

THE HOUSE
OF LORDS
BRIEFING

THE EUROPEAN
UNION
COMMITTEE

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Role of the Committee

The House of Lords, as part of the United Kingdom Parliament, performs a valuable service for the country in scrutinising and reporting on proposed European legislation. The Committee was established in 1974, the year after the UK joined the European Community. It has scrutinised and reported on a wide range of issues which affect people's everyday lives and the long term future of both the UK and Europe.

Remit and organisation

The Committee is appointed at the beginning of every parliamentary session. Its terms of reference are:

'To consider European Union documents and other matters relating to the European Union'.



The Committee interviewing the Minister for Europe.

Membership

The Committee has 18 Members each of whom (other than the Chairman) serves on one of the seven sub-committees, through which the Committee conducts most of its investigations. Other Members of the House are co-opted to the sub-committees, a total of over 70 Members are actively involved in the work of the Committee and its sub-committees—representing around 10% of the membership of the House.

Purpose of the Committee's work

The primary purpose of the Committee is to scrutinise EU law in draft before it is agreed in the EU, as the opportunities for scrutiny by our Parliament at a later stage (e.g. when EU law is implemented in the UK) are limited. For this reason, the Committee starts its work at the earliest possible stage in the EU decision-making process.

Key activities of the Committee:

- the accumulation, presentation and summary of relevant material, including information, statistics, explanation and analysis;
- the provision of information to the House and to the public as a contribution to transparency;
- drawing the attention of the House, the Government, European institutions and the public to significant matters contained within that information and in particular making recommendations—‘focusing the debate’;
- contributing to the law-making process by detailed analysis of draft texts, by exposing difficulties and proposing improvements;
- an examination of the Government and its role in agreeing European legislation and, as part of that process, compelling the Government not only to think through what it is doing, or has done, but sometimes to account for it; and
- an examination of the Commission and the policies it formulates.

The sub-committees and how they work

The Select Committee carries out most of its investigations through its seven sub-committees. They conduct inquiries based either on the scrutiny of EU documents or on subjects chosen by the sub-committees from within their field of activity. The sub-committees are assisted by clerks, legal advisers, committee specialists and other staff, and by consultant specialist advisers appointed for their expert knowledge of the subject under inquiry. They operate in the same way as other parliamentary committees: they invite written and oral evidence from government departments, EU institutions and other interested bodies and individuals, in order to consider a wide range of points of view before reaching conclusions.

The seven sub-committees — policy areas:



A Economic and Financial Affairs, Trade and International Relations
Including the EC Budget

B Internal Market
Including communications, energy, transport, research and space

C Foreign Affairs, Defence and Development Policy

D Environment and Agriculture

E Law and Institutions

F Home Affairs

G Social Policy and Consumer Affairs
Including health, worker protection and education

Additional one-off sub-committees may be set up to examine specific proposals.

The work sub-committees do

The sub-committees look at the policy implications of proposals, including:

- whether they are matters which the EU (not the UK) should be legislating for ('subsidiarity');
- whether they have been subject to a proper cost analysis ('regulatory impact of assessment'); and
- whether they inappropriately delegate power to EU official committees ('comitology').

Draft reports setting out conclusions and recommendations are agreed by the sub-committees, approved by the Select Committee and then published. Reports range from major reviews of significant policy issues to shorter analyses of specific legislative or policy proposals. A number of reports are debated in the House and the Government has undertaken to reply to all reports, debated or not, within two months of publication.

Scrutiny of the three pillars of the European Union

The Maastricht Treaty, which came into effect in 1993, set up the EU comprising three 'pillars':

1	2	3
The European Community (EC) and its legislation	Common Foreign and Security Policy (CFSP)	Police and Judicial Co-operation in Criminal Matters

The second and third 'pillars' are based on inter-governmental co-operation. Instruments adopted under these pillars, where they are legally binding, are binding under international law and not as community law. The Committee has always adopted the same procedure for scrutiny of inter-governmental pillar documents as that for community legislation. This procedure is described in more detail in the following paragraphs.

The scrutiny process

The Committee considers a wide range of documents under all three pillars. They include not only proposals for legislation under the first pillar and proposals for binding legal instruments under the second and third pillars, but also discussion documents such as white and green papers.

How it works

Documents are deposited in the UK Parliament by the Government. Over 1,000 documents are deposited annually, along with an explanatory memorandum signed by a minister. This sets out the legal, financial and policy implications of every document, and the procedure and timetable for its consideration and adoption. Many documents are routine or of comparatively minor importance (i.e. minor adjustments to existing policies). In any case, as the number is too great for the Committee to give detailed consideration to them all, the Select Committee Chairman conducts a 'sift'.

The Chairman considers all the explanatory memoranda, sifts the more significant documents from the less important ones and decides which should be referred to the sub-committees for further examination. About 25% of the documents deposited are referred to the sub-committees.

Each sub-committee then examines the documents referred to it. A sub-committee will take note of many of them, choosing a few each year on which to conduct a substantial inquiry and make a report. A number of further documents are the subject of a short inquiry.

The Committee often sets out its views in a letter to the appropriate minister if views can be expressed succinctly without the need for extensive evidence (e.g. to follow up an earlier report) or where Council decision on a proposal is likely to be reached quickly. The Committee regularly publishes correspondence with ministers online and in hard copy.

Other activities

The Select Committee, in addition to considering draft reports prepared by the sub-committees, also:

- hears regular sessions of evidence the Minister for Europe after each European Council, and from the ambassadors of presidency countries;
- scrutinises the Commission's Annual Work Programme and takes a strategic overview of EU issues;
- on occasion acts as an investigative committee producing reports; and
- plays an active role in the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC).

A monthly newsletter is available on the Committee's pages on the parliamentary website.

The Scrutiny Reserve Resolution

The scrutiny system originally rested on an undertaking given by the Government that they will not, except in special circumstances, agree to any proposal in the Council until it has been cleared by the Committee. This was formalised in a Resolution of the House of Lords on 6 December 1999. This 'scrutiny reserve' gives the House an opportunity to influence the position which the Government adopts on the proposal in negotiation with other Member States. The full text of the Reserve is available on the website (on the EU Committee page).

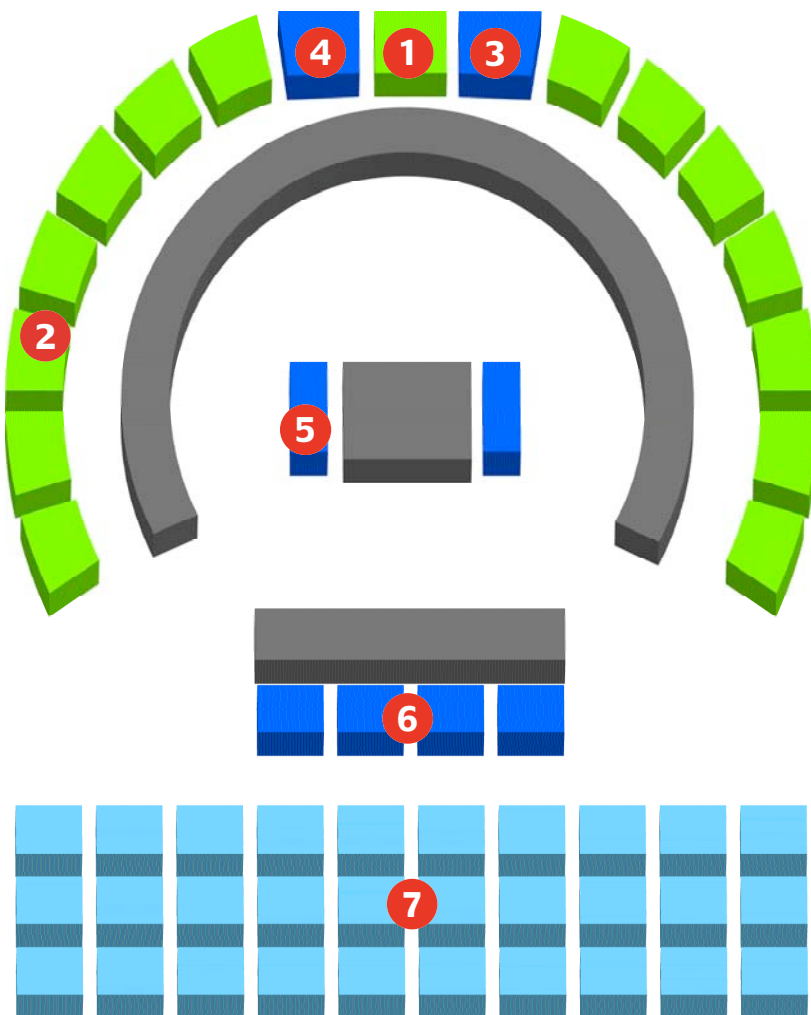
Wide-ranging scrutiny

The Committee's wide remit and capacity to take a long term view mean that its work is characterised by its commitment to serving the public interest by analysing the merits of policy proposals in-depth. Recent subjects investigated (in the context of the EU) include:



- the Common Fisheries Policy
- the Working Time Directive
- climate change
- defence policy
- the EU and Africa
- nuclear safety and waste
- consumer credit
- energy
- illegal migration
- jobs and growth
- children's medicines
- curbing excess mobile phone charges

Layout for a committee sitting



- 1 Chairman
- 2 Members
- 3 Clerk
- 4 Specialist adviser
- 5 Official reporters
- 6 Witnesses
- 7 Public seating

Committee meetings are open to the public. Forthcoming meetings are listed in the weekly bulletin (see below).

Contact the European Union Committee

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- 🌐 www.parliament.uk/lords for details of:
- reports and inquiries (past and present)
 - written evidence and transcripts of oral evidence
 - press notices
 - membership
 - future meetings.

The weekly bulletin:



Lists:

- inquiries
- meetings
- reports
- contacts.



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