



HOUSE OF LORDS

European Union Committee

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3rd Report of Session 2016–17

# Report on 2015–16

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### *The European Union Committee*

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

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

The six Sub-Committees are as follows:

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

### *Membership*

The Members of the European Union Select Committee are:

<a href="#"><u>Baroness Armstrong of Hill Top</u></a>	<a href="#"><u>Baroness Kennedy of The Shaws</u></a>	<a href="#"><u>Baroness Suttie</u></a>
<a href="#"><u>Lord Boswell of Aynho (Chairman)</u></a>	<a href="#"><u>The Earl of Kinnoull</u></a>	<a href="#"><u>Lord Teverson</u></a>
<a href="#"><u>Baroness Brown of Cambridge</u></a>	<a href="#"><u>Lord Liddle</u></a>	<a href="#"><u>Lord Trees</u></a>
<a href="#"><u>Baroness Browning</u></a>	<a href="#"><u>Lord McFall of Alcluith</u></a>	<a href="#"><u>Lord Whitty</u></a>
<a href="#"><u>Baroness Falkner of Margravine</u></a>	<a href="#"><u>Baroness Morris of Bolton</u></a>	<a href="#"><u>Baroness Wilcox</u></a>
<a href="#"><u>Lord Green of Hurstpierpoint</u></a>	<a href="#"><u>Baroness Prashar</u></a>	
<a href="#"><u>Lord Jay of Ewelme</u></a>	<a href="#"><u>Lord Selkirk of Douglas</u></a>	

### *Further information*

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

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

### *Committee staff*

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

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### *Twitter*

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

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## SUMMARY

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

Following the decision of UK citizens to vote to leave the EU at the 23 June 2016 referendum, the focus of the Committee's work will shift in the coming months, from scrutiny of EU documents to examination of the Government's objectives in achieving the UK's withdrawal from the EU and in building a new and lasting relationship.

Nevertheless, the Committee undertook important work during the 2015–16 session. This included:

- Detailed scrutiny of the process leading up to the 23 June 2016 referendum on UK membership of the EU; the terms of the renegotiation of the UK's relationship with the EU; and the process of withdrawing from the EU in the event of a vote to leave.
- Scrutiny of over 200 EU documents and legislative proposals and other significant documents such as the Commission Work Programme, the Interinstitutional Agreement on Better Law-Making and the Draft EU Budget.
- Hearing oral evidence from 311 witnesses and receiving 209 written submissions.
- Publication of 15 reports on some of the most important issues affecting the UK and the EU.
- Taking forward discussions on enhancing the role of national parliaments in the EU, in particular by piloting the first ever 'Green Card'.
- Participating in 18 interparliamentary conferences, as well as engaging with Government Ministers, Ambassadors, Commissioners and senior representatives of the EU institutions, other national parliaments, the devolved institutions, and UK MPs and MEPs.



# Report on 2015–16

## CHAPTER 1: INTRODUCTION

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1. This report describes the work undertaken by the European Union (EU) Committee and its Sub-Committees over the 2015–16 Session. The EU has been at the centre of political discourse during this period, culminating in the 23 June 2016 referendum on whether the UK should remain in or leave the EU. While the Committee expressly ruled out advocating a vote either to remain or to leave, it sought to inform the debate, in particular through the publication of three significant reports: on the process leading up to the referendum; on the outcome of the renegotiations on the terms of the UK's membership of the EU; and on the process of withdrawing from the EU in the event of a vote to leave. The latter report has now become particularly relevant.
2. The Committee also continued to perform its core work of scrutiny and inquiry. The six EU Sub-Committees completed detailed inquiries into a range of politically important and topical issues. This report reflects on these inquiries, and also explores how we have communicated our work.
3. We have published this Annual Report in large part to underline our continuing accountability to the House, and, through the House, to the public. The EU Committee, which dates back to 1974, is, with its Sub-Committees, the largest Committee in either House, involving 73 Members and 24 staff. We have published an Annual Report each session since 2003 and now, more than ever, it is vital that we should be transparent about the use we make of those valuable resources.
4. It is clear that the result of the referendum will fundamentally change the UK's relationship with the EU; the focus of the Committee's work will also change. We are publishing a separate short report setting out our views on how the House should scrutinise the forthcoming negotiations between the UK and the EU, and in the final chapter of this report we outline how we intend in coming months to examine the issues that will arise in those negotiations.
5. In the longer term, there will need to be a debate on whether and how the House of Lords should scrutinise the ongoing relationship between the UK and the EU. We shall contribute to that debate to the best of our ability.

### **The European Union Committee**

6. The Committee's terms of reference, along with the underpinning Scrutiny Reserve Resolution, can be found at Appendix 3. The Committee seeks to inform the House of Lords, to hold the Government to account, to influence the European institutions, and to engage with stakeholders. As well as through its reports, the Committee does this via direct communication, much of it online (at <http://www.parliament.uk/hleu>), including by means of a Twitter account (@LordsEUCom) and a regular newsletter. The Committee also strives to ensure effective media coverage of its work. This is discussed in greater detail in Chapter 4.

7. Finally, the House of Lords is represented in Brussels by a National Parliament Representative, who forms part of the UK's National Parliament Office, based in the European Parliament in Brussels. The National Parliament Representative's job is twofold: informing this Committee of the activities of the European and other national parliaments; and informing our European colleagues of the work being undertaken by the Committee and the House. This includes distributing our substantive reports and liaising with other national parliaments' officials about subsidiarity issues.
8. **We make this report to the House for information.**

## CHAPTER 2: SCRUTINY

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

### The process

10. This Committee and the European Scrutiny Committee in the House of Commons have agreed with the Government the types of documents that need to be deposited by the Government in Parliament for consideration, such as Communications and legislative proposals made by the European Commission.
11. During the 2015–16 Session, the Chairman sifted 746 Explanatory Memoranda (EMs) relating to deposited documents, of which 213 were referred to the Select Committee or a Sub-Committee for examination. The figures for the previous session were 567 and 144 respectively. The distribution among Sub-Committees is shown in Table 1 below.

**Table 1: Explanatory Memoranda considered by Sub-Committee**

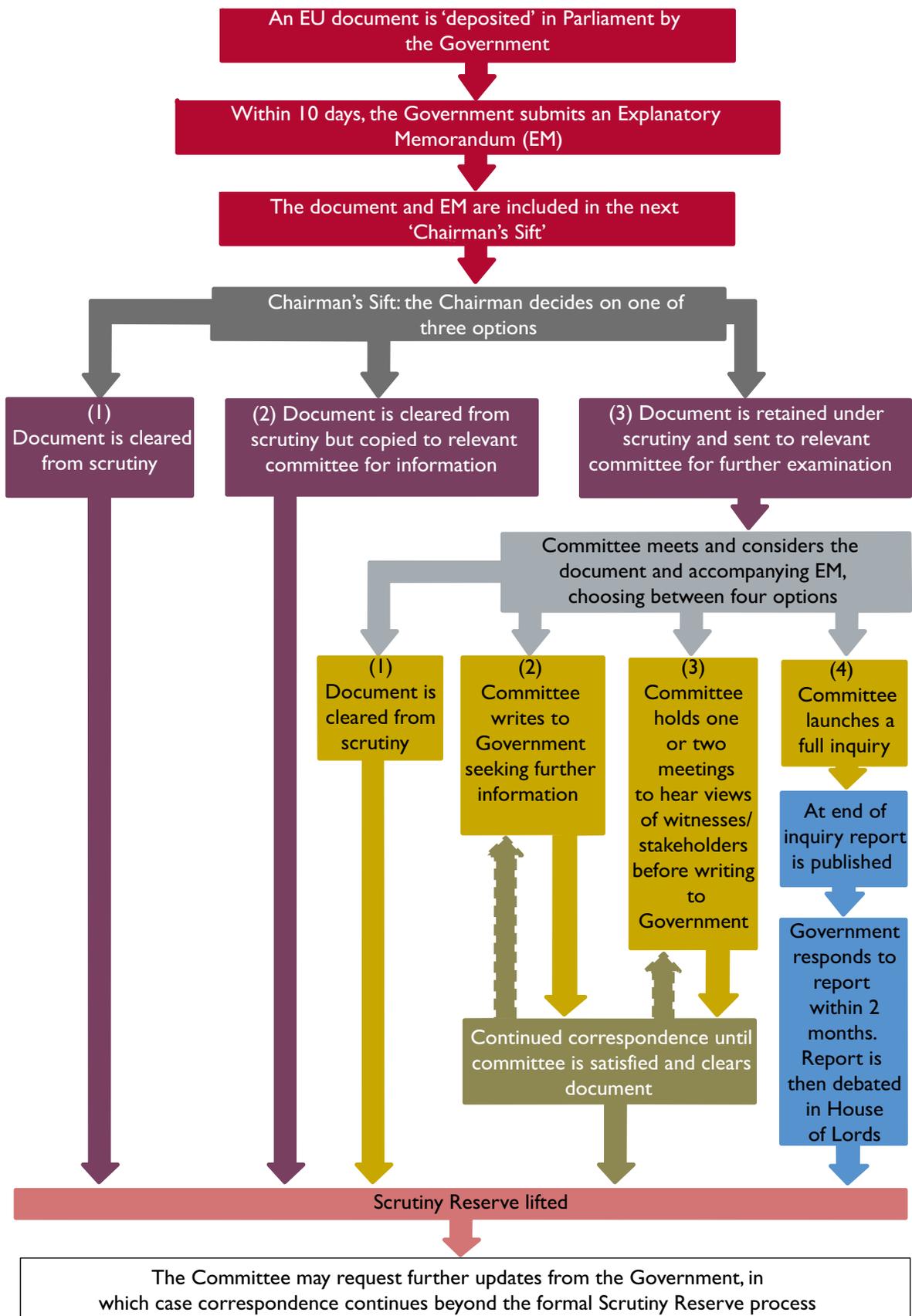
Committee	Number of EMs considered
Select Committee	13
Energy and Environment	32
External Affairs	23
Financial Affairs	54
Home Affairs	32
Internal Market	32
Justice	27

12. The scrutiny of documents that have been sifted for examination is a substantial undertaking and has formed a large part of the work of the Sub-Committees. Typically, examination includes an exchange of correspondence with the relevant Minister,<sup>1</sup> but it can also result in a one-off evidence session or a seminar with stakeholders to discuss important issues raised by the document. Where appropriate, the Committee may produce a short report on its findings. A flow-chart, illustrating in simplified form the scrutiny process as a whole, is given opposite.

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<sup>1</sup> All references to Government Ministers in this report reflect their roles at the time. There has been significant change in ministerial personnel and portfolios following the July 2016 Government reshuffle.

**Figure 1: The scrutiny process flow-chart**



*Scrutiny overrides*

13. Scrutiny overrides occur when Ministers give agreement to a proposal without waiting for the House of Lords European Union Committee or the House of Commons European Scrutiny Committee to complete their scrutiny work. In certain circumstances they can be difficult or impossible to avoid, for example in fast moving international situations, but overrides are inherently undesirable, and can represent a failure either of the proper conduct of EU scrutiny by Parliament, or of the Government to respect its commitments to Parliament. Table 2 shows the number of scrutiny overrides, broken down by Department, from January 2011 to December 2015.

**Table 2: Scrutiny overrides by Department<sup>2</sup>**

Period	Total	Departments responsible
Jan–June 2011	33	FCO (30); DEFRA (2); HMT (1)
July–Dec 2011	41	FCO (36); HMT (4); DFT (1)
Jan–June 2012	46	FCO (33); HMT (5); DEFRA (3); BIS (2); HO (2); MOD(1)
July–Dec 2012	19	FCO (15); HMT (3); BIS (1)
Jan–June 2013	25	FCO (23); BIS (1); HMT (1)
July–Dec 2013	18	FCO (15); BIS (2); DEFRA (1)
Jan–June 2014	23	FCO (19); BIS (4)
July–Dec 2014	45	FCO (34); BIS (5); CO (3); HMT (1); HO (1); MOJ (1)
Jan–June 2015	54	FCO (46); MOJ (3); BIS (2); HMT (1); DCMS (1); HO (1)
July–Dec 2015	50	FCO (42); HMT (7); DCMS (1)

14. It can be seen that the number of overrides during 2015 was higher than in previous years. Many of the overrides for 2015 can be attributed either to fast moving foreign policy and Common Foreign and Security Policy (CFSP) matters, or to unavoidable circumstances following the dissolution of Parliament ahead of the 2015 General Election, during which time the EU Committee was unable to scrutinise EU documents.
15. Nevertheless, there remained some instances of avoidable overrides. In January 2012 the Commission published proposals on the Data Protection Package (the General Data Protection Regulation and the Data Protection Directive) to update the legal framework on data protection, which has been in place since 1995. In the previous session, this had been the subject of a report by the Home Affairs Sub-Committee.<sup>3</sup> It was disappointing therefore that in June 2015 the Government overrode the scrutiny reserve in respect of the Regulation by agreeing to a General Approach. The ministerial portfolio was transferred from the Ministry of Justice to DCMS in September 2015.

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

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

The Government then overrode the scrutiny reserve again in relation to the Directive by agreeing another General Approach in September, although in this case DCMS officials notified Committee staff in advance.

16. The refugee crisis generated a high volume of documents for scrutiny from the Home Office. Explanatory Memoranda and correspondence from the Home Office were routinely late and sometimes of poor quality. The Committee was particularly disappointed by the Government's handling of the scrutiny of the EU-Turkey Readmission Agreement, which is intended to underpin the EU-Turkey Deal mentioned below. The Government's Explanatory Memorandum was due on 25 February 2016, but was not received until 14 March. In addition, the Commission had imposed an expedited timeframe meaning that the Committee only had one opportunity to examine this very important proposal before it was adopted.
17. The Committee met Mark Sedwill, the Permanent Secretary at the Home Office, on 10 May to discuss his Department's poor performance in handling scrutiny correspondence. Mr Sedwill assured the Committee that he would undertake a review of his Department's procedures and work towards improving the timeliness and quality of scrutiny management. The Committee will continue to monitor the handling of scrutiny in the new session.
18. We also engaged with the Minister for Europe, Rt Hon David Lidington MP, on the overall pattern of overrides. In a 21 April 2016 letter to the Chairman, the Minister expressed the Government's commitment "to continue to drive down errors and continually strengthen scrutiny understanding across Government." He stated that the vast majority of overrides continue to arise from the fast-moving action required to adopt restrictive measures, with some 40 (74%) of the overall total in this category, including 12 relating to Iran. Also during this period there were five measures on which HM Treasury Ministers led, that required swift agreement to address migratory pressures in the Mediterranean area. The Minister wrote that he had stressed to the EU High Representative the importance of texts emerging as early as possible and the need for documents to be made public to facilitate the Government's scrutiny arrangements.
19. **Many of the overrides that occurred during 2015 were unavoidable, for instance in the context of restrictive measures or responses to the refugee crisis. Nevertheless, there were cases where scrutiny overrides could have been avoided, and where the Committee's scrutiny was hampered by the receipt of late EMs and correspondence.**
20. **The Government's scrutiny obligations to Parliament remain in full force, and are likely to do so until withdrawal from the European Union takes effect. We therefore recommend that the FCO and Cabinet Office continue to monitor the processes in place across Government Departments so as to minimise the number of overrides.**

#### *Delegated and implementing legislation*

21. As we have noted in previous annual reports, the Lisbon Treaty introduced significant changes to the legal framework for the Commission's adoption of subordinate legislation. Formerly adopted under comitology procedures,

such legislation is now referred to as delegated and implementing legislation;<sup>4</sup> it often deals with highly technical matters and poses unique challenges for our scrutiny procedures.

22. Under the Treaty the Commission can be given the power to adopt “delegated acts”, which are “non-legislative acts of general application” designed to “supplement or amend certain non-essential elements” of parent legislation.<sup>5</sup> The parent legislation must explicitly set out the “objectives, content, scope, and duration” of the power conferred on the Commission to adopt such subordinate legislation. The Commission can also adopt “implementing legislation” where “uniform conditions for implementing legally binding Union acts are needed”. Implementing legislation is subjected to scrutiny by committees of Member State representatives chaired by the Commission. There is some overlap between delegated and implementing legislation, but the power to adopt delegated legislation is more likely to be conferred in more politically sensitive areas.
23. Under our terms of reference delegated legislation is, on the face of it, depositable in every case, while implementing legislation tends not to be. Government departments have undertaken to consult Committee officials with a view to dispensing with the deposit of individual delegated legislation which is agreed to be neither politically nor legally sensitive. Departments have also been asked to alert Committees to proposed implementing legislation deemed politically or legally sensitive with a view to timely deposit.
24. Given the ever-increasing levels of subordinate legislation being adopted, we have repeatedly called on Government departments to honour their undertakings to consult Committee officials. In previous years, departments have consulted us on around two-thirds of the items of delegated legislation. Broadly speaking this pattern has been repeated this session, but towards the end of the session it appears that the level of consultation by some Government departments began to fall.
25. **We recognise the challenges that secondary legislation poses for all engaged in Parliamentary scrutiny. We urge the Government to ensure that officials continue to consult Committee staff on deposit of delegated legislation for as long as the UK remains a member of the EU and therefore bound by EU law.**

### **Significant items of scrutiny**

26. This section of the report highlights some of the most significant items scrutinised during the 2015–16 session.

#### *Energy and environment*

##### *Circular economy package*

27. On 10 February 2016 the Energy and Environment Sub-Committee began scrutinising the UK Government’s position on the recently published circular economy package. This package sets out measures aimed at helping the EU as a whole to move towards a more circular economy based on improved management of products, materials and resources and also minimising waste.

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4 Articles 290 and 291 [The Treaty on the Functioning of the European Union](#)

5 Article 290 [The Treaty on the Functioning of the European Union](#)

28. Despite the Commission’s assurances that the new Package would be more ambitious than the original 2014 Proposal, it has been widely criticised by environmental groups and MEPs in the European Parliament’s ENVI (Environment) Committee, among others, for reducing the recycling targets compared to the original Proposal. The Committee has corresponded with DEFRA and BIS Ministers on some of these concerns.

*Water framework directive*

29. On 9 September 2015 the Energy and Environment Sub-Committee heard oral evidence from Defra and the Environment Agency, on the UK Government’s ongoing implementation of the Water Framework Directive (WFD). The WFD pursues an integrated approach to the management of water resources, and the Commission, in a Communication of June 2015, had criticised the efforts of Member States, including the UK, to meet its requirements. Against this background, the Committee questioned the Government on the development of its water management plans.

*Financial and economic affairs*

*Capital Markets Union*

30. The European Commission published a small number of legislative proposals in 2015 under the Capital Markets Union initiative. The Financial Affairs Sub-Committee (which published a report entitled *Capital Markets Union: a welcome start* in March 2015<sup>6</sup>) scrutinised the Securitisations Regulation and the Prospectus Regulation. The Committee focused on the overall impact of the legislation for small and medium-sized companies, institutional investors and national competent authorities.

*Taxation*

31. The European Commission launched a number of tax initiatives during 2015–16, which were scrutinised by the Financial Affairs Sub-Committee. These included changes to the Directive on Administrative Cooperation to improve the exchange of information between EU tax authorities, a Directive on combating tax avoidance (which partly relaunched the ‘international’ aspects of the withdrawn Common Consolidated Corporate Tax Base proposal) and a Directive requiring large multinational companies to publish details of their activities on a country-by-country basis. Many of these proposals built on work already undertaken internationally by the OECD/G20 Base Erosion and Profit Shifting (BEPS) project. The Sub-Committee’s scrutiny focused on the areas where the Commission sought to diverge from the principles agreed in the BEPS process.

*Greece*

32. The Greek financial crisis dominated headlines during the spring and summer of 2015. The Financial Affairs Sub-Committee held a seminar with experts in July 2015 to discuss issues relating to the crisis and the deal proposed by the ‘Troika’, made up of the European Central Bank, the International Monetary Fund, and the European Commission. It also scrutinised the various budgetary measures agreed by the EU to assist Greece. Chief among these was the decision to use the European Financial Stability Mechanism

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

(EFSM) to provide short-term bridging finance. This was controversial because the EFSM is underwritten by the EU budget and, technically, the UK and other non-eurozone Member States could have been liable for any default. In the event, a compromise was reached preventing any liability for non-eurozone states and the EFSM Regulation was amended to protect non-eurozone countries in the future.

### *Internal market*

#### *Digital Single Market Strategy*

33. In May 2015 the European Commission adopted its Digital Single Market Strategy,<sup>7</sup> which set out sixteen initiatives (under three different pillars) to create an internal market for the online sale of goods and services throughout Europe.
34. The Internal Market Sub-Committee discussed the strategy with Commission officials, business representatives and campaigners. It subsequently sought clarification of the Government's position regarding harmonisation of cross-border contract rules for consumers and businesses, contractual rights for the cross-border and domestic online sales of tangible goods, and 'geo-blocking'.<sup>8</sup>
35. Following an exchange of correspondence with the Minister, the Sub-Committee agreed to launch an inquiry into online platforms and their role in the Digital Single Market.

#### *Single Market Strategy*

36. In October 2015 the European Commission adopted its Single Market Strategy, which set out 22 initiatives to update the Single Market and ensure that it benefits from technological advancements across all sectors in all Member States.
37. The Internal Market Sub-Committee supported the Commission's pro-innovation strategy and its encouragement of the collaborative economy. The Sub-Committee also welcomed the Commission's emphasis on better enforcement of existing regulations, notably the Services Directive. The Sub-Committee asked the Minister for information regarding the Commission's innovative proposals to address this—notably the 'services passport', whereby Member States would create a common electronic repository of existing restrictions to the freedom to provide cross-border services.

#### *Radio-spectrum*

38. The Internal Market Sub-Committee also scrutinised proposals to further harmonise the applications for particular bands of radio-spectrum. In May 2015 the Commission published a proposal that the Member States (through the Council of Ministers) should adopt agreed negotiating positions in advance of the International Telecommunication Union (ITU) World Radiocommunication Conference in November 2015.

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7 European Commission, 'Digital Single Market': [http://ec.europa.eu/priorities/digital-single-market\\_en](http://ec.europa.eu/priorities/digital-single-market_en) [accessed 20 July 2016]

8 Letter from the Chairman of the European Union Committee to Rt Hon Ed Vaizey MP, Minister of State for Culture and the Digital Economy (10 July 2015)

39. Previously, the extent of coordination at Union level was very limited, and the Government made clear that it did not support the adoption of a common negotiating position. The Sub-Committee pressed the Government to explain its view that there was “not any rationale” for changing the EU’s approach to ITU negotiations.

*European Accessibility Act*

40. In December 2015 the European Commission proposed a European Accessibility Act, which sets out common accessibility requirements for certain products and services in order to help people with disabilities. The Internal Market Sub-Committee noted that every EU Member State, including the UK, had signed the UN Convention on the Rights of Persons with Disabilities, and concluded that this proposal would ensure that the Member States would meet those commitments in an efficient and timely way. The Sub-Committee encouraged the Government to frame its views of the proposal not just in terms of the costs to businesses but also in terms of the benefits for disabled persons.

*Steel*

41. In March 2016 the European Commission published a Communication setting out its response to the steel crisis in four main policy areas: trade, investment, energy and the environment. On 28 April the Sub-Committee wrote to Anna Soubry MP, Minister of State for Small Business, Industry and Enterprise, to request more information about the Government’s view on the Commission’s proposals to modernise trade defence instruments and the effectiveness of bilateral and multilateral negotiations with China to address its over-production of steel. The Sub-Committee also asked the Government about options to provide financial support to the UK steel industry.

*Home affairs*

*European Agenda on Migration*

42. The European Commission adopted a wide-ranging European Agenda on Migration on 13 May 2015. The Agenda set out a list of actions to be taken immediately to deal with the migration and refugee crisis. This included saving lives at sea by increasing search and rescue efforts, targeting criminal smuggling networks, and deploying resources to help frontline Member States. The Agenda also addressed longer-term policies, for example on legal migration.
43. The Agenda set the framework of much of the scrutiny work that the Home Affairs Sub-Committee undertook over the session, and in July 2015 the Committee held a one-off evidence session with the Minister of State for Immigration, James Brokenshire MP. This proved to be a fast-moving field of inquiry, however, as the EU’s political response and the nature of the crisis itself changed rapidly, all of which presented challenges for Committee scrutiny.

*Frontex*

44. Towards the end of the session the Committee considered the reform of Frontex, the EU’s external borders agency.<sup>9</sup> Under the Commission’s plan, Frontex’s mandate would be extended so that it would have a greater role

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<sup>9</sup> The UK does not participate in Frontex, and will not do so when its mandate is extended.

in the return of irregular migrants; it would be able to operate outside of the EU; and, in extreme circumstances, it would have the right to intervene within Member States. To reflect these changes Frontex would be renamed the European Border and Coast Guard Agency.

#### *The EU-Turkey deal*

45. The Commission and the Council also sought to address the refugee crisis by making an agreement with Turkey to prevent further irregular migration from Turkey to Greece (the ‘EU-Turkey Deal’). This had become the largest route for irregular migration in 2015, with the majority of migrants coming from Syria. Under the EU-Turkey Deal all irregular migrants from Turkey to the Greek islands would be returned to Turkey. For every Syrian returned, a Syrian asylum seeker would be resettled from Turkey to a Member State. There were also a number of flanking measures to entice Turkey to participate in the deal. Notably, these included a plan to liberalise visa requirements for Turkish citizens to enter the Schengen area. The scrutiny of this deal has continued in the new session.

#### *Justice, law and institutions*

46. The Justice Sub-Committee began scrutiny of a number of significant new proposals for EU legislation, including draft Decisions providing for the EU’s accession to the Council of Europe Convention on violence against women (the Istanbul Convention),<sup>10</sup> and the Council of Europe Convention on the manipulation of sports competitions.<sup>11</sup>
47. As part of its ambitious Digital Single Market policy, the Commission also brought forward a number of proposals in 2016 in the field of consumer rights. These include two proposed Directives harmonising the consumer protection rules applying to the sale of digital content<sup>12</sup> and the online sale of tangible goods,<sup>13</sup> and a proposed Regulation on ensuring the cross-border portability of online content.<sup>14</sup> The Sub-Committee took evidence from Professor Hugh Beale and *Which?* Magazine on the first two proposals on 10 May 2015.<sup>15</sup> It took evidence on the third from Channel Four, ITV and the Premier League on 14 June 2015.
48. The Justice Sub-Committee has continued to scrutinise a number of long-standing proposals, including the controversial proposal creating the European Public Prosecutor’s Office;<sup>16</sup> and the access to a lawyer Directive,

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10 Proposal for a Council Decision on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence, [COM\(2016\) 111 final](#)

11 Proposal for a Council Decision on the signing, on behalf of the European Union, of the Council of Europe Convention on the manipulation of sports competitions with regard to matters not related to substantive criminal law and judicial cooperation in criminal matters, [COM\(2015\) 84 final](#)

12 Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content, [COM\(2015\) 634 final](#)

13 Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods, [COM\(2015\) 635 final](#)

14 Proposal for a Regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market, [COM\(2015\) 627 final](#)

15 EU Justice Sub-Committee, ‘Experts advise on portability of on-line contents services proposal’ 9 June 2016: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-justice-subcommittee/news-parliament-2015/portability-of-online-content-services/> [accessed 20 July 2016]

16 Proposed Council Regulation on the establishment of the European Public Prosecutor’s Office, [COM\(2013\) 534 final](#). The UK Government decided not to opt in.

which the Committee cleared from scrutiny in March 2016.<sup>17</sup> In relation to the latter, the Sub-Committee held an evidence session in January 2016 with the Parliamentary Under-Secretary of State at the Ministry of Justice, Dominic Raab MP, to examine the Government’s decision not to opt into the agreed Directive.<sup>18</sup> The Sub-Committee has also challenged the Government’s continued opposition to the European Parliament’s suggestion that the scope of the proposed Directive to protect the EU’s financial interests via the criminal law be extended to cover VAT fraud.<sup>19</sup>

49. The Justice Sub-Committee continued to scrutinise Council Decisions to amend the lists of designated individuals and companies, particularly as a consequence of adverse judgments of the Court of Justice of the EU, under EU sanctions regimes operating in Iran, Syria, the Ukraine, Belarus, and the Central African Republic.

### *External affairs*

#### *Libya*

50. In July 2015 the External Affairs Sub-Committee held an evidence session with the former British Ambassador to Libya and a senior academic to inform its scrutiny of Council Decisions to extend the EU Integrated Border Assistance Management Mission in Libya (EUBAM Libya) and launch the European Union military operation in the Southern Central Mediterranean (Operation Sophia). The Sub-Committee expressed concern that EUBAM Libya had struggled to deliver even when a national government existed, and argued that the mandate needed to be revised. On Operation Sophia, the Sub-Committee questioned the Government on the potential tension between the EU’s focus on migration and its support for a new Libyan government. The Sub-Committee subsequently followed up with an inquiry on Operation Sophia, and continues to monitor plans for EUBAM Libya.

### *Cross-cutting issues*

#### *A new settlement for the United Kingdom within the European Union*

51. In parallel with its inquiry into *The EU referendum and EU reform*, the EU Select Committee scrutinised the draft proposals for ‘A new settlement for the United Kingdom within the European Union’, which was brought forward by the President of the European Council, Donald Tusk, ahead of the February 2016 European Council. The Committee also scrutinised the final agreement which emerged at the European Council, and sent a letter to the Minister for Europe, accompanying its final report on *The EU referendum and EU reform*, setting out a number of detailed questions on the terms of the agreement. The Minister was unable to provide much clarity beyond the terms of the February agreement. Following the decision by UK voters to

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17 Directive of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty [Directive 2013/48/EU](#); in October 2015 the Government confirmed its decision not to opt in.

18 EU Justice Sub-Committee, ‘Minister to justify non-participation in access to lawyer Directive’ 19 January 19 January 2016: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-justice-subcommittee/news-parliament-2015/minister-for-human-rights-gives-evidence-to-sub-committee/> [accessed 20 July 2016]

19 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the protection of the financial interests of the European Union by criminal law and by administrative investigations an integrated policy to safeguard taxpayers’ money, [COM\(2011\) 293 final](#)

vote to leave the EU at the 23 June referendum, the ‘New settlement’ has automatically fallen.

*Commission Work Programme 2016*

52. In October 2015 (earlier than in previous years) the new Commission published its Work Programme for 2016, entitled ‘No time for business as usual’.<sup>20</sup> Each of the Sub-Committees scrutinised the proposals falling within their remits, and the views of colleagues in the devolved legislatures in Scotland, Wales and Northern Ireland were also sought. The EU Select Committee then wrote to the Commission in December 2015. The Committee welcomed the overall approach adopted in the Work Programme, and in particular the continued commitment to introducing fewer new proposals, to withdrawing some existing dossiers or subjecting them to the REFIT programme. The Committee noted with approval the Commission’s statement that “we have given priority to the legislative changes which—if agreed quickly—can have a direct impact on jobs and growth, on our environment and social well-being, on our security and the way we engage with an interconnected world.”

*Interinstitutional agreement on Better Law-making*

53. The EU Select Committee also scrutinised the draft Interinstitutional Agreement on Better Law-making. The Committee welcomed many of the proposals set out in the document, but argued that more attention could have been given to the role of national parliaments within the EU.

*Draft EU budget 2016*

54. The Financial Affairs Sub-Committee took evidence on the draft EU Budget 2016 from the Financial Secretary to the Treasury, David Gauke MP, on 8 July 2015. The Sub-Committee was pleased to note that the Commission had adopted a plan to overcome the problems encountered in 2014, when a backlog of payments under the previous Multiannual Financial Framework (MFF) had put the budget under considerable strain. During 2015, the financial crisis in Greece and the refugee crisis required changes to the budgets for 2015 and 2016, making use of flexibility included in the 2014–20 MFF. Budgetary margins were also used to provide funding for the European Fund for Strategic Investments. While the Sub-Committee supported the use of funds for those purposes, it was concerned that budgets would have to be reduced later in the MFF cycle to offset earlier spending.

**Conclusion**

55. **The Committee engaged in detailed scrutiny of a number of important proposals during the course of the 2015–16 session. Early publication of the Commission Work Programme was helpful in allowing the Committee more time to analyse the various proposals contained in it. While the focus of the Committee’s work will shift in the aftermath of the referendum result (with a stronger focus on EU documents with significant consequences either for the negotiation process or for UK-EU relations post-withdrawal), we expect to continue to fulfil our scrutiny obligations until the UK’s withdrawal from the EU takes effect.**

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

## CHAPTER 3: INQUIRIES

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### Inquiries in 2015–16

#### *The referendum on UK membership of the EU*

56. The EU Committee closely scrutinised the process leading up to the referendum. In that vein, it published three reports at key stages in the process—at the outset of the EU renegotiation process, following the February 2016 European Council agreement on ‘A New Settlement for the United Kingdom within the European Union’, and as the referendum campaign commenced.

#### *The referendum on UK membership of the EU: assessing the reform process*

57. On 28 July 2015 the Committee published its report on *The referendum on UK membership of the EU: assessing the reform process*.<sup>21</sup> The report, taking account of evidence heard from the Minister for Europe, Rt Hon David Lidington MP, examined the process set in train by the Government’s announcement of its intention to hold a referendum on UK membership of the EU by the end of 2017.
58. The Committee expressed concern at the uncertainty over the roles of key UK negotiators in the referendum process, but welcomed the Prime Minister’s efforts to engage with other Member States, and pressed the Government to maintain these efforts. The Committee stressed that Parliament, and the general public, should be kept informed during the negotiation process. The Committee also urged the Government to keep the devolved institutions informed.

#### *The EU referendum and EU reform*

59. On 30 March 2016 the EU Select Committee published its report on *The EU referendum and EU reform*.<sup>22</sup>
60. The Committee’s report explored the relationship between the negotiation process that led to the publication on 19 February 2016 of ‘A new settlement for the United Kingdom within the European Union’ and the fundamental, once-in-a-generation decision that awaited the electorate on 23 June. The report traced the origins of the Government’s negotiating objectives, and considered the degree to which they reflected a consensus within and across the UK on the advantages and drawbacks of EU membership.
61. The report also analysed the ‘New settlement’ itself, assessing its legal, political and symbolic significance.
62. The Committee did not express a view on whether the UK should remain in or leave the EU, but stressed that the Government, in advocating a vote to remain, should make a broad-based case for EU membership, drawing on support from across the political spectrum. The Committee invited the Government to articulate an inclusive and positive vision of the UK’s role in a reformed and more flexible EU, arguing that too much was at stake for the Government to settle for anything less.

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21 European Union Committee, *The referendum on UK membership of the EU: assessing the reform process* (3rd Report, Session 2015–16, HL Paper 30)

22 European Union Committee, *The EU referendum and EU reform* (9th Report, Session 2015–16, HL Paper 122)

*The process of withdrawing from the European Union*

63. On 4 May 2016 the Committee published a short report on *The process of withdrawing from the European Union*.<sup>23</sup> The report took account of evidence heard from legal experts Professor Derrick Wyatt, Emeritus Professor of Law, Oxford University, Brick Court Chambers, and Sir David Edward, former Judge of the Court of Justice of the European Union (CJEU) and Professor Emeritus at the School of Law, University of Edinburgh.
64. The Committee concluded that Article 50 of the Treaty on European Union provided the only method of withdrawal consistent with EU and international law. It found that Member States would be the key players throughout the negotiations, while the European Parliament's power to veto the final withdrawal agreement and any agreement on the UK's future relationship would give it significant influence.
65. The report concluded that withdrawal negotiations would be lengthy, covering not only how the UK leaves the EU, but also the UK's new relationship with the European Union. While no exact precedent existed, the Committee noted that comparable trade deals between the EU and non-EU states had taken between four and nine years.
66. The report is of course particularly relevant following the outcome of the referendum in June. Now that the prospect of withdrawal has become a reality, the Committee will concentrate its resources on examining the key issues that will arise in negotiating a new relationship with the EU.

*Other inquiries*

67. Notwithstanding the intense political focus on the UK's membership of the EU, the six Sub-Committees were able to conduct a number of inquiries into important, topical issues within their remits.

*The United Kingdom's opt-in to the proposed Council Decision on the relocation of migrants within the EU*

68. In July 2015 the Home Affairs Sub-Committee published a short report recommending that the UK should participate, on a voluntary basis, in the relocation of asylum seekers from Greece and Italy to other Member States, provided that such a scheme allocated the numbers of such people according to a voluntary quota.<sup>24</sup> To date, the Government has declined to participate in any relocation scheme proposed by the Commission.

*The EU Action Plan against migrant smuggling*

69. The Home Affairs Sub-Committee's report on *The EU Action Plan against migrant smuggling* was published on 3 November 2015.<sup>25</sup> It concluded that a majority of those currently entering the EU as irregular migrants were 'prima facie refugees', as defined by the UN High Commissioner for Refugees. It was, therefore, important that as much focus was placed on the humanitarian aspects of the crisis as on law enforcement.

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23 European Union Committee, *The process of withdrawing from the European Union* (11th Report, Session 2015–16, HL Paper 138)

24 European Union Committee, *The United Kingdom opt-in to the proposed Council Decision on the relocation of migrants within the EU* (2nd Report, Session 2015–16, HL Paper 22)

25 European Union Committee, *EU Action Plan against migrant smuggling* (4th Report, Session 2015–16, HL Paper 46)

70. The Committee therefore called for the Commission to propose an EU framework that built on the humanitarian aspects of the UN Protocol concerning migrant smuggling. It argued that only acts committed for financial gain should be criminalised. Clauses should be added to avoid the criminalisation of individuals and organisations acting for humanitarian purposes. Inhuman and degrading treatment should be included as aggravating factors in the sentencing of smugglers.
71. The report concluded that in developing its strategy, the Commission needed to ensure that, in practice, the protection of vulnerable migrants was given equal priority to law enforcement. One effective way of addressing the root causes of irregular migration, and of reducing the need for large numbers of refugees to turn to smugglers, would be to create safe and legal routes for refugees to enter the EU.

*The United Kingdom's participation in Prüm*

72. The Home Affairs Sub-Committee published a short report on *The United Kingdom's participation in Prüm* on 7 December 2015.<sup>26</sup> The report was timed to appear ahead of a debate on the floor of the House on whether the UK should rejoin the Prüm package of measures, which permit the swift transfer of DNA, fingerprint and vehicle registration data among Member States for law enforcement purposes.
73. The Committee supported the Government in recommending that it would be in the national interest for the UK to rejoin Prüm. After a short debate on 9 December 2015, the House unanimously endorsed the Government's recommendation.

*Unaccompanied migrant children in the EU*

74. In February 2016, the Home Affairs Sub-Committee launched an inquiry on the subject of unaccompanied migrant children in the EU. The Committee heard evidence from a range of interested parties. In April it visited Brussels to take evidence from MEPs, NGOs, intergovernmental organisations and the Commission. In May, it met unaccompanied children and young adults, who had arrived as children. This session was arranged with the help of Save the Children and the Children's Society. The Committee was particularly grateful to these young people.
75. The report was published on 26 July 2016.<sup>27</sup> The Committee found that a number of underlying, cross-cutting problems affect unaccompanied migrant children. These problems have contributed to deplorable reception conditions, while prolonged uncertainty about children's legal status has left them 'living in limbo'. This has in turn exposed vulnerable children to smugglers and human traffickers, and it is conservatively estimated that at least 10,000 unaccompanied migrant children are currently missing in the EU. The report called for integrated child protection systems focused on the best interests of the child, improved data collection and sharing, and more effective cooperation between EU institutions, Member States, EU Agencies, regional and local authorities, NGOs and individual professionals.

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26 European Union Committee, *The United Kingdom's participation in Prüm* (5th Report, Session 2015–16, HL Paper 66)

27 European Union Committee, *Children in crisis: unaccompanied migrant children in the EU* (2nd Report, Session 2016–17, HL Paper 34)

*Operation Sophia*

76. The External Affairs Sub-Committee conducted a short inquiry into Operation Sophia, the EU's naval mission in the Mediterranean, in February and March 2016.
77. The report, *Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge*, was published on 13 May 2016.<sup>28</sup> The report was intended to contribute to the Member States' assessment of Operation Sophia, in advance of its potential renewal in summer 2016. The report found that Operation Sophia was undertaking valuable work as a search and rescue mission, but that it did not in any meaningful way deter the flow of migrants, disrupt the smugglers' networks, or impede the business of people smuggling on the central Mediterranean route.

*EU energy governance*

78. In July 2015 members of the Energy and Environment Sub-Committee, together with members of the House of Commons Energy and Climate Change Committee, met Commission Vice President Maroš Šefčovič to discuss the EU Energy Union Strategy. Following this, in September 2015, the Sub-Committee launched an inquiry into EU energy governance. The Committee's inquiry sought to explore the issue of energy governance through two case studies: the introduction of capacity mechanisms in certain Member States for security of supply, and the declared goal of the October 2014 Council to cut EU greenhouse gas emissions by at least 40% by 2030 compared to 1990, through the use of renewables. The Committee held a stakeholder seminar in October 2015 and later that month heard from Andrea Leadsom MP, Minister of State at the Department of Energy and Climate Change.
79. The Committee's report was published on 18 December 2015.<sup>29</sup> It called on the Commission to ensure that proposals for a future energy governance framework included legal clarity, a respect for Member State sovereignty, a focus on security of supply, commitment to the consumer, real ambition for decarbonisation and increased regional co-operation.
80. The UK Government and European Commission responses were received at the start of 2016, and the European Commission is expected to bring forward legislative proposals on energy governance within the year.

*Reform of EU electoral law*

81. In January 2016, as part of its scrutiny of the European Parliament's proposed Decision amending the Act concerning the election of members of the European Parliament,<sup>30</sup> the Justice Sub-Committee recommended that the House issue a Reasoned Opinion challenging the European Parliament's proposal on subsidiarity grounds.<sup>31</sup> The Committee expressed particular

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28 European Union Committee, *Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge* (14th Report, Session 2015–16, HL Paper 144)

29 European Union Committee, *EU energy governance* (6th Report, Session 2015–16, HL Paper 71)

30 Unnumbered Document: Proposal for a Council Decision adopting the provisions amending the Act concerning the election of members of the European Parliament by direct universal suffrage: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0395+0+DOC+XML+V0//EN> [accessed 20 July 2016]

31 European Union Committee, *Subsidiarity Assessment: Reform of the electoral law of the EU* (7th Report Session 2015–16, HL Paper 87)

disappointment at the European Parliament’s failure to abide by the Treaty obligation to justify legislative proposals on subsidiarity grounds, and raised doubts about specific elements of the proposal. The House endorsed the Committee’s view in a debate on 4 February 2016; five other national Parliaments or chambers issued Reasoned Opinions on this proposal.<sup>32</sup>

*EU foreign and security strategy*

82. In late 2015 and early 2016 the External Affairs Sub-Committee conducted an inquiry into the EU’s foreign and security strategy, with the aim of feeding into the new EU global strategy.
83. The report, *Europe in the world: Towards a more effective EU foreign and security strategy*, was published on 16 February 2016.<sup>33</sup> The Committee noted the major challenges to the EU’s internal and external stability and security lay in the wider neighbourhood, which should be the focus of the EU’s new strategy. The Committee urged the EU to revisit its relationship with Turkey from first principles, and that the EU and Member States should adopt a coherent and credible response to Russian breaches of international law, while remaining open to cooperation and dialogue on areas of shared interest. It recommended that the EU should focus on good governance in the Middle East and North Africa, and give fresh consideration to relations with the countries of the Eastern Partnership.
84. Following publication, the Global Strategy Forum hosted a well-attended seminar on 9 March to discuss the report, chaired by the Marquess of Lothian, with four speakers from the External Affairs Sub-Committee. The report was debated in the House on 7 June.

*Online platforms and the digital single market*

85. The Internal Market Sub-Committee conducted an inquiry into online platforms and the Digital Single Market. Online platforms, such as Google, Amazon and Facebook, connect consumers and businesses over the Internet and are ever more central to how businesses and consumers access information and engage in e-commerce. The Commission’s Digital Single Market Strategy, however, expressed reservations about “the growing market power of some platforms”. The Commission therefore proposed an investigation into their role and power, with a view to considering whether there should be a suite of specific regulations created just for online platforms, or indeed a platform regulator.
86. The Sub-Committee undertook the inquiry with the intention of bringing clarity to a confused debate. In the course of over 20 public evidence sessions, it heard from a wide range of stakeholders including consumers, businesses that use platforms to sell their goods and services, regulators, online platforms themselves, and non-digital competitors whose businesses may be disrupted by those platforms.
87. The report was published on 20 April 2016.<sup>34</sup> The Committee concluded that the Commission should not introduce regulation specifically of online

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32 Luxembourg; Sweden; the Dutch Senate; the Dutch Tweede Kamer; and the House of Commons.

33 European Union Committee, *Europe in the world: Towards a more effective EU foreign and security strategy* (8th Report, Session 2015–16, HL Paper 97)

34 European Union Committee, *Online Platforms and the Digital Single Market* (10th Report, Session 2015–16, HL Paper 129)

platforms. Instead, existing regulations should be updated and more effectively enforced. The report focused its recommendations on three cross-cutting regulatory frameworks: competition law, data protection law and consumer protection law.

88. The report was launched by Lord Wei at a TechUK event in Brussels with stakeholders from industry, the Commission and the European Parliament.

*The UK, the EU and a British Bill of Rights*

89. The Justice Sub-Committee’s report, *The UK, the EU and a British Bill of Rights*, was published in May 2016.<sup>35</sup> The report assessed the likely impact of a British Bill of Rights in three areas: on human rights litigation in national courts under the EU Charter of Fundamental Rights; on the UK’s EU legal obligations and international standing; and on the devolved settlements in the UK. The evidence the Committee heard made a forceful case for the Government to reconsider its policy. At the time of writing, the Government had still to launch its consultation on a British Bill of Rights.

*‘Whatever it takes’: the Five Presidents’ Report on completing Economic and Monetary Union*

90. Between November 2015 and March 2016, the Financial Affairs Sub-Committee undertook an inquiry into the ‘Five Presidents’ Report’ on completing Economic and Monetary Union. Its report was published on 12 May 2016.<sup>36</sup>
91. The report found that the path towards economic, financial and fiscal integration raised questions about the eurozone’s ability to protect against financial and fiscal instabilities. A balance between risk reduction and risk-sharing was vital to completing EMU and would require appropriate democratic accountability structures. The report concluded that sufficient political will existed for the euro to “muddle through”, but that the five Presidents’ 2025 target to complete EMU was ambitious.
92. The report found that short term measures to create an advisory Fiscal Board and national Competitiveness Boards in Member States might suffer from lack of buy-in at national level and a perception of democratic deficit. It welcomed the proposed introduction of a European Deposit Insurance Scheme to complete Banking Union, but warned that this should not be seen as a panacea.
93. The five Presidents’ more ambitious proposals for the creation of a euro area treasury or a mechanism for fiscal transfers between Member States were more broadly drafted and lacked detail. The Sub-Committee was particularly struck by the variety of possible interpretations of ‘Fiscal Union’: whatever definition is eventually arrived at, it will need to be accompanied by appropriate democratic structures in order to ensure legitimacy.

*Responding to price volatility: creating a more resilient agricultural sector*

94. In June 2015 members of the Energy and Environment Sub-Committee met Phil Hogan, European Commissioner for Agriculture and Rural Development.

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35 European Union Committee, *The UK, the EU and a British Bill of Rights* (12th Report, Session 2015–16, HL Paper 139)

36 European Union Committee, *‘Whatever it takes’: the Five Presidents’ Report on completing Economic and Monetary Union* (13th Report, Session 2015–16, HL Paper 143)

Following this meeting, the Sub-Committee launched an inquiry into price volatility and agricultural resilience. Over the course of the inquiry, the Sub-Committee heard from the European Commission, the OECD, representatives of the New Zealand and United States governments, the financial sector, farmers' organisations, academics and the UK Government. On 7–8 March 2016 the Sub-Committee met farmers from Hampshire and Berkshire and the National Farmers Union, and visited farming businesses to speak to local farmers, and discuss emerging conclusions and themes.

95. On 16 May the Sub-Committee published its report, *Responding to price volatility: creating a more resilient agricultural sector*.<sup>37</sup> The Sub-Committee called on the European Commission to reform the Common Agricultural Policy (CAP) to support the provision of public goods, such as increased food security, high animal welfare standards and stewardship of the land. The Sub-Committee also urged the UK Government to promote the use of financial instruments and raise awareness among farmers with operations of different sizes and in different sectors.

### Conclusions

96. **The work of the EU Select Committee was dominated in the 2015–16 session by the build-up to the referendum on UK membership of the EU.**
97. **Notwithstanding the focus on the debate over the UK's future in the EU, the 2015–16 Session saw a number of extensive inquiries undertaken by the Sub-Committees, leading to detailed and forensic examination of policy areas and significantly contributing to public debate and policy-making.**

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<sup>37</sup> European Union Committee, *Responding to price volatility: creating a more resilient agricultural sector* (15th Report, Session 2015–16 HL Paper 146)

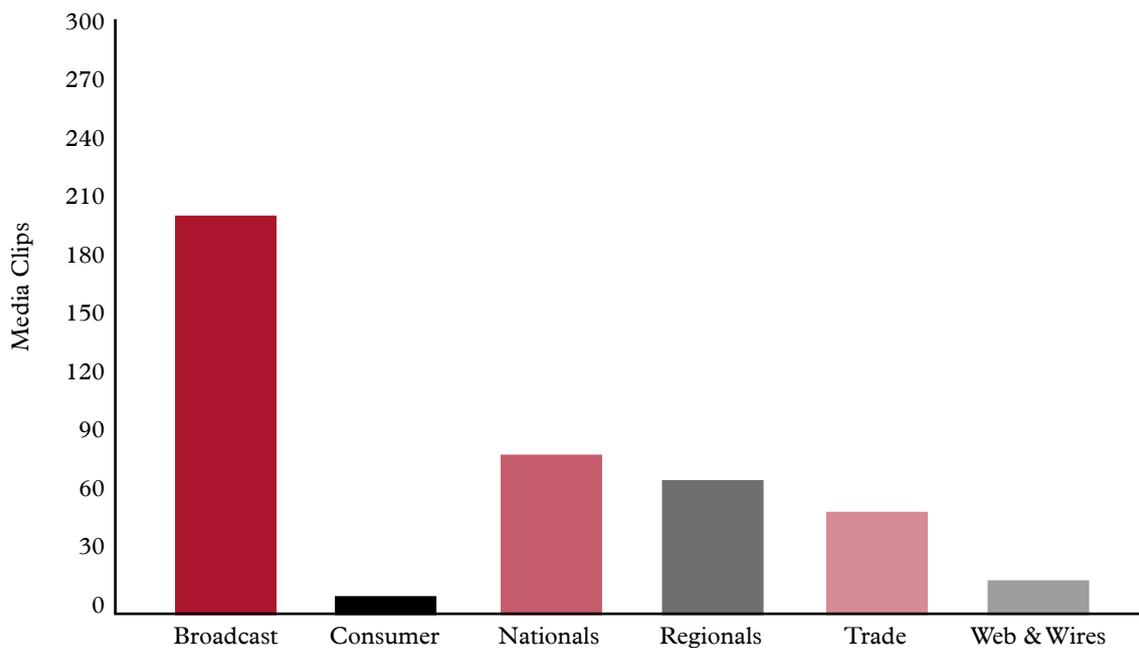
## CHAPTER 4: COMMUNICATING THE WORK OF THE COMMITTEE

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

### Print and broadcast media

99. The EU Committee continued to enjoy good coverage throughout the 2015–16 session. Between 8 April 2015 and the State Opening of the 2016–17 session on 18 June 2016, 413 media articles about the Select Committee were identified. As figure 2 below demonstrates, this breaks down as 200 broadcast features, 78 national print articles, 65 regional print articles, 49 mentions in specialist and trade publications and six articles in magazines and consumer media. The Committee was also cited in a number of news websites, such as BBC News, ITV News and the Huffington Post.

**Figure 2: Print and broadcast media clips by media type**

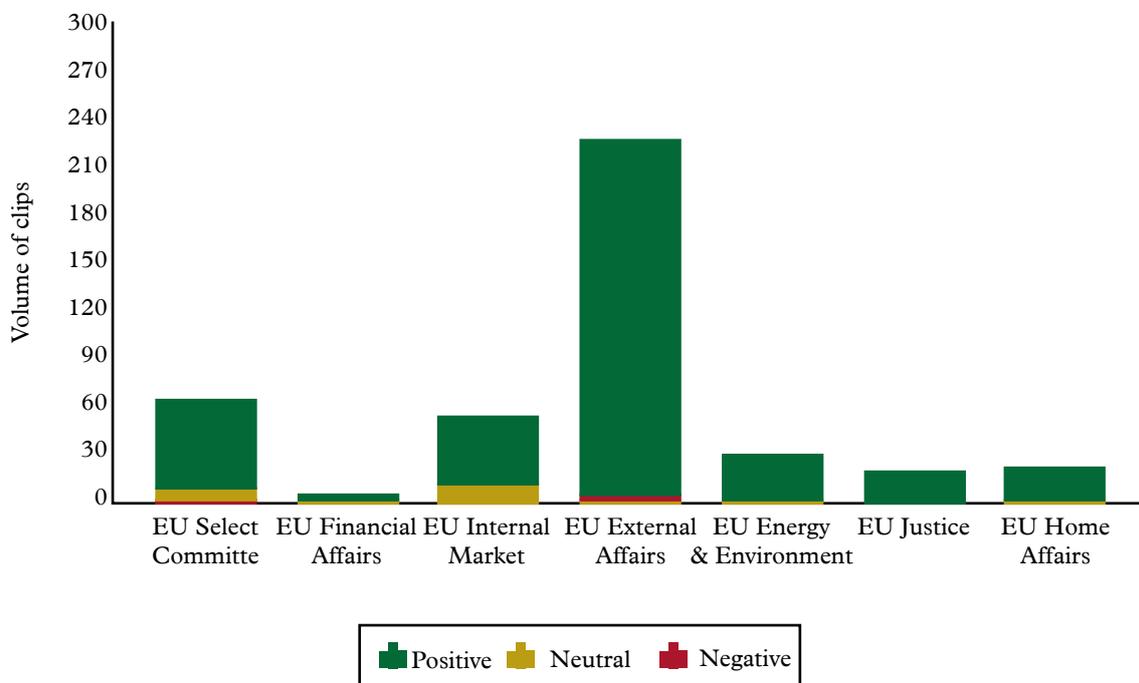


100. Of the 413 media features, 390 were positive in tone, 15 were neutral and four were negative.
101. The heaviest coverage related to the External Affairs Sub-Committee's report on Operation Sophia, which generated 208 features across all forms of media. It gained particularly notable coverage by broadcast media, and was the leading story throughout the day of publication on BBC and Sky News Bulletins. In total it was covered 193 times by the broadcast media.
102. The report of the Internal Market Sub-Committee on online platforms also received considerable coverage, with 24 articles (including six in trade publications serving the travel industry). It was also covered in the Daily

Mail, The Sunday Times, The Telegraph and The Independent. The Justice Sub-Committee’s report on *The EU, the UK and a British Bill of Rights* received extensive coverage, including a prominent article in The Guardian, which extensively quoted the Sub-Committee Chairman.

103. Over the session the Select Committee’s work received substantial coverage. The reports on *The EU Referendum and EU Reform* and on *The process for withdrawing from the European Union* were covered 29 times by the media combined, and the Chairman was interviewed on BBC Radio 4 in relation to the latter report. It was also cited in overnight coverage of the referendum result, and in subsequent media analysis of the implications of the vote to leave.
104. Figure 3 demonstrates the total level of media coverage for the Select Committee and each of the Sub-Committees.

**Figure 3: Volume of clips containing topic mentions**



### @LordsEUCom

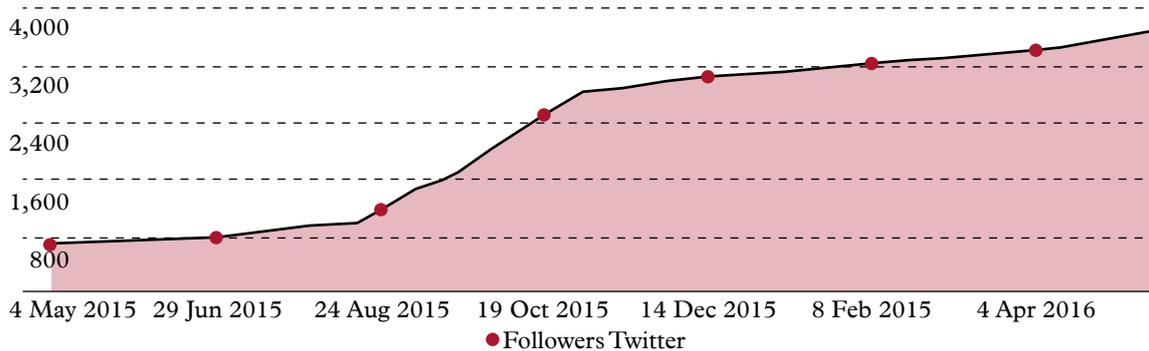
105. In October 2014 a dedicated Twitter account for the Lords EU Committee as a whole was launched, entitled @LordsEUCom. The account is used to communicate our scrutiny and inquiry work, as well as events such as international conferences, debates in the House and other relevant news.
106. Success on social media can be measured in a number of different ways. The two main aims behind launching a dedicated account were:
- (1) To raise awareness of the Committee and its work among those with an interest in EU issues, particularly individual members of the public; and
  - (2) To enable the staff of the Committee to promote the Committee’s work more directly to non-UK, particularly Brussels-based, organisations

who might be unlikely to follow the existing House of Lords corporate Twitter account.

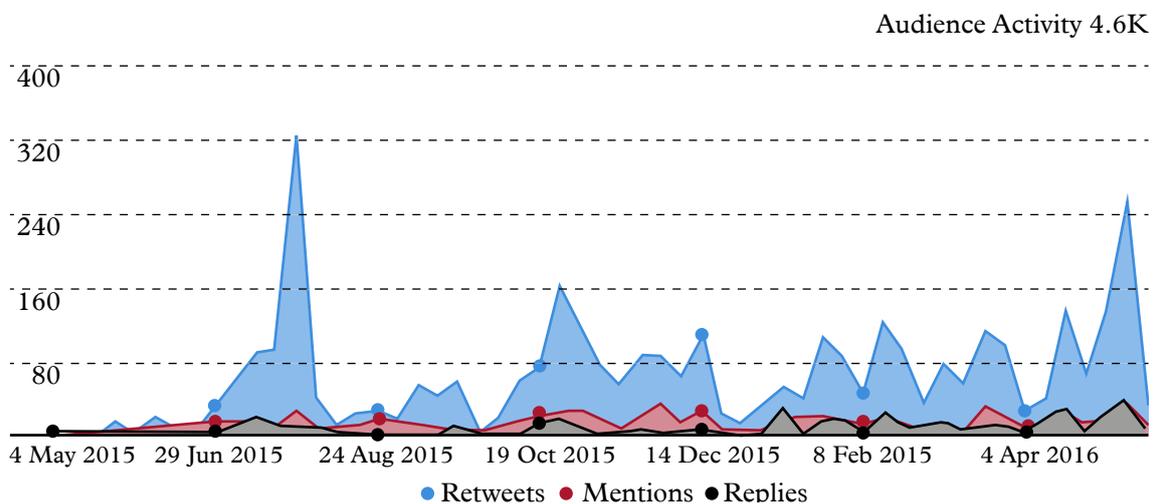
107. The Twitter account has continued to gain followers from EU institutions (including Commissioners and MEPs), other national parliaments, thinktanks, commentators, commercial organisations, and members of the general public—many of whom engage actively with our output. The number of followers continues to rise steadily, for example in response to the publication of reports. Thus the Twitter account has helped to raise the EU Committee’s profile, particularly outside the UK.

108. The graphics below illustrate the reach of the Twitter account.

**Figure 4: @LordsEUCom Follower growth**



**Figure 5: Use of @LordsEUCom across Twitter**



109. The word clouds below show key hashtags that were used throughout all the Tweets that mentioned @LordsEUCom.

Figure 6: Hashtags



### EU Committee Digest

110. The Committee has continued to produce a regular newsletter, entitled the EU Committee Digest, providing updates on the work of the Committee and its Sub-Committees.

### Looking inward

111. Our core responsibility is to report to the House, and it is essential therefore that we communicate our work effectively to other members. We have continued to seek to work with the Library to provide briefing on our reports when they are due to be debated, and seeking to hold those debates on the floor of the House and at appropriate times. Table 3 shows the participation of members in debates on our reports.
112. We are encouraged by the numbers of non-EU Committee members taking part in debates on our reports. By way of illustration, over fifty members of the House took part in the 15 June 2016 debates on the Committee's reports on *The EU referendum and EU reform*, *The process of withdrawing from the European Union*, *The EU Action Plan against migrant smuggling* and *Operation Sophia*, held just over a week before the referendum on UK membership of the EU.

### Conclusions

113. **As the UK now enters the complex process of withdrawal from the EU, communicating our work within the House and beyond is more important than ever. We shall seek to strengthen our presence on social media, and continue to seek innovative ways to communicate our work to a wider audience.**

**Table 3: Report debates**

<b>Report</b>	<b>Date of debate</b>	<b>Total members participating</b>	<b>Members of the relevant committee</b>	<b>Other members of the House</b>	<b>Length of debate</b>
<b>The post-crisis EU financial regulatory framework: do the pieces fit?</b>	7 July 2015	5	3	2	1hr12min
<b>The UK's opt-in Protocol: implications of the Government's approach</b>	15 July 2015	5	3	2	1hr
<b>Report on 2014–15</b>	15 July 2015	8	4	4	1hr37min
<b>The UK opt-in to the relocation of migrants within the EU</b>	22 July 2015	13	4	9	1hr56min
<b>Civilian Use of Drones in the EU</b>	8 September 2015	15	7	8	2hrs5min
<b>The referendum on UK membership of the EU: assessing the reform process</b>	3 November 2015	15	1	14	2hrs10min

<b>Report</b>	<b>Date of debate</b>	<b>Total members participating</b>	<b>Members of the relevant committee</b>	<b>Other members of the House</b>	<b>Length of debate</b>
<b>The North Sea under pressure: is regional co-operation the answer?</b>	30 November 2015	8	4	4	1hr20min
<b>The United Kingdom's participation in Prüm</b>	9 December 2015	6	1	5	44min
<b>Subsidiarity Assessment: reform of the electoral law of the EU</b>	4 February 2016	11	4	7	55min
<b>Capital Markets Union: a welcome start</b>	4 February 2016	9	5	4	1hr48min
<b>A new EU Alcohol Strategy?</b>	10 February 2016	7	1	6	1hr10min
<b>Europe in the world: Towards a more effective EU foreign and security strategy</b>	7 June 2016	17	6	11	3hr
<b>EU energy governance</b>	13 June 2016	9	4	5	1hr32min

<b>Report</b>	<b>Date of debate</b>	<b>Total members participating</b>	<b>Members of the relevant committee</b>	<b>Other members of the House</b>	<b>Length of debate</b>
<b>The EU referendum and EU reform and The process of withdrawing from the European Union</b>	15 June 2016	31	5	27	4hr47min
<b>EU Action Plan against migrant smuggling and Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge</b>	15 June 2016	20	10	10	2hr41min
<b>Average</b>		<b>12</b>	<b>4</b>	<b>8</b>	<b>1hr51min</b>

## CHAPTER 5: INTERPARLIAMENTARY COOPERATION

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114. The Committee’s terms of reference require it “To represent the House as appropriate in interparliamentary cooperation within the EU”. The Committee cooperates with the European Parliament and the other national parliaments through a variety of formal and informal means. A list of all interparliamentary meetings attended by Committee members during the 2015–16 Session is given in Appendix 5.

### The referendum on UK membership of the EU

115. The EU Select Committee prioritised interparliamentary engagement as a key element of its scrutiny of the process leading up to the referendum. In the context of its inquiries, the Committee visited Brussels twice, where it met Martin Schulz MEP, President of the European Parliament, as well as senior leaders of the political groups, Danuta Hübner MEP, Chair of the European Parliament AFCO Committee, and UK MEPs. The Committee also met key stakeholders in the Commission, including Frans Timmermans, First Vice-President of the European Commission, and Jonathan Faull, Head of the European Commission Task Force for Strategic Issues related to the UK Referendum.
116. The Committee also heard evidence from other Member State parliamentarians, including Jean Bizet, Chairman of the French Sénat European Affairs Committee, Fabienne Keller, Vice-Chair of the French Sénat European Affairs Committee and Rapporteur on the UK-EU Relationship, Axel Schäfer MdB, Deputy Chairman of the German Bundestag SPD Parliamentary Group (with responsibility for European Affairs) and Substitute Member of the Bundestag Committee on European Affairs, and Detlef Seif MdB, Deputy CDU/CSU Parliamentary Group Spokesperson on EU Affairs and Member of the German Bundestag Committee on European Affairs. In addition, the Committee Chairman, together with the Chair of the House of Commons European Scrutiny Committee, jointly chaired a fringe meeting on the renegotiations on the UK’s membership of the EU at the 54th COSAC meeting in Luxembourg. The Committee also held a private meeting with the Ambassadors of EU Member States to the UK.
117. Given the significance of the referendum for all nations of the UK, the Committee also engaged actively with the devolved institutions. In September 2015, the Committee visited the National Assembly for Wales in Cardiff, where it heard evidence from the First Minister for Wales, Rt Hon Carwyn Jones AM, and the Chair and Members of the National Assembly for Wales Constitutional and Legislative Affairs Committee. In November, the Committee Chairman gave evidence to the Northern Ireland Assembly Committee for the Office of the First Minister and deputy First Minister, and met Northern Ireland Executive Ministers. During the course of his visit, the Chairman also participated in the European Chairs UK meeting at the Northern Ireland Assembly, where the consequences of UK withdrawal from the EU were discussed. In December, the Committee visited Edinburgh, where it heard evidence from the Scottish Government and from the Convenor and members of the Scottish Parliament European and External Affairs Committee. In addition, the Chairman held a meeting with the First Minister of Scotland, Rt Hon Nicola Sturgeon MSP.

### The ‘Green Card’

118. One key aspect of the pre-referendum negotiations concerned strengthening the role of national parliaments. In light of its 2014 report on *The Role of National Parliaments in the European Union*,<sup>38</sup> the Committee took a particularly close interest in these discussions. In particular, the Committee sought to take forward work on the new ‘Green Card’ mechanism, whereby national parliaments can proactively bring forward proposals for action at EU level.
119. Having played a leading role, alongside Danish and Dutch colleagues, in proposing the new mechanism, in July 2015 the Committee proposed the first pilot Green Card on combating food waste, building on the conclusions of the Energy and Environment Sub-Committee’s 2014 report on *Counting the Cost of Food Waste: EU Food Waste Prevention*.<sup>39</sup>
120. The Green Card was supported by 18 other national parliaments or chambers, and was launched in advance of the Commission’s new package of legislation concerning the circular economy. The Action Plan included within that package indicated that a number of the recommendations contained within the Green Card had been taken into account. Specifically, the Commission committed to elaborate a common EU methodology to measure food waste in close cooperation with Member States and stakeholders, support awareness-raising at national, regional and local levels and the dissemination of good practices in food waste prevention, create a platform dedicated to tackling food waste, bringing together Member States and all actors in the food chain, and examine rules concerning food donation to food banks.
121. Following the success of this pilot, colleagues in the French Assemblée Nationale and the Latvian Seimas brought forward their own proposals on Corporate Social Responsibility and revision of the AudioVisual Media Services Directive. Of these, the Committee added its name to the Assemblée Nationale’s proposed Green Card on Corporate Social Responsibility, but did not feel able to support the Latvian proposal.

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

122. The main formal mechanism for interparliamentary cooperation is COSAC, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the EU. COSAC meets twice each year, and a meeting of chairs precedes each plenary meeting. During the 2015–16 Session there were two plenary COSAC meetings: the 53rd meeting on 31 May–2 June 2015 in Latvia, and the 54th meeting on 29 November–1 December 2015 in Luxembourg. The Committee sent delegations to these conferences, as well as to meetings of COSAC Chairpersons in Luxembourg and The Netherlands.

### Other interparliamentary conferences

123. During the 2014–15 Session members of the Committee and Sub-Committees attended meetings on, among other topics:
- European Agenda on Migration;

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

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

- women refugees and asylum seekers in the EU;
- Corporate Social Responsibility and the posting of workers;
- the review of the Multiannual Financial Framework;
- corporate tax transparency and combatting aggressive tax planning and avoidance;
- consumer protection;
- Stability, Economic Coordination and Governance in the European Union; and
- the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP).

### **Cooperation within the UK**

124. We conduct our work largely in parallel with the House of Commons European Scrutiny Committee: the two Committees, like their respective Houses, are constitutionally independent, and their work is underpinned by separate but similar resolutions of the two Houses. But more informally, there is close collaboration at staff level, and we seek wherever possible to achieve a synergy between our work and that of the Commons Committee, particularly in the area of scrutiny. Such cooperation will be even more important in the months and years to come.

### *European Chairs UK*

125. European Chairs UK (ECUK) is an opportunity for the chairs of the EU scrutiny committees in the House of Lords, the House of Commons, the National Assembly for Wales, the Scottish Parliament, and the Northern Ireland Assembly to come together. Because of the UK General Election it only met once in the course of the 2015–16 Session—in Belfast in November 2015. As indicated above, the main topic for discussion at that meeting was the consequences of UK exit from the EU.

### *Tripartite*

126. Tripartite meetings bring together members of our Committee, members of the European Scrutiny Committee in the Commons, and UK MEPs. The group met twice during the 2015–16 Session: in November 2015 in the House of Lords, and in April 2016 in the House of Commons.

### **Conclusions**

127. **Engagement with colleagues in other national parliaments, the European Parliament and the devolved legislatures is a vital aspect of our work. The 2015–16 session has provided opportunities to engage with our colleagues on such important issues as the future of the UK within the EU, the role of national parliaments in the EU, the refugee crisis, the Common Foreign and Security Strategy and many other topical issues.**
128. **Such interparliamentary liaison becomes even more important in the context of the complex negotiations to come on UK withdrawal, as well as in ensuring effective UK-EU relations post-withdrawal.**

**We remain committed to maintaining and enhancing in the years to come the strong diplomatic ties that we have established with parliamentary colleagues. We will also continue to work closely with the EU institutions and with parliamentarians in the House of Commons, the devolved legislatures and with UK MEPs in the context of our scrutiny of the process and terms of UK withdrawal from the EU.**

129. **We welcome the increasing recognition of the important role that national parliaments have to play within the EU framework. We are particularly gratified to note that the Green Card mechanism, which we and colleagues proposed and piloted, has been embraced not only by other national parliaments in bringing forward their own proposals, but also by the EU institutions in their willingness to engage with the mechanism. Notwithstanding the UK's pending withdrawal from the EU, we hope that colleagues in other national parliaments will continue to develop this new mechanism for parliamentary involvement in the EU process.**

## CHAPTER 6: LOOKING AHEAD TO THE 2016–17 SESSION

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130. Notwithstanding the outcome of the referendum on 23 June, the Government has stated that it will continue to engage in Council negotiations and to fulfil its scrutiny obligations to Parliament until such time as it ceases to be a member. We will therefore continue to fulfil our scrutiny function by scrutinising proposals emanating from the European institutions, and the Government's policies towards them, until the UK's withdrawal from the EU takes effect.
131. At the same time, the Committee's focus will now shift, to the terms of the UK's withdrawal from the EU, as well as to the shape of the UK's future relationship with the EU. In the short term, we will seek to identify the key issues affecting the UK's national interest that will need to be factored into negotiations on a new relationship, that need to be borne in mind in the negotiations once Article 50 is triggered and the formal process begins.
132. In parallel with this Annual Report, we are publishing a report setting out our initial thoughts on parliamentary scrutiny of the negotiations on withdrawal, and on a new relationship.<sup>40</sup> In that report, we have urged that effective parliamentary scrutiny will be vital, to hold the Government to account, to provide a forum for public debate and challenge, and to provide an 'audit trail' for future generations. To be effective, that scrutiny will need to strike a balance between transparency and confidentiality, and it will also need to be properly resourced. Withdrawal from the EU is arguably the most complex, demanding and important administrative and diplomatic task that the Government has undertaken since the Second World War. Parliament, if it is to undertake its scrutiny role effectively, will need additional resources that are proportionate to the scale of the challenge.
133. We believe that the House of Lords can best contribute to effective parliamentary oversight of the forthcoming negotiations on EU withdrawal by charging the European Union Committee with explicit responsibility for scrutinising the negotiations. This will require revised terms of reference for the European Union Committee, possibly underpinned by a new scrutiny reserve resolution. We look forward to engaging with the Leader of the House and with domestic committees in developing more detailed proposals in coming weeks.
134. We have described, in outline, our own work programme for the coming months, which will include a series of inquiries identifying key UK national interests in the forthcoming negotiations, and weighing up the options for protecting these interests post-withdrawal. We hope through these reports to inform the House, promote public debate, and influence the Government's negotiating objectives.
135. **The result of the referendum means that the entire country is confronting an uncertain future. That uncertainty of course extends to the European Union Committee. As long as our service to the House is required, we shall seek to stimulate, as our predecessors have done for the past 42 years, informed and balanced debate on the United Kingdom's relationship with the European Union, in the hope that by so doing we can play our part in placing that relationship on a stable and mutually beneficial footing.**

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40 European Union Committee, *Scrutinising Brexit: the role of Parliament* (1st report, Session 2016–17, HL Paper 33)

## SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

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### Scrutiny

1. Many of the overrides that occurred during 2015 were unavoidable, for instance in the context of restrictive measures or responses to the refugee crisis. Nevertheless, there were cases where scrutiny overrides could have been avoided, and where the Committee's scrutiny was hampered by the receipt of late EMs and correspondence. (Paragraph 19)
2. The Government's scrutiny obligations to Parliament remain in full force, and are likely to do so until withdrawal from the European Union takes effect. We therefore recommend that the FCO and Cabinet Office continue to monitor the processes in place across Government Departments so as to minimise the number of overrides. (Paragraph 20)
3. We recognise the challenges that secondary legislation poses for all engaged in Parliamentary scrutiny. We urge the Government to ensure that officials continue to consult Committee staff on deposit of delegated legislation for as long as the UK remains a member of the EU and therefore bound by EU law. (Paragraph 25)
4. The Committee engaged in detailed scrutiny of a number of important proposals during the course of the 2015–16 session. Early publication of the Commission Work Programme was helpful in allowing the Committee more time to analyse the various proposals contained in it. While the focus of the Committee's work will shift in the aftermath of the referendum result (with a stronger focus on EU documents with significant consequences either for the negotiation process or for UK-EU relations post-withdrawal), we expect to continue to fulfil our scrutiny obligations until the UK's withdrawal from the EU takes effect. (Paragraph 55)

### Inquiries

5. The work of the EU Select Committee was dominated in the 2015–16 session by the build-up to the referendum on UK membership of the EU. (Paragraph 96)
6. Notwithstanding the focus on the debate over the UK's future in the EU, the 2015–16 Session saw a number of extensive inquiries undertaken by the Sub-Committees, leading to detailed and forensic examination of policy areas and significantly contributing to public debate and policy-making. (Paragraph 97)

### Communicating the work of the Committee

7. As the UK now enters the complex process of withdrawal from the EU, communicating our work within the House and beyond is more important than ever. We shall seek to strengthen our presence on social media, and continue to seek innovative ways to communicate our work to a wider audience. (Paragraph 113)

### Interparliamentary cooperation

8. Engagement with colleagues in other national parliaments, the European Parliament and the devolved legislatures is a vital aspect of our work. The 2015–16 session has provided opportunities to engage with our colleagues on such important issues as the future of the UK within the EU, the role of

national parliaments in the EU, the refugee crisis, the Common Foreign and Security Strategy and many other topical issues. (Paragraph 127)

9. Such interparliamentary liaison becomes even more important in the context of the complex negotiations to come on UK withdrawal, as well as in ensuring effective UK-EU relations post-withdrawal. We remain committed to maintaining and enhancing in the years to come the strong diplomatic ties that we have established with parliamentary colleagues. We will also continue to work closely with the EU institutions and with parliamentarians in the House of Commons, the devolved legislatures and with UK MEPs in the context of our scrutiny of the process and terms of UK withdrawal from the EU. (Paragraph 128)
10. We welcome the increasing recognition of the important role that national parliaments have to play within the EU framework. We are particularly gratified to note that the Green Card mechanism, which we and colleagues proposed and piloted, has been embraced not only by other national parliaments in bringing forward their own proposals, but also by the EU institutions in their willingness to engage with the mechanism. Notwithstanding the UK's pending withdrawal from the EU, we hope that colleagues in other national parliaments will continue to develop this new mechanism for parliamentary involvement in the EU process. (Paragraph 129)

#### **Looking ahead to the 2016–17 Session**

11. The result of the referendum means that the entire country is confronting an uncertain future. That uncertainty of course extends to the European Union Committee. As long as our service to the House is required, we shall seek to stimulate, as our predecessors have done for the past 42 years, informed and balanced debate on the United Kingdom's relationship with the European Union, in the hope that by so doing we can play our part in placing that relationship on a stable and mutually beneficial footing. (Paragraph 135)

## APPENDIX 1: LIST OF MEMBERS AND DECLARATION OF INTERESTS

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### Members of the EU Select Committee for the 2016–17 Session

Baroness Armstrong of Hill Top  
 Lord Boswell of Aynho (Chairman)  
 Baroness Brown of Cambridge  
 Baroness Browning  
 Baroness Falkner of Margravine  
 Lord Green of Hurstpierpoint  
 Lord Jay of Ewelme  
 Baroness Kennedy of The Shaws  
 The Earl of Kinnoull  
 Lord Liddle  
 Lord McFall of Alcluith  
 Baroness Morris of Bolton  
 Baroness Prashar  
 Lord Selkirk of Douglas  
 Baroness Suttie  
 Lord Teverson  
 Lord Trees  
 Lord Whitty  
 Baroness Wilcox

### Declarations of interest

Baroness Armstrong of Hill Top

*Chair, Changing Lives (a charity based in Tyneside which may benefit from European Union funds)*

*Member, Advisory Board, GovNet Communications (publisher and event organiser)*

*Trustee, Africa Governing Initiative Trustee, Voluntary Service Overseas*

Lord Boswell of Aynho (Chairman)

*In receipt of salary as Principal Deputy Chairman of Committees, House of Lords*

*Shareholdings as set out in the Register of Lords' Interests*

*Income is received as a Partner (with wife) from land and family farming business trading as EN & TE Boswell at Lower Aynho Grounds, Banbury, with separate rentals from cottage and grazing*

*Land at Great Leighs, Essex (one-third holding, with balance held by family interests), from which rental income is received*

*House in Banbury owned jointly with wife, from which rental income is received*

*Lower Aynho Grounds Farm, Northants/Oxon; this property is owned personally by the Member and not the Partnership*

Baroness Brown of Cambridge

*Vice Chancellor of Aston University (to September 2016): significant research income, ERDF Funding from EU. Large number of EU (non-UK) staff and students. EIB Loan*

*Former Governing Board member of the European Institute for Innovation & Technology*

Baroness Browning

*Chair of the Advisory Committee on Business Appointments*

**Baroness Falkner of Margravine**

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

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

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

*Member, Advisory Board, British Influence*

*Member, Advisory Board, Demos*

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

*Non-Executive Director, Hyde Group*

*Member, House of Lords Foreign Policy Network*

**Lord Green of Hurstpierpoint**

*Shareholdings as set out in the Register of Lords' Interests*

*Chair, Advisory Council for the Centre for Anglo-German Cultural Relations, Queen Mary University, London*

*Member, Advisory Board of the Centre for Progressive Capitalism*

*Member, Steering Group, Sabanci University Centre for Excellence in Finance, Istanbul*

*Member, Akbank International Advisory Board, Istanbul (remunerated with an attendance fee which the Member donates to a registered charity)*

*Chair, Natural History Museum*

**Lord Jay of Ewelme**

*Trustee (Non-Executive Director) Thomson Reuters Founders Share Company*

*Chairman, Positive Planet (UK)*

*Vice Chairman, Business for New Europe*

*Member, Senior European Experts Group*

*Patron, Fair Trials International*

**Baroness Kennedy of The Shaws**

*Chair, Justice*

**Earl of Kinnoull**

*Executive Consultant, Hiscox Group (insurance)*

*Trustee, Blair Charitable Trust (running of Blair Castle and estate; a farm subsidy is received under the EU farm subsidy scheme)*

*Trustee, Red Squirrel Survival Trust and Director of associated private company (in receipt of EU funds)*

*Director, Horsecross Arts Limited (Perth) and trustee of related registered charity (in receipt of EU funds)*

*Member of Supervisory Board, Fine Art Fund Group funds*

*Farmland and associated cottages in Perthshire from which rental income is received and a farm subsidy is received under the EU farm subsidy scheme*

*Shareholdings in Hiscox Ltd and Schroders PLC (fund management)*

**Lord Liddle**

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

*Co-author of a report which the City of London Corporation commissioned Policy Network to write on developments in thinking on the regulation of financial services in the European Union*

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

**Lord McFall of Alcluith**

*Director, Alcluith Limited (trading entity for Member's advisory and other professional services)*

*Public Interest Member, Council of the Institute of Chartered Accountants of Scotland (ICAS)*

*Deputy Chair, Banking Standards Review Council (BSRC) (interest ceased 12 February 2016)*

*Member, Advisory Board, Systemic Risk Company (SRC)*

*Member, Advisory Board, Policy Scotland (University of Glasgow)*

*Member, Lloyds Banking Group Grants Committee for the Lloyds Banking Group Credit Union Development Fund*

**Baroness Morris of Bolton**

*President, World Travel Market Advisory Council*

*Chairman of the Governance Group for the Register of Providers of Cosmetic Injectable Treatments*

*Chairman of the Centre for Islamic Finance*

*Consultant, TES Global Advisory Board (TES Global Ltd, publisher of the TES and THE amongst other things)*

*President, National Benevolent Institution*

*Co-chair, Women in Public Policy*

*Vice President (formerly Chairman), Conservative Middle East Council (interest as Chairman ceased 31 May 2016)*

**Baroness Prashar**

*Deputy Chair, British Council*

**Lord Selkirk of Douglas**

*Director, Lennoxlove House Limited (remunerated as a Director)*

*Chairman of Directors, and Director, Douglas-Hamilton (D Share) Ltd (small family company: agriculture and property; the Member's financial interest derives from his directorship, which is now paid as an annual sum above the registration threshold)*

*President, Scottish Veterans' Garden City Association (national charity)*

*Chairman, Scottish Advisory Committee, Skill Force (national charity)*

**Baroness Suttie**

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

*Trustee, Institute for Public Policy Research (IPPR)*

*Campaign Council Member, British Influence*

**Lord Teverson**

*Director, KCS Trade Print Ltd (card & label products)*

*Director, Wessex Investors Ltd*

*Director, Wessex Hotel Operators Limited (interest ceased 27 April 2016)*

*Director, KCS Holdings Ltd*

*Director, Anchorwood Developments Limited (property)*

*Board Member, Marine Management Organisation*

*Trustee, Regen SW (renewable energy agency for South West England)*

*Board Member, Policy Connect (think-tank)*

**Lord Trees**

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

Lord Whitty

*President, Road Safety Foundation*

*Chair, Chesshire Lehmann Fund*

*President, Environmental Protection UK*

*Member, GMB*

*Vice President, Local Government Association*

*Vice President, Chartered Institute for Trading Standards*

Baroness Wilcox

*Shareholdings as set out in the Register of Lords' Interests*

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

## APPENDIX 2: SELECT COMMITTEE AND SUB-COMMITTEE MEMBERS IN 2015–16

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### Select Committee

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

### Financial Affairs Sub-Committee

Lord Borwick	Baroness Kingsmill
Lord Butler of Brockwell	Lord Lawson of Blaby (until March 2016)
The Earl of Caithness	Earl of Lindsay
Lord Davies of Stamford	Lord McFall of Alcluith
Baroness Falkner of Margravine (Chairman)	Lord Shutt of Greetland
Lord Haskins	Lord Skidelsky

### Internal Market Sub-Committee

Lord Aberdare	Lord Mawson
Lord Cotter (until November 2015)	Baroness Noakes
Baroness Donaghy	Baroness Randerson (from November 2015)
Lord Freeman	Lord Rees of Ludlow
Lord German	Lord Wei
Lord Green of Hurstpierpoint	Lord Whitty (Chairman)
Lord Liddle	

**External Affairs Sub-Committee**

Baroness Armstrong of Hill Top	Earl of Oxford and Asquith
Lord Balfe	Lord Risby
Baroness Billingham (until January 2016)	Lord Stirrup
Baroness Coussins	Baroness Suttie
Lord Dubs	Lord Triesman
Lord Horam	Lord Tugendhat (Chairman)

**Energy and Environment Sub-Committee**

Baroness Bakewell of Hardington Mandeville (until December 2015)	Lord Selkirk of Douglas
Lord Bowness	Baroness Scott of Needham Market (Chairman)
Lord Cunningham of Felling	Baroness Sheehan (from December 2015)
Lord Curry of Kirkharle	Lord Trees
Viscount Hanworth	Viscount Ullswater
Lord Krebs	Baroness Wilcox
Lord Rooker	

**Justice Sub-Committee**

Lord Blair of Boughton	Baroness Neuberger
Lord Cromwell	Baroness Newlove
Baroness Eccles of Moulton	Lord Oates (from January 2016)
Baroness Hughes of Stretford	Lord Richard
Lord Judd	Lord Scriven (until January 2016)
Baroness Kennedy of The Shaws (Chairman)	Baroness Shackleton of Belgravia
Baroness Ludford	

**Home Affairs Sub-Committee**

Lord Condon	Lord Morris of Handsworth
Lord Cormack	Baroness Pinnock
Lord Faulkner of Worcester	Baroness Prashar (Chairman)
Baroness Janke	Lord Ribeiro
Lord Jay of Ewelme	Lord Soley
Baroness Massey of Darwen	Lord Wasserman

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

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### Terms of reference

*16 May 2013*

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

The expression “European Union document” includes in particular:

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

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

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

### Scrutiny Reserve Resolution

*30 March 2010*

That—

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

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

### Scrutiny of opt-ins

#### *Ashton-Lidington undertakings*

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

Where the Committee makes a report to the House that it recommends for debate, the Government also undertakes to arrange a debate as soon as possible, on an amendable motion. The procedure for handling such reports was agreed by the House on 16 March 2010.<sup>41</sup>

On 20 January 2011, the Minister for Europe, the Rt Hon David Lidington MP, made a Written Statement undertaking that the Government would continue to honour the Ashton undertakings, and would also extend them.<sup>42</sup> He committed to making “a written statement to Parliament on each opt-in decision, and the reasons for it”, and undertook to make an oral statement “where appropriate and

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

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

necessary”. He urged the Houses’ EU Committees to “take full advantage of their existing right to call a debate on an amendable motion on any opt-in decision”. He also undertook to set aside Government time for a debate where there was a “particularly strong Parliamentary interest”. In addition, the Government’s commitments were extended to proposals to opt out of Schengen-building measures under Article 5(2) of Protocol 19, which had not been specifically mentioned in the Ashton undertakings.

### *Opt-in Scrutiny Resolution*

*30 March 2010*

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

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

## APPENDIX 4: REPORTS PUBLISHED AND REPORT DEBATES

<b>Report [Sub-Committee Responsible]</b>	<b>Published</b>	<b>Government response received</b>	<b>Commission response received</b>	<b>Debated in the House of Lords</b>
<b>Report on 2014–15</b> (1st Report, Session 2015–16, HL Paper 11) [Select]	3 July 2015	28 August 2015	N/A	15 July 2015
<b>The UK opt-in to the proposed council decision on the relocation of migrants within the EU</b> (2nd Report, Session 2015–16, HL Paper 22) [Home Affairs]	15 July 2015	N/A	N/A	22 July 2015
<b>The referendum on UK membership of the EU: assessing the reform process</b> (3rd Report, Session 2015–16, HL Paper 30) [Select]	28 July 2015	28 September 2015	22 September 2015	3 November 2015
<b>The EU Action Plan against migrant smuggling</b> (4th Report, Session 2015–16, HL Paper 46) [Home Affairs]	3 November 2015	3 February 2016	7 March 2016	15 June 2016
<b>The United Kingdom’s participation in Prüm</b> (5th Report, Session 2015–16, HL Paper 66) [Home Affairs]	7 December 2015	N/A	N/A	9 December 2015
<b>EU energy governance</b> (6th Report, Session 2015–16, HL Paper 71) [Energy and Environment]	18 December 2015	25 February 2016	2 March 2016	13 June 2016
<b>Subsidiarity Assessment: reform of the electoral law of the EU</b> (7th Report, Session 2015–16, HL Paper 87) [Justice]	27 January 2016	N/A	N/A	4 February 2016
<b>Europe in the world: Towards a more effective EU foreign and security strategy</b> (8th Report, HL Session 2015–16, Paper 97) [External Affairs]	16 February 2016	15 April 2016	31 March 2016	7 June 2016

<b>Report [Sub-Committee Responsible]</b>	<b>Published</b>	<b>Government response received</b>	<b>Commission response received</b>	<b>Debated in the House of Lords</b>
<b>The EU referendum and EU reform</b> (9th Report, Session 2015–16, HL Paper 122) [Select]	30 March 2016	Yet to be received	15 June 2016	15 June 2016
<b>Online Platforms and the Digital Single Market</b> (10th Report, Session 2015–16, HL Paper 129) [Internal Market]	20 April 2016	Due on 18 June 2016	18 July 2016	
<b>The process of withdrawing from the European Union</b> (11th Report, Session 2015–16, HL Paper 138) [Select]	4 May 2016	Yet to be received	15 June 2016	15 June 2016
<b>The UK, the EU and a British Bill of Rights</b> (12th Report, Session 2015–16, HL Paper 139) [Justice]	9 May 2016	Due on 9 July 2016	Yet to be received	
<b>‘Whatever it takes’: the Five Presidents’ Report on completing Economic and Monetary Union</b> (13th Report, Session 2015–16, HL Paper 143) [Financial Affairs]	12 May 2016	11 July 2016	Yet to be received	
<b>Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge</b> (14th Report, Session 2015–16, HL Paper 144) [External Affairs]	13 May 2016	12 July 2016	Yet to be received	15 June 2016
<b>Responding to price volatility: creating a more resilient agricultural sector</b> (15th Report, Session 2015–16, HL Paper 146) [Energy and Environment]	16 May 2016	Due on 16 July 2016	Yet to be received	

## APPENDIX 5: INTERPARLIAMENTARY MEETINGS

Date	Event	Location	Delegation
12–13 July 2015	COSAC Chairpersons Meeting	Luxembourg	Lord Boswell of Aynho
4–6 September 2015	Interparliamentary conference for the Common Foreign and Security Policy and the Common Security and Defence Policy	Luxembourg	Baroness Scott of Needham Market Lord Tugendhat
23 September 2015	Interparliamentary committee meeting on ‘The situation in the Mediterranean and the need for a holistic approach to migration.’	Brussels	Lord Jay of Ewelme
29–30 October 2015	COSAC working group on the Green Card and the Yellow Card	Luxembourg	Baroness Scott of Needham Market

<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Delegation</b>
5 November 2015	Tripartite	London	Lord Boswell of Aynho Lord Blair of Boughton Lord Borwick Earl of Caithness Lord Davies of Stamford Baroness Falkner of Margravine Lord Green of Hurstpierpoint Lord Jay Baroness Prashar Lord Trees Lord Whitty
9–10 November 2015	Interparliamentary conference on Stability, Economic Coordination and Governance	Luxembourg	Baroness Falkner of Margravine
18–19 November 2015	Interparliamentary Committee meeting organised by the European Parliament AFCO Committee	Brussels	Lord Boswell of Aynho
27 November 2015	European Chairs UK	Belfast	Lord Boswell of Aynho
29 November–1 December 2015	LIV COSAC	Luxembourg	Lord Boswell of Aynho Baroness Prashar Lord Whitty

<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Delegation</b>
7–8 February 2016	COSAC Chairpersons	The Hague	Lord Boswell of Aynho
16–17 February 2016	Interparliamentary conference on Stability, Economic Coordination and Governance/ European Parliamentary Week	Brussels	Baroness Falkner of Margravine
17 February 2016	Workshop on new rules for contracts in the British Isles	Brussels	Lord Oates
2 March 2016	European Parliament FEMM Committee meeting on ‘Women refugees and asylum seekers in the EU’	Brussels	Baroness Massey of Darwen
3–4 April 2016	Interparliamentary conference on energy and the circular economy	The Hague	Baroness Scott of Needham Market
6–8 April 2016	Interparliamentary conference for the Common Foreign and Security Policy and the Common Security and Defence Policy	The Hague	Lord Tugendhat
18 April 2016	TAXE2 interparliamentary committee meeting on Anti-Tax Avoidance Package	Brussels	Lord Davies of Stamford

Date	Event	Location	Delegation
21 April 2016	Tripartite	London	Lord Boswell of Aynho (Chairman) Baroness Armstrong of Hill Top Earl of Caithness Lord Davies of Stamford Lord Jay of Ewelme Baroness Wilcox
18 May 2016	Corporate Social Responsibility and posting of workers	Paris	Lord Cromwell Lord Whitty