



Houses of the
Oireachtas
Tithe an Oireachtais

TITHE AN OIREACHTAIS

**AN COMHCHOISTE UM THURASÓIREACHT, CULTÚR, EALAÍONA, SPÓRT
AGUS MEÁIN**

Clár Oibre Grinnscrúdú an Aontais Eorpaigh 2023

February 2023

HOUSES OF THE OIREACHTAS

JOINT COMMITTEE ON

TOURISM, CULTURE, ARTS, SPORT AND MEDIA

European Union Scrutiny Work Programme 2023

February 2023

TCASM/23/05

MEMBERSHIP

(Select Committee membership comprises only Deputies)

- Deputy Niamh Smyth T.D., Fianna Fáil, *Cathaoirleach*
- Deputy Alan Dillon T.D., Fine Gael, *Leas-Chathaoirleach*
- Deputy Ciarán Cannon T.D., Fine Gael
- Deputy Peter Fitzpatrick T.D., Independent
- Deputy Brendan Griffin T.D., Fine Gael
- Deputy Mattie McGrath T.D., Independent
- Deputy Imelda Munster T.D., Sinn Féin
- Deputy Johnny Mythen T.D., Sinn Féin
- Deputy Christopher O’Sullivan T.D., Fianna Fáil
- Senator Malcolm Byrne, Fianna Fáil
- Senator Micheál Carrigy, Fine Gael
- Senator Shane Cassells, Fianna Fáil
- Senator Annie Hoey, Labour Party
- Senator Fintan Warfield, Sinn Féin

NOTES:

- Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil on 8 September 2020.
- Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 25 September 2020.
- Deputy Niamh Smyth nominated as Chair by the Dáil Committee of Selection and appointed by Order of the Dáil on 8 September 2020.
- Deputy Alan Dillon was elected Leas-Chathaoirleach on 7 October 2020.

Joint Committee on Tourism, Culture, Arts, Sport and Media



Niamh Smyth T.D.
Fianna Fáil
Cathaoirleach



Alan Dillon T.D.
Fine Gael
Leas-Chathaoirleach



Ciarán Cannon T.D.
Fine Gael



Peter Fitzpatrick T.D.
Independent



Brendan Griffin T.D.
Fine Gael



Mattie McGrath T.D.
Independent



Imelda Munster T.D.
Sinn Féin



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Christopher O'Sullivan T.D.
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Senator Malcolm Byrne
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Fine Gael



Senator Shane Cassells
Fianna Fáil



Senator Annie Hoey
Labour Party



Senator Fintan Warfield
Sinn Féin

Role and remit of the Joint Committee in EU affairs

The Joint Committee is required, in line with its orders of reference, to consider draft EU legislative Acts, other proposals for EU legislation and related policy issues, non-legislative documents published by any EU institution in relation to EU policy matters, matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers, and the outcome of such meetings.

As a sectoral Committee, the remit of the relevant Department in respect of European affairs delineates the remit of the Committee in this regard. In its scrutiny of European matters, the Committee may consider the following:

- European Union legislative and non-legislative proposals;
- engagements with Ministers in advance of European Council meetings;
 - *the Committee may request Departmental briefing four to six weeks in advance of Ministerial attendance at European Council meetings.*
- engagements with the relevant Department's Secretary General in relation to statutory Departmental EU Scrutiny Reports, as per Section 2(5) of the European Union (Scrutiny) Act 2002;
 - *under Section 2(5) of the European Union (Scrutiny) Act 2002, Ministers are required to report twice-yearly to both Houses on the measures, proposed measures and other developments in relation to the European Communities and the European Union in relation to which they perform functions;*
 - *it is the intention of the Committee to engage with these reports upon their referral to the Committee.*
- attendance at European interparliamentary committee meetings;
- engagement with relevant bodies at European level, including, but not limited to, the European Commission, the European Parliament and its committees, and the European Council, in addition to EC committees and working groups.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media services part of the Education, Youth, Culture and Sport Council configuration (EYCS). The remit of the Joint Committee extends, therefore, to the relevant agenda items of this Council.

The [EYCS Council](#) is composed of ministers responsible for education, culture, youth, media, communication, and sport from all EU Member States. Its primary objective is to preserve the cultural heritage of Europe, support its cultural industries, ensure a high quality of education, and promote physical activity. As these policy areas are primarily the competence of the Member States, the EU's role is to provide a framework for cooperation between them and adopt incentive measures and recommendations.

The Department engages with several working groups and committees at the European Union level, including:

- the [Working Party on Competitiveness and Growth \(Tourism subgroup\)](#);
- the [Tourism Advisory Committee](#);
- the [Committee on Cultural Affairs](#);
- the [EU Commission Expert Group on Cultural Goods](#) and the [Expert Group on the Return of Cultural Objects](#);
- the [Working Party on Sport](#); and
- the [Audiovisual Working Party](#).

Furthermore, the work of the following committees in the European Parliament may also be considered:

- [Committee on Transport and Tourism](#) (TRAN);
- [Committee on Culture and Education](#) (CULT);
- [Special Committee on Artificial Intelligence in a Digital Age](#) (AIDA); and
- [Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation](#) (INGE).

The Council of the European Union's current [Work Plan for Culture 2023-2026](#) sets out four priorities for European cooperation in cultural policymaking:

- artists and cultural professionals: empowering the cultural and creative sectors
- culture for the people: enhancing cultural participation and the role of culture in society
- culture for the planet: enhancing the power of culture
- culture for co-creative partnerships: strengthening the cultural dimension of the EU external relations

The Council of the European Union's current [Work Plan for Sport 2021-2024](#) sets out three priorities for European cooperation in sport policymaking:

- Protect integrity and values in sport
- Socioeconomic and environmental dimensions of sport
- Promotion of participation in sport and health-enhancing physical activity

Scrutiny of EU policy and legislative proposals

European Commission Work Programme 2023

On 18 October 2022, the European Commission adopted its [2023 Commission Work Programme](#), setting out the next steps for its agenda in the face of Russia's aggression against Ukraine, rising energy prices and the knock-on effects on the economy, while defending Europe's democratic values and pursuing its long-term goals and interests.

This work programme sets out targeted action to complete delivery on the ambitions the Commission set at the start of the mandate and steer the Union toward sustainable recovery. It also lists the key legislative proposals to which it is intended to grant priority in the legislative process, in order to ensure swift implementation on the ground across all six of the Commission's principal ambitions, including:

- A European green deal;
- A Europe fit for the digital age;
- An economy that works for people;
- A stronger Europe in the world;
- Promoting a European way of life; and
- A new push for European democracy.

The European Commission work programme contains [five annexes](#):

- **Annex I**, listing 43 new policy and legislative initiatives;
- **Annex II**, listing 8 REFIT initiatives to simplify existing legislation;
- **Annex III**, listing 116 priority legislative files where it is intended that co-legislators act most swiftly;
- **Annex IV**, listing 1 intended withdrawal of pending proposals; and
- **Annex V**, listing 1 envisaged repeal of existing legislation.

Priority items (Schedule A)

The Joint Committee will list priority items as they arise.

At the time of publication, there are no Schedule A items arising from the European Commission Work Programme 2023.

Non-priority items (Schedule B)

The Joint Committee will list non-priority items as they arise.

The Joint Committee has the option of re-classifying any draft legislative or non-legislative proposal as a priority proposal at any time, taking account of any Departmental information note(s) regarding its significance.

At the time of publication, there are no Schedule B items arising from the European Commission Work Programme 2023.

APPENDIX 1

ORDERS OF REFERENCE OF THE COMMITTEE

STANDING ORDERS 94, 95 AND 96: SCOPE OF ACTIVITY AND POWERS OF SELECT COMMITTEES AND FUNCTIONS OF DEPARTMENTAL SELECT COMMITTEES

Scope and context of activities of Select Committees

94. (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) It shall be an instruction to each Select Committee that—

(a) it 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;

(b) 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;

(c) it 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 125(1); and

(d) it 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 State body within the responsibility of a Government Department or
- (iii) the principal office-holder of a non-State body which is partly funded by the State,

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

(3) 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 to the Business Committee by a Cathaoirleach of one of the Select Committees concerned, waives this instruction.

Functions of Departmental Select Committees

95. (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

(a) legislation, policy, governance, expenditure and administration of—

- (i) a Government Department, and
- (ii) State bodies within the responsibility of such Department, and

(b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

(a) stand referred to the Committee by virtue of these Standing Orders or statute law, or

(b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

(a) for the accountability of the relevant Minister or Minister of State, and

(b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

(a) consents to such consideration, or

(b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

(a) the Committee Stage of a Bill,

(b) Estimates for Public Services, or

(c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Cathaoirleach of the Select Committee appointed pursuant to this Standing Order shall also be Cathaoirleach of the Joint Committee.

(8) Where a Select Committee proposes to consider—

(a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, 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, or

(d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
- (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (iii) at the invitation of the Committee, other members of the European Parliament.

(9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department 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: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

Powers of Select Committees

96. Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

(a) minutes of such evidence as was heard in public, and

(b) such evidence in writing as the Committee thinks fit;

(2) 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;

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

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

(i) submit a memorandum to the Select Committee explaining the statutory Instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

(a) policy, or

(b) 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 policy or proposed legislation;

(6) 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 attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) 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;

(8) 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 197;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State, 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;

and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Cathaoirligh under Standing Order 120(4)(a).