

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Kate Green MP (on behalf of the Chairman)

21 March 2018

Dr Thérèse Coffey MP
Parliamentary Under Secretary of State for the Environment
Department for Environment, Food and Rural Affairs
Nobel House, 17 Smith Square
LONDON SW1P 3JR

Dear Dr Coffey,

**Proposal for a Directive of the European Parliament and of the Council
on the quality of water intended for human consumption (recast) —
(39487) 5846/18**

In the absence of the Chair, the Committee has asked me to acknowledge your letter of 21 March on the above proposal, informing us that the Government will table a motion — for debate on Monday 26 March — opposing our recommendation that the House should issue a Reasoned Opinion on the above proposal.

We were very disappointed to receive the Government's position at such a late stage (less than half an hour before our Committee meeting today), which gave us very little time to consider it or the implications of the proposed motion on further scrutiny of the document.

The Government has consistently emphasised in its Explanatory Memoranda that, until we leave the EU, all the rights and obligations of EU membership remain in force. That extends to the right of both Houses of Parliament to issue Reasoned Opinions.

Since the referendum, the Government has expressed its ongoing support for the procedure. In an Explanatory Memorandum dated 27 July 2017, the then Minister of State in the Department for Exiting the European Union (Baroness Anelay of St Johns) wrote:

“Written and reasoned opinions provide national parliaments influence to shape decisions, and dialogue between parliaments and the Commission, and

a respect for subsidiarity and proportionality are a vital part of this. [...] We are pleased that the UK Parliamentary chambers remain engaged in this process and are able to influence the decision-making process.”¹

We are therefore surprised that the Government uses the EU exit negotiations as a reason not to issue a Reasoned Opinion.

Given the motion that you propose and your opposition to a Reasoned Opinion, we see little point in pursuing the debate on Monday 26 March. We will consider at our next meeting your response to this letter and whether to issue a further report on this issue, including the rescission of our request for a debate.

We request an urgent response to this letter (ie by midday tomorrow).

I am copying this letter to Lord Boswell and Chris Johnson in the House of Lords; to Steve Baker MP, Parliamentary Under-Secretary for the Department for Exiting the European Union (DExEU), and Les Saunders (DExEU); and to Craig White of your Department.

pp *Lave* *MW*
KATE GREEN MP

¹ Explanatory Memorandum dated 27 July 2017 from Baroness Anelay of St Johns (DExEU) on documents 11021/17 and 11018/17: Annual Report 2016 on Relations between the European Commission and national parliaments and Annual Report 2016 on Subsidiarity and Proportionality