



AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

TUARASCÁIL BHLIANTÚIL MAIDIR LE HOIBRIÚ

ACHT AN AONTAIS EORPAIGH (GRINNSCRÚDÚ) 2002

1 EANÁIR 2017 GO 31 NOLLAIG 2017

JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

**ANNUAL REPORT ON THE OPERATION OF THE
EUROPEAN UNION (SCRUTINY) ACT 2002**

1 JANUARY 2017 TO 31 DECEMBER 2017

FEBRUARY 2018

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Chairman's Foreword

It is my pleasure, on behalf of the Joint Committee on European Union Affairs, to present the 15th Annual Report on the operation of the European Union Scrutiny Act, 2002 as required under Section 5 of the Act.

The 2002 Act underpins the system of scrutiny and enables the Houses of the Oireachtas to consider all draft European legislative proposals.

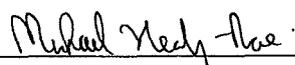
In the Houses of the Oireachtas, consideration of European legislative proposals is undertaken by the most relevant Joint Committee, in line with the Orders of Reference of each of the Joint Committees. When Joint Committees consider European proposals, they consider the proposals' significance, and pay particular attention to whether there are any concerns regarding the principle of subsidiarity and proportionality, as provided for under Protocol 2 of the Treaty on the Functioning of the European Union.

In order to identify priorities for the year ahead, each Joint Committee considers the European Commission's Annual Work Programme, paying particular attention to planned legislative proposals, and these are then put together in a EU Scrutiny Work Programme for the Houses of the Oireachtas. This is currently in preparation for 2018.

This Report includes, at **Appendix 3**, a short note on the IPEX (InterParliamentary EU information eXchange) database. IPEX was launched as an initiative of EU Member States' national Parliaments and developed with the technical assistance of the European Parliament to support interparliamentary co-operation by providing a platform for the electronic exchange of EU-related information between Parliaments in the EU. The IPEX database contains all EU draft legislative acts, consultation, information and other EU documents relevant to the scrutiny process of each national Parliament and/or Chamber. It is a particularly useful tool for those interested in European legislation.

On behalf of all of the Joint Committees, I would like to thank Government departments for their considerable assistance in the scrutiny process, and the staff of the Committees' Secretariat for their efficient management of the documentation and the preparation of meetings. The effectiveness of the Houses of the Oireachtas EU scrutiny system is heavily dependent on the timely agreement between Government departments on responsibility for a particular file, and on the subsequent timely submission of the required Information Note to the Houses of the Oireachtas.

Finally, I would like to acknowledge the important work of staff of the Committee Secretariat in supporting Committees and all of my colleagues on the other Joint Committees in carrying out their important consideration and scrutiny of draft EU legislation. Their dedication, knowledge and experience are greatly valued.



Michael Healy-Rae, TD,
Chairman

7 March 2018



Introduction

1. This is the Fifteenth Annual Report on the operation of the European Union (Scrutiny) Act 2002 (“the Act”). The Act lays down the legislative basis for Oireachtas scrutiny of draft EU legislative measures¹.
2. Among the main provisions of the Act are:
 - *Information Notes* - the Government must forward a statement (Information Note) to the Houses of the Oireachtas as soon as practicable after the publication of each proposed European Union legislative measure. The note outlines the purpose, significance and implications of the new measure [s2(1)];
 - *Recommendations* - the Minister concerned shall have regard to any recommendations by either or both Houses of the Oireachtas or a Committee of either or both such Houses on a proposed measure [s2(2)];
 - *Reports by the Government* - each Minister shall report at least twice yearly to both Houses in relation to proposed measures and other EU developments within his/her remit [s2(5)]. In addition, the Government shall make an annual report to the Houses on developments in the EU [s4].
3. Section 5 of the Act specifically provides that the Joint Committee on European Affairs (the title of the Joint Committee at that time) shall report annually to both Houses on the operation of the Act. Accordingly, this Report has been prepared by the Joint Committee on European Union Affairs in accordance with that section and with paragraph (6) of its Orders of Reference (*see Appendix 1*).
4. Each sectoral Joint Committee now considers European Union matters within the remit of the relevant Department(s) including engaging with Ministers in the context of meetings of the Council of Ministers.

¹ The definition of “measure” in the 2002 Act was amended by section 6 of the European Union Act 2009.

1. Oireachtas oversight of EU measures and legislation

1. The Dáil Select Committees were established by Order of Dáil Éireann on 16 June 2016 and were enjoined with the Select Committees of Seanad Éireann, established by Order of Seanad Éireann on 21 July 2016, to form the Joint Committees. The Orders of Reference of the Joint Committees are available at Appendix 2.

2. The Orders of Reference of sectoral Joint Committees, agreed by both Houses, require them to consider and report on European Union matters within the remit of the relevant Department(s) and to engage with Ministers in the context of meetings of the Council of Ministers.

3. Consideration of European Union matters is a standing item on the agenda for each sectoral Joint Committee meeting during which the Committee may consider any or all of the following issues:

- draft legislative measures within the Joint Committee's remit. Each Joint Committee will decide which proposals to scrutinise in depth, for example by engaging with relevant stakeholders;
- compliance of draft legislative acts with the principle of subsidiarity² and related issues, in support of the role of the Houses of the Oireachtas under Article 29.4 of the Constitution, section 7 of the European Union Act 2009 and Standing Orders relating to the role of the Houses under the Lisbon Treaty. If a breach of subsidiarity is found, the Joint Committee will report to the Houses recommending the adoption of a reasoned opinion; and
- major policy issues and consultation papers from the European Commission. Joint Committees may decide to make a "contribution" to the relevant institution on particular issues of interest or concern.

Each Joint Committee may also –

- invite the relevant Minister to attend in advance of relevant European Union Council meetings to brief the Committee on the agenda and on the outcome of the previous Council meeting; and
- meet with Secretaries General in relation to the six-monthly reports on measures, proposed measures and other developments in relation to the European Union which are provided by each Minister under the European Union (Scrutiny) Act 2002.

4. The Joint Committee on European Union Affairs (pursuant to the 2002 Act and paragraph (6) of its Orders of Reference) is responsible for reporting on an annual basis on the operation of the Act to both Houses of the Oireachtas. The Report will typically contain statistics on the total number of proposals considered by Joint Committees in the period under review, the number of proposals which warranted detailed scrutiny, the number of scrutiny reports laid before the Houses, contributions sent to the European Union institutions and reasoned opinions agreed in plenary.

² Subsidiarity is the principle which regulates the exercise of EU powers. It determines whether the EU can intervene or should let Member States take action. It ensures that powers are exercised at the appropriate level. The subsidiarity principle acts as both a check on the need to take action at Union level, and ensures that, where it is needed, effective action is taken at the EU level. It is defined in Article 5 of the Treaty of the European Union: "Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional level and local level, but can rather, by reason of scale or effects of the proposed action, be better achieved at Union level."

2. Information Notes submitted by Departments

In 2017, **387** Information Notes were submitted by Government Departments/Offices, as follows:

Department/Office	Number of Information Notes
Agriculture, Food and the Marine	40
Culture, Heritage and the Gaeltacht ³	5
Communications, Climate Action and Environment	15
Foreign Affairs and Trade	44
Education and Skills	11
Children and Youth Affairs	1
Housing, Planning, and Local Government ⁴	4
Finance, including Revenue Commissioners	68
Health	4
Business, Enterprise and Innovation ⁵	106
Justice and Equality	42
Public Expenditure and Reform	3
Central Statistics Office	5
Transport, Tourism and Sport	35
Defence	1
Employment Affairs and Social Protection ⁶	3
Total	387

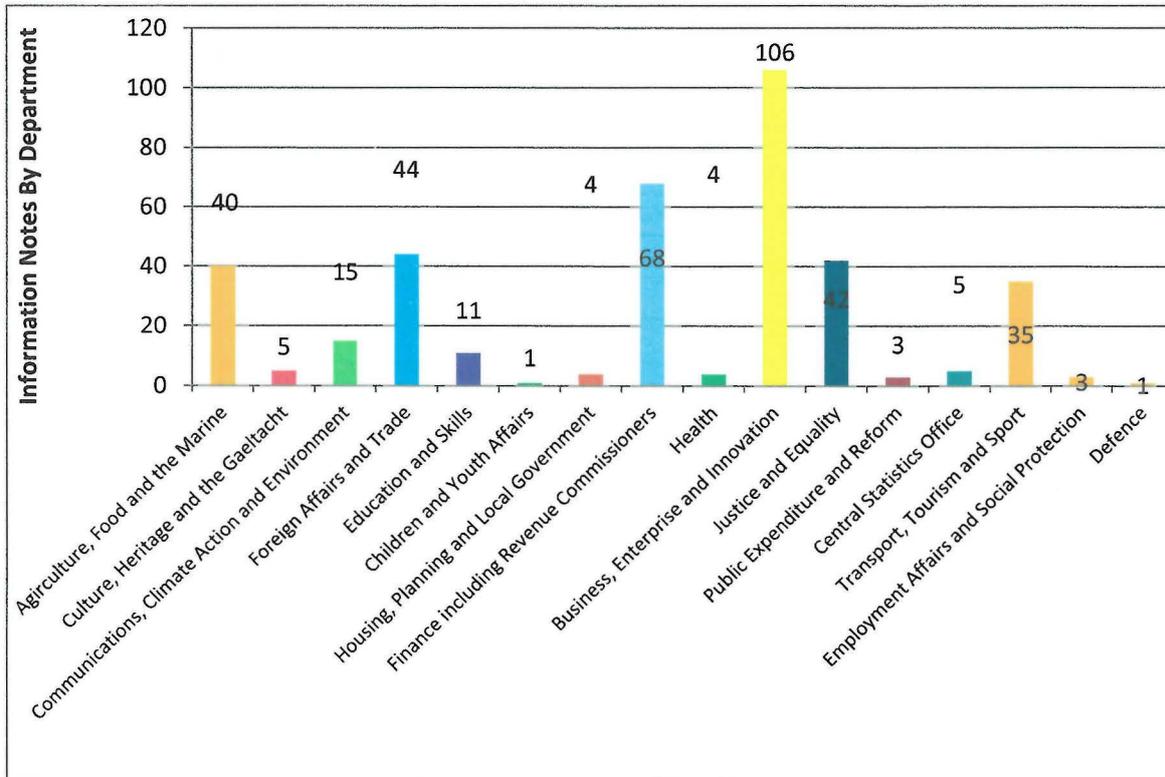
³ The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs changed name to Culture, Heritage and the Gaeltacht with effect from 1 August 2017.

⁴ The Department of Housing, Planning, Community and Local Government changed name to Housing, Planning and Local Government with effect from 1 August 2017

⁵ The Department of Jobs, Enterprise and Innovation changed name to Department of Business, Enterprise and Innovation with effect from 2 September 2017

⁶ The Department of Social Protection changed name to the Department of Employment Affairs and Social Protection with effect from 2 September 2017.

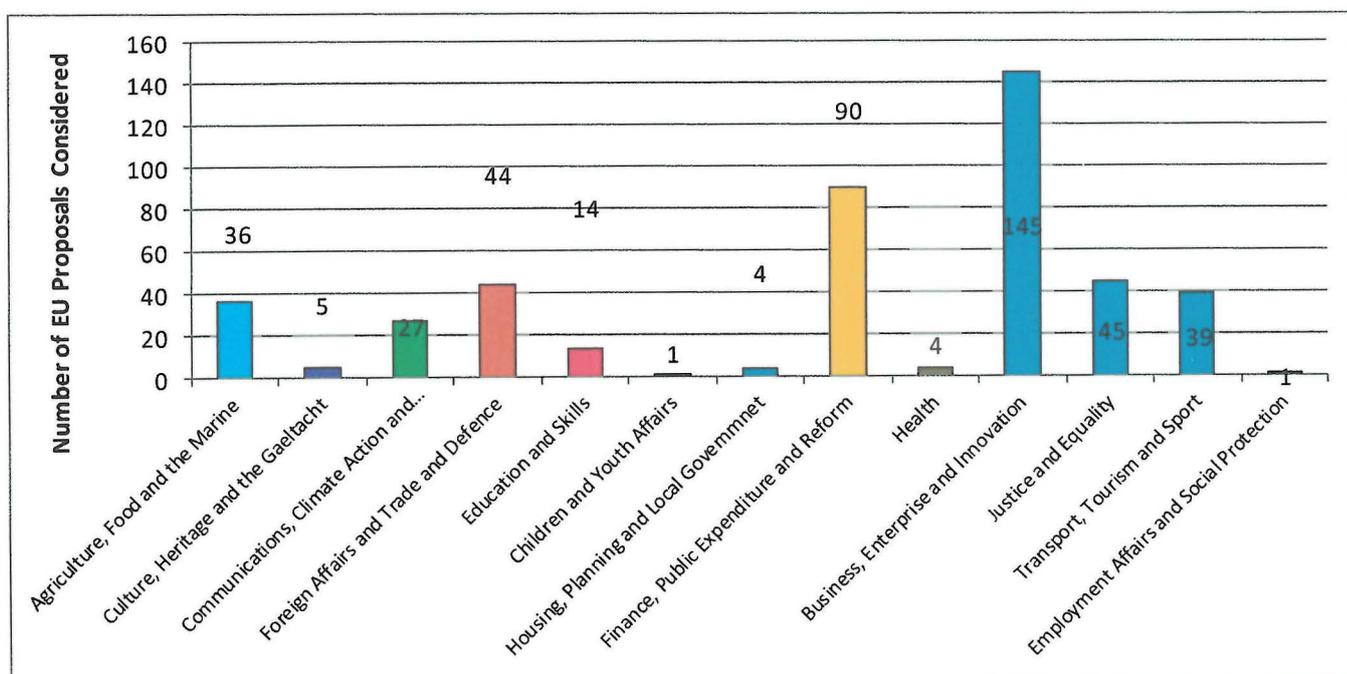
Information notes by Department 2017



4. EU Proposals considered by Oireachtas Committees in the 32nd Dáil

In 2017, Joint Committees considered EU proposals as follows:

Joint Committee	Number of EU Proposals considered
Agriculture, Food and the Marine	36
Culture, Heritage and the Gaeltacht	5
Communications, Climate Action and Environment	27
Foreign Affairs and Trade and Defence	44
Education and Skills	14
Children and Youth Affairs	1
Housing, Planning and Local Government	4
Finance, Public Expenditure and Reform	90
Health	4
Business, Enterprise and Innovation	145
Justice and Equality	45
Transport, Tourism and Sport	39
Employment Affairs and Social Protection	1
Total	455



5. Proposals Considered for Further Scrutiny or Action by Joint Committees in 2017

Joint Committee on Agriculture, Food and the Marine

The Joint Committee dealt with EU matters at 9 meetings, involving consideration of 36 proposals. The Joint Committee decided that 1 proposal, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)750	Proposal for a Regulation of the European Parliament and of the Council on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks

Joint Committee on Culture, Heritage and the Gaeltacht

The Joint Committee considered European Union matters at 4 meetings, involving consideration of 5 proposals none of which were deemed to require further scrutiny.

Joint Committee on Communications, Climate Action and Environment

The Joint Committee considered EU matters at 8 meetings involving consideration of 27 proposals. The Joint Committee decided that 13 proposals, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2017)495	Proposal for a Regulation of the European Parliament and of the Council on a framework for the free flow of non-personal data in the European Union
COM(2017)477	Proposal for a Regulation of the European Parliament and of the Council on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act")
COM(2016)761	Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency
COM(2016)863	Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast)
COM(2016)862	Proposal for a Regulation of the European Parliament and of the Council on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC
COM(2016)789	Proposal for a Decision of the European Parliament and of the Council amending Directive 87/217/EEC of the Council, Directive 2003/87/EC of the European Parliament and of the Council, Directive 2009/31/EC of the European Parliament and of the Council, Regulation (EU) No 1257/2013 of the European Parliament and of the Council, Council Directive 86/278/EEC and Council Directive 94/63/EC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC

COM(2016)759	Proposal for a Regulation of the European Parliament and of the Council on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013
COM(2016)767	Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast)
COM(2016)861	Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast)
COM(2016)864	Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)
COM(2016)285	Proposal for a Regulation of the European Parliament and of the Council on cross - border parcel delivery services
COM(2017)54	Proposal for a Regulation of the European Parliament and of the Council amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021
COM(2017)51	Proposal for a Council Decision on the conclusion of the agreement to amend the Montreal Protocol on substances that deplete the ozone layer adopted in Kigali

Joint Committee on Foreign Affairs and Trade and Defence

The Joint Committee considered EU matters at 9 meetings and considered 44 proposals none of which were deemed to require further scrutiny.

Joint Committee on Education and Skills

The Joint Committee considered EU matters at 8 meetings involving consideration of 14 proposals. The Joint Committee decided that 1 proposal, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)822	Proposal for a Directive of the European Parliament and of the Council on a proportionality test before adoption of new regulation of professions {SWD(2016) 462 final} {SWD(2016) 463 final}

Joint Committee on Children and Youth Affairs

The Joint Committee considered EU matters at 1 meeting and considered one proposal which was not deemed to require further scrutiny.

Joint Committee on Housing, Planning and Local Government

The Joint Committee considered EU matters at 3 meetings involving consideration of 4 proposals. The Joint Committee decided that 1 proposal, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)765	Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings {SWD(2016) 408 final} {SWD(2016) 409 final} {SWD(2016) 414 final} {SWD(2016) 415 final}

Joint Committee on Finance, Public Expenditure and Reform

The Joint Committee considered EU matters at 12 meetings involving consideration of 90 proposals. The Joint Committee decided that 14 proposals, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)709	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance - based investment products as regards the date of its application
COM(2016)856	Proposal for a Regulation of the European Parliament and of the Council on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, and (EU) 2015/2365
COM(2017)114	Proposal for a Regulation of the European Parliament and of the Council on European business statistics amending Regulation (EC) No 184/2005 and repealing 10 legal acts in the field of business statistics
COM(2017)331	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs
COM(2017)343	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1095/2010 establishing a

	European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs
COM(2017)536	Proposal for a Regulation of the European Parliament and of the Council Amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority); Regulation (EU) No 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority); Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority); Regulation (EU) No 345/2013 on European venture capital funds; Regulation (EU) No 346/2013 on European social entrepreneurship funds; Regulation (EU) No 600/2014 on markets in financial instruments; Regulation (EU) 2015/760 on European long-term investment funds; Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds; and Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market
COM(2017)537	Proposal for a Directive of the European Parliament and of the Council amending Directive 2014/65/EU on markets in financial instruments and Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)
COM(2017)538	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1092/2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board {SWD(2017) 313 final}
COM(2017)539	Amendment of pending proposal for a Regulation amending Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs (EMIR II Commission's proposal)
COM(2016)850	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements and amending Regulation (EU) No 648/2012
COM(2016)851	Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency
COM(2016)852	Proposal for a Directive of the European Parliament and of the Council

	amending Directive 2014/59/EU on loss-absorbing and recapitalisation capacity of credit institutions and investment firms and amending Directive 98/26/EC, Directive 2002/47/EC, Directive 2012/30/EU, Directive 2011/35/EU, Directive 2005/56/EC, Directive 2004/25/EC and Directive 2007/36/EC
COM(2016)853	Proposal for a Directive of the European Parliament and of the Council on amending Directive 2014/59/EU of the European Parliament and of the Council as regards the ranking of unsecured debt instruments in insolvency hierarchy
COM(2016)854	Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures {SWD(2016) 377} {SWD(2016) 378}

Joint Committee on Health

The Joint Committee considered EU matters at 3 meetings involving consideration of 4 proposals, none of which were deemed to require further scrutiny.

Joint Committee on Business, Enterprise and Innovation

The Joint Committee considered EU matters at 4 meetings involving consideration of 28 proposals. The Joint Committee decided that 8 proposals, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)443	Proposal for a Council Decision on the conclusion of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part
COM(2016)444	Proposal for a Council Decision on the signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part
COM(2016)470	Proposal for a Council Decision on the provisional application of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part
COM(2016)34	Amended proposal for a Regulation of the European Parliament and of the Council on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries
COM(2017)142	Proposal for a Directive of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market {SWD(2017) 114} {SWD(2017) 115} {SWD(2017) 116}

COM(2017)251	Proposal for a Interinstitutional Proclamation on the European Pillar of Social Rights
COM(2016)283	Proposal for a Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws
COM(2017)637	Amended proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the sales of goods, amending Regulation (EC) No 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repealing Directive 1999/44/EC of the European Parliament and of the Council {SWD(2017) 354 final}

Joint Committee on Justice and Equality

The Joint Committee considered EU matters at 11 meetings, involving consideration of 45 proposals. The Joint Committee decided that 2 proposals, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)723	Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU
COM(2017)252	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions an Initiative to Support Work-Life Balance for Working Parents and Carers

Joint Committee on Transport, Tourism and Sport

The Joint Committee considered EU matters at 6 meetings involving consideration of 39 proposals. The Joint Committee decided that 8 proposals, listed below, should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2017)275	Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures
COM(2017)277	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs {SWD(2017) 184 final} {SWD(2017) 185 final} {SWD(2017) 186 final} {SWD(2017) 187

	final}
COM(2017)278	Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector {SWD(2017) 184 final} {SWD(2017) 185 final} {SWD(2017) 186 final} {SWD(2017) 187 final}
COM(2017)281	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector (Text with EEA relevance) {SWD(2017) 194 final} {SWD(2017) 195 final}
COM(2017)282	Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road (Text with EEA relevance) {SWD(2017) 196 final} {SWD(2017) 197 final} {SWD(2017) 198 final} {SWD(2017) 199 final}
COM(2017)289	Proposal for a Regulation of the European Parliament and of the Council on safeguarding competition in air transport, repealing Regulation (EC) No 868/2004 {SWD(2017) 182 final} {SWD(2017) 183 final}
COM(2017)548	Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast) (Text with EEA relevance) {SWD(2017) 317 final} {SWD(2017) 318 final}
COM(2017)647	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services {SWD(2017) 358 final} - {SWD(2017) 359 final} - {SWD(2017) 360 final} - {SWD(2017) 361 final}

Joint Committee on Employment Affairs and Social Protection

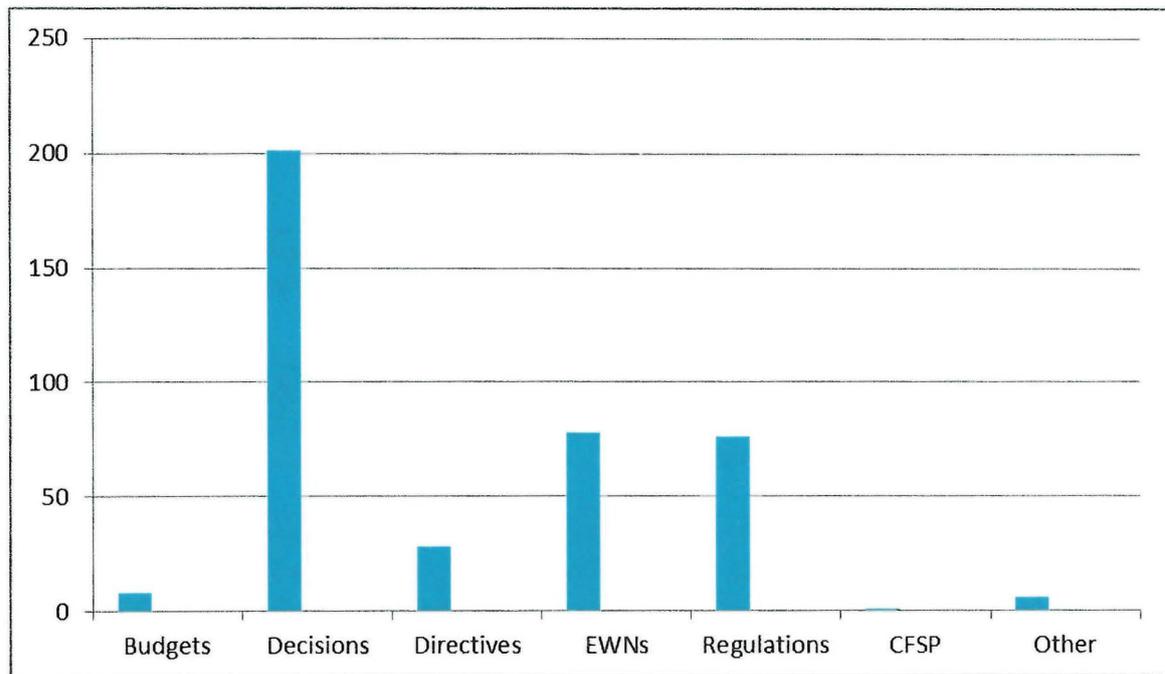
The Joint Committee dealt with EU matters at 1 meeting. The Joint Committee considered the proposal listed below and decided that it should be further scrutinised.

PROPOSAL NO.	PROPOSAL TITLE
COM(2016)815	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 {SWD(2016) 460 final} {SWD(2016) 461 final}

Detailed information on all EU proposals scrutinised by Oireachtas Committees can be found on the [Oireachtas website](#) via the relevant Committee link.

6. EU Proposals by Category published in 2017

The following categories of EU proposals were published in 2017: Budget Documents, CFSP Measures, Decisions, Directives, Early Warning Notes (EWN), and Regulations.



7. Reports and Political Contributions by Joint Committee

Reasoned Opinions 2017				Date agreed
1.	COM(2016)723	Joint Committee on Justice and Equality	Reasoned Opinion on Insolvency	15-Feb-17
2.	COM(2017)647	Joint Committee on Transport, Tourism and Sport	Reasoned Opinion on Access to Market for Coaches and Bus Services	13-Dec-07

Political Contributions 2017				Date agreed
1.	COM(2016)750	Joint Committee on Agriculture, Food and the Marine	Political Contribution on Labelling of Drinks	31-Jan-17
2.	N/A	Joint Committee on Agriculture, Food and the Marine	Political Contribution on Common Agricultural Policy	10-Apr-17
3.	N/A	Joint Committee on Agriculture, Food and the Marine	Political Contribution on the Import of Brazilian Beef and Poultry	04-Apr-17
4.	N/A	Joint Committee on Agriculture, Food and the Marine	Political Contribution on Common Agricultural Policy	26-Apr-17
5.	COM(2017)252	Joint Committee on Justice and Equality	Political Contribution on Work/Life Balance	21-Jun-17

8. Summary Information

Sectoral Joint Committee	No. of proposals considered	Schedule A / B		Subsidiarity letter received	Reasoned Opinions submitted	Political Contributions submitted	No. of proposals deemed <i>For further Scrutiny</i>	No. of proposals deemed <i>For no further Scrutiny</i>
Agriculture Food and the Marine	36	5	31	2	-	4	1	35
Culture, Heritage and the Gaeltacht	5	2	3	1	-	-	-	5
Communication, Climate Action and Environment	27	13	14	2	-	-	13	14
Foreign Affairs and Trade	44	15	29	2	-	-	-	44
Education and Skills	14	4	10	2	-	-	1	13
Children and Youth Affairs	1	1	-	2	-	-	-	1
Housing, Planning and Local Government	4	2	2	2	-	-	1	3
Finance, Public Expenditure and Reform, and Taoiseach	90	15	75	31	-	-	14	76
Health	4	-	4	-	-	-	-	4
Business, Enterprise and Innovation	145	20	125	26			8	137
Justice and Equality	45	7	38	13	1	1	2	43
Transport, Tourism and Sport	39	11	28	12	1	-	8	31
Employment Affairs and Social Protection	1	1	-	1	-	-	1	-
Totals	455	96	359	96	2	5	49	406

9. Pre-Council meetings with Ministers

Joint Committee	Minister/Minister of State	Date
European Union Affairs	Dara Murphy, T.D., Minister of State for European Affairs	15 February and 12 April 2017
European Union Affairs	Helen McEntee, Minister of State for European Affairs	5 July and 9 November 2017
Finance, Public Expenditure and Reform, and Taoiseach	Paschal Donohoe, T.D., Minister for Finance and Public Expenditure and Reform	6 July 2017

10. Six-Monthly Reports on developments in the EU

Under the Act, six-monthly reports are submitted by each Government Minister on proposed European Union measures and other developments within their remit. The reports are in two parts as follows:

- *Part 1* gives an overview of the significant developments at European Union level in the Minister's policy area during the European Union Presidency concerned; and
- *Part 2* gives an update on the current status of all of the European Union legislative measures being negotiated within the remit of the Minister.

In 2017, 24 six-monthly reports were submitted by Government Departments, 10 relating to July to December 2016 and 14 relating January to June 2017. There were no discussions of these Reports with the Secretaries General.

Appendix 1

Orders of Reference of the Joint Committee on European Union Affairs

- “(1) Go gceapfar Roghchoiste, dá ngairfear an Roghchoiste um Ghnóthaí an Aontais Eorpaigh, ar a mbeidh seacht gcomhalta de Dháil Éireann, chun breithniú a dhéanamh ar cibé nithe a éiríonn—
- (a) as ballraíocht na hÉireann san Aontas Eorpach, agus
- (b) as Éirinn do chloí leis an gConradh ar an Aontas Eorpach agus leis an gConradh ar Fheidhmiú an Aontais Eorpaigh,
- a roghnóidh sé agus nach bhfuil tarchurtha chuig aon Choiste eile.
- (2) Gan dochar do ghinearáltacht mhír (1), breithneoidh an Coiste—
- (a) cibé Billí a bpléann an Roinn Gnóthaí Eachtracha agus Trádála leis an dlí reachtach ina leith,
- (b) cibé tograí a bheidh in aon tairiscint, lena n-áirítear aon tairiscint de réir bhrí Bhuan-Ordú 187, agus
- (c) cibé nithe eile,
- a tharchuirfidh an Dáil chuige.
- (3) Beidh an tAire Gnóthaí Eachtracha agus Trádála (nó comhalta den Rialtas nó Aire Stáit a ainmneofar chun gníomhú ina áit nó ina háit chun na críche sin), ina chomhalta nó ina comhalta *ex officio* den Roghchoiste chun na nithe atá leagtha amach i mír (2)(a) agus (b) a bhreithniú agus beidh sé nó sí i dteideal vótáil in imeachtaí an Roghchoiste.
- (4) Beidh ag an Roghchoiste na cumhachtaí a mhínítear i mBuan-Ordú 85(1), (2) agus (3).
- (1) That a Select Committee, which shall be called the Select Committee on European Union Affairs, consisting of seven members of Dáil Éireann, be appointed to consider such matters arising from—
- (a) Ireland’s membership of the European Union, and
- (b) Ireland’s adherence to the Treaty on European Union and the Treaty on the Functioning of the European Union,
- as it may select and which are not referred to any other Committee.
- (2) Without prejudice to the generality of paragraph (1), the Select Committee shall consider such—
- (a) Bills the statute law in respect of which is dealt with by the Department of Foreign Affairs and Trade,
- (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187, and
- (c) other matters,
- as shall be referred to it by the Dáil.
- (3) The Minister for Foreign Affairs and Trade (or a member of the Government or Minister of State nominated to act in his or her stead for that purpose) shall be an *ex officio* member of the Select Committee for the purpose of consideration of the matters outlined at paragraph (2)(a) and (b) and shall be entitled to vote in Select Committee proceedings.
- (4) The Select Committee shall have the powers defined in Standing Order 85(1), (2) and (3).

- (5) Déanfar an Roghchoiste a chomhcheangal le Roghchoiste arna cheapadh ag Seanad Éireann chun bheith ina Chomhchoiste um Ghnóthaí an Aontais Eorpaigh, agus, gan dochar do ghinearáltacht mhír (1), déanfaidh an Roghchoiste an méid seo a leanas a bhreithniú—
- (a) doiciméid phleanála straitéiseacha Choimisiún AE lena n-áirítear Clár Oibre an Choimisiúin,
- (b) forbairtí beartais tras-earnála ag leibhéal an Aontais Eorpaigh,
- (c) nithe a liostaítear lena mbreithniú ar an gclár gnó i gcomhair cruinnithe de Chomhairle Gnóthaí Ginearálta na nAirí agus toradh cruinnithe den sórt sin,
- (d) cibé rialacháin faoi Achtanna na gComhphobal Eorpach, 1972 go 2009 agus ionstraimí eile arna ndéanamh faoi reacht agus is gá de dhroim na n-oibleagáidí a ghabhann le ballraíocht san Aontas Eorpach a roghnóidh an Coiste,
- (e) fógraí arna dtarchur ag an Dáil faoi Bhuan-Ordú 115(1)(a),
- (f) fógraí i dtaobh tograí chun na Conarthaí a leasú a fuarthas ón gComhairle Eorpach de bhun Airteagal 48.2 den Chonradh ar an Aontas Eorpach,
- (g) fógraí i dtaobh iarratas ar bhallraíocht san Aontas Eorpach a fuarthas ón gComhairle Eorpach de bhun Airteagal 49 den Chonradh ar an Aontas Eorpach, agus
- (h) cibé nithe eile a tharchuirfidh an Dáil chuige ó am go ham.
- (5) The Select Committee shall be joined with a Select Committee appointed by Seanad Éireann, to form the Joint Committee on European Union Affairs, which, without prejudice to the generality of paragraph (1), shall consider—
- (a) the EU Commission’s strategic planning documents including the Commission Work Programme,
- (b) cross-sectoral policy developments at European Union level,
- (c) matters listed for consideration on the agenda for meetings of the General Affairs Council of Ministers and the outcome of such meetings,
- (d) such regulations under the European Communities Acts 1972 to 2009 and other instruments made under statute and necessitated by the obligations of membership of the European Union as the Committee may select,
- (e) notifications referred by the Dáil under Standing Order 115(1)(a),
- (f) notifications of proposals for the amendment of the Treaties received from the European Council pursuant to Article 48.2 of the Treaty on European Union,
- (g) notifications of applications for membership of the European Union received from the European Council pursuant to Article 49 of the Treaty on European Union, and
- (h) such other matters as may be referred to it by the Dáil from time to time.

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| <p>(6) Tabharfaidh an Comhchoiste tuarascáil do dhá Theach an Oireachtais ar oibriú Acht an Aontais Eorpaigh (Grinnscrúdú), 2002.</p> | <p>(6) The Joint Committee shall report to both Houses of the Oireachtas on the operation of the European Union (Scrutiny) Act 2002.</p> |
| <p>(7) Beidh ag an gComhchoiste na cumhachtaí a mhínítear i mBuan-Orduithe 85 (seachas mír (2A) den chéanna), 114, 115(1)(a) agus 116.</p> | <p>(7) The Joint Committee shall have the powers defined in Standing Orders 85 (other than paragraph (2A) thereof), 114, 115(1)(a) and 116.</p> |
| <p>(8) Beidh ag an gComhchoiste an chumhacht chun moltaí a dhéanamh chun an Aire Gnóthaí Eachtracha agus Trádála (nó chun Aire Stáit) i dtaobh nithe a bhaineann leis an Aontas Eorpach.</p> | <p>(8) The Joint Committee shall have the power to make recommendations to the Minister for Foreign Affairs and Trade (or Minister of State) on European Union matters.</p> |
| <p>(9) Féadfaidh na daoine seo a leanas freastal ar chruinnithe den Chomhchoiste agus páirt a ghlacadh in imeachtaí gan ceart vótála a bheith acu ná ceart tairiscintí a dhéanamh ná leasuithe a thairiscint:</p> <p>(a) omhaltaí de Pharlaimint na hEorpa arna dtoghadh ó thoghcheantair in Éirinn, lena n-áirítear Tuaisceart Éireann,</p> <p>(b) Comhaltaí de thoscaireacht na hÉireann chuig Tionól Parlaiminteach Chomhairle na hEorpa, agus</p> <p>(c) ar chuireadh a fháil ón gCoiste, Comhaltaí eile de Pharlaimint na hEorpa.</p> | <p>(9) The following may attend meetings of the Joint Committee and take part in proceedings without having a right to vote or to move motions and amendments:</p> <p>(a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,</p> <p>(b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and</p> <p>(c) at the invitation of the Committee, other Members of the European Parliament.</p> |
| <p>(10) Déanfaidh an Comhchoiste ionadaíocht do dhá Theach an Oireachtais ag Comhdháil na gCoistí um Ghnóthaí Comhphobail agus Eorpacha de chuid Parlaimintí an Aontais Eorpaigh (COSAC) agus tabharfaidh sé tuarascáil ar an gcéanna do dhá Theach an Oireachtais.</p> | <p>(10) The Joint Committee shall represent both Houses of the Oireachtas at the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) and shall report to both Houses of the Oireachtas thereon.</p> |
| <p>(11) Beidh Cathaoirleach an Roghchoiste Dála ina Cathaoirleach ar an Chomhchoiste freisin.</p> | <p>(11) The Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.”</p> |

Membership of the Joint Committee on European Union Affairs

Chairman Michael Healy-Rae (RIG)

Deputies Colm Brophy (FG)
Seán Crowe (SF)
Bernard Durkan (FG)
Seán Haughey (FF)
Mattie McGrath (RIG)
Frank O'Rourke (FF)

Senators Paul Coghlan (FG)
Gerard Craughwell (Ind)
Terry Leyden (FF)
Neale Richmond (FG)

Appendix 2

Orders of Reference of sectoral Joint Committees

a) Scope and Context of Activities of Committees (derived from Standing Orders – DSO 84, SSO 70)

- 1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
- 2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil/and or Seanad;
- 3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993;
- 4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 111A; and

The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

- (i) a member of the Government or a Minister of State, or
- (ii) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- 5) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

b) Functions of Departmental Committees (derived from Standing Orders – DSO 84A and SSO 70A)

(1) The Select Committee shall consider and report to the Dáil on-

- (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
- (b) European Union matters within the remit of the relevant Department or Departments.

(2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—

- (a) Bills,
- (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,
- (c) Estimates for Public Services, and
- (d) other matters

as shall be referred to the Select Committee by the Dáil, and

- (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public moneys, and
- (f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) Without prejudice to the generality of paragraph (1), the Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

- (a) matters of policy and governance for which the Minister is officially responsible,
- (b) public affairs administered by the Department,
- (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
- (d) Government policy and governance in respect of bodies under the aegis of the Department,

- (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
- (f) the general scheme or draft heads of any Bill
- (g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
- (h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
- (i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
- (j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and
- (k) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,
- (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
- (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
- (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

(6) Where the Select Committee has been joined with a Select Committee appointed by Seanad Éireann, the Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.

(7) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

- (a) members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,

- (b) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (c) at the invitation of the Committee, other members of the European Parliament.

(8) The Joint Committee may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—

- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
- (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select.

c) Powers of Committees (derived from Standing Orders – DSO 85, 114 and 116 and SSO 71, 107 and 109)

The Joint Committee has:-

(1) power to take oral and written evidence and to print and publish from time to time minutes of such evidence taken in public before the Select Committee together with such related documents as the Select Committee thinks fit;

(2) power to invite and accept oral presentations and written submissions from interested persons or bodies;

(3) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(4) power to draft recommendations for legislative change and for new legislation;

(4A) power to examine any statutory instrument, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009, and to recommend, where it considers that such action is warranted, whether the instrument should be annulled or amended;

(4B) for the purposes of paragraph (4A), power to require any Government Department or instrument-making authority concerned to submit a Memorandum to the Select Committee explaining any statutory instrument under consideration or to attend a meeting of the Select Committee for the purpose of explaining any such statutory instrument: Provided that such Department or authority may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss policy for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may

request to attend a meeting of the Select Committee to enable him or her to discuss such policy;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss proposed primary or secondary legislation (prior to such legislation being published) for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such proposed legislation;

(6A) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the member of the Government or Minister of State, oral briefings in advance of meetings of the relevant EU Council of Ministers to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(6B) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(6C) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 164A;

(7) subject to any constraints otherwise prescribed by law, power to require that principal office-holders in bodies in the State which are partly or wholly funded by the State or which are established or appointed by members of the Government or by the Oireachtas shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

(8) power to engage, subject to the consent of the Houses of the Oireachtas Commission, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(9) power to undertake travel, subject to—

- (a) such recommendations as may be made by the Working Group of Committee Chairmen under DSO 108(2)(a) and SSO 104(2); and
- (b) the consent of the Houses of the Oireachtas Commission, and normal accounting procedures.

In accordance with Articles 6 and 8 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union (*Protocol on the Application of the Principles of Subsidiarity and Proportionality*) as applied by sections 7(3) and 7(4) of the European Union Act 2009, the Joint Committee has the power to

consider whether any act of an institution of the European Union infringes the principle of subsidiarity;

form a reasoned opinion that a draft legislative act (within the meaning of Article 3 of the said Protocol) does not comply with the principle of subsidiarity.

Appendix 3

IPEX: InterParliamentary EU information eXchange

About IPEX

IPEX was launched as an initiative of EU national Parliaments and developed with the technical assistance of the European Parliament.

Under the Treaty of Lisbon, national Parliaments scrutinise draft EU legislative acts with regard to their respect for the principle of subsidiarity, participate in the revision of EU treaties and take part in the evaluation of EU policies on freedom, security and justice. The Lisbon Treaty also specifies that the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary co-operation within the EU.

IPEX is a tool to use the abovementioned powers effectively. Today 41 Chambers of 28 national Parliaments and the European Parliament are using IPEX in their daily activities.

IPEX Objectives

The objective of IPEX is to support interparliamentary co-operation by providing a platform for the electronic exchange of EU-related information between Parliaments in the EU.

IPEX is a source of information

IPEX hosts a Calendar of interparliamentary co-operation meetings and events in the European Union and their related documents.

IPEX shows the progress and results of national Parliaments/Chambers' scrutiny of EU documents.

IPEX provides the indicative deadlines for subsidiarity checks.

IPEX highlights "News from Parliaments" dedicated to news coming from EU and acceding countries Parliaments/Chambers.

IPEX hosts dedicated pages for the presentation of national Parliament/Chambers' internal procedures, links to relevant legislation and actors.

IPEX also hosts information on the Conference of Speakers of the European Union Parliaments and two Interparliamentary Conferences: for the CFSP/CSDP (Common Foreign and Security Policy and Common Security and Defence Policy) and on Stability, Economic Coordination and Governance in the EU.

IPEX is a database

The core of IPEX is the "Documents" database for the exchange of information on parliamentary scrutiny of EU affairs.

- It contains all EU draft legislative acts, consultation, information and other EU documents as well as documents relevant to the scrutiny process of each national Parliament/Chamber.
- The documents of national Parliaments include: Reasoned Opinions concluding a breach of subsidiarity, contributions to the political dialogue with the European Commission and other relevant documents.
- Documents in the IPEX database can be found via a wide range of search tools and the results can be stored by subscribing to an account called "My IPEX".

Link to IPEX website: <http://www.ipex.eu/IPEXL-WEB/search.do>