



House of Commons

European Scrutiny Committee

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# **Formal Minutes**

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**Session 2010–12**

## The European Scrutiny Committee

The European Scrutiny Committee is appointed under Standing Order No.143 to examine European Union documents and—

- a) to report its opinion on the legal and political importance of each such document and, where it considers appropriate, to report also on the reasons for its opinion and on any matters of principle, policy or law which may be affected;
- b) to make recommendations for the further consideration of any such document pursuant to Standing Order No. 119 (European Standing Committees); and
- c) to consider any issue arising upon any such document or group of documents, or related matters.

The expression “European Union document” covers —

- i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;
- ii) any document which is published for submission to the European Council, the Council or the European Central Bank;
- iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;
- iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;
- v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation;
- vi) any other document relating to European Union matters deposited in the House by a Minister of the Crown.

The Committee’s powers are set out in Standing Order No. 143.

The scrutiny reserve resolution, passed by the House, provides that Ministers should not give agreement to EU proposals which have not been cleared by the European Scrutiny Committee, or on which, when they have been recommended by the Committee for debate, the House has not yet agreed a resolution. The scrutiny reserve resolution is printed with the House’s Standing Orders, which are available at [www.parliament.uk](http://www.parliament.uk).

### Current membership

Mr William Cash MP (*Conservative, Stone*) (Chairman)  
Mr James Clappison MP (*Conservative, Hertsmere*)  
Michael Connarty MP (*Labour, Linlithgow and East Falkirk*)  
Jim Dobbin MP (*Labour/Co-Op, Heywood and Middleton*)  
Julie Elliott MP (*Labour, Sunderland Central*)  
Tim Farron MP (*Lib-Dem, Westmorland and Lonsdale*)  
Nia Griffith MP (*Labour, Llanelli*)  
Chris Heaton-Harris MP (*Conservative, Daventry*)  
Kelvin Hopkins MP (*Labour, Luton North*)  
Chris Kelly MP (*Conservative, Dudley South*)  
Tony Lloyd MP (*Labour, Manchester Central*)  
Penny Mordaunt MP (*Conservative, Portsmouth North*)  
Stephen Phillips MP (*Conservative, Sleaford & N. Hykeham*)  
Jacob Rees-Mogg MP (*Conservative, Somerset North East*)  
Henry Smith MP (*Conservative, Crawley*)  
Ian Swales MP (*Lib-Dem, Redcar*)

## Wednesday 8 September 2010

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Kelly
Michael Connarty	Tony Lloyd
Jim Dobbin	Penny Mordaunt
Tim Farron	Stephen Phillips
Nia Griffith	Jacob Rees-Mogg
Chris Heaton-Harris	Henry Smith
Kelvin Hopkins	

### 1. Declaration of Interests

Members declared their interests, in accordance with the Resolution of the House of 13 July 1992 (see Appendix).

### 2. Election of Chair

Mr William Cash was called to the Chair.

### 3. Day and time of meeting

*Resolved*, That the Committee's normal time of meeting be Wednesday at Two o'clock.

### 4. Confidentiality of proceedings

The Committee considered this matter.

### 5. Committee working methods

*Ordered*, That the public be admitted during the examination of witnesses unless the Committee orders otherwise.

*Resolved*, That the Committee approves the use of electronic equipment by Members during public and private meetings, provided that they are used in accordance with the rules and customs of the House.

### 6. Committee Programme

*Resolved*, That the Committee visit Brussels in January 2011 in connection with its work on the scrutiny of European documents.

*Resolved*, That the Committee visits Budapest in December 2010 in connection with its scrutiny work during Hungary's presidency of the European Union, and that the Chair seek approval of the Liaison Committee for expenditure in connection with the visit.

### 7. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chairman, brought up and read.

*Ordered*, that the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 43.43 read and agreed to.

Paragraph 5, Headnote read, amended and agreed to.

Paragraphs 5.1 to 5.18 read and agreed to.

Paragraph 5.19 read, amended and agreed to.

Paragraphs 5.20 to 6.26 read and agreed to.

Paragraph 7, Headnote read amended and agreed to.

Paragraphs 7.1 to 7.11 read and agreed to.

Paragraph 7.12 read, amended and agreed to.

Paragraph 8, Headnote read, amended and agreed to.

Paragraphs 8.1 to 8.17 read and agreed to.

Paragraph 8.18 read, amended and agreed to.

Paragraph 9.1 to 34.13 read and agreed to.

Paragraph 34.14 read, amended and agreed to.

Paragraphs 35.1 to 66.35 read and agreed to.

Paragraph 66.36 read, amended and agreed to.

Paragraph 66.37 to 70.8 read and agreed to.

Jacob Rees-Mogg declared a pecuniary interest in relation to the Commission Communication: Regulating financial services for sustainable growth as set out in his entry in the Register of Members' Interests.

Paragraphs 71.1 to 81 read and agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

[Adjourned till Wednesday 13 September at 2.00 pm.]

## Wednesday 15 September 2010

Members present:

Mr William Cash, in the Chair

Michael Connarty	Tony Lloyd
Jim Dobbin	Penny Mordaunt
Tim Farron	Stephen Phillips
Nia Griffith	Jacob Rees-Mogg
Chris Heaton-Harris	Henry Smith
Kelvin Hopkins	

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, that the draft Report be read a second time, paragraph by paragraph.

Paragraph 1, Headnote read, amended and agreed to.

Paragraphs 1.1 to 5.1 read and agreed to.

Paragraph 5.2 read, amended and agreed to.

Paragraphs 5.3 to 10.15 read and agreed to.

Paragraph 10.16 read, amended and agreed to.

Paragraphs 10.17 to 13.15 read and agreed to.

Paragraph 13.16 read, amended and agreed to.

Paragraphs 14.1 to 14.7 read and agreed to.

Paragraph 15, Headnote read, amended and agreed to.

Paragraphs 15.1 to 28 read and agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union

Resolved, That the Chair, accompanied by two members of the Committee and the Clerk, have leave to visit Brussels in a representative capacity for the XLIV COSAC.

*Ordered*, That the Chair seek the approval of the Liaison Committee for expenditure in connection with the visit.

[Adjourned till Wednesday 13 October at 2.00 pm.

### **Wednesday 13 October 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins  
Chris Kelly

Tony Lloyd  
Penny Mordaunt  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 22 read and agreed to.

*Resolved*, That the Report be the Third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Draft Directive on the Conditions of entry and residence of thirs country nationals for the purposes of seasonal employment. COM (2010) 379; Council doc 12208/10<sup>1</sup>**

*Resolved*, That the Chairman write to the Presidents of the European institutions and raise the Committee's concern that the draft Directive does not comply with the principle of subsidiarity.

#### **3. Draft Directive on deposit guarantee schemes (recast) COM (2010) 368; Council No. 12368/10<sup>2</sup>**

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<sup>1</sup> HC 428-iii (2010-12), chapter 10.

<sup>2</sup> HC 428-iii (2010-12), Chapter 7.

*Resolved*, That the Chairman write to the Presidents of the European institutions and raise the Committee's concern that the draft Directive does not comply with the principle of subsidiarity.

#### **4. Scrutiny of Pre and Post Council Written Ministerial Statements**

The Committee considered Pre and Post Council Ministerial Statements.

#### **5. Scrutiny of forthcoming presidency of the European Union**

*Resolved*, That the Committee visit Budapest in November 2011 in connection with its decision of 8 December 2010, and that the Chair seek the approval of the Liaison Committee for expenditure in connection with the visit.

[Adjourned till Wednesday 20 October at 2.00 pm.]

### **Wednesday 20 October 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins

Chris Kelly  
Tony Lloyd  
Penny Mordaunt  
Jacob Rees-Mogg

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 17 read and agreed to.

*Resolved*, That the Report be the Fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

#### **3. Financial services: investor compensation schemes COM (2010) 371; Council No. 12346/10**

*Ordered*, That the Draft Directive amending Directive 97/9/EC of the European Parliament and of the council on investor compensation schemes be referred to European Committee B for consideration that it does not comply with the principles of subsidiarity and proportionality and to consider that a reasoned opinion be submitted by the Clerk of the House to the Presidents of the European institutions.

[Adjourned till Wednesday 27 October at 2.00 pm.

### **Wednesday 27 October 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.19 read and agreed to.

Paragraph 1.20 read, amended and agreed to.

Paragraphs 1.21 to 2.11 read and agreed to.

Paragraph 2.12 read, amended and agreed to.

Paragraphs 2.13 to 6.10 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 7.1 to 7.12 read and agreed to.

Paragraph 7.13 read, amended and agreed to.

Paragraphs 8.1 to 12.16 read and agreed to.

Paragraph 12.17 read, amended and agreed to.



Paragraphs 12.18 to 15 read, amended and agreed to.

*Resolved*, That the Report be the Fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 3 November at 2.00 pm.]

### **Wednesday 3 November 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin  
Julie Elliott  
Nia Griffith

Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 16 read and agreed to.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 10 November at 2.00 pm.]

## Wednesday 10 November 2010

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin  
Julie Elliott  
Tim Farron

Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 8.13 read and agreed to.

Paragraph 8.14 read, amended and agreed to.

Paragraphs 9.1 to 14 read and agreed to.

*Resolved*, That the Report be the Seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of Pre- and Post-Council Written Ministerial Statements

The Committee considered Pre- and Post-Council Ministerial Statements.

### 3. Written Evidence

Written evidence relating to *EU economic governance* was ordered to be reported to the House.

### 4. The European Union Bill

The Committee considered this matter.

*Resolved*, that the Committee conduct a pre-legislative scrutiny inquiry into the forthcoming European Union Bill.

[Adjourned till Wednesday 17 November at 2.00 pm.]

## Wednesday 17 November 2010

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, that the draft Report be read a second time, paragraph by paragraph.

Headnote read, amended and agreed to.

Paragraphs 1.1 to 1.3 read and agreed to.

Paragraph 1.4 read, amended and agreed to.

Paragraphs 2.1 to 9.7 read and agreed to.

Paragraph 9.8 read, amended and agreed to.

Paragraphs 10.1 to 12.12 read and agreed to.

Paragraph 12.13 read, amended and agreed to.

Paragraph 13.1 to 15 read and agreed to.

*Resolved*, That the Report be the Eighth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of Pre- and Post-Council Written Ministerial Statements

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Monday 22 November at 4.00 pm.]

## Monday 22 November 2010

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Kelly
Michael Connarty	Penny Mordaunt
Nia Griffith	Stephen Phillips
Chris Heaton-Harris	Jacob Rees-Mogg
Kelvin Hopkins	

### 1. The EU Bill and Parliamentary sovereignty

Professor Paul Craig, Professor in English Law, St John's College, Oxford, gave oral evidence.

Professor Trevor Hartley, London School of Economics, gave oral evidence.

[Adjourned till Wednesday 24 November at 10.00am.]

## Wednesday 24 November 2010

Members present:

Mr James Clappison	Kelvin Hopkins
Michael Connarty	Chris Kelly
Jim Dobbin	Penny Mordaunt
Julie Elliott	Jacob Rees-Mogg
Nia Griffith	Henry Smith

In the temporary absence of the Chair, Henry Smith was called to the Chair for the meeting.

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.8 read and agreed to.

Headnote read.

Amendment proposed in line 8, to leave out the words “Not cleared; further information requested” and to insert the words “For debate in European Committee B”. – (*Mr James Clappison.*)

Question put, that the Amendment be made.

The Committee divided:

Ayes, 4	Noes, 4
Mr James Clappison	Michael Connarty
Chris Kelly	Jim Dobbin
Penny Mordaunt	Julie Elliott
Jacob Rees-Mogg	Nia Griffith

Whereupon the Chair declared himself with the Ayes.

Paragraphs 3.1 to 12.19 read and agreed to.

Paragraph 12.20 read, amended and agreed to.

Paragraphs 12.21 to 20 read and agreed to.

*Resolved*, That the Report be the Ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Thursday 25 November at 10.15 am.]

### **Thursday 25 November 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Kelly
Michael Connarty	Penny Mordaunt
Tim Farron	Jacob Rees-Mogg
Chris Heaton-Harris	Henry Smith

## **1. The EU Bill and Parliamentary sovereignty**

Professor Trevor Allan, Professor of Public Law and Jurisprudence, Pembroke College, University of Cambridge, and Professor Anthony Bradley, Research Fellow, Institute of European and Comparative Law, University of Oxford, gave oral evidence.

Professor Adam Tomkins, Chair of Public Law, University of Glasgow, gave oral evidence.

[Adjourned till Monday 6 December at 4.00 pm.]

### **Monday 6 December 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Kelly
Michael Connarty	Penny Mordaunt
Chris Heaton-Harris	Jacob Rees-Mogg
Kelvin Hopkins	Henry Smith

#### **1. The EU Bill and Parliamentary sovereignty**

Mr David Lidington MP, Minister for Europe, Ms Alison Rose, Head of Communications, Institutions, Treaty and Iberia Group, and Mrs Ivan Smyth, Legal Adviser, Foreign and Commonwealth Office, gave oral evidence.

[Adjourned till Wednesday 8 December at 2.00 pm.]

### **Wednesday 8 December 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Stephen Phillips
Michael Connarty	Penny Mordaunt
Chris Heaton-Harris	Jacob Rees-Mogg
Kelvin Hopkins	Henry Smith
Chris Kelly	

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Headnote, read, amended and agreed to.

Paragraphs 1.1 to 1.18 read and agreed to.

Paragraph 1.19, read, amended and agreed to.

Paragraphs 2.1 to 2.12 read and agreed to.

Headnote, read, amended and agreed to.

Paragraphs 3.1 to 3.22 read and agreed to.

Paragraph 3.23, read, amended and agreed to.

Paragraphs 3.24 to 23 read and agreed to.

*Resolved*, That the Report be the Eleventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. The EU Bill: Restrictions on Treaties and Decisions relating to the EU**

Professor Simon Hix, Professor of European and Comparative Politics, Department of Government, London School of Economics and Political Science, gave oral evidence.

Professor Ken Minogue, Professor Emeritus at the Department of Government, London School of Economics and Political Science, gave oral evidence.

[Adjourned till Wednesday 15 December at 9.15 am.]

## **Wednesday 15 December 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Kelvin Hopkins

Penny Mordaunt  
Jacob Rees-Mogg

## **1. The EU Bill: Restrictions on Treaties and Decisions relating to the EU**

Sir John Grant KCMG, former UK Permanent Representative to the European Union, gave oral evidence.

[Adjourned till Wednesday 15 December at 2.00 pm.]

### **Wednesday 15 December 2010**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Kelvin Hopkins  
Chris Kelly

Penny Mordaunt  
Jacob Rees-Mogg  
Henry Smith

In the temporary absence of the Chair, Jacob Rees-Mogg was called to the chair for part of the meeting.

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

*Resolved*, That the Report be the Twelfth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 10 January at 3.00 pm.]



## Monday 10 January 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty

Kelvin Hopkins  
Jacob Rees-Mogg

### 1. Consideration of Special Report

Draft Special Report (*The EU Bill and Parliamentary sovereignty: Government Response to the Committee's Tenth Report of Session 2010–11*), proposed by the Chairman, brought up, read the first and second time, and agreed to.

The Government's response to the Tenth Report from the Committee in Session 2010–11 was appended to the Report.

*Resolved*, That the Report be the First Special Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

[Adjourned till Wednesday 12 January at 2.00 pm.]

## Wednesday 12 January 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin  
Julie Elliott  
Chris Heaton-Harris

Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.13 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 2.1 to 2.10 read and agreed to.

Paragraph 2.11 read, amended and agreed to.

Paragraph 2.12 read and agreed to.

Paragraph 2.13 read, amended and agreed to.

Headnote read, amended and agreed to.

Paragraphs 3.1 to 3.33 read and agreed to.

Paragraph 3.34 read, amended and agreed to.

Paragraphs 4.1 to 20.9 read and agreed to.

Paragraph 21 read, amended and agreed to.

*Resolved*, That the Report be the Thirteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 19 January at 2.00 pm.]

### **Wednesday 19 January 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin  
Julie Elliott  
Nia Griffith  
Chris Heaton-Harris

Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

*Resolved*, That the Report be the Fourteenth Report of the Committee to the House.

*Ordered,* That the Chair make the Report to the House.

## **2. Scrutiny of a Pre-Council Written Ministerial Statement**

The Committee considered a Pre-Ministerial Statement.

## **3. The EU Bill: Restrictions on Treaties and Decision relating to the EU**

Draft Report (*The EU Bill: Restrictions on Treaties and Decisions relating to the EU*) proposed by the Chair, brought up and read.

Draft Report *The EU Bill: Restrictions on Treaties and Decisions relating to the EU* proposed by Michael Connarty, brought up and read, as follows:

### **“Introduction:**

1. In his evidence to the European Scrutiny Committee the Minister for Europe, David Lidington claimed that:

“The point of the referendum lock is to guard against the risk that, in future, powers would be transferred to the European Union without the consent of the British people in the way that has happened in the past.”

2. The Government has made it plain that there will not be a referendum under Part 1 of the Bill in the lifetime of this Parliament. The explanatory notes to the Bill emphasise that Government consent to a proposal in Brussels is a pre-condition to triggering the ‘referendum lock’.

3. The Minister for Europe also stated that:

‘I very much want to see the UK not only remaining a member of the EU, but being a very active participant as well.’

4. There is a clear contradiction between the claim of the Government to deliver legislation to require a referendum before transfers of competence and the EU Bill being presented to the House at this time. These contradictions are contained in both the requirements for a ‘significance’ test and in the ‘exemptions’ in reference to clauses of the Bill.

5. It is obvious that the process of participation in the EU policy making institutions, and in addition the role of the ECJ in judgements on the applicability of those policies will create situations where the Government Minister will make use of the ‘significance’ test to avoid having to call for a referendum, or the exemptions condition to avoid having to bring forward an Act of Parliament.

## **Impact on EU-UK Relationships**

6. The Bill increases the impression of ‘British Exceptionalism’ but lacks credibility as a tool to increase the UK’s negotiating position in the context of the EU policy making process. We believe there is some credibility in the evidence received that it is likely that the Bill will be viewed by other EU governments with a mixture of ‘dismay to anger’. The Bill contains the danger that it will start the UK down a road that was last trodden by the 1992-1997 Government under John Major when the UK was marginalised in the EU. This is a position of which the Committee would not approve.

### **Evaluation and conclusions**

7. The Committee concurs with the view of Professor Hix that the Bill is not credible as he stated:

‘[It]...is primarily designed.....on the understanding that there would never in practise be referendums on most of these things. My question is how credible it is in that aim. And frankly I don’t find it that credible.’

And concludes that:

‘It is in reality unlikely that, most of the Treaty provisions will attract a referendum under the Bill, will ever be successfully invoked.’

8. We believe that the ‘significance’ assessment in the Bill is a deliberate escape condition for the Government and we seek clarification and codification from the Government in what circumstances and at what level the imposition of obligations or sanctions would be considered insignificant.

9. The scope of the “exemption condition” is similarly unclear as it simply states that “the Act providing for the approval of the treaty does not fall within section 4”.

10. In our opinion the exception in Clause 4 (4) (a) of “codification of practice...in relation to the previous exercise of an existing competence” is of serious concern as there is past evidence of EU institutions pushing the boundaries of their competence (competence creep) sometimes supported by the judgements of the ECJ—and subsequently in the codification in a revision of the Treaties.

11. We think it is anomalous to exclude accession Treaties from the scope of a Bill that claims to give consideration, as claimed by the Minister for Europe, David Lidington to “the consent of the British people”. Similarly it is anomalous given the effect of the accession of a new Member State both on UK relations with the EU and on subsequent the voting power in the Council. It is disingenuous of the Government to exclude accession Treaties from this Bill.

12. We conclude that the exemption condition, read together with clause 4(4) and the relevant paragraph of the Explanatory Notes, is so broad and open-ended to allow the

Minister too wide a discretion to consider a provision exempt and to undermine the stated aim of the Bill.

13. We consider Opt-in decisions to be at this moment too far removed from the process of Parliamentary Scrutiny and control to be consistent with the Democratic process and to be a major source of the transfer of policy making and powers to the EU. It is necessary for decisions to Opt-in to existing EU Directives, or parts thereof to be brought under the scope of Part 1 of the Bill and for all Opt-in decisions to be subject to formal Parliamentary approval of an affirmative resolution.

14. We are of the opinion that the use of a referendum should be used for major issue of national policy and for matters of serious constitutional concern. We view the EU Bill as presently before the Parliament as an attempt to trivialise the proposed uses of the referendum while at the same time misleading the British people with a Bill that is very unlikely to ever be used in the process of participation in the policy making of the EU.

15. We furthermore consider that the EU Bill and the rhetoric around it will damage the standing of the UK in the institutions of the EU and with the other EU Governments as the emphasis on “British Exceptionalism” will drive the UK away from the centre of the table at EU negotiations which will not be to the benefit of the people of the UK.”

Motion made, and Question proposed, That the Chair’s draft Report be read a second time, paragraph by paragraph.—(*The Chair.*)

Amendment proposed, to leave out, “Chair’s draft Report” and insert “draft Report proposed by Michael Connarty”.—(*Michael Connarty.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4

Michael Connarty  
Jim Dobbin  
Julie Elliot  
Nia Griffith

Noes, 5

James Clappison  
Chris Heaton-Harris  
Chris Kelly  
Jacob Rees-Mogg  
Henry Smith

Main Question put and agreed to.

*Ordered*, That the Chair’s draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 91 read and agreed to.

Paragraph 92 read.

Amendment proposed, in line 3, leave out from “field” to end of paragraph.—(*Michael Connarty.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3

Michael Connarty  
Jim Dobbin  
Julie Elliot

Noes, 8

James Clappison  
Nia Griffith  
Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

Paragraphs 93 to 105 read and agreed to.

Paragraph 106 read.

Amendment proposed, in line 2, leave out from “as” to “enlargement” in line 4. — (*Michael Connarty.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4

Michael Connarty  
Jim Dobbin  
Julie Elliot  
Nia Griffith

Noes, 7

James Clappison  
Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Jacob Rees-Mogg  
Stephen Phillips  
Henry Smith

Paragraph 107 read and agreed to.

Paragraph 108 read.

Amendment proposed, in line 3, leave out from “premised” to end of paragraph and add “on an affirmative resolution considered on the floor of both Houses.”. —(*Michael Connarty.*)

The Committee divided.

Ayes, 4

Michael Connarty  
Jim Dobbin  
Julie Elliot  
Nia Griffith

Noes, 7

James Clappison  
Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Jacob Rees-Mogg  
Stephen Phillips  
Henry Smith

Paragraph 109 read.

Question put, that the paragraph stand part of the Report.

The Committee divided.

Ayes, 6

James Clappison  
Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

Noes, 5

Michael Connarty  
Jim Dobbin  
Julie Elliot  
Nia Griffith  
Chris Heaton-Harris

Paragraph 110 read and agreed to.

Paragraph 111 read.

Amendment proposed, in line 2 leave out “a referendum lock” and add “an affirmative resolution considered on the floor of both Houses of Parliament.”—(*Michael Connarty.*)

The Committee divided.

Ayes, 4

Michael Connarty  
Jim Dobbin  
Julie Elliot  
Nia Griffith

Noes, 7

James Clappison  
Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

Paragraph 112 to 117 read and agreed to.

Paragraph 118 read.

Amendment proposed, in line 12, leave out from “intended” to end of paragraph and add “to accentuate British exceptionalism, which could result in difficulties in the UK’s relationship with other EU countries that would not be in the best interests of the UK.”—  
(*Michael Connarty.*)

The Committee divided.

Ayes, 4

Michael Connarty  
Jim Dobbin  
Julie Elliot  
Nia Griffiths

Noes, 7

James Clappison  
Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

Paragraphs 119 and 120 read and agreed to.

Motion made, and Question put, That the Report be the Fifteenth Report of the Committee to the House.

The Committee divided.

Ayes, 7

James Clappison  
Chris Heaton-Harris  
Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

Noes, 3

Michael Connarty  
Julie Elliot  
Nia Griffiths

*Ordered,* That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

The Committee further deliberated.

[Adjourned till Wednesday 26 January at 2.30 p.m.]



## Wednesday 26 January 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Nia Griffith  
Kelvin Hopkins  
Chris Kelly

Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.15 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 3.1 to 3.9 read and agreed to.

Paragraph 3.10 read, amended and agreed to.

Paragraphs 4.1 to 13 read and agreed to.

*Resolved*, That the Report be the Sixteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement

The Committee considered Pre- and Post-Council Ministerial Statements.

### 3. Committee Programme

*Resolved*, That members of the Committee visit Brussels in a representative capacity for the Tripartite meeting in March 2011 and that the Chair seek approval of the Chair of the Liaison Committee for expenditure in connection with the visit.

*Resolved*, That the Committee visit Warsaw in June 2011 in connection with its scrutiny work during Poland's presidency of the European Union, and that the Chair seek approval of the Liaison Committee for expenditure in connection with the visit.

[Adjourned till Wednesday 2 February at 2.00 pm.]

## Wednesday 2 February 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin

Kelvin Hopkins  
Chris Kelly  
Jacob Rees-Mogg

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 12 read and agreed to.

*Resolved*, That the Report be the Seventeenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 9 February at 2.00 pm.]

## Wednesday 9 February 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Chris Kelly

Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 17 read and agreed to.

*Resolved*, That the Report be the Eighteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. COSAC XLV**

*Resolved*, That the Chairman, two other Members and the Clerk visit Budapest for the purpose of attending the COSAC XLV meeting in a representative capacity, and that the Chair .

[Adjourned till Wednesday 16 February at 2.00 pm.

### **Wednesday 16 February 2011**

Members present:

Mr William Cash, in the Chair

Michael Connarty

Julie Elliott

Chris Heaton-Harris

Kelvin Hopkins

Chris Kelly

Penny Mordaunt

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 3.32 read and agreed to.

Paragraph 3.33 read, amended and agreed to.

Paragraphs 3.34 to 3.35 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 4.1 to 4.44 read and agreed to.

Paragraph 4.45 read, amended and agreed to.

Paragraphs 4.46 to 15 read and agreed to.

*Resolved*, That the Report be the Nineteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 2 March at 2.00 pm.]

**Wednesday 2 March 2011**

Members present:

Mr William Cash, in the Chair

Julie Elliott  
Nia Griffith  
Kelvin Hopkins  
Chris Kelly

Penny Mordaunt  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 15 read and agreed to.

*Resolved*, That the Report be the Twentieth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

### **3. The EU Bill: Restrictions on Treaties and Decisions**

Draft Special Report (*The EU Bill: Restrictions on Treaties and Decisions relating to the EU: Government Response to the Committee's Fifteenth Report of Session 2010–11*), proposed by the Chair, brought up, read the first and second time, and agreed to.

The Government's response to the Fifteenth Report from the Committee in Session 2010–11 was appended to the Report.

*Resolved*, That the Report, be the Second Special Report of the Committee to the House.

*Ordered*, that the Chair make the Report to the House.

#### **4. Parliamentary scrutiny of opt-in decisions**

*Resolved*, That the Committee inquire into Opting into international agreements and enhanced Parliamentary scrutiny of opt-in decisions.

*Resolved*, That the Committee take evidence from the Minister for Europe and the Home Secretary on this matter.

[Adjourned till Wednesday 9 March at 2.00 pm.]

### **Wednesday 9 March 2011**

Members present:

Mr William Cash, in the Chair

James Clappison  
Michael Connarty  
Jim Dobbin  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraph 1, Headnote read, amended and agreed to.

Paragraphs 1.1 to 1.21 read and agreed to.

Paragraph 1.22 read, amended and agreed to.

Paragraphs 2.1 to 10 read and agreed to.

*Resolved*, That the Report be the Twenty-first Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 16 March at 2.00 pm.]

## Wednesday 16 March 2011

Members present:

Mr William Cash, in the Chair

Michael Connarty  
Jim Dobbin  
Kelvin Hopkins

Chris Kelly  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 11 read and agreed to.

*Resolved*, That the Report be the Twenty-second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement

The Committee considered Pre- and Post-Council Ministerial Statements.

### 3. Enhanced cooperation for the EU Patent

*Resolved*, That Baroness Wilcox, the Parliamentary Under-Secretary for Business, Innovation and Skills be invited to give evidence before the Committee.

[Adjourned till Wednesday 23 March at 2.00 pm.]

## Wednesday 23 March 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Jim Dobbin  
Kelvin Hopkins

Penny Mordaunt  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 15 read and agreed to.

*Resolved*, That the Report be the Twenty-third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Revision of Standing Order No. 143 and the Scrutiny Reserve Resolution**

*Resolved*, That the Committee delegate authority to Committee staff on this matter and report to the Committee for further consideration.

[Adjourned till Wednesday 30 March at 2.00 pm.]

### **Wednesday 30 March 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Jim Dobbin  
Julie Elliott  
Chris Heaton-Harris  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.6 read and agreed to.

Headnote read, amended and agree to.

Paragraphs 3.1 to 3.31 read and agreed to.

Paragraph 3.32 read, amended and agreed to.

Paragraphs 3.33 to 3.36 read and agreed to.

Paragraph 3.37 read, amended and agreed to.

Headnote read, amended and agreed to.

Paragraphs 4.1 to 4.13 read and agreed to.

Paragraph 4.14 read, amended and agreed to.

*Resolved*, That the Report be the Twenty-fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. European Council Conclusions**

*Resolved*, That the Chair write to the Lord Chief Justice.

## **4. Reasoned opinions under the Lisbon Treaty**

*Resolved*, That the Chair write to the Chair of the Procedure Committee.

[Adjourned till Tuesday 5 April at 10.30 am.]

## **Tuesday 5 April 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison

Michael Connarty

Jim Dobbin

Chris Heaton-Harris

Kelvin Hopkins

Stephen Phillips

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 3.20 read and agreed to.

Paragraph 3.21 read, amended and agreed to.



Paragraphs 3.22 to 3.23 read and agreed to.

A paragraph—(*The Chair*)—brought up, read the first and second time, now paragraph 3.24.

Paragraphs 4.1 to 5.10 read and agreed to.

Paragraph 5.11 read, amended and agreed to.

A paragraph—(*The Chair*)—brought up, read the first and second time, now paragraph 5.12.

Paragraphs 6.1 to 13 read and agreed to.

*Resolved*, That the Report be the Twenty-fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 27 April at 2.00 pm.]

### **Wednesday 27 April 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Jim Dobbin  
Julie Elliott  
Nia Griffith  
Chris Heaton-Harris

Kelvin Hopkins  
Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.34 read and agreed to.

Paragraph 1.35 read, amended and agreed to.

Paragraph 1.36 read and agreed to.

Paragraph 1.37 read, amended and agreed to.

Paragraphs 2.1 to 16 read and agreed to.

*Resolved*, That the Report be the Twenty-sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Opting into international agreements and enhanced Parliamentary scrutiny of opt-in decisions**

Rt Hon David Lidington MP, Minister for Europe, Gerry Regan, Legal Adviser and Simon Manley, Europe Director, Foreign and Commonwealth Office, gave oral evidence.

[Adjourned till 4 May at 2.00 pm.]

## **Wednesday 4 May 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Julie Elliott  
Kelvin Hopkins

Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.11 read and agreed to.

Paragraph 2.12 read, amended and agreed to.

Paragraphs 2.13 to 8 read and agreed to.

*Resolved*, That the Report be the Twenty-seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

### **3. Common Consolidated Corporate Tax Base: EU document No. 7263/11**

*Ordered*, That the Draft Council Directive on a Common Consolidated Corporate Tax Base be referred to the Floor of the House for consideration that it does not comply with the principles of subsidiarity and proportionality and to consider that a reasoned opinion be submitted by the Clerk of the House to the Presidents of the European institutions.

*Resolved*, that the Chair write to the Chair of the Treasury Committee to request an Opinion.

[Adjourned till Wednesday 11 May at 2.00 pm.]

### **Wednesday 11 May 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 6.5 read and agreed to.

Paragraph 6.6 read, amended and agreed to.

Paragraphs 7.1 to 11.10 read and agreed to.

Paragraph 11.11 read, amended and agreed to.

Paragraphs 11.12 to 14 read and agreed to.

*Resolved*, That the Report be the Twenty-eighth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

### 3. Enhanced Cooperation for the EU Patent

Baroness Wilcox, Parliamentary Secretary for Business Innovation and Skills, Liz Coleman, Director, Patent Policy Directorate, Peter Holland, Director of International Policy, Intellectual Property Office and Nicholas Fernandes, Legal Adviser, of the Department for Business, Innovation and Skills, gave oral evidence.

[Adjourned till Wednesday 18 May at 2.00 pm.]

### Wednesday 18 May 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Nia Griffith  
Chris Heaton-Harris

Kelvin Hopkins  
Chris Kelly  
Jacob Rees-Mogg  
Henry Smith

#### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 3.21 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 4.1 to 4.29 read and agreed to.

Paragraph 4.30 to 4.32 read, amended and agreed to.

Paragraphs (now paragraphs 4.33 to 4.35)—(*Chair*)—brought up, read the first and second time, and inserted.

Paragraphs 5.1 to 6.23 read and agreed to.

Paragraph 6.24 read, amended and agreed to.

Paragraphs 6.25 to 7.23 read and agreed to.

Paragraph 7.24 read, amended and agreed to.

Paragraphs 8.1 to 18 read and agreed to.

*Resolved*, That the Report be the Twenty-ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Draft Report**

Draft Report (*Opting into international agreements and enhanced Parliamentary scrutiny of opt-in decisions*), proposed by the Chair, brought up and read.

The draft Report was agreed to; the Formal Minutes relating to the consideration of the Report are published with the Thirtieth Report of the Committee, HC 955.

[Adjourned till Tuesday 24 May at 10.30 am.]

## **Tuesday 24 May 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Chris Heaton-Harris

Kelvin Hopkins  
Stephen Phillips

## **1. Enhanced cooperation for the EU patent**

Draft Report (*Enhanced cooperation for the EU patent: the Committee's evidence session with Baroness Wilcox*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.37 read and agreed to.

*Resolved*, That the Report be the Thirty-second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

## **2. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs read and agreed to.

*Resolved*, That the Report be the Thirty-first Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### **3. Scrutiny of a Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 8 June at 2.00 pm.]

## **Wednesday 8 June 2011**

Members present:

Mr William Cash, in the Chair

Michael Connarty

Julie Elliott

Chris Heaton-Harris

Kelvin Hopkins

Jacob Rees-Mogg

Henry Smith

### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 3.26 read and agreed to.

Paragraph 3.27 read, amended and agreed to.

Paragraphs 3.28 to 4.62 read and agreed to.

Paragraph 4.63 read, amended and agreed to.

Paragraphs 3.64 to 6.13 read and agreed to.

Paragraph 6.14 read, amended and agreed to.

Paragraphs 6.15 to 15 read and agreed to.

*Resolved*, That the Report be the Thirty-third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 22 June at 2.00 pm.]

### **Wednesday 22 June 2011**

Members present:

Mr William Cash, in the Chair

Nia Griffith  
Kelvin Hopkins  
Chris Kelly

Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.10 read and agreed to.

Paragraph 1.11 read, amended and agreed to.

Paragraphs 2.1 to 3.19 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 4.1 to 4.24 read and agreed to.

Paragraph 4.25 read, amended and agreed to.

Paragraphs 5.1 to 9.49 read and agreed to.

Paragraph 9.50 read, amended and agreed to.

Paragraphs 9.51 to 10.8 read and agreed to.

Paragraph 10.9 read, amended and agreed to.

Paragraphs 10.10 to 23 read and agreed to.

*Resolved*, That the Report be the Thirty-fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Withdrawal from Enhanced Cooperation**

Baroness Wilcox, Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills, John Alty, Director General of the Intellectual Property Office, Liz Coleman, Divisional Director, Patents Directorate, and Nicholas Fernandes, Legal Adviser, Department for Business, Innovation and Skills, gave oral evidence.

[Adjourned till Wednesday 29 June at 2.00 pm.]

## **Wednesday 29 June 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Nia Griffith

Kelvin Hopkins  
Jacob Rees-Mogg

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.13 read and agreed to.

Headnote read, amended and agreed to.

Paragraphs 2.1 to 2.30 read and agreed to.

Paragraph 2.31 read, amended and agreed to.



Appendix read and agreed to.

*Resolved*, That the Report be the Thirty-fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 6 July at 2.00 pm.]

### **Wednesday 6 July 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison

Julie Elliott

Nia Griffith

Kelvin Hopkins

Chris Kelly

Stephen Phillips

Jacob Rees-Mogg

Henry Smith

## **1. The European Investigation Order and Parliamentary scrutiny of opt-in decisions**

Rt Hon Theresa May MP, Secretary of State for Home Affairs, Alistair Robinson, Head of the EU Team, Legal Adviser's Branch and Emma Gibbons, Acting Deputy Director, International Directorate Home Office, gave oral evidence.

## **2. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 20 read and agreed to.

*Resolved*, That the Report be the Thirty-sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **3. Scrutiny of a Post-Council Written Ministerial Statement**

The Committee considered Post-Council Ministerial Statement.

[Adjourned till Wednesday 13 July at 2.00 pm.]

## Wednesday 13 July 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Kelvin Hopkins

Chris Kelly  
Jacob Rees-Mogg  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 15 read and agreed to.

*Resolved*, That the Report be the Thirty-seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of a Post-Council Written Ministerial Statement

The Committee considered Post-Council Ministerial Statement.

[Adjourned till Tuesday 19 July at 10.30 am.]

## Tuesday 19 July 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Nia Griffith  
Kelvin Hopkins

Penny Mordaunt  
Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.56 read and agreed to.

Paragraph 1.57 read, amended and agreed to.

Paragraph 1.58 to 19 read and agreed to.

*Resolved*, That the Report be the Thirty-eighth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Withdrawal from enhanced cooperation**

Draft Report (*Withdrawal from enhanced cooperation: the Committee's evidence session with Baroness Wilcox*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 30 read and agreed to.

*Resolved*, That the Report be the Thirty-ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

## **4. Scrutiny of Delegated and Implementing Legislation**

Resolved, that a pilot exercise for parliamentary scrutiny of delegated legislation under the provisions of Articles 290 and 291 TFEU be held.

[Adjourned till Wednesday 7 September at 2.00 pm.]

## **Wednesday 7 September 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Nia Griffith  
Chris Heaton-Harris

Kelvin Hopkins  
Chris Kelly  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 5.25 read and agreed to.

Paragraph 5.26 read, amended and agreed to.

Paragraph 5.27 read, amended and agreed to.

Paragraphs 5.28 to 22 read and agreed to.

*Resolved*, That the Report be the Fortieth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. EU accession to the European Convention on Human Rights**

The Rt Hon. Kenneth Clarke QC, MP, Lord Chancellor and Secretary of State for Justice, Katie Pettifer, Deputy Director of Information and Human Rights Policy and Daniel Denman, Assistant Director, Information and Human Rights Team, Legal Directorate, Ministry of Justice, gave oral evidence.

## **4. Committee Programme**

*Resolved*, That the Committee visit Copenhagen in connection with its scrutiny work during Denmark's presidency of the European Union, and that the Chair seek approval of the Liaison Committee for expenditure in connection with the visit.

[Adjourned till Wednesday 14 September at 2.00 pm.]

## **Wednesday 14 September 2011**

Members present:

Mr William Cash, in the Chair

Michael Connarty

Julie Elliott

Nia Griffith

Chris Heaton-Harris

Kelvin Hopkins

Jacob Rees-Mogg

Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 27 read and agreed to.

*Resolved*, That the Report be the Forty-first Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 12 October at 2.00 pm.]

### **Wednesday 12 October 2011**

Members present:

Mr William Cash, in the Chair

James Clappison  
Michael Connarty  
Nia Griffith  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 28.20 read and agreed to.

*Resolved*, That the Report be the Forty-second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of a Pre- and Post-Council Written Ministerial Statement**

The Committee considered Pre- and Post-Council Ministerial Statements.

[Adjourned till Wednesday 19 October at 2.00 pm.]

## Wednesday 19 October 2011

Members present:

Mr William Cash, in the Chair

James Clappison	Kelvin Hopkins
Michael Connarty	Penny Mordaunt
Nia Griffith	Jacob Rees-Mogg
Chris Heaton-Harris	Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 12 read and agreed to.

*Resolved*, That the Report be the Forty-third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of Post-Council Written Ministerial Statements

The Committee considered Post-Council Ministerial Statements.

[Adjourned till Wednesday 26 October at 2.00 pm.]

## Wednesday 26 October 2011

Members present:

Mr William Cash, in the Chair

James Clappison	Kelvin Hopkins
Michael Connarty	Chris Kelly
Julie Elliott	Stephen Phillips
Nia Griffith	

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 12 read and agreed to.

*Resolved*, That the Report be the Forty-fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre-Council Written Ministerial Statements**

The Committee considered Pre-Council Ministerial Statements.

[Adjourned till Wednesday 2 November at 2.00 pm.]

## **Wednesday 2 November 2011**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Nia Griffith  
Chris Heaton-Harris

Chris Kelly  
Penny Mordaunt  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 14 read and agreed to.

*Resolved*, That the Report be the Forty-fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre-Council Written Ministerial Statements**

The Committee considered Pre-Council Ministerial Statements.

[Adjourned till Wednesday 9 November at 2.00 pm.]

### **Wednesday 9 November 2011**

Members present:

Mr William Cash, in the Chair

Michael Connarty  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins

Chris Kelly  
Penny Mordaunt  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.41 read and agreed to.

Paragraph 1.42 read, amended and agreed to.

Paragraphs 2.1 to 22 read and agreed to.

*Resolved*, That the Report be the Forty-sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of Pre-Council Written Ministerial Statements**

The Committee considered Pre-Council Ministerial Statements.

[Adjourned till Wednesday 23 November at 2.00 pm.]



## Wednesday 23 November 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Kelly
Michael Connarty	Stephen Phillips
Julie Elliott	Jacob Rees-Mogg
Nia Griffith	Henry Smith
Kelvin Hopkins	

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.41 read and agreed to.

Paragraph 1.42 read, amended and agreed to.

Paragraphs 2.1 to 22 read and agreed to.

*Resolved*, That the Report be the Forty-sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of Pre-Council Written Ministerial Statements

The Committee considered Pre-Council Ministerial Statements.

[Adjourned till Wednesday 7 December at 2.00 pm.]

## Wednesday 7 December 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Kelly
Michael Connarty	Henry Smith
Nia Griffith	

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 9.10 read and agreed to.

Paragraph 9.11 read, amended and agreed to.

Paragraph 9.12 read, amended and agreed to.

Paragraph 9.13 read, amended and agreed to.

Paragraph 9.14 read, amended and agreed to.

Paragraphs 10.1 to 20.33 read and agreed to.

Paragraph 20.34 read, amended and agreed to.

Paragraphs 21.1 to 22.68 read and agreed to.

Paragraph 22.69 read, amended and agreed to.

Paragraphs 23.1 to 28 read and agreed to.

*Resolved*, That the Report be the Forty-eighth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre-Council Written Ministerial Statements**

The Committee considered Pre-Council Ministerial Statements.

## **3. Coordination of social security within the EEA—Application of the UK's JHA opt-in**

Rt Hon Chris Grayling MP, Minister for Employment, Liz Tillett, Deputy Director, International Unit, Martin Charnley, Legal Adviser, EU, International and ECHR Coordination Team and Fiona Kilpatrick, EU Policy Team, Department of Work and Pensions, gave oral evidence.

[Adjourned till Wednesday 14 December at 2.00 pm.]

## Wednesday 14 December 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Sandra Osborne
Michael Connarty	Penny Mordaunt
Julie Elliott	Stephen Phillips
Kelvin Hopkins	Jacob Rees-Mogg
Chris Kelly	Henry Smith

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.13 read and agreed to.

Paragraph 2.14 read, amended and agreed to.

Paragraphs 3.1 to 3.30 read and agreed to.

Paragraph 3.31 read, amended and agreed to.

Paragraphs 4.1 to 20 read and agreed to.

*Resolved*, That the Report be the Forty-ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of Pre- and Post-Council Written Ministerial Statements

The Committee considered Pre- and Post-Council Ministerial Statements.

### 3. Declaration of Interests

Sandra Osborne declared her interests, in accordance with the Resolution of the House of 13 July 1992 (see Appendix).

### 4. Possibilities for reinforcing the eurozone following the December European Council

The Committee considered this matter.

*Resolved*, that the Committee conduct an inquiry into the resolution of the eurozone crisis.

[Adjourned till Tuesday 20 December at 2.00 pm.]

## Tuesday 20 December 2011

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty

Nia Griffith  
Kelvin Hopkins

### 1. Scrutiny of Documents

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 16 read and agreed to.

*Resolved*, That the Report be the Fiftieth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

### 2. Scrutiny of Pre- and Post-Council Written Ministerial Statements

The Committee considered Pre- and Post-Council Ministerial Statements.

### 3. Draft agreement to establish a unified patent court and draft statute

*Ordered*, That the following written evidence relating to the *Draft agreement to establish a unified patent court and draft statute* be reported to the House for publication on the internet: Andrew Waugh QC .

[Adjourned till Wednesday 11 January at 2.00 pm.]

## Wednesday 11 January 2012

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Nia Griffith  
Chris Heaton-Harris

Kelvin Hopkins  
Penny Mordaunt  
Stephen Phillips  
Jacob Rees-Mogg

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 11.10 read and agreed to.

Paragraph 11.11 read, amended and agreed to.

Paragraph 11.12 read, amended and agreed to.

Paragraphs 12.1 to 22 read and agreed to.

*Resolved*, That the Report be the Fifty-first Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Post-Council Written Ministerial Statements**

The Committee considered Post-Council Ministerial Statements.

[Adjourned till Wednesday 18 January at 2.00 pm.]

### **Wednesday 18 January 2012**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins  
Chris Kelly

Sandra Osborne  
Penny Mordaunt  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 3.38 read and agreed to.

Paragraph 3.39 read, amended and agreed to.

Paragraphs 4.1 to 14.12 read and agreed to.

Paragraph 14.13 read, amended and agreed to.

Paragraphs 15.1 to 16.16 read and agreed to.

Stephen Phillips declared an interest, in relation to paragraphs 17.1 to 17.17, that he practises at the Commercial Bar.

Paragraph 17.1 to 26 read and agreed to.

*Resolved*, That the Report be the Fifty-second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Draft Agreement on a Unified Patent Court and Draft Statute**

*Ordered*, That the following written evidence relating to *Draft Agreement on a Unified Patent Court and Draft Statute* be reported to the House for publication on the internet: European Patent Lawyers Association.

## **3. Possibilities for reinforcing the eurozone following the December European Council**

*Ordered*, That the following written evidence relating to *Possibilities for reinforcing the eurozone following the December European Council* be reported to the House for publication on the internet: the Minister for Europe, European Movement UK, Professor Michael Dougan and Dr Micahel Gordon, Professor Steve Peers, the British Bankers' Association.

[Adjourned till Wednesday 25 January at 2.00 pm.]

## **Wednesday 25 January 2012**

Members present:

Mr William Cash, in the Chair

Nia Griffith  
Kelvin Hopkins  
Chris Kelly

Penny Mordaunt  
Stephen Phillips  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 26 read and agreed to.

*Resolved*, That the Report be the Fifty-third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Possibilities for reinforcing the eurozone following the December European Council**

*Ordered*, That the following written evidence relating to *Possibilities for reinforcing the eurozone following the December European Council* be reported to the House for publication on the internet: Professor Jagjit Chadha, Roger Bootle.

## **4. Draft agreement to establish a unified patent court and draft statute**

*Ordered*, That the following written evidence relating to *Draft Agreement on a Unified Patent Court and Draft Statute* be reported to the House for publication on the internet: Henry Carr QC, Confederation of British Industry, Chartered Institute of Patent Attorneys, Parliamentary Under-Secretary of State for Business, Innovation and Skills, Intellectual Property Lawyers' Association.

Timothy Roberts, President and Vicki Salmon, Chair, Litigation Committee, Chartered Institute of Patent Attorneys and Henry Carr QC, Chair, Intellectual Property Bar Association, gave oral evidence.

Dr Christian Gassauer-Fleissner, President of European Patent Lawyers Association, gave oral evidence.

[Adjourned till Wednesday 1 February at 2.00 pm.]

## **Wednesday 1 February 2012**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins

Chris Kelly  
Sandra Osborne  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.48 read and agreed to.

Paragraph 1.49 read, amended and agreed to.

Paragraphs 2.1 to 23 read and agreed to.

*Resolved*, That the Report be the Fifty-fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Post-Council Written Ministerial Statement**

The Committee considered Post-Council Ministerial Statement.

## **3. Possibilities for reinforcing the eurozone following the December European Council**

*Ordered*, That the following written evidence relating to *Possibilities for reinforcing the eurozone following the December European Council* be reported to the House for publication on the internet: Minister for Europe.

## **4. Draft Agreement on a Unified Patent Court and Draft Statute**

*Ordered*, That the following written evidence relating to *Draft Agreement on a Unified Patent Court and Draft Statute* be reported to the House for publication on the internet: International Association for the Protection of Intellectual Property UK, Professor Dr. Winfried Tilmann, Parliamentary Under-Secretary of State for Business, Innovation and Skills.

Baroness Wilcox, Parliamentary Under-Secretary of State for Business, Innovation and Skills, Neil Feinson, Director of International Policy, Intellectual Property Office, Liz Coleman, Divisional Director, Intellectual Property Office, and Nicholas Fernandes, Legal Adviser, Department for Business, Innovation and Skills, gave oral evidence.

[Adjourned till Tuesday 7 February at 10.00 am.]

**Tuesday 7 February 2012**

Members present:

Mr William Cash, in the Chair



Mr James Clappison  
Michael Connarty  
Chris Heaton-Harris  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg

### **1. Possibilities for reinforcing the eurozone following the December European Council**

Professor Paul Craig, Professional Fellow in English Law, University of Oxford, and Professor Simon Hix, Professor of European and Comparative Politics, London School of Economics, gave oral evidence.

Charles Grant, Director, Centre for Economic Reform, gave oral evidence.

[Adjourned till Wednesday 8 February at 2.00 pm.]

### **Wednesday 8 February 2012**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith  
Chris Kelly

Penny Mordaunt  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 16 read and agreed to.

*Resolved*, That the Report be the Fifty-fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

#### **3. Declaration of Interests**

Jacob Rees-Mogg declared an interest, as a Senior Partner of Somerset Capital Management which receives services from Capital Economics run by Mr Roger Bootle.

#### **4. Possibilities for reinforcing the eurozone following the December European Council**

*Ordered*, That the following written evidence relating to *Possibilities for reinforcing the eurozone following the December European Council* be reported to the House for publication on the internet: Martin Howe QC, Professor Paul Craig.

Professor Michael Dougan, Liverpool Law School, and Martin Howe QC gave oral evidence.

Wolfgang Münchau, President, Eurointelligence ASBL and Associate Editor of the Financial Times, Douglas McWilliams, Chief Executive, Centre for Economic and Business Research, and Roger Bootle, Capital Economics, gave oral evidence.

[Adjourned till Wednesday 22 February at 2.00 pm.]

### **Wednesday 22 February 2012**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith

Kevin Hopkins  
Chris Kelly  
Jacob Rees-Mogg

#### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 17 read and agreed to.

*Resolved*, That the Report be the Fifty-sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

#### **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

### **3. Draft Agreement on a Unified Patent Court and Draft Statute**

*Ordered*, That the following written evidence relating to *Draft Agreement on a Unified Patent Court and Draft Statute* be reported to the House for publication on the internet: Henry Carr QC, the City Remembrancer.

[Adjourned till Thursday 23 February at 2.30 pm.]

### **Thursday 23 February 2012**

Members present:

Mr William Cash, in the Chair

Michael Connarty	Penny Mordaunt
Mr James Clappison	Jacob Rees-Mogg
Kelvin Hopkins	Henry Smith
Chris Kelly	

### **1. Possibilities for reinforcing the eurozone following the December European Council**

Rt Hon David Lidington, Minister for Europe, Ivan Smyth, Legal Counsellor, Foreign and Commonwealth Office, Marc Holland, Deputy Head, Europe Directorate, Future of Europe, Foreign and Commonwealth Office, and Thomas Barry, Acting Head, Europe Directorate, Internal Foreign and Commonwealth Office, gave oral evidence.

[Adjourned till Wednesday 29 February at 2.00 pm.]

### **Wednesday 29 February 2012**

Members present:

Mr William Cash, in the Chair

Mr James Clappison	Chris Heaton-Harris
Michael Connarty	Chris Kelly
Julie Elliott	Jacob Rees-Mogg
Nia Griffith	Henry Smith

### **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.9 read and agreed to.

Paragraph 1.10 read, amended and agreed to.

Paragraphs 1.11 to 22 read and agreed to.

*Resolved*, That the Report be the Fifty-seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Post-Council Written Ministerial Statements**

The Committee considered Post-Council Ministerial Statements

### **3. Procurement by public entities COM(2011) 895; Council No. 18964/11 and Public procurement COM(2011) 896; Council No. 18966/11**

*Ordered*, That the Draft Directive on procurement by entities operating in the water, energy, transport and postal services sectors and Draft Directive on public procurement be referred to European Committee C for consideration that they do not comply with the principles of subsidiarity and proportionality and to consider that a reasoned opinion be submitted by the Clerk of the House to the Presidents of the European institutions.

[Adjourned till Wednesday 7 March at 2.00 pm.]

## **Wednesday 7 March 2012**

Members present:

Mr William Cash, in the Chair

Mr James Clappison  
Michael Connarty  
Julie Elliott  
Nia Griffith  
Kelvin Hopkins

Chris Kelly  
Stephen Phillips  
Jacob Rees-Mogg  
Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.12 read and agreed to.

Paragraph 1.13 read, amended and agreed to.

Paragraphs 1.14 to 13 read and agreed to.

*Resolved*, That the Report be the Fifty-eighth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Draft Agreement on a Unified Patent Court and Draft Statute**

Baroness Wilcox, Parliamentary Under-Secretary of State for Business, Innovation and Skills, Neil Feinson, Director of International Policy, Intellectual Property Office, Liz Coleman, Divisional Director, Intellectual Property Office, and Nicholas Fernandes, Legal Adviser, Department for Business, Innovation and Skills, gave oral evidence.

[Adjourned till Wednesday 14 March at 2.00 pm.]

## **Wednesday 14 March 2012**

Members present:

Mr William Cash, in the Chair

Michael Connarty

Julie Elliott

Nia Griffith

Chris Heaton-Harris

Kelvin Hopkins

Chris Kelly

Jacob Rees-Mogg

Henry Smith

## **1. Scrutiny of Documents**

The Committee deliberated.

Draft Report, proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 1.14 read and agreed to.

Paragraph 1.15 read, amended and agreed to.

Paragraph 1.16 read and agreed to.

Paragraph 1.17 read, amended and agreed to.

Paragraphs 2.1 to 18 read and agreed to.

*Resolved*, That the Report be the Fifty-ninth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

## **2. Scrutiny of Pre- and Post-Council Written Ministerial Statements**

The Committee considered Pre- and Post-Council Ministerial Statements.

## **3. Possibilities for reinforcing the eurozone following the December European Council**

Rt Hon. Mark Hoban MP, Financial Secretary to the Treasury and Peter Curwen, Director (Europe), HM Treasury, gave oral evidence.

[Adjourned till Wednesday 21 March at 3.00 pm.]