



House of Commons
European Scrutiny Committee

**Third Report of Session
2022–23**

Documents considered by the Committee on 8 June 2022

Report, together with formal minutes

*Ordered by The House of Commons
to be printed 8 June 2022*

Notes

Numbering of documents

Three separate numbering systems are used in this Report for European Union documents:

Numbers in brackets are the Committee's own reference numbers.

Numbers in the form "5467/05" are Council of Ministers reference numbers. This system is also used by UK Government Departments, by the House of Commons Vote Office and for proceedings in the House.

Numbers preceded by the letters COM or SEC or JOIN are Commission reference numbers.

Where only a Committee number is given, this usually indicates that no official text is available and the Government has submitted an "unnumbered Explanatory Memorandum" discussing what is likely to be included in the document or covering an unofficial text.

Abbreviations used in the headnotes and footnotes

AFSJ	Area of Freedom Security and Justice
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
ECA	European Court of Auditors
ECB	European Central Bank
EEAS	European External Action Service
EM	Explanatory Memorandum (submitted by the Government to the Committee)*
EP	European Parliament
EU	European Union
JHA	Justice and Home Affairs
OJ	Official Journal of the European Communities
QMV	Qualified majority voting
SEM	Supplementary Explanatory Memorandum
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

Euros

Where figures in euros have been converted to pounds sterling, this is normally at the market rate for the last working day of the previous month.

Further information

Documents recommended by the Committee for debate, together with the times of forthcoming debates (where known), are listed in the European Union Documents list, which is published in the House of Commons Vote Bundle each Monday and is also available on the [parliamentary website](#). Documents awaiting consideration by the Committee are listed in "Remaining Business": www.parliament.uk/escom. The website also contains the Committee's Reports.

*Explanatory Memoranda (EMs) can be downloaded from GOV.UK: <https://www.gov.uk/government/collections/explanatory-memoranda-on-eu-documents>. EMs can be searched by Council or Commission reference number. Letters from the Committee and those issued by Ministers can be found in the correspondence section of the Committee's website: <https://committees.parliament.uk/committee/69/european-scrutiny-committee/publications/3/correspondence/>.

Explanatory Memoranda and letters published before 31 March 2022 can be found on the National Archives website—<https://webarchive.nationalarchives.gov.uk/search/>—by restricting searches to <https://europeanmemoranda.cabinetoffice.gov.uk/>

Staff

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1 Fluorinated Greenhouse Gases¹

This EU document is politically important because:

- it will apply in Northern Ireland, creating divergence with regulation currently applicable in Great Britain;
- the Government intends to take the Commission’s proposal into account when reviewing GB legislation in this area; and
- it is uncertain how the proposed phasedown of hydrofluorocarbons (HFCs) in heat pumps aligns with climate action objectives.

Action

- Write to the Minister.
- Draw to the attention of the Environmental Audit Committee and the Northern Ireland Affairs Committee.

Overview

1.1 The European Commission [is proposing](#) measures to intensify the phasedown of harmful greenhouse gases—hydrofluorocarbons (HFCs)—in the EU. The measures revoke and replace existing legislation, which is applicable in Northern Ireland (NI) under the Northern Ireland Protocol. As such, they potentially have implications across the UK and could, in particular, affect the UK’s own policy review for Great Britain (GB).

1.2 Hydrofluorocarbons are one of several Fluorinated Greenhouse Gases (F-Gases), which are human-made gases used in a range of everyday and industrial products and processes. Their global warming effect is substantially greater than carbon dioxide, and emissions are rising.² Countries around the world have agreed under the Kigali Amendment to the Montreal Protocol³ to control and reduce the placing on the market of HFCs, the most prevalent F-Gases.

1.3 In GB, the UK Government, Welsh Government and Scottish Government have agreed to operate a single GB F-Gases regulatory system, based at the moment on the EU F-Gases Regulation ([Regulation \(EU\) No 517/2014](#)) as retained in the UK. A Common Framework will support this joint work. The Parliamentary Under-Secretary of State (Jo Churchill MP) says in her [Explanatory Memorandum](#) (EM) that the EU’s approach may inform the UK’s own review, taking into account alignment between GB and NI.

1.4 We have written to the Minister seeking an update on the progress of the Government’s analysis, including more detail on the potential implications of divergence between Great Britain and Northern Ireland.

1 Proposal for a Regulation on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014; Council and COM numbers: 8042/22, [COM\(2022\) 150](#); Legal base: Article 192(1) TFEU, QMV, ordinary legislative procedure; Department: Environment, Food and Rural Affairs; Devolved Administrations: Consulted; ESC number: 42050.

2 European Commission, ‘[Fluorinated Greenhouse Gases](#)’ (accessed 25 May 2022).

3 [Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer](#), Kigali, 15 October 2016.

Commission proposal

1.5 F-Gases emissions in the EU doubled between 1990 and 2014 because F-Gases typically replaced ozone-depleting substances in areas where the latter became prohibited to use in the EU to protect the stratospheric ozone layer, as required under the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer.⁴

1.6 The EU's F-Gases Regulation was adopted to reverse the increase in F-Gases emissions. The main novelty of the F-Gases Regulation was the establishment of an 'EU HFC phasedown', namely a quota system to implement a gradual reduction schedule of the amount of HFCs that importers and producers may place on the market every year. Since that Regulation was adopted, the Kigali Amendment to the Montreal Protocol has entered into force, setting a target to reduce HFC production and consumption by more than 80 % over the next 30 years at global level, aiming to avoid up to 0.5 °C increase in global temperature by the end of the century.

1.7 The proposed Regulation tightens up the existing F-Gases Regulation as required by the Kigali Amendment. It sets a new ambitious HFC phasedown through to 2048 and onwards. This exceeds the phasedown needed to meet the Kigali Amendment, with a two-thirds reduction expected by 2030 compared to 2014 levels.

1.8 The proposal introduces some additional prohibitions to those already in place. These include prohibitions on: air-conditioners and heat pumps containing or whose functioning relies upon F-Gases, non-refillable containers, different types of switchgear (equipment used on the electricity grid), personal care products, skin-cooling equipment, fire protection and the use of desflurane as an anaesthetic gas.

1.9 Other changes proposed include:

- conditions for quota holders to receive their quota allocation (quota of HFCs to be placed on the market), including the need to demonstrate experience in chemical trade and the requirement for undertakings to pay for their quota, set at €3 per tonne of carbon dioxide equivalent;
- the digitisation and automation of customs controls, so that every relevant shipment is counter-checked with the EU-central database;
- an extension of the training and certification requirements⁵ to cover HFCs alternatives, such as hydrofluoroolefins (HFOs) and to include energy efficiency aspects;
- stricter rules on emission prevention, with requirements on Member States to promote recovery, recycling, reclamation and destruction; and
- extending the existing labelling requirements to HFOs and introducing the requirement for labelling for metered dose inhalers containing F-Gases (such as asthma inhalers).

4 [The Montreal Protocol on Substances that Deplete the Ozone Layer](#), Montreal, 16 September 1987.

5 Training and certification is for those working with the relevant F-gases.

UK Government position

1.10 The Minister notes that the policy area is devolved and is covered by a Common Framework.⁶ The UK Government, the Scottish Government and the Welsh Government have agreed to jointly run a GB-wide F-Gases regulatory regime under the Common Framework. Northern Ireland remains subject to EU F-Gases legislation and within the EU F-Gases regime, although it will be consulted on GB policy as part of the Common Framework arrangements.

1.11 UK, Scottish and Welsh Governments are jointly assessing the GB F-Gases Regulation and will co-publish an assessment report relating to it later this year. Subject to UK, Scottish and Welsh Ministerial agreement, it is currently intended that this publication will be followed by a consultation towards the end of 2022 on proposed changes to the GB Regulation.

1.12 The Minister says that initial analysis of the EU's revised F-Gases Regulation highlights that its key proposal is to introduce an ambitious amendment to the current HFC phasedown schedule and end target. The Government continues to assess the practicalities of its application from a GB/UK perspective to inform thinking for the UK's review of the GB F-Gases Regulation given the UK's net zero objective. A particular focus for such assessment, she says, is the interaction of the phasedown proposal with the separate climate policy of increasing the rollout of heat pumps, since heat pumps currently mainly use HFCs as their refrigerant.

1.13 The Minister explains that the EU's existing HFC phasedown limits the amount of HFC that can be moved from GB into NI (and from the rest of the world). However, the same limits apply in GB under the retained F-Gases legislation. The Minister notes that a further tightening of the EU's HFC phasedown will be felt between GB and NI, although the UK may choose to implement similar measures following the review of GB legislation in order to support the UK's target of achieving net zero.

1.14 The implementation of new prohibitions under the EU's proposed revised F-Gases Regulation may also have an impact on the movement of goods between GB and NI, says the Minister, depending on whether the GB review results in different approaches to such bans.

1.15 The proposal retains the existing obligations on certification related to the use of F-Gases. In NI, UK certification and training may continue to be used, so the retention of existing obligations should enable this to continue. The Minister notes that the proposal extends the scope of training to include HFC alternatives and energy efficiency aspects, although says that similar measures may be implemented following the UK review of GB legislation in order to ensure and encourage the transition to HFC alternatives.

1.16 Given that the UK is undertaking its own review of GB F-Gases legislation, the Government aims to engage with the EU to better understand the proposals and emerging changes to them. Such engagement will also inform the UK's thinking for its own review. The Minister says that alignment between GB and NI will form part of the Government's considerations.

6 HM Government, [‘Ozone-Depleting Substances and Fluorinated Greenhouse Gases Common Framework: Provisional Framework, Outline Agreement and Concordat’](#) CP 594 (February 2022)

Our assessment

1.17 This proposal was tabled alongside a linked proposal⁷ on ozone-depleting substance (ODS), concerning which we are reporting on separately.

1.18 We note that the Government is undertaking its own review of EU retained law in this area, potentially taking action analogous to the EU’s proposal, being mindful of the implications of divergence between GB and NI. We therefore welcome the Government’s intention to engage with the EU to better understand the proposals and emerging changes.

1.19 As the Minister said, key proposals to be better understood will be the pace of the proposed phasedown, including beyond 2030, and the interaction of the proposed prohibition on F-gases in heat pumps with climate objectives. We note that the Commission addresses this issue in its document, noting the importance of heat pumps to support the decarbonisation of the energy system, particularly following the Russian invasion of Ukraine which highlighted the need to reduce dependence on oil and gas. Equally, the Commission says, any heat pump equipment with F-Gases that is put into operation today will lead to direct greenhouse gas emissions “for many years into the future” due to leakage, necessary servicing with more F-Gases and possible emissions when the equipment enters the waste stream. Where possible, says the Commission, this should be avoided, which is why specific product bans are included. Overall, the Commission estimates that the proposed review of the quota system has sufficient buffer to allow for such growth in heat pump deployment.

Action

1.20 We have written to the Minister as set out below.

1.21 We are drawing this proposal and our letter to the attention of the Environmental Audit Committee and the Northern Ireland Affairs Committee.

Letter from the Chair to the Parliamentary Under-Secretary of State (Jo Churchill MP), Department for Environment, Food and Rural Affairs

We considered your Explanatory Memorandum on the above document at our meeting of 8 June 2022.

We note that the Government is undertaking its own review of EU retained law in this area, potentially taking action analogous to the EU’s proposal, being mindful of the implications of divergence between Great Britain and Northern Ireland. We therefore welcome the Government’s intention to engage with the EU to better understand the proposals and emerging changes.

As you note, key proposals to be better understood will be the pace of the proposed phasedown, including beyond 2030, and the interaction of the proposed prohibition on F-Gases in heat pumps with climate objectives. The Commission acknowledges the interaction between the EU’s climate goals and the prohibition on F-Gases in heat pumps but expresses confidence that the changes in the quota system will still allow for the necessary growth in heat pump deployment.

⁷ Proposal for a Regulation on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009; Council and COM numbers: [8048/22](#), COM(2022) 151.

We would welcome an update from you by 6 July 2022 setting out: further progress on your analysis of the proposal based on your engagement with the Commission, and the potential implications that you foresee of divergence between Great Britain and Northern Ireland.

2 Ozone-depleting substances⁸

This EU document is politically important because:

- it will apply in Northern Ireland, creating potential divergence with regulation currently applicable in Great Britain, but also resulting in cost and administrative savings for businesses and administration in Northern Ireland;
- the Commission is proposing changes to streamline existing EU law, in a similar process to that being followed in the UK’s review of retained EU law; and
- the UK may choose to take similar measures as it is similarly keen to streamline how ozone-depleting substances are regulated.

Action

- Report to the House.
- Draw to the attention of the Environmental Audit Committee and the Northern Ireland Affairs Committee.

Overview

2.1 The European Commission is proposing [changes](#)—applicable in Northern Ireland (NI) under the NI Protocol—to improve regulation of ozone-depleting substances (ODS). These are human-made chemicals that,⁹ after emission, frequently reach the upper atmosphere and damage the stratospheric ozone layer which protects the earth’s surface from solar radiation. This damage results in the so-called ‘ozone hole’ with significant adverse health and environmental impacts. They are largely banned and are carefully regulated, as required under the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer.¹⁰

2.2 The Commission proposes to revoke the existing ODS Regulation ([Regulation \(EC\) No 1005/2009](#)) which lays down rules on the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of ODS. It sets out requirements on the reporting of information related to ODS and on the import, export, placing on the market and use of products and equipment containing or relying on ODS. The replacement legislation will meet the same objectives but aims to reduce the associated burdens on businesses while strengthening controls, largely through digitisation and automation.

2.3 In Great Britain, the UK Government, Welsh Government and Scottish Government have agreed to operate a single GB-wide ODS regulatory system based, at the moment, on the EU ODS Regulation as retained in the UK. The Administrations are currently

8 Proposal for a Regulation on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009; Council and COM numbers: [8048/22](#), COM(2022) 151; Legal base: Article 192(1) TFEU, QMV, ordinary legislative procedure; Department: Environment, Food and Rural Affairs; Devolved Administrations: Consulted; ESC number: 42051.

9 Such as chlorofluorocarbons (CFCs), which were commonly used in aerosols and fridges.

10 [The Montreal Protocol on Substances that Deplete the Ozone Layer](#), Montreal, 16 September 1987.

reviewing the system and aim to consult on proposed changes later in 2022. A Common Framework is in place to support this joint work.¹¹ The Parliamentary Under-Secretary of State (Jo Churchill MP) says in her [Explanatory Memorandum](#) (EM) that the EU's approach will inform the UK's own review, taking into account alignment between GB and NI. The Government may choose, says the Minister, to implement similar measures, as the Government is keen to streamline the ODS Regulation and also needs to consider the role of ODS in supporting the UK's target of achieving net zero carbon emissions.

2.4 The Government's initial analysis of the Commission's proposal shows that the key suggestion is to increase efficiency of regulating ODS and reduce the administrative and cost burden on undertakings and authorities. This includes removing the need for per shipment licences, the removal of the registration requirements for laboratory uses and removing the annual quota allocation systems. This, says the Minister, would result in cost and administrative savings for NI undertakings which use or trade in ODS and authorities who enforce the Regulation. The Minister does not foresee significant trade implications arising between NI and GB.

Our assessment

2.5 This proposal was tabled alongside a linked proposal¹² on fluorinated greenhouse gases (F-gases), concerning which we are reporting separately. This proposal was tabled alongside a linked proposal¹³ on fluorinated greenhouse gases (F-Gases), concerning which we are considering separately.

2.6 Given that ODS are already largely banned, this proposal raises fewer difficulties than the F-Gases proposal as it is primarily operational. We nevertheless consider it to be of political interest as it represents an example of the EU reviewing its legislation and proposing changes to simplify it. This is a parallel process to the UK's exercise of reviewing retained EU law and proposing changes to make it work better for the UK. Indeed, the Minister suggests that the UK is likely to adopt a similar policy approach as the UK also wishes to streamline how the ODS Regulation functions.

2.7 We note the Minister's conclusion that the changes proposed by the Commission could result in cost and administrative savings for businesses and administration in Northern Ireland.

Action

2.8 We are reporting the document to the House as politically important.

2.9 We are drawing the proposal to the attention of the Environmental Audit Committee and the Northern Ireland Affairs Committee.

11 HM Government, '[Ozone-Depleting Substances and Fluorinated Greenhouse Gases Common Framework: Provisional Framework, Outline Agreement and Concordat](#)', CP 594, February 2022

12 Proposal for a Regulation on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014; Council and COM numbers: 8042/22, [COM\(2022\) 150](#).

13 Proposal for a Regulation on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014; Council and COM numbers: 8042/22, [COM\(2022\) 150](#).

3 Enhancing trade in the Euro-Mediterranean region: changes to preferential rules of origin¹⁴

This EU document is legally and politically important because:

- it concerns an international agreement—the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (‘the PEM Convention’)—in which the UK no longer participates following its exit from the EU, but which continues to apply in Northern Ireland under the Protocol on Ireland/Northern Ireland; and
- it is important to understand how the application of different rules of origin in Northern Ireland and in the rest of the UK to goods imported from third countries participating in the PEM Convention affects the terms on which these goods can access the Northern Ireland (NI) and Great Britain (GB) markets and the costs and benefits for businesses and consumers.

Action

- Write to the Minister for Europe and North America (Rt Hon. James Cleverly MP) asking to be informed (i) if there is any change in the Government’s position on UK participation in the PEM Convention, and/or (ii) if trade data show that businesses or consumers in Great Britain and/or Northern Ireland are disadvantaged by the application of different rules of origin to imported goods.
- Draw to the attention of the International Trade Committee and the Northern Ireland Affairs Committee.

Overview

3.1 The [Regional Convention on pan-Euro-Mediterranean preferential rules of origin](#) (the ‘PEM Convention’) establishes a single set of rules of origin and a system of cumulation which the parties to the Convention—the EU on behalf of its 27 Member States and a further 25 countries in the Euro-Mediterranean region—are expected to apply as part of their free trade agreements with one another.¹⁵ Rules of origin establish the ‘economic nationality’ of a product. They determine how much local (originating) content is needed for a product to qualify for preferential market access under a trade agreement. Cumulation allows goods originating in one country to qualify for preferential market access even if they include some inputs from another country.

14 Proposal for a Council Decision on the position to be taken by the EU in the Joint Committee established by the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as regards the amendment of the Convention; Council document 13169/19 + ADD 1, COM(19) 482; Legal base: Articles 207(3) and (4) and 218(9) TFEU, QMV; Department: International Trade; Devolved Administrations—Consulted; ESC number 40897.

15 The non-EU participating countries are Iceland, Liechtenstein, Norway, Switzerland, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria, Tunisia, Turkey, Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Serbia, Kosovo, the Faroe Islands, Moldova, Georgia and Ukraine.

3.2 An important feature of the PEM Convention is that it provides for ‘diagonal cumulation’. This means that a product may include inputs from several countries participating in the Convention and still be treated as originating in just one (and eligible for preferential market access) if the countries concerned have concluded free trade agreements with one another which all apply the same rules of origin.

3.3 The UK participated in the PEM Convention when it was a member of the EU. To continue to do so once the post-exit transition period ended on 31 December 2020, the UK would have had to join in its own right. In his [letter of 3 November 2021](#) the Minister for International Trade (Ranil Jayawardena MP) informed us that the Government had “not sought to accede to the PEM Convention at this time.”¹⁶ The PEM Convention nonetheless continues to apply in Northern Ireland under the [Protocol on Ireland/Northern Ireland](#).¹⁷

3.4 The EU/UK [Trade and Cooperation Agreement](#) (TCA) provides for tariff- and quota-free market access for goods traded between the EU and Great Britain. To benefit from this preferential market access, goods traded between the two must comply with the bespoke rules of origin set out in the agreement. These rules are not the same as those which governed the EU and the UK’s trade with other parties to the PEM Convention when the UK was a member of the EU.

3.5 Unlike the PEM Convention, the TCA does not allow diagonal cumulation. As a result, processing or parts originating in a third country (outside the EU or the UK) do not count towards the origin of most UK or EU goods, even if that country has a free trade agreement containing the same rules of origin with both the EU and the UK.

3.6 While confirming that the UK had not sought to accede to the PEM Convention after leaving the EU, the Minister did not explain whether, and to what extent, the application of the rules of origin in the PEM Convention to goods imported into Northern Ireland from other participating countries, but not to the same goods imported into Great Britain, had resulted in disparities in treatment and differences in the customs duties applicable in Northern Ireland and elsewhere in the UK. Nor did he explain whether these differences had practical implications—positive or negative—for businesses and consumers in Northern Ireland, particularly given the possibility that any goods imported into Northern Ireland at a preferential EU tariff would enjoy unfettered access to the GB market under the UK’s Internal Market Act 2020.

3.7 Acting on the Minister’s advice, we [wrote](#) to the Minister (Lord Frost) who at that time (December 2021) was responsible for overseeing the implementation of the Northern Ireland Protocol and for coordinating cross-Government positions on trade issues.¹⁸ We asked him:

- to explain the sources of information the Government used to measure and compare the costs and benefits for businesses and consumers in Northern Ireland of applying the PEM Convention rules compared with businesses and consumers in Great Britain where these rules did not apply;

16 Letter from Ranil Jayawardena MP to Sir William Cash MP, dated 3 November 2021.

17 See Article 5(4) of the Protocol and Annex 2, point 4, final indent, which provides that “Obligations stemming from the international agreements concluded by the Union, or by Member States acting on its behalf, or by the Union and its Member States acting jointly, insofar as they relate to trade in goods between the Union and third countries” will apply “to and in the United Kingdom in respect of Northern Ireland”.

18 Letter from Sir William Cash MP to Lord Frost, dated 8 December 2021.

- to clarify the interaction between the application of PEM Convention rules in Northern Ireland and the provisions on unfettered access in the UK’s Internal Market Act 2020, and whether there was any evidence to suggest that traders importing goods covered by the PEM Convention rules into Northern Ireland were able to gain preferential access to the GB market; and
- to indicate whether the “significant changes” the Government was seeking to negotiate to the Northern Ireland Protocol might have any bearing on the Government’s decision that the UK should not participate in the PEM Convention or on the way that PEM Convention rules would apply in Northern Ireland.

3.8 We requested a response no later than January 2022.

The Government’s response

3.9 In his [response dated 10 May 2022](#), the Minister for Europe and North America (Rt Hon. James Cleverly MP) says that the decision not to accede to the PEM Convention was supported by Government analysis and extensive engagement with industry. The rules of origin in the EU/UK TCA are “tailored to the make-up of our economy” and “go beyond those in the PEM Convention for key sectors, including the automotive sector”. While the Government “does not have any current plans to change this position”, the Minister undertakes to inform us “should this change”.

3.10 Turning to the Northern Ireland Protocol, while the EU/UK TCA contains bespoke rules of origin, the UK’s bilateral free trade agreements with other (non-EU) signatories to the PEM Convention “seek to apply, as far as possible, similar provisions for UK traders” as are contained in that Convention. He adds, “we continue to engage closely with businesses in both GB and NI to assess any impact that the application (or non-application) of PEM may have”.

3.11 The Minister notes that under the UK Internal Market Act 2020 qualifying Northern Ireland goods have had “full unfettered access [...] to all parts of the UK market” since 1 January 2021. He continues:

To safeguard the unique position of Northern Ireland, anti-avoidance provisions are in place to deter businesses from moving their goods if they do this to avoid UK customs duties or customs formalities. This ensures that only those businesses with a legitimate reason to route goods via Northern Ireland can benefit from unfettered access. I would also point out that the UK has secured trade agreements with 19 PEM signatory countries. The rules of origin in these agreements largely replicated the effects of the previous EU agreements for UK traders, and in some cases have gone further, for example the flexible rules we agreed with Norway and Iceland.

Finally, the Minister says that “intensive discussions” with the EU to secure “significant changes” to the Northern Ireland Protocol are continuing but the Government does not expect the outcome of these discussions to affect the UK’s position on participation in the PEM Convention.

Action

3.12 We have no further questions to raise on the PEM Convention. However, we have asked the Minister to inform us promptly if:

- there is any change in the Government’s position on UK participation in the Convention; and/or
- if trade data indicate that the application of the PEM rules in Northern Ireland but not in the rest of the UK becomes a source of trade diversion or operates in a way that disadvantages businesses or consumers in Great Britain and/or in Northern Ireland.

Letter to the Minister for Europe and North America (Rt Hon. James Cleverly MP)

Thank you for your letter dated 10 May 2022 concerning the [Regional Convention on pan-Euro-Mediterranean preferential rules of origin](#) (the ‘PEM Convention’). We note that the Government does not intend to seek UK accession to the Convention, and that the PEM rules of origin continue to apply to traders in Northern Ireland under the EU/UK Withdrawal Agreement Protocol on Ireland/Northern Ireland.

While we have no further questions to raise on the PEM Convention, we ask you to inform us promptly if:

- there is any change in the Government’s position on UK participation in the Convention; and/or
- if trade data indicate that the application of the PEM rules in Northern Ireland but not in the rest of the UK becomes a source of trade diversion or operates in a way that disadvantages businesses or consumers in Great Britain and/or in Northern Ireland.

4 Documents not considered to be legally and/or politically important

Department for Environment, Food and Rural Affairs

- (42060)
7862/22
C(2022) 1932
- Commission Delegated Regulation (EU) .../... of 1.4.2022 amending Delegated Regulation (EU) No 664/2014 supplementing Regulation (EU) No 1151/2012 with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules.
- (42064)
7536/22
C(2022) 744
- Commission Delegated Regulation (EU) .../... of 23.3.2022 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by laying down rules for the performance of official controls as regards contaminants in food.

Annex

Documents drawn to the attention of select committees:

(‘SNC’ indicates that scrutiny (of the document) is not completed; ‘SC’ indicates that scrutiny of the document is completed)

Environmental Audit Committee: Fluorinated Greenhouse Gases [Proposed Regulation] [SNC]; Ozone-depleting substances [Proposed Regulation][SC]

International Trade Committee: Enhancing trade in the Euro-Mediterranean region: changes to preferential rules of origin [Proposed Council Decision][SC]

Northern Ireland Affairs Committee: Enhancing trade in the Euro-Mediterranean region: changes to preferential rules of origin [Proposed Council Decision][SC]; Fluorinated Greenhouse Gases [Proposed Regulation][SNC]; Ozone-depleting substances [Proposed Regulation][SC]

Formal Minutes

Wednesday 8 June 2022

Members present:

Sir William Cash, in the Chair

Jon Cruddas

Richard Drax

Margaret Ferrier

Mr Marcus Fysh

Mr David Jones

Document scrutiny

Draft Report, proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 4 agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Adjournment

Adjourned till Wednesday 15 June 2022 at 1.45 pm

Standing Order and membership

The European Scrutiny Committee is appointed under Standing Order No.143 to examine European Union documents and—

- a) to report its opinion on the legal and political importance of each such document and, where it considers appropriate, to report also on the reasons for its opinion and on any matters of principle, policy or law which may be affected;
- b) to make recommendations for the further consideration of any such document pursuant to Standing Order No. 119 (European Committees); and
- c) to consider any issue arising upon any such document or group of documents, or related matters.

The expression “European Union document” covers—

- i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;
- ii) any document which is published for submission to the European Council, the Council or the European Central Bank;
- iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;
- iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;
- v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation;
- vi) any other document relating to European Union matters deposited in the House by a Minister of the Crown.

The Committee’s powers are set out in Standing Order No. 143.

The scrutiny reserve resolution, passed by the House, provides that Ministers should not give agreement to EU proposals which have not been cleared by the European Scrutiny Committee, or on which, when they have been recommended by the Committee for debate, the House has not yet agreed a resolution. The scrutiny reserve resolution is printed with the House’s Standing Orders, which are available at www.parliament.uk.

Current membership

[Sir William Cash MP](#) (*Conservative, Stone*) (Chair)

[Tahir Ali MP](#) (*Labour, Birmingham, Hall Green*)

[Jon Cruddas MP](#) (*Labour, Dagenham and Rainham*)

[Allan Dorans MP](#) (*Scottish National Party, Ayr Carrick and Cumnock*)

[Richard Drax MP](#) (*Conservative, South Dorset*)

[Margaret Ferrier MP](#) (*Independent, Rutherglen and Hamilton West*)

[Mr Marcus Fysh MP](#) (*Conservative, Yeovil*)

[Dame Margaret Hodge MP](#) (*Labour, Barking*)

[Mrs Andrea Jenkyns MP](#) (*Conservative, Morley and Outwood*)

[Mr David Jones MP](#) (*Conservative, Clwyd West*)

[Stephen Kinnock MP](#) (*Labour, Aberavon*)

[Mr David Lammy MP](#) (*Labour, Tottenham*)

[Marco Longhi MP](#) (*Conservative, Dudley North*)

[Craig Mackinley MP](#) (*Conservative, South Thanet*)

[Ann Marie Morris MP](#) (*Independent, Newton Abbot*)

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