The Regulation provides for the protection of a number of 'core' rights which include (but are not limited to):

- Non-discriminatory transport conditions (notably non-discriminatory tariffs);
- Access to transport for people with disabilities or reduced mobility at no extra cost;
- Minimum rules on travel information provided to all passengers before and during their journey including information on their rights;
- A compliant handling mechanism that carriers must make available to all passengers; and
- Independent national enforcement bodies in each Member State which have a mandate to enforce the Regulation and, when deemed appropriate, impose penalties.

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43 [Regulation \(EU\) No 181/2011](#) of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (Text with EEA relevance).

5.2 In terms of the content of the report, it provides details on the number of Member States that have taken up the three main (qualified) exemptions from the full application of the Regulation. These include exemptions for:

- Purely domestic services where the scheduled distance is equal to or greater than 250km (the domestic regular services exemption);
- For regular services where a significant part of the service is operated outside of the EU (the services outside of the EU exemption); and
- For regular services for some or all of the provisions relating to the rights of passengers with disabilities or reduced mobility.

5.3 The report was cleared from scrutiny on the grounds that it was published by the Commission for information purposes only and did not make any recommendations for future EU legislative action. This having been said, in her [Explanatory Memorandum](#) on the report, Parliamentary Under Secretary of State at the Department for Transport (Ms Nusrat Ghani MP), drew the Committee’s attention to a related ‘EU exit’ statutory instrument (SI) made to “preserve the associated rights and obligations” of the Regulation in preparation of the UK’s withdrawal from the EU.<sup>44</sup> On closer inspection, the Committee had a number of questions relating to how the Regulation—as retained by the [EU \(Withdrawal\) Act 2018](#) (EUWA) and amended by the SI in question—would function after the UK has left the EU. The Committee wrote to the Minister with these questions on 15 May 2019 and received a response on 17 June.<sup>45</sup>

### **EU exit Statutory Instrument**

5.4 In correspondence dated 15 May 2019, the Committee questioned the Minister on the effects of the EU exit SI and a number of associated implementing regulations.<sup>46</sup> The Committee’s understanding of the aforementioned EU exit SI was that, once brought into force, it would remove the three (qualified) exemptions to the application of Regulation 181/2011 from its ‘retained direct’ EU legislative replacement (as copied onto the domestic statute book by the EUWA). As detailed above, these exemptions cover certain ‘core’ and ‘non-core’ rights and were taken up by Member States for an initial four-year period (and could be renewed once). The UK took-up two of the three four-year exemptions—for domestic regular services and those stopping outside of the EU—in 2014 and renewed them both in 2017 (meaning that they will run until 2021). In accordance with the Government’s plans for the retention of Regulation 181/2011 (as per the EU Exit SI), these exemptions are not to be removed from the main associated domestic implementing regulations.

5.5 The Committee sought further information from the Minister on why this approach to the retention of Regulation 181/2011 had been pursued and, importantly, the practical implications of this decision. The Committee was concerned that, as currently drafted, the EU exit SI will place the full application of Regulation 181/2011 at the discretion of the Government. This is as the time limit on renewals will be omitted from the retained Regulation. The Committee contended that this approach would run counter to the

44 [The Rights of Passengers in Bus and Coach Transport \(Amendment etc.\) \(EU Exit\) Regulations 2019](#), SI 2019/141.

45 [Letter from Ms Nusrat Ghani MP to Sir William Cash](#), 17 June 2019.

46 See, respectively, [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) Regulations 2013](#), SI 2013/1865 and [The Bus and Coach Passengers Rights and Obligation \(Designation and Enforcement\) Regulations \(Northern Ireland\) 2014](#), SI 2014/180.

Government’s commitment to give full effect to the rights provided for by the Regulation—by way of its adoption at EU-level—no later than the end of the final renewal period (28 February 2021).

5.6 In correspondence dated 17 June 2019, the Minister assured the Committee that the Government remains committed to giving full effect to the rights provided for by the Regulation. The Minister explains that the options contained in Regulation 181/2011 to exempt certain services for an initial four-year period—followed by a further four-year extension—were ‘only’ omitted from the retained Regulation “because these options have already been fully exercised in the UK and hence serve no further purpose”. The Minister further states in this regard that there is “no need for them [the exemptions] to appear in the UK statute book”. The Minister did not clarify that the exemptions—and their expiry date of 28 February 2021—are to be retained in the associated domestic implementing regulations,<sup>47</sup> in effect, retaining the starting point for the full application of the (retained) Regulation.

5.7 Looking at the Government’s plans for incorporation in closer detail, the omission of Articles 2(4) - (5) from the retained Regulation means that the exemptions themselves and their endpoint are not immediately apparent; without prior knowledge of the parent EU Regulation and its interaction with domestic secondary legislation (where the exemptions will be provided for after EU exit), unless domestic legislation makes this abundantly clear, one might not know of their existence. The Committee fears that the practical consequence for operators could be that they believe they are no longer exempt—versus the situation that prevailed prior to the UK’s withdrawal from the EU—or, alternatively, consumers believing that they are entitled to benefit from all core and no-core rights provided for by the retained Regulation (e.g. those mandating compensation be paid in the event of cancellations or delays). In this regard, it is incumbent on the Government to ensure that the system provided for recording and displaying these changes—which appears to be via the website [legislation.gov.uk](http://legislation.gov.uk)—is clear and easy to navigate both for professional/legal users and members of the public.

**5.8 We thank the Minister for her letter of 17 June 2019 and the responses she has provided to our requests for further information.**

**5.9 We note the Minister’s reassurances that the Government remains committed to giving full effect to the rights provided for by Regulation (EU) No 181/2011. We caution, however, that in order to ensure certainty for bus operators and passengers, that the omission of the two main exemptions from the retained Regulation—covering domestic regular services and those stopping outside of the EU—and their retention in associated domestic implementing regulations must be clearly recorded. Failure to do so could risk undermining the Government’s commitments—made both publicly and through the European Union (Withdrawal) Act 2018—to legal certainty and clarity after the UK’s withdrawal from the EU.**

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<sup>47</sup> As an example, for the domestic regular services exemption, see regulation 4 of The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 (as substituted by regulation 2 of [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) \(Amendment\) Regulations 2017](http://legislation.gov.uk/uksi/2017/99)), SI 2017/99. In concert, these regulations provide for the exemption of domestic regular services—as defined by the EU Regulation—until 28 February 2021 (as per the domestic implementing regulations, referred to as “the exemption period”).

**5.10 The associated Commission report was cleared from scrutiny on 15 May 2019. We draw this Report chapter to the attention of the European Statutory Instruments Committee and the Public Administration and Constitutional Affairs Committee.**

### **Full details of the documents**

Report from the Commission to the European Parliament and the Council Exemptions granted by Member States under Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004: (40520), 8606/19, COM(19) 179.

### **Previous Committee Reports**

None.

## 6 Real driving emissions test changes

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Committee's assessment	Legally and politically important
<a href="#">Committee's decision</a>	Cleared from scrutiny
Document details	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and 6) and on access to vehicle repair and maintenance information
Legal base	Article 114 TFEU; ordinary legislative procedure; QMV
Department	Transport
Document Number	(40677), 10347/19 + ADD 1, COM(19) 208

### Summary and Committee's conclusions

6.1 The [proposal under consideration](#) concerns the amendment of Regulation (EC) No 715/2007 on the type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles.<sup>48</sup> The proposed Regulation lays down certain emission limits for new light-duty cars and vans. The technical provisions necessary to implement the Regulation were given effect to by EU tertiary legislation (namely Commission Regulation (EC) No 692/2008).<sup>49</sup>

6.2 The proposal has been introduced in response to a [recent judgment of the General Court of the European Union](#) in Direct Actions T-339/16 (*Ville de Paris/Commission*), T-352/16 (*Ville de Bruxelles/Commission*) and T-391/16 (*Ayuntamiento de Madrid/Commission*). The application made to the General Court by the Cities of Paris and Brussels and the Municipality of Madrid sought the annulment of Commission Regulation (EU) 2016/646.<sup>50</sup>

6.3 By way of background, Commission Regulation (EU) 2016/646 amended and defined 'not-to-exceed' limits for Oxides of Nitrogen (NO<sub>x</sub>) emissions during the Union's 'Real Driving Emissions' (RDE) test procedure. These limits were achieved by using 'conformity factors' or multipliers to align RDE test results with those conducted under laboratory conditions—which are performed in line with the 'World Harmonised Light Vehicle Test Procedure' (WLTP)—and are set against the headline limits stipulated by Regulation (EC) No 715/2007.

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48 [Regulation \(EC\) No 715/2007](#) of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (Text with EEA relevance).

49 [Commission Regulation \(EC\) No 692/2008](#) of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (Text with EEA relevance)

50 [Commission Regulation \(EU\) 2016/646](#) of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (Text with EEA relevance).

6.4 Before the General Court, Paris, Brussels and Madrid argued that the Commission did not have the power to adopt measures pertaining to NOx emission limits—by way of the RDE conformity factors set by Commission Regulation (EU) 2016/646—as the limits that resulted were less exacting than the headline limits provided for by Regulation (EC) No 715/2007. This situation arose as the Commission planned to progressively increase conformity factors for RDE tests up to the limits set by Regulation 715/2007—by successive delegated acts—as the associated RDE testing technology and, in particular, its accuracy, improved.

6.5 The General Court held that only the legislator could introduce conformity factors as they touched upon an essential element of Regulation (EC) 715/2007 and ordered that those parts of Commission Regulation (EU) 2016/646 setting conformity factors be annulled. The Court, however, permitted the entirety of the Regulation to remain valid for 12 months to allow the potential implications of its decision to be assessed by affect parties. As of the date of this Report, the Commission, Germany and Hungary have appealed the Court’s decision.

6.6 The proposal under consideration is intended to provide legal certainty for manufacturers and customers in the event that the aforementioned appeal is not successful. The proposal mirrors the substance of Commission Regulation (EU) 2016/646; with the conformity factors and time limits for their introduction remaining the same. In light of the General Court’s decision, the amending Regulation under scrutiny serves merely as a way of ensuring that the correct legal procedure is followed for the setting of conformity factors; in the first instance via the ordinary legislative procedure and, second, by empowering the Commission to make future revisions by way delegated and implementing acts.

6.7 The Minister with charge over the proposal, Michael Ellis MP, wrote to the Committee concerning the proposal by way of [Explanatory Memorandum](#) on 4 July 2019. Since this time, Mr Ellis has moved to the Attorney General’s Office to become Solicitor General and Ministerial responsibility for the proposal remains unclear. In his explanatory memorandum, the former Minister of State for Transport explains that the Government supported calls by other Member States for the Commission to appeal the decision of the General Court but, at the same time, considers that continuing to give effect to those parts of Commission Regulation (EU) 2016/646 that were set aside—by way of the proposal under scrutiny—is sensible. This is on the basis that if not replaced, serious uncertainty would result for businesses and consumers (with the more exacting headline emission performance standards set by Regulation (EC) No 715/2007 applying *in full* without moderation by the in question conformity factors). As such, the Government considers the proposal to be necessary and suggests in its explanatory memorandum that it will support its adoption.

**6.8 We thank the Minister for his Explanatory Memorandum and his detailed explanation of the proposal under consideration.**

**6.9 On the basis that the proposal is technical in nature and, in effect, provides a new legal basis for a system that has previously been reviewed by the Committee,<sup>51</sup> we are content to clear it from scrutiny.**

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51 See Twentieth Report HC 34-xx (2005–06), chapter 7 (1 March 2006).

### **Full details of the documents**

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and 6) and on access to vehicle repair and maintenance information: (40677), 10347/19 + ADD 1, COM(19) 208.

### **Previous Committee Reports**

None.

## 7 Justice Programme 2021–27

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Committee’s assessment	Legally and politically important
<a href="#">Committee’s decision</a>	Cleared from scrutiny; further information requested
Document details	Proposal for a Regulation of the European Parliament and Council establishing the Justice Programme
Legal base	Articles 81(1), (2) and 82(1) TFEU, ordinary legislative procedure, QMV
Department	Ministry of Justice
Document Number	(39816), 9598/18 + ADD 1, COM(18) 384

### Summary and Committee’s conclusions

7.1 The proposed [Regulation](#) for a new Justice programme for 2021–27 would continue the current programme’s development of an integrated EU justice area and cross-border judicial cooperation through activities such as judicial training. The UK does not participate in the current Justice programme on the grounds of insufficient “value for money”. The proposal has been drafted on the basis that the UK will not be participating because of EU exit.

7.2 There is a third country option for the UK to participate in the programme after the transition/implementation period but the financial cost for this is yet unknown. Despite the UK’s current non-participation, the Government in its [Explanatory Memorandum](#) did not rule out UK participation in the new programme as a third country because it said that depended on the nature of any EU-UK agreement on future judicial cooperation.

7.3 The Government has applied the JHA<sup>52</sup> opt-in to the proposal which has JHA legal bases and decided not to opt in. In the [Written Statement](#) laid in Parliament to this effect on 25 October 2018 the following reasons were given for not opting into the proposal:

- UK non-participation in the current programme;
- The UK will have left the EU by the time the proposed Programme starts in January 2021;
- The Commission has drafted the proposed Regulation based on future UK non-participation; and
- Opting-in would not automatically lead to UK participation in the Programme as a third country.

7.4 In our first [Report](#) in June last year, we asked for more information concerning financial arrangements for the UK to participate in the Justice programme as a third party.

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52 Justice and Home Affairs. Strictly speaking the opt-in relates to legislative proposed on legal bases in the Area of Freedom Security and Justice (ASFJ) Title V, Part Three TFEU.

7.5 The Government first [responded](#) on 14 January. The then Parliamentary Under-Secretary of State (Lucy Frazer QC MP) said that:

- The Government had not ruled out future UK participation as a third country in the Programme but does not expect future civil judicial cooperation to be contingent on this.
- She could do nothing further to what is set out in Article 5d of the Regulation that financial contribution is to be based on a fair balance between benefit and contribution.
- In practical terms, this would be a matter for negotiations of the future relationship.

7.6 She also provided an update on the progress of the proposed Regulation. In brief, changes during negotiations included:

- The cap of 4% on the budget for administrative assistance for implementation of the Programme had been removed.
- Expenditure for the European Judicial Training Network had been brought within the Programme.
- A fuller definition of “judiciary” and “judicial staff” had been added.

7.7 We decided to write to the Minister for one more update on this proposal which we thought likely to be adopted before the EU institutions closed for the European Parliament elections 23–26 May. In our letter of [3 April](#), we asked the Minister for an updated text of the proposal to clarify whether there had been any change on the wording of the opt-in recitals to reflect the application of the JHA opt-in.

7.8 Her successor, the now former Parliamentary Under-Secretary of State (Paul Maynard MP)<sup>53</sup> then [wrote](#) to the Committee on 5 June 2019. This was in response to the Committee’s letter to the Government of 3 April. We are only just reporting that letter which, like the letter of the 14 January was mislaid.<sup>54</sup>

7.9 In that letter the Minister said:

- The final adoption of the measure would depend on the wider Multi-annual Financial Framework (MFF) negotiations, with the European Parliament vote on 15 April expected to endorse the common understanding of agreed issues, including the recital text.
- Although the then current text of the proposed Regulation (12 March) did not include opt-in wording in the recitals, the Government would continue to endeavour to secure this.

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53 The former Minister has now been replaced by Sir Edward Argar MP, the current Parliamentary Under-Secretary of State.

54 No electronic copy was received, and the hard copy was delayed in the post.

## Our Conclusions

7.10 We refer to the most recent Ministerial letter of 5 June.

7.11 The UK is not participating in the proposal and it will not have a vote in the negotiations. Also, the question of any future participation of the UK in the programme as a third country seems unlikely and, in any case, to be resolved in future relationship negotiations. We are therefore content to now clear the document from scrutiny.

7.12 Despite this, we would still like confirmation from the Government that it has managed to secure a change in the wording of the opt-in recitals to the effect that the opt-in does apply but that the UK is not participating in the proposal. We therefore request that the Government:

- Confirms when the Regulation has been formally adopted; and
- Provides us with a copy of the Regulation text as adopted, with reference to the relevant recital text.

## Full details of the documents

Proposal for a Regulation of the European Parliament and Council establishing the Justice Programme: (39816), [9598/18](#) + ADD 1, COM(18) 384.

## Previous Committee Reports

Thirty-third Report HC 301-xxxii (2017–19), [chapter 8](#) (27 June 2018).

## 8 Documents not raising questions of sufficient legal or political importance to warrant a substantive report to the House

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### Department for Business, Energy and Industrial Strategy

(40789) 11636/19 COM(19) 358	Report from the Commission Annual Report on the Safety of Offshore Oil and Gas Operations in the European Union for the Year 2017.
(40813) — —	Court of Auditors Special Report no.14: 'Have your say!': Commission's public consultations engage citizens, but fall short of outreach activities.

### Cabinet Office

(40807) 11915/19 +ADD1 COM(2019) 356	Report from the Commission on the application in 2018 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.
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### Department for Environment, Food and Rural Affairs

(40762) 11449/19 + ADDs 1–3 COM(2019) 352	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of The Regions: Stepping up EU Action to Protect and Restore the World's Forests.
(40778) 11376/19 +ADD1 —	Commission Designated Regulation (EU) .../... of 19.6.2019 supplementing Regulation (EU) 2017/625 of the European Parliament and Council regarding cases of suspected or established non-compliance with Union rules applicable to the use or residues of pharmacologically active substances authorised in veterinary medicinal products or as feed additives or with Union rules applicable to the use or residues of prohibited or unauthorised pharmacologically active substances.
(40780) 11363/19 +ADD1 —	Commission Designated Decision (EU) .../... of 3.5.2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste.
(40785) 11628/19 + ADDs 1–2 COM(2019) 366	Report from the Commission to the European Parliament and the Council 12th Financial Report from the Commission to European Parliament and the Council on the European agricultural guarantee fund 2018 financial year.

- (40794)  
11814/19  
+ADD1  
COM(2019) 380 Proposal for a Council Regulation fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124, as regards certain fishing opportunities in other waters.
- (40795)  
11827/19  
COM(2019) 375 Proposal for a Council Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community.
- (40796)  
11825/19  
+ADD1  
COM(2019) 377 Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community.
- (40797)  
11822/19  
+ADD1  
COM(2019) 376 Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community.

## Department for International Development

- (40537)  
8349/19  
SWD(2019) 150 Commission Staff Working Document Education in Emergencies in EU-funded Humanitarian Aid Operations.

## Department for International Trade

- (40817)  
12115/19  
COM(2019) 409 Proposal for a Council Decision on the position to be taken on behalf of the European Union in the General Council of the World Trade Organization on the adoption of a decision to extend a WTO waiver permitting the United States to provide preferential tariff treatment under the US Caribbean Basin Economic Recovery Act (CBERA).
- (40816)  
12119/19  
COM(2019) 410 Proposal for a Council Decision on the position to be taken on behalf of the European Union in the General Council of the World Trade Organization on the adoption of a decision to extend a WTO waiver permitting developing country Members to provide preferential tariff treatment to products of least developed countries.

## HM Treasury

- (39127)  
13285/17  
— Opinion of the European Central Bank of 11 October 2017 on a proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 648/2012 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivatives contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirements for trade repositories (CON/2017/42).
- (40697)  
10729/19  
COM(19) 305 Report from the Commission to the European Parliament and the Council: “Long-term forecast of future inflows and outflows of the EU budget (2020- 2024)”.

(40738) — —	Court of Auditors Special report no 10/2019: EU-wide stress tests for banks: unparalleled amount of information on banks provided but greater coordination and focus on risks needed.
(40768) 11514/19 + ADD 1 COM(2019) 370	Report from the Commission to the European Parliament and the Council on the assessment of the risk of money laundering and terrorist financing affecting the internal market and relating to crossborder activities.
(40773) 11516/19 COM(2019) 360	Communication from the Commission to the European Parliament and the Council towards better implementation of the EU's anti-money laundering and countering the financing of terrorism framework.
(40774) 11517/19 COM(2019) 371	Report from the Commission to the European Parliament and the Council assessing the framework for cooperation between Financial Intelligence Units.
(40775) 11518/19 COM(2019) 372	Report from the Commission to the European Parliament and the Council on the interconnection of national centralised automated mechanisms (central registries or central electronic data retrieval systems) of the Member States on bank accounts.
(40776) 11519/19 COM(2019) 373	Report from the Commission to the European Parliament and the Council on the assessment of recent alleged money laundering cases involving EU credit institutions.

## Home Office

(40769) 11501/19 COM(19) 353	Communication from the Commission to the European Parliament, the European Council and the Council Nineteenth Progress Report towards an effective and genuine Security Union.
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## Department for Transport

(40712) 10508/19 SWD(19) 283	Commission Staff Working Document EU Road Safety Policy Framework 2021–2030 - Next steps towards "Vision Zero".
(40715) 10915/19 + ADD 1 COM(2019) 307	Proposal for a Council Decision on the position to be taken on behalf of the European Union in the European Committee for Drawing up Standards in the Field of Inland Navigation and in the Central Commission for Navigation on the Rhine on the adoption of models in the field of professional qualifications in inland navigation.
(40751) 11105/19 SWD(19) 289	Commission Staff Working Document Evaluation of the Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges.
(40752) 11117/19 SWD (2019) 295	Commission Staff Working Document Evaluation of the Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community.
(40753) 11121/19 SWD(19) 291	Commission Staff Working Document Executive Summary of the Evaluation of the Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges.
(40754) 11124/19 COM(2019) 296	Commission Staff Working Document Executive Summary of the Evaluation of the Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community.

## Department for Work and Pensions

(40756)  
11082/19  
+ ADDs 1–7  
SWD(19) 294

Commission Staff Working Document Employment and Social Developments in Europe 2019 - Sustainable growth for all: choices for the future of social Europe - Executive Summary.

# Formal Minutes

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**Wednesday 2 October 2019**

Members present:

Sir William Cash, in the Chair

Martyn Day	Darren Jones
Geraint Davies	Mr David Jones
Kelvin Hopkins	Michael Tomlinson

Scrutiny Report

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 8 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Seventy-fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

[Adjourned till Wednesday 9 October at 1.45 p.m.]

## Standing Order and membership

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The European Scrutiny Committee is appointed under Standing Order No.143 to examine European Union documents and—

- a) to report its opinion on the legal and political importance of each such document and, where it considers appropriate, to report also on the reasons for its opinion and on any matters of principle, policy or law which may be affected;
- b) to make recommendations for the further consideration of any such document pursuant to Standing Order No. 119 (European Committees); and
- c) to consider any issue arising upon any such document or group of documents, or related matters.

The expression “European Union document” covers—

- i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;
- ii) any document which is published for submission to the European Council, the Council or the European Central Bank;
- iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;
- iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;
- v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation;
- vi) any other document relating to European Union matters deposited in the House by a Minister of the Crown.

The Committee’s powers are set out in Standing Order No. 143.

The scrutiny reserve resolution, passed by the House, provides that Ministers should not give agreement to EU proposals which have not been cleared by the European Scrutiny Committee, or on which, when they have been recommended by the Committee for debate, the House has not yet agreed a resolution. The scrutiny reserve resolution is printed with the House’s Standing Orders, which are available at [www.parliament.uk](http://www.parliament.uk).

## Current membership

[Sir William Cash MP](#) (*Conservative, Stone*) (Chair)

[Geraint Davies MP](#) (*Labour/Cooperative, Swansea West*)

[Martyn Day MP](#) (*Scottish National Party, Linlithgow and East Falkirk*)

[Steve Double MP](#) (*Conservative, St Austell and Newquay*)

[Richard Drax MP](#) (*Conservative, South Dorset*)

[Mr Marcus Fysh MP](#) (*Conservative, Yeovil*)

[Kate Green MP](#) (*Labour, Stretford and Urmston*)

[Kate Hoey MP](#) (*Labour, Vauxhall*)

[Kelvin Hopkins MP](#) (*Independent, Luton North*)

[Darren Jones MP](#) (*Labour, Bristol North West*)

[Mr David Jones MP](#) (*Conservative, Clwyd West*)

[Stephen Kinnock MP](#) (*Labour, Aberavon*)

[Andrew Lewer MP](#) (*Conservative, Northampton South*)

[Michael Tomlinson MP](#) (*Conservative, Mid Dorset and North Poole*)

[David Warburton MP](#) (*Conservative, Somerton and Frome*)

[Dr Philippa Whitford MP](#) (*Scottish National Party, Central Ayrshire*)