

Meeting Summary

EU waste legislation

On 6 January 2016, we recommended a Commission Communication setting out an Action Plan for the Circular Economy for debate in European Committee. This identified a number of ways in which amendments might be made to various EU legislative measures relating to waste. These draft Directives propose a number of such changes, including more stringent targets for the recycling of municipal waste, and of packaging and packaging waste, as well as provisions which would restrict the quantity of waste sent for landfill.

The Government says that it is very difficult at this stage to give a precise estimate of the likely cost of these measures, but that it could be significant. It is evident that the proposals will impact upon a wide range of interests, including Government at all levels; waste management companies; producers, especially of packaging; those involved in the processing manufacture and distribution of food; and both businesses generally and (crucially) individual households, particularly in England. We are therefore clear that it raises a number of important issues, and that it should be debated in European Committee A, alongside the Action Plan for a Circular Economy, to which it is closely linked.

We have also considered carefully the Government's view that the provisions of the waste framework proposal relating to "Extended Producer Responsibility" (EPR) and "Pay as You Throw" (PAYT) do not comply with the principle of subsidiarity, on which we have two preliminary comments.

First, this matter illustrates the difficulty of national parliaments meeting the eight week deadline for lodging reasoned opinions on complex matters such as this, particularly when that period includes the Christmas adjournment. Second, it is disappointing that the Government has not fleshed out its subsidiarity objections more, for example by addressing the relevant details of the Commission's justification in the Impact Assessments.

Nevertheless, we have decided not to issue a reasoned opinion at this stage on the grounds similar to those stated by our predecessor Committee when they considered earlier such proposals in September 2014. These were that the proposals amend existing legislation in an area where there is a long established EU intervention; the Commission has provided some evidence of environmental benefit and its internal market justification was ostensibly credible; the Government's concerns are limited to relatively small elements of the package; and the proposals do not require Extended Producer Responsibility, but simply sets conditions which should apply if Member States choose to have it.

Not cleared. For debate in European Committee A, together with the Action Plan for a Circular Economy, already referred.

The EU Afghanistan Cooperation Agreement

A 2014 Joint Communication outlining the key elements for EU strategy in Afghanistan for 2014-16, was recommended for debate in February 2015; an EU Cooperation Agreement on Partnership and Development (CAPD) with Afghanistan is now being developed.

The EU strategy in Afghanistan for 2014-16 focuses on four key areas: promoting peace and security; reinforcing democracy; encouraging economic and human development; and fostering the rule of law and respect for human rights.

The CAPD is the first contractual relationship between the EU and Afghanistan and underpins the EU's commitment to supporting Afghanistan's future development during its "decade of transformation" agreed at the Bonn conference in 2011. By strengthening political dialogue and improving cooperation in a broad range of areas, the Agreement constitutes (to quote the Minister for Europe):

"a framework for further engagement and cooperation between the EU and Afghanistan across a number of wider range of areas, including political cooperation, human rights, gender equality, civil rights, peace building, counter-terrorism, development, trade, rule of law, policing, migration, education, energy and the environment."

As well as authorising the signature and conclusion of the CAPD, these Council Decisions include the detailed texts concerning the areas covered by the Agreement. But the Minister says nothing substantive about these. Nor about how the CAPD is to be carried out. Or about what expenditure is likely to be involved, other than that the CAPD "does not commit any funds directly". The Committee accordingly asks the Minister to provide more information on the workings of the agreement and on the expenditure likely to be incurred, and the administrative arrangements.

Since it is nearly a year since the previous Committee recommended that the Joint Communication be debated in European Committee, and that the uncertainties surrounding its successful implementation remain, particularly regarding the security situation, we further recommend that the Council Decisions containing this consequential CAPD be debated, together with the EU Strategy document, as soon as possible. This will enable the Government to clarify and discuss the context in which, and how, this Agreement will operate, and interested Members to explore all the implications, including for the UK's own commitments.

Not cleared. For debate in European Committee B together with the Joint Communication already referred.

European Border and Coast Guard

In December, the Commission put forward a package of measures to address "weaknesses and gaps" in the management of the EU's external borders. The most significant measure is a proposed Regulation to transform the EU's external borders agency (Frontex) into a fully-fledged European Border and Coast Guard with enhanced powers to implement a European integrated border management system in cooperation with national border control authorities. A new European Border and Coast Guard Agency would establish an operational and technical strategy for border management. At times of crisis, where ineffective controls at sections of the EU's external border jeopardised the functioning of the Schengen area, the Agency would be able to intervene directly (deploying European Border and Coast Guard Teams drawn from a rapid reserve pool of national border control officers) without waiting for a request from the Member State concerned.

Although the UK will not participate in the proposed Regulation and will continue to police its own borders, the Government supports the objective of strengthening security at the EU's external border and will seek to ensure that the UK is able to cooperate with the Agency on the same terms as it currently does with Frontex (for example, to support the return of illegal migrants or to assist with search and rescue operations in the Mediterranean). The Government recognises that provisions enabling the Agency to intervene directly at the external borders of a Member State raise "important questions over national sovereignty" and intends to follow this aspect of the negotiations closely.

As the proposed Regulation potentially represents a step change in the management of the EU's external borders, the European Scrutiny Committee seeks further information on the areas in which the Government expects to cooperate with the Agency, and requesting regular progress reports on negotiations.

Not cleared.

Suspending Sweden's participation in EU relocation measures

This proposal would suspend for one year Sweden's obligations (contained in earlier Council Decisions) to accept the relocation of asylum-seekers from Italy and Greece. The suspension is based on the "exceptional pressure" placed on Sweden's asylum and migration systems by a sudden inflow of third country nationals seeking international protection. The Government confirms that it does not intend to opt into the proposal and reiterates its opposition to the EU's relocation policy. The European Scrutiny Committee is holding the proposal under scrutiny and is asking the Government for its view on the justification advanced by Sweden and the Commission for the suspension, as well as its impact on Italy and Greece. The Government is also asked to provide an update on implementation of the EU relocation Decisions adopted last September, given that fewer than 200 individuals out of a possible total of up to 160,000 had been relocated by the end of 2015, and to explain how the EU temporary relocation schemes will be funded and the arrangements in place to ensure that there are no unforeseen financial implications for the UK.

Not cleared. Related documents on Greece, Italy and Hungary cleared.

Trans-fats

There is evidence that consumption of trans-fats — which can be found in a range of processed foods, fats and oils and bakery products — increases the risk of coronary heart disease. Trans-fats intake tends to be higher among lower income groups, thus raising health inequality concerns. The Commission's initial assessment of the various possible approaches to reduce intake — from legal limits to voluntary agreements — is that an EU legal limit for industrial trans-fats content would be the most effective measure.

The Committee pressed the Government on the process for the policy review and consultation that it plans. The policy area is clearly an important and evolving one on which the Government is considering its position.

Not cleared. Drawn to the attention of the Health Committee.

Europe for Citizens

The report assesses implementation of the *Europe for Citizens Programme* (EFCP) 2007-13, which funds town twinning projects, among other activities. When our predecessors considered the proposed successor Programme (2014–2020), the Committee questioned the justification for EU expenditure in this area. The Minister (Mr Edward Vaizey) does not believe that the report effectively assesses the programme's value for money. We decided to request an assurance that the Minister will be working to ensure that assessment of the current programme is more robust. This is important as the interim evaluation in 2017 will be will inform funding plans for the period after 2020.

Not cleared.

Statistics: consumer prices

We have been keeping under scrutiny a proposed Regulation to rationalise the present framework for the EU's Harmonised Index of Consumer Prices and to reflect developments in consumer prices statistics. We had acknowledged the Government's favourable view of the proposal, but had noted concern about the suggested extent of the Commission's power to adopt delegated acts (secondary legislation) to amend the adopted Regulation. The Government now tells us that the Council and the European Parliament have agreed a final text of the proposed Regulation, which addresses the concerns expressed by the UK, other Member States and the European Central Bank about the issue of delegated acts and incorporates adequate safeguards. Delegated acts will be limited to changes to specific non-essential elements of the Regulation; the Commission will have to consult Member State experts before adopting delegated acts and must ensure that such delegated acts do not impose a significant additional burden on Member States nor on the respondents; and the Commission's power is conferred for a period of five years only, but to be automatically extended unless opposed by the Council or the European Parliament. Given this satisfactory outcome we have cleared the proposed Regulation from scrutiny.

Cleared.

Exhaust emissions from passenger cars

On 25 November 2015, we recommended for debate a Commission proposal to address the issues raised by use of so-called "defeat devices" by vehicle manufacturers in connection with the measurement of tail-pipe emissions, on the basis of an Explanatory Memorandum from the Department of Transport. On 6 January the Committee recommended the text of the draft Commission Regulation (EU Document No. 14506/15), for that debate. Since our meeting on 6 January, a further (highly technical) addendum to Document No. 14506/15 has been deposited, and we recommend the addendum for debate, together with the document already referred, in European Committee A.

The Committee also considered the following documents:

DfT	Single European Sky [Commission Report] (37408 : 15408/15)	Not Cleared
DfT	Port State Control [Proposed Decision] (37425 : 15518/15 + ADDs 1-2)	Not Cleared
CO	Interoperability as a means for modernising the public sector: the ISA programme and the lessons for project evaluation [Proposed Decision] (36197 : 11580/14)	Cleared
HMRC	Customs: illicit trade in tobacco products [Proposed Decisions] (a) (36831 : 8563/15 + ADDs 1-2) (b) (36832 : 8565/15 + ADDs 1-2)	Cleared
ONS	Statistics: consumer prices [Proposed Regulation] (a) (36570 : 16612/14 + ADD 1) (b) (36804 : 6651/15)	Cleared

HMT	Financial services: covered bonds [Commission Report] (37385 : 15189/15)	Not Cleared
FCO	Budget for the EU Special Representative for Human Rights [Proposed Decision] (37453) EM 14/1/2016	Cleared
HO	EU Action Plan on Return [Commission Communication] (37091 : 11846/15)	Cleared
DfID	EU climate finance and external aid [Court of Auditors' Special Report] (35700) EM 3/1/14	Cleared