



HOUSE OF LORDS

European Union Committee

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23rd Report of Session 2008–09

# Annual Report 2009

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### *The European Union Committee*

The European Union Committee of the House of Lords considers EU documents and other matters relating to the EU in advance of decisions being taken on them in Brussels. It does this in order to influence the Government's position in negotiations, and to hold them to account for their actions at EU level.

The Government are required to deposit EU documents in Parliament, and to produce within two weeks an Explanatory Memorandum setting out the implications for the UK. The Committee examines these documents, and 'holds under scrutiny' any about which it has concerns, entering into correspondence with the relevant Minister until satisfied. Letters must be answered within two weeks. Under the 'scrutiny reserve resolution', the Government may not agree in the EU Council of Ministers to any proposal still held under scrutiny; reasons must be given for any breach.

The Committee also conducts inquiries and makes reports. The Government are required to respond in writing to a report's recommendations within two months of publication. If the report is for debate, then there is a debate in the House of Lords, which a Minister attends and responds to.

The Committee has seven Sub-Committees which are:

Economic and Financial Affairs and International Trade (Sub-Committee A)  
Internal Market (Sub-Committee B)  
Foreign Affairs, Defence and Development Policy (Sub-Committee C)  
Environment and Agriculture (Sub-Committee D)  
Law and Institutions (Sub-Committee E)  
Home Affairs (Sub-Committee F)  
Social and Consumer Affairs (Sub-Committee G)

### *Our Membership*

The Members of the European Union Committee are:

Baroness Cohen of Pimlico	Lord Plumb
Lord Dykes	Lord Powell of Bayswater
Lord Freeman	Lord Richard
Lord Hannay of Chiswick	Lord Roper (Chairman)
Baroness Howarth of Breckland	Lord Sewel
Lord Jopling	Baroness Symons of Vernham Dean
Lord Kerr of Kinlochard	Lord Teverson
Lord Maclennan of Rogart	Lord Trimble
Lord Mance (until 1 October 2009)	Lord Wade of Chorlton
Lord Paul	

### *Information about the Committee*

The reports and evidence of the Committee are published by and available from The Stationery Office. For information freely available on the web, our homepage is:

<http://www.parliament.uk/hleu>

There you will find many of our publications, along with press notices, details of membership and forthcoming meetings, and other information about the ongoing work of the Committee and its Sub-Committees, each of which has its own homepage.

Members' interests are available at the Register of Interests:

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### *General Information*

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at

[http://www.parliament.uk/about\\_lords/about\\_lords.cfm](http://www.parliament.uk/about_lords/about_lords.cfm)

### *Contacts for the European Union Committee*

Contact details for individual Sub-Committees are given on the website.

General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London, SW1A 0PW

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## **SUMMARY**

This Annual Report provides a summary of the work of the House of Lords European Union Select Committee and its seven Sub-Committees from November 2008 to October 2009.

The report provides details of the scrutiny carried out by the Committee and highlights some of the inquiries conducted over the past year. It also looks at the Committee's contacts with the European Commission and with other parliaments and provides some details on procedural developments, including developments relating to codecision; the Treaty of Lisbon; the scrutiny of opt-in decisions; and "ambulatory references".

# Annual Report 2009

## CHAPTER 1: BACKGROUND

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1. The European Union Committee and its seven Sub-Committees involve some 85 members of the House, supported by 26 staff. It is one of the House's major activities in the areas of scrutiny and investigative committee activity. It is the most elaborate system of national parliamentary scrutiny of EU legislation in the EU, and is widely regarded as one of the most effective. The Committee's terms of reference can be found at Appendix 1.
2. There are five principal areas of activity through which the Committee and its Sub-Committees carry out their work:
  - Routine scrutiny in dialogue with Whitehall;
  - Committee inquiries and reports;
  - One-off hearings;
  - Contacts with the European Commission;
  - Contacts with other Parliaments.
3. Chapter 2 of this report highlights some of the major pieces of work carried out in each of these areas while Chapter 3 looks at some of the procedural matters that have arisen over the past year, including developments relating to the Treaty of Lisbon.
4. We make this report for the information of the House. No Government response is required.

## CHAPTER 2: THE COMMITTEE'S WORK

### Scrutiny

5. A core aspect of the Committee's work is the scrutiny of the EU documents, which the Government deposit in Parliament. The Government submit an Explanatory Memorandum (EM) on each document setting out their views on a number of key areas including the policy implications of the proposal and the timetable for its consideration in the Council. The Chairman conducts a first sift of each document and accompanying EM deposited in the previous week and decides whether it should be referred to one or more of the Sub-Committees or cleared from scrutiny. Consideration of sifted documents is a substantial undertaking and forms a large part of the work of the Sub-Committees. This may include an exchange of correspondence with the relevant Minister until the Sub-Committee is prepared to clear the document. Legislative proposals that are not cleared are subject to the House's Scrutiny Reserve Resolution, which can be found at Appendix 2, meaning that a UK Minister may not agree to the matter in the Council of Ministers.
6. During the period of this report, 845 EMs relating to deposited documents were sifted by the Chairman, with 403 being referred to the Select Committee and its Sub-Committees. The figures for the previous session were 900 and 399. One reason for the drop in the number of EMs was the European Parliament election in June 2009. Sub-Committees carry out the vast majority of scrutiny, as demonstrated in Table 1 below.

**TABLE 1**  
**EMs considered**

Committee	Number of EMs Considered (2008–09)	Number of EMs Considered (2007–08)
Select	6	7
Sub-Committee A (Economic and Financial Affairs, and International Trade)	75	66
Sub-Committee B (Internal Market)	58	62
Sub-Committee C (Foreign Affairs, Defence and Development Policy)	71	76
Sub-Committee D (Environment and Agriculture)	86	61
Sub-Committee E (Law and Institutions)	33	49
Sub-Committee F (Home Affairs)	34	33
Sub-Committee G (Social Policy and Consumer Affairs)	40	46

7. A list of all the documents on which the Select Committee and its Sub-Committees entered into correspondence with the Government can be found in Appendix 9. All of the correspondence is published online.

*Sub-Committee A (Economic and Financial Affairs, and International Trade)*

8. Significant scrutiny this year included concentration on the EU's response to the financial crisis. Sub-Committee A scrutinised a number of documents concerned with a variety of aspects of the crisis. These included:
  - Proposals to regulate Credit Rating Agencies;
  - The proposed Capital Requirements Directive;
  - Guidance on the recapitalisation of financial institutions;
  - Proposals to increase the medium-term balance-of-payments finance facility;
  - Recommendations on remuneration in the financial sector;
  - Communication on the reform of financial supervision; and
  - The funding of Level 3 Committees, i.e. the Committee of European Banking Supervisors (CEBS); the Committee of European Securities Regulators (CESR); and the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS).
9. The Sub-Committee also followed up on its report on the Solvency II Directive<sup>1</sup>, with particular focus on changes to the Directive in the light of the financial crisis.
10. Overall, the Sub-Committee agreed with the thrust of the proposed changes to EU-level financial regulation. However, the Sub-Committee argued that there was a danger of legislation being agreed in haste despite the financial crisis having already happened. It was concerned that this would result in legislation requiring early revision, rather than legislation that would prevent further financial turmoil.

*Sub-Committee B (Internal Market)*

11. Sub-Committee B's scrutiny work covered a wide range of subjects. The Sub-Committee paid particular attention to the proportionality<sup>2</sup> of proposals and the administrative burdens they might create for business. For example, the Commission proposed an extensive set of rights for passengers on ships and on buses and coaches. The Sub-Committee supported the principle of introducing passenger rights similar to those already in place in the aviation sector. However, the Sub-Committee were concerned about the financial and administrative burdens the proposals would place on operators, particularly small and medium sized business in the bus and coach sector. The Sub-Committee took the view that the Commission's proposals were not proportionate and would harm the markets to which they applied. The Government agreed and their position in negotiations reflected this concern.
12. In other areas, the Sub-Committee examined the feasibility of proposals. It took evidence from officials from the Department of Energy and Climate Change about the Second Strategic Energy Review. The Review included details of a number of proposed energy projects. Following the evidence

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<sup>1</sup> European Union Committee, 6th Report (2007–08): *Solvency II* (HL 42). The Solvency II legislation regulates insurance companies operating in the EU.

<sup>2</sup> Article 5 of the Treaty Establishing the European Community defines proportionality stating, "Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty".

session, the Sub-Committee expressed its view that many of the projects were “more aspirational than achievable”.

*Sub-Committee C (Foreign Affairs, Defence and Development Policy)*

13. Significant scrutiny work carried out by Sub-Committee C included a number of documents related to the EU’s relations with Russia following the conflict in Georgia. The Sub-Committee expressed particular concern about the inability of the EU’s Monitoring Mission to access the breakaway regions of South Ossetia and Abkhazia, whose independence Russia has recognised.
14. The Sub-Committee, following up on its report published last year<sup>3</sup>, scrutinised the Commission’s review of the European Security Strategy. It commented that the review emphasised some of the concerns that the Sub-Committee had expressed in its own report, in particular the increasing importance of energy security.
15. The EU’s aid budgets, the Court of Auditor’s annual report on activities supported by the European Development Funds and the changes to interest rates applied by the European Investment Bank to its loans to highly indebted African, Caribbean and Pacific Group states (ACP) were also scrutinised by the Sub-Committee. It expressed concern about some of the statements by the Court of Auditors in their “Opinion on the reliability of the accounts”. The Sub-Committee raised its concerns during an evidence session with the Development Minister, Gareth Thomas MP, on 21 May 2009.
16. A further area of scrutiny for Sub-Committee C was the EU’s response to piracy off the coast of Somalia. The Sub-Committee expressed concern at the legal complexities surrounding the arrest of alleged pirates, the reported escalation in the numbers of attacks, and the distribution of humanitarian aid. The Sub-Committee queried the Government’s optimism about the situation, as there were reports that the UN and humanitarian agencies in the area were under funded.
17. The Sub-Committee also scrutinised the Commission proposals for financing the EU-China Nero-Zero Emissions Coal (NZEC) project. The Sub-Committee considered progress on this crucial project had been slow and we sent a letter to the Government expressing our regret that this had been the case.

*Sub-Committee D (Environment and Agriculture)*

18. Sub-Committee D’s scrutiny included proposals about which it raised subsidiarity<sup>4</sup> and legal base<sup>5</sup> concerns. These included proposals to ban the trade of seal products and to increase the protection of animals used for scientific purposes. The Sub-Committee took issue with these proposals because their legal bases were internal market provisions whereas their aims

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<sup>3</sup> European Union Committee, 31st Report (2007–08): *Adapting the EU’s approach to today’s security challenges—the Review of the 2003 European Security Strategy* (HL 190)

<sup>4</sup> Article 5 of the Treaty Establishing the European Community defines subsidiarity stating, “the Community shall take action ... only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community”.

<sup>5</sup> All EU action must have a base in one of the EU treaties.

had a strong ethical dimension. The Sub-Committee also opposed proposals to establish a School Fruit Scheme and to create a scheme to distribute food to deprived persons. Both of these proposals were to be funded from the CAP and the Sub-Committee opposed them for reasons of subsidiarity. The Government shared the Sub-Committee's concerns and abstained in the Council of Ministers. The Sub-Committee also questioned a proposed Regulation to establish a Community control system for ensuring compliance with the rules of the Common Fisheries Policy. The Sub-Committee noted that the Regulation would give the Commission new enforcement powers and questioned whether this would breach the principle of subsidiarity. As a result of its correspondence with Ministers on this subject, the Sub-Committee was satisfied that the proposals were appropriate.

#### *Sub-Committee E (Law and Institutions)*

19. Sub-Committee E was particularly active in scrutinising proposals to combat the sexual abuse and exploitation of children and the trafficking of human beings. It sought to ensure that the proposals were workable, particularly in the light of the different legal tradition of the UK. It pursued the same concerns in its scrutiny of a series of measures concerning the jurisdiction of courts in relation to cross border family issues, and the recognition and enforcement of judgments in this area. Here it was also concerned to ensure proper protection of the data of individuals and that the Community did not exceed its competence to enter into agreements with third countries.
20. Sub-Committee E also participated in the COSAC<sup>6</sup> subsidiarity check<sup>7</sup> on a proposal for a Framework Decision on the right to interpretation and translation in criminal proceedings. This proposal was intended to enhance the rights of those accused of a crime in a country other than their home state by enabling them to follow the proceedings against them in a language they understand. The Sub-Committee found that the proposal was consistent with the principle of subsidiarity.

#### *Sub-Committee F (Home Affairs)*

21. Following its second report on passenger name records (PNR)<sup>8</sup>, Sub-Committee F continued to hold under scrutiny the draft Framework Decision on the use of PNRs for law enforcement purposes. It questioned whether the proposal struck the right balance between the wide collection and use of data for security purposes and the rights of individuals to protection of their private and personal data.
22. Under existing treaty provisions this proposal required unanimity in the Council. This has not proved possible and negotiations have been postponed. If the Lisbon Treaty comes into force, adoption will require only

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<sup>6</sup> COSAC is the Conference of Community and European Affairs Committees of Parliaments of the European Union.

<sup>7</sup> The Lisbon Treaty will amend the Protocol on the Application of the Principles of Subsidiarity and Proportionality. These amendments will allow chambers of national parliaments to submit a reasoned opinion to the Commission stating why they consider a proposal not to comply with the principle of subsidiarity. The COSAC subsidiarity checks piloted this process in anticipation of the adoption of the Lisbon Treaty.

<sup>8</sup> European Union Committee, 15th Report (2007–08): *The Passenger Name Record (PNR) Framework Decision* (HL Paper 106)

a qualified majority in Council, which may be easier to obtain. The measure will apply to the United Kingdom only if the Government opts in.

23. Sub-Committee F's scrutiny work included a number of proposals which it judged to raise problems with the United Kingdom's opt-in procedure for freedom, security and justice measures. It looked in detail at proposals to amend two Regulations on the allocation of jurisdiction for the determination of asylum applications (the Dublin system) and the Directive on reception conditions for asylum seekers. These involved the United Kingdom's opt-in, and were the subject of a report<sup>9</sup>. The proposals were to amend three measures the UK had opted into, but it was not clear whether the UK would opt into the revised versions. Following negotiations, it opted into the two proposals for Regulations making up the Dublin system, but not into the proposed amendment of the Reception Conditions Directive. The Sub-Committee was concerned that this would leave the United Kingdom in an unclear legal position with the original version of the Reception Conditions Directive applying to it while other Member States were governed by the revised Directive. In their response to the report, the Government disagreed with the Sub-Committee's conclusion. The Minister wrote, "the UK will cease to be bound by the old measure once the new one has been adopted". This, however, was not the view of the Commission, who accepted the argument of the Sub-Committee, stating in their response, "The Commission considers that the UK would remain bound by the unamended form of the Reception Conditions Directive. That directive would not be repealed for the UK".
24. A further proposal that the Sub-Committee identified as raising opt-in problems was for a Regulation codifying measures<sup>10</sup> on the uniform format of visas. The United Kingdom had already opted into some of the measures this proposal would have codified, but not others. It was unclear what measures would have applied to the United Kingdom if all of the measures had been codified into a single piece of legislation. The Sub-Committee drew the attention of the Government and Commission to this problem. The Commission conceded that the report "would appear to raise a number of legal questions", and are not proceeding with the proposal.

#### *Sub-Committee G (Social Policy and Consumer Affairs)*

25. Sub-Committee G scrutinised particularly closely amendments to the Pregnant Workers Directive and took evidence from the Government on the proposal. The Sub-Committee was concerned about the increase in the cost of maternity pay that could result from the Commission's proposal. It also held under scrutiny proposed Recommendations to improve cooperation between Member States in tackling rare diseases, which it did not consider to be in keeping with the principle of subsidiarity.
26. The Sub-Committee scrutinised the proposed Directive on Organ Transplantation as part of a COSAC subsidiarity check. This involved the Sub-Committee looking at the proposal in detail and consulting the devolved legislatures. The Scottish Parliament and the Welsh Assembly both

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<sup>9</sup> European Union Committee, 7th Report (2008–09): *The United Kingdom opt-in: problems with amendment and codification* (HL Paper 55)

<sup>10</sup> Codification is the EU term for the consolidation of a number of legislative measures into a single piece of legislation.

submitted opinions. The Sub-Committee concluded that the proposal was in line with the principle of subsidiarity.

### Major Inquiries and Reports

27. In addition to its scrutiny work a Sub-Committee may decide to conduct an inquiry into a document or an issue. The Sub-Committee's report following an inquiry is submitted to the Select Committee for publication and may be debated in the House. A full list of reports published over the period covered in this report can be found at Appendix 3. The major committee inquiries are outlined below.

### Developments in EU Trade Policy

28. On 5 December 2008 the Committee published a report examining the EU's policies toward external trade. The inquiry was conducted by Sub-Committee A and made particular reference to the World Trade Organisation (WTO) and the progress of the Doha Development Round. The Sub-Committee gathered evidence from a wide range of sources including Lord Mandelson, both in his capacity as European Commissioner for Trade and as Secretary of State for Business, and Pascal Lamy, Director-General of the WTO. The report concluded that, although tempting during challenging economic times, a return to protectionism would be harmful.

### The Future of EU Financial Regulation and Supervision

29. On 17 June 2009 the Committee published another report prepared by Sub-Committee A. This report examined aspects of the EU's response to the financial crisis. The Sub-Committee took evidence from national and European politicians, bankers, academics and regulators. The Sub-Committee argued that a rapid legislative response to the crisis must not come at the expense of thorough consultation and adherence to Better Regulation principles. The Sub-Committee concluded that an EU-level macro-prudential supervisory body was desirable but recognised the difficulties in agreeing the membership and powers of such a body. The Sub-Committee also highlighted the difficulties in agreeing the powers, legal base and location of a micro-prudential supervisory body.

### The EU's Renewable Energy Target: 20% by 2020

30. Sub-Committee B conducted an inquiry into the proposal for the EU to be set a renewable energy target of 20% by 2020 and for each Member State to be set a national target to contribute to it. The Sub-Committee concluded that the UK's target of 15% would be very challenging and that the Government needed to take rapid action in terms of electricity grid connection rules, incentives for renewable energy generators, planning laws and energy efficiency measures. The report was debated in the House on 20 November 2008. The Sub-Committee followed up the report with a one-off hearing in April 2009, held concurrently with members of Sub-Committee D, with Lord Hunt of Kings Heath, Minister of State at the Department for Energy and Climate Change.

### **Recast of the First Rail Freight Package**

31. Sub-Committee B conducted an inquiry into the planned recast of the First Railway Package and took evidence from rail regulators (in the UK and Germany), freight companies, infrastructure managers and business associations. The Sub-Committee concluded that recasting the Package was indeed necessary and that it should require rail freight companies to be separated completely from bodies that manage the track and associated infrastructure. The current legislation allows companies within the same holding group to perform these two functions and this has led to concerns about discriminatory treatment of other freight operators. The Sub-Committee decided to conduct this inquiry before the Commission had published its proposals for the recast, with the aim of influencing the proposals at the earliest possible stage in the legislative cycle. It launched the report at the Rail Freight Group's Annual Conference in June 2009, where the Chairman, Lord Freeman, presented it. The report was debated on 23 October 2009.

### **Adapting the EU's approach to today's security challenges—the Review of the 2003 European Security Strategy**

32. Sub-Committee C published its report on the review of the 2003 European Security Strategy on 21 November 2008, in time to influence the European Council's consideration of the proposals in December 2008. The Sub-Committee concluded that the 2003 strategy was clear and concise. The few changes that were needed were to strengthen the references to climate change, energy security, the "responsibility to protect" and the links between security and development. The report recommended increasing public awareness of Common Foreign and Security Policy and European Security and Defence Policy. The report was published for debate but the recommendation for debate was subsequently rescinded (see paragraph 66).

### **After Georgia—The EU and Russia: Follow-Up Report**

33. Sub-Committee C also published a follow-up to its report on the European Union and Russia published last year<sup>11</sup>. The follow-up report was a reaction to the conflict between Russia and Georgia in August 2008 and the crisis over Russian gas supplies via Ukraine in January 2009. The Sub-Committee concluded that Russia's response to the provocations of President Saakashvili of Georgia was disproportionate. It also concluded that the EU's response had been rapid and reasonably successful. However, it was concerned that Russia had not complied fully with the ceasefire agreement. Other recommendations made were that the EU's negotiations with Russia over the Partnership and Cooperation Agreement should be influenced by Russia's adherence to the ceasefire in Georgia and that the EU should coordinate its policies concerning Russia more closely with those of the US administration. The report was debated on 12 May 2009 in Grand Committee.

### **Revision of the EU's Emissions Trading System (EU ETS)**

34. Sub-Committee D scrutinised the proposed revisions to the EU ETS that will apply from 2013 to 2020. The Sub-Committee concluded that the EU ETS had tremendous potential to enable cuts in emissions but that this

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<sup>11</sup> European Union Committee, 14th Report (2007–08): *The European Union and Russia* (HL Paper 98)

potential was threatened by inadequate monitoring, verification and enforcement. The Sub-Committee also argued that it would be difficult to link the EU ETS with other carbon trading systems but that this would be important to achieving global cuts in emissions. The report was debated on 18 March 2009 in Grand Committee.

### **Review of the Less Favoured Areas Scheme**

35. Another inquiry carried out by Sub-Committee D was into the review of the Less Favoured Areas (LFAs) Scheme. The Sub-Committee took evidence from a number of sources, including officials from the Scottish Executive. The Sub-Committee concluded that the LFAs scheme had a distinctive role to play and was able, by contrast to Single Farm Payments, both to channel support to farmers in need and to contribute to the maintenance of the landscape. The Sub-Committee welcomed the Commission's intention to introduce a common set of indicators to identify LFAs but questioned whether the proposed criteria would take into account the UK's maritime climate.

### **Procedural Rights in EU Criminal Proceedings**

36. This report was the first of four that Sub-Committee E published in quick succession. The main conclusion of this report was that there should be common minimum standards of rights for suspects during criminal proceedings throughout the EU.

### **European Contract Law: the Draft Common Frame of Reference**

37. This report continued Sub-Committee E's scrutiny of the European Commission's programme of work in the area of contract law. The Sub-Committee reaffirmed its opposition to the harmonisation of contract law across the EU or even to the development of an alternative contractual code into which contracting parties could opt. The report acknowledged the value of the Draft Common Frame of Reference as an academic work but did not envisage that it could develop into a non-legislative "toolbox" to assist European legislators and improve the quality of European legislation. The Sub-Committee argued that the Commission should identify specific problems of contract law under existing Community legislation and focus on proposing solutions to those.

### **Access to EU Documents**

38. For this report Sub-Committee E looked at the proposed revision to the Regulation regarding public access to documents of the European institutions. The Sub-Committee identified, and commented upon, those parts of the proposal and of the Government's approach that would reduce transparency; particularly documents originating from Member States, documents revealing negotiating positions of Member States in the Council, and documents disclosing of legal advice. It also identified those parts of the proposal that required clarification.
39. The Sub-Committee raised the need to clarify the proposal to protect from disclosure documents submitted to "courts". A letter from Caroline Flint MP, the then Minister for Europe, to Lord Mance, the then Chairman of the Sub-Committee, of 6 April 2009 stated, "you raised the point that Article 2(5) of the Commission's proposal may be read as applying not only to European Community courts, but to pleadings which are held by an

institution from any court. You were right to query it: we continue to seek clarification from the Commission on the intended scope of this proposal, and will revert to the Committee when we have the Commission's response". The Sub-Committee have not yet received the Commission's response (see Table 2). The report was debated on 15 July 2009 in Grand Committee.

### **Brussels I**

40. The Brussels I Regulation relates to conflicts of jurisdiction in civil and commercial matters. Its reform would affect the significant role that London plays in international litigation. Sub-Committee E supported the Commission's proposals to counteract the exploitation by litigants of the present jurisdictional rules for their own advantage. However, it was concerned about how the Regulation would operate in the wider international order and recommended that the Regulation should take better account of third country based claimants and defendants.

### **Europol: coordinating the fight against serious and organised crime**

41. Sub-Committee F carried out an inquiry into changes that will take place when Europol becomes an agency of the EU on 1 January 2010. The Sub-Committee concluded that it was a matter of concern that four fifths of the information exchanged by national liaison officers at Europol was not placed on Europol's database and therefore was not available to those Member States not directly involved in the case concerned. The Sub-Committee also concluded that although greater use was now made of Organised Crime Threat Assessments to plan for future threats rather than simply reacting to past events, more should be done to persuade other Member States of the value of this approach. The Sub-Committee also made a number of recommendations concerning the structure of Europol and its accountability to the European Parliament. The report was debated in the House on 25 June 2009.

### **Civil Protection and Crisis Management in the European Union**

42. Sub-Committee F conducted a short inquiry into civil protection and crisis management in the EU. A number of bodies across the EU are involved in this and the Sub-Committee recommended that there should be better coordination of their work. In particular, the Sub-Committee argued for better coordination between EU and NATO bodies.

### **Money laundering and the financing of terrorism**

43. In its report on money laundering and the financing of terrorism, Sub-Committee F argued that the Government must press ahead with the ratification of three vital international agreements: the EU/US agreement on mutual legal assistance, the Second Additional Protocol to the 1959 Council of Europe Convention on mutual legal assistance, and the Warsaw Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism. The Sub-Committee recommended that the Government give the highest priority to international cooperation on the confiscation of the proceeds of crime by both post-conviction criminal confiscation and civil recovery.

44. During an evidence session for this inquiry, the executive secretary of MONEYVAL, the Council of Europe money laundering body, told the Sub-Committee that the inquiry had already had an impact:

There was for practical purposes no global impetus to enforce civil confiscation under the Financial Action Task Force (FATF) standards, and this was an issue that MONEYVAL would push in the review of the FATF Recommendations on international cooperation. He added: “So far as our own organisation is concerned, I have discussed this issue with the president of the committee in the light of your questions and we have decided that we will actually open up a much larger discussion within the MONEYVAL membership on the whole issue of enforcement of civil orders outside of the general discussions that we have on mutual evaluation reports.”<sup>12</sup>

45. In their response to the report (published as Cm 7718), the Government said, “In line with the Committee’s recommendation the Government will submit the Chairman’s summary to Parliament following each plenary session [of FATF], commencing in October 2009”.
46. Furthermore, in response to the Sub-Committee’s recommendation that the Information Commissioner should review and report on the operation of the database of suspicious activity reports and should consider whether the rules for the retention of data are compatible with the jurisprudence of the European Court of Human Rights, the Government said, “SOCA [the Serious Organised Crime Agency] has invited Christopher Graham, the Information Commissioner, to meet with members of its Board and would welcome the opportunity then to discuss taking this recommendation forward”. The Deputy Information Commissioner also wrote to Lord Jopling, Chairman of Sub-Committee F, saying, “We welcome this recommendation and intend to implement it”.

### **Healthcare across EU Borders: a safe framework**

47. Sub-Committee G scrutinised the proposed Directive on the application of patients’ rights in cross-border healthcare. The Sub-Committee concluded that there was a need for action and that the principal focus of the Directive should be to clarify the application of treaty provisions to health services. It concluded that Member States should have the flexibility to determine how payment for treatment should be addressed and recommended that the provision and financing of information should be the responsibility of the patient’s home Member State. The report was debated on 8 June 2009 in Grand Committee.

### **EU Consumer Rights Directive: getting it right**

48. Sub-Committee G also conducted an inquiry into the proposed Directive on consumer rights. The main conclusion of the report was that the Government should not agree to the Directive as drafted. The Sub-Committee was concerned that the impact assessment was not complete. In its view, it needed up-to-date statistics on cross-border business-to-consumer trade and more information on the effects of non-regulatory barriers such as culture, language, distance and cost of delivery. The Sub-Committee recognised that there was a need to update the existing legislation and

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<sup>12</sup> European Union Committee, 19th report (2008–09): *Money laundering and the financing of terrorism* (HL Paper 132), Q 493

recommended that the scope of the Directive should be widened to include services, mixed contracts and digital goods.

49. During a debate on consumer rights in the European Parliament on 4 May 2009, both the Commissioner and Malcolm Harbour MEP referred to the Sub-Committee's inquiry. The latter went so far as to say, "we have assured them that their report will be able to have a material contribution on the outcome". The House debated the report on 23 October 2009.

### One-off Hearings

50. While the Sub-Committees conduct the bulk of our inquiries, the Select Committee has a more general role, which includes hearing oral evidence on the outcome of each European Council from the Minister for Europe and the priorities for each EU Presidency from the ambassador of the Presidency country. Sub-Committees have also held one-off hearings as part of their scrutiny or as a precursor or follow-up to a full-scale inquiry. The transcripts of all of these sessions have either been published as short reports or are available on the Committee's web pages. One-off hearings are listed in full in Appendix 4.
51. On 25 November 2008, Sub-Committee A took evidence from Lord Turner of Ecchinswell, Chairman of the Financial Services Authority. The Sub-Committee used the session to discuss Commission proposals in response to the financial crisis. Following this session the Sub-Committee launched a full-scale inquiry into the EU's response to the crisis. The call for evidence for this inquiry was published in a short report with the transcript of Lord Turner's session<sup>13</sup>.
52. Sub-Committee D held a session on 10 December 2008 with Huw Irranca-Davies MP, the Minister responsible for a new Regulation on pesticides. The Sub-Committee had lifted scrutiny when the Government told it that an acceptable compromise was on the table. However, that compromise failed to win support in Council and a different compromise, with which the UK was not content, was adopted. The Sub-Committee was only notified of this months later. The stakeholders likely to be affected by the Regulation were deeply concerned about its proposed content, going so far as to write an open letter to the Prime Minister. The session with the Minister was therefore intended to explore why the Government had failed to secure their negotiating objectives in the Council, how they were trying to prevent any further drift away from UK objectives during negotiations with the European Parliament, and why the impact assessment of the proposal appeared to have been inadequate. In a sense, it was a "lessons learned" exercise.
53. On 12 March 2009, Sub-Committee G took oral evidence from Pat McFadden MP, Minister of State for Employment Relations and Postal Affairs, BERR, on the Commission's proposal for a Directive on pregnant workers. Issues explored with the Minister included:
- the provision for increased maternity pay, which the Government had suggested could lead to increased expenditure in the UK of £1,850 million per year;
  - the provision for additional maternity leave in special circumstances; and

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<sup>13</sup> European Union Committee, 1st Report (2008–09): *EU Legislative Initiatives in Response to the Financial Turmoil* (HL Paper 3)

- the right to request flexible working that would be introduced under the Directive.
54. Following the evidence session, the Sub-Committee continued to explore several issues in correspondence with the Minister, most notably the issue of increased maternity pay. The Government wrote that they were confident that the Directive would not require Member States to pay full pay during maternity leave. However, the Sub-Committee remained unclear about how the Government's original concern that this might be the case had been addressed.

### Working with the European Commission

55. In September 2006 the Commission launched an enhanced dialogue with national parliaments, known as the "Barroso Initiative". Under this, the Commission has undertaken to consult national parliaments on all legislative proposals. National parliaments are encouraged to submit opinions on any aspects of proposals, to which the Commission will respond. The Commission has also responded to opinions submitted on non-legislative documents.
56. We support the Barroso initiative and its emphasis on developing the relationship between national parliaments and the Commission. During the period of this report we submitted 11 reports to the Commission for a response and these are listed in Table 2.

**TABLE 2**

#### Reports sent to the Commission

Report title	Sent to the Commission	Response received
Healthcare across EU borders: a safe framework	24/02/09	29/04/09
Mobile Phone Charges in the EU: Follow-up Report	10/03/09	04/06/09
Civil Protection and Crisis Management in the European Union	13/03/09	13/10/09
The United Kingdom opt-in: problems with amendment and codification	26/03/09	28/10/09
Recast of the First Rail Freight Package	04/06/09	31/07/09
European Contract Law: the Draft Common Frame of Reference	17/06/09	
The Review of the Less Favoured Areas Scheme	04/06/09	07/09/09
The future of EU financial regulation and supervision	18/06/09	26/10/09
Access to EU Documents	19/06/09	
EU Consumer Rights Directive: getting it right	21/07/09	01/10/09
Money Laundering and the financing of terrorism	23/07/09	07/10/09

57. We also welcome the willingness of the Commission to supply written evidence and to meet us and our Sub-Committees in relation to inquiry work.

### Working with Other Parliaments

58. A further element of our work is fostering close working relations with other parliaments, including the European Parliament. Cooperation between national parliaments on EU scrutiny has grown in formality and scope, and we are at the forefront of activity in this area. The main formal grouping is COSAC, which meets twice a year, with each meeting preceded by a meeting of Chairmen. The 40<sup>th</sup> COSAC meeting was held on 2–4 November 2008 in Paris; the 41<sup>st</sup> COSAC meeting was held on 11–12 May 2009 in Prague; and the 42<sup>nd</sup> on 5–6 October 2009 in Stockholm. The Chairman attended all of these with other members of the Committee; he also attended the Chairmen's meetings. At the Paris meeting Lord Grenfell, the outgoing Chairman of the Committee, was presented with the Medal of Honour of the French Senate in recognition of his contribution.
59. Other meetings with representatives of other legislatures are the EC-UK and tripartite meetings. EC-UK brings together the chairman of the scrutiny committees of the House of Lords, the House of Commons, the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly. The group met in Belfast on 8 December 2008 and in Cardiff on 8 June 2009.
60. The tripartite meetings bring together members of our Committee, members of the House of Commons European Scrutiny Committee and UK MEPs. The House of Commons hosted a meeting of this group on 13 November 2008 and on 19 March 2009 a meeting was held in Brussels.
61. The Committee and its Sub-Committees also seek to work closely with the European Parliament. Our EU Liaison Officer is based in the European Parliament in Brussels and has daily contact with officials from the European Parliament and the other national parliaments of the Union. In this field, his role is twofold: he reports to us on the results of scrutiny activities in other national parliaments and keeps others informed of our activities. He is working, both through COSAC and through bilateral contact, to improve the effectiveness of the network of national parliaments' staff in Brussels so that more, and more useful, information is shared.
62. The Liaison Officer systematically distributes our substantive reports within the European Parliament. We have also recently begun providing translations of the introductions and conclusions to some reports. In this period, Sub-Committee C provided a French translation of parts of its report on the European Security Strategy: this was sent to French MEPs, the Senate and the *Assemblée Nationale*.
63. There are joint parliamentary meetings (JPMs), convened by the parliament of the Presidency country and the European Parliament, in which we take an active role. In the last year the Chairman and members of the Committee have attended JPMs on energy and sustainable development, and European economic recovery. We are also active participants in a number of joint committee meetings convened by the parliament of the Presidency country and/or the relevant committee of the European Parliament. Our staff engage with other parliaments to seek to make these meetings useful and effective fora for exchanging information and to ensure that maximum benefit and value for money is extracted. A full list of interparliamentary meetings attended is in Appendix 5.

## CHAPTER 3: PROCEDURAL MATTERS

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### Codecision

64. This year the Select Committee conducted an inquiry into the effect of the codecision procedure (the process whereby Commission proposals must be negotiated and jointly adopted by both the Council of Ministers and the European Parliament) on national parliamentary scrutiny. We assessed the perception that codecision, and particularly the rise in First Reading and early Second Reading agreements arranged through informal “trilogues”<sup>14</sup>, make parliamentary scrutiny of EU legislation harder. We looked at how codecision impacted on our scrutiny practices and whether we needed to alter these to improve our ability to scrutinise effectively. Our report emphasised the importance of all Government departments keeping us fully informed of significant developments in negotiations. We made a number of other recommendations, including that marking documents *limité* (i.e. for restricted circulation only) should not be a bar to their provision to Parliament.
65. The Government’s response was received in late October 2009. In it, Chris Bryant MP, the new Minister for Europe, indicated that he would write to all Ministers drawing out the key elements of the report and underlining the importance of meeting the Government’s obligations to Parliament as set out in the Scrutiny Reserve Resolution and the Government’s scrutiny guidance to Departments. In a few areas, notably on informing Parliament of changes made to legislative proposals during negotiations in Europe, he undertook to strengthen the guidance. Finally, on *limité* documents, he noted that the Government was seeking clarification from the Council’s Legal Service before proposing an arrangement under which they could be viewed by the Committee.

### Responses to Reports

66. The Government has undertaken to respond to reports published by the Committee within two months. In the period covered by this report, we published 23 reports. Of the 17 that were sent to the Government for a response, seven received a response within two months.
67. The House has agreed that it is desirable that there should be regular debates on select committee reports. 11 reports were recommended for debate in the period covered by this report. Of these, at time of writing, six have been debated and four still await debate. In May 2009, the Committee decided to rescind the recommendations to debate two reports: the 2009 Annual Policy Strategy<sup>15</sup> report and the report on the European Security Strategy<sup>16</sup>. We took this decision because parliamentary time had not been found since the reports’ publication dates, 23 July 2008 and 21 November 2008 respectively.

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<sup>14</sup> Trilogues are meetings between representatives of the Council of Ministers, the European Parliament and the Commission to discuss proposed legislation before each of the formal reading stages.

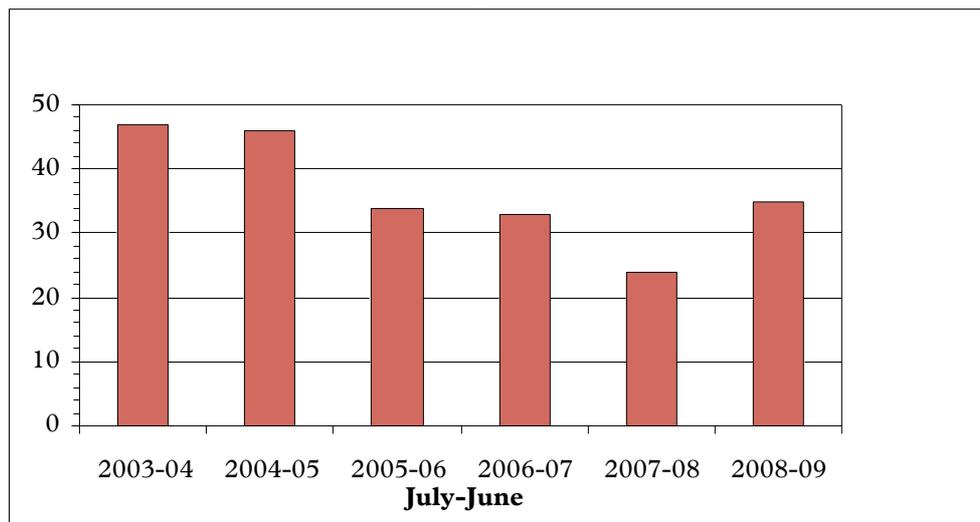
<sup>15</sup> European Union Committee, 23rd report (2007–08): The Commission’s Annual Policy Strategy for 2009 (HL Paper 151)

<sup>16</sup> European Union Committee, 31st report (2007–08): Adapting the EU’s approach to today’s security challenges—the Review of the 2003 European Security Strategy (HL Paper 190)

### Scrutiny Overrides

68. An override occurs when the Government give agreement in the Council of Ministers to any EU proposal for legislation that is still held under scrutiny in either House of Parliament. The full text of the Scrutiny Reserve Resolution as agreed by the House of Lords on 6 December 1999 can be found at Appendix 2.
69. From July 2008 to June 2009 there were 35 overrides of scrutiny in this House, which is more than during the same period in 2007–08 (see Figure 1). A full list of overrides is in Appendix 6. To bring the number down again, we have agreed the following actions:
- On receipt of each 6-monthly list of scrutiny overrides in future the Chairman will table a Question for Written Answer on the subject, in order to give the list wider circulation;
  - Whenever a scrutiny override occurs that we consider to have been avoidable, we will consider tabling a QWA asking why the override happened.

**FIGURE 1**  
**Scrutiny overrides**



70. Although each Department has the same obligations to Parliament<sup>17</sup>, each Department handles its scrutiny work differently. Following comments made by the Commons European Scrutiny Committee about its scrutiny performance<sup>18</sup>, BERR (now BIS) conducted a review of its scrutiny procedures. This included holding a series of seminars to discuss parliamentary scrutiny of EU proposals, which involved presentations being given by Clerks from both our Committee and the Commons European Scrutiny Committee. Following this review, the Department began using a “traffic light report” for keeping track of dossiers under scrutiny. The report lists all of the scrutiny items concerning BERR/BIS and marks the urgency of the Department’s response to Parliament as green, amber or red depending on how much time the Department has to respond. In the period covered by

<sup>17</sup> The scrutiny obligations of Government Departments are set out in guidance to the Departments from the Cabinet Office.

<sup>18</sup> See the transcript of evidence given by Baroness Vadera to the Commons European Scrutiny Committee on 4 June 2008: <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmeuleg/657/8060401.htm>

this report, BERR/BIS has been responsible for just one House of Lords override.

71. On 13 July 2009, Sub-Committee B held a one-off evidence session with Dame Helen Ghosh, Permanent Secretary, DEFRA, to discuss her Department's scrutiny record. The Sub-Committee was concerned that responses to our correspondence and the submission of information following stages in the negotiations on legislation had not been received promptly. Dame Helen said that the Department was improving its scrutiny record and was adopting systems like BERR/BIS' traffic light report. In the period covered by this report, DEFRA has been responsible for 10 House of Lords overrides. We are confident that with the improvements it has put in place this figure will come down in future.

### Subsidiarity

72. As can be seen in Chapter 2, the Sub-Committees regularly consider the subsidiarity principle as part of the scrutiny process. In addition to routine scrutiny we participated in two subsidiarity checks conducted by COSAC (see paragraphs 20 and 26).
73. Appendix 7 contains a survey of references to subsidiarity in the Committee's correspondence with Ministers between November 2008 and October 2009. The following points of interest emerge:
- The issue arose explicitly on 31 dossiers, covering a wide range of matters;
  - 11 of these were sifted to Sub-Committee G, reflecting the fact that in its remit of social and consumer policy EU competence is largely "soft";
  - Only one was sifted to Sub-Committee F and none to Sub-Committee C, reflecting the fact that F and C's remits of home and foreign affairs are largely intergovernmental.

### Treaty of Lisbon

74. The Treaty of Lisbon will come into force on 1 December 2009. This will involve the House and the Committee in two ways.
75. First, a number of Council decisions will be needed to implement the provisions of the Treaty. We will scrutinise these as they come forward, if necessary at speed. At the time we were making this report, the first of these, a Presidency draft of a Decision setting up the Standing Committee on Internal Security, was under scrutiny by Sub-Committee F (see TFEU Article 71 (revised numbering)).
76. Secondly, the Treaty will require the procedures of the House and the Committee to be modified in various ways, as follows:
- (a) Protocol 2 to the Lisbon Treaty on subsidiarity, Articles 6 & 7, empowers Chambers of national parliaments to issue "reasoned opinions" on subsidiarity (the "yellow and orange card" procedure). This will require a procedure for the House to agree and issue a reasoned opinion. These procedures will also affect internal Committee processes.
  - (b) Article 8 of Protocol 2 empowers Chambers to seek a reference to the European Court of Justice in respect of subsidiarity (the "red card"). This will require a procedure for the House to seek a reference.

- (c) The European Union (Amendment) Act 2008, s.6, provides that before a Minister may consent in Council to the use of a “*passerelle*”<sup>19</sup> under the Lisbon Treaty, both Houses must pass a motion to approve the Government’s intention. This will require a procedure.
- (d) Articles 70, 85 and 88 of the TFEU (revised numbering) will involve national parliaments in the evaluation of EU action in the Area of Freedom, Security and Justice; evaluation of the activities of Eurojust; and scrutiny of Europol.
- (e) The Scrutiny Reserve Resolution and the Committee’s terms of reference contain references to Treaty provisions and concepts which will require updating.

77. Progress on these matters is as follows:

- As regards its own internal processes, the Committee has agreed certain changes; these are set out in Appendix 8.
- Proposals from the Leader of the House are awaited on House procedures for a reasoned opinion, a reference to the European Court of Justice, and a motion to approve a *passerelle*.
- Commission proposals are awaited on the evaluation of Eurojust’s activities and scrutiny of Europol.
- We have made proposals for changes to the Scrutiny Reserve Resolution and our terms of reference. These are currently under consideration by the Government.

78. It is intended that the Procedure Committee should consider these matters shortly, to enable the House to make the necessary decisions in good time.

### Scrutiny of opt-in decisions

- 79. Currently, proposals for EU legislation on visas, asylum and immigration and the free movement of persons are adopted by qualified majority voting (QMV) under the “first pillar”. However, the legislation only applies to the UK if the Government notify the Council that they intend to opt in to the legislation within three months of the proposal being made, or following the adoption of the legislation. “Third pillar” matters on police and judicial cooperation generally need unanimity.
- 80. The Treaty of Lisbon will merge the third pillar into the first. This will mean that nearly all legislation in both areas will be subject to QMV and will apply to the UK only if the Government opt in.
- 81. During the passage of the European Union (Amendment) Act 2008, the Government undertook that “except where an earlier opt-in decision is necessary” they would not opt in during the first eight weeks of the three month period; that if during this period this Committee published a report on the proposed opt-in recommending a debate, time would be made for one; that the debate would be on an amendable motion, allowing for a vote; and that the Government, although not bound by the views expressed, would take note of them.

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<sup>19</sup> *Passerelles* make it possible to extend the scope of qualified-majority voting and the ordinary legislative procedure without amending the treaty in force.

82. To give this undertaking effect will require (i) changes to our internal processes, (ii) a new Resolution of the House, analogous to (or amending) the Scrutiny Reserve Resolution and (iii) new House procedures. We have agreed changes to our internal processes, similar to those for a reasoned opinion on subsidiarity; and we have proposed a Resolution, which is currently under consideration by the Government. Government proposals on House procedures are awaited.
83. Meanwhile, in January 2009 the Home Secretary announced enhanced scrutiny arrangements for opt-in decisions pending the coming into force of the Lisbon Treaty. We reported this development to the House at the time<sup>20</sup>.
84. As indicated in Chapter 2 (see paragraphs 23–24), even without the Lisbon Treaty, the opt-in system is giving rise to increasingly complex questions, as instruments into which the UK has opted interact with instruments into which she has not. We will continue to monitor this issue closely.

### Ambulatory references

85. In March 2009 the Select Committee on the Merits of Statutory Instruments drew our attention to the fact that, since the amendment of section 2(2) of the European Communities Act 1972 by the Legislative and Regulatory Reform Act 2006, a statutory instrument may be used to implement automatically in UK law future amendments of an existing EU Directive, by the inclusion of an “ambulatory reference” to the Directive. The absence of further domestic legislation to implement an amending directive means that there will be nothing in domestic law for the Merits Committee or the House to scrutinise. This renders our initial scrutiny of the Directive in draft more important, since it will be the only opportunity for parliamentary scrutiny in these cases.
86. We therefore wrote to the Government, emphasising the importance of alerting us, in any Explanatory Memorandum in respect of a proposal to amend existing EU legislation, if the proposal would have effect in domestic law by means of an “ambulatory reference” and without any further amendment of the original statutory instrument implementing the existing Directive, i.e. without further recourse to parliamentary procedure. We have yet to receive such an alert.<sup>21</sup>

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<sup>20</sup> European Union Committee, 2nd Report (2008–09): *Enhanced scrutiny of EU legislation with a United Kingdom opt-in* (HL Paper 25)

<sup>21</sup> In its 25th Report of 2008–09, the Merits Committee drew the Environmental Noise (England) (Amendment) Regulations 2009 to the attention of the House, stating that it was the first use of an ambulatory reference known to that Committee that could allow substantive (rather than technical) changes to an EC Directive to be directly applicable to the United Kingdom. In its 27th Report, the Merits Committee published a letter from the Department of Environment, Food and Rural Affairs (DEFRA) Minister which stated that the Department was now persuaded to amend the Regulations so as to limit the ambit of the ambulatory reference to technical matters.

## APPENDIX 1: EUROPEAN UNION COMMITTEE'S TERMS OF REFERENCE

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9 December 2008

That a Select Committee be appointed to consider European Union documents and other matters relating to the European Union.

That the expression "European Union documents" shall include the following documents:

(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 (provisions on a common foreign and security policy) 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 (provisions on police and judicial co-operation in criminal matters) 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.

That the Committee have power to appoint sub-committees and to refer to them any matters within its terms of reference; that the Committee have power to appoint the Chairmen of sub-committees, but that the sub-committees have power to appoint their own Chairmen for the purpose of particular inquiries; that the quorum of each sub-committee be two;

That the Committee have power to co-opt any Member to serve on a sub-committee;

That the Committee have power to appoint specialist advisers;

That the Committee and its sub-committees have power to adjourn from place to place;

That the Committee have leave to report from time to time;

That the reports of the Committee shall be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee or its sub-committees in the last Session of Parliament be referred to the Committee or its sub-committees;

That the evidence taken by the Committee or its sub-committees shall, if the Committee so wishes, be published.

## APPENDIX 2: SCRUTINY RESERVE RESOLUTION

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6 December 1999

(1) No Minister of the Crown should give agreement in the Council to any proposal for European Community legislation or for a common strategy, joint action or common position under Title V or a common position, framework decision, decision or convention under Title VI of the Treaty on European Union—

(a) which is still subject to scrutiny (that is, on which the European Union Committee has not completed its scrutiny);

(b) on which the European Union Committee has made a report to the House for debate, but on which the debate has not yet taken place.

(2) In this Resolution, any reference to agreement to a proposal includes—

(a) agreement to a programme, plan or recommendation for European Community legislation;

(b) political agreement;

(c) in the case of a proposal on which the Council acts in accordance with the procedure referred to in Article 251 of the treaty establishing the European Community (co-decision), agreement to a common position, to an act in the form of a common position incorporating amendments proposed by the European Parliament, and to a joint text; and

(d) in the case of a proposal on which the Council acts in accordance with the procedure referred to in Article 252 of the Treaty establishing the European Community (co-operation), agreement to a common position.

(3) The minister concerned may, however, give agreement to a proposal which is still subject to scrutiny or which is awaiting debate in the House—

(a) if he considers that it is confidential, routine or trivial or is substantially the same as a proposal on which scrutiny has been completed;

(b) if the European Union Committee has indicated that agreement need not be withheld pending completion of scrutiny or the holding of the debate.

(4) The minister concerned may also give agreement to a proposal which is still subject to scrutiny or awaiting debate in the House if he decides that for special reasons agreement should be given; but he should explain his reasons—

(a) in every such case, to the European Union Committee at the first opportunity after reaching his decision; and

(b) in the case of a proposal awaiting debate in the House, to the House at the opening of the debate on the Committee's Report.

(5) In relation to any proposal which requires adoption by unanimity, abstention shall, for the purposes of paragraph (4), be treated as giving agreement.

### **APPENDIX 3: REPORTS PUBLISHED NOVEMBER 2008–OCTOBER 2009**

Revision of the EU's Emissions Trading System (33rd Report, Session 2007–08, HL Paper 197)

Government and Commission Responses Session 2006–07 (34th Report, Session 2007–08, HL Paper 199)

Developments in EU Trade Policy (35th Report, Session 2007–08, HL Paper 200)

EU Legislative Initiatives in Response to the Financial Turmoil (1st Report, Session 2008–09, HL Paper 3)

Enhanced scrutiny of EU legislation with a United Kingdom opt-in (2nd Report, Session 2008–09, HL Paper 25)

After Georgia. The EU and Russia: Follow-up Report (3rd Report, Session 2008–09, HL Paper 26)

Healthcare across EU borders: a safe framework (4th Report, Session 2008–09, HL Paper 30)

Mobile Phone Charges in the EU: Follow-up Report (5th Report, Session 2008–09, HL Paper 42)

Civil Protection and Crisis Management in the European Union (6th Report, Session 2008–09, HL Paper 43)

The United Kingdom opt-in: problems with amendment and codification (7th Report, Session 2008–09, HL Paper 55)

Priorities of the European Union: evidence from the Ambassador of the Czech Republic and the Minister for Europe (8th Report, Session 2008–09, HL Paper 76)

Procedural Rights in EU criminal proceedings – an update (9th Report, Session 2008–09, HL Paper 84)

Recast of the First Rail Freight Package (10th Report, Session 2008–09, HL Paper 90)

Correspondence with Ministers May to October 2007 (11th Report, Session 2008–09, HL Paper 92)

European Contract Law: the Draft Common Frame of Reference (12th Report, Session 2008–09, HL Paper 95)

The Review of the Less Favoured Areas Scheme (13th Report, Session 2008–09, HL Paper 98)

The future of EU financial regulation and supervision (14th Report, Session 2008–09, HL Paper 106)

Access to EU Documents (15th Report, Session 2008–09, HL Paper 108)

The EU's Renewable Energy Target and the Revision of the Emissions Trading System: Follow-up report (16th Report, Session 2008–09, HL Paper 123)

Codecision and national parliamentary scrutiny (17th Report, Session 2008–09, HL Paper 125)

EU Consumer Rights Directive: getting it right (18th Report, Session 2008–09, HL Paper 126)

Money Laundering and the financing of terrorism (19th Report, Session 2008–09, HL Paper 132)

The EC Budget 2010 (20th Report, Session 2008–09, HL Paper 146)

Green Paper on the Brussels I Regulation (21st Report, Session 2008–09, HL Paper 148)

## APPENDIX 4: ONE-OFF HEARINGS

Committee	Witness	Subject	Date	Publication
Select	Caroline Flint MP, Minister for Europe, FCO	October European Council	11/11/2008	European Union Select Committee, 8th Report (2008–09): <i>Priorities of the European Union: evidence from the Ambassador of the Czech Republic and the Minister for Europe</i> (HL Paper 76)
Select	HE Mr Jan Winkler, Ambassador of the Czech Republic	Czech Presidency	20/01/2009	European Union Select Committee, 8th Report (2008–09): <i>Priorities of the European Union: evidence from the Ambassador of the Czech Republic and the Minister for Europe</i> (HL Paper 76)
Select	Caroline Flint MP, Minister for Europe, FCO	December European Council	03/02/2009	European Union Select Committee, 8th Report (2008–09): <i>Priorities of the European Union: evidence from the Ambassador of the Czech Republic and the Minister for Europe</i> (HL Paper 76)
Select	Caroline Flint MP, Minister for Europe, FCO	March European Council	05/05/2009	Online only
Select	Baroness Kinnock of Holyhead, Minister for Europe, FCO	June European Council	14/07/2009	Online only
Select	HE Mr Staffan Carlsson, Swedish Ambassador	Swedish Presidency	21/07/2009	Online only
B	Lord Carter of Barnes, Minister for Communications, Technology and Broadcasting, BERR	Mobile phone charges in the EU	17/11/2008	European Union Select Committee, 5th Report (2008–09): <i>Mobile Phone Charges in the EU: Curbing the Excesses</i> (HL Paper 42)

B	Jim Fitzpatrick MP, Parliamentary Under-Secretary of State, DfT	Single European Skies II	02/02/2009	Online only
B	DECC officials	Second Strategic Energy Review	09/02/2009	Online only
B	Paul Clark MP, Parliamentary Under-Secretary of State, DfT	Intelligent transport systems	08/06/2009	Online only
B	DfT officials	Galileo	22/06/2009	Online only
B	Commission officials	Galileo	29/06/2009	Online only
B	Dame Helen Ghosh, Permanent Secretary, DEFRA	DEFRA scrutiny	13/07/2009	Online only
B and D	Lord Hunt of Kings Heath, Minister of State, DECC	Energy and Climate Change Package	27/04/2009	European Union Select Committee, 16 <sup>th</sup> Report (2008–09): <i>The EU's Renewable Energy Target and the Revision of the Emissions Trading System: Follow-up report</i> (HL Paper 123)
C	Rear Admiral Philip Jones RN, Operation Commander, OP ATALANTA	Somali piracy	12/02/2009	Online only
C	Lord Malloch-Brown, Minister for Africa, Asia and UN, FCO	Somali piracy	19/03/2009	Online only
C	Gareth Thomas MP, Parliamentary Under-Secretary of State, DfID	Current themes in EU development cooperation	21/05/2009	Online only
C	Baroness Taylor of Bolton, Minister for International Defence and Security, MoD	Current developments in European defence policy	11/12/2009	Online only
D	Huw Irranca-Davies MP, Minister for the Natural and Marine Environment, Wildlife and Rural Affairs, DEFRA	Pesticides Regulation, and TACS and Quotas for 2009	10/12/2008	Online only

F	Meg Hillier MP, Parliamentary Under-Secretary of State, Home Office	The United Kingdom opt-in: problems with amendment and codification	25/02/2009	European Union Select Committee, 7th report (2008-09): <i>The United Kingdom opt-in: problems with amendment and Codification</i> (HL Paper 55)
F	Phil Woolas MP, Minister of State, Home Office	The Stockholm JHA Programme	14/10/2009	Online only
G	Pat McFadden MP, Minister of State for Employment Relations and Postal Affairs, BERR	Proposal for a Directive amending the Pregnant Workers Directive	12/03/09	Online only

## APPENDIX 5: INTERPARLIAMENTARY MEETINGS

Date	Event	Location	Delegation
0/11/08–04/11/08	Agriculture Committees	Brussels	Lord Sewel
05/11/08	Foreign Affairs Committees	Brussels	Lord Roper
07/11/08	EU Forum for Renewable Energy Sources	Budapest	Lord James of Blackheath
13/11/08	Tripartite meeting of Lords, MPs and MEPs	House of Commons	Select Committee
20/11/08–21/11/08	Joint Parliamentary Meeting on Energy and Sustainable Development	Strasbourg	Lord Grenfell Lord Sewel
02/12/08	Forum on Civil Judicial Cooperation	Brussels	Lord Mance
08/12/08	EC-UK	Belfast	Lord Roper
19/01/09–20/01/09	Joint Committee Meeting on Freedom, Security and Justice	Brussels	Lord Bowness Lord Jopling
25/01/09–26/01/09	Secure, Sustainable Energy	Prague	Lord Sewel
09/02/09–10/02/09	COSAC Chairs	Prague	Lord Roper
11/02/09–12/02/09	REGI debate with National Parliaments: <i>The future of Cohesion Policy after 2013</i> and ECON debate with National Parliaments: <i>The European Economy. What next?</i>	Brussels	Lord Haskins
12/02/09	High Level Parliamentary Conference: <i>Migration &amp; Policy Coherence for Development</i>	Brussels	Lord Chidgey
16/02/09–17/02/09	Joint Parliamentary Meeting: <i>A new deal for European Economic Recovery?</i>	Brussels	Lord Dykes Lord Sewel

23/02/09	Security Committees: <i>Integrated rescue system, legal and illegal migration in connection with environmental security</i>	Prague	Lord Roper
09/03/09–10/03/09	Foreign Affairs Committees: <i>Security and economic dimension of transatlantic cooperation</i>	Prague	Lord Teverson
19/03/09	Tripartite meeting of Lords, MPs and MEPs	Brussels	Lord Roper Lord Paul Lord Hannay of Chiswick Lord Dykes
02/04/09	Internal Markets and Consumer Protection	Brussels	Baroness Howarth of Breckland
10/05/09–12/05/09	COSAC	Prague	Lord Jopling Lord Mance Lord MacLennan of Rogart
08/06/09	EC-UK	Cardiff	Lord Roper (by video link)
05/07/09–06/07/09	COSAC Chairs	Stockholm	Lord Roper
06/09/09–08/09/09	Foreign Affairs Committees: <i>The Baltic sea and foreign affairs</i>	Visby, Sweden	Lord Teverson
27/09/09–28/09/09	Environment Committees: <i>Climate change and deforestation</i>	Stockholm	Lord Sewel
04/10/09–06/10/09	COSAC	Stockholm	Lord Roper Lord Bowness Lord Richard
11/10/09–12/10/09	Justice Committees: <i>Legal security, organised crime and trafficking</i>	Stockholm	Lord Bowness

**APPENDIX 6: SCRUTINY OVERRIDES, JULY 2008–JUNE 2009**

Document	Title	Date of EM	Date of override	Department
	Council Decision on signing of EU/Australia Passenger Name Record (PNR) Agreement <sup>22</sup>		30/06/08	HO
12669/08	Communication on the opening of consultations with Mauritania under Article 96 of the Cotonou Agreement	12/09/08	15/09/08	FCO
Unnumbered EM	Council Joint Action on the EU Monitoring Mission in Georgia (EUMM Georgia)	15/09/08	15/09/08	FCO
Unnumbered EM	Decision concerning the conclusion of the Agreement between the EU and Croatia on the participation of Croatia in the EU military operation in Chad and the Central African Republic	16/09/08	15/09/08	FCO
Unnumbered EM	Joint Action amending Joint Action 2008/736/CFSP concerning the EU monitoring mission in Georgia, EUMM Georgia	24/09/08	25/09/08	FCO
Unnumbered EM	Joint Action appointing the EU Special Representative for the crisis in Georgia	24/09/08	25/09/08	FCO
Unnumbered EM	Decision concerning the conclusion of an Agreement between the EU and Croatia on the participation of Croatia in the EU Rule of Law Mission in Kosovo (EULEX KOSOVO)	02/10/08	25/09/08	FCO
14486/07	Directive on the civil liability and financial guarantees of shipowners	22/11/07	09/10/08	DfT
Unnumbered EM	Council Decision concerning the conclusion of the Agreement between the EU and Russia on the participation of Russia in the EU military operation in Chad and the Central African Republic (EUFOR)	08/10/08	13/10/08	FCO

<sup>22</sup> The Government did not deposit the Decision or an EM in Parliament. For further details see the Committee's correspondence with Ministers on this dossier from 12 November 2008 to 5 March 2009 (available at [www.parliament.uk/hleuf](http://www.parliament.uk/hleuf))

12720/08	Council Regulation fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2009	21/10/08	27/10/08	DEFRA
13533/08	Council Regulation fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks	20/10/08	28/10/08	DEFRA
6615/08	Council Directive concerning the general arrangements for excise duty	01/03/08	04/11/08	HMT
14949/08	Council Decision providing EU medium-term financial assistance for Hungary	03/11/08	04/11/08	HMT
Unnumbered EM	Council Decision on the independent enquiry into the conflict in Georgia	15/12/08	02/12/08	FCO
15105/1/08	Council Regulation amending Regulation (EC) No 332/2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments	14/11/08	02/12/08	HMT
16507/08	Council Regulation amending Regulation (EC) No 1579/2007 fixing the fishing opportunities and the conditions relating thereto for certain fish stocks and groups of fish stocks applicable in the Black Sea for 2008	05/12/08	04/12/08	DEFRA
16794/08	Recommendation authorising the Commission to open negotiations on behalf of the Community with a view to concluding a Fisheries Partnership Agreement with the Republic of Guinea	05/12/08	08/12/08	DEFRA
16028/08	Council regulation fixing for the 2009 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000	05/12/08	08/12/08	DEFRA

Unnumbered EM	Council Joint Action 2008/851/CFSP on a EU military operation to contribute to the deterrence prevention and repression of acts of piracy and armed robbery off the Somali coast	08/12/08		FCO
Unnumbered EM	Council Decision concerning the conclusion of the Agreement between the EU and the Somali Republic on the status of the EU led naval force in the Somali Republic in the framework of the EU military operation Atalanta	22/12/08		FCO
Unnumbered EM	Council Decision concerning the conclusion of the Agreement between the EU and the Republic of the Djibouti on the status of the EU led forces in the Republic of the Djibouti in the framework of the EU military operation Atalanta	22/12/08		FCO
16271/08	Proposal for a Council Decision concerning the placing on the market, in accordance with Directive 2001/18/EC, of a carnation ( <i>Dianthus caryophyllus</i> L., line 123.8.12) genetically modified for flower colour.	19/01/09	09/01/09	DEFRA
5223/09 (this document covered two Council Decisions and therefore this constitutes two overrides)	Council Decision granting mutual assistance for Latvia and Council Decision providing EU medium-term financial assistance for Latvia	20/01/09	15/01/09	HMT
5981/09	Council Recommendation on the 2009 update of the broad guidelines for the economic policies of the Member States and the Community and the implementation of Member States' employment policies	09/03/09	16/02/09	HMT
Unnumbered EM	Council Joint Action appointing the European Union's Special Representative in Bosnia and Herzegovina	11/03/09	12/03/09	FCO

5972/09	Regulation establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy	12/02/09	20/03/09	BERR
7481/09	Council Decision on the establishment of the Community position to be adopted in the Indian Ocean Tuna Commission	19/03/09	23/03/09	DEFRA
8642/09	Council Regulation amending Regulation (EC) No 332/2002, establishing a facility providing medium-term financial assistance for Member States' balances of payments	24/04/08	05/05/09	HMT
9052/09 (this document covered two Council Decisions and therefore this constitutes two overrides)	Recommendation for a Council Decision granting mutual assistance for Romania and recommendation for a Council Decision providing EU medium-term financial assistance for Romania	28/04/09	05/05/09	HMT
12259/08	Council Regulation on the Community legal framework for a European Research Infrastructure (ERI)	30/09/08	28/05/09	DIUS
9537/09	Council Decision on the establishment of the Community position to be adopted in the North Atlantic Salmon Conservation Organisation (NASCO)	27/05/09	28/05/09	DEFRA
10261/09	Council Decision concerning the non-inclusion of Paraffin oils CAS 64742-46-7, CAS 72623-86-0 and CAS 97862-82-3 in Annex 1 to council directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing those substances	18/06/09	25/06/09	DEFRA
10263/09	Proposal for a Council Decision concerning the non-inclusion of Paraffin oil CAS 8042-47-5 in Annex 1 to council directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance	18/06/09	25/06/09	DEFRA

## APPENDIX 7: REFERENCES TO SUBSIDIARITY IN CORRESPONDENCE WITH MINISTERS NOVEMBER 2008–OCTOBER 2009

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### *Sub-Committee A (correspondence available at [www.parliament.uk/hleua](http://www.parliament.uk/hleua))*

Packaged retail investment products—Committee queried Government assertion that there is room for Member States to implement different regulatory practices concerning PRIPs

Passenger car related tax—Government concerned about subsidiarity

### *Sub-Committee B (correspondence available at [www.parliament.uk/hleub](http://www.parliament.uk/hleub))*

Anti-trust rules—Government reported industry opposition on basis of subsidiarity

Aviation security charges—Government concerned, particularly because small airports included

International Renewable Energy Agency—Committee queried need for Commission to join in its own right and challenged Government support for this

Labelling of energy related products—Government considered fiscal incentives inconsistent with subsidiarity

Energy performance of buildings—Government expressed subsidiarity concerns, Committee asked for details, Government replied that discussions with Commission had diminished their concern

Measures to safeguard security of gas supply—Committee concerned about subsidiarity

Electronic communication networks and services—Government invoking subsidiarity to resist EP amendments

### *Sub-Committee C*

Nil

### *Sub-Committee D (correspondence available at [www.parliament.uk/hleud](http://www.parliament.uk/hleud))*

Aquaculture: strategy for sustainable development—Committee concerned about subsidiarity, Government said they had this in mind in negotiations

Climate change: towards a European framework for action—Committee concerned about subsidiarity, understood Government had this in mind

Ensuring compliance with the rules of the Common Fisheries Policy—Committee asked the Government for further comment about how the proposal met the principle of subsidiarity

Food distribution to deprived persons—Committee shared Government concerns about what value would be added at the EU level

Protection of animals used for scientific purposes—Committee expressed doubt about subsidiarity, Government set out their view—see forthcoming report

School fruit scheme—Committee expressed doubts about the appropriateness of the scheme being organised at the EU level

Soil protection—Government joined blocking minority for reasons including subsidiarity, Committee agreed

*Sub-Committee E (correspondence available at [www.parliament.uk/hleue](http://www.parliament.uk/hleue))*

Civil liability and financial securities of ship owners—Committee expressed doubt about subsidiarity *vis-à-vis* international law, Government explained, Committee accepted explanation

Cross-border enforcement in the field of road safety—Committee queried subsidiarity, Government expressed “significant concerns”

Ship source pollution—Government content with application of subsidiarity principle in EP amendments

*Sub-Committee F (correspondence available at [www.parliament.uk/hleuf](http://www.parliament.uk/hleuf))*

Critical Infrastructure Warning and Information Network—Committee welcomed Government’s success in resisting a rapid alert system on basis of subsidiarity

*Sub-Committee G (correspondence available at [www.parliament.uk/hleug](http://www.parliament.uk/hleug))*

Patient safety, including the prevention and control of healthcare associated infections—Committee expressed concern about subsidiarity, Government agreed and reported progress in negotiations, Committee satisfied

Employment policies of the Member States—Government said Guidelines respected subsidiarity

Equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation—Government reported challenges to subsidiarity from some Member States, Committee carried out COSAC check and found no ground for concern, Government agreed

Pregnant workers and workers who have recently given birth or are breastfeeding—Committee sought clarification, Government provided it, Committee satisfied

Multilingualism: an asset for Europe and a shared commitment—Committee called for a reference to subsidiarity, Government reported that Resolution would include one

Organ donation and transplantation—Committee carried out COSAC check and found on balance principle not breached, Government agreed

Rare diseases—Government expressed concern, Committee sought and obtained clarification and expressed support, Government later reported satisfactory outcome of negotiation, Committee concurred

White Paper on sport—Government secured reference to subsidiarity

A renewed commitment to social Europe: reinforcing the open method of coordination for social protection and social inclusion—Government said that open method supported subsidiarity

Active inclusion of people excluded from the labour market—Committee expressed concern about subsidiarity

Revised Framework Agreement on parental leave—Committee questioned the reasons the Government gave for stating that the proposal was consistent with the principle of subsidiarity

## APPENDIX 8: COMMITTEE PROCEDURES FOR A REASONED OPINION ON SUBSIDIARITY

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### *Sifting and scrutiny*

Sifting and scrutiny will continue as at present, unless and until a subsidiarity concern is raised. This might happen in various ways:

- at the sift
- in the course of scrutiny
- by alert from a devolved body (see below), another national parliament or some other external quarter
- in advance, through examination of the Commission's Annual Policy Strategy, Annual Legislative and Work Programme etc

If such a concern were raised, then:

- the document could be fast-tracked through the sift, if necessary in advance of the EM
- the Government could be asked for a prompt EM or part-EM
- appropriate members and staff could be stood by to act in recess if necessary

The Legal Adviser will establish as each document arrives whether the procedures apply or not, and will indicate as it is presented for sifting.

### *Devolved assemblies*

The Treaty says, in the context of these procedures, "It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers" (Protocol on Subsidiarity Art. 6). This provision is permissive. If a potential subsidiarity issue is detected, some or all of the devolved assemblies may be alerted, at staff level, on a case-by-case basis.

### *Report*

A Sub-Committee which finds a breach of subsidiarity will present a draft report, incorporating a "reasoned opinion".

Such a report will be confined to the issue of subsidiarity. It will indicate whether or not the document is retained under scrutiny in respect of other issues. It will have a distinctive title and a succinct and formulaic opening, easily recognisable to the EU institutions, followed by explanatory text. It is likely to be shorter than usual, and based on less evidence—possibly just the Commission's and the Government's EMs. It will be neither "for debate" nor "for information".

Depending on the procedures adopted by the House, such reports might have to be agreed and published in haste. "The chairman of the committee is authorised in urgent cases to present the report of a sub-committee to the House on behalf of the committee" (*Companion to the Standing Orders* 10.51), and this procedure might have to be used.

*Scrutiny reserve*

The Committee will maintain the scrutiny reserve until a Government response is received. The Sub-Committee may in any case wish to maintain the reserve pending further scrutiny on other grounds.

*Public awareness*

The process of subsidiarity scrutiny will be made more visible, eg by adjustments to the web pages or the Progress of Scrutiny document.

*“Yellow / orange card”*

As soon as a breach of subsidiarity is suspected, the EU Liaison Officer will be informed. Informally he will notify other national parliaments, establish which might have similar concerns, and maintain communication as each chamber moves towards a concluded position. Discussions will be held with a view to drawing up guidelines between all national parliaments with regard to when to notify other parliaments through IPEX<sup>23</sup>. All subsidiarity reports will be translated into French, and the translations posted on the webpages.

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<sup>23</sup> IPEX is an online database of all Commission documents that allows national parliaments to upload and share information concerning their scrutiny of those documents.

## APPENDIX 9: DOSSIERS COVERED IN CORRESPONDENCE WITH MINISTERS FROM NOVEMBER 2008 TO OCTOBER 2009<sup>24</sup>

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*Select Committee (correspondence available at [www.parliament.uk/hleu](http://www.parliament.uk/hleu))*

CFSP Scrutiny

Energy: Security of Gas Supply

Enhanced Scrutiny of “Opt-in” Proposals

Lisbon Treaty: “Opt-out” from the EU Charter of Fundamental Rights

Lisbon Treaty: Preparation for Ratification

Staff Regulations Committee (14460/08)

*Sub-Committee A (correspondence available at [www.parliament.uk/hleua](http://www.parliament.uk/hleua))*

2009 EC Budget

Agency for Reconstruction: Annual Accounts for the Financial Year 2007 (15341/08)

Alternative Investment Fund Managers (9494/09, 9495/09)

Auditors Annual Report

Capital Requirements (13713/08)

Budget: Allocation of Financial Intermediation Services for the Establishment of the Gross National Income (GNI) (10343/09)

Capital Requirements (13713/08)

Collection of Statistical Information by the European Central Bank (2533/98, 14606/08)

Control of Exports of Dual-Use Items and Technology (5011/09, 1334/00)

Cooperation Agreement between the European Community and its Member States, and the Principality of Liechtenstein to Combat Fraud (17247/08)

Credit Ratings Agencies (15661/08)

Cross-Border Payments: Information on Additional Provisions (14308/08)

Customs: Use of Information Technology (CIS Convention) (17483/09)

Deposit Guarantee Schemes: Coverage and Payout Time for Depositors (14317/08)

ECOFIN December 2008: Solvency II, Capital Requirements Directive, UCITS, Deposit Guarantee Scheme Directive (11978/07, 12149/08, 13713/08)

Economic Partnership Agreements: East African Community Partner (EAC) States (13731/08)

Economic Partnership Agreements: Southern African Development Community (13314/08, 13386/08)

Economic Partnership Agreements: Revision of ACP-EU Partnership

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<sup>24</sup> Reference numbers refer to document Council numbers. Where no number is given, an unnumbered document was submitted.

Economic Recovery Plan (16097/08)

Economic Recovery Plan: Lisbon Strategy Structural Reforms—Annual Country Assessments (5981/09)

Electronic Money Directive (14201/08)

Electronic Money Institutions: Take-up, Pursuit and Prudential Supervision (14201/08)

European Financial Supervision (10511/09)

European Globalisation Adjustment Fund (5005/09, 8118/09)

European Regional Development Fund: Energy Efficiency and Renewable Investments in Housing (16543/08, 16548/08, 17022/08)

Excessive Deficit in the United Kingdom (11300/08, 11302/08)

Financial Crisis: European Framework for Action (14938/08)

Financial Management: Simplification of Certain Requirements (12425/09)

Financial Services: Financial Reporting and Auditing (5783/09)

Fraud: Measures to Change the VAT System to Fight Fraud (6859/08)

Fraud: Combating Fraud and Exchange of Information between the EC and Andorra, Monaco, San Marino and Switzerland

Holding and Movement of Alcohol, Tobacco and Energy Products in Duty Suspension (6615/08)

Insurance and Reinsurance: Solvency II (11978/07, 6996/08)

International Accounting Standard 39

Medium-Term Financial Assistance for Hungary (14949/08)

Medium-Term Financial Assistance for Latvia (5223/09)

Medium-Term Financial Assistance for Member States (15105/1/08)

Medium-Term Financial Assistance for Romania (8642/09, 8937/09)

Microfinance Facility for Employment and Social Inclusion (11778/09)

Multi-Annual Financial Framework (17606/1/08)

Origin Marking for Products Imported from Third-Countries (5091/06)

Packaged Retail Investment Products (9493/09)

Passenger Car Related Tax (11067/05)

Preliminary Draft Budget of the European Communities 2010

Recapitalisation of Financial Institutions: Limitations of Aid and Safeguards against Undue Distortion of Competition (16960/08)

Remuneration Policies: Supervisory Review (12093/09)

Reverse Charge Derogation (9020/09)

Stability and Growth Pact (7308/09)

State Aid Rules to Measures in Relation to Financial Institutions (14306/08)

State Aid Scoreboard (8812/09)

Taxation: Administrative Cooperation in the Field of Taxation (6035/09)

Taxation: Gas Oil Used as Motor Fuel (7512/07)

Taxation: Mutual Assistance for the Recovery of Claims Relating to Taxes, Duties and other Measures (6147/09)

Taxation: Promoting Good Governance in Tax Matters (9281/09)

Taxation: Savings Income (15733/08)

Territorial Cohesion (14059/08)

Trade in Services: Compensatory Adjustments under the General Agreement on Trade in Services (8121/07)

Trading of Goods between Member States (6366/08)

VAT: Collection and Control Procedures (15659/08)

VAT: Draft Directive Amending VAT Directive (14942/07)

VAT: Fraud (16774/08, 12886/09)

VAT: Grouping (11734/09)

VAT: Postal Services (11338/04)

VAT: Reduced Rates (11635/07, 11695/07, 11615/08)

VAT: Rules on Invoicing (5985/09)

VAT: Treatment of Insurance and Financial Services (16209/07)

*Sub-Committee B (correspondence available at [www.parliament.uk/hleub](http://www.parliament.uk/hleub))*

Anti-Trust Rules (8235/08)

Aviation: Air Services Agreement with the Republic of Lebanon

Aviation: Airport Charges (5887/07)

Aviation: Civil Aviation Research and Development in the Federal Aviation Administration of the United States of America

Aviation: European Aviation Safety Agency (11285/08)

Aviation: Performance and Sustainability, Aerodromes, Air Traffic Management and Air Navigation (11285/08, 11323/08)

Aviation: Security Charges (9864/09)

Aviation: Single European Sky (11325/08, 11323/08)

Aviation: Slot Allocation Regulation (7500/09)

Biocidal Products: Placing on the Market and Use (11063/09)

Business Clusters: Towards World-Class Clusters in the EU (14265/08)

Community Innovation Policy in a Changing World (12905/09)

Cross-Border Public Services: E-Signatures and E-Identification (16836/08)

Energy Performance of Buildings (15929/08)

Energy: Crude Oil and Petroleum Products Stocks (15910/09)

Energy: Emergency Oil Stocks (15910/08)

Energy: Energy Infrastructure Investment Projects (12235/09)

Energy: Financial Assistance to Projects (5972/09)

Energy: International Renewable Energy Agency (IRENA) (11593/09, 11598/09)  
Energy: Labelling of Energy Related Products (15906/1/08)  
Energy: Nuclear Safety (16537/08)  
Energy: Renewable Sources (5421/08)  
Energy: Safeguard Security of Gas Supply (11892/09)  
Energy: Second Strategic Energy Review (15944/08)  
Energy: Third Energy Package (13049/07, 13048/07, 13045/07, 13046/07, 13043/07, 13212/07, 13219/07)  
Environment: Eco-Measures (12108/08)  
eSafety Communication: eCall Project (12383/05, 15932/06)  
EURATOM: Community Framework for Nuclear Safety (16537/08)  
Galileo (11860/09)  
Hazardous Substances: Classification, Labelling and Packaging (11497/07)  
Information Society: Community Statistics (15186/08)  
Machinery for Pesticide Application (12876/08)  
Marketing of Construction Products (10037/08)  
Metrology (16896/08)  
Research: ERI (12259/08)  
Small Business Act (SBA) (11262/08)  
Telecoms: Electronic Communications (15371/07, 15416/07, 15422/07, 15379/07, 15387/07, 15408/07)  
Telecoms: Electronic Communications Networks and Services (29173/08, 29174/08, 29175/08)  
Telecoms: GSM Directive (16155/08)  
Telecoms: Radio-Frequency Identification (RFID)(7544/07)  
Transport: Charging of Heavy Goods Vehicles (11857/08)  
Transport: Efficiency Labelling of Tyres (15920/08)  
Transport: End of Life Vehicles (5413/07)  
Transport: European Rail Network for Competitive Freight (17324/08)  
Transport: Greening Transport (11851/08, 11842/08, 11841/08, 11857/08)  
Transport: Intelligent Transport Systems (17564/08)  
Transport: “Marco Polo II” (17294/08)  
Transport: Maritime (4056/86, 16106/05)  
Transport: Performance Standards (5089/08)  
Transport: Promotion of Clean and Energy Efficient Road Transport Vehicles (5113/08)  
Transport: Rail Network for Competitive Freight (17324/09)  
Transport: Regulations (10092/07, 10102/07, 10114/07)

Transport: Rights of Bus and Coach Passengers (16933/08)  
Transport: Rights of Sea and Waterway Passengers (11990/08)  
Transport: Road Infrastructure Safety Management (13874/06)  
Transport: Road Transport Fuels (6145/07)  
Transport: Safety of Motor Vehicles (10099/08)  
Transport: Towards an Integrated, Technology-Led and User Friendly System (11294/09)  
Transport: Trans-European Network (6135/09)  
Transport: Type-Approval of Motor Vehicles and Engines (5127/08)  
Transport: Vehicle Type Approval (15707/08)

*Sub-Committee C (correspondence available at [www.parliament.uk/hleuc](http://www.parliament.uk/hleuc))*

Afghanistan: Police Mission  
Afghanistan: EU Special Representative  
Africa: EU Africa Strategy Update (11326/07)  
Arctic Region and the EU  
Arms Trade Treaty  
Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah)  
Bosnia and Herzegovina: Mandate of the EUSR  
Burma: Renewing Current Restrictive Measures  
Children in EU External Action  
China-EU Near Zero Emissions Coal Plant Project (11448/09)  
Comprehensive Nuclear Test Ban Treaty Organisation  
Conflict Prevention and Peacekeeping  
Cotonou Agreement: Guinea (6543/09)  
Cotonou Agreement: Loans to Highly-Indebted ACP Countries (6810/09)  
Cotonou Agreement: Madagascar  
Cotonou Agreement: Mauritania (6963/09)  
Croatia: Croatian Participation in EULEX Kosovo  
Defence Industry (16682/07, 16488/07)  
Defence: Transfer of Defence-Related Products within the Community (16534/07)  
Democratic Republic of Congo: ESDP Policing Mission (EUPOL)  
Democratic Republic of Congo: Reform of the Security Sector  
Development Funds: Activities Funded by 6th, 7th, 8th and 9th European Development Funds  
Disaster Response Capacity (7563/08)  
Eastern Partnership (16940/08, 16941/08)

ECHO Operational Strategy (16277/08)  
ESDP Missions  
EU External Service: Implementation of Measures for 2008 (5289/09)  
EUFOR: Tchad-RCA: Albanian Participation in the Military Operation  
EUFOR: Tchad-RCA: Russian Participation in the Military Operation  
European Defence Agency  
European Defence Agency: Guidelines for Agency Work in 2009 (15442/08)  
European Security and Defence College (ESDC)  
Food Aid Convention (9461/08)  
Food: Rapid Response to Soaring Food Prices in Developing Countries (11983/08)  
Former Yugoslav Republic of Macedonia: Restrictive Measures against Extremists  
Georgia: EU Special Representative  
Georgia: Finance for the EU Monitoring Mission  
Georgia: Funding of the EU Independent Inquiry into the Conflict  
Georgia: Inquiry into the Conflict  
Guinea: Restrictive Measures  
Health Services in Sub-Saharan Africa (5886/09)  
Helicopter Developments  
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