

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

# **Report on Statutory Committee Activity on European Issues May 2011 - August 2012**

**Together with Written Submissions**

**Ordered by the Committee for the Office of the First Minister and deputy First Minister  
to be printed 21 November 2012**

**Report: NIA 81/11-15 Committee for the Office of the First Minister and deputy First Minister**



# Membership and Powers

## 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 the 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 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 Committee has eleven members, including a Chairperson and Deputy Chairperson, and a quorum of five members.

The membership of the Committee is as follows:

Mr. Mike Nesbitt (Chairperson)

Mr. Chris Lyttle (Deputy Chairperson)

Mr. Colum Eastwood

Miss Megan Fearon<sup>1</sup>

Mr. Paul Givan<sup>2</sup>

Mrs. Brenda Hale<sup>3</sup>

Mr. Alex Maskey

Mr. John McCallister<sup>4</sup>

Ms. Bronwyn McGahan<sup>5</sup>

Mr. Stephen Moutray<sup>6</sup>

Mr. George Robinson

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

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

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

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

5 With effect from 10 September 2012 Ms Bronwyn McGahan replaced Ms Caitriona Ruane

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

## List of Abbreviations

|        |  |
|--------|--|
| BIS    | Business, Innovation and Skills  |
| CAL    | Culture, Arts and Leisure  |
| CAP    | Common Agriculture Policy  |
| CAWT   | Co-operation And Working Together  |
| CEF    | Connecting Europe Facility   |
| CETI   | Committee for Enterprise Trade and Investment                            |
| CFP    | Committee for Finance and Personnel                                      |
| COFMDM | Committee for the Office of the First Minister and deputy First Minister |
| 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                                      |
| DG     | Director General   |
| DOJ    | Department of Justice  |
| DSD    | Department of Social Development   |
| EC     | European Commission  |
| EESC   | European Economic and Social Committee                                   |
| ERFD   | European Regional Development Fund                                       |
| ESF    | European Social Fund   |
| EU     | European Union   |
| FDI    | Foreign Direct Investment  |
| MEP    | Member of European Parliament  |
| NI     | Northern Ireland   |
| NSMC   | North South Ministerial Council  |
| OECD   | Organisation for Economic Co-operation and Development                   |
| OFMDFM | Office of the First Minister and deputy First Minister                   |
| PFG    | Programme for Government   |
| PMC    | Programme Monitoring Committee   |
| RSPB   | Royal Society for the Protection of Birds                                |
| R&TD   | Research and Technology Development                                      |
| SEUPB  | Special European Union Programmes Body                                   |
| SME    | Small and Medium Enterprises   |
| SR     | Statutory Rule   |
| TEN-T  | Trans-European Network for Transport                                     |

## Introduction

1. On the 26 January 2010, the Northern Ireland Assembly approved the Report of the Committee for the Office of the First Minister and deputy First Minister on its Inquiry into the Consideration of European Issues and called for enhanced engagement and improved interaction with the European institutions to raise the profile of Europe in Northern Ireland.
2. In its European Inquiry Report, the Committee brought forward a total of 12 Actions for the Assembly's statutory committees and 17 Recommendations for the Speaker, the Assembly Commission and the First Minister and deputy First Minister. Below is a link to the Committee's Report.  
  
[http://archive.niassembly.gov.uk/centre/2007mandate/reports/2009/Report\\_33\\_09\\_10R.htm](http://archive.niassembly.gov.uk/centre/2007mandate/reports/2009/Report_33_09_10R.htm)
3. Action 2 of the Committee's Report stated:  
  
*The Assembly's statutory committees will be responsible for the scrutiny of all European issues of relevance to the committee. In the autumn of each year statutory committees will be requested to provide a report of activity on European issues to the Committee for the Office of the First Minister and deputy First Minister. The Committee for the Office of the First Minister and deputy First Minister will formulate all contributions into one report to the Assembly which will be submitted to the Business Committee for Plenary debate.*
4. This report provides an overview of statutory committees' engagement with European issues and consideration of European policy and legislation from May 2011 to August 2012. It is the second report of this type; the first one was printed on 23 February 2012 and can be viewed at the link below.  
  
[http://archive.niassembly.gov.uk/centre/2007mandate/reports/2010/report\\_48\\_10\\_11r.htm](http://archive.niassembly.gov.uk/centre/2007mandate/reports/2010/report_48_10_11r.htm)
5. The Committee agreed to write to all statutory committees at its meeting of 4 July 2012 to request information on their engagement on European issues. A copy of statutory committee responses are at Appendix 1.

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

6. The Committee for the Office of the First Minister and deputy First Minister has implemented a number of Actions in its European Issues Report. The Committee continued its engagement with the Northern Ireland representatives in Europe and with key stakeholders.
7. In June 2011, the Committee established a European Advisory Panel to help inform Committees' and the Assembly's consideration of European issues. The Panel is made of up of Northern Ireland's MEPs, representatives on the European Economic Social Committee, representatives on the Committee of the Regions, officials from the EU Commission Office in Belfast, from the Executive's Office in Brussels and local government. The Chairpersons of statutory committees are also invited depending on subject.
8. The Advisory Panel met three times during the period of this report
  - In November 2011 the Panel focused on the Commission's CAP proposals 2014-2020, which the Committee for Agriculture and Rural Development is considering.
  - In March 2012 the Panel considered regional transport and cohesion proposals and in particular the possibility of PEACE IV funding.
  - In June 2012 the Panel focussed on the opportunities available in relation to research and development through Horizon 2020.

The Panel meetings were well attended by stakeholders and by relevant Committee Chairpersons and Deputy Chairpersons. It has been a useful engagement tool as the Assembly seeks to take these issues forward.

9. The Committee undertook a visit to Edinburgh/Brussels at the end October 2011 to gain an understanding of how countries holding the rotating presidency of the EU develop the agenda for their six month presidency and the possibilities of influencing this agenda, or benefitting from it. Members were also seeking to develop contacts and gain access to information networks. Additionally, the Committee wanted to gain an insight into the key current EU issues, particularly around structural and cohesion funds, by meeting those with expert knowledge of the issues, both for Members own information and also to allow them to bring this information back to the Assembly. Members found the visit very beneficial and will seek to build on the contacts and networks established.
10. In January 2012, the Chairperson attended a meeting of the EC-UK Forum in Edinburgh. The EC-UK forum is a bi-annual meeting of the Chairpersons of the UK Committees with responsibility for European issues. At the meeting there were a number of issues discussed, including the Eurozone crisis, the European Commission's Work Programme and subsidiarity. Parliament Buildings will host the next meeting of the EC-UK Forum in October, when the Irish Minister for EU Affairs will brief the Chairpersons on the Irish Presidency of the EU in 2013.
11. The Committee played a key role in the Review of the Office of the Northern Ireland Executive in Brussels. The Committee has also scrutinised the Department's and the Executive's work in Europe, including the work of Barosso Taskforce and considered and responded to the Executive's draft European Priorities for 2012. This contributed to the Northern Ireland Executive producing a European Priorities document focussing on 4 areas – Competitiveness and Employment; Innovation and Technology; Climate Change and Energy; and Social Cohesion. The Executive has appointed 4 new desk officers in Brussels to take forward these areas. In July 2012, the Committee sought an update from the Head of the Executive's Office in Brussels on the progress of the 4 desk officers and the work of the Barroso Taskforce. The work of the Barroso Taskforce remains an area of interest for the Committee and it will continue its scrutiny in this area to ensure the Executive make the most of the opportunity provided.
12. In its Report on the draft Programme for Government (PfG) the Committee agreed that the PfG should make greater reference to Europe and the opportunities it offered - in particular it should reference the Executive's commitment to increasing the uptake of European funding by 20% over the period to 2015. The Committee also agreed that it would like to see a commitment in the PfG to greater engagement in Europe and with the European institutions and that the European Priorities document would provide the milestones/outcomes for the commitment. The Committee was pleased to see that the Department included a commitment to increase the uptake of competitive funds by 20% across all departments.
13. In March to June 2012, the Committee considered the Race Relations Order (Amendment) Regulations 2012 which would remove the right of employers employing seafarers to pay them different rates based on the seafarers' nationality/home port. The Committee raised two main concerns with the Department in relation to the Order. Firstly, the lack of an accurate estimate of the cost of implementing the Order (or broadening its scope) and lack of information about its possible effect on the fishing fleet; secondly, the scope of the Order, in that it would still leave some foreign seafarers without protection. Due to the imminence of EU infraction proceedings, the Committee agreed that it was content with the Order and the Department has agreed to come back to the Committee in the new session with further information in relation to the issues raised.

## Other Statutory Committees

14. The work and engagement of the statutory committees on European issues is set out in their responses at Appendix 1. Some of the issues covered by committees are set out briefly below.

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## The Committee for Agriculture and Rural Development:

- The Committee has undertaken considerable work in relation to the reform of the Common Agriculture Policy (CAP). The Committee took evidence from a number of key stakeholders, which enabled the Committee to take a position on CAP reform, which it forwarded to a number of committees in the UK and Ireland.
- The Committee has also considered a number of other European issues, such as the Common Fisheries Policy, the Single Farm Payment and considered EU legislation on a regular basis.
- The Committee received a briefing from Jim Nicholson MEP on the most likely issues to affect the industry in the near future.

## The Committee for Culture, Arts and Leisure

- The Committee has received updates from DCAL on its work in relation to European issues and its role in the Barroso Taskforce Working Group.
- The Committee also considered the Executive's draft European Priorities.
- The Committee received a briefing from Jane Morrice, member of the European Economic and Social Committee, on that Committee's work.
- The Committee was also briefed by the Assembly's Research and Information Service regarding the criteria and qualifications of the European Heritage Label.
- The Committee has kept a watching brief on Creative Europe 2014-2020.

## The Committee for Employment and Learning

- The Committee has had a range of briefings from its Department including the management of the European Social Fund.
- The Committee had two briefings from the Office of the Northern Ireland Executive in Brussels on European issues.
- The Committee also considered a range of subordinate legislation giving effect to EU directives, including the Agency Workers Directive, where the Committee took a keen interest.
- The Committee also considered a Research paper on the European Commission's Work Programme.

## The Committee for Enterprise, Trade and Investment

- The Committee received written briefings from DETI on a number of EU issues, including the EU Regional Aid Post 2013 and the Implementation of the EU Third Energy Package.
- The Committee also considered a research paper on the European Regional Development Fund and Energy Efficiency.
- In November 2011, the Committee hosted a stakeholder event to engage with representatives from the office of the UK SME EU Envoy.

## The Committee for the Environment

- The Committee's main work on European issues relates to environmental legislation originating from EU Directives and it has been engaging early to ensure that the impact, particularly on the business and farming sectors, is minimised.

- The Committee receives quarterly infraction schedule updates from the Department. The Committee has also considered the Strangford Lough Special Area of Conservation, the Wild Birds Directive and the Nitrates Action Programme Regulations.
- The Committee continued the scrutiny of its Department's uptake of EU funding and has asked for regular updates on the work of the Department and the ONIEB to improve uptake.

### The Committee for Finance and Personnel

- The Committee has considered a number of policies and pieces of legislation influenced by European Directives in areas such as public procurement and building regulations.
- The Committee also received a number of briefings from the Department and SEUPB on European Structural Funds issues.

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

- The Committee took evidence from Cooperation and Working together (CAWT), which is funded from the EU INTERREG IV programme.
- The Committee considered a number of Statutory Rules implementing EU Directives.

### The Committee for Justice

- The Committee considered a number of EU proposals for legislation and sought further information on the impact of the proposals for Northern Ireland.
- The Committee took a particular interest in proposals from DoJ on the legislative and other changes required as a consequence of the UK Government's decision to opt-in to the EU Directive on Human Trafficking.

### The Committee for Regional Development

- The Committee has a programme of influencing the EU Parliament in respect of the Connecting Europe Facility (CEF) and the Trans-European Network for transport (TEN-T).
- The Committee has visited Brussels twice as part of this work, meeting rapporteurs taking evidence on these programmes as well as Commission officials and the UK and Irish Permanent Representatives.

### The Committee for Social Development

- The Committee considered a number of items of legislation implementing EU Directives, including proposed amendments to the Street Trading Act 2001 to ensure compliance with the EC Directive on Services in the Internal Market.
- The Committee also engaged on a number of consultations in relation to EU issues.

### Agreed Report

15. At its meeting on 21 November 2012 the Committee for the Office of the First Minister and deputy First Minister agreed and ordered the report to be printed.





Northern Ireland  
Assembly

Appendix 1

# Written Submissions from Statutory Committees



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## List of Respondees

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# Committee for Agriculture and Rural Development response

Committee for Agriculture and Rural Development  
Room 244  
Parliament Buildings

Tel: +44 (0)28 9052 1475  
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From: Stella McArdle  
Clerk, Committee for Agriculture and Rural Development

Date: 25th September 2012

To: Alyn Hicks  
Clerk, Committee for the Office of the First Minister and Deputy First Minister

Subject: European Issues – Report on the Work of Statutory Committees

Thank you for your recent correspondence regarding an update on the work of statutory committees. At its meeting of Tuesday 25th September 2012 the Committee for Agriculture and Rural Development discussed the engagement it has undertaken to date in regards to how it has dealt with European issues in the first session of this mandate.

## Common Agricultural Policy (CAP)

CAP Reform is a major issue in Europe at the moment and has the potential to have serious and wide reaching impacts on the farming and rural communities in Northern Ireland. The Committee has spent considerable time making itself aware of the issues concerning stakeholders about the potential consequences of the reform. It took oral evidence session from Ulster Farmers Union, RSBP and Farmers for Action and written evidence from many other stakeholders. This enabled the Committee to take a position on CAP reform which it forwarded to the Environment, Food and Rural Affairs Committee at Westminster, the Rural Affairs, Climate Change and Environment Committee in Scotland, the Environment & Sustainability Committee in Wales and also the Joint Committee on Communications, Natural Resources & Agriculture in the Republic of Ireland. The paper was also forwarded to the Department for Agriculture and Rural Development (DARD). The Committee also had receipt of and commented on the position taken by DARD on CAP Reform which was presented to the EU Commission.

One major concern of stakeholders and the Committee was around “Greening of the CAP” and particularly Pillar One. The Committee, in conjunction with the Committee for the Environment, held a “Greening the CAP seminar” in Parliament Buildings involving a senior figure, EU Environment DG, Mr Michael Hamell and relevant farming and environmental stakeholders. The Committee used this event to ensure that the concerns of key stakeholders and of the Committee were heard by high level and influential EU officials.

The Committees position paper enabled it to develop contact with the Joint Committee from the Oireachtas, and arising out of that, the Committee wrote to all Northern MEPs and MPs and all MEPs in the other UK regions and the Republic of Ireland. Following this the Oireachtas Joint Committee secured a meeting with the EU Agriculture Commissioner in Dublin which the Committee were invited to attend as observers in the public gallery. The Committee has commissioned a number of research papers in respect of CAP reform which have been discussed in Committee meetings, forwarded to the Department for comment and published on the Committee website.

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## Common Fisheries Policy

The Committee received updates over the session on how EU fishing quotas are affecting Northern Ireland ports and boats, and on the scientific evidence used by the EU for fish quotas. The Committee also received updates leading up to and following the 2011 EU December Fisheries Council, discussing and supporting the Ministers stance in relation to what Northern Ireland needed from the Fisheries Council. The Committee has expressed concerns about the impact of reducing fishing quotas on fishing families in Northern Ireland, the need for better fishing boat decommissioning schemes and development of diversification opportunities.

## Single Farm Payments

Following notification from the European Commission on financial corrections to be levied against DARD, the Committee brought a Motion to the Assembly to discuss the issue. The Motion asked that the Assembly noted the financial corrections and expressed concern about the potential effect on the Executive's Budget. It further called on the Minister to make a full and urgent report to the Assembly on the extent of the financial corrections, the actions she was taking to address the issue of non-compliance and how, when and by whom these moneys will be repaid. The Committee has been briefed on the Single Farm Payment Scheme on a number of occasions, both formally and informally when it took the opportunity to raise the issue of late payments of the 2011 scheme with the Minister and her officials.

## MEP Briefing

The Committee received a briefing from Jim Nicholson MEP. Mr Nicholson provided some inside knowledge on what the most likely issues to affect the industry in the near future will be and on what issue the Committee may wish to focus on in conjunction with the local MEPs.

## EU Legislation

The Committee considers legislation driven by the EU on a regular basis and is keen to ensure that there is parity of approach across all member states. The Committee have on a number of occasions written to the Northern Ireland MEPs to seek clarification and assurances on legislation such as Welfare of Animals legislation effecting both pig and poultry farmers.

## Forward Planning

The Committee are waiting on the EU Commissions outcome of the CAP Reform consultation. It is keeping itself abreast of developments and is aware that the initial timescale for the new policy and legislation is now unlikely to be met. It is ready to re-engage with key farming and rural community stakeholders on this issue when necessary.

The Committee also has a watching brief on the forthcoming EU December Fisheries Council and has arranged both a briefing from the Department and the Industry to highlight the main issues in fishing. The Committee has organised a visit to a Northern Ireland Port to experience the issues at first hand in the upcoming weeks.

There is also the intention to conduct a short review into the process around the Single Farm Payment System. This will also include scrutinising how the EU regulations for the scheme are adapted here and incur financial penalties, the process and procedures and operation issues. The Committee will take oral evidence from key stakeholders and table a motion for debate in the Assembly in late autumn 2012.

## Committee for Culture, Arts and Leisure response

Committee for Culture, Arts and Leisure  
Room 344  
Parliament Buildings  
Ballymiscaw  
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Belfast BT4 3XX

Tel: +44 (0)28 9052 1602  
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From: Lucia Wilson,  
Committee for Culture, Arts and Leisure

Date: 21 September 2012

To: Alyn Hicks  
Committee for the Office of the First Minister and deputy First Minister

Subject: Activities on European Issues

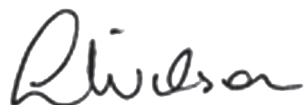
Alyn

At its meeting of 21 September 2012 the Committee for Culture, Arts and Leisure considered a draft response to the OFMDFM Committee's request for activities on European issues.

The Committee agreed to the response, and to forward it to the OFMDFM Committee.

Enclosed is a copy of the report.

Kind Regards,



Lucia Wilson  
Clerk  
Committee for Culture, Arts and Leisure

Enc.

Committee for Culture, Arts and Leisure  
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From: Lucia Wilson  
CAL Committee Clerk

Date: 14 September 2012

To: Alyn Hicks,  
OFMDFM Committee Clerk

Subject: European Issues – report on work of statutory committees

Dear Alyn,

The Committee for Culture, Arts and Leisure has been monitoring EU policy issues by DCAL and its arm's length bodies on a regular basis. This work has been informed by briefings from the Assembly Research and Library Services (Raise) on the European Commission's legislative and work programme. The following provides examples of the Committee's work on European issues.

### **1. EU Engagement**

Following an EU Issues Discussion Forum which was held by the Committee for the Office of the First Minister and deputy First Minister, the CAL Committee for Culture, Arts and Leisure undertook to explore ways of improving its engagement with European institutions. This aim of this was to enhance the Committee's EU scrutiny role.

The Committee agreed to invite a number of representatives from European Institutions and to this end received a briefing from Jane Morrice of the European Economic and Social Committee (EESC) on 13 October 2011.

Ms Morrice provided an introduction to the EESC and suggested a number of actions to increase awareness of EU affairs including visits, discussion forums and engagement with contact points in Brussels.

In terms of Committee priorities, Ms Morrice highlighted measures to coordinate policy to assist creative industries and enhance the protection of intellectual property.

### **2. Research**

The Committee has commissioned a number of research papers on EU policy and legislative developments. This has helped to inform the Committee's inquiry work and other priorities such as sport and the European Culture Programme.

Members also received a briefing from RalSE regarding the criteria and qualifications of the European Heritage Label. Members noted that sites nominated for the European Heritage Label needed to justify their cross-border or pan-European nature by developing the values of European integration.

### **3. DCAL**

On 20 October 2011, officials from the Department of Culture, Arts and Leisure briefed the Committee on a number of European issues relating to culture, arts and leisure including

its role on the Barroso Taskforce Steering Group and its approach towards creating a strong presence in Europe.

#### **4. Draft European Priorities**

The Committee considered the draft European Priorities paper from the OFMDFM Committee in March 2012.

Members welcomed the inclusion (through the Barroso Taskforce Working Group) of relevant interests, namely:

- creative industries;
- culture;
- EU sport projects; and
- collaborations.

#### **5. EU Funding**

The Committee is keeping a watching brief on Creative Europe 2014 – 2020, the new EU programme dedicated to cultural and creative sectors.

The CAL Committee received notification of a Creative Industries funding call relating to European Creative Districts in March 2012 through the Assembly European Projects Manager.

The “European Creative Districts” is designed to support traditional industrial regions in their transition from a traditional economy with strong “heritage” value and cultural identity to a sustainable and innovative economy. This includes the promotion of all forms of creativity and the better use of service innovation and creative industries to stimulate structural change for cultural, craft and manufacturing-based industry.

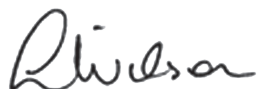
The Committee informed the Arts Council of this opportunity. The Council has subsequently applied for European funding for a major revamp of the arts infrastructure in the North West and has acknowledged the Committee for highlighting this important funding opportunity to them.

#### **6. Going Forward**

EU policy developments were reflected in the evidence for the Inquiry into Maximising the Potential of Creative Industries including the need to explore funding opportunities for small, medium enterprises (SMEs) and microbusinesses. This and other findings in relation to the creative industries in Europe will be reflected in the findings of the Inquiry, due to be published in the autumn.

The issue of funding to local councils under the Local Economic Development Measure was also raised during an oral evidence session with Invest NI who has subsequently written to local councils about maximising European funding.

Finally the Committee will be scheduling a number of briefings in relation to European policy and representation in Europe and has commissioned some research to update the Committee on EU policy and legislative developments.



Lucia Wilson  
Clerk  
Committee for Culture, Arts and Leisure



## Committee for Education response

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To: Alyn Hicks  
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: 21 September 2012

Subject: European Issues

I refer to your correspondence dated 18 July 2012 re European Issues – Report on the work of statutory committees.

During the period May 2011 until August 2012, the Education Committee has not undertaken scrutiny of any European issues of relevance.

I trust that the above is the information required.

Peter McCallion  
Committee Clerk

# Committee for Employment and Learning response

Committee for Employment and Learning  
Room 416  
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To: Alyn Hicks  
Clerk to the Committee for the Office of the First Minister and Deputy First Minister

From: Cathie White  
Clerk to the Employment and Learning Committee

Date: 14 September 2012

Subject: Activity on European Issues

1. During the period May 2011 to August 2012 the Committee for Employment and Learning has been active in scrutinising the activities of the Department for Employment and Learning regarding European issues.
2. One European issue which the Committee was particularly interested in during the year was the transposition of EU Directive 2008/104/EC (Agency Workers Directive). On 1 June 2011, the Department briefed the Committee on the results of the public consultation on the transposition of EU Directive 2008/104/EC on conditions for temporary agency workers and requested the Committee's support for introducing the Directive into legislation.
3. The Agency Workers Directive ensures the appropriate protection of temporary agency workers through the application of the principle of equal treatment. Thus, agency workers would be entitled to the same rights as that of a permanent member of staff in a similar post, unless any difference can be objectively justified. The conditions to which the directive will apply include duration of working time, paid holidays, rest periods and night work, and will apply following a twelve week qualifying period.
4. The Committee felt that although the implementation of the Directive is a European Commission requirement, given its importance, the Assembly should have the opportunity to debate its impact and therefore tabled a Motion in the Business Office for debate. On 15 June 2011, the Committee received briefings from the Department, the Northern Ireland Committee of the Irish Congress of Trade Unions, the Confederation of British Industry (CBI), and representatives of the Law Centre NI to ascertain their views on the impact of the Directive. On 21 June 2011, the Assembly debated, and carried, the Committee's motion that the Minister for Employment and Learning, Stephen Farry, would ensure that the needs of workers are taken into account when implementing the EU Agency Worker Directive, and that costs to businesses would be minimised.
5. At its meeting on 15 June 2011 the Committee was briefed by the Department of Employment and Learning on its engagement with Europe and sought clarification on funding available for Higher Education Institutions and asked the Department to work with the Department of Enterprise, Trade and Investment to increase funding to businesses. The Committee also requested information from the Department on a range of EU engagement issues. Also at this meeting the Committee received a briefing paper from the Assembly Research and Information Service on the European Legislative Work Programme and requested a further paper on work currently being undertaken to access European funding by a range of public sector organisations.

6. On 5 October 2011 the Committee received a briefing from The Northern Ireland Executive Office in Brussels and Departmental Officials on European Issues and sought further information and clarification on a range of issues. The Committee also sought information from the Committee for Finance and Personnel on the associated costs of appointing Thematic Desk Officers to the Executive Office in Brussels and from the Committee for the First Minister and deputy First Minister on the drawdown of EU funding under Framework Programme 7. The Committee also agreed to receive a further briefing from The Northern Ireland Executive Office in Brussels on the Thematic Priorities. This second briefing took place on 4 July 2012 and included a briefing from the Brussels Desk Officer. During this briefing it was agreed that regular briefing would be arranged in the future, via video conferencing, with the relevant Brussels Desk Officer as well as receiving quarterly reports on the work of the Brussels Desk Officer.
7. Also during its meeting on 4 July 2012 the Committee received a briefing from a research officer from Assembly Research and Information Service on his paper on EU Legislative Proposals 2012. During the briefing the Committee agreed to write to the Department for comment on the recommendations made in the research papers and to local universities to ask for comment on the Higher Education aspect of the research. The researcher also agreed to provide a revised paper to take into account Members comments and to provide a further paper on the impact of a European Union initiative on seafarers in Northern Ireland.
8. On 29 February 2012 the Committee received a briefing by the Department on the work of its Strategy, European and Employment Relations Division and sought further information from the Department on a number of issues raised and from OFMDFM on the reports of the European Priorities Steering Groups.
9. As the Department has responsibility for the management of the European Social Fund (ESF) in Northern Ireland the Committee has continued its scrutiny on the matter. On 13 June 2012, at the request of the Committee, the Department briefed the Committee on the allocation of ESF including an explanation of internal easements and match funding and also on the competition element of ESF funding applications, how the process works, how the amount of money drawn down is maximised and information on the scoring matrix used. In response to Members questions the Department has provided clarification on the impact of currency fluctuations on European Funding.
10. In addition the Committee also considered a range of subordinate legislation which was based in Europe for instance the Agency Workers Directive discussed above and on the 20 June 2012 a briefing from the Department on the European Commission's proposals on the Posting of Workers Directive. The full list of the subordinate legislation that related to European issues is as follows:
  - SR 2011 No. 262: The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2011
  - SR 2011-163 The Transfer of Undertakings and Service Provision Change (Protection of Employment) (Amendment) Regulations (Northern Ireland) 2011
  - SR 2012 -184 The Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2012
  - SR 2012 No. 000 The Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012
11. In addition the Committee Chairperson and Deputy Chairperson attended an EU Employment Conference in Brussels on 22 November 2011.

Regards,



Cathie White  
Committee Clerk

# Committee for Enterprise, Trade and Investment response

Committee for Enterprise, Trade & Investment,  
Room 375,  
Parliament Buildings

Tel: 028 9052 1230

Email: jim.mcmanus@niassembly.gov.uk

To: Alyn Hicks  
Clerk to the Committee for First and Deputy First Minister

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

Date: 17 September 2012

## Report on European Activity

At its meeting on the 13 September, the Committee for Enterprise, Trade & Investment considered your correspondence dated 18 July 2012 requesting a report on the Committee's activity on European Issues during the period May 2011 to August 2012. A report of the Committee's key activity on European Issues is outlined below:

- 13 October 2011: The Committee received an oral briefing from DETI on the BIS Consultation on the Revision of the Industrial Development Act 1982. Key issues discussed included the importance of NI retaining automatic 100% assisted area status attracting foreign direct investment (FDI), state aid versus regional aid and DETI's interaction with the EU Commission for future state and regional aid. On the 27 October 2011 the Committee agreed a draft response to the consultation.
- 17 November 2011: Following an oral briefing on the key issues of the new network of SME envoys in the European Union which included the objectives of the network and envoys and proposals for ways in which the envoys will work, an event was held in the Long Gallery. 39 stakeholders were invited to attend to engage with representatives from the office of the UK SME EU Envoy. On 23 February 2012 the Committee considered an assembly research briefing on the stakeholder event.
- 17 May 2012: The Committee received a written briefing from Assembly Research on the European Regional Development Fund and Energy Efficiency. The Committee agreed to forward the paper to the Department and the Committee for Social Development for information and comment. On 31 May 2012 the Committee received an oral briefing from Assembly Research to clarify issues within the paper. Members agreed to engage Assembly Research to commission further research into the case studies presented in the research paper and to write to the DFP to obtain a breakdown of EDRF uptake by Departments.
- 14 June 2012: The Committee received a written briefing from DETI on EU Regional Aid Post 2013.
- 21 June 2012: The Committee received a written briefing from DETI on the Consultation on the Designation of Provisions of EU Regulations No.714/2009 and No.715/2009 as Relevant Requirements.
- 5 July 2012: The Committee received a written briefing from DETI on the Consultation on Implementation of the EU Third Energy Package.

If you have any further queries please feel free to contact me.

# Committee for Environment response

Committee for the Environment  
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From: Alex McGarel  
Clerk to the Committee for the Environment

Date: 5 October 2012

To: Alyn Hicks  
Clerk to the Committee for the Office of the First Minister and deputy First Minister

Subject: European Activity

1. A lot of the environmental legislation that the Committee for the Environment considers originates from European Directives and members have always been of the view that early engagement is vital in ensuring that the impact, particularly on the business and farming sectors, is minimised.
2. The Environment Committee has always been of the view that Northern Ireland departments can do more to secure European funding. The Committee has written several times to the Department of the Environment for updates on its work in drawing down European funding and the work it is doing to help applicants who are often frustrated by the bureaucracy of the application process. Members have voiced their disappointment at the poor uptake of Life+ funding which is available for major environmental projects. The Committee has asked for 6 monthly updates on the work of the four recently appointed EU Desk Officers and will continue to scrutinise the Department's progress in this area.
3. The Committee is also in receipt of quarterly infraction schedule updates from the Department which enables members to scrutinise potential infractions at an early stage and to keep pressure on the Department to ensure that the necessary work is carried out to avoid huge infraction fines.
4. One area that the Committee has kept a particularly close watch on is the Strangford Lough Special Area of Conservation. The Committee has been briefed several times on this issue and voiced concerns at the approach that DOE and DARD has taken over the years. Members expressed concern that both departments had not implemented a restoration plan for the lough and this had left Northern Ireland facing an infraction fine from the European Commission. The lack of a joined up approach between departments had brought about this situation and members brought a motion to the floor of the house to outline their concerns. The Committee will continue to monitor the work of the Department on this issue and is due to receive a copy of the new restoration plan in the next month.
5. A similar situation has occurred with the Wild Birds Directive. Members are concerned that the Department is not doing enough to meet the demands of the Directive. Although the infraction case is against the UK, members feel that the Department need to do more in conjunction with the other UK jurisdictions to ensure that the case is resolved and the threat of infraction fines is negated. The Committee has expressed concern about slippage in the introduction of the necessary regulations and is due to receive a Departmental briefing on the Statutory Rule at its meeting on 11 October.

6. As well as these issues, members continue to scrutinise other EU activity through subordinate legislation. Members were particularly interested in the Nitrates Action Programme Regulations which relates to the manner of the storage of poultry litter and location of storage facilities. Whilst members were content to agree the Statutory Rule they expressed frustration at the lack of a decision in relation to the Rose Energy planning application which could offer a permanent solution to the storage of poultry litter. Members have continually pressed the Minister to make a decision on this issue as they are acutely aware that the EU will not allow a derogation on this issue to continue indefinitely.

Alex McGarel

# Committee for Finance and Personnel response

Committee for Finance and Personnel (CFP)  
Room 419  
Parliament Buildings  
Tel: 028 9052 1843

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

Date: 5 September 2012

To: Alyn Hicks,  
Clerk to the Committee for the Office of the First Minister and deputy First Minister  
(COFMDFM)

## EU Activity

At its meeting today, the Committee for Finance and Personnel considered a request from the Committee for the Office of the First Minister and deputy First Minister for a report of activity on European Issues from May 2011 – August 2012 as set out in Action 2 of the relevant COFMDFM report.

The activities of the Committee for Finance and Personnel are listed at Annex A. Members agreed to forward the information to your committee.

Shane McAteer  
21843

## Annex A

### Role of the Department of Finance and Personnel (DFP) in EU matters.

1. The European Union Division within DFP is part of the budget directorate of Central Finance Group and has responsibility for making the allocations of the available resources under the EU Programmes as well as monitoring expenditure against these allocations.
2. DFP is the sponsor department for the Special EU Programmes Body (SEUPB), which is in turn, the managing authority for the PEACE III and INTERREG IVA Programmes. SEUPB is responsible for all Programme implementation aside from the delivery of the PEACE III Theme 1.2.
3. DFP represents UK member state interests on the PEACE and INTERREG Programme Monitoring Committees (PMCs), their associated Steering Committees and other subgroups.

### Committee Engagement on European Issues

4. On 14 September 2011, the Committee for Finance and Personnel received a briefing from DFP officials and representatives from SEUPB on European Structural Fund issues; at the same meeting members also received a briefing from Assembly Research and Library Service on EU issues.
5. At its meeting on 9 November 2011, the Committee for Finance and Personnel heard from the Department in relation to the approval process for EU Structural Fund applications. It was agreed that the Committee would continue to scrutinise this area and further oral hearings were held on 22 February and 13 June 2012 when DFP officials and SEUPB representatives briefed the Committee on the implementation of new processes aimed at improving the application process for EU Funding.
6. The Chairperson of the Committee also raised this important issue with the Minister of Finance and Personnel during a ministerial statement on the NSMC meeting on 28 May 2012.
7. The Committee continues to pursue this matter with DFP, in light of the development of future PEACE IV and INTERREG V Programmes, particularly encouraging the Department to learn from previous Programmes and make the necessary improvements.
8. More generally, the scrutiny work of CFP has included various areas of policy and legislation influenced by European Directives, including public procurement and building regulations.



# Committee for Health, Social Services and Public Safety response

Committee for Health, Social Services and Public Safety  
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From: Kathryn Bell  
To: Alyn Hicks, Clerk of the Committee for OFMDFM  
Date: 26 September 2012  
Subject: European Issues

At its meeting on 26 September 2012 the Committee agreed to provide you with report of its activity on European issues.

The Committee took evidence from Cooperation & Working Together (CAWT) at its meeting on 1 June 2011. CAWT is a virtual organisation that was formed in 1992 by the then health boards along the border corridor, North and South and is funded from the EU INTERREG IVa programme.

On 20 March 2012 the Committee wrote to the Department for Health, Social Services and Public Safety for information on support for organisations applying for funding under the EU Drug Strategy in relation to drug prevention and intervention.

The Committee also considered the following statutory rules implementing European Union directives:

- **SR 2011/217** – The Food Additives (Amendment) (No.2) Regulations (Northern Ireland) 2011
- **SR 2011/236** – The Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011
- **SR 2011/284** – The Extraction Solvents in Food (Amendment) Regulations (Northern Ireland) 2011
- **SR 2012/3** – The Specified Products from China (Restriction on First Placing on the Market) (Amendment) Regulations (Northern Ireland) 2012
- **SR 2012/180** – The Food Additives (Amendment) and the Extraction Solvents in Food (Amendment) Regulations (NI) 2012

**Kathryn Bell**  
Clerk

## Committee for Justice response

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Parliament Buildings

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From: Christine Darrah  
Clerk to the Committee for Justice

Date: 28 September 2012

To: Alyn Hicks  
Clerk to the Committee for the Office of First Minister and deputy First Minister

### Report on activity on European Issues for the period May 2011 to August 2012

At its meeting on 27 September 2012, the Committee for Justice agreed the attached response to the request by the Committee for the Office of First Minister and deputy First Minister for a report on Committee for Justice activity on European issues for the period May 2011 to August 2012.

Christine Darrah  
Committee Clerk

Enc

## Committee for Justice – Activity on European Issues May 2011 to August 2012

### Committee Engagement on European Issues

1. The Committee for Justice has scrutinised a range of European issues including EU legislative proposals requiring a UK decision on opt in under Protocol 19 and legislation required to implement current EU Directives during the period May 2011 to August 2012.
2. At the meeting on 23 June 2011 the Committee for Justice considered a written briefing paper from the Department of Justice which set out the basis for the Department's engagement on EU matters and provided details of the EU Directives currently being considered and the EU proposals that were likely to be introduced in 2011 and would require a decision from the UK Government to opt in under Protocol 19. The Committee sought further information and clarification on a range of issues including the timescales for legislation to implement a number of the EU Directives, what measures were being taken by the Department of Justice to target EU Funding Streams, what engagement the Department had had with the Barroso Taskforce and to what extent the UK had participated in the Schengen opt out and the impact this had on Northern Ireland.
3. The Committee also advised the Department that it wished to see, at the earliest opportunity and as far as possible before the Minister of Justice confirmed whether he agreed with the UK Government's recommendation or not, all EU legislative proposals requiring a UK decision to opt in together with information on the likely impact for Northern Ireland.

### EU Proposals for Legislation

4. The Committee has considered the following proposals for EU legislation and requested further information, mainly on the likely implications for Northern Ireland, on a number of them:
  - Proposal for a European procedure for freezing bank accounts in civil proceedings with a cross-border element.
  - Proposal for EU legislation on Mutual Recognition of Protection Measures in Civil Matters.
  - Proposal for a draft International Agreement on a unified patent court to deal with infringement and validity of certain patents in EU States.
  - Proposal for EU legislation establishing a Home Affairs EU Funding Programme 2014 – 2020.
  - Proposal for EU legislation establishing a Justice EU Funding Programme 2014 – 2020.
  - Proposal for EU legislation on Accessions to the 1980 Hague Convention on Child Abduction.
  - Readmission Agreements between the EU and Turkey.
  - Proposals for nine Directives to be aligned to EU Decision 768/2008/EU on a common framework for the marketing of products and to certain provisions of EU Regulation 765/2008/EC.
  - Decision to be made on whether to accept European Court of Justice jurisdiction for Pre-Lisbon police and criminal justice measures in 2014 (commonly referred to as the 'block opt-out' or '2014 decision').
  - Proposal for an EU Regulation on migration from the Schengen Information System to the second generation Schengen Information System.
  - Proposal for an EU Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen Acquis.
  - Proposal for EU legislation on the freezing and confiscation of the proceeds of crime in the European Union
  - Proposal for an EU Regulation on Recognition and Enforcement of Judgements in Civil and Commercial matters (BRUSSELS 1).

5. In April 2012 the Committee wrote to the Department of Justice following receipt of a number of proposals for EU legislation without any information on the likely impact for Northern Ireland and with a timescale for a response that provided the Committee with little or no opportunity to properly consider the proposal. The Committee indicated that this was an entirely unsatisfactory situation and reminded the Department of the need to provide the Committee with appropriate time to give due consideration to legislative proposals requiring an opt-in decisions.

## Implementation of EU Directives/Conventions

6. Of particular interest to the Committee have been the proposals on the legislative and other changes required as a consequence of the UK Government's decision to opt-in to the EU Directive on Human Trafficking (2011/36/EU).
7. At the meeting on 9 February 2012 the Committee agreed that it was content with a proposed consultation on two amendments to legislation to ensure compliance with the EU Directive and which sought views on how the Department engages with non-governmental and other organisations in relation to human trafficking issues.
8. The Committee subsequently considered the results of the consultation and noted that relevant clauses for the two new offences had been drafted for inclusion in the Criminal Justice Bill. The Committee agreed to request further information on the other issues highlighted in the consultation which the Department indicated did not require legislative change and commissioned an Assembly research paper on the legislation and procedures that are in place, or being taken forward by other EU Countries, to implement the EU Directive.
9. As part of the Committee Stage of the Criminal Justice Bill the Committee is continuing to scrutinise the proposals to implement the EU Directive in Northern Ireland.
10. The Committee also considered and approved proposals by the Department of Justice for a policy consultation on proposals to deliver requirements under the Framework Decision: "Mutual Recognition of Probation Measures, Licence Supervision and Alternative Sanctions across Members States of the European Union". At the meeting on 17 May the Committee considered the results of the consultation and agreed that it was content for the Minister of Justice to legislate to permit the mutual recognition of judgements and probation decisions in a forthcoming Justice Bill.
11. The Committee agreed proposals from the Department to undertake a consultation exercise on proposals to amend the Carriage of Explosives Regulations (NI) 2010 to take account of an EU Directive (Directive 2010/35/EU) and to revoke the labelling requirement of the Classification and Labelling of Explosives Regulations 1991 and replace it with an industry code of conduct and following consideration of the results of the consultation exercise agreed it had no objection to SR 2012/177 The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2012.
12. Other issues considered by the Committee include the initial implementation plans for the 2007 Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance, the results of a consultation on proposals to align 2 EU Directives: the Civil Explosives Directive, the Pyrotechnic Articles Directive within existing legislation and Court Rules to support the implementation of EU Regulation 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations in the Magistrates' Courts and proposals for a consultation on Court of Judicature Rules to limit costs for Environmental Judicial Review applications to meet the requirements of the EU Public Participation Directive.

**Paul Givan, MLA**  
**Chairman of the Committee for Justice**

## Committee for Regional Development response

To: Alyn Hicks  
Clerk to the Committee for the First and deputy First Minister

From: Paul Carlisle  
Clerk to the Committee for Regional Development

Date: 19 October 2012

Subject: Engagement in Europe

1. I refer to the above and would apologise for the delay in responding to you. I hope this has not caused you any inconvenience.
2. The Committee for Regional Development has visited Brussels on two occasions, in April and May 2012, as part of a programme of influencing the EU Parliament in respect of the Connecting Europe Facility (CEF) and the Trans-European Network for transport (TEN-T).
3. This has involved mainly liaising with the two rapporteurs taking evidence in respect of the above programmes and participation, including participating in a stakeholder's event hosted by the rapporteurs. Committee Members have also held meetings with officials from the EU Commissioners office and the UK and Irish Permanent Representatives.
4. The Chair to the Committee, Mr Jimmy Spratt MLA, will also hold discussions on the subject with the Chair to the EU Committee for Transport, Mr Brian Simpson MEP, on 19th October 2012.
5. I hope this is of use to you and I am happy to discuss.

**Paul Carlisle**  
**Clerk to the Committee for Regional Development**

## Committee for Social Development response

Committee for Social Development  
Room 410,  
Parliament Buildings,  
Stormont,  
Belfast BT4 3XX

Tel: 028 9052 1864

To: Alyn Hicks, Clerk to the Committee for the Office of the First Minister and deputy First Minister

From: Kevin Pelan, Clerk to the Committee for Social Development

Date: 7 September 2012

Subject: European Issues

At its meeting on 6 September 2012, the Committee considered your memo dated 18 July 2012 requesting a report of the European issues considered by the Committee for Social Development during the period May 2011 to August 2012 in accordance with Action 2 of the OFMdFM Committee report on its Inquiry into Consideration of European Issues.

The Committee agreed to provide a report which is attached at Annex 1.

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## Annex 1

### Subordinate Legislation

- **SR 356/2011:** The Social Security (Disability Living Allowance, Attendance Allowance and Carer's Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 2011
- **SR 238/2012:** The Occupational and Pension Schemes (Automatic Enrolment) (Amendment No. 2) Regulations (Northern Ireland) 2012

### Primary Legislation

As part of its consideration of the Pensions Bill (NIA Bill 3/11-15), the Committee considered the issue of the equalisation of state pension age between men and women in line with the in line with EC Directive 79/7/EEC, which requires the progressive implementation of equality of treatment for men and women in social security.

At its meeting of 17 November 2011, the Committee considered proposed amendments to the Street Trading (Northern Ireland) Act 2001 (the Street Trading Act) to ensure compliance with the EC Directive on Services in the Internal Market (2006/123/EC)

### Consultations

At its meeting of 2nd June 2011, the Committee considered correspondence from the Minister for Social Development seeking the Committee's views on an EU consultation on the EC Green Paper on online gambling in the internal market. In January 2012, the Committee considered the views of a poker lobby group advocating that NI poker legislation should be brought in line with other EU member states.

The Committees were advised of the impact of EU Competition Law and EU Directives as part of its consideration of DSD's consultation on minimum alcohol pricing.

In January 2012, the Committee considered correspondence from the Committee for Justice regarding the Department for Justice consultation on the European Framework Decision on the transfer of supervision arrangements for offenders.

### Correspondence

In February 2012, the Committee considered correspondence from the Department for Social Development and the Committee for the Office of the First Minister and deputy First Minister regarding the Executive's European Priorities 2012-13.

At its meeting on 26 April 2012, the Committee noted correspondence from the Committee for the Environment regarding potential changes to the EU Roadworthiness Directive.

In May 2012, the Committee noted a briefing paper from Assembly Research and Information Service on the European Regional Development Fund and Energy Efficiency.

At its meeting on 21 June 2012, the Committee noted a paper from the Department of Finance and Personnel on the future of EU Funding after 2013.









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