Rule 10A.2 – Referral to lead committee

1. How often has your committee considered an EU legislative proposal under this rule and what have the outcomes been?

On one occasion (in June 2013), the Committee considered the following European Union legislative proposal—Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amendment Regulations (EU) No. 1024/2012 (9037/13).

2. What the implications of the requirement to consider EU legislative proposals have been for your committee?

The Committee put this on the agenda and after a short discussion, agreed that the proposed Regulation raised issues on subsidiarity. The Committee therefore agreed to request the Presiding Officer to write to the UK Parliament to notify it of its concerns.

3. How has your committee influenced outcomes at a UK and EU level as a result of this rule?

It is difficult for the Committee to know how effective or otherwise its comments were in any changes that may have been made at the EU level.

4. How practicable is Rule 10A.2.2 (designation of lead committee where the subject matter of an EU legislative proposal falls within the remit of more than one committee) given time constraints?

We have no views on this issue as this has not been a feature for us.

Rule 10A.3 – Consideration of proposal for European Union legislation

5. Under Rule 10.A.3.1 committees are obliged to consider an EU legislative proposal where it has been referred to the Committee in terms of Rule 10A.2. Is this rule sufficiently flexible to allow a committee to decide which proposals it wishes to consider? Specifically, is it necessary for a lead committees to consider all proposals where the UK Government, UK Parliament or Scottish Government has brought to the attention of the Parliament a subsidiarity concern?
It would perhaps be better for there to be some flexibility and leave to the European Reporter/Convener to decide whether to add this to an agenda for further consideration by the whole Committee.

6. Under Rule 10A.3.2, where the lead committee considers that an EU legislative proposal does not comply with the principle of subsidiarity, the Convener shall by motion propose that the Parliament agrees that the proposal does not comply with the principle of subsidiarity, and the Parliamentary Bureau shall allocate time for debate. How often has your committee applied this rule? Are there any issues around timing, given the constraints of the 8-week period and competing demands on parliamentary time?

On the one occasion referred to above, there was not sufficient time to allow for a plenary debate in the Scottish Parliament. The Committee was also considering the proposal after initial consideration by the relevant committees of the UK Parliament (who did not think there were any issues of subsidiarity).

7. Under Rule 10A.3.3 where an EU legislative proposal is referred to a lead committee and the lead committee decides that there is an insufficient period remaining for report and debate, the Presiding Officer shall notify the UK Parliament of any concerns that the lead committee has that the proposal does not comply with the principle of subsidiarity. How often has this rule been invoked in the context of your committee’s consideration of an EU legislative proposal? How effective this process is?

This was the process we followed on the one occasion referred to above. This worked reasonably well. It is not possible for us to know how effective our intervention was but it should be noted that the the Committee was also considering the proposal after initial consideration by the relevant committees of the UK Parliament (who did not think there were any issues of subsidiarity).

8. How often Rule 10A.3.4 (making special arrangements for recess periods) has been used?

Never.

Rule 12.6.2 – EU Reporters

9. On how many occasions has your EU Reporter brought to the committee’s attention any EU issue, proposal for EU legislation, or implementation of European Communities or EU legislation, as provided for in this rule?

Not to date, but this has been because of the nature of the material sent to him, which has raised no issues of this type.

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SCOTTISH PARLIAMENT, 28 OCTOBER 2013