



Committee for the Office of the First Minister and deputy First Minister

# Report on Assembly Committee Priorities for European Scrutiny 2016

Together with the Minutes of Proceedings Relating to the Report,  
Written Submissions and Research

Ordered by the Committee for the Office of the First Minister and deputy First Minister  
to be printed 10 February 2016

NIA 303/11-16

## Table of Contents

<b>Powers and Membership</b>	<b>3</b>
<b>List of abbreviations used in the Report</b>	<b>5</b>
<b>Introduction</b>	<b>7</b>
<b>Committee European Priorities 2016</b>	<b>8</b>

## Remit and Powers

The Committee for the Office of the First Minister and deputy First Minister is a Statutory Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Assembly Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Office of the First Minister and deputy First Minister and has a role in the initiation of legislation.

The Committee has power to:

- Consider and advise on Departmental Budgets and Annual Plans in the context of the overall budget allocation;
- Approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on matters brought to the Committee by the First Minister and deputy First Minister.

## Membership

The membership of the Committee is as follows:

<b>Chairperson</b>	Mr Mike Nesbitt (Chairperson) <sup>1,2</sup>
<b>Deputy Chairperson</b>	Mr Chris Lyttle (Deputy Chairperson)
	Mr Andy Allen <sup>3,10,11,12,16,17,18,20</sup>
	Mr Alex Attwood <sup>14</sup>
	Miss Megan Fearon <sup>5</sup>
	Mr Paul Frew <sup>8,21</sup>
	Mr Chris Hazzard <sup>6,19</sup>
	Mr Gordon Lyons <sup>4,9,13,22</sup>
	Mr Alex Maskey
	Mr David McIlveen <sup>15</sup>
	Mr Stephen Moutray <sup>7</sup>

1 With effect from 26 September 2011 Mr Mike Nesbitt replaced Ms Sandra Overend

2 With effect from 17 April 2012 Mr Mike Nesbitt replaced Mr Tom Elliott as Chairperson

3 With effect from 23 April 2012 Mr Danny Kinahan was appointed to the committee

4 With effect from 21 May 2012 Mr Tom Buchanan replaced Mr Jimmy Spratt

5 With effect from 10 September 2012 Ms Megan Fearon replaced Mr Francie Molloy

6 With effect from 10 September 2012 Ms Bronwyn McGahan replaced Ms Caitríona Ruane

7 With effect from 01 October 2012 Mr Stephen Moutray replaced Mr William Humphrey

8 With effect from 01 October 2012 Mrs Brenda Hale replaced Mr Trevor Clarke

9 With effect from 01 October 2012 Mr Paul Givan replaced Mr Tom Buchanan

10 With effect from 15 October 2012 Mr John McCallister replaced Mr Danny Kinahan

11 With effect from 25 February 2013 Mr Robin Swann replaced Mr John McCallister

- 12 With effect from 11 March 2013 Mr Leslie Cree replaced Mr Robin Swann
- 13 With effect from 15 April 2013 Mr Jimmy Spratt replaced Mr Paul Givan
- 14 With effect from 07 October 2013 Mr Alex Attwood replaced Mr Colum Eastwood
- 15 With effect from 06 October 2014 Mr David McIlveen replaced Mr George Robinson
- 16 With effect from 06 October 2014 Mr Roy Beggs replaced Mr Leslie Cree
- 17 With effect from 13 October 2014 Mr Michael Copeland replaced Mr Roy Beggs
- 18 With effect from 31 August 2015 Mr Michael Copeland resigned as a Member
- 19 With effect from 14 September 2015 Mr Chris Hazzard replaced Ms Bronwyn McGahan
- 20 With effect from 28 September 2015, Mr Andy Allen was appointed to the Committee
- 21 With effect from 5 October 2015, Mr Paul Frew replaced Mrs Brenda Hale
- 22 With effect from 5 October 2015, Mr Gordon Lyons was appointed to the Committee

## ABBREVIATIONS

AA	Atlantic Area
ACNI	Arts Council Northern Ireland
ALB	Arm's Length Body
BIS/UK	Department for Business, Innovation and Skills
BPS	Basic Payment Scheme
CAL	Centre for Applied Learning
CAL	Culture, Arts and Leisure
CAP	Common Agricultural Policy
CCCTB	Common Consolidated Corporate Tax Base
CFD	Contracts for Differences
CHR	Corporate HR
CHSSPS	Committee for Health, Social Services and Public Safety
COFMDFM	Committee for the Office of First Minister and deputy First Minister
COPE	Centres of Procurement Expertise
CPD	Central Procurement Directorate
CWP	Commission Work Programme
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DEL	Department for Employment and Learning
DETI	Department of Enterprise, Trade and Investment
DFP	Department of Finance and Personnel
DOE	Department of the Environment
DRD	Department for Regional Development
DSO	Departmental Solicitor's Office
EC	European Commission
ECHR	European Convention on Human Rights
EIB	European Investment Bank
EFSI	European Fund for Strategic Investments
EM	Explanatory Memorandum
EPA	Economic Partnership Agreement
ERDF	European Regional Development Fund
ESPD	European Single Procurement Document
ESS	Enterprise Shared Services
ETSG	European Taskforce Steering Group
ETC	European Territorial Cooperation
EUD/DFP	European Division (Department of Finance and Personnel)
EURES	The European Job Mobility Portal
EUSEF	European Social Entrepreneurship Fund
EUVECA	European Venture Capital

EWOS	European Week of Sport
FTA	Free Trade Agreement
GDP	Gross Domestic Product
HMRC	Her Majesty's Revenue and Customs
INTERREG	European Union Programme for Interregional Co-operation
MEP	Member of the European Parliament
MOU	Memorandum of Understanding
NICS	Northern Ireland Civil Service
NIERF	Northern Ireland European Regional Forum
NIRDP	Northern Ireland Rural Development Programme
NPA	Northern Periphery and Arctic Programme
NUTS	Nomenclature of territorial units for statistics
NWE	North West Europe
ODR	Online Dispute Resolution
OECD	Organisation for Economic Co-operation and Development
OFMDFM	Office of the First Minister and deputy First Minister
ONIEB	Office of the Northern Ireland Executive in Brussels
PACE	Police and Criminal Evidence (Northern Ireland) Order 1989
PEACE	European Union Programme for Peace and Reconciliation in NI
R&D	Research & Development
RaISe	Assembly Research and Information Service
RDP	Rural Development Programme
REFIT	Regulatory Fitness and Performance Programme
SAF	Single Application Form
SEM	Single Electricity Market
SEUPB	Special European Union Programmes Body
SME	Small and Medium Enterprises
T:BUC	Together: Building a United Community
TEO	The Executive Office
TEN-T	Trans European Transport Network
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TTIP	Transatlantic Trade and Investment Partnership
UN	United Nations
WTO	World Trade Organisation

## INTRODUCTION

1. This report sets out the European priorities for scrutiny by Assembly statutory committees for 2016. In setting their priorities committees have considered issues of relevance to them which are included in the European Commission Work Programme for 2016.
2. The 2016 European Commission Work Programme<sup>1</sup> is titled “No time for business as usual” and was adopted on 27 October 2015. It is the second Work Programme of the ‘Juncker Commission’ and it reaffirms the commitment to the following ten political priorities, which were first set out in October 2014 by the then ‘President Elect’ Juncker.

The ten priorities are<sup>2</sup>:

- A New Boost for Jobs, Growth and Investment
- A Connected Digital Single Market
- A Resilient Energy Union with a Forward-Looking Climate Change Policy
- A Deeper and Fairer Internal Market with a Strengthened Industrial Base
- A Deeper and Fairer Economic and Monetary Union
- A Reasonable and Balanced Free Trade Agreement with the U.S.
- An Area of Justice and Fundamental Rights Based on Mutual Trust
- A New Policy on Migration
- A Stronger Global Actor
- A Union of Democratic Change

3. The Foreign and Commonwealth Office produced an Explanatory Memorandum on the Commission Work Programme 2016. This outlines the most significant initiatives and the Government’s initial views on them. It includes details of measures within the work programme of interest to the devolved administrations and states

*“The Northern Ireland Executive is interested in the Circular Economy and Digital Single Markets strategy, the Internal Market Strategy but also the European Fund for Strategic Investment and the financing of projects, including flexibility around cluster projects and the successful development and completion of the Trans-European Transport Network (TEN-T); the implementation of the Youth Employment Initiative and proposals on guidance to better help long-term unemployed return to work; the work life balance of working families with a view to increasing women’s participation in the labour market and the Women on Boards Directive to be adopted in 2016, to support the objectives of the NI Gender Equality Strategy; progress on items within the Energy Union strategy and proposals for the integrated strategy for energy union research, innovation and competitiveness, EU US Free Trade Agreement (FTA), the implementation of the European Agenda on Security, a new migration policy, the Better Regulation inter-institutional agreement and the Multi annual financial framework (MFF).”<sup>3</sup>*

4. In line with established practice, Assembly Research and Information Services (RaISe) produced an analysis of the Commission’s Work Programme which focused on devolved issues of specific interest to statutory committees. The analysis is based upon a set of criteria agreed by the Committee for the Office of the First Minister and deputy First Minister on 24 October 2012. A copy of the analysis of the 2016 Commission Work Programme is included at Appendix 4.
5. The RaISe analysis was forwarded with the Foreign and Commonwealth Office’s Explanatory Memorandum on 26 November 2015 to all statutory committees who were invited to provide a

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<sup>1</sup> [https://ec.europa.eu/priorities/work-programme-2016\\_en](https://ec.europa.eu/priorities/work-programme-2016_en)

<sup>2</sup> [http://ec.europa.eu/priorities/docs/pg\\_en.pdf](http://ec.europa.eu/priorities/docs/pg_en.pdf)

<sup>3</sup> [http://europeanmemoranda.cabinetoffice.gov.uk/files/2015/11/EM\\_13486-15.pdf](http://europeanmemoranda.cabinetoffice.gov.uk/files/2015/11/EM_13486-15.pdf) (para. 50)

response detailing their European priorities for the year ahead. In addition to matters of relevance or interest from the Commission's Work Programme, committees have highlighted other European related activity that they plan to undertake this year.

6. In following the approach taken since 2014 to streamline the reporting process, statutory committees have also provided a brief report on the activity undertaken on the 2015 European priorities as detailed in the "Report on Assembly Committee Priorities for European Scrutiny in 2015".
7. The key European priorities selected by Assembly committees for 2016 are set out below. The full reports from each committee, including updates in respect of activity undertaken on 2015 priorities, are included at Appendix 3.
8. The Committee also wrote to the Northern Ireland Members of the European Parliament, members of the Committee of the Regions and representatives on the European Economic and Social Committee for their views on priority areas for European engagement in 2016. The responses received are provided at Appendix 3.

## **COMMITTEE EUROPEAN PRIORITIES 2016**

9. The priorities for European engagement for statutory committees in 2016 are listed below. Full details of individual committee responses are provided at Appendix 3.
10. The Committee would encourage statutory committees to include in their Legacy Reports an indication of the areas of EU activity that they may wish their successor committee to consider.

### **Committee for Agriculture and Rural Development**

- Dairy Crisis
- Northern Ireland Rural Development Programme (NIRDP)
- Basic Payment Scheme (BPS)
- Common Fisheries Policy (CFP)
- Better Regulation and EU Legislation
- Legislation on Fisheries

### **Committee for Culture, Arts and Leisure**

- Recreational Watercraft
- Rights Revenues Collection

### **Committee for Education**

- The Commission Work Programme included no activities which were relevant to the Committee for Education.

### **Committee for Employment and Learning**

- New Skills Agenda for Europe
- New Start for Working Parents
- Labour Mobility Package

### **Committee for Enterprise, Trade and Investment**

- Review of Multiannual Financial Framework 2014-2020
- Next steps for a sustainable European Future
- Implementation of the Digital Single Market Strategy
- Energy Union Package
- Follow-up to Single Market Strategy
- Corporate Tax Package
- Proposal for a Council Directive on a Common Consolidated Corporate Tax Base
- Follow-up to the Trade and Investment Strategy



- Lifts (Directive 95/16/EC)
- Energy Union Reporting Initiative
- Review of the European Venture Capital (EUVECA) and European Social Entrepreneurship Fund (EUSEF) regulations
- Occupational Health and Safety Legislation
- Written Statement Directive 91/533/EC
- Women on Boards
- Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation of (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)

#### **Committee for the Environment**

- Maritime Marine Framework
- Reduction of national emissions (NEC), 'Clean Air Directive'
- EU Nature Legislation
- Regulation (EU) No 660/2014 Regulation (EC) No 1013/2006 on shipments of waste

#### **Committee for Finance and Personnel**

- Corporate Tax Package
- Standard Procurement Document and Standard forms for Public Procurement

#### **Committee for Health, Social Services and Public Safety**

- Correspondence from the Committee for the Office of the First Minister and deputy First Minister was noted at the meeting of 2 Dec 2015 and the Committee for Health, Social Services and Public Safety had no response to make.

#### **Committee for Justice**

- Implementation of the European Agenda on Security
- UK Participation in the Prüm Decisions
- Human Trafficking
- Fighting Money Laundering
- EU Directive on Special Safeguards in Criminal Proceedings for Suspected or Accused Persons who are Vulnerable
- EU Agency for Law Enforcement Cooperation and Training (Europol)
- EU Passenger Name Record (PNR)
- UK's opt-in decision

#### **Committee for the Office of the First Minister and deputy First Minister**

- New Skills Agenda For Europe
- New Start For Working Parents
- Labour Mobility Package
- Better Migration Management
- Subsidiarity Monitoring

#### **Committee for Regional Development**

- Multiannual Financial Framework
- Proposal for a regulation establishing a framework on market access to port services and financial transparency of ports
- New public procurement by entities operating in the water, energy transport and postal services sector
- EU Airport Noise Regulation (EU) No 598/2014
- Proposals for a regulation amending Regulation (EC) No. 91/2003 on rail transport statistics
- EU Maritime Legislation

### **Committee for Social Development**

- Integration of long-term unemployed
- EU Urban Agenda

### **Links to Appendices**

Minutes of Proceedings can be viewed [here](#).

Written submissions can be viewed [here](#).

Research Papers can be viewed [here](#).

# Submissions

The following submissions have been received by the Committee

- Committee for Agriculture and Rural Development
- Committee for Culture, Arts and Leisure
- Committee for Education
- Committee for Employment and Learning
- Committee for Enterprise, Trade and Investment
- Committee for the Environment
- Committee for Finance and Personnel
- Committee for Health, Social Services and Public Safety
- Committee for Justice
- Committee for the Office of the First Minister and deputy First Minister
- Committee for Regional Development
- Committee for Social Development
- Jane Morrice, Member of European Economic and Social Committee
- Jim Nicholson MEP
- Office of the First Minister and deputy First Minister

**The information contained in this document is available online at:**

[www.niassembly.gov.uk](http://www.niassembly.gov.uk)

This document can be made available in a range of alternative formats including large print, Braille etc. For more information please contact:

Mrs Kathy O'Hanlon

Committee Clerk

Committee for the Office of the First Minister and deputy First Minister

Northern Ireland Assembly

Parliament Buildings

Ballymiscaw

Stormont

Belfast BT4 3XX

**Tel:** 028 90 521903

**Email:** [kathy.o'hanlon@niassembly.gov.uk](mailto:kathy.o'hanlon@niassembly.gov.uk)

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**Northern Ireland  
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
WEDNESDAY 21 OCTOBER 2015  
ROOM 30, PARLIAMENT BUILDINGS**

- Present: Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Andy Allen  
Ms Megan Fearon  
Mr Paul Frew  
Mr Chris Hazzard  
Mr Gordon Lyons
- Apologies: Mr Alex Maskey  
Mr David McIlveen  
Mr Stephen Moutray
- In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Miss Karen Jardine (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Innis Mennie (Clerical Officer)  
Mr Simon Kelly (Legal Adviser - Item 1 only)  
Mr Alyn Hicks (Bill Team - Item 2 only)  
Mr Michael Potter (Research Officer – Item 10 only)

*The meeting moved into public session at 2.28pm.*

*Mr Chris Hazzard MLA left the meeting at 3.31pm.*

**10. European Issues – Committee's EU Priorities 2015**

*An officer from the Assembly Research and Information Service joined the meeting at 3.31pm.*

Mr Michael Potter, Assembly Research Officer, briefed the Committee on issues identified as the Committee's EU priorities for 2015. Questions and discussion followed.

*The Research Officer left the meeting at 3.38pm.*

*The Chairperson adjourned the meeting at 4.16 pm.*

**Committee for the Office of the First Minister and deputy First Minister**

**[Extract]**



**Northern Ireland  
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
WEDNESDAY 4 NOVEMBER 2015  
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Andy Allen  
Ms Megan Fearon  
Mr Paul Frew  
Mr Gordon Lyons  
Mr Alex Maskey  
Mr David McIlveen  
Mr Stephen Moutray

Apologies: Mr Alex Attwood  
Mr Chris Hazzard

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Miss Karen Jardine (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Innis Mennie (Clerical Officer)  
Mr Simon Kelly (Legal Adviser - Item 1 only)  
Mr Alyn Hicks (Bill Team - Item 1 only)

*The meeting moved into public session at 3.10pm.*

**3. Chair's Business**

European Commission

The Committee noted correspondence from the House of Lords European Union Select Committee regarding the European Commission's Work Programme for 2016.

*Agreed:* Members agreed to commission Assembly Research to undertake an analysis of the European Commission work programme to identify areas of potential interest for each statutory committee.

*Agreed:* Members agreed to forward the RaISe analysis of the European Commission work programme to statutory committees once it is available.

*Agreed:* The Committee agreed to request input from relevant stakeholders including the Department, Northern Ireland's MEPs, the Committee of the Regions and the European Economic and Social Committee.

*Mr Paul Frew MLA joined the meeting at 3.32pm.*

*The Chairperson adjourned the meeting at 4.31pm.*

**Committee for the Office of the First Minister and deputy First Minister**

**[Extract]**





**Northern Ireland  
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
THURSDAY 26 NOVEMBER 2015  
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Andy Allen  
Mr Alex Attwood  
Mr Paul Frew  
Mr Gordon Lyons  
Mr Alex Maskey

Apologies: Ms Megan Fearon  
Mr David McIlveen  
Mr Stephen Moutray

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Miss Karen Jardine (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Innis Mennie (Clerical Officer)  
Mr Alyn Hicks (Bill Team - Item 11 only)

*The meeting began in public session at 2.13pm.*

*Mr Lyons left the meeting at 3.29pm.*

*Mr Frew left the meeting at 3.29pm.*

**6. European Commission Work Programme 2016**

The Committee considered an Assembly Research and Information Service analysis paper on the European Commission Work programme for 2016. Members also noted the UK Government Explanatory Memorandum on the European Commission Work Programme for 2016; and that the House of Lords will be writing to the European Commission with views on the Work Programme.

*Agreed:* The Committee agreed to forward the RaISe paper to the House of Lords Committee, and also to the relevant committees in the House of Commons, the Scottish Parliament and the National Assembly for Wales for information.

The Committee noted a draft commissioning letter to statutory committees and a template for response as part of its information gathering exercise for the annual report on Assembly Committee European Priorities.

*Agreed:* The Committee agreed to issue the letter and template to statutory committees, along with the RaISe analysis of the European Commission Work Programme for 2016 and the UK Government Explanatory Memorandum.

The Committee noted a draft letter to stakeholders requesting input to the information gathering exercise for the annual report on Assembly Committee European Priorities.

*Agreed:* The Committee agreed to issue the correspondence to the relevant stakeholders, including the Department, MEPs, the Committee of the Regions and the European and Economic Social Committee.

*The Chairperson adjourned the meeting at 4.03 pm.*

**Committee for the Office of the First Minister and deputy First Minister**

**[Extract]**



**Northern Ireland  
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
WEDNESDAY 6 JANUARY 2016  
SENATE CHAMBER, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Andy Allen  
Mr Alex Attwood  
Ms Megan Fearon  
Mr Gordon Lyons  
Mr Alex Maskey

Apologies: Mr Chris Hazzard

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Mr Christopher McNickle (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Bill Kinnear (Clerical Officer)  
Mr Jonathan McMillen (Bill Team – Item 1 only)  
Mr Michael Potter (Research Officer – Item 9 only)

*The meeting moved into public session at 2.14 pm.*

**9. European Issues**

*A Research Officer from the Northern Ireland Assembly Research and Information Service joined the meeting at 3.42 pm*

Mr Michael Potter, Northern Ireland Assembly Research and Information Service, briefed the Committee on the European Commission Work Programme 2016 and initiatives of potential interest to OFMDFM.

*Agreed:* The Committee agreed to include the identified items as European priorities for 2016; and to recommend in its Legacy Report that the issues are followed up by the appropriate committee(s) in the new Assembly mandate.

*Agreed:* Staff will prepare a draft of the Committee's 2016 EU priorities for consideration by the Committee.

*The Chairperson adjourned the meeting at 3.51 pm.*

**Committee for the Office of the First Minister and deputy First Minister**

**[Extract]**



**Northern Ireland  
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
WEDNESDAY 20 JANUARY 2016  
ROOM 30, PARLIAMENT BUILDINGS**

- Present: Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Andy Allen  
Mr Alex Attwood  
Mr Paul Frew  
Mr Chris Hazzard  
Mr Alex Maskey
- Apologies: Ms Megan Fearon  
Mr Gordon Lyons
- In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Mr Christopher McNickle (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Joe Westland (Clerical Supervisor)  
Mr Bill Kinnear (Clerical Officer)  
Mr Alyn Hicks (Bill Team – Item 1 only)

*The meeting moved into public session at 2.10pm.*

*Mr Chris Hazzard MLA left the meeting at 3.26 pm.*

**11. Draft Committee EU Priorities Report**

The Committee considered its draft submission to be included in the Committee Report on the Assembly EU Priorities for 2016.

- Agreed:* The Committee agreed its draft submission to be included in the Committee Report on the Assembly EU Priorities for 2016, as amended.

*The Chairperson adjourned the meeting at 3.55 pm.*

**Committee for the Office of the First Minister and deputy First Minister**

**[Extract]**



**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
WEDNESDAY 10 FEBRUARY 2016  
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)  
Mr Andy Allen  
Ms Megan Fearon  
Mr Gordon Lyons  
Mr Alex Maskey

Apologies: Mr Paul Frew

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Mr Christopher McNickle (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Bill Kinnear (Clerical Officer)

*The meeting began in public session at 2.08 pm.*

**8. Assembly Committee European Priorities Report**

The Committee considered its draft Report on the Assembly's European Priorities for 2016.

*Agreed:* The Committee agreed the Membership and Powers.

*Agreed:* The Committee agreed the report Introduction.

*Agreed:* The Committee agreed the Assembly Committee EU Priorities.

*Agreed:* The Committee agreed the list of Appendices to be included in the Report.

*Agreed:* The Committee agreed to create a link on the Committee's webpage to the full report.

- Agreed:* The Committee agreed to create a link on the Committee's webpage to the relevant extracts of the Minutes of Proceedings.
- Agreed:* The Committee agreed to create a link on the Committee's webpage to the written submissions.
- Agreed:* The Committee agreed to create a link on the Committee's webpage to the Research Papers.
- Agreed:* The Committee agreed that this Report be the sixteenth report of the Committee for the Office of the First Minister and deputy First Minister to the Assembly.
- Agreed:* The Committee agreed to publish the report.
- Agreed:* In view of the time pressures on plenary business leading up to dissolution, the Committee agreed not to table a motion for debate on its Report on the Assembly's European Priorities for 2016. The Committee agreed that the Clerk should make the necessary consequential editorial amendment to the Report to reflect this decision.

*The Chairperson adjourned the meeting at 2.30 pm.*

**Committee for the Office of the First Minister and deputy First Minister**

**[Extract]**





**Northern Ireland  
Assembly**

## **Committee for Agriculture and Rural Development**

Room 244  
Parliament Buildings  
Tel: +44 (0) 28 905 21475

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**From:** Stella McArdle, Clerk, Committee for Agriculture and Rural Development

**To:** Kathy O'Hanlon, Clerk, Committee for the Office of the First Minister and deputy First Minister

**Date:** 26 January 2016

**Subject:** Assembly Committee European Priorities

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1. In a letter dated 27 November 2015, the Committee for the Office of the First Minister and deputy First Minister requested details of the work each committee has carried out on European priorities last year and what its EU priorities will be for 2016.
2. The requested information is provided overleaf and was agreed by the Committee for Agriculture and Rural Development at the meeting of 26 January 2016.

## **Priorities Template**

### **EUROPEAN COMMISSION WORK PROGRAMME 2015 – COMMITTEE PRIORITIES**

#### **Committee: Committee for Agriculture and Rural Development**

The Committee for Agriculture and Rural Development considered the correspondence from COFMDFM at its meeting on 26 January 2015 and agreed to forward its response on Committee EU priorities.

The Committee agreed that it currently undertakes considerable work around EU issues including Common Agricultural Policy (CAP) Reform, Common Fisheries Policy (CFP), scrutiny around Basic Payments and the recently approved Northern Ireland Rural Development Programme (NIRDP) 2014-2020.

The Committee held an informal meeting with Phil Hogan, EU Commissioner for Agriculture and Rural Development, in March 2015 and discussed several issues, including volatility in the agri-food sector; on-going issues with pig production; concerns about the impact of labelling on beef producers and the North/South Lamb trade; the EU Commission response to the NIRDP; and issues of bureaucracy and red tape.

Further engagement with the EU Commissioner followed an extraordinary Committee meeting convened at the end of July 2015 to discuss the dairy crisis. At this meeting, it was agreed that the Committee support the Minister for Agriculture and Rural Development in leading a coordinated delegation from Northern Ireland to meet with Commissioner Hogan to discuss the crisis. On 1<sup>st</sup> September 2015, the Chairperson, on behalf of the Committee, attended a meeting in Brussels with the EU Commissioner in Brussels, the Minister and NI MEPs. After this meeting, the EU Commission announced a €500 million aid package to assist the dairy industry. The Committee subsequently considered The Single Common Market Organisation (Emergency Aid For Milk Producers) Regulations 2015 at the meeting of 24<sup>th</sup> November 2015 which enabled payments to be made under this 'EU Dairy Fund 2015' package.

During 2015, the Committee undertook policy scrutiny of relevant areas such as progress of the Basic Payment Scheme (BPS), the NIRDP, and EU Commission confirmation of Northern Ireland's status as Officially Brucellosis Free.

The Committee has rigorously monitored the progress of the new Rural Development Programme which was formally approved by the European Commission on 25<sup>th</sup> August 2015. At the meeting of 29<sup>th</sup> September 2015, the Committee considered The Rural Development Programme Regulations (NI) 2015 which provided DARD with the necessary legal powers to administer the forthcoming RDP (with the exception of the proposed Areas of Natural Constraint Scheme which requires separate legislation).

Members consistently questioned the timescales of the programme, what work was being undertaken early in preparation, and urged investigation into whether schemes could be launched prior to approval from the EU. Detailed consideration was also given to the budget for the NIRDP and how that budget would be allocated. The Committee last received a detailed briefing on the RDP strategy from DARD officials at the meeting of 6<sup>th</sup> October 2015. The Committee continues to engage with the Department on NIRDP, particularly the capital element of the Farm Business Improvement Scheme which will see up to £193m made available to eligible applicants.

While the reform of CAP was agreed in June 2013, the Committee continues to deal with the outworkings of that reform, including the introduction of the new Basic Payment System (BPS). The Committee received a number of briefings from DARD on the development of the new BPS throughout the year. During these, the Committee raised questions on the definition of an active farmer, especially in respect of establishing entitlements. They continue to raise issues around young farmer and the greening requirements as well as the timescales for the issue of SAF and Inspections. Members also expressed particular interest in the likely timetable for payments – given that this was the first year of a new and more complex application system.

More recently, Members received several briefings on the actual administration of the 2015 BPS. At a meeting at the start of December, DARD confirmed that it had received 26,494 BPS applications for payment and that the Department was endeavouring to meet the Minister's commitment that 95% of eligible applicants to the BPS would receive payment in December.

The Committee received a written briefing on the outcome of the EU Ministers December Fisheries Council which was considered at the meeting of 12 January 2016. During this meeting the Committee also considered an SR on the European Maritime and Fisheries Fund (Financial Assistance) Regulations (NI) 2015 which provide financial assistance to the fishing industry for purposes specified EU Legislation. These regulations set out the rules for applying for assistance, how applications will be dealt with, and the procedures for making payments, appeals, and powers to recover financial assistance.

In June 2015, the Committee received a briefing from the Department on its EU priorities and approach to Europe. The Committee took the opportunity to explore how the Department was inputting into the UK position on EU trade negotiations with the USA (known as TTIP), and what implications this may have for the Northern Ireland agri-food industry. The Committee also explored the Departmental input to Commissioner Hogan's recent announcement on simplification of CAP. The Committee expressed some disappointment as Members felt that the relevant questions they were asking were getting little or no response from the Department. The Committee agreed that DARD should revisit its priorities and return to the Committee to provide further detail on the issues raised by the Committee.

The Committee also considered and noted various newsletters and memos from the NI Assembly EU Officer on areas and issues concerning agriculture and food production. One such example of particular interest was the call for nominations to be appointed to the European Commission Agricultural Markets Task Force. The Committee forwarded this to the Department and subsequently heard that Mr David Dobbins, a local businessman involved in the dairy industry, had been appointed.

The Committee undertook an inquiry into better regulation in the agri-food industry. Aware that the majority of such regulation originates in Europe, the Committee explored how such regulation is translated into local law, with an emphasis on identifying instances of gold plating. Arising out of this inquiry the Committee was pleased to note that the Department has revised its position on the EU regulations on cattle tags. The Department also announced that it would avail of an opportunity now allowed by EU Commission, for electronic cattle registration.

Late in the 2015/16 session, the Committee undertook Committee Stage of the Fisheries Bill. Clause 6 of the Bill was urgently required to allow the Enforcement of EU laws. The EU Commission had opened a pilot case against Northern Ireland because such regulation was not directly enforceable. Due to its late introduction to the Assembly, the timetable for completion of the Bill's legislative passage was challenging. In order to ensure its passage to Final Stage the Committee, with the agreement of the Minister, decided to focus on Clause 6 only, and thus eliminate the threat of infraction. All other clauses would not be moved at Consideration Stage.

During 2015, the Committee considered 18 statutory rules which arise out of EU legislation.

In the past year, the Committee has considered a number of Explanatory Memoranda (detailed below) and agreed to forward 3 (EM 36598, EM 36636 and EM 37073) to the Department for further comment.

<b>EM 36598</b>	This EM concerns a Commission Delegated Regulation relating to admissibility for support under the European Maritime and Fisheries Fund – the UK analysis set out in the EM suggests that there could be a degree of discretion in relation to the CFP landing obligation.
<b>EM 36636</b>	This EM concerns a Draft Instrument on fishing opportunities – specific focus on sea bass stocks - proposed 3 fish limit for recreational fishermen and restrictions for particular trawler types (mid- water pair and otter).
<b>EM 36577</b>	This EM concerns an EU Court Of Auditors report on keeping the costs of RDP projects under control.
<b>EM 36671</b>	This EM concerns an EU Court of Auditors special report on errors in RDP spending.
<b>EM 36581</b>	This EM concerns an annual report on the operation of the European Fisheries Fund.
<b>EM 37343</b>	This EM concerns a report on the annual accounts of the European Food Safety Authority.
<b>EM 37273</b>	This EM concerns Commission proposals for fishing opportunities in 2016 – agreed at the December 2015 Fisheries Council Meeting.
<b>EM 37148</b>	This EM relates to a proposal for a Council Regulation amending Regulation (EU) No 2015/104 as regards certain fishing opportunities.
<b>EM 37151</b>	This EM concerns a report on the annual accounts of the European Fisheries Control Agency for the financial year 2014.
<b>EM 37073</b>	This EM relates to the adoption of a regulation of the EU Parliament and of the Council amending Council regulation EC No 515/79 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.

### **Other EU activity planned for 2016**

- RDP 2014-202, with a particular focus on the rollout of the Farm Business Improvement Scheme;
- The potential impact of a Brexit on the NI agriculture industry; and
- The report by the European Commission Agricultural Markets Task Force.



Northern Ireland  
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**Committee for Culture, Arts and Leisure**

Mr Mike Nesbitt MLA  
Chairperson  
Committee for the Office of the First Minister and deputy First Minister  
Room 435  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

Our Ref: C21/16

25<sup>th</sup> January 2016

Dear Mike,

**Culture, Arts and Leisure Committee**  
**European Commission Work Programme and other EU priority workstreams**

At its meeting on 21<sup>st</sup> January 2016, the Committee for Culture, Arts and Leisure received a RalSe briefing on CAL-related aspects of the 2016 EU Commission Work Programme. Members considered these and the EU-related work that the Committee undertook in 2015.

As you are aware, there were no CAL-related issues coming out of the EU CWP in either 2013 or 2014, and limited issues in 2015 and 2016. However, the Committee undertook an audit of the EU-related activities of DCAL and its ALBs in 2015, which led to the Department working to ensure that it stepped up its efforts to encourage the DCAL family to engage more actively, and beneficially, with the EU.

The 2016 EU CWP has only two CAL-related priorities in its legislation annex, which are highlighted in the attached pro forma. However, the Committee has also highlighted a number of non-CWP priorities on the attached pro forma which it will recommend are pursued by successor Committees in its Legacy Report.

Yours sincerely,

*Nelson McCausland*

**Mr Nelson McCausland MLA**  
**Chairperson**  
**Committee for Culture, Arts and Leisure**

**Draft Priorities**  
**EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

Committee: **Committee for Culture, Arts and Leisure**

**Background**

The Committee for Culture, Arts and Leisure agreed the response below based on the two CAL-related issues identified in the fifth annex (legislation) of the 2016 European Commission Work Programme.

**Agreed Priorities for 2016 from the European Commission Work Programme**

**Directive 2013/53/EU – Recreational Watercraft**

This Directive comes into force in 2016 and is of interest to the Waterways sector over which DCAL has oversight, although it falls more appropriately within the remit of the Department of the Environment. The Directive lays down requirements for the design and manufacture of watercraft, including aspects such as identification marks, construction, stability, fuel system installations and owner's documentation. While vehicle licensing and inspections falls within the remit of DoE, the transposition of this Directive into law here may create higher vessel costs as the Directive restricts the supply of recreational vessels in the short to medium term. The Directive is effective from 18<sup>th</sup> January 2016. This will be highlighted to the Committee for Infrastructure in the Committee's Legacy Report.

**Directive 2014/26/EU – Rights Revenues Collection**

Although copyright legislation is not a devolved matter, the Committee has an interest in how this Directive is transposed into UK legislation as it will have an impact on the growing music industry in Northern Ireland and those organisations and individuals who sell musical output on a cross-border, and/or EU-wide, basis. This Directive forms part of the wider Digital Agenda for Europe, which seeks to improve the licensing of rights and access to digital content. The Directive sets out the standards that collective management organisations must meet in relation to the rightholders whom they represent. For example, the Directive includes detailed requirements for the way in which rights revenues are collected and paid, how those funds are handled, and how deductions are made. Companies and practitioners in Northern Ireland are increasingly selling their outputs beyond the province; therefore, reforms which set out how copyright-related funds are to be collected and distributed are significant. DCAL leads on the Creative Industries in Northern Ireland and is responsible for the Strategic Action Plan on the Creative Industries and the Creative Industries Innovation Fund. The UK must adopt the Directive by 10<sup>th</sup> April 2016. This will be highlighted to the Committee for Communities in the Committee's Legacy Report.

**Other non-CWP EU activity planned for 2016 and review of 2015 activities**

**Creative Europe programme (2014–2020):**

The Arts Council of Northern Ireland appointed a DCAL-funded Creative Europe Desk Officer in November 2014 and the Committee has received briefing from them as part of its audit of EU-related activity by DCAL and its Arms-Length Bodies in 2015. The Committee agreed at its meeting on 21<sup>st</sup> January 2016 to seek updates from the Creative Europe Desk Officer of a range of issues around NI drawdown of Creative Europe funding, and comparisons with other UK regions and the Republic of Ireland. The Committee continues to believe that it is

vital that it works with the Department, ACNI and key stakeholders to provide opportunities to disseminate information regarding how to engage with and to apply to the fund. Additionally, the Committee will highlight this important work in its Legacy Report and suggest that the Committee for Communities continues to engage with the Creative Europe programme.

#### **Horizon 2020 (2014-2020):**

Although this is essentially an R&D funding programme, the Committee continues to believe that there is considerable potential for the Creative Industries to make use of Horizon 2020. The Committee highlighted the potential of this fund for the Creative Industries in its Inquiry into Maximising the Potential of the Creative Industries in Northern Ireland in 2013, and the Committee's audit of DCAL and its ALBs' engagement with the EU suggests that there is still a long way to go. In its Legacy Report, the Committee will advise the Committee for Communities to continue to seek out examples of successful engagement with Horizon 2020 from the creative sector, and to work to support capacity building to enable this success to be replicated.

#### **European Capital of Culture (ECOC)**

The European Capital of Culture programme has been formally extended until 2033. The next UK opportunity will be in 2023, and applications from any interested Northern Ireland cities must be ready to submit an application in 2016. After its very successful year as UK City of Culture in 2013, Derry/Londonderry would be well placed to make an application as a European Capital of Culture in 2023.

#### **Sport (Erasmus+)**

The EU was given 'a supporting, coordinating and supplementing competence for sport which calls for action to develop the European dimension in sport' in Article 165 of the Lisbon Treaty. While this is a fairly new competency and the EU is largely still exploring how it can have a positive impact on sport, funding is one key area which it has now identified. The Committee believes that there is some potential for sports bodies and clubs etc. to draw down some of this funding. The Committee has particularly focused on the sports strand of the new Erasmus+ programme. There is a €210m fund available for sport and it is open to:

- Public sporting bodies;
- Sporting organisations, leagues, and clubs at any level;
- Sporting unions or representations;
- Organisations active in promoting physical activity, including social inclusion in sports; and
- Event organisers in the sport sector.

The fund may be used for three specific project types:

- Transnational collaborative projects:
  - Projects tackling issues affecting the integrity of sport (such as doping, violence or match-fixing) on a cross-border basis;
  - Promoting cross-border good governance and support for ensuring support for athletes to stay in education or work while playing sport; and
  - Promoting voluntary sporting activity and equal access on a cross-border basis.



- Not-for-profit major sporting events involving at least 12 countries can receive support for:
  - Promotional activity;
  - Transnational training for participants, volunteers or coaches;
  - Side activities (seminars, workshops etc.) related to the event; and
  - Legacy activities.
- Research into producing evidence-based policy for sport related to:
  - Participation in physical activities;
  - Prevalence of discrimination;
  - The presence of social inclusion measures; and
  - Levels of corruption, violence, and doping in sport.

The first **European Week of Sport (EWOS)** took place in September 2015. The Committee is continuing to engage with Sport NI with respect to its plans for the EWOS in September 2016. In its Legacy Report, the Committee will recommend to the Committee for Communities that it continues this work.

The aim of the event is to promote exercise and sport at all levels. Guidance is as follows:

- The focus should be broader than sport to bring in large parts of society; physical activity should be added to the scope of the week and cross-sectoral partnerships should be created;
- An EU summit on sport (broader than the EU Sport Forum) could be organised;
- Flagship event(s) should be organised and specific theme(s) per year in line with the EU policy agenda should be considered;
- Standard events should be envisaged, and specific days of the week should be reserved for different target groups;
- Positive early sport experiences for children including a relational element would be key, as well as efforts to seek integration of physical activity in everyday life;
- Activities to strengthen the evidence base should be envisaged, e.g. launching of studies/surveys and organising conferences involving academics and research institutes to discuss results and exchange best practices;
- Existing initiatives should be given visibility during an EWoS; experiences from national activities should be taken into account;
- Specific sports for people with a disability and inclusive sport activities should be promoted;
- Open doors or substantial discounts and promotions at the local level in e.g. public sport facilities, sport clubs, fitness clubs, swimming pools, should be envisaged;
- Physical activity / education in schools would need specific attention; and
- Different kinds of awards (e.g. most active city, teacher, club) could be created.

### **Workplan for Culture (2015-18)**

In November 2014 a Workplan for Culture 2015–2018 was established, containing four key policy areas: **accessible culture; cultural heritage; creative economy and innovation; and culture in the EU external relations**. Below these over-arching key priorities, the workplan states that working groups of experts will be put together to examine and explore 13 specific ‘topics’. In its Legacy Report, the Committee will recommend that the Committee for Communities focuses on the following:

- **Development of ‘cultural awareness and expression’:** experts will identify good practice for the development of this key competence and its integration into education policies.
- **Promoting access to culture via digital means:** the ‘impact of the digital shift’ on the way in which audiences engage with culture will be examined.
- **Fostering the contribution of culture to social inclusion:** good practice will be identified where culture has made a significant contribution to policy areas such as healthcare, social care, and prison services.
- **Access to finance:** the ‘financial ecosystem’ of the cultural and creative sectors will be examined to identify the performance of alternative financial instruments such as loans, equities, business angels, crowdfunding and venture capital.

The Committee also believes that a number of issues around corruption in sport have arisen, and further revelations are being made on an ongoing basis. This will also be an important issue to flag up to the Committee for Communities’ attention.

## **EELS**

The Committee has engaged extensively in this issue and it is important that the Committee for Agriculture, Environment and Rural Affairs continues to keep a watching brief on the work being undertaken by the EU regarding the management of eels. It is likely that any outcomes will have an impact on the increasingly successful eel industry on Lough Neagh.



**Northern Ireland  
Assembly**

**Committee for Education  
Room 375  
Parliament Buildings**

**Tel: +44 (0)28 9052 21821  
Fax: +44 (0)28 9052 1371**

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**To: Kathy O'Hanlon**  
**Clerk to the Committee for the Office of the First Minister and deputy First Minister**

**From: Peter McCallion**  
**Clerk to the Committee for Education**

**Date: 11 December 2015**

**Subject: EU Commission's Work Programme**

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Kathy,

At its meeting on 9 December 2015, the Committee agreed its response in respect of its scrutiny of the EU Commission's Work Programme in 2015 and its plans in that regard for 2016.

The response is enclosed.

**Peter McCallion**  
**Committee Clerk**  
**Enc.**

## **EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

Committee: **Committee for Education**

### **Background**

The Committee for Education considered correspondence from the Committee for OFMDFM regarding the European Commission Work Programme on 2 December 2015. Members noted that the relevant Assembly Research paper indicated that the Commission Work Programme included no activities which were relevant to the Committee for Education.

The Committee therefore agreed that as with 2015-16, it would not be undertaking any activities relating to the Commission Work Programme in 2016-17.

The Committee's other EU-related work carried out in 2015-16 is summarised below.

### **Agreed Priorities from the 2016 European Commission Work Programme**

None

### **Other EU activity planned for 2016**

None yet planned

### **Other comments**

None

## **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

The European Commission Work Programme 2015 contained no activities which were relevant to the Committee for Education.

### **Other EU activity undertaken in 2015**

The Committee wrote to the Department of Education on 30 April 2015 regarding the decision to cease funding for the European Studies Programme.

The Committee considered an Assembly Research paper on the implementation of the European Cooperation in Education and Training (ET 2020) Strategy at its meeting on 11 November 2015.

### **Other comments**

None



**Northern Ireland  
Assembly**

**Committee for Employment and Learning  
Room 416  
Parliament Buildings**

**Tel: +44 (0)28 9052 1448  
[cathie.white@niassembly.gov.uk](mailto:cathie.white@niassembly.gov.uk)**

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**To: Kathy O'Hanlon**  
**Clerk to the Committee for the Office of First Minister and deputy  
First Minister**

**From: Cathie White**  
**Clerk to the Committee for Employment and Learning**

**Date: 21 January 2016**

**Subject: European Priorities**

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At its meeting yesterday, the Committee for Employment and Learning considered a draft response to a request from the Committee for the Office of the First Minister and deputy First Minister regarding its European Priorities and agreed to forward the attached response.

I should be grateful if you would bring this to the attention of your Committee.

Regards,

**Cathie White**  
**Committee Clerk**

**Enc**

## **EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

Committee: **Committee for Employment and Learning**

### **Background**

On receipt of the request by the Committee for the Office of First Minister and deputy First Minister for its forthcoming EU priorities debate the Committee requested a paper from Assembly Research and Information Service on the European Commission Work Programme and scheduled a briefing from the Department and RalSe in its forward work programme.

### **Agreed Priorities from the 2016 European Commission Work Programme**

#### **New Skills Agenda for Europe**

The Agenda aims at promoting skills development through, including the mutual recognition of qualifications, supporting vocational training and higher education and reaping the full potential of digital jobs. The New Skills Agenda will promote life-long investment in people, from vocational training and higher education through to digital and high-tech expertise and the life skills needed for citizens' active engagement in changing workplaces and societies. Following a search of the available information it has not been possible to identify what actions the Agenda will take.

**The proposal was only adopted on the 27 October 2015, and no additional information is available yet.**

#### **New Start for Working Parents.**

This proposal involves a set of measures to better address the challenges of work-life balance faced by working parents and support the participation of women in the labour market. The main reason behind the initiative is to address the low participation of women in the labour market by modernising and adapting the current EU legal and policy framework to allow for parents with children or those with dependent relatives to better balance caring and professional responsibilities. The Commission will invite the Social Partners to assess the current directives on Parental Leave, Fixed-term and Part-time work to see if they can be updated. A public consultation will be also be carried out. In addition, the Women on Boards Directive should be adopted in 2016.

**This issue of measures to better address the challenges of work-life balance faced by working parents has been discussed in Committee as part of its legislative scrutiny of the Work and Families Act.**

**The Committee continues to monitor this issue and request updates from the Department.**

### **Labour Mobility Package.**

This initiative consists of: A Communication on labour mobility : This will be designed to support mobility across the EU; A targeted revision of the Directive on the posting of workers : The Posting of Workers Directive (Directive 96/71/EC) covers a wide range of issues such as maximum work periods and minimum rest periods, minimum paid annual leave, minimum rates of pay, and equal treatment between men and women; and, The revision of Regulations on social security coordination: Based on previous CWP data, the purpose of the initiative is to increase the chances of jobseekers to reintegrate in the labour market and ensure that mobility does not have a negative impact on their social security rights, namely long-term care and unemployment guarantee.

The proposal appears to still be at an early stage of the development.

**This issue has been a Committee priority since 2014 and it has wrote to the Department for further information.**

**The Committee continues to monitor this issue and request updates from the Department.**

### **Other EU activity planned for 2016**

Until the end of the mandate the Committee for Employment and Learning will continue with its EC scrutiny in 2016, which will include briefings on the European Social Fund, ESF 2014-2020 and Horizon 2020.

The Committee will consider any European Union Memorandum's identified by Assembly Research and Information Service as relevant to the Committee and consult with the Department on what action it will be taking in relation to these.



## **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

### **Promoting integration and employability in the Labour Market.**

A package of measures to support Member States in getting people, especially the longer term unemployed and younger people, into work and developing a skilled workforce. This will include measures to follow up on the implementation of the Youth Employment Initiative, a proposal for a Council Recommendation on integration of the long-term unemployed, as well as measures to promote skills development.

It must be noted that the support provided under the Youth Employment Initiative is not applicable to NI as the NI youth unemployment rate is below 25%.

The UK Government has stated in regards the proposal that: it is for individual Member States "to decide on their own policy direction to meet individual countries' skills needs".

The Committee asked the researcher to provide the Committee with further information on whether Northern Ireland is a NUT 2 or NUT 3 region and what regions of the UK can avail of the Youth Employment Initiative funding.

### **Labour Mobility Package**

See the Committee's current priorities for 2016

The Committee received updates from the Department on the issues.

### **Mid-term review of the Europe 2020 strategy**

Improved and updated Europe 2020 strategy, drawing lessons from the first four years of the strategy and ensuring it acts as an effective post-crisis strategy for growth and jobs in Europe.

The proposal appears to still be at an early stage of the development.

The Committee wrote to the Department seeking further information on this issue and highlighting the possible job opportunities for Northern Ireland if the Department can ensure that the right skills are available in the local labour market.

## **Trade and Investment strategy for Jobs and Growth**

This initiative involves a comprehensive review of the EU's trade policy strategy, and in particular its contribution to jobs, growth and investment. The review will cover all aspects of trade policy, including bilateral, plurilateral and multilateral negotiations as well as autonomous measures. It will include policy orientations in all these areas for the next five years.

The proposal appears to still be at an early stage of the development.

The Committee received updates from the Department on the issues.

## **European Agenda on Migration**

The European Agenda on Migration is intended to develop a new approach on legal migration to make the EU an attractive destination for talents and skills, as well as to improve the management of migration by intensifying cooperation with third countries, fostering burden sharing and solidarity and fighting against regular migration and smuggling. The agenda includes a review of the Blue Card Directive, the EU-wide work permit for highly skilled workers.

The Committee received updates from the Department on the issues.

## **Recast and Merger of three Directives in the area of Information and Consultation of Workers.**

This is the recast and merger of three Directives following a fitness check (a check to ensure Regulations remain fit for purpose) published in July 2013 in order to address some of the issues raised by a Commission Staff Working Document (and improve the operation of the Directives).

The three Directives are:

- Directive 98/59/EC on collective redundancies;
- Directive 2001/23/EC on transfers of undertakings; and
- Directive 2002/14/EC establishing a general framework relating to information and consultation of workers in the EC.

The Committee received updates from the Department on the issues.



**Northern Ireland  
Assembly**

**Committee for Enterprise Trade and Investment  
Room 375  
Parliament Buildings**

**Tel: +44 (0)28 9052 1614**

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**To: Kathy O'Hanlon**  
**Clerk to the Committee for the Office of the First Minister and deputy  
First Minister**

**From: Jim McManus**  
**Clerk to the Committee for Enterprise, Trade and Investment**

**Date: 19 January 2016**

**Subject: European Commission Work Programme 2016**

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1. At its meeting on 19 January 2016, the Committee for Enterprise, Trade and Investment considered a draft response regarding this Committee's work programme priorities.
2. The Committee agreed to forward the response to the Committee for the Office of the First Minister and deputy First Minister

**Jim McManus**  
**Clerk**  
**Committee for Enterprise, Trade and Investment**

# **EUROPEAN COMMISSION WORK PROGRAMME 2016**

## **COMMITTEE PRIORITIES**

Committee: **Committee for Enterprise, Trade and Investment**

### **Background**

The Committee considered the RalSe paper 'European Commission Work Programme 2016' at its meeting on 8<sup>th</sup> December 2015 and agreed to provide a response to the Committee for the Office of the First Minister and deputy First Minister.

### **Agreed Priorities from the 2016 European Commission Work Programme**

#### **Review of Multiannual Financial Framework (MMF) 2014-2020**

The mid-term review of the MFF will address how better to target funding on the priorities the EU faces. The review will also look for ways to further orientate the EU budget towards results and simplify the applicable rules (REFIT) e.g. for the European Structural and Investment Funds (ESIF) and the Common Agricultural Policy (CAP), and will explore the scope for further simplification under Horizon 2020 funding.

The Northern Ireland Executive has set a target of securing €145m from Horizon 2020. The Committee will encourage its successor Committee to scrutinise DETI's and the Department for the Economy's operational oversight of the Executive's Horizon 2020 strategy. The Committee will also wish its successor Committee to scrutinise what support for Horizon 2020 is provided through Northern Ireland's National Contact Point network. The new Committee may wish to review the impact of any potential simplification of the Horizon 2020 on Northern Ireland's drawdown targets and the support offered to potential Horizon 2020 applicants.

#### **Next steps for a sustainable European Future**

This initiative will set out a new approach to ensure Europe's economic growth and social and environmental sustainability beyond the 2020 timeframe, taking into account the Europe 2020 review and the internal and external implementation of the United Nations Sustainable Goals. Europe 2020 launched in 2010, sets EU wide targets in a range of areas. The European Commission carried out a midterm public consultation on Europe 2020 in advance of a review of the strategy to be completed in 2015.

The Committee will wish its successor Committee to scrutinise departmental oversight of the following targets:

- Increasing investment in R&D to 3% of GDP; and
- Increasing the share of renewable energy in final energy consumption to 20%.

The Committee will wish its successor Committee to also review any future strategy that sets targets in the area of renewable generation and the promotion of innovation and the impact they have on the work of the Department in these areas.

### **Implementation of the Digital Single Market Strategy**

The Digital Single Market Strategy outlined in May 2015 will be taken forward with three sets of actions:

- 1) A Communication on copyright and legislative proposals on profitability, followed by a legislative proposal on copyright and the review of the satellite and cable directive (REFIT), legislative proposals on digital rights, geoblocking, and VAT for electronic commerce (REFIT), and the review of the Regulation on consumer protection cooperation (REFIT);
- 2) Reviews of the telecoms regulatory framework (REFIT) and the audio visual and media service Directive (REFIT), and
- 3) A legislative proposal on the free flow of data.

Telecommunications are a reserved matter and controlled centrally by the Department of Culture, Media and Sport. However, two Digital Single Market Strategy objectives do interact with the work of DETI. It will be appropriate for the Committee to scrutinise the Department's role in each, these are:

- Simplifying consumer rules for online purchases; and,
- Making it easier for innovators to start their own company.

In these areas a review of Regulation on Consumer Protection and Cooperation is expected in 2016, along with the launch of a new E-government Action Plan which will include an initiative on the 'Once-Only' principle and an initiative on mandatory interconnection of business registers. The Committee will encourage its successor to scrutinise the implications of the initiative on the work of DETI and the new Department for the Economy.

### **Energy Union Package**

Following up on the Framework Strategy, the Package is composed of: legislative proposals on electricity market design and the regulatory framework, including the review of the Agency for the Cooperation of Energy Regulators (ACER), and the revision of the Regulation on security of gas supply and the revision of the Decision on intergovernmental agreements; the effort sharing decision and integration of the Land Use, Land Use Change and Forestry

sector (LULUCF) into the 2030 climate framework; a renewable energy package (REFIT), including sustainability criteria for biomass, and an energy efficiency package, including energy efficiency for buildings (REFIT).

The Committee will wish for its successor Committee to follow developments in relation to the Energy Union Package which is focused on a number of areas which impact on Northern Ireland energy policy, including:

- Energy Market Integration – significant in light of the all-Ireland single electricity market (SEM) redesign.
- The internal market's hardware: connecting markets through interconnections – the energy package will seek to improve cross-border gas and electricity interconnection.
- A new deal for consumers – this element of the package seeks to improve choice for consumers and facilitate switching. It also aims to encourage the roll-out of smart meters throughout the EU.
- Climate policy – the energy union seeks to cut greenhouse emissions by at least 40%, increase renewable energy to 27% and improve energy efficiency by 27% by 2030 across the EU.
- Security of supply.

The Committee will wish to make its successor Committee aware of the following significant initiatives that are to be brought forward by DETI in 2016:

- Review of the Directive concerning measures to safeguard security of electricity supply.
- Revision of the Regulation of security of gas supply.
- Communication on Waste Energy.
- Legislative proposals on market designs and regional electricity markets.
- Legislative proposals on the new deal for energy consumers.
- A liquefied natural gas strategy.
- A renewable energy package.

### **Follow-up to Single Market Strategy**

The Single Market Strategy will be taken forward through a number of proposals. Of relevance to the Committee is DETI's actions in the following areas:

Helping SMEs and start-ups to grow; including legislative action on business insolvency; removing administrative burdens on start-ups and growing businesses; the launch of start-up initiative; and improving access to finance to entrepreneurs.

Making the market without borders a practical reality for services including: legislation to introduce a services passport and legislative action to remove regulatory barriers in key business services and construction services.

Addressing restrictions in the retail sector.

Encouraging modernisation and innovations: which includes proposals to modernise European Standardisations; open up public procurement; and modernise Europe's intellectual property system.

The Committee will encourage its successor Committee to scrutinise any interaction with the Department for the Economy in the areas of insolvency, business regulation, encouraging business start-ups and business growth, encouraging trade, and promoting innovation. The European Commission has produced a strategic road map for further action in these areas. The actions themselves will be launched throughout 2016 and 2017. The Committee will wish its successor Committee will review the potential impact of these actions on Northern Ireland as they are published.

### **Corporate Tax Package**

Following up on the communication on a fair and efficient corporate tax system in the European Union; the package includes a set of measures to enhance the transparency of the corporate tax system and fight tax avoidance, including implementing international standards on base erosion and profit shifting, and a staged approach starting with a mandatory tax base (REFIT) together with withdrawal of the existing CCCTB proposal.

The 'rate and date' for corporation tax has been announced – 12.5% from 2018. The Committee will wish that its successor Committee will review this package which may become relevant in light of the devolution of corporation tax powers to Northern Ireland, in providing useful background information on international standards in relation to profit shifting. The initiative proposes a staged approach to any reform and the introduction of a consolidated mandatory tax base. This would mean that corporation tax base i.e. that which is taxed, is made uniform throughout all member states.

### **Proposal for a Council Directive on a Common Consolidated Corporate Tax Base**

As announced in the Communication on "A fair and efficient corporate tax system in the European Union: 5 key areas for action" (COM(2015)302), the Commission is re-launching the work with a new staged approach. The existing proposal will be withdrawn in parallel.

The Committee will wish that its successor Committee to review the re-launching of this work on Common Consolidated Corporate Tax Base which may become significant in light of the devolution of corporation tax to Northern Ireland.

### **Follow-up to the Trade and Investment Strategy**

Against the background of the Trade for All strategy for a more effective and transparent trade and investment policy based on values, the Commission will pursue the TTIP negotiations with the US, as well as make progress at WTO, engage strategically with Asia and ensure that EPAs are well implemented.

The Northern Ireland's Executive's Programme for Government 2011-2015 includes targets to increase Northern Ireland exports by 20% and to attract £375m of Foreign Direct Investment into Northern Ireland. Whilst the current Programme for Government period is coming to an end the Commission Trade for All strategy is significant to Northern Ireland's future trade ambitions. The strategy prioritises:

- Concluding existing trade negotiations – Doha Round of WTO talks, TTIP, the EU-Japan free trade agreement (FTA) and the EU-China investment agreement.
- Instigating new trade negotiations – Free Trade Agreements with Australia, New Zealand, the Philippines and Indonesia and a deepening of the EU's relationship with African partners.
- Modernising existing Free Trade Agreements with Mexico and Chile and the Customs Union with Turkey.

Development in these areas may have the potential to open up new opportunities to Northern Ireland businesses and the Committee will wish that its successor Committee will scrutinise DETI's work around this.

### **Lifts (Directive 95/16/EC)**

The evaluation will cover the scope, the essential health and safety requirements and their links with related conformity assessment procedure.

The Committee will encourage its successor Committee to consider, if appropriate where the outcome of this evaluation impacts upon the work of the Health and Safety Executive Northern Ireland.

### **Energy Union Reporting Initiative**

Fitness Check/evaluations in the area of Energy and Climate Policy in order to assess the consistency and administrative burden of report obligations. EU acquis includes numerous



obligations on Member States to provide information to the Commission, which reports to the other EU institutions. The Commission will carry out a Fitness Check of existing planning and reporting obligations in 2016 including on the inter linkages with the climate obligations. This initiative will assess the extent to which the current obligations are coherent, effective, efficient, relevant and add EU value, as well as to ascertain whether there is potential for simplification and reduced administrative burden. This will feed into the preparations of a proposal for streamlining these obligations, foreseen for late 2016

DETI contributes to the UK's fulfilment of reporting requirements and this therefore has the potential to impact on the Department. The Committee will wish for its successor Committee to scrutinise the Department's role in this.

### **Review of the European Venture Capital (EUVECA) and European Social Entrepreneurship Fund (EUSEF) regulations.**

The legislative review is with a view to improve take up these funds as part of the Capital Markets Union without reducing the level of investor protection. These specialist venture capital investment funds have been available since 2013 but only a small number of funds set up as EUVECA and EUSEF have so far been launched. The Capital Markets Union aims to 'tackle investment shortages head on by increasing and diversifying the funding sources for Europe's businesses and long term projects'. It seeks to promote alternative sources of finance (including capital markets, venture capital, crowd funding and the asset management) as sources of funding for business, particularly SMEs and start-ups.

The Committee will wish for its successor Committee to continue to scrutinise the Department and Invest NI's work in promoting economic growth and encouraging business start-ups and will review how developments in this area impacts upon this work.

### **Occupational Health and Safety Legislation**

This is a follow up to the REFIT Evaluation of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and 23 Directives with the aim of increasing its effectiveness and efficiency.

The Committee will wish for its successor Committee to consider any impact on the work of the Health and Safety Executive Northern Ireland by the follow up to, and any legislation emerging from, the evaluation.

### **Written Statement Directive 91/533/EC**

The evaluation of this Council Directive of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship may impact upon DETI's business regulations function insofar as the outcome of the review adds to or reduces the administrative burden on Northern Ireland businesses.

The Committee will encourage its successor Committee to consider any impact on the work of the Department. Once the Directive has undergone evaluation there will be information available on what scope the REFIT may have and therefore what the exact

### **Women on Boards**

This is a proposal for a Directive of the European Parliament and of the Council on improving balance among non-executive directors of companies listed on stock exchanges and related measures. The UK Government has resisted the introduction of quotas, but has supported voluntary targets under the Women on Boards initiative led by Lord Davies of Abersoch. A 2015 study of the boards of the top 100 companies in Northern Ireland indicated that 15% of directors were women. The equal participation of women in economic life is one of the strategic objectives of the Gender Equality Strategy.

The Committee will suggest that its successor Committee keep a watching brief on the Department's work around this from a business regulation perspective.

### **Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation of (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)**

The regulation is applicable from 09 January 2016 and sets out terms upon which the Commission and Member States will establish and run on-line portal for handling disputes relating to on-line sales or service contracts. The ODR platform will handle domestic and cross border disputes.

While consumer issues are devolved to the Northern Ireland Assembly it was agreed that the ODR Regulation (and associated Alternative Dispute Resolution) would be taken forward on a UK wide basis. The Committee will wish for its successor Committee to scrutinise the implications for the new Department.

### **Other EU activity planned for 2016**

The Committee will wish its successor Committee to:

- Continue to scrutinise the work of ONIEB and its impact on supporting businesses and growing the economy.
- Continue scrutiny of the Department's Broadband Improvement Project.
- Review the work of the Mobile and Infrastructure Project.

The Committee will continue to scrutinise the Department's policy of Contracts for Differences (CFDs).

The Committee commissioned research regarding the possible impact of Britain exiting the European Union. Including a report by the Committee's Specialist Advisor on economic policy entitled 'Consequences for the Northern Ireland Economy from a United Kingdom Exit from the European Union which formed part of the Committee's Inquiry 'Opportunity for Excellence: Growing the Economy and Creating Jobs with Lower Corporation Tax'. The Committee will wish for the successor Committee to continue to take evidence on the issue in advance of the proposed referendum on whether the United Kingdom should remain a member of the European Union.

## **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

### **The Investment Plan for Europe**

The follow-up actions were to include setting up of the European Fund for Strategic Investments (EFSI), promoting cooperation with National Promotional Banks and improving access to finance for SMEs.

The Committee continued to scrutinise the Department's work to investigate how Northern Ireland SME's can avail of the range of measures to improve access to finance for SMEs. The Committee paid a visit to InterTradeIreland to learn of case studies of InterTradeIreland's support to SMEs.

### **Mid-term review of the Europe 2020 Strategy**

The improved and updated Europe 2020 strategy, was to draw lessons from the first four years of the strategy and ensure it acts as an effective post-crisis strategy for growth and jobs in Europe.

The Committee continued to scrutinise the Department's work on the target to have 40% of electricity consumed from renewable sources and 10% heat from renewable sources by 2020.

The Committee carried out significant scrutiny of the Renewables Obligation (Amendment) Order (Northern Ireland 2015 and the Renewables Obligation Closure Order (Northern Ireland) 2015 and subsequently the proposed closure of the Renewables Obligation to onshore wind.

The Committee continued to scrutinise the Department's promotion of investment in EU sources support for research and development.

### **Strategic Framework for the Energy Union**

The Strategic Framework was to focus on: energy supply security; integration of national energy markets; reduction in European Energy demand; decarbonising the energy mix and promoting research and innovation in the energy field. It will include revision of the EU Emissions Trading System as part of the legislative framework post 2020.

The Committee continued to scrutinise the introduction of the Integrated Single Electricity (I-SEM) and the Department's renewable energy targets.

### **Internal Market Strategy for Goods and Services**

The strategy for a renewed and integrated approach for the Single Market, was to deliver further integration and improve mutual recognition and standardisation in key industrial and services sectors where the economic potential is greatest, e.g. business services, construction, retail, regulated professions, advanced manufacturing and combined services/goods provision. A particular focus will be on SMEs.

The Northern Ireland Economic Strategy seeks to improve Northern Ireland's ability to compete globally. The Committee continued to scrutinise DETI and Invest NI's implementation of the Economic Strategy including increasing exports and the number of exporters; establishing and growing businesses. The Committee held concurrent meetings with the Committee for Agriculture & Rural Development to scrutinise the work of the Agri-food Strategy Board.

### **Trade and Investment Strategy for Jobs and Growth**

A comprehensive review of the EU's trade policy strategy, and in particular its contribution to jobs, growth and investment. The review was to cover all aspects of trade policy, including bilateral, plurilateral and multilateral negotiations as well as autonomous measures and included policy orientations in all these areas for the next five years.

The Committee continued to review the impacts on the Northern Ireland Economic Strategy, for Northern Ireland businesses and for inward investment.

### **Other EU activity undertaken in 2015**

In January 2015, the Committee enquired of the Department how it was taking advantage of the European Investment Fund and received an update regarding DETI's Telecoms Branch and Energy Division Branch on the issue.

As part of its Inquiry 'Opportunity for Excellence: Growing the Economy and Creating Jobs with Lower Corporation Tax', the Committee commissioned a report, by its Specialist Advisor on economic policy, on the 'Consequences for the Northern Ireland Economy from a United Kingdom Exit from the European Union. The paper was shared with the Northern Ireland Executive.



Northern Ireland  
Assembly

Committee for the Environment  
Room 247  
Parliament Buildings

Tel: +44 (0) 28 9052 1783  
Fax: +44 (0) 28 9052 1795

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**From:** Ciara McKay  
Clerk to the Committee for the Environment

**Date:** 29<sup>th</sup> January 2016

**To:** Kathy O'Hanlon  
Clerk to the Committee for the Office of the First Minister and  
Deputy First Minister

**Subject:** European Priorities Response

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Please see attached response to the OFMDFM Committee regarding European Priorities as requested.

## **EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

Committee: **Committee for Environment**

### **Background**

The Committee considered correspondence from the Committee for the Office of the First Minister and deputy First Minister regarding the European Commission (EC) Work Programme at its meeting on 3 December 2015 and agreed that a draft response should be prepared for the Committee's consideration, outlining EU priority areas that the successor committee may wish to consider.

The draft response is below for Members consideration. It is split into two sections: EU activity that the Environment Committee's successor may wish to prioritise; and an update on the work undertaken by the Committee during its consideration of last year's priorities.

### **Agreed Priorities from the 2016 European Commission Work Programme**

#### **Priority 1: Maritime Marine Framework**

In July 2014, the European Parliament and the Council adopted Directive 2014/89/EU to create a common framework for maritime spatial planning in the European Union. The Directive places a legal requirement on Member States to develop and implement Maritime Spatial Plans (MSP) by 2021 at the latest. Ultimately, the Directive aims to establish 'a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources.' Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 18 September 2016.

The Northern Ireland Executive is legally responsible for implementation of European Directives within waters and for developing marine plans in both the inshore (0-12 nautical miles) and the offshore (12 nautical miles to its territorial boundary) under the Marine Act (Northern Ireland) 2013.

This Act enabled the DoE to proceed with its preparation of Northern Ireland's first Marine Plan; this is expected to be published for Public Consultation in early 2016.

#### **Planned committee action**

The relevant successor Committee may wish to consider the outcome of the Department's consultation on the Marine Plan; and to ascertain from the Department any resulting action.

#### **Priority 2: Reduction of national emissions (NEC), 'Clean Air Directive'**

The Commission is seeking to introduce new measures to reduce air pollution. The clean air policy package will update existing legislation to further reduce harmful emissions from industry, traffic, energy plants and agriculture, with a view to reducing their impact on human health and the environment.

This proposal will see a revised National Emission Ceilings Directive with stricter national emission ceilings. Although the UK Government leads on international and European legislation Air quality is a devolved matter, therefore this change any change here will require changes to local legislation.

#### **Planned committee action**

The Committee will be taking evidence from Departmental officials on the North South Ministerial Council Report into residential Emissions from burning solid fuel before the end of the mandate.

The successor Committee may wish to ascertain from the new department how it intends to implement any outstanding recommendations and key findings (if appropriate). The Committee may also wish to ascertain from its department the



programme of legislative change that may be required as a result of 'Clean Air Directive'.

### **Priority 3: EU Nature Legislation**

As part of its Regulatory Fitness and Performance Programme (REFIT), the European Commission is undertaking a Fitness Check of the EU nature legislation, the Birds Directive and the Habitats Directive ('the Nature Directives'). This involves a comprehensive assessment of whether the current regulatory framework is "fit for purpose". The Directives require Member States to take a variety of measures including the designation of protected areas for birds (Special Protection Areas) and for habitats and species of Community interest (Special Areas of Conservation), which together comprise the Natura 2000 network, and the adoption of strict systems of species protection.

#### **Planned committee action**

The successor Committee may wish to monitor the outcome of the assessments of the Birds and Habitats Directives which is currently ongoing and which is due to be completed in 2016.

### **Priority 4: Regulation (EU) No 660/2014 Regulation (EC) No 1013/2006 on shipments of waste.**

Regulation (EU) No 660/2014 of 15 May 2014 strengthens the requirements for inspection of shipments of waste within the EU and between the EU and third countries. For this purpose, it amends Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste. Thus, Member States must have established plans for inspections by 1 January 2017. Member states will be required to establish one or more inspection plans no later than 1 January 2017 (Article 50). These plans, drawn up for the entire geographical territory of the Member State, should be based on a risk assessment on waste streams and sources of illegal trafficking.

**Planned committee action**

The successor Committee may wish to ascertain whether these regulations will have any impact in Northern Ireland in terms of illegal waste.

### **Other EU activity planned for 2016**

None

### **Other comments**

## **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

### **Priority 1: Strategic Framework for the Energy Union**

The Committee considered and approved the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2015 at its meeting on 3 September 2015. It also considered the House of Lords Select Committee on the European Union Report on EU energy governance at its meeting on 7 January 2016.

### **Priority 2: Communication on the Road to Paris – multilateral response to climate change**

The Committee tabled an Assembly debate, in advance of the Minister of the Environment's attendance at the conference, to debate issues of climate change including the identification to measures that could be taken to help achieve targets to the reduction of greenhouse gas emissions. The Minister announced his intention to issue a discussion paper on a Climate Change Bill for Northern Ireland; and the Committee will be briefed by officials in early March on the outcome of that discussion paper and the Climate Change conference in Paris.

The Committee has also considered reports from the UK Committee on Climate Change.

### **Priority 3: Evaluations carried out under the Regulatory Fitness and Performance programme (REFIT)**

The Committee met with stakeholders to hear their concerns of the potential implications to the Birds and Habitats Directives as a result of the EU review into the legislation as part of the REFIT programme.

The Committee sought assurances that the concerns of stakeholders were reflected in the overall UK response to the EU Consultation.

### **Other EU activity undertaken in 2015**

The Committee received an oral briefing from officials on European issues, including funding and priorities.

### **Other comments**



**Northern Ireland  
Assembly**

**Committee for Finance and Personnel**

Room 243

Parliament Buildings

Tel: 028 9052 1843

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**From: Shane McAteer**  
**Clerk to the Committee for Finance and Personnel**

**Date: 22 January 2016**


**To: Kathy O'Hanlon Clerk to Committee for the Office of the First Minister  
and deputy First Minister**

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**European Priorities and European Commission Work Programme 2016**

Further to your previous correspondence on the above, at its meeting on 20 January 2016, the Committee for Finance and Personnel agreed the enclosed response.

**SHANE MCATEER**

 21843

Enc.

## **EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

### **Committee: Finance and Personnel Committee**

#### **Background**

At the Committee meeting on 2 December 2015, members considered correspondence from the Committee for the Office of the First and deputy First Minister (COFMDFM) seeking views on the relevant areas within the European Commission Work Programme for 2016.

Members noted that COFMDFM compiles an annual report on Assembly Committee European priorities and that, to this end, Assembly Research and Information Service (RaISe) was commissioned to undertake an analysis of the European Commission Work Programme for 2016, identifying any areas of potential interest for Assembly statutory committees and Executive departments.

The Committee for Finance and Personnel considered two such areas which were identified as having direct relevance to the Department of Finance and Personnel (DFP): a new initiative aimed at enhancing transparency of the corporate tax system and to fight tax avoidance; and a “REFIT” action in relation to public procurement. Members agreed to seek a view and further information from DFP on these particular areas.

More generally, the Committee also requested information from the Department on what specific work and activity is planned for the coming year to ensure that DFP is fully engaged in the European sphere. Members requested illustrative examples of activity and work with details of timeframes and outcomes anticipated.

Responses to this request (Annex A) were received by the Committee on 7 & 12 January and considered at its meetings on 13 & 20 January 2016. A draft response based on this information was agreed by the Committee for submission to COFMDFM on 20 January 2016.

## Agreed Priorities from the 2016 European Commission Work Programme

### Proposal 1:

European Commission Work Programme – New Initiatives with implications for DFP

Title	Relevant NI Department	Type of Initiative	Description of scope of objectives	Explanation / Impact on Northern Ireland
Corporate Tax Package	DFP	Legislative/Non Legislative	A set of measures to enhance transparency of the corporate tax system and fight tax avoidance.	Relevant in light of CFP's consideration of the devolution of corporation tax powers to NI. May provide useful background information on international standards in relation to profit-shifting. The initiative proposes a staged approach to any reform and the introduction of a consolidated mandatory tax base. This would mean that corporation tax base i.e. that which is taxed, is made uniform throughout all member states.  For further information on the potential devolution of corporation tax to Northern Ireland and an explanation of profit shifting: see PFSU paper <b>NIAR 095-15 Corporation Tax Northern Ireland Bill: Key provisions and considerations.</b> (Dated 12 March 2015).

### Planned committee action:

Members note that the European Commission has presented a package of tax transparency measures aimed at tackling corporation tax avoidance. This is relevant to the DFP given the planned devolution of corporation tax to the Northern Ireland Executive.

The Committee has further noted DFP's assertion that the aim of a Northern Ireland Corporation Tax regime was not "artificial profit sharing" but to boost genuine investment and economic activity. More widely the Committee has recently noted that a Memorandum of Understanding between DFP and HMRC has been agreed. This will enable further progress on work necessary to implement the Executive's commitment to a Northern Ireland Corporation Tax regime from April 2018. The Committee's work in this area over the coming months will concentrate on scrutinising this MoU and other necessary preparations in relation to the exercise of devolved Corporation Tax powers. The Committee may also wish to recommend this as a legacy issue for the new Finance & Personnel Committee to take forward from May 2016 onwards.

### Proposal 2:

European Commission Work Programme – REFIT Actions with implications for DFP

Title	Relevant NI Department	Type of Initiative	Description of scope of objectives	Explanation / Impact on Northern Ireland
Standard Procurement Document and Standard Forms for Public Procurement	DFP	Legislative	Reduction in red tape in relation to public procurement.	This regulation updates the standard form used in submitting tenders for public contracts. This system allows one form to be used to avoid having to repeatedly file the same information for each tender submission.

**Planned committee action:**

Members have noted the REFIT action in the European Commission Work Programme in relation to the provision of standard documentation and forms for public procurement. This has particular relevance to the Committee's scrutiny of the work of the Central Procurement Directorate (CPD) in DFP.

The Committee noted information provided by DFP in relation to provision for a European Single Procurement Document (ESPD) and the link between this concept and work already progressed by CPD – e.g. the development of simplified prequalification processes – and that these Northern Ireland developments are progressed with a view to making public procurement opportunities more accessible to SMEs. Members note that CPD raised concerns with the ESPD (through the Cabinet Office) but that the European Commission is proceeding with the Directive whilst taking a flexible view on implementation.

The Committee will await a further update on the conclusion of engagement between the Cabinet Office and the European Commission from DFP in due course, as well as the outputs from workshops for devolved administrations organised by the Cabinet Office. In the meantime, the development of eTendersNI as a single procurement portal for Centres of Procurement Expertise (CoPEs) and councils and standardised approaches to procurement documentation will factor in future Committee scrutiny in procurement issues.

The aforementioned initiatives by DFP relate back to several key policy areas in which the Committee recommended improvements as part of its major Inquiry into Public Sector Procurement in NI, which was concluded in the last mandate. The Committee has scheduled a further update briefing from DFP on public procurement issues before the end of mandate and this area is likely to be highlighted as a legacy issue for a new Finance & Personnel Committee given the importance of public procurement in terms of public spending and the wider economy.

**Other EU activity planned for 2016**

The Committee receives regular briefings from the Department on developments in relation to the European Union Structural Funds Programme relevant to DFP and will continue to do so in 2016.

An update briefing from both DFP and the Special European Union Programmes Body (SEUPB) is scheduled to take place on 27 February 2016. It is anticipated that this session will focus on the recently approved 2014-20 PEACE IV and INTERREG VA EU Cross Border Cooperation Programmes. The Committee recently noted that the SEUPB, as programme Managing Authority, is making arrangements for the launch of PEACE IV in early 2016. The INTERREG VA Programme has already opened, with the first calls for project applications in August 2015. The written updates received from DFP have been circulated by the



Committee to the other relevant statutory committees for information and scrutiny as appropriate.

Aside from EU Funding issues, the Committee will continue to scrutinise the various areas of policy and legislation within the DFP remit which are influenced by European Directives and legislation, as applicable, such as Buildings Regulations, Civil Law and Public Procurement. On the latter issue, most recently the Committee was updated in respect of DFP's contribution to the Evaluation of the effectiveness of provisions of Directive 2007/66/EC - remedies in the field of public procurement.

#### **Other comments**

To assist the Committee in its response to COFMDFM, members also asked DFP for a general departmental update on what specific work and activity in the European sphere was planned for the coming year.

Members note that there are several business areas and Directorates within the Department which are engaged in European related work activity. Examples of these include Digital Transformation Service, which participates in the "Four Nations Single Market" discussions. Members also noted the existence of a signed concordat between Enterprise Shared Services and the Estonian Information Systems' Authority which sets out a framework for closer working relationships and opportunities for sharing and collaboration.

Moving forward the Committee will continue to scrutinise applicable business areas in DFP to ensure that the Department is fully engaged in Europe; in particular, members will wish to ensure that DFP plays its part to ensure that Northern Ireland fully exploits every opportunity to maximise the drawdown of competitive EU funds – an explicit aim of the European Taskforce Steering Group and European Division within DFP is represented on this group. Members will also continue to monitor developments in the public procurement arena as well as the liaison between CPD and the NI Executive's office in Brussels which aims to give early notice of relevant EU developments in this dynamic area.

#### **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

The Committee has noted its previous return on its activity on 2015 European Priorities and has no further comment to make.

#### **Other EU activity undertaken in 2015**

As outlined in previous return.

#### **Other comments**

None.

**Assembly Section**

Clare House  
303 Airport Road West  
BT3 9ED  
Tel No: 02890 816715  
email: Gearoid.cassidy@dfpni.gov.uk



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Mr Shane McAteer  
Clerk  
Committee for Finance and Personnel  
Room 419  
Parliament Buildings  
Stormont

Our Ref CFP/498/11-16

07 January 2015

**Dear Shane,**

Your letter of 08 December requested information on updates on two areas of relevance for DFP arising from COFMDFM's report on Assembly Committee European Priorities;

- a new initiative aimed at enhancing transparency of the corporate tax system and fight tax avoidance, and
- a "REFIT" action in relation to public procurement

The Committee also requested information on work being undertaken in the Department for the coming year to ensure that DFP is fully engaged in the European sphere.

The Department's response to these queries is included at Annex A.

**CASSIDY**  
**Departmental Assembly Liaison Officer**

## **Annex A**

### **Corporation Tax Transparency**

- Earlier this year the European Commission presented a package of tax transparency measures aimed at tackling corporation tax avoidance. That included proposals to introduce the automatic exchange of information between Member States on their tax rulings.
- This package of measures and related work by the European Commission (EC) and the OECD seeks to apply rules internationally and ensure that companies pay their fair rate of taxation.
- The UK Government will lead engagement with the European Commission on these issues. Nevertheless, the Northern Ireland Corporation Tax regime has been designed to boost genuine investment and economic activity here with the aim of transforming the local economy. Artificial profit shifting is not, and was never, its aim.
- The national and international implementation of actions which seek to better align tax on profits with the economic activity that generates them could act to assist the Executive as it seeks to maximise the economic benefits and manage the public spending implications of a new lower Corporation Tax regime.

### **Standard Procurement Document and Standard Forms for Public Procurement**

- The 2014 EU Public Procurement Directive makes provision for a European Single Procurement Document (ESPD) as a standard form for the initial qualification aspects of a public procurement exercise, underpinned by the eCertis system where contractors across the EU can access qualification questionnaires and templates. The European Commission has been developing the form of the ESPD, which could be submitted by cross-border bidders in place of a pre-qualification questionnaire.

- The concept behind the ESPD in fact follows a direction on which CPD has already embarked for Northern Ireland through, for example, the development of simplified prequalification processes; standard supplier questionnaires for construction contracts in the new eTendersNI system; and checking credentials only of winning bidders. The CPD developments have taken place in consultation with local industry and are aimed at streamlining procedures, in particular to help make public procurement opportunities more accessible to SMEs.
- There are however issues about implementing a common system across the wide range of public procurement arrangements customary in Member States, and CPD raised concerns with the Cabinet Office, which were reflected in Cabinet Office's submissions to the European Commission, about the practical impact of the draft ESPD, including its potential to add bureaucracy in the case of consortia bids. For these reasons the Cabinet Office wrote to the European Commission requesting that implementation of the ESPD be deferred until the revised eCertis system was developed.
- CPD has, however, at the time of writing just received confirmation that the European Commission is proceeding with the ESPD but taking a flexible view on implementation, stating that each Member State should comply with it as soon as possible. In addition, Cabinet Office has been in discussion with the European Commission on the practical operation of the ESPD. CPD is awaiting the conclusions of this engagement and Cabinet Office is to organise a workshop for devolved administrations. CPD is anticipating further developments and will continue to keep the Committee briefed.
- In the meantime, however, CPD is exploring ways of bringing further commonality to procurement by government bodies with the implementation of eTendersNI as a single procurement portal for CoPEs and councils. Work on a more standardised approach to procurement documents has commenced with the aim of bringing a common look and feel to tender opportunities across the public sector.

## General Departmental Update

### Enterprise Shared Services

#### Digital Transformation Service

Digital Transformation Service (DTS) is participating in the 'Four Nations Single Market' discussions to ensure that NI informs UK actions taken to achieve the EU goal of a Single Market.

A key component to achieve this goal is an EU proposal *“to create a Digital Single Gateway policy that facilitates cross-border trade, reduces the administrative burden for businesses, and reduces barriers to the Single Market. It must be ambitious and build on the existing Points of Single Contact (PSCs) by focusing on Member States developing their existing websites and thus delivering real benefits to businesses, especially SMEs and micro-enterprises. It must also be integrated with **single market priorities** – supporting our ambitions in the goods and services sectors, increasing transparency and digital engagement with businesses, embedding e-government, creating better regulation, and improving implementation, compliance and enforcement. And it must deliver value-for-money for governments, focusing on the improvements that will have the highest impact on competitiveness and growth.”*

These meetings will continue during 2016.

#### Centre for Applied Learning

Corporate HR (CHR) manages an EU Central fund on behalf of the European Taskforce Steering Group (ETSG). An HR Sub-Group of ETSG identifies strategic opportunities aimed at increasing NI's engagement with the EU. A small element of the available funding has been used for the past 8 years to fund an EU Study visit arranged by the Centre for Applied Learning (CAL) on behalf of CHR. NICS staff based in Office of Northern Ireland in Brussels (ONIEB) fully support CAL in the planning of the visit, and fully facilitate the Study Visit.

The next NICS Study Visit has been arranged for 22-25 February 2016. All NICS Departments have been notified about the visit and been asked to provide nominations for up to 15 NICS staff to participate. The purpose of the Study Visit is to allow those staff with direct policy making responsibilities, or those staff working within an EU operational area, access to the Office of the Northern Ireland Executive in Brussels (ONIEB), the EU institutions and to key EU officials.

Participation on the Study Visit benefits Departments in a number of ways, by establishing links with the ONIEB team; engaging directly with EU officials; establishing strategic EU networks; influencing EU policy; identifying EU funding opportunities; and informing / avoiding the potential of infraction.

The format for the visit typically includes

- Accompanied visits to the key EU institutions - Consilium/Council; Parliament (in session if possible)
- Networking opportunities with staff of the Office of the NI Executive in Brussels/EU secondees
- Bi-lateral meetings with relevant DGs
- Meetings with key EU Commission staff

## **General**

ESS Directors have regular meetings/visits with other European countries for the purpose of benchmarking and ideas sharing around Digital/IS/IT.

A Concordat between Enterprise Shared Services (ESS) and the Estonian Information Systems' Authority (RIA) was signed in August 2014. The agreement sets out a framework which will enable and encourage closer working relationships and provide opportunities for sharing and collaboration. RIA and ESS will learn from each other's experiences and build knowledge and skill to apply locally.

## **LPS**

### **INSPIRE Directive**

The INSPIRE Directive aims to establish an infrastructure for spatial information in Europe to support community environmental policies, and policies or activities which may have an impact on the environment. DFP, Land & Property Services is the Legally mandated Organization (LMO) responsible for communicating the INSPIRE message in Northern Ireland and assisting with compliance.

### **Eurogeographics**

Eurogeographics represents the European National Mapping, Cadastral and Land Registry Authorities. DFP, Land & Property Services create and supply updates to all Eurogeographics mapping products covering Northern Ireland and have recently committed to supply web services to the European Location Framework (ELF) project.

## **EU Division**

### **PEACE IV Programme**

The PEACE IV Programme was adopted by the European Commission on 30 November 2015 and will open in early 2016. The programme will contribute towards building a shared and integrated society. The programme is supported by €229 and will focus on four themes: *Shared Education, Children and Young People, Shared Spaces and Services, and Building Positive Relations*.

## **INTERREG VA**

The INTERREG VA Programme was adopted by the European Commission on 13<sup>th</sup> February and opened for funding calls in August. The programme has received €240m ERDF funding to support 4 key priority areas: *Research and Innovation, Environment, Health and Sustainable Transport*.

### **Raise NI participation rates and increase drawdown of EU Territorial Co-Operation funding**

EUD/DFP sits on the European Taskforce Steering Group and responds to OFMDFM requests for information on drawdown of European funding from ETC programmes to which NI are eligible to bid for funding.

The Taskforce aim to increase the drawdown of competitive EU funds by 50% is supported by EUD/DFP by highlighting available competitive funding programmes, supporting and encouraging project applications and monitoring the increase of drawdown on an annual basis.

The 4 ETC programmes to which NI is eligible to bid for funding are Atlantic Area, NW Europe, Interreg Europe (formerly Interreg IVC) and Northern Periphery and Arctic Programmes (NPA). EUD/DFP sits on the Monitoring Committee and Steering Committee for the NPA programme. BIS/UK represent our views at AA, NWE and Interreg Europe Monitoring Committees

## **DSO**

DSO provides a centre of expertise on EU law, advising across Departments and including:

1. Advice and support in transposing EU legislation, managing infractions and EU litigation
2. A dedicated team advising on procurement and State Aid, and
3. A legal officer embedded in ONEIB, who has built a network of legal contacts in the Commission and among other jurisdictions' lawyers; provides bespoke research and advice on individual projects and scrutinises material coming from EU institutions and reports on them for NI Departments;
4. Training to NICS colleagues on topical EU materials

## **Public Spending Directorate**

DFP will continue to build upon work undertaken in 2015 through further engagement with departments to identify private sector infrastructure projects with potential to access finance available from the European Fund for Strategic Investment (EFSI) in the period to 2017. Suitable projects identified by departments will be notified to HM Treasury and inform engagement with the European Investment Bank.

**CPD**

The focus of recent activity has been on implementing the European Public Procurement Directive through the Public Contracts Regulations 2015, CPD continues to be linked into EU Commission networks on electronic procurement, and innovation and procurement. CPD has also established new arrangements with the NI Executive's Office in Brussels to ensure early notice of relevant EU developments. CPD's new electronic procurement system, eTendersNI, has been developed based on the European Public Procurement Directive's requirements.



**EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

**Committee for Health, Social Services and Public Safety**

COFMDFM correspondence noted at meeting of CHSSPS meeting 2 Dec 2015, no response to make



**Northern Ireland  
Assembly**

**Committee for Justice  
Room 345  
Parliament Buildings**

**Tel: +44 (0)28 9052 1582**

**Fax: +44 (0)28 9052 1371**

**E-mail: [committee.justice@niassembly.gov.uk](mailto:committee.justice@niassembly.gov.uk)**

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**From: Karen Jardine  
Senior Assistant Clerk to the Committee for Justice**  
**Date: 19 January 2016**  
**To: Kathy O'Hanlon - Clerk to the Committee for OFMDFM**  
**Subject: Committee for Justice EU Priorities for 2016 and Report on EU work  
undertaken in 2015**

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In December 2015 the Committee for Justice considered correspondence from the Committee for the Office of the First Minister and deputy First Minister requesting a report from each statutory committee on EU Priorities identified for 2016, and the work undertaken on EU Priorities identified for 2015; and agreed that a draft report should be prepared for consideration.

At its meeting on 14 January the Committee for Justice considered the draft report on its EU Priorities for 2016 and the draft report on its activity on 2015 EU Priorities, and agreed to send it to the Committee for OFMDFM.

Members also noted that, as this Assembly mandate is due to conclude in March, the EU Priorities suggested for 2016 are primarily highlighted as suggested areas which the incoming Committee for Justice may wish to consider in the next Assembly mandate. The Committee therefore also agreed that the report on EU Priorities would be included as part of its legacy report for the 2011-2016 mandate.

**Karen Jardine  
Senior Assistant Clerk to the Committee for Justice**

**Enc.**

## **EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

### **COMMITTEE FOR JUSTICE**

The Committee for Justice has considered the 2016 European Commission Work Programme (CWP) which was adopted by the European Commission in October 2015. This Assembly mandate is due to conclude in March 2016, at which point the current Committee for Justice will dissolve. Consequently, whilst some of the priorities identified will fall to the current Committee for consideration, they are primarily highlighted as suggested areas which the incoming Committee for Justice may wish to consider in the next Assembly mandate.

### **BACKGROUND**

The 2016 Commission Work Programme highlights the importance of new initiatives in delivering against the ten priorities outlined by the President of the European Commission President Juncker in 2014 which includes Justice and Fundamental Rights.

### **UK's participation as Member State in EU measures on Justice and Home Affairs**

The Lisbon Treaty (ratified by all Member States of the European Union including the UK in December 2009) established the principle of increased legal co-operation based upon 'mutual recognition'. This is predicated upon Member States acknowledging that the decisions adopted by other legal systems in other Member States are applicable. The aim of this is to enhance mutual legal assistance between Member States and, where possible, provide a minimum standard of protection to EU citizens in civil and criminal proceedings.

The UK's participation as a Member State in EU measures on Justice and Home Affairs is governed by Protocol 19 to the Treaty on the European Union (TEU) and by Protocol 21 on the Functioning of the European Union (TFEU). The UK negotiated an opt-in protocol within the Treaty which enables the UK Government to decide within three months of an EU initiative relating to Justice and Home Affairs being published, whether to opt-in. In this regard the UK Government is required to seek and include the views of the devolved administrations and Justice Ministers are asked to consider implications for their region. The Committee for Justice previously requested sight of all EU legislative proposals requiring a UK opt-in decision at the earliest opportunity and, as far as possible, before the Minister of Justice confirms agreement or otherwise to enable it to submit opinions.

Article 68, TFEU sets out that the European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice. In this regard, the Stockholm programme (2010 – 2014) has now expired. The European Council at its meeting on 26/27 June 2014, set out its strategic guidelines<sup>1</sup> for legislative and operational planning for the 2015-2020 period. These guidelines will form the post-Stockholm Programme 2015-2020.

The Department of Justice advised in a written update in November 2014, that many of the key policy areas in the strategic guidelines address non-devolved matters such as migration, borders and asylum. However, the Committee for Justice will keep a watching brief on the post-Stockholm Programme 2015-20 as it is progressed by the European Commission.

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<sup>1</sup> European Council, *Strategic guidelines for EU Justice and Home Affairs to 2020 - (a) Commission Communication: The EU Justice Agenda for 2020 — Strengthening Trust, Mobility and Growth within the Union & (b) Commission Communication: An open and secure Europe: making it happen*

## COMMITTEE FOR JUSTICE EUROPEAN PRIORITIES FOR 2016

The following European priorities are proposed for consideration by the Committee for Justice in 2016.

### ➤ **Implementation of the European Agenda on Security**

The implementation of the European Agenda on Scrutiny aims to ensure greater co-operation on security matters between member States, and includes a proposal to amend the Framework Decision on terrorism, improved rules on firearms and a proposal on combatting fraud and counterfeiting on non-cash means of payment.

**Action:** The Committee has already started to consider proposed amending Firearms Directive 91/477/EEC which aims to lay down the minimum requirements that Member States should impose as regards the acquisition and possession of the different categories of firearms and regulates the conditions for the transfer of firearms across Member States, while granting more flexible rules for hunting and target shooting. The Department of Justice has undertaken a targeted consultation on the proposals, and engaged with the Committee on the views of stakeholders. Some of the provisions may require legislation and the Committee will wish to continue to monitor engagement between the Department of Justice and the Home Office in this regard, or any other proposed legislation relating to the European Agenda on Security and consider any developments as they arise.

### ➤ **UK Participation in the Prüm Decisions**

In December 2015 the House of Commons European Scrutiny Committee produced a report to inform a parliamentary debate on UK participation in the Prüm Decisions. These include measures which enable police forces across the European Union to access each other's databases containing DNA profiles, fingerprints and vehicle registration records in order to prevent and investigate crime. Although the UK does not currently participate in these measures, the Government has now recommended that it should, and a debate on the matter was held in the House of Commons on 8 December 2015.

**Action:** Participation in Prüm will require appropriate legislation to be brought forward by the UK Government, and may also involve a Legislative Consent Motion to enable the relevant provisions to apply to Northern Ireland. The Committee will wish to consider policy and legislative developments in this area as they are brought forward, and has recently requested an update from the Department of Justice in this regard.

### ➤ **Human Trafficking**

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act received Royal Assent in January 2015. The Act highlighted the issue of human trafficking in Northern Ireland and was introduced to provide Northern Ireland with a more robust legal framework in relation to the prosecution of traffickers and support for victims. The Act also sought to achieve improved compliance with international obligations under the Council of Europe Convention on Action against Trafficking in Human Beings and the European Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims. It is expected that the Department will bring forward secondary legislation to implement remaining provisions in the Act and the provisions of the Modern Slavery Act 2015 which extend to Northern Ireland.

**Action:** The Committee will wish to continue to monitor the implementation of the Act, and the Department of Justice's Human Trafficking and Exploitation Strategy for Northern Ireland. The Committee may also wish to keep a watching brief on policy and legislative developments emanating from the Commission's strategic priorities document in the area of human trafficking.

➤ **Fighting Money Laundering**

The Department has advised that it is currently working to introduce new Codes of Practice in relation to the Proceeds of Crime Act (POCA) which, along with further amendments to legislation, will continue to strengthen capabilities in this area. It is anticipated that the new Codes will be in operation early in 2016, subject to Assembly approval.

**Action:** The Committee will wish to monitor any policy proposals and new Codes of Practice relating to the fight against money laundering.

➤ **EU Directive on Special Safeguards in Criminal Proceedings for Suspected or Accused Persons who are Vulnerable**

The European Commission has published a proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings. This aims to set common minimum standards through the EU on the rights of children in criminal proceedings or who are subject to a European Arrest Warrant. There are a number of areas relating to this proposal for which agreement between the European Parliament and the Council remains outstanding. The Department has advised that the proposed Directive and Commission Recommendation may require amendments to current PACE legislation, should the UK opt-in to this arrangement.

**Action:** The Committee will wish to consider any policy and legislative proposals related to the proposed EU Directive, and monitor areas of concern to the UK, and consequently Northern Ireland.

➤ **EU Agency for Law Enforcement Cooperation and Training (Europol)**

The UK Government chose to opt out of the proposals in 2013 to merge CEPOL (European Police College) and EUROPOL, and to increase data sharing to combat cross-border crime. However, post-adoption opt-in is under consideration depending on the level of obligations placed on Member States resulting from the Regulation.

**Action:** The Committee will wish to consider any policy and legislative proposals related to this proposal, and monitor areas of concern to the UK, and consequently Northern Ireland.

➤ **EU Passenger Name Record (PNR)**

The European Commission Work Programme includes a proposal for a Directive of the European Parliament and the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. An original proposal from 2011 on the storage and sharing of international passenger data has been revived following an increase in international terrorism. The UK Government was planning to opt-in to the 2011 proposal before it was shelved.

**Action:** The Committee will wish to consider any policy and legislative proposals related to the proposed EU Directive, and monitor areas of concern to the UK, and consequently Northern Ireland.

➤ **UK's opt-in decision**

The Committee will continue to scrutinise all EU legislative proposals requiring a UK opt-in decision.

**The Committee may also wish to continue to monitor progress on a number of other issues:**

- Implementation of the Victims Directive
- Progress to Access EU Funding Streams
- Framework for Administrative Measures for the Freezing of Funds, Financial Assets and Economic Gains of Persons and Entities Suspected of Terrorist Activities inside the EU
- Fighting Cigarette Smuggling
- Initiatives on Firearms: Reducing Gun Crime in Europe
- Establishment of a European Public Prosecutor's Office (EPPO) to Protect the Financial Interests of the Union
- Nuclear insurance and liability

## COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES

In the *Report on Assembly Committee Priorities for European Scrutiny in 2015*, the Committee for Justice identified a range of EU specific issues for consideration; the work undertaken by the Committee in this regard is detailed as follows:

➤ **Simplify access to justice; promote effective remedies and use of technological innovations including the use of e-justice**

This is one of the policy measures that the European Commission outlined in its strategic guidelines document for EU Justice and Home Affairs to 2020<sup>2</sup>.

**Activities undertaken:**

During 2015 the Committee scrutinised the Justice Bill which proposed an expansion of the provision for the use of live video link facilities in courts to include committal proceedings, certain hearings at weekends and public holidays and proceedings relating to failure to comply with certain order or licence conditions. It was also proposed that live links would be available for witnesses before magistrates' courts from outside the United Kingdom and for patients detained in hospital under mental health legislation. The Committee noted that the provisions would not change a patient's or defendant's entitlement to be present at a hearing nor alter the right to consult privately with their legal representative before, during or after a live link. In its scrutiny of the provisions the Committee received comments largely focused on wider issues relating to the use of live links generally, particularly with regard to children and young people, and the impact on their ability to understand and participate in proceedings, and give informed consent and the ability of a defendant to access legal representation and communicate with their legal representative.

In March 2015 the Committee produced its *Report on the Justice Bill*.<sup>3</sup> Having considered the issues raised in the evidence, the benefits of extending the use of live links and the Department of Justice's assurances regarding the various legal requirements set out in statutory frameworks for the use of live links which operate under the authority and supervision of the courts and judiciary, the Committee agreed that it was content with Clauses 44 to 49 and with the proposed amendment to Clause 46 to ensure a consistency of approach with respect to safeguarding arrangements. The Justice Bill went through its consideration stages in June 2015 passing its Final Stage on 30 June, with Royal Assent received on 24 July 2015.

➤ **Reinforce the protection of victims**

This is another of the Commission's policy areas outlined in its strategic guidelines document. EU Directive (2012/29/EU) establishes minimum standards on the rights, support and protection of victims of crime. The Committee already made extensive recommendations during 2012 in regards to the formulation of Victim and Witness Charters; and the Department had indicated its intention to introduce the Victim Charter on an administrative basis by the end of 2014, and place it on a statutory footing towards the end of 2015, to coincide with the implementation of the EU Victims Directive.

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<sup>2</sup> European Council, *Strategic guidelines for EU Justice and Home Affairs to 2020 - (a) Commission Communication: The EU Justice Agenda for 2020 — Strengthening Trust, Mobility and Growth within the Union & (b) Commission Communication: An open and secure Europe: making it happen*

<sup>3</sup> Committee for Justice, [Report on the Justice Bill \(NIA 240/11-16\) March 2015](#)

### **Activities undertaken:**

- Part 4 of the Justice Bill, which the Committee scrutinised in early 2015, sought to improve service and facilities for victims and witnesses by creating a new statutory Victim and Witness Charter; through the introduction of a legal entitlement to be afforded the opportunity to make a victim statement; and proposals for video link powers being expanded between courts and a number of new locations. The Bill received Royal Assent on 24 July 2015.

Following the introduction of the necessary provisions through the Justice Act the Department brought forward regulations to bring the Victim Charter into operation on a statutory footing. The Committee considered the policy proposal behind the regulations in September 2015 and formally agreed The Victim Charter (Justice Act (Northern Ireland) Order (Northern Ireland) 2015 at its meeting on 1 October 2015.

- **Human Trafficking**

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill, which highlighted the issue of human trafficking in Northern Ireland, received Royal Assent on 13 January 2015. The Act was introduced to provide Northern Ireland with a more robust legal framework in relation to the prosecution of traffickers and support for victims. The Act also sought to achieve improved compliance with international obligations under the Council of Europe Convention on Action against Trafficking in Human Beings and the European Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.

### **Activities undertaken:**

The Committee monitored the implementation of the Act, the Department of Justice's Human Trafficking and Exploitation Action Plan 2014-15, the development of the annual strategy as outlined in the Bill and the results of a cross-border analysis of human trafficking in 2013 and 2014. The Committee also considered draft Statutory Guidance for Victims of Human Trafficking on Access to Compensation which included a draft leaflet and guidance notes to help victims of human trafficking to access compensation and complete a personal injury application form; and a proposed consultation on a draft code of practice on the exercise of maritime powers under the Modern Slavery Act 2015.

The Committee considered policy proposals on a proposed statutory rule to set out specified public authorities required to cooperate with the UK-wide Independent Anti-Slavery Commissioner; on proposed statutory rules to make provision for Slavery and Trafficking Prevention Orders and an associated notification regime.

The Committee also kept a watching brief on policy developments emanating from the Commission's strategic priorities document in the area of human trafficking.

- **Combatting serious and organised crime**

The Commission's strategic guidelines document highlighted the issue of combatting serious organised crime as a key priority area.

### **Activities undertaken:**

The Committee undertook to consider any EU policy proposals brought forward in the area of combatting serious and organised crime and the potential impact on the work of the relevant justice agencies in Northern Ireland.



➤ **Mutual recognition of decisions and judgments in civil and criminal matters**

The European Commission outlines that the smooth functioning of a true European area of justice with respect for the different legal systems and traditions of the Member States is vital for the EU. In this regard, the European Commission believes that mutual trust in one another's justice systems should be further enhanced.

**Activities undertaken:**

The Committee considered developments in this area as subordinate legislation was brought forward by the Department of Justice, including SR 2014/320 The Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014, which gives effect to Directive 2011/99/EU of the European Protection Order, the policy objective of which is to provide for the mutual recognition between EU Member States of protection measures such as restraining orders in criminal proceedings.

The Statutory Rule was considered by the Committee in January 2015, when it agreed that it had no objection to the Rule.

The Committee also considered Statutory Rule 2015/353 The Criminal Justice (European Protection Order) (Amendment) Regulations (Northern Ireland) 2015 which ensured that provisions for victims to benefit from the protection measures made against their offenders when they travel or move to other Member States, are consistent with similar provisions in England and Wales, and the proper meaning is evident.

The Statutory Rule was considered by the Committee in October 2015, when it agreed that it had no objection to the Rule.

## **OTHER EU ACTIVITY IN 2015**

### **Visit to The Hague to look at Innovation in the Justice System**

Throughout 2015 the Committee for Justice held a series of Justice Seminars to identify and discuss innovative approaches that could be adopted to improve the efficiency and effectiveness of the justice system in Northern Ireland. As part of this programme the Chairman and Deputy Chairman undertook a visit to the Netherlands in July 2015 to primarily look at the use of online dispute resolution. During the visit the Chairman and Deputy Chairman met with Europol, the Hague Institute for the Internationalisation of Law, the Dutch Legal Aid Board and the Dutch Council of the Judiciary.

### **UK's 2014 Opt-Out from the EU's Pre-Lisbon Police and Criminal Justice Measures**

Protocol 36 of the Treaty of Lisbon enabled the UK Government to decide, by 31 May 2014, whether or not the UK should continue to be bound by the approximately 130 police and criminal justice measures that were adopted by unanimity in the Council of Ministers before the Lisbon Treaty came into force, or if it should exercise its right to opt-out of them.

The opt-out would apply to all of the 130 measures, but the UK Government could apply to re-join individual measures at any time. The UK Government did exercise the opt-out and has indicated its intention to seek to re-join 35 of the measures; one of the measures included the European Arrest Warrant.

In December 2014, the Committee received confirmation that negotiations had been successfully completed and that the UK was formally opting into the 35 measures. In January 2015, the Committee noted information from the Department providing an update on the UK Government's progress in this regard.

### **EU Justice and Home Affairs Bi-annual reports**

The Committee considered 2 six-monthly up-date reports from the Department of Justice on EU Justice and Home Affairs measures. The reports summarised the current position in relation to the EU measures being dealt with by the Department of Justice, the known impact for Northern Ireland and the next steps to be taken.

### **Police and Criminal Evidence (Northern Ireland) Order 1989**

EU Directive 2010/64 lays down common minimum standards across Member States on the provision of information about rights and the charge to be given to persons suspected or accused of having committed a criminal offence, including on the right to interpretation and translation in criminal proceedings.

Having considered a draft consultation document and noted a proposed 12 week period of consultation on draft PACE Codes of Practice A-H in November 2014, the Committee subsequently considered a proposal for a Statutory Rule in March 2015, which provided for a general refresh of the PACE Codes of Practice, bringing them up to date with current policing procedures and practices, and making formal provision for EU Directive 2010/64.

The Statutory Rule was considered by the Committee in May 2015, when it agreed that it had no objection to the Rule.

## EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES

Committee: **Committee for the Office of the First Minister and deputy First Minister**

### **Background**

The Committee considered the Assembly Research and Information Service publication on the European Commission Work Programme 2016 at its meeting of 26 November 2015. The Committee agreed to include the items of relevance to the Committee for OFMDFM in the RaISe analysis. These are:

- New Skills Agenda for Europe (legislative and non-legislative)
- New start for working parents (legislative and non-legislative)
- Labour Mobility package (legislative and non-legislative)
- Better Migration Management (legislative and non-legislative)

In addition, the Committee will also continue its role in respect of subsidiarity monitoring.

### **PRIORITY 1: NEW SKILLS AGENDA FOR EUROPE (LEGISLATIVE AND NON-LEGISLATIVE)**

This legislative and non-legislative initiative is aimed at promoting skills development, including the mutual recognition of qualifications, supporting vocational training and higher education and reaping the full potential of digital jobs. The European Commission Work Programme 2016 states that:

*“Our New Skills Agenda will promote life-long investment in people, from vocational training and higher education through to digital and high-tech expertise and the life skills needed for citizens’ active engagement in changing workplaces and societies”*

Skills development is an important matter for the Northern Ireland economy and by mutually recognising qualifications, awarded elsewhere in the EU, migrants with existing skills can maximise their contribution towards the local economy. The lack of mutual recognition of qualifications is one of the equality-related issues impeding integration of migrants and their participation in the workforce at an appropriate level. As such the New Skills Agenda for Europe has relevance for the Racial Equality Strategy 2015-2025, published by OFMDFM in December 2015. In particular, Shared Aim 4 of the Racial Equality Strategy aims to:

*“increase the participation, representation and sense of “belonging” of people from minority ethnic backgrounds in all aspects of public, political, economic, social and cultural life.”*

The Racial Equality Strategy 2015-2025 outlines how migration has affected the workforce and sets the context for which the New Skills Agenda for Europe will be applied:

*“A study by Oxford Economics (2009) carried out by DEL estimated that migration had contributed an additional 40,000 jobs and £1.2 billion Gross Value Added (GVA - a measure of wages and profits) to our economy. As our economy recovers and grows, we will again be dependent on attracting workers from elsewhere.”*

### **Planned Committee activity**

At this time it is unclear as to what form this initiative will take and the Committee will maintain a watching brief at EU level. The Committee will receive a briefing on the Racial Equality Strategy before the end of the Assembly mandate.

### **PRIORITY 2: NEW START FOR WORKING PARENTS (LEGISLATIVE AND NON-LEGISLATIVE)**

This legislative and non-legislative initiative is aimed at balancing work-life challenges faced by working parents and supporting the participation of women in the labour market. The European Commission Work Programme 2016 states that:

*“Special attention will be paid to work-life balance of working families, with a view to increasing women's participation in the labour market.”*

Work-life balance is one of the key action areas of OFMDFM's Gender Equality Strategy 2006-2016 to counter the imbalance in participation in the formal labour market by women and men. Four strategic objectives were outlined in the strategy under this key action area:

1. To achieve better collection and dissemination of data;
2. To achieve equal value for paid work and equitable participation in unpaid work;
3. To achieve gender balance in government appointed posts; and
4. To actively promote an inclusive society.

The main reason behind the New Start for Working Parents initiative is to address the low participation of women in the labour market by modernising and adapting the current EU legal and policy framework to allow for parents with children or those with dependent relatives to better balance caring and professional responsibilities. The EU Commission believes that reducing the pay gap and increasing the number of women in employment is of benefit to individuals, employers and the economy.

The Committee notes that the Women on Boards Directive should be adopted in 2016.

A Commission public consultation on the New Start for Working Parents initiative was launched on 18 November 2015 and will run to 17 February 2016.

## Planned Committee Activity

The Committee has requested a briefing from OFMDFM on the Gender Equality Strategy. The Committee notes that the Women on Boards Directive should be adopted in 2016 and will keep a watching brief on this and the New Start for Working Parents initiative.

## PRIORITY 3: LABOUR MOBILITY PACKAGE (LEGISLATIVE AND NON-LEGISLATIVE)

The Labour Mobility Package follows a review of the posting of workers directive, EURES and social security coordination in the previous EU work programme. The European Commission Work Programme 2016 states that:

*“The Labour Mobility proposals we will present ... will include measures to tackle abuse by means of better enforcement and coordination of social security systems, and we will present a targeted revision of the Posting of Workers Directive to address unfair practices leading to social dumping and brain drain by ensuring that the same work in the same place is rewarded by the same pay.”*

The key aspects of this initiative are:

1. A Communication on labour mobility will be designed to support mobility across the EU. Labour mobility is a key aspect of EU integration.
2. A targeted revision of the Posting of Workers Directive (Directive 96/71/EC). This Directive covers a wide range of issues such as maximum work periods and minimum rest periods, minimum paid annual leave, minimum rates of pay, and equal treatment between men and women.
3. A revision of Regulations on social security coordination to increase the chances of jobseekers to reintegrate in the labour market and ensure that mobility does not have a negative impact on their social security rights.

The Labour Mobility Package will impact on the integration aspects of OFMDFM’s Racial Equality Strategy 2015-2025. For example the Strategy states:

*“A significant number of migrant workers will, in due course, settle. The strategy is therefore concerned with issues that affect all people here, from both majority and minority communities. It is about allowing people, however they might be identified, to participate in society as equals.”*

## Planned Committee Activity

The Committee has requested a briefing from OFMDFM on the Racial Equality Strategy 2015-2025 and will maintain a watching brief on the implementation of the Labour Mobility Package initiative.

### **PRIORITY 4: BETTER MIGRATION MANAGEMENT (LEGISLATIVE AND NON-LEGISLATIVE)**

The European Commission Work Programme 2016 identifies the refugee crisis and the management of the migratory pressure on EU external borders as the most pressing priority facing the Union today. In addressing this priority the Programme states that:

*“We will overhaul our common asylum system to correct the gaps and weaknesses exposed in the Dublin system and to strengthen the role of the European Asylum Support Office. We will press for the Action Plan on return to be fully and quickly put into operation, and for agreement on the pending proposals implementing the European Agenda on Migration. We will also present proposals for a structured system for resettlement so that those in need of protection can be given safe passage into the EU, without risking their lives in the hands of smugglers, together with better protection schemes in neighbouring regions.”*

The Better Migration Management initiative has two dimensions:

1. Legal migration: a Communication and further legislative measures including extension of the Blue Card approach;
2. Asylum and refugees: a proposal for a structured system on resettlement of refugees and revision of the Dublin system on asylum.

Immigration matters are not devolved and the UK has so far opted out of the EU refugee dispersal proposals, preferring to take refugees directly through the UN High Commissioner for Refugees, some of whom have resettled in Northern Ireland. However, elements of the initiative may have an indirect impact on integration of migrant workers in Northern Ireland. In addition, UK future participation in some form of EU system cannot be ruled out.

Despite the fact that the UK has opted out of the EU refugee dispersal proposals the Better Migration Management will remain a priority for the Committee to inform its pending consideration of OFMDFM’s draft Racial Integration Strategy as outlined in the Racial Equality Strategy 2015-25:

*“there is a strong case for a separate Refugee Integration Strategy – to ensure a smooth transition between being an asylum seeker and a refugee and to ensure that refugees can build a new life here and realise their full potential. Accordingly a draft strategy is being prepared for consultation.”*

### **Planned Committee Activity**

The Committee has requested a briefing from OFMDFM on the Racial Equality Strategy 2015-2025 and will engage with the Department as Refugee Integration Strategy develops.

### **PRIORITY 5: SUBSIDIARITY MONITORING**

In correspondence to President Juncker, the House of Lords EU Committee notes that the UK Government has raised subsidiarity concerns in respect of a number of actions in the 2016 Work Programme. These include the New Skills Agenda for Europe, the New Start for Working Parents and Caregivers and the proposed Pillar of Social Rights. The House of Lords Committee has sought assurance that the principle of subsidiarity will be respected in these cases.

### **Planned Committee Activity**

The Committee will monitor developments in these initiatives and other proposals relevant to Northern Ireland which may have subsidiarity implications. The Committee will liaise with the European committees in Westminster and the other devolved regions on issues of common concern.

Where any subsidiarity concerns are identified, the Committee will communicate its view to the European Committees in the House of Commons and the House of Lords to feed into deliberations at Westminster.

### **Other EU activity planned for 2016**

The Committee looks forward to considering the following issues before the dissolution of the current Assembly mandate:

1. The final report on the Executive's EU priorities for 2014-15;
2. The Executive's priorities for 2015-16; and
3. A briefing from the Northern Ireland Assembly EU Affairs Manager

Upon commencement of the new Assembly mandate in May 2016 the Committee recommends that the proposed Committee for the Executive Office (TEO) and the Department for Communities<sup>1</sup>, as appropriate, take forward the priorities identified above. The Committee also recommends that its successor actively engages with TEO on the development of the Refugee Integration Strategy, the implementation of the Racial Equality

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<sup>1</sup> subject to the Departments Bill receiving Royal Assent

Strategy and the implementation of the recommendations of the Committee's T:BUC Inquiry.

## **COMMITTEE ACTIVITY ON 2015 EUROPEAN PRIORITIES**

### **PRIORITY 1: LABOUR MOBILITY PACKAGE**

### **PRIORITY 2: EUROPEAN AGENDA ON MIGRATION**

The Labour Mobility Package is aimed at supporting labour mobility and tackling abuse by better co-ordination of social security systems, the targeted review of the Posting of Workers Directive and an enhanced European Network of Employment Services (EURES). It includes the Posted Workers Enforcement Directive, which is a measure to increase the protection of workers temporarily posted abroad. The European Agenda on Migration aims to develop a new approach to legal migration to make the EU an attractive destination for talents and skills, balanced with firm measures against irregular migration and people trafficking and smuggling.

The initiatives aim to encourage and facilitate movement throughout the EU of both EU citizens and those from other countries for the purposes of employment. The EU policy of enlargement will also have implications for the movement of workers. Although there are currently restrictions on the movement of Croatian citizens to the UK after that country became a Member State in 2013, these will not extend beyond 2020. There are a further six recognised candidate states for membership and two potential candidate states.

The encouragement of labour mobility of both EU citizens and those from outside the EU through these initiatives could result in greater inward migration to Northern Ireland. While immigration is an excepted matter, the integration of migrant workers is a component of social cohesion in Northern Ireland. Priority 4 of the Programme for Government (PfG) focuses on 'Building a Strong and Shared Community,' which included a key commitment to 'Publish the Cohesion, Sharing and Integration Strategy to build a united community and improve community relations.' Although the Together: Building a United Community (T:BUC) strategy published under this commitment notes that there has been 'significant inward immigration [which] has led to the creation of a diverse, multicultural society,' it does not include specific actions with regard to the integration of migrant workers. Instead, it refers to a new Racial Equality Strategy which will

*take full account of recent developments, including the unprecedented inward migration we have seen in recent years and the challenges and opportunities that this presents. It will have a strong implementation mechanism to ensure that it*



*makes a difference to the lives of members of minority ethnic communities and that it contributes appropriately to achieving the overarching vision of this Strategy.*

The consultation on the draft Racial Equality Strategy for 2014-24 stated that the Strategy would

*...establish a framework for Government departments and others:*

- *to tackle racial inequalities and to open up opportunity for all;*
- *to eradicate racism and hate crime; and*
- *along with Together: Building a United Community, to promote good race relations and social cohesion.*

### **Committee Activity Undertaken**

The Committee maintained a watching brief on developments at an EU level.

The Committee took three briefings from the Department to monitor progress against PfG commitments, including progress against PfG 67 'Building a Strong and Shared Community' and the Together: Building a United Community Strategy.

The Committee was briefed on the draft Racial Equality Strategy by OFMDFM officials.

The Committee also completed its Inquiry into Building a United Community, the purpose of which was to inform the Executive's approach in the actions it takes to tackle sectarianism, racism and other forms of intolerance and to make recommendations to support and enhance policy in uniting communities and community integration. The Committee's Report was agreed in July 2015 and was debated in plenary on 28 September 2015 to coincide with Community Relations Week.

In response to the global refugee and asylum crisis, the Committee received a briefing from OFMDFM on the Executive's plans to participate in the UK Government's Vulnerable Persons Relocation Scheme. The Committee also received a briefing from a panel of key stakeholders which included representatives from the British Red Cross, the Northern Ireland Community of Refugees and Asylum Seekers and South Belfast Roundtable.

### **PRIORITY 3: EU ACCESSION TO THE ECHR**

The proposal to allow for the signature, conclusion and implementation of the EU's accession to the European Convention on Human Rights is a continuation of an initiative from the Commission Work Programme 2014. Accession to the ECHR was an obligation under the Treaty of Lisbon, which states that

*The Union shall accede to the European convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.*

Accession would permit cases to be brought to the European Court of Human Rights in respect of EU Acts.

The Court of Justice of the European Union has considered the draft accession agreement and ruled that it is incompatible with EU Treaties. The main areas of incompatibility (as set out by RaISe) are that:

- The EU would be subject to external control – specifically the EU would be subject to decisions by the European Court of Human Rights, which is not an EU institution, whereas the interpretation of EU law lies with the Court of Justice;
- There is no provision in the draft agreement for co-ordination with the EU Charter of Fundamental Rights;
- The agreement proposes treating the EU as an individual state, which misinterprets the intrinsic nature of the EU, as Member States will be required to check the observant of human rights in other Member States, undermining the EU principle of mutual trust.
- The right of Member States to request advisory opinions of the European Court of Human Rights on compatibility with ECHR undermines the autonomy of the preliminary ruling procedure provided for in the EU Treaty.

The Committee notes from the UK Government's Explanatory Memorandum (EM) 5080/15 on the Commission Work Programme 2015 that accession "in principle aligns with... commitments on civil liberties, in bringing the actions of the European Union directly within the jurisdiction of the European Court of Human Rights."

### **Committee Activity Undertaken**

The Committee maintained a watching brief, however there was no progress on this matter.

### **PRIORITY 4: SUBSIDIARITY MONITORING**

The UK Government's EM 5080/15 on the Commission work programme notes that many of the noted that the subsidiarity implications of the individual proposals will depend on the individual proposals as they develop, and that it is not possible to provide a comprehensive view on subsidiarity implications at this stage. It advises that *"more detail on subsidiarity will be provided in the EM on each legislative proposal as it is brought forward."*

## **Committee Activity Undertaken**

There were no subsidiarity issues brought to the Committee in 2015.

## **Other EU activity undertaken in 2015**

### Departmental briefings

The Committee received the following Departmental briefings:

- 4 February: Update on the implementation of the recommendations arising from the Committee's report on the Barroso Taskforce; update on the Executive's EU priorities for 2014-15.
- 9 September: Executive's performance against 2014-15 priorities; and an update on the priorities for 2015-16.
- 9 December: Update on EU issues and the work of the Office of the NI Executive in Brussels.

### Engagement with EU Scrutiny Committees

The Committee met with Lord Boswell of Aynho, Chairman of the House of Lords European Committee on the 23 November 2015 in respect of that Committee's Inquiry "Visions of EU Reform".

The Committee hosted the EC-UK forum meeting of Chairperson of European (and equivalent) committees of the House of Commons, House of Lords, Scottish Parliament and National Assembly for Wales on the 27th November 2015. The forum discussed issues of common concern, EU reform, and subsidiarity and Daithi O'Ceallaigh delivered a presentation titled 'Britain & Europe: the Endgame - an Irish Perspective'.

### EU Reform

The Chairperson participated in a panel event 'Brexit, how could it affect Trade, Agriculture and Investment?' The event was hosted by the Northern Ireland Assembly and Business Trust in partnership with the School of Politics, International Studies and Philosophy, Queen's University, Belfast.

The Committee wrote to OFMDFM to ascertain how the Executive would engage with the UK Government in respect of EU Reform. The response advised that departments will engage bilaterally with Whitehall counterparts on issues of sectoral relevance, and the Executive's views would be made known through the Joint Ministerial Committee (Europe). The Committee therefore wrote to all Executive Departments seeking further information on engagement or work undertaken in respect of EU Reform. A number of responses remain outstanding at time of this report.



## **Committee for Regional Development**

Mr Mike Nesbitt MLA  
Chairperson  
Committee for the Office of the  
First Minister and deputy First Minister

20 January 2016

Dear Mr Nesbitt,

### **Re: European Commission Work Programme 2016**

At its meeting on 20 January 2016, the Committee for Regional Development noted that, as per the Research and Information Service (RaISe) analysis of the European Work Programme 2016, a number of issues relate to the remit of DRD.

In considering the likely priorities the Committee was mindful of the fact that this is the end of the mandate for this Committee and the new Committee may take a different view on its European priorities. It was also mindful of the fact that the DRD will cease to exist in May and the newly established Department for Infrastructure will have a greater number of functions assigned to it than DRD currently has; the European Commission related elements of these functions may well impact on the priorities for the new Committee.

For these reasons, this submission reflects the views of the current Committee for Regional Development.

### **Multiannual Financial Framework**

The Committee sees this objective as the highest priority of those objectives that relate the remit of it and the DRD. A budget of €26 billion until 2020 will bring about extremely significant improvements to the transport network and the importance of gaining access to this funding cannot be emphasised enough. The Committee recommends that the incoming Committee works extremely closely with the Department and counterparts in other jurisdictions to ensure that every effort is made to secure the necessary funding for the core network costs of the A8 and A1 road axis, the Belfast-Newry rail axis and Belfast port, as well as the comprehensive network of the Belfast-L/Derry rail line.

### **Proposal for a regulation establishing a framework on market access to port services and financial transparency of ports**

The Committee sees this proposals as extremely significant and feels that it is vital that our ports should offer the same high level service as other Trans-European Transport Network (TEN-T) ports and that every effort should be made to ensure that Northern Ireland's ports are not a barrier to commerce and investment. As an island that relies significantly on its ports to connect with the rest of Europe, we should ensure that the optimum use is made of them and that they are of a standard whereby our location is not considered a deterrent to investment. The Committee is of the opinion that every effort should be made to address the 5 specific challenges identified in the research paper.

The Committee would recommend that the incoming Committee for Infrastructure seeks to address this objective with the Department during the next mandate.

### **New public procurement by entities operating in the water, energy transport and postal services sector**

EU Directive 2014/25/E relates to the procurement of entities operating in the water, energy, transport and postal services sectors and replaces the 2004 Directive for Utilities Contracts. As this issue pertains to both transport and water and sewerage services, the Committee would be keen to work closely with the Department to ensure that this directive is fully implemented.

### **EU Airport Noise Regulation (EU) No 598/2014**

The Committee has, on a number of occasions, received briefing on the issue of airport noise, particularly in relation to Belfast City Airport. Whilst currently this is a grey area that impacts on both DRD and DOE, the Committee would welcome not just a single authority in charge of this issue, but would also welcome the proposals of this legislation that should create an improved noise environment around airports. The new regulation takes effect from 13 June 2016 and the Committee would recommend to the incoming Committee that it monitors the implementation of the regulation and its impact insofar as it relates to the new Department for Infrastructure.

### **Proposals for a regulation amending Regulation (EC) No. 91/2003 on rail transport statistics**

The Committee noted that this proposal aims to update, simplify and optimise the existing legal framework for European statistics on rail transport; the Committee also noted that, if not agreed within 6 months, it should be withdrawn.

DRD compiles statistics for rail, but the Committee is of the view that the impact of this proposal on the work of the Department is relatively minor and whilst it will continue to

monitor this issue through the bi-annual updates from the department, it does not feel that this is a significant priority going forward.

### **EU Maritime Legislation**

The Committee notes that this legislation is dealt with nationally and, although DRD has an interest given its role in relation to overseeing the Harbour Authorities, the Committee will keep a watching brief on this issue and communicate with the relevant Westminster committee, if necessary.

### **Planned Committee Action**

In addition to the comments above, and bearing in mind that the current mandate is coming to an end, the Committee would recommend that the incoming Committee considers:

- Flood prevention – responsibility for addressing flooding will be the remit of the Department for Infrastructure. On 14 January 2016, it was announced that the Irish government has secured €200 million in loans from the European Investment Bank for 30 flood prevention and protection projects across the Republic of Ireland over the next 5 years. The loans were agreed by the EIB Board on 17 December 2015 and will be 55% match funded by government. This is the first time flood prevention projects have been funded through the EIB in Ireland although it has provided €755million in loans in 2015 to other Irish infrastructure projects including at ports, motorways and universities. This is an extremely important development and the Committee would recommend to the incoming Committee that it pursues this issue.
- Receiving an early briefing from the Assembly's Research service (RaSe) in relation to the work programme as it relates to the newly constituted Department for Infrastructure;
- Receiving periodic papers and briefings from RaSe on the progress of the work programme;
- Continuing to receive a bi-annual updates from the Department on EU activity and to request briefings as necessary;
- Engagement with the Assembly's EU Affairs Manager in relation to matters included in the work programme and also emerging issues that are not contained therein.

### **Committee activity on 2015 European priorities**

In its submission in 2015, the Committee for Regional Development noted that the work programme for 2015 did not contain any activity in relation to its remit but did, however, identify that *"from a European transport perspective, it is important that the specific regional circumstances facing Northern Ireland in the context of the [...] TEN-T i.e. peripherality, isolation and proximity to another Member State, are appropriately considered and addressed within the overall Structural Funds landscape. In this regard, the continued strengthening of the TEN-T North Sea Mediterranean Core Corridor remains of greatest significance both regionally and territorially as a driver of economic growth and as*

*a priority for funding. It is, therefore, important from a future EU funding perspective that strategically sponsored projects are conceived with these circumstances in mind."*

During 2015, the Committee engaged with Departmental officials and the European Co-Ordinator of the "Motorways of the Sea" concept and his Senior Policy Advisor also met with representatives of the Committee.

#### **Other EU activity undertaken in 2015**

The Committee continued to receive bi-annual updates from the Department on European engagement and also information relating to EU proposals impacting on the Department.

Yours sincerely,

**Trevor Clarke**

**Chairperson  
Committee for Regional Development**

## **EUROPEAN COMMISSION WORK PROGRAMME 2016 – COMMITTEE PRIORITIES**

Committee: **Committee for Social Development**

### **Background**

Committee noted the OFMdFM paper at its meeting of 7 January and agreed to consider a response at its meeting of 21 January.

### **Agreed Priorities from the 2016 European Commission Work Programme**

#### **Priority**

Integration of long-term unemployed

#### **Summary of proposal**

Proposal for a Council Recommendation on the integration of the long-term unemployed into the labour market. The proposal for a Council recommendation presented today foresees that all jobseekers who have been jobless for more than 12 months receive an individual assessment and that they receive a job integration agreement, offering them a concrete and personalised plan back to work before reaching 18 months of unemployment.

Northern Ireland has a large percentage of long-term unemployed. In September 2015 NI had a long-term unemployment rate of 58%, an increase of 6.1 percentage points over the previous year. As such interventions which support NI in tackling this issue will be of benefit.

#### **Planned committee action**

To recommend to the Committee for the Communities that this issue is scrutinised in the next mandate given that the Department of Employment & Learning's (DEL) Employment Service and Economic Inactivity Strategy will transfer to the Department for Communities.

#### **EU Urban Agenda**

The Urban Innovative Actions Programme was launched at the Cities Forum in Brussels on 2 June by Walter Deffaa (Director General, DG REGIO).

The fund has been created to test new approaches to the challenges faced by cities (through pilot projects). The aim is to generate knowledge of what works in addressing urban problems so as to upscale solutions across the EU.



The total budget is €371m over the period 2015-2020. Projects will be selected through calls for proposals with a maximum award of €5m per project and a co-financing rate of maximum 80%. Projects are expected to be for a duration of 3 years maximum.

The topics of the calls will be defined annually by the Commission. The management of Urban Innovative Actions is delegated to the Nord-Pas de Calais Region in France.

### **Planned Committee Action**

To recommend to the Committee for Communities that it take quarterly updates from the Department on its role in implementing the EU Urban Agenda and particularly on the support it lends to stakeholders to access European funding streams such as the Urban Innovative Actions Programme.

## **EESC Member Jane Morrice response to OFMDFM request on EC 2016 Work Programme**

At the start of every year, the European Commission sets out a new work programme to guide the direction of EU legislation for the twelve months ahead. Although the situation in the EU is changing dramatically as a result of the refugee crisis, the terrorist threat, the economic downturn and changing political attitudes, the EC work programme is set in the context of the 10 priorities set by the new Juncker Commission when it first started at the end of 2014. As has been well documented by the Assembly Research and Information Services, these cover **10 headlines**:

- Jobs, growth and investment
- Connected digital single market
- Strong energy Union
- Fairer internal market
- Deeper monetary union
- Balanced trade agreement with the US
- Area of justice and fundamental rights
- New policy on migration
- Stronger global actor
- Democratic change

The action points include **23 key initiatives**. These to be delivered in 2016:

- Better migration and border management
- European Defence Action Plan and Space Strategy
- Legislation to implement Energy Union
- New skills agenda, new start for working parents and Social Rights pillar of EMU
- Corporate tax package and Action Plan on VAT
- European Security Agenda
- Global strategy on foreign and security policy
- Follow up on trade and investment strategy

In addition there will be 40 so-called '**REFIT** Actions' - which is the commitment to better regulation by ensuring EU legislation is fit for purpose and delivers the results intended. The actions include:

- simplifying the rules for EU funding
- Reducing the burdens of public procurement for SMEs
- Ensuring health and safety legislation is workable

A number of other legislative proposals will be withdrawn or modified.

Finally, there are 17 so-called 'Priority pending proposals' which will doubtless be reviewed over the coming year. Some of these date as far back as 2008 and include proposals for action in the form of a Council Recommendation, Regulation or Directive in different legislative areas.

The areas under these proposals which may be of particular interest to Northern Ireland, which fall into my area of expertise and which the OFMDFM Committee is advised to review are the following

**Women on Boards** - Proposal for a Directive on improving the gender-balance among non-executive Directors of companies

**Long-term unemployed** - proposal for a Recommendation on integration into the labour market

**Port Services** - proposal for a regulation on market access to ports and financial transparency

**Anti Discrimination** - proposal for a Directive on implementing the principle of equal treatment

**GMO** - proposal for a Regulation amending a previous regulation on restricting the use of GMOs

While every NI Government Department and therefore every Assembly Committee is affected in some way or another by EC legislative proposals and, as outlined by the Research Department, Committee Members should be up to speed on all aspects of this work to allow for consultation and input. However, there are particular areas which the experience and expertise of Northern Ireland would be highly valued in the legislative process. These include the following:

**The Review of the Multiannual Financial Framework** - simplifying rules and targeting funding

- as one of the original 'Objective One' regions and a special beneficiary of EU PEACE funding, NI is very well placed to give expert advice on this. The Public Accounts Committee could give valuable feed-back on its scrutiny of EU funding - eg Irish Sport Horse

**Corporate Tax Package** - towards a fair and effective the corporate tax system

- those dealing with the move towards a reduction in Corporate Tax in NI would be well advised to keep a close watch on this

**European Banking** - steps towards a EU Deposit Insurance Scheme

- interesting in the context of the Internationalisation of the U.K. Banking scene particularly the potential change as a result of a change in the status of the UK in the EU

**Trans European Network completion**

- to ensure NI is making the best use of potential funding for roads and telecoms in particular

**Youth employment initiative**

- a possible opportunity to gain increased support for NI work in this area

**European Agenda on Security and global strategy on Foreign and Security policy**

- the NI experience in peace-building and conflict resolution should be used to help guide this policy at European and global level. The proposal to create a European Centre for peace building in Belfast should be resurrected, following agreement on the location of the site.

Other areas still ripe for greater input from NI include

- the uptake of **ERASMUS** and better public awareness of the ERASMUS PLUS programme - (exchange programmes between students, teachers and young entrepreneurs EU-wide),
- increased use of **secondments** to Brussels Institutions and the trainee programme for graduates in the European Commission. The new direct flight from Belfast to Brussels will make these possibilities much more feasible.

## **UK REFERENDUM**

The above mentioned issues will progress throughout the course of 2016, but there is no doubt whatsoever that everything will hinge on the vital question of the U.K. Referendum on EU membership. This issue will dominate thinking on both sides of English Channel over the months to come and the repercussions of the result will be played out for the remainder of the year and more.

Committee Members would be well advised to have the correct facts and figures available with regard to the cost of withdrawal from the EU and the advantages versus the disadvantages of being an EU member. The implications of a 'no' vote on on the UK in general and on each region, Northern Ireland in particular, would also be worth researching in detail, including the effects on the only part of the U.K. which would continue to have a land border with the EU.

In conclusion, there is very obviously a great deal more to debate on all the issues above and I would be pleased to give an oral presentation alongside my colleague Michael Smyth to the OFMDFM Committee if and when required.

Jane Morrice  
EESC Member



Member of the European Parliament

Mr. Mike Nesbitt MLA,  
Chairman, OFMdfM Committee  
Room 285, Parliament Buildings,  
Ballymiscaw,  
Stormont, BT4 3XX.  
[committee.ofmdfm@niassembly.gov.uk](mailto:committee.ofmdfm@niassembly.gov.uk)

04<sup>th</sup> February 2016

Dear Mike,

**Re: European Commission's 2016 Work Programme**

Thank you for your recent correspondence regarding the European Commission's Work Programme for 2016 and issues which should be considered by Northern Ireland Assembly committees in selecting their EU priorities for the year ahead.

The European Commission's Work Programme for 2016, the second of the Juncker Commission, continues 2015's themes of, reducing the level of new legislation, removing bureaucracy, repealing obsolete legislation and withdrawing proposals from previous Commissions which have stalled. This more streamlined programme of work and its greater focus on improving competitiveness is to be welcomed. This approach should, in theory at least, help to make identifying EU priorities a more straight forward task for the NI Executive and Assembly committees.

I have noted with interest the UK Government's views regarding the potential implications of the main initiatives and the key areas of interest for the NI Executive, both of which are contained within the Explanatory Memorandum, and the departmental views as detailed within the Assembly Research and Information Service (RaISE) paper. Considered in conjunction with the various Commission Work Programme Annexes these documents represent a useful resource for committees to draw upon as they seek to identify their 2016 EU priorities. Although key initiatives have been identified by the NI Executive it is important that all aspects of the programme are monitored by departments and committees so that issues of relevance or concern can be identified and if necessary addressed at an early stage.

**New Initiatives**

As you will be aware the previous Commission mandate proposed an average of 130 new initiatives each year, I therefore welcome that the Commission has proposed 23 new initiatives within the 2016 Work Programme.



Member of the European Parliament

The mid-term review of the Multiannual Financial Framework (MFF) 2014-2020 is a crucially important part of the programme as how the budget is prioritised directly impacts upon all policy areas and initiatives. There is a degree of flexibility within the MFF so that funds can be mobilised to address issues or events as they arise, in recent months for example this has included humanitarian aid to assist with the refugee crisis and additional support for farmers hit by falling markets and the Russian embargo. The debate regarding the EU's budget and its priorities post 2020 has already begun. Efforts to improve the performance of EU expenditure and ensure value for money are to be welcomed and must continue. The focus on both implementing the Digital Single Market and moving forward with the Single Market Strategy have the potential to create jobs, these are positive parts of the programme which could deliver economic benefits for Northern Ireland.

In terms of the Commission's Trade and Investment Strategy there are potential risks and opportunities for Northern Ireland associated with any free trade agreement. The on-going negotiations between the EU and US are the most high profile and ambitious aspect of the EU's trade strategy. If a deal is indeed reached the Transatlantic Trade and Investment Partnership (TTIP) would be the biggest free trade agreement in history, progress this year is however likely to be affected by the US presidential election. Efforts to secure a trade agreement between the EU and Mercosur bloc of South American countries on the other hand are likely to step up a gear following the outcome of last year's Argentinian presidential election. I have always been concerned about the potential implications of a trade deal between the EU and Mercosur for all sectors of EU agriculture – particularly the beef sector. Agriculture is hugely important to the Northern Ireland economy and must not in my view be used as a bargaining chip to secure trade agreements between the EU and Mercosur or indeed any other country or region.

The Commission's proposals regarding Energy Union and energy more generally are important for Northern Ireland given the strategic importance of energy security and the impact high energy costs are having on our manufacturing base. This is an issue which would clearly interest MLAs and the relevant committee(s) in the new mandate. The Corporate Tax Package and proposals regarding the Circular Economy would also appear to be of particular interest to Northern Ireland.

The NI Executive has also expressed a specific interest in the European Fund for Strategic Investment (EFSI) – the European Commission's flagship initiative designed to increase levels of investment across the EU. Figures released in mid-January by HM Treasury show that the European Investment Bank (EIB) lent €7.77 billion to projects in the UK which included €973 million through the EFSI. None of the UK projects supported through the EFSI so far appear to be in Northern Ireland. However it is still early days, I gather that a number of project proposals were submitted by the NI Executive for consideration last year and the current state of play of those potential initiatives is unclear. Northern Ireland must make the most of whatever opportunities are contained within the EFSI initiative. In addition to the

European Office, Strandtown Hall, 2-4 Belmont Road, Belfast, BT4 2AN  
Tel: 028 9047 4634 Fax: 028 9065 2149 Web: [www.jim-nicholson.eu](http://www.jim-nicholson.eu)



Member of the European Parliament

EFSI all methods of financing investment that exist at the EU level must also be fully investigated by officials and indeed the private sector.

I also share the UK Government's concerns with regards the European Defence Actions Plans and a number of other proposals listed in Annex 1 in relation to subsidiarity and 'competence creep' although for several initiatives there is a lack of detail at this stage.

### REFIT Initiatives

The continued drive to review legislation and reduce the burden and cost of red tape, the so-called REFIT programme, is a feature of the 2016 Commission Work Programme which I support. This on-going process is a welcome feature across all policy areas and is partly a result of the UK's efforts to reform the EU. The NI Executive and individual departments must ensure that they fully utilise every opportunity to engage with the Commission's consultations/calls for evidence and to feed in the views of local stakeholders throughout this drive to simplify EU legislation.

Of course national and regional authorities have a key role to play in ensuring that any of the Commission's measures to reduce the administrative burden are effectively implemented. It is steps taken locally which will mean that the benefits of the REFIT programme are actually felt by farmers, businesses or other stakeholders. Cutting out complexity and bureaucracy also delivers savings for the departments and agencies that administer and implement programmes and schemes. For example, in relation to the recently launched PEACE IV and INTERREG VA programmes a number of measures have been agreed to reduce the administrative burden for beneficiaries. These include an agreement that with the exception of justified cases the maximum processing time for applications will be 36 weeks. Stormont ministers and local officials must now deliver on their pledge to cut red-tape as complex and burdensome bureaucracy added locally has been a problem with previous programmes.

As a member of both the European Parliament's Agriculture Committee and the Environment Committee I have been actively engaged in discussions and debates on a number of the specific initiatives listed in Annex 2, including the CAP simplification exercise. As part of this much-needed initiative the EU's Agriculture Commissioner Phil Hogan recently announced a number of proposals to simplify the package, specifically to make penalties more proportionate. Simplification of the CAP is essential due to the sheer complexity of the reformed package, the impact this is having at farm level and the costs associated with administering the policy. Given the importance of agriculture to Northern Ireland this is an important piece of work and I look forward to Commissioner Hogan bringing forward the next tranche of proposals on 'greening' later this year.



#### Member of the European Parliament

The proposed evaluation of EU Nature Legislation is something which has attracted a huge amount of attention in recent months. Only this week MEPs endorsed a report which called on the Commission not to review the Birds and Habitats Directives. Initiatives regarding REACH, Pesticides, Maritime Legislation, State Aid, the Fuel Quality Directive and Energy Union Reporting may also be of interest locally. It is also worth noting that additional, on-going REFIT initiatives can also be found in the REFIT Scoreboard.

It is important that committees scrutinise and evaluate how EU legislation is interpreted and transposed and how programmes are administered at a local level in all policy areas to ensure no unnecessary 'gold-plating'.

#### 2016 Priorities

Monitoring the legislation which becomes applicable this year (Annex 6) is important to help ensure that it is effectively transposed, the risk of infraction is minimized and so that relevant stakeholders are fully aware of the implications of the new legislation for them.

The initiatives identified as the Commission's priorities for 2016 listed in Annex 3 must also be closely followed as these aspects of the Commission's Work Programme are likely to move quickly. It is also worth noting the priorities of the two Presidencies of the Council of the EU this year, Netherlands (1 January-30 June) and Slovakia in the second half of the year, to identify where they intend to focus their time and energy.

Through the course of my committee work in the European Parliament I have encountered a number of the priority initiatives contained in the 2016 Work Programme. As a result I have particular concerns about the possible implications of the revision of the National Emissions Ceilings Directive for livestock production in Northern Ireland, a key plank of our agri-food industry. In addition I have raised serious concerns with the Commission about plans to allow individual Member States to restrict or ban the use of genetically modified (GM) food and feed. In spite of the disruption this proposal regarding GM feed would cause in the internal market and the opposition from MEPs, the EU's Commissioner for Health and Food Safety Vytenis Andriukaitis refuses to come forward with a new and workable solution.

#### EU co-ordination and engagement

As you note within your correspondence the current Assembly mandate is drawing to a close and that as part of this exercise current committees may suggest areas of EU activity for their successors to consider. There will of course be a reduction in the number of departments in the next mandate and as a consequence new committees to provide scrutiny. Streamlining and making government in Northern



Member of the European Parliament

Ireland more efficient is to be welcomed. It will however be important that the disruption to EU engagement is minimised as the new departmental structures and functions plus associated personnel changes and new committees become established.

Effective EU coordination will be key within and between the new departments to both ensure there are no gaps in policy engagement and to reduce the likelihood of unnecessary overlap and duplication. In addition the changes to departments must not impact upon the delivery or administration of the various 2014-2020 EU programmes such as the European Social Fund or the Rural Development Programme or restrict the level of local participation in EU networks or programmes such as Erasmus+ or drawdown of competitive funding from Horizon 2020 or COSME for example.

The reduction in the number of departments also represents an opportunity to assess and potentially improve how Northern Ireland does business at the European level. Progress has been made in recent years but the re-organisation of departments should be viewed as chance of further enhancing coordination between local departments/officials and their Whitehall counterparts, UKRep, the ONIEB, the business community and other stakeholders – including MEPs. The recent confirmation that the Northern Ireland Task Force is to be continued is timely and should also be factored into any changes with regards EU engagement. The continuation of the Task Force represents the EU's continued commitment to Northern Ireland and we must make the most of this unique resource. Moving forward there is now scope to consider implementing aspects of the Committee for OFMdFM's recommendations regarding the Northern Ireland Task Force. For example perhaps now is the time for the NI Executive to identify a suitable region in the EU for Northern Ireland to benchmark itself against in relation to EU engagement and activity? It is also important that existing networks are fully utilised, there is for example a lack of clarity regarding the future of the Northern Ireland European Regional Forum (NIERF). I feel that the positive work of the NIERF should not be lost especially at a time when local budgets are being squeezed and competition for EU funds is high – we cannot afford to fall behind other regions.

Although the 2016 Commission Work Programme is greatly streamlined when compared to the previous Commission mandate it still contains an array of initiatives which have the potential to impact upon every area of policy and daily life in Northern Ireland. In addition to considering what is contained within the Work Programme Assembly committees may also wish to investigate additional ideas and policies which are becoming popular across the EU such as 'reshoring' jobs. As I have also noted the Commission's priorities can and do change to respond to crises as they arise, providing humanitarian aid to assist the refugees crisis, perhaps the greatest challenge facing the global community at present, being a case in point.





Member of the European Parliament

Finally the on-going renegotiation of the UK's relationship with the EU is clearly a major issue. Irrespective of the shape of the final reforms actually agreed or the outcome of the referendum there are likely to be changes to the EU and how we relate to it. At this stage it is unclear as to if and how the renegotiation would impact upon the 2016 Work Programme, this is something all departments and committees will want to follow closely in the months ahead.

I trust you find these comments helpful as you and your committee colleagues prepare your report on European priorities for 2016.

Yours sincerely,

**JIM NICHOLSON**  
Ulster Unionist MEP for Northern Ireland

**Kathy O'Hanlon  
Clerk  
Committee for OFMDFM  
Room 346  
Parliament Buildings  
Ballymiscaw  
Stormont  
BELFAST  
BT4 3XX**

**26 January 2016**

Dear Kathy

### **EUROPEAN COMMISSION WORK PROGRAMME 2016**

Thank you for your letter of 4 December 2015.

We remain supportive of the Commission's continued focus on jobs and growth, including the progression of the European Fund for Strategic Investment. We welcome the withdrawal of proposals in this work plan that are no longer relevant and the modification of others to enhance value, including the continued use of REFIT as a means of reviewing the stock of existing EU legislation.

The Department welcomes the priority given to the following policy initiatives, which have the potential to benefit our citizens and businesses:

- The Circular Economy Package;
- The Digital Single Market Strategy;
- The Internal Market Strategy;
- The European Fund for Strategic Investment;
- Trans-European Transport Network (TEN-T);
- Youth Employment Initiative;
- Women on Boards Directive;
- Energy Union Package;
- European Agenda on Security;
- Better Regulation; and
- Multiannual Financial Framework (MFF)

Although the New Skills Agenda for Europe and the Labour Mobility Package do not come within the remit of OFMDFM, the Department will monitor developments in the context of the Racial Equality Strategy and the forthcoming Refugee Integration Strategy.

The UK Government may decide to opt into the Better Migration Management initiative. Should this happen, OFMDFM will liaise with the Home Office to ensure our interests are taken on board.

The New Start for Working Parents and Caregivers and the Women on Boards Directive will be considered as part of the ongoing work to develop a new Gender Equality Strategy. This will replace the current Gender Equality Strategy which will remain in place in the interim.

Yours sincerely

*Signed Colette Kerr*

**Colette Kerr**  
**Departmental Assembly Liaison Officer**



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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Paper 112/15

9 October 2015

NIAR 516-15

**Michael Potter**

# Committee for the Office of the First Minister and deputy First Minister EU Priorities 2015: Update

## 1 Introduction

This paper gives a brief update on the developments in three initiatives from the Commission Work Programme of potential interest to the Committee for the Office of the First Minister and deputy First Minister (COFMdFM)<sup>1</sup>. These initiatives are:

- Labour Mobility Package
- European Agenda on Migration
- EU Accession to the European Convention on Human Rights

A summary of activity will be given, along with potential relevance to Northern Ireland.

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<sup>1</sup> See Research and Information Service Research Paper 25/15 European Commission Work Programme 2015, 30 January 2015, pp.36-39: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/2515.pdf>.

## 2 Initiatives of Potential Interest to COFMdFM

The European Commission Work Programme 2015 was published on 16 December 2014<sup>2</sup>. The Work Programme sets out the legislative and non-legislative initiatives that the Commission intends to advance during 2015<sup>3</sup>. Updates to the three initiatives identified as being of potential interest to COFMdFM<sup>4</sup> are summarised below.

<b>8</b>	<b>Labour Mobility Package</b>	<b>Legislative/ Non- legislative</b>
<b>18</b>	<b>European Agenda on Migration</b>	

Initiative No 8 of the Commission Work Programme states:

*The package aims at supporting labour mobility and tackling abuse by means of better coordination of social security systems, the targeted review of the Posting of Workers Directive<sup>5</sup> and an enhanced EURES<sup>6</sup>.*

Initiative No 18 of the Commission Work Programme states:

*The objective is to develop a new approach on legal migration to make the EU an attractive destination for talents and skills, as well as to improve the management of migration by intensifying cooperation with third countries, fostering burden sharing and solidarity and fighting against irregular migration and smuggling. The agenda includes the review of the Blue Card Directive<sup>7</sup>, the EU-wide work permit for highly skilled workers.*

Commissioner Mariannne Thyssen has set out the objectives of the Labour Mobility Package as follows<sup>8</sup>:

<sup>2</sup> Documents for the Commission Work Programme are available on the Commission website: [http://ec.europa.eu/atwork/key-documents/index\\_en.htm](http://ec.europa.eu/atwork/key-documents/index_en.htm).

<sup>3</sup> These initiatives are listed at Annex 1 to EC (2014), *Commission Work Programme 2015: A New Start*, COM(2014) 910, Strasbourg: EC: [http://ec.europa.eu/atwork/pdf/cwp\\_2015\\_new\\_initiatives\\_en.pdf](http://ec.europa.eu/atwork/pdf/cwp_2015_new_initiatives_en.pdf).

<sup>4</sup> These initiatives were presented to the Committee on 18 February 2015: <http://www.niassembly.gov.uk/globalassets/documents/ofmdfm/minutes/2014-2015/20150218-minutes-final.pdf>.

<sup>5</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services: [http://eur-lex.europa.eu/legal-content/EN/ALL/?ELX\\_SESSIONID=LShsJCvp1TL1tm46GTYyRZ2103ySWb56sp8SsQ53MLMzRsqYLpLq!-1794656578?uri=CELEX:31996L0071](http://eur-lex.europa.eu/legal-content/EN/ALL/?ELX_SESSIONID=LShsJCvp1TL1tm46GTYyRZ2103ySWb56sp8SsQ53MLMzRsqYLpLq!-1794656578?uri=CELEX:31996L0071).

<sup>6</sup> EURES, The European Job Mobility Portal: <https://ec.europa.eu/eures/page/homepage>.

<sup>7</sup> Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009L0050>.

<sup>8</sup> From the speech of Commissioner Marianne Thyssen at the 3rd Labour Mobility Congress, Cracow, 23 April 2015: [http://europa.eu/rapid/press-release\\_SPEECH-15-4841\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-15-4841_en.htm).

- Analysis of mobility flows and their consequences to local labour markets and social security systems, both in sending and receiving countries
- Prevent errors, abuse and fraud
- Update provisions of the existing labour mobility rules to ensure they are fit for purpose

The Commission has consulted on the functioning of the current coordination rules on family benefits, unemployment benefits and posted workers to gather views on potential changes<sup>9</sup>.

The Labour Mobility Package is expected to be published by the end of the year.

The Commission launched the European Agenda on Migration in May 2015<sup>10</sup>. The Agenda includes some 'immediate actions' in response to the increased rate of migration in the Mediterranean region. These actions include saving lives at sea, targeting criminal smuggling networks and dealing with the high volumes of arrivals.

The longer term actions for the Agenda consist of four pillars:

1. Reducing the incentives for irregular migration
2. Border management – saving lives and securing external borders
3. Europe's duty to protect: a strong common asylum policy
4. New policy on legal migration

In September 2015 the Commission announced a package of proposals to help address the refugee crisis. This included, on top of the 40,000 proposed in May, the relocation of a further 120,000 refugees to other Member States to alleviate pressure on the Member States most affected by the crisis (primarily Greece, Italy and Hungary)<sup>11</sup>.

### ***Potential Significance for Northern Ireland***

Immigration policy is not a devolved matter. However, the impacts on local employment markets, health and social security provision and integration policy are within the responsibility of the Northern Ireland Executive.

While the Labour Mobility Package mostly refers to the harmonisation of employment and social security policy and legislation, OFMdfM has responsibility for the integration of migrants from other EU Member States, as well as elsewhere. A draft Racial

<sup>9</sup> The consultation ran from 17 July to 7 October 2015: 'EU social security coordination rules: have your say!', Commission website, accessed 5 October 2015:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2275&furtherNews=yes>.

<sup>10</sup> European Agenda on Migration 2015: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf).

<sup>11</sup> 'Refugee Crisis: European Commission takes decisive action', Commission press release 9 September 2015: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2015/20150909\\_1\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2015/20150909_1_en.htm).

Equality Strategy was published for consultation June to October 2014. The draft strategy outlines six shared aims as<sup>12</sup>:

- Elimination of racial inequality
- Combating racism and hate crime
- Equality of service provision
- Participation
- Social cohesion
- Capacity building

The scope of the draft Strategy encompasses the integration of new migrants and tackling discrimination and resentment in relation to migrants.

A final Racial Equality Strategy has not yet been published.

Similarly, the arrival of refugees in Northern Ireland, whether under an EU scheme or a specific UK programme, would also require actions in terms of integration and service provision. Unlike the Scottish and Welsh governments, Northern Ireland does not have a refugee integration strategy<sup>13</sup>.

The UK, along with the Republic of Ireland and Denmark, has an opt-out from the EU relocation scheme. The UK Government has consistently said it would not participate in the EU scheme. Initially, support to Syrian refugees was undertaken through humanitarian aid provision. In January 2014, this policy was supplemented by the Vulnerable Persons Relocation Scheme (VPRS), extended in September 2015, to take refugees directly through the UN High Commissioner for Refugees (UNHCR)<sup>14</sup>. 216 Syrian refugees have so far been taken under the VPRS and 20,000 in total have been pledged by 2020<sup>15</sup>.

No specific figures have been given for how many refugees are to be relocated to Northern Ireland. On 16 September 2015, the Home Secretary, Theresa May, stated<sup>16</sup>:

*There will be a balance between the offers of accommodation and the availability of the appropriate support for individuals. It is a careful process to ensure that individuals are placed where their needs can be best met. For example, it might be*

<sup>12</sup> OFMdfM (2014), *A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014 – 2024*, Belfast: OFMdfM, pp.22-3: <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>.

<sup>13</sup> For a background on refugees and asylum seekers in Northern Ireland, see Research and Information Service Research Paper 63/14, *Refugees and Asylum Seekers in Northern Ireland*, 6 June 2014: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/ofmdfm/6314.pdf>.

<sup>14</sup> Ben Smith and Melanie Gower (2015), *Syrian Refugees and the UK*, House of Commons Library Briefing Paper 06805, 17 September 2015, pp.7, 8, 11: <http://researchbriefings.files.parliament.uk/documents/SN06805/SN06805.pdf>.

<sup>15</sup> UNHCR (2015), *Resettlement and Other Forms of Admission for Syrian Refugees*, 2 October 2015: <http://www.unhcr.org/52b2febafc5.pdf>.

<sup>16</sup> House of Commons Debate 16 September 2015, Col 1065: <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150916/debtext/150916-0001.htm#15091632000166>.

*appropriate for somebody with a particular medical need to be in the vicinity of a hospital with such a specialty. It is not a question of allocating on a quota basis across the UK, even if others might suggest we do that within Europe. It is important to fit the offers of support to the needs of the individuals.*

While a quota allocation by region would suggest a UK intake of 20,000 would lead to around 600 coming to Northern Ireland<sup>17</sup>, the Home Secretary seems to be ruling out such an arrangement. However, it has been reported that the deputy First Minister has suggested that Northern Ireland could take as many as 2000 Syrian refugees<sup>18</sup>.

On 22 September 2015, the Northern Ireland Assembly resolved<sup>19</sup>:

*That this Assembly expresses its despair at the ongoing international humanitarian crisis in Syria; notes the tragic deaths of refugees fleeing to Europe seeking sanctuary and the terrible conditions endured by those refugees in transport to Europe and in refugee camps upon arrival; believes that EU nations have a moral obligation to assist people seeking refuge from war and persecution; further notes the Prime Minister's eventual decision to accept 20,000 refugees; further believes that the UK Government and some other EU Governments have not acted in line with their humanitarian obligations; and calls on the Executive to ensure provisions are in place for Northern Ireland to welcome refugees from Syria.*

In answer to a question regarding the numbers of refugees expected to arrive in Northern Ireland, the deputy First Minister stated the following on 5 October 2015<sup>20</sup>:

*Under the Syrian vulnerable persons relocation scheme, we propose to welcome between 50 and 100 refugees by December, with the expectation that further groups will arrive on a phased basis. Welcoming a modest number initially will assist with learning and with the identification and resolution of difficulties. We recognise that we have an existing population of refugees and asylum seekers from Syria and elsewhere. We will continue to work with NGOs and stakeholders to understand the experience of refugees and asylum seekers and provide our support throughout.*

*We believe that there is a strong case for a refugee integration strategy to ensure a smooth transition between being an asylum seeker and a refugee. We believe that this proposal would clearly demonstrate that, as a society, we have the capacity and maturity to react positively to a humanitarian crisis and extend the hand of friendship to those who are suffering. In doing so, we want to send a very powerful message about our support for Syrian refugees and our commitment to assist in this global*

<sup>17</sup> Calculated according to Northern Ireland comprising 3% of the UK population.

<sup>18</sup> 'McGuinness says NI can take 2,000 Syrian refugees', RTE News 17 September 2015: <http://www.rte.ie/news/2015/0917/728522-northern-ireland-refugees/>; 'Parties agree NI 'can take in more refugees'', UTV News 22 September 2015: <http://www.u.tv/News/2015/09/22/Parties-agree-NI-can-take-in-more-refugees-45474>.

<sup>19</sup> Northern Ireland Assembly Official Report: Tuesday 22 September 2015: <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/09/22&docID=243655>.

<sup>20</sup> First and deputy First Minister Question Time, Northern Ireland Assembly 5 October 2015: <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/10/05&docID=244867>.



*issue. I am very comforted and pleased by the level of cross-party support in these institutions for that approach.*

In response to a question regarding associated costs, he added:

*A range of complex issues is to be addressed in taking forward this work, the coordination of which will be for the strategic and operational groups. We also acknowledge that, in some cases, there will be cost implications for Departments and agencies. The position is that the UK Government will meet the first-year costs for accommodation and orientation support; they would also provide a contribution towards education costs.*

*We are seeking clarification about any health and social care costs that may arise. Based on receiving 350 refugees each year, it is estimated that first-year costs could be in the region of £1 million, rising to £6 million in total over three years. The Executive need to consider how those costs could be met.*

## **16 EU Accession to the ECHR**

## **Legislative**

Initiative No 16 of the Commission Work Programme states:

*Proposals to allow for signature, conclusion and implementation of the accession agreement, in the light of the pending guidance from the Court.*

The Court of Justice of the European Union considered the compatibility of the draft agreement with EU law and delivered its Opinion on 18 December 2014. The Opinion states that 'the Court concludes that the draft agreement on the accession of the European Union to the ECHR is not compatible with EU law'<sup>21</sup>. The main areas of incompatibility are stated as follows<sup>22</sup>:

- The EU would be subject to external control, specifically the EU would be subject to decisions by the European Court of Human Rights, which is not an EU institution, whereas the interpretation of EU law lies with the Court of Justice
- There is no provision in the draft agreement for co-ordination with the EU Charter of Fundamental Rights
- The agreement proposes treating the EU as an individual state, which misinterprets the intrinsic nature of the EU, as Member States will be required

<sup>21</sup> Court of Justice of the European Union Press Release No 180/14, 18 December 2014:

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-12/cp140180en.pdf>.

<sup>22</sup> 'Court of Justice rejects draft agreement of EU accession to ECHR', *Euractiv* 19 December 2014:

<http://www.euractiv.com/sections/eu-priorities-2020/court-justice-rejects-draft-agreement-eu-accession-echr-310983>.

to check the observation of human rights in other Member States, undermining the EU principle of mutual trust

- The right of Member States to request advisory opinions of the European Court of Human Rights on compatibility with the ECHR undermines the autonomy of the preliminary ruling procedure provided for in the EU Treaty

The legal basis of a revised agreement would be required before there is further action. There has been no further progress to date.

### ***Potential Significance for Northern Ireland***

EU Member States are already signatories to the ECHR. The substantive clauses of the ECHR are also directly justiciable in the UK through the Human Rights Act 1998<sup>23</sup>. Individuals in the UK therefore already have recourse to the ECHR through the UK courts and, if necessary, to the European Court of Human Rights in relation to actions by the UK government. EU accession to the ECHR will mean that cases can be brought to the European Court of Human Rights in relation to actions by EU institutions.

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<sup>23</sup> Human Rights Act 1998: <http://www.legislation.gov.uk/ukpga/1998/42/contents>.



Northern Ireland  
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## Research and Information Service Briefing Paper

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Paper 08/16

6 January 2015

NIAR 712-15

**Michael Potter**

# European Commission Work Programme 2016 – Initiatives of Potential Interest to the Office of the First Minister and deputy First Minister

## 1 Introduction

This paper briefly discusses the new initiatives listed in the European Work Programme 2016<sup>1</sup> that are of potential interest to the Office of the First Minister and deputy First Minister (OFMdfM)<sup>2</sup>. The paper summarises these initiatives and outlines their potential relevance for Northern Ireland.

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<sup>1</sup> Work Programme of the European Commission 2016, European Commission website, accessed 14 December 2015:  
[http://ec.europa.eu/atwork/key-documents/index\\_en.htm](http://ec.europa.eu/atwork/key-documents/index_en.htm).

<sup>2</sup> See Research and Information Service Research Paper 135/15 *European Work Programme 2016* 20 November 2015, pp.42-4: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/13515.pdf>.

## 2 New Initiatives

This section summarises the new initiatives in the European Work Programme and their relevance to Northern Ireland.

### **New Initiative 1: New Skills Agenda for Europe**

The Agenda aims at promoting skills development, including the mutual recognition of qualifications, supporting vocational training and higher education and reaping the full potential of digital jobs.

This initiative builds on the Agenda for New Skills and Jobs<sup>3</sup>, which flows from the Europe 2020 Strategy for growth<sup>4</sup>, part of which aims to have 75% employment by 2020. The Commission has already been developing measures to improve skills for employment across the EU, such as the European Qualifications Framework<sup>5</sup> and the classification of European skills/competences, qualifications and occupations (ESCO)<sup>6</sup>. It is not yet clear how this initiative will increase the mutual recognition of qualifications.

In Northern Ireland, the lack of mutual recognition of qualifications is one of the equality-related issues impeding integration of migrants and their participation in the workforce at an appropriate level<sup>7</sup>. This has relevance for the impending Racial Equality Strategy, 'participation' being one of the shared aims of the draft strategy<sup>8</sup>.

### **New Initiative 2: New start for working parents**

A set of legislative and non-legislative measures to better address the challenges of work-life balance faced by working parents and support the participation of women in the labour market.

The Commission has been consulting on measures to improve work-life balance for working families. The initiative is intended to seek<sup>9</sup>:

<sup>3</sup> Agenda for new skills and jobs, European Commission website, accessed 15 December 2015:

<http://ec.europa.eu/social/main.jsp?catId=958>.

<sup>4</sup> Europe 2020, EC website, accessed 15 December 2015: [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm).

<sup>5</sup> Learning Opportunities and Qualifications in Europe, EC website, accessed 15 December 2015:

<http://ec.europa.eu/ploteus/en?cookie=no>.

<sup>6</sup> European Skills/Competences, qualifications and Occupations (ESCO), EC website, accessed 15 December 2015:

<http://ec.europa.eu/social/main.jsp?catId=1042&langId=en>.

<sup>7</sup> For example, OFMdfM (2015), *Racial Equality Strategy 2015–2025: Consultation Analysis Document*, Belfast: OFMdfM, pp.21-2: <https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm/racial-equality-strategy-2015-2025-consultation-analysis.pdf>.

<sup>8</sup> OFMdfM (2014), *Racial Equality Strategy 2015–2025*, Belfast: OFMdfM, p.30:

<https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm/racial-equality-strategy-2015-2025.pdf>.

<sup>9</sup> 'New start for working parents and caregivers: Commission launches public consultation on work-life balance', EC press release 18 November 2015: <http://ec.europa.eu/social/main.jsp?langId=en&catId=1061&newsId=2388&furtherNews=yes>.

- to address the low participation of women in the labour market by improving the current EU legal and policy framework,
- to enable a better balance between caring and professional responsibilities for working parents and people with dependent relatives,
- to allow for a greater sharing of caring responsibilities between women and men,
- to strengthen gender equality

The consultation is open until 17 February 2016.

Work-life balance is one of the key action areas of the Gender Equality Strategy to counter the imbalance in participation in the formal labour market by women and men<sup>10</sup>. However, a review of the Strategy found that there was no information attached to this action<sup>11</sup>.

### **New Initiative 8: Labour Mobility Package**

This initiative consists of a Communication on labour mobility, a targeted revision of the Directive on the posting of workers, and the revision of Regulations on social security coordination.

This initiative follows a review of the posting of workers directive, EURES and social security coordination in the previous work programme<sup>12</sup>. A consultation on views on these matters closed in October 2015. New proposals for this initiative have not yet been announced.

This initiative may have an indirect impact on integration, relevant to the impending Racial Equality Strategy.

### **New Initiative 18: Better Migration Management**

The initiative has two dimensions: 1) legal migration: a Communication and further legislative measures including extension of the Blue Card approach; 2) asylum and refugees: a proposal for a structured system on resettlement of refugees and revision of the Dublin system on asylum.

This initiative follows on from the European Agenda on Migration from the previous Work Programme<sup>13</sup>. The EU response to the significant upturn in irregular migration

<sup>10</sup> OFMdfM (2006), *A Gender Equality Strategy for Northern Ireland 2006-2016*, Belfast: OFMdfM, p.31:

[https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm\\_dev/gender-equality-strategy-2006-2016.pdf](https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm_dev/gender-equality-strategy-2006-2016.pdf).

<sup>11</sup> OFMdfM (2013), *Gender Equality Strategy 2006 – 2016 Review*, Belfast: OFMdfM, p.45:

[https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm\\_dev/gender-equality-strategy-2006-2016-review.pdf](https://www.ofmdfmi.gov.uk/sites/default/files/publications/ofmdfm_dev/gender-equality-strategy-2006-2016-review.pdf).

<sup>12</sup> See Research and Information Service Briefing Paper 112/15 Committee for the Office of the First Minister and deputy First Minister EU Priorities 2015: Update, 9 October 2015, pp.2-4:

<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/ofmdfm/11215.pdf>.

<sup>13</sup> Ibid., p.3.

has so far been focussed on immediate actions<sup>14</sup>. This initiative is intended to put in place a more structured approach.

Immigration matters are not devolved in Northern Ireland and the UK has so far opted out of the EU refugee dispersal proposals, preferring to take refugees directly through the UNHCR, some of whom are to be resettled in Northern Ireland. The first 51 refugees arrived in December 2015<sup>15</sup>. However, elements of the initiative may have an indirect impact on integration of migrant workers in Northern Ireland. In addition, UK future participation in some form of EU system cannot be ruled out.

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<sup>14</sup> Migration, EC website, accessed 15 December 2015: [http://ec.europa.eu/priorities/migration/index\\_en.htm](http://ec.europa.eu/priorities/migration/index_en.htm).

<sup>15</sup> 'Syrian refugees: First families set to arrive in Northern Ireland', *BBC News* 15 December 2015: <http://www.bbc.co.uk/news/uk-northern-ireland-35098540>.

### 3 Priority Pending Proposals

The following proposals have been listed on the Work Programme as ‘priority pending proposals’, which means they are existing proposals that are to receive attention during the year<sup>16</sup>.

#### Priority Pending Proposal 3: Women on Boards

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures.

The Commission proposed a Directive for increasing the numbers of women on company boards in 2012<sup>17</sup>. The UK Government has resisted the introduction of quotas, but has supported voluntary targets under the Women on Boards initiative led by Lord Davies of Abersoch<sup>18</sup>.

A 2015 study of the boards of the top 100 companies in Northern Ireland indicated that 15% of directors were women<sup>19</sup>. The equal participation of women in economic life is one of the strategic objectives of the Gender Equality Strategy<sup>20</sup>.

#### Priority Pending Proposal 10: Data Protection Reform

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).  
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

The UK’s data protection legislation is based on the 1995 EU data protection Directive<sup>21</sup>. A review of this Directive in 2012 has produced proposals for the EU legislation to be updated<sup>22</sup>. This has resulted in the proposals indicated above, i.e.:

- a General Data Protection Regulation<sup>23</sup>

<sup>16</sup> European Commission - Fact Sheet, Questions and Answers: the 2016 Work Programme, 27 October 2015: [http://europa.eu/rapid/press-release MEMO-15-5920\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5920_en.htm).

<sup>17</sup> ‘Women on Boards: Commission proposes 40% objective’, EC press release 14 November 2012: [http://ec.europa.eu/justice/newsroom/gender-equality/news/121114\\_en.htm](http://ec.europa.eu/justice/newsroom/gender-equality/news/121114_en.htm).

<sup>18</sup> Lord Davies (2011), *Women on Boards*, London: Davies Review: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/31480/11-745-women-on-boards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31480/11-745-women-on-boards.pdf).

<sup>19</sup> Research and Information Service Briefing Note 113/15 *Women on Boards of the Top 100 Companies in Northern Ireland*, 27 October 2015: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2015/eti/11315.pdf>.

<sup>20</sup> OFMdfM (2006), *A Gender Equality Strategy for Northern Ireland 2006-2016*, Belfast: OFMdfM, pp.24-5.

<sup>21</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:en:HTML>.

<sup>22</sup> Reform of the data protection legal framework in the EU, EC website, accessed 15 December 2015: [http://ec.europa.eu/justice/data-protection/reform/index\\_en.htm](http://ec.europa.eu/justice/data-protection/reform/index_en.htm).

- a Directive on the protection of data processed by criminal justice agencies<sup>24</sup>

The texts of these proposals are under discussion in the European Council<sup>25</sup>.

### Priority Pending Proposal 14: Anti-discrimination

Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

EU legislation refers to anti-discrimination measures in the labour market and outside the labour market in relation to racial or ethnic origin and sex<sup>26</sup>. In 2008, the Commission proposed to extend anti-discrimination legislation to outside the labour market, resulting in a proposed Directive<sup>27</sup>. This has generally been referred to as the 'Horizontal Directive'<sup>28</sup>. The proposal is under discussion in the European Council<sup>29</sup>.

Equality legislation in Northern Ireland consists of a public duty not to discriminate on nine equality grounds under Section 75 of the Northern Act 1998 and separate equality laws for sex, age, race or ethnicity, disability, religious or political opinion and sexual orientation<sup>30</sup>. The rest of the UK has unified equality legislation by virtue of the Equality Act 2010<sup>31</sup>.

<sup>23</sup> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation): [http://ec.europa.eu/justice/data-protection/document/review2012/com\\_2012\\_11\\_en.pdf](http://ec.europa.eu/justice/data-protection/document/review2012/com_2012_11_en.pdf).

<sup>24</sup> Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data: <http://db.eurocrim.org/db/en/doc/1719.pdf>.

<sup>25</sup> COM (2012) 11: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation): <http://eur-lex.europa.eu/procedure/EN/201286>; Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data: [http://eur-lex.europa.eu/procedure/EN/2012\\_10](http://eur-lex.europa.eu/procedure/EN/2012_10).

<sup>26</sup> The principle of equal treatment between persons, EC website, accessed 15 December 2015: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:em0008>.

<sup>27</sup> Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2008:0426:FIN>.

<sup>28</sup> For a background to this Directive, see Research and Information Service Briefing Paper 121/11 The EU 'Horizontal Directive', August 2011: <http://www.niassembly.gov.uk/globalassets/Documents/RalSe/Publications/2011/OFMdFM/12111.pdf>.

<sup>29</sup> COM (2008) 426: Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation: [http://eur-lex.europa.eu/procedure/EN/2008\\_140](http://eur-lex.europa.eu/procedure/EN/2008_140).

<sup>30</sup> For a summary, see Research and Information Service Research Paper 75/11 *Equality and Human Rights Legislation in Northern Ireland: A Review*, 8 August 2011: <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/ofmdfm/7511.pdf>.

<sup>31</sup> Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>.