

Summary of the Meeting on 13 January 2016

The proposed reform of EU electoral law (Council Decision and EP Resolution): Reasoned Opinion

The European Parliament (EP) proposed reform of the conduct of its elections in Member States just before Christmas. The legislative proposal (Council Decision) sets out a range of reforms, with more significant measures including common deadlines for closing lists of candidates and the electoral rolls, making members of regional parliaments and assemblies with legislative powers ineligible to become MEPs, ensuring gender equality of candidates, proposals on voting methods including electronic and postal voting, the introduction of mandatory 3-5% electoral thresholds to win seats in the EP for those EU countries that have only constituency or constituencies that have more than 26 seats and formally integrating the “Spitzenkandidaten” process for the election of Commission President into EP elections.

There are political and constitutional safeguards to prevent the proposal from being adopted in the Council against the UK’s will: there is a veto, the EU Act requires approval to be sanctioned by an Act of Parliament and an adopted proposal would have to be ratified. Nonetheless the Committee recommends that the House debate whether a reasoned opinion should be sent to the EU institutions before 8 February on the grounds that the proposal breaches the subsidiarity principle and Protocol. The subsidiarity principle (Article 5(3) TEU) requires that action at EU level should be taken “only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by Member States” and “only if they can be better achieved at Union level”. Reasons for concluding that objectives can be better achieved at EU level must be substantiated, qualitatively and where possible, quantitatively.

The Committee recognises that the EP wishes to enhance its democratic legitimacy by establishing electoral equality through a uniform procedure for EP elections. However, it considers that:

- The EP has not provided the necessary formal subsidiarity justification for its proposal, particularly on ensuring gender equality of candidates, ineligibility of members of regional parliaments/legislative assemblies to become MEPs, common deadlines for lists of candidates and electoral rolls and electronic voting; and
- Some of the detailed proposals detract from the objective of enhancing democratic legitimacy (for example, common deadlines for lists of candidates, electoral rolls, electronic voting and mandatory electoral thresholds).

The Committee also requests further information from the Government on other important issues such as the European Council’s commitment to review the 2014 “Spitzenkandidaten” process and its basis in the Treaties.

Not cleared; debate on the floor of the House on a reasoned opinion recommended to take place before 8 February 2016; further information requested.

Drawn to the attention of the Public Administration and Constitutional Affairs Committee.

European Structural and Investment Funds

This Commission Communication summarises, for the first time, how £320 billion of EU structural and investment funding will be spent across the EU over the period 2014-2020. The funding - which is allocated to countries and regions according to relative prosperity - supports priorities such as:

- The provision of high speed broadband and digital services
- Low carbon energy
- Selective fishing techniques
- Flood prevention
- The long-term unemployed.

We press the Minister to respond to the Commission's conclusions as to how the value of the programmes can be maximised as no indication is set out in the Explanatory Memorandum.

Not cleared. Further information requested.

Serious cross-border threats to health

In 2013, the EU decided that there was a need to improve its collective approach to responding to serious cross-border threats to health, such as the Ebola epidemic. This document assesses implementation of the EU's approach to working together when such incidents arise and identifies weaknesses that need to be addressed.

The Ebola epidemic has been the biggest challenge since adoption of the Decision. While the Member States effectively exchanged information during that outbreak, the Commission judges that the impetus to discuss and co-ordinate their response was less considerable.

Not cleared. Further information requested. Drawn to the attention of the Health Committee.

European Accessibility Act

The draft European Accessibility Act, proposed by the Commission, aims to make products and services more accessible to the 80 million disabled persons across the EU by setting common accessibility requirements. The products and services include ATMs and banking services, computers, telephones, TV equipment, telephony and audio-visual services, transport, e-books and e-commerce.

All Member States have signed the UN Convention on the Rights of Persons with Disabilities, which requires them to adopt such measures, but the Commission is concerned that they may adopt different rules, with the effect that disabled persons would find it more difficult to access services in other Member States, and businesses may find it more challenging to trade accessible products.

We consider the document to be both legally and politically important because the case for EU, rather than national, action is one which requires careful scrutiny. The Government argues that more evidence is required to justify EU legislation. The Government identifies initial concerns about the impact of the proposal on the transport, audio-visual and banking sectors. We ask for further detail on these concerns and any initial information on the views of other Member States.

Not Cleared. Further information requested. Drawn to the attention of the Committees on: Business, Innovation and Skills; Culture, Media and Sport; Transport; and Women and Equalities.

Digital Single Market: Copyright Framework Strategy and proposed Regulation on the cross-border portability of online content

The Committee has considered two documents that develop the copyright-related strand of the Digital Single Market Strategy:

- The Commission’s strategy for updating EU copyright law and improving the intellectual property enforcement regime to reflect digital and cross-border realities (the “Copyright Framework Strategy”); and
- The first legislative proposal to be presented under the Copyright Framework Strategy on the portability of online content, which aims to ensure that users who have lawfully purchased or subscribed to digital content in their home EU Member State are able to access it when they are ‘temporarily present’ in another EU Member State.

The Committee seeks further information on the Government’s immediate priorities are on the strategy overall and on the outcomes the Government hopes to secure during the negotiations on portability of online content and what further work will be done on assessing the costs/practical implications for rights holders and service providers (in particular SMEs).

Not cleared. Drawn to the attention of the Business, Innovation and Skills and Culture, Media and Sport Committees.

EU aviation sector: future policy

The EU has a range of policies in relation to civil aviation, important elements of which are the Single European Sky initiative, supported by the European Aviation Safety Agency, and aviation agreements with third countries. The Commission’s Communication *An Aviation Strategy for Europe* is intended to set out future policy for the EU aviation sector and addresses a range of issues concerning jobs and growth, market access and competition, safety and security, passenger rights, airport, slots, ground-handling and charges and third country relations. The Government has given us a generally favourable assessment of the Commission’s plans, but does make some cautionary remarks. It draws particular attention to the continuing need to resist Spanish attempts to exclude Gibraltar from the scope of EU aviation legislation.

Cleared. Drawn to the attention of the Transport Committee.

The Committee also considered the following documents:

FCO	EU-Russia restrictive measures [Council Decision] (37433) EM 7/1/16	Cleared
FCO	Restrictive measures against Iran in connection with its nuclear programme and the Joint Comprehensive Plan of Action (JCPOA) [Council Decision & Implementing Regulation] (a) (37366) (b) (37367) EM 11/12/15	Not cleared
HO	Action Plan to combat illicit use and trafficking in firearms [Commission Communication]	Not cleared

(37373 : 14971/15 + ADD 1)

DfID	The ACP-EU Energy Facility [Court of Auditors' Special Report] (37363) EM 16/12/15	Cleared
HMT	Taxation: savings income [Proposed Decisions] (a) (37415 : 154925/15 + ADD 1) (b) (37416 : 15496/15 + ADD 1)	Cleared
DfID	EU humanitarian assistance [Commission Staff Working Document] (37348 : 14695/15)	Not cleared
FCO	Restrictive measures against the Central African Republic [Council Decision & Regulation] (a) (37436) (b) (37437) EM 8/1/16	Cleared
DfID	EU development and external assistance policies and their implementation in 2014 [Commission Report] (37339 : 14527/15 + ADD 1)	Not cleared
DEFRA	School milk and fruit schemes [Proposed Regulations & Impact Assessments] (a) (35785 : 5958/14) (b) (35786 : 6054/14) (c) (35787 : 6059/14) (d) (35788 : 6062/14)	Not cleared
FCO	Capacity Building for Security and Development [Joint Communication] (36825 : 8504/15)	Not cleared