

EUROPEAN AND EXTERNAL AFFAIRS COMMITTEE

Date: 27 May 2004
Time: 09:00
Venue: Committee Rooms 3 & 4, National Assembly Building, Cardiff Bay
Title: Proposals for Scrutiny of European Matters in the House of Commons

Purpose

1. This paper provides information about new proposals for scrutiny of EU Matters in the Houses of Parliament. In particular the Committee's views are sought on the possibility of Assembly representation on a new 'European Grand Committee'. The Committee is also invited to note the proposals for wider EU scrutiny by the Houses of Parliament, and the proposals for the 'Subsidiarity Early-Warning System.'

Action

2. Members are invited to:

- consider the paper and attached letter from the Chair of the House of Commons European Scrutiny Committee, in particular the proposal for a 'European Grand Committee'; and
- agree a response to the letter.

Background

3. The Chair of the European and External Affairs Committee has received a letter from the Chair of the House of Commons European Scrutiny Committee (ESC), Jimmy Hood MP (copy attached at Annex A).

4. Attached to the letter are the UK Government Memorandum setting out proposals for EU scrutiny in the House, including the establishment of a 'European Grand Committee' (attached at Annex B) and the European Scrutiny Committee's memorandum of response to the proposals (attached at Annex C).

5. Both memoranda have been submitted to the House of Commons Modernisation Committee,

which is carrying out an inquiry into scrutiny of European matters.

Summary of the UK Government proposals

6. The UK Government is keen to enhance the way in which Parliament engages with European matters and favours establishing a new Committee as a successor to the Standing Committees on the Convention and the IGC, with a remit to cover the whole of the EU's work. The name of the Committee is to be decided, but it may be called the 'European Grand Committee' or 'Joint European Grand Committee'.

Membership

7. It is proposed that the Committee would be open to both the House of Commons and House of Lords. One option is for a core membership, like the Standing Committee on the Convention. Alternatively its membership could consist of all Members of both Houses, along the lines of the Commons Grand Committees, with a modest quorum of perhaps three from each House. The UK Government has suggested that the Modernisation Committee consult with the Procedures Committees of both Houses to find a way to involve UK MEPs and European Commissioners and senior EU officials in its proceedings.

Remit and frequency of meetings

8. The intention is for UK Government Ministers involved in EU work to make statements, respond to questions and participate in debates. There would be no voting in the Committee.

9. The UK Government proposes that *"Roughly quarterly meetings might be appropriate: to discuss the Foreign Secretary's White Papers on Europe in January and July, and other matters as needs arose"*. Other subjects for debate would be proposed in a Government motion, but it would be open for others, eg the European Scrutiny Committee, to suggest topics.

ESC Response to the UK Government Memorandum

10. The ESC welcomes the proposals to 'mainstream' European issues, and strongly supports the creation of a Joint European Grand Committee. It also supports increasing the capacity of the current House of Commons European scrutiny system, and has stated a preference for combining several options suggested by the UK Government (Annex C - paras 25-32).

Assembly Representation on a European Grand Committee

11. The role of devolved administrations is not explicitly mentioned in the UK Government's proposal for membership of the Committee, but paragraph 14 of the ESC response states that -

"We propose too that the Scottish Parliament and the National Assembly for Wales (and the

Northern Ireland Assembly if reconvened) be invited to send representatives to the Grand Committee."

The Wider European Scrutiny System

12. The UK Government Memorandum states that the ESC itself works effectively, but recommends reform of the wider system of scrutiny, currently carried out by three European Standing Committees. It notes that Standing Committees are *'often badly attended and seen to be irrelevant'*. The UK Government favours reforming the Committee system and referring EU documents to the relevant departmental select committees, with extra resourcing and establishment of additional Sub-Committees to handle the extra workload.

13. The ESC rejects this option, preferring an expansion of the existing Standing Committee system:

- Increasing the number of Committees from 3 to 5, with each committee dedicated to a particular policy area(s)
- Closer links with the European Scrutiny Committee
- Greater 'corporate existence' with elected Chairs or Conveners and staff, and increased publicity
- Any decision taken to have some significance: uphold the principle that the Government should not be able to proceed exactly as it originally intended regardless of the Committee's decision

The Subsidiarity Early-Warning System

14. Whilst the future of the EU Treaty is uncertain, the UK Government recommends that the Modernisation Committee consults with the Procedure Committee on how the House might implement this proposal. It recognises the European Scrutiny Committee's proposals for alerting the House to a possible objection on grounds of subsidiarity, by: *'tabling a motion on the Remaining Orders providing for an objection to be made. The Government would decide, within a given timeframe, when to put the motion to the House; and it would then be decided on without debate and, if necessary, by deferred division.'*

15. The UK Government Memorandum goes on to state:

'The devolved assemblies might wish to submit their views. This seems to the Government to be a reasonable suggestion; though it would be premature to make any decision until the outcome of the negotiations on the Treaty is known.'

16. In its response, the ESC notes (para 44), that this Committee and the Scottish Parliament's European and External Relations Committee have welcomed its proposals to i) alert devolved assemblies of possible objections on grounds of subsidiarity, and ii) 'to indicate to the devolved assemblies that if they identify subsidiarity problems which we have missed, we will be willing to

rescind clearance (if necessary) and initiate the procedures for objecting on subsidiarity grounds.'

Timing

17. The Modernisation Committee is taking evidence until the end of May. It is believed that the Foreign Secretary favours a Joint European Grand Committee meeting as early as July, although Autumn may be more likely, depending on how quickly the Modernisation Committee can consider the evidence and pronounce.

18. Suggested Action

- That the Committee considers the proposals for a Joint European Grand Committee, in order that the Chair can put forward its views directly to the Modernisation Committee, as suggested by the Chair of the ESC.
- In addition to making its own views known on the proposals, this Committee may wish to inform the Assembly's Business Committee of the proposal for Assembly representation on a new European Grand Committee.

Contact point

Members' Research and Committee Services