



The Scrutiny Reserve Resolution

Extract from the House of Lords Journal, volume 243, 30 March 2010

European Union Documents: Scrutiny Reserve Baroness Royall of Blaisdon moved to resolve 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.

The motion was agreed to.