

European Scrutiny Committee

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From: Sir William Cash MP

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Scrutiny of EU documents: documents retained under scrutiny

In light of the United Kingdom's departure from the European Union, the European Scrutiny Committee has undertaken an audit of the documents that it held under scrutiny whilst the UK was an EU Member State (up until 11pm on 31 January 2020).¹ The Committee's approach to this audit was to identify a limited number of documents it had considered previously—which it still considers to be legally and/or politically important—that it will continue to scrutinise during the transition period (as established by the Withdrawal Agreement).

The documents that the Committee retains an interest in are detailed in Annex 1 to this letter. As set out in my previous letter of 11 March, these are documents that amongst other things: (i) will or may become applicable in the UK during the transition period; (ii) engage the Protocol on Ireland/Northern Ireland (an integral part of the Withdrawal Agreement); and/or (iii) may be relevant to future relationship negotiations with the EU. A further annex to this letter, Annex 2, details those documents that our predecessor Committee cleared from scrutiny but in which we retain an active interest. We expect to continue to scrutinise and engage with the Government on these documents, and ask that all outstanding requests for further information are promptly addressed.

In respect of all other documents in 'Part One' of the Committee's 'Remaining Business' which are not listed in Annex 1 or 2 no further correspondence is required, although we reserve the right to re-open our scrutiny of these

¹ In accordance with [Resolution of the House of 17 November 1998](#) (the Scrutiny Reserve Resolution); the binding nature of which fell away when the UK ceased to be an EU Member State on 31 January.

documents should there be a significant change in their apparent political or legal significance during the transition period.

Documents that our predecessor Committee did not have the chance to consider prior to the 2019 General Election—which are listed under [‘Part Two’ of the Committee’s Remaining Business’](#)—will be assessed in due course and remain under scrutiny.

The Committee will continue to scrutinise and report to the House on all new EU documents deposited by the Government.

I am copying this letter to Lord Kinnoull and Christopher Johnson in the Lords; Parliamentary Clerk, Cabinet Office; Les Saunders, Cabinet Office; and all departmental scrutiny coordinators.

CHAIR

Annex 1

Documents in which the Committee retains an interest

Council number	Name	Responsible department
12875/16	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items (recast)	Business, Energy and Industrial Strategy
12118/18	Proposal for a Directive discontinuing seasonal changes of time and repealing Directive 2000/84/EC	Business, Energy and Industrial Strategy
9555/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a mechanism to resolve legal and administrative obstacles in a cross-border context	Business, Energy and Industrial Strategy
9865/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination	Business, Energy and Industrial Strategy
9871/18	Proposal for a COUNCIL REGULATION establishing the Research and Training Programme of the European Atomic Energy Community for the period 2021-2025 complementing Horizon Europe – the Framework Programme for Research and Innovation	Business, Energy and Industrial Strategy
9010/15	Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation	Cabinet Office
9170/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Creative Europe programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013	Digital, Culture, Media and Sport

9574/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing 'Erasmus': the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013	Education
5846/18	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the quality of water intended for human consumption (recast)	Environment, Food and Rural Affairs
9317/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control	Environment, Food and Rural Affairs
9645/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council	Environment, Food and Rural Affairs
9634/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013	Environment, Food and Rural Affairs
9556/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012	Environment, Food and Rural Affairs

	on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands	
11128/17	COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT A European One Health Action Plan against Antimicrobial Resistance (AMR)	Environment, Food and Rural Affairs
5844/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on health technology assessment and amending Directive 2011/24/EU	Environment, Food and Rural Affairs
9736/18	Proposal of the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, to the Council for a Council Decision establishing a European Peace Facility	Foreign and Commonwealth Office
10148/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Neighbourhood, Development and International Cooperation Instrument	Foreign and Commonwealth Office
14835/16	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	Her Majesty's Treasury
7049/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Crowdfunding Service Providers (ECSP) for Business	Her Majesty's Treasury

7419/18	Proposal for a COUNCIL DIRECTIVE laying down rules relating to the corporate taxation of a significant digital presence	Her Majesty's Treasury
7420/18	Proposal for a COUNCIL DIRECTIVE on the common system of a digital services tax on revenues resulting from the provision of certain digital services	Her Majesty's Treasury
8354/18	Proposal for a COUNCIL REGULATION laying down the multiannual financial framework for the years 2021 to 2027	Her Majesty's Treasury
Unnumbered	Statement of estimates of the European Commission for the financial year 2020 (Preparation of the 2020 Draft Budget)	Her Majesty's Treasury
9355/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of a framework to facilitate sustainable investment	Her Majesty's Treasury
15508/18	Proposal for a COUNCIL DIRECTIVE amending Directive 2006/112/EC as regards introducing certain requirements for payment service providers	Her Majesty's Treasury
5334/18	Proposal for a COUNCIL DIRECTIVE amending Directive 2006/112/EC on the common system of value added tax as regards the special scheme for small enterprises	Her Majesty's Treasury
11595/19	COMMUNICATION FROM THE COMMISSION Equivalence in the area of financial services	Her Majesty's Treasury
9462/18	Proposal for a COUNCIL DIRECTIVE amending Directive 2006/112/EC as regards the introduction of the detailed technical measures for the operation of the definitive VAT system for the taxation of trade between Member States	Her Majesty's Treasury
5335/18	Proposal for a COUNCIL DIRECTIVE amending Directive 2006/112/EC as regards rates of value added tax	Her Majesty's Treasury
10943/14	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No.883/2013 as regards the establishment of a controller of procedural guarantees	Her Majesty's Treasury

9313/18	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) as regards cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations	Her Majesty's Treasury
8765/16	Proposal for a Regulation on the establishment of Eurodac	Home Office
8715/16	Proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection	Home Office
12129/18	Proposal for a Regulation on preventing the dissemination of terrorist content online	Home Office
13490/17	Recommendation for a Council Decision to authorise negotiations for a PNR Agreement between the EU and Canada	Home Office
Unnumbered	Council Implementing Decision (EU) 2019/968 on the launch of automated data exchange with regard to DNA data in the UK	Home Office
12197/19	Proposal for a Council Decision on the position to be taken on behalf of the EU in the ICAO	Home Office
8175/18	Proposal for a Regulation on strengthening the security of ID cards of EU citizens and of residence documents of family members	Home Office
10602/19	Report from the Commission – Summary of annual implementation reports for operational programmes co-financed by the Fund for European Aid to the Most Deprived	Home Office
9951/18	Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014	Transport
14184/17	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1073/2009 on common rules for	Transport

	access to the international market for coach and bus services	
8922/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL setting CO2 emission performance standards for new heavy-duty vehicles	Transport
9075/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on streamlining measures for advancing the realisation of the trans-European transport network	Transport
9670/17	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	Transport
9671/17	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	Transport

Annex 2

Documents cleared from scrutiny by our predecessor Committee but in which we retain an active interest

Council number	Name	Responsible department
9511/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument	Business, Energy and Industrial Strategy
9522/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Regional Development Fund and on the Cohesion Fund	Business, Energy and Industrial Strategy
9573/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Social Fund Plus (ESF+)	Business, Energy and Industrial Strategy
9536/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments	Business, Energy and Industrial Strategy
5358/17	Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)	Digital, Culture, Media and Sport
6579/18	Report from the Commission to the Council and the European Parliament in respect of the delegation of powers referred to in Article 11(2), Article 15(2), (3), (6), (7) and Article 45(4) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11	Environment, Food and Rural Affairs

	December 2013 on the Common Fisheries Policy	
9651/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EU) No 1293/2013	Environment, Food and Rural Affairs
9627/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council	Environment, Food and Rural Affairs
11515/18	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications	Environment, Food and Rural Affairs
11510/18	Proposal for a COUNCIL DECISION on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications	Environment, Food and Rural Affairs
10251/19	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS United in delivering the Energy Union and Climate Action - Setting the foundations for a successful clean energy transition	Environment, Food and Rural Affairs
10515/19	COMMISSION RECOMMENDATION of 18.6.2019 on the draft integrated National Energy and Climate Plan of the United Kingdom covering the period 2021-2030	Environment, Food and Rural Affairs
12739/19	COMMISSION DELEGATED REGULATION (EU) .../... of 1.10.2019 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021	Environment, Food and Rural Affairs
12741/19	COMMISSION DELEGATED REGULATION (EU) .../... of 1.10.2019 specifying details of implementation of the landing obligation for	Environment, Food and Rural Affairs

	certain demersal fisheries in the North Sea for the period 2020-20	
7949/16	Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches	Her Majesty's Treasury
13731/16	Proposal for a COUNCIL DIRECTIVE on a Common Consolidated Corporate Tax Base (CCCTB)	Her Majesty's Treasury
13733/16	Proposal for a COUNCIL DIRECTIVE amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries	Her Majesty's Treasury
5438/16	Proposal for a Directive amending Council Framework Decision 2009/315/JHA as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System, and replacing Council Decision 2009/316/JHA	Home Office
15720/17	Recommendation for a COUNCIL DECISION authorising the opening of negotiations on a Partnership Agreement between the European Union and countries of the African, Caribbean and Pacific Group of States	International Development
12246/18	REPORT FROM THE COMMISSION on the progress made in preparing for the European Union Agency for Railways enhanced role under Directive (EU) 2016/797 on the interoperability of the rail system within the European Union	Transport
15642/16	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	Work and Pensions

