



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

**4th Meeting, 2016 (Session 5)**

**Tuesday 13 September 2016**

The Committee will meet at 11.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private.
2. **Appointment of European Union Reporter:** The Committee will decide which of its members to appoint as its European Union Reporter.
3. **Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service:** The Committee will consider its approach to the inquiry.

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The papers for this meeting are as follows—

**Agenda item 2**

Paper by the clerk - EU Reporter

J/S5/16/4/1

**Agenda item 3**

Private paper - Inquiry into COPFS

J/S5/16/4/2 (P)

## Justice Committee

4th Meeting, 2016 (Session 4), Tuesday 13 September 2016

### Appointment of European Union Reporter

#### Note by the clerk

#### Background

##### *The Scottish Parliament's European Union Strategy*

1. A Parliament-wide strategy for European Union (EU) engagement and scrutiny was introduced following a Chamber debate on the European and External Relations Committee's 4<sup>th</sup> Report 2010 (Session 3) on the [Impact of the Treaty of Lisbon on Scotland](#). As part of this strategy, the subject committees and the Equal Opportunities Committee took on an enhanced role in relation to early engagement on EU issues and the scrutiny of EU legislative proposals.

2. Part of that enhanced role for committees involves the appointment of an EU Reporter. Under Rule 12.6.2 of Standing Orders, subject committees and the Equal Opportunities Committee are responsible for appointing an EU Reporter—

12.6.2 Each subject committee and the Equal Opportunities Committee shall appoint a committee member (other than a committee substitute) (referred to as a "European Reporter") to bring to the attention of the committee any European Union ("EU") issue, proposal for EU legislation, or implementation of European Communities or EU legislation, as he or she may determine is appropriate.

3. In the EU referendum held on 23 June 2016, a majority voted to leave the European Union and the UK Prime Minister has confirmed the intention to withdraw from the EU. Until the UK withdraws from the EU, it will continue to be involved in the decision-making processes relating to EU policies and will have an obligation to implement EU legislation. Thus, the Parliament's EU strategy will still need to consider EU matters. However, the Convener of the European and External Relations Committee has indicated that the role of EU reporters and the Parliament's annual process of identifying and reporting on EU priorities should be further developed to take into account the implications and process of leaving the EU.

##### *The Role of the EU Reporter*

4. Currently the role of the EU Reporter is to act as a "conduit" for EU matters within the Committee. This role remains relevant while the UK is still an EU Member State and will involve—

- Highlighting the EU dimension of the Committee's work;

- Taking the lead on consideration of any subsidiarity<sup>1</sup> concerns in relation to EU legislative proposals, or those proposals introduced by the UK Government in relation to the UK's ongoing relationship with the EU;
- Speaking to EU issues;
- Highlighting any EU dimension within policy debates; and
- Acting as liaison between the Committee and the European and External Relations Committee

5. The Convener of the European and External Relations Committee has indicated that the Committee will reconsider the role of the EU reporters as part of its review of the EU Strategy. It is anticipated that the role of the EU reporter will be developed to adapt to the prospect of withdrawal from the EU and include the following additional elements—

- Identifying issues relating to the formulation of the UK's position on its future relationship with the EU that are relevant to the Committee's work and highlighting areas where the Committee may wish to undertake scrutiny work;
- Identifying issues relating to the process of leaving the EU that are relevant to the Committee's work and highlighting areas where the Committee may wish to undertake scrutiny work; and
- Liaising with the European and External Relations Committee on its work on the implications for Scotland of the vote in the referendum to leave the EU.

## **Decision**

6. The Committee is invited to nominate a member to act as EU Reporter for the Committee.

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<sup>1</sup> Article 5 of the Treaty on European Union: 3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol.