



HOUSE OF LORDS

European Union Committee

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Rt Hon Stephen Barclay MP
Secretary of State for Exiting the European Union
9 Downing Street
London, SW1A 2AG

31 January 2020

Dear Secretary of State,

When the United Kingdom ceases to be a Member State of the European Union at 11pm this evening the binding nature of the House of Lords Scrutiny Reserve Resolution, under which “no Minister of the Crown shall give agreement in the Council or European Council ... to any document subject to the scrutiny of the European Union Committee ... while the document remains under scrutiny”, will fall away.

In preparation for this, the European Union Committee and its six Sub-Committees have recently undertaken an audit of all their scrutiny dossiers, in order to identify those that are particularly important and/or relevant to either the UK’s responsibilities during the transition period established by the Withdrawal Agreement or the UK’s future relationship with the EU. We expect to continue to scrutinise and engage in correspondence on these dossiers.

The outcome of this audit is as follows:

- i. Documents held under scrutiny on the morning of 31 January 2020, which we consider particularly important and on which we will continue to correspond with the Government:

Council number	Name	Department
12118/18	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL discontinuing seasonal changes of time and repealing Directive 2000/84/EC	Business, Energy and Industrial Strategy
15051/19	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS: The European Green Deal	Business, Energy and Industrial Strategy
8713/18	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of persons reporting on breaches of Union law	Business, Energy and Industrial Strategy
5358/17	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the respect for private life and the protection of personal data in	Digital, Culture, Media and Sport

	electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)	
9556/18, 9634/18, 9645/18, 9646/18	<p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council</p> <p>COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposals for a - Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council - Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 - Regulation of the European Parliament and of the Council amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products</p>	Department for Environment, Food and Rural Affairs
13389/19	Recommendation for a Council Decision authorising the opening of negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership	Department for Environment,

	Agreement and a Protocol with the Government of Denmark and the Home Rule Government of Greenland	Food and Rural Affairs
13438/19	Proposal for a Council Regulation fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters	Department for Environment, Food and Rural Affairs
9574/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing 'Erasmus': the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013	Department for Education
9736/18	Proposal of the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, to the Council for a Council Decision establishing a European Peace Facility	Department for International Development
9075/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on streamlining measures for advancing the realisation of the trans-European transport network	Department for Transport
15088/19, 15090/19	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 654/2014 of the European Parliament and of the Council concerning the exercise of the Union's rights for the application and enforcement of international trade rules REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Review of the scope of the Regulation No 654/2014 of the European Parliament and of the Council of 15 May 2014	Department for International Trade
14866/17	COUNCIL DECISION establishing Permanent Structured Cooperation (PESCO) and determining the list of Participating Member States	Foreign and Commonwealth Office
11595/19	COMMUNICATION FROM THE COMMISSION Equivalence in the area of financial services	HM Treasury
9355/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of a framework to facilitate sustainable investment	HM Treasury
8353/18, 8354/18, 8355/18, 8356/18, 8357/18, 8358/18, 8359/18, 8360/18	COMMUNICATION FROM THE COMMISSION A Modern Budget for a Union that Protects, Empowers and Defends The Multiannual Financial Framework for 2021-2027 Proposal for a COUNCIL REGULATION laying down the multiannual financial framework for the years 2021 to 2027 Proposal for a Interinstitutional Agreement between the European Parliament, the Council and the Commission on	HM Treasury

	<p>budgetary discipline, on cooperation in budgetary matters and on sound financial management</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States</p> <p>Proposal for a Council Decision on the system of Own Resources of the European Union</p> <p>Proposal for a Council Regulation on the methods and procedure for making available the Own Resources based on the Common Consolidated Corporate Tax Base, on the European Union Emissions Trading System and on Plastic packaging waste that is not recycled, and on the measures to meet cash requirements</p> <p>Proposal for a Council Regulation laying down implementing measures for the system of Own Resources of the European Union</p> <p>Proposal for a Council Regulation amending Regulation (EEC, Euratom) No 1553/89 on the definitive uniform arrangements for the collection of own resources accruing from value added tax</p>	
10084/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the European Defence Fund	Ministry of Defence

- ii. Documents previously cleared from scrutiny, but in which we retain an active interest, and which remain subject to ongoing correspondence between the Committee and the Government:

Council number	Name	Department
15150/16, 15135/16, 15149/16, 15151/16	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal market in electricity (recast)</p> <p>Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast)</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Union Agency for the Cooperation of Energy Regulators (recast)</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on risk-</p>	Business, Energy and Industrial Strategy

	preparedness in the electricity sector and repealing Directive 2005/89/EC	
8578/18	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Tackling online disinformation: a European Approach	Digital, Culture, Media and Sport
12739/19, 12741/19	COMMISSION DELEGATED REGULATION (EU) .../... of 1.10.2019 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 COMMISSION DELEGATED REGULATION (EU) .../... of 1.10.2019 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-20	Department for Environment, Food and Rural Affairs
9951/18	Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014	Department for Transport
11940/19	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/501 and Regulation (EU) 2019/502 as regards their periods of application	Department for Transport
9668/17	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector	Department for Transport
9671/17	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector	Department for Transport
18171/13	Proposal for a Regulation of the European Parliament and of the Council on novel foods	Department for Health and Social Care
11585/17	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT Summary of the annual implementation reports for the operational programmes co-financed by the Fund for European Aid to the Most Deprived in 2015	Department for Work and Pensions
13051/19	COMMUNICATION FROM THE COMMISSION Time to decide on the Union's financial framework for 2021-2027 The	HM Treasury

	European Commission's contribution to the European Council meeting on 17-18 October 2019	
9357/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on disclosures relating to sustainable investments and sustainability risks and amending Directive (EU) 2016/2341	HM Treasury
9348/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/1011 on low carbon benchmarks and positive carbon impact benchmarks	HM Treasury
7049/18, 7048/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Crowdfunding Service Providers (ECSP) for Business Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/65/EU on markets in financial instruments	HM Treasury
7420/18	Proposal for a COUNCIL DIRECTIVE on the common system of a digital services tax on revenues resulting from the provision of certain digital services	HM Treasury

All other documents retained under scrutiny by the EU Committee on the morning of 31 January 2020 will be deemed to have been cleared from scrutiny with effect from 11pm today, and we regard any correspondence between the Government and the EU Committee on these documents as closed. This constitutes the substantial majority of documents. Committee officials will be in touch regarding any outstanding correspondence from the Government that was requested by 31 January but has yet to be received.

We reserve the right to reopen correspondence with the Government on any EU document already cleared from scrutiny if, during the transition period, a relevant issue emerges on which we wish to seek the Government's view.

We do not require a response to this letter.

I am copying this letter to the Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster; Parliamentary Clerk, Cabinet Office; Les Saunders, Scrutiny Coordinator, DExEU; and all departmental scrutiny coordinators.

Yours sincerely,



Lord Kinnoull
Chair of the European Union Committee