Welcome to the latest edition of the EU Committee Digest.

There have been significant developments since the publication of the last edition, notably the announcement on 19 February of a “new settlement for the United Kingdom within the European Union”, paving the way for a referendum on whether the UK should remain in or leave the EU on 23 June 2016. This Committee has examined closely these developments, and has set out its conclusions in a new report on ‘The EU referendum and EU reform’. We will shortly be publishing a further report on the legal implications of a vote to leave the EU.

Yet there are other very significant issues facing the EU at the present time. Our six Sub-Committees are continuing their analysis of issues as diverse as the future of the Economic and Monetary Union, the Digital Single Market, the refugee and migration crisis, price volatility and agricultural resilience, the possible impact of repealing the Human Rights Act on EU Law, and the issue of unaccompanied minors in the EU. Reports on all these important topics will be published in the coming weeks.

Further details on all of these inquiries can be accessed on the Committee website. I welcome any feedback on our work: please feel free to contact me on euclords@parliament.uk

Lord Boswell of Aynho

New report on the EU referendum and EU reform

On 30 March, the EU Select Committee published its report on The EU referendum and EU reform. The Committee states that the referendum on 23 June on whether the UK should remain in or leave the European Union would be, in the words of the Prime Minister, a “huge decision for our country, perhaps the biggest we will make in our lifetimes”.

The Committee’s report explores the linkages between the negotiation process that led to the publication on 19 February 2016 of a “new settlement for the United Kingdom within the European Union” and the fundamental, once-in-a-generation decision that awaits the electorate on 23 June.

The report traces the origins of the Government’s negotiating objectives, and considers the degree to which they reflect a consensus within and across the United Kingdom on the advantages and drawbacks of EU membership.

The report also analyses the ‘new settlement’ itself, assessing its legal, political and symbolic significance. The Committee concludes that, while not perfect, it is a significant achievement, which justifies the Government’s assertion that the high water mark of UK integration into the EU has been passed.

The report also reflects on the forthcoming referendum campaign. The Committee does not express a view on the question of whether to remain in or leave the EU, but in holding the Government to account in its advocacy of a vote to remain, stresses that it should make a broad-based case for EU membership, drawing on support from across the political spectrum. The Government’s renewed emphasis on the UK’s geopolitical role within the EU is a welcome start, but more is needed. The Committee invites the Government to articulate an inclusive and positive vision of the UK’s role in a reformed and more flexible EU. Too much is at stake for the Government to settle for anything less.

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EU foreign and security strategy

On 16 February, the External Affairs Sub-Committee published its report, Europe in the world: Towards a more effective EU foreign and security strategy. The Committee emphasised the need for the EU to prioritise, and to focus on its wider neighbourhood.

The Committee found that the EU’s approach to Turkey has been one of strategic disarray and urged the EU to revisit the whole relationship from first principles. It recommended that the EU and Member States should pursue a dual-track policy on Russia, to include a coherent and credible response to Russian breaches of international law alongside openness to co-operation and dialogue with Russia on areas of shared interest. The Committee also concluded that leaving the EU would significantly limit the UK’s international reach, not least by removing the UK’s influence over, and access to, the Commission’s instruments of foreign policy, and would also diminish the foreign policy of the EU.

EUNAVFOR MED (Operation Sophia)

On 25 February, the External Affairs Sub-Committee launched a short inquiry into Operation Sophia, the EU’s Common Security and Defence Policy (CSDP) operation to disrupt the business model of smugglers in the Southern Central Mediterranean. The Committee is taking evidence on whether Operation Sophia is delivering its mandate, progress to date in gathering intelligence on smuggling networks, the appropriateness of the mission’s mandate, plans for the next phases of the mission and how Operation Sophia works alongside other actors.

The Committee heard from Steve Symonds, Refugee and Migrant Rights Programme Director, Amnesty International, and Dr Natalie Roberts, Adviser on Refugees and Migration in Europe, Médecins Sans Frontières. They welcomed the search and rescue operations carried out by Operation Sophia, but questioned whether the mission acts as a deterrent to refugees and migrants. They also emphasised the difficulty of closing down migration routes. The Committee also heard from Lieutenant General Wolfgang Wosolsobe, Director General, European Union Military Staff, who said that the mission has developed a much improved understanding of the traffickers’ networks, personnel and tactics. Peter Roberts, Senior Research Fellow, Sea Power and Maritime Studies, Royal United Services Institute, and Patrick Kingsley, Migration Correspondent, Guardian Media Group were sceptical that Operation Sophia could meaningfully disrupt the business model of smugglers or that it served as a significant deterrent to migrants and refugees. Richard Lindsay, Head of Security Policy Department, Defence and International Security Directorate, Foreign and Commonwealth Office said that the critical phases of the mission to tackling migrant smuggling will depend on the agreement of the Libyan authorities, and noted that the new Libyan Government of National Accord had just been agreed.

The Committee’s report will be published in May 2016.

Legal implications of a vote to leave the EU

On 8 March, the EU Select Committee held an evidence session with legal experts to discuss the legal implications of a vote to leave the EU. The Committee will publish a report on this issue before the end of the parliamentary session.
Current inquiries

Unaccompanied minors in the EU

The Home Affairs Sub-Committee launched an inquiry on the issue of unaccompanied minors in the EU on 11 February. Unaccompanied minors are migrant children below the age of 18 from non-EU countries who are not accompanied by a parent or customary guardian. They are therefore considered to be particularly vulnerable and in need of special protection and care. As the refugee crisis continues to affect Europe, numbers of these children are rising.

The inquiry aims to investigate: the nature and scale of the problem; whether EU measures translate into clear obligations for Member States; remaining gaps in law and policy; and options for greater cooperation among Member States.

In response to the Committee’s Call for Evidence, the Committee has already received written evidence from a number of academics, NGOs and legal experts. On 16 March, the Committee had its first oral evidence session with a panel of legal practitioners, and on 23 March it heard from academics, the Refugee Council and Save the Children.

Price volatility and agricultural resistance

The Energy and Environment Sub-Committee has finished taking evidence for its current inquiry into price volatility and agricultural resilience, hearing from the European Commission, the OECD, representatives of the New Zealand and United States governments, the financial sector, farmers’ organisations, academics and the UK Government. The resilience of the agricultural sector underpins the secure, sustainable and affordable supply of food of the EU and provides financial security for farmers. A resilient agricultural sector can respond to risk effectively and can work to mitigate the wider effects of global price volatility caused by climate change, increasing global populations, and increased demands on land. Public policy at an EU and Member State level has a role in responding to these challenges and the ongoing reform of the Common Agricultural Policy should provide an opportunity for a co-ordinated approach.

On 7 March the Sub-Committee met a range of farmers and with William White, South East Regional Director of the National Farmers Union to talk about the emerging themes of the inquiry. On 8 March the members were given tours of Kingsclere Estate, Manydown Farm, and Vitacress Salads Ltd to observe the range of activities that take place, speak to local farmers, and discuss the emerging conclusions and themes of the Sub-Committee’s inquiry. The Sub-Committee plans to report to the House with its findings by the end of the parliamentary session.

Completing Europe’s economic and monetary union

The Financial Affairs Sub-Committee continued to take evidence throughout February in relation to its inquiry into Europe’s Economic and Monetary Union. It heard from the Financial Secretary to the Treasury, David Gauke MP, on 24 February and, in the final session of the inquiry, from Professor Otmar Issing, former Chief Economist and board member of the European Central Bank, on 2 March. The Sub-Committee has been investigating both the short-term proposals by the five Presidents to improve the health of the eurozone economy, for instance through the completion of Banking Union, and longer term ambitions towards the creation of a fiscal union. It visited Brussels to take evidence in January. The Sub-Committee hopes to publish its report in early May.
The impact of repealing the Human Rights Act on EU law

The Justice Sub-Committee has concluded taking oral evidence for its inquiry into the possible impact of repealing the Human Rights Act on EU Law by hearing from the Secretary of State for Justice and the Lord Chancellor, Rt Hon Michael Gove MP, and the Parliamentary Under-Secretary of State for Justice, Dominic Raab MP. The Committee hopes to report on this subject before the end of the parliamentary session.

Online platforms and the Digital Single Market

The Internal Market Sub-Committee has continued its inquiry into ‘Online platforms and the Digital Single Market’. This inquiry has investigated whether common problems and regulatory challenges can be found between businesses such as Google, Amazon’s Marketplace, Uber and Facebook, and if so, whether further European level regulation is required. The Commission launched its own consultation on the topic on 24 September 2015. The Committee received over 80 written responses to its Call for Evidence, and held 20 oral evidence sessions. The Committee plans to publish its report later in April.

EU energy governance

On 29 February the UK Government submitted its response to the Energy and Environment Sub-Committee’s report, ‘EU energy governance’, which was published on 18 December 2015. The European Commission’s response was received on 3 March. The report called on the European Commission to ensure that the proposals for a future energy governance network include legal clarity, a respect for Member State sovereignty, a focus on security of supply, commitment to the consumer, real ambition for decarbonisation, and increased regional co-operation. Moreover, it argued that the EU-wide binding 2030 renewables targets will not be delivered unless they are backed-up by a monitoring and enforcement mechanism that acts as a guarantor for the agreement, and ensures that Member States share the effort equitably. The European Commission is expected to bring forward legislative proposals on energy governance within the coming year.

The circular economy

On 10 February the Energy and Environment Sub-Committee began scrutinising the UK Government’s position on the recently published draft Package of legislation concerning the circular economy. This Package contains four legislative Proposals amending six Directives on the handling of waste. These are complemented by a five year action plan on the Circular Economy, which sets out measures aimed at helping the EU as a whole to move towards a more circular economy based on improved management of products, materials and resources and also minimising waste. The Action Plan is intended to reflect key EU priorities including jobs and growth, climate and energy and innovation. It supersedes the Commission’s previous Communication from July 2014 “Towards a Circular Economy: A Zero Waste Programme For Europe”. The waste Proposals extend targets contained in the Waste Framework Directive (WFD), the Landfill Directive (LD), and the Packaging and Packaging Waste Directive (PPWD). The Proposals introduce an Early Warning System to identify under-performing Member States and to encourage them to put in place additional measures to meet targets. Member States are to report yearly on the attainment of waste and landfill targets, and every two years on food waste levels. Despite the Commission’s assurances that the new Package would be more ambitious than the original 2014 Proposal, it has been widely criticised by environmental groups and MEPs in the European Parliament’s ENVI (Environment) Committee, among others, for reducing the recycling targets compared to the original Proposal. The Committee retains the Package under scrutiny and is corresponding with DEFRA and BIS Ministers.

A new settlement for the United Kingdom within the European Union

On 23 February, the EU Select Committee held an evidence session with the Minister for Europe, Rt Hon David Lidington MP on the 19 February European Council agreement on ‘a new settlement for the United Kingdom within the European Union’.
External dimensions of the refugee and migration crisis

On 21 January, the External Affairs Sub-Committee held an evidence session on the external dimensions of the migration and refugee crisis. Edward Hobart, Migration Envoy, Europe Directorate, and Richard Lindsay, Head of Security Policy Department, Defence and International Security Directorate, Foreign and Commonwealth Office, highlighted the importance of support to Jordan and Lebanon, the EU-Turkey Action Plan and the formation of a Government of National Accord in Libya to tackling the refugee and migration crisis.

Accessibility Directive

On 2 December 2015 the European Commission proposed a European Accessibility Act, which sets out common accessibility requirements for certain products and services in order to help people with disabilities.

The Internal Market Sub-Committee has written to the Government regarding the Act. In the Committee’s analysis, the Act was not in breach of the subsidiarity principle. The Committee noted that every EU Member State, including the UK, had signed the UN Convention on the Rights of Persons with Disabilities, and that this proposal would ensure that the Member States would meet those commitments in an efficient and timely way.

While the proposal would require businesses to make adaptations, the Commission’s impact assessment suggested that if Member States sought to meet their obligations under the UN Convention without EU coordination then the compliance costs for business would be much higher. The Committee sought clarification on the Government’s views, including whether the extended compliance period was sufficient for the affected sectors. The Government will be responding in due course.

European Maritime Safety Agency and European Border and Coastguard Agency

As part of the Commission’s wider plans to address the migration crisis, it proposed to extend the remit of the European Maritime Safety Agency to ensure better co-ordination of coast guard functions across the EU, which are currently carried out by more than 300 authorities in different Member States. The Government was concerned that the proposal went beyond EMSA’s current remit and that it could have a negative impact on the work of the UK’s coast guard agency. The Government also felt that the proposal should have been subject to the Justice and Home Affairs Opt-in because it was so closely linked to the migration crisis.

The Internal Market Sub-Committee wrote to the Government to seek clarification on these points, and also to ask whether the Commission’s proposal for a Border and Coast Guard agency would be possible without extending the role and remit of the EMSA.

Civilian use of drones

In December, the Commission published its proposal to extend the remit of the European Aviation Safety Agency to include responsibility for the civilian and commercial operation of unmanned aircraft or drones. In line with the Internal Market Sub-Committee’s previous report on the subject, the Civilian Use of Drones in the EU, the Government supported the Commission’s risk-based approach, and its focus on the type of operation to be carried out rather than just size of the aircraft. However, both the Government and the Committee were concerned about the Commission’s intention to leave much of the detail of the proposal to the future use of Delegated Acts and Implementing Acts. The Committee will hold a follow-up evidence session with the Minister of State for Transport, Robert Goodwill MP, on 28 April. The Committee’s correspondence with the different Ministers on all of these proposals can be found on the Committee’s website.

Capital Markets Union


Interinstitutional co-operation

Interparliamentary meetings

On 7 and 8 February, Lord Boswell of Aynho attended the meeting of the Conference of Chairpersons of COSAC in The Hague. The conference discussed topics including the various systems of parliamentary scrutiny of EU proposals and the future priorities of the EU.

On 16 and 17 February, Baroness Falkner of Margravine, Chair of the Financial Affairs Sub-Committee, attended the European Parliamentary Week in Brussels. This consisted of the Interparliamentary meeting on the European Semester Cycles 2015/2016, organised by the European Parliament on 16 February and the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union, co-hosted by the EP and the Dutch Presidency, on 17 February.

Lord Oates attended on behalf of the Justice Sub-Committee a workshop in Brussels on 17 February organised by the European Parliament Committee on Legal Affairs to discuss ‘New rules for contracts in the digital environment’. Members of national parliaments debated with MEPs the merits of EU proposals to enhance consumer rights when buying tangible goods and digital content online.

On 3 March, Baroness Massey of Darwen, a member of the Home Affairs Sub-Committee, joined other national parliamentarians and members of the European Parliament’s Committee on Women’s Rights and Gender Equality (FEMM) to discuss experiences and best practices on how to guarantee the rights of and protect women refugees and asylum seekers when they arrive in the EU.

The EU in the House of Lords

Oral questions

Calais: “Jungle” Camp (1 March 2016)
European Union: Single Market (17 March 2016)

Question for short debate

Circular Economy (3 March 2016)

Committee report debates

Capital Markets Union (4 February 2016)

Oral statement

European Council: February 2016 (22 February 2016)

Flooding: EU Solidarity Fund (25 February 2016)
Calais: Child Refugees (29 February 2016)
European Council: March 2016 (21 March 2016)

Written statements

March Environment Council (16 March 2016)
Justice and Home Affairs Council (17 March 2016)
Agriculture and Fisheries Council (23 March 2016)

Secondary legislation

European Union Referendum (Date of Referendum etc.) Regulations 2016 (2 March 2016)

About the Committee

The European Union Committee considers EU documents and other EU-related matters in advance of decisions being taken on them. It aims to hold the Government to account for its actions at the EU level. The work of the Select Committee is assisted by six Sub-Committees dealing with different policy areas.

The six Sub-Committees are Energy and Environment, External Affairs, Financial Affairs, Home Affairs, Internal Market and Justice.

Our representative in Brussels is Paul Dowling. Paul would welcome the opportunity to discuss the forthcoming work of the EU Committee and can be reached at paul.dowling@natparl.ep.europa.eu or +32 (0) 2 283 1496.

Contact details

Further information about the Committee can be found on its website: http://www.parliament.uk/hl/eu

The Committee can be emailed on euclords@parliament.uk or followed on twitter: @LordsEUCom