

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

Report on Assembly Committee Priorities for European Scrutiny in 2014

Together with the Minutes of Proceedings,
Memoranda and Written Submissions relating to the Report

Ordered by the Committee for the
Office of the First Minister and deputy First Minister to be printed 19 March 2014
Report: NIA 159/11-15 (Committee for the Office of the First Minister and deputy First Minister)

Membership and Powers

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

Chairperson Mr Mike Nesbitt

Deputy Chairperson Mr Chris Lyttle

Mr Alex Attwood¹

Mr Leslie Cree

Miss Megan Fearon

Mrs Brenda Hale

Mr Alex Maskey

Ms Bronwyn McGahan

Mr Stephen Moutray

Mr George Robinson

Mr Jimmy Spratt

1

With effect from 7 October 2013 Mr Alex Attwood replaced Mr Colum Eastwood

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List of Abbreviations

BMA	British Medical Association
CAL	Culture, Arts and Leisure
CAP	Common Agriculture Policy
CEEP	European Centre of Employers and Enterprises
CEF	Connecting Europe Facility
CEMR	Council of European Municipalities and Regions
CERN	European Organisation for Nuclear Research
CFP	Committee for Finance and Personnel
CFP	Common Fisheries Policy
Cllr	Councillor
COFMDFM	Committee for the Office of the First Minister and deputy First Minister
COSAC	Conference of Parliamentary Committees for European Affairs of Parliaments of the European Union
COSME	EU Programme for Competitiveness of Small and Medium sized Enterprises
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 SANCO	Directorate General for Health and Consumers
DHSSPS	Department of Health, Social Services and Public Safety
DOE	Department for the Environment
EC	European Commission
ECHR	European Convention on Human Rights
EEAS	European External Action Service
EESC	European Economic and Social Committee
EM	Explanatory Memorandum
EPPO	European Public Prosecutor's Office
ERASMUS	European Community Action Scheme for the Mobility of University Students
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union

EURES	The European Job Mobility Portal
FCO	Foreign and Commonwealth Office
FTT	Financial Transactions Tax
GB	Great Britain
GEBR	General Block Exemption Regulation
GRETA	Group of Experts on Action against Trafficking in Human Beings
HSC	Health and Social Care
ICT	Information and Communication Technology
INTERREG	European Union Programme for Interregional Cooperation
IPR	Intellectual Property Rights
IT	Information Technology
JHA	Justice and Home Affairs
MEP	Member of European Parliament
MLA	Member of the Legislative Assembly
MP	Member of Parliament
NI	Northern Ireland
NICEM	Northern Ireland Council for Ethnic Minorities
NILAS	Northern Ireland Landfill Allowance Scheme
NILGA	Northern Ireland Local Government Association
NITF	Northern Ireland Taskforce
OFMDFM	Office of the First Minister and deputy First Minister
OLAF	European Anti-Fraud Office
PACE	Police and Criminal Evidence
PEACE	European Union Programme for Peace and Reconciliation in Northern Ireland
PES	Public Employment Services
PPP	Public-Private Partnerships
PSNI	Police Service for Northern Ireland
QUB	Queen's University Belfast
R&D	Research and Development
RaISe	Assembly Research and Information Service
REFIT	Regulatory Fitness and Performance
SEUPB	Special European Union Programs Body
SME	Small and Medium Enterprises

SWD	Staff Working Document
TB	Tuberculosis
TD	Member of the Dáil Éireann
TEN-T	Trans-European Network for Transport
TTIP	Transatlantic Trade and Investment Partnership
UK	United Kingdom
UU	University of Ulster
WFD	Waste Framework Directive

Introduction

1. This report details the European priorities for scrutiny by Assembly statutory committees in 2014. Selection of these priorities is based upon the European Commission Work Programme for 2014, as envisaged in the Committee for the Office of the First Minister and deputy First Minister ('the Committee') report on its Inquiry into Consideration of European Issues.¹
2. The European Commission produces a work programme at the beginning of its mandate which includes details of both legislative and non-legislative initiatives planned for the term of the Commission. This work programme is updated on an annual basis in the autumn.
3. Assembly Research and Information Services (RaISe) produce an analysis of the annual work programme focusing on issues which are devolved and of specific relevance or interest to the Assembly committees, based upon a set of criteria which were agreed by the Committee for the Office of the First Minister and deputy First Minister on 24 October 2012. A copy of this analysis is contained in Appendix 3.
4. The Committee considered the RaISe analysis at the meeting of 11 December 2013 and agreed to forward the analysis to the statutory committees and request a response detailing their European priorities for the year ahead. In recognition that 2014 is the final year in the term of this Commission lead by José Manuel Barroso and accordingly the number of proposals in the Commission's Work Programme for 2014 is significantly smaller than in other years, statutory committees were invited to include details of other European related activity which they plan to undertake this year.
5. The Foreign and Commonwealth Office produced an Explanatory Memorandum on the European Commission Work Programme (CWP) which outlines the most significant initiatives in the CWP and the Government's initial views on them, including assessment of subsidiarity concerns. This Explanatory Memorandum also includes details of measures within the Commission Work Programme of interest to the devolved administrations:
6. *'The Northern Ireland Executive has a close interest in the new measures under the Multi-annual Financial Framework, Common Agricultural and Fisheries Programmes, Regional Aid, the Connecting Europe Facility, Horizon 2020 and the European Social Fund 2014-20. The Northern Ireland Executive will also wish to follow developments in energy policy and technology, climate change adaptation, waste policy, youth unemployment, free movement of workers, public procurement and the tobacco products directive.'*²
7. The Committee agreed to forward this Explanatory Memorandum to the statutory committees in order to inform consideration and selection of European priorities for the year ahead.
8. Action 2 of the Committee's Inquiry into Consideration of European Issues states: *'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.'*³
9. In order to streamline the reporting process, in addition to seeking a response from statutory committees on planned European engagement in 2014, the Committee asked statutory committees to also provide a brief report on activity undertaken on the 2013 European

1 NIA 33/09/10R http://archive.niassembly.gov.uk/centre/2007mandate/reports/2009/Report_33_09_10R.htm

2 Document 15521/13 + ADD.1 Explanatory Memorandum on European Union Documents, Foreign and Commonwealth Office, 15 November 2013

3 NIA 33/09/10R http://archive.niassembly.gov.uk/centre/2007mandate/reports/2009/Report_33_09_10R.htm

priorities as detailed in the Committee report on Assembly Committees – Priorities for European Scrutiny in 2013⁴.

10. A synopsis of the European priorities for 2014 selected by Assembly committees is overleaf. The full reports prepared by each committee including summaries of the activity undertaken in 2013 are in Appendix 2.
11. The Committee agreed to write to the Office of the First Minister and deputy First Minister to seek details of the Northern Ireland Executive's European priorities for 2014. 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 the year ahead. These responses are contained within Appendix 4.
12. The Committee for the Office of the First Minister and deputy First Minister will seek to hold a plenary debate on this report early in 2014.

4 NIA 108/11-15 <http://www.niassembly.gov.uk/Assembly-Business/Committees/Office-of-the-First-Minister-and-deputy-First-Minister/Reports/Assembly-Committees-Priorities-for-European-Scrutiny-in-2013/>

Committee European Priorities 2014

13. The priorities for European engagement for statutory committees in 2014 are listed in brief below. Full details of individual committee responses are included in Appendix 2.

Committee for Agriculture and Rural Development

- Reform of Common Agricultural Policy (CAP)
- Common Fisheries Policy (CFP)
- Single Farm Payments
- Northern Ireland Rural Development Programme
- Legislation on Bovine Tuberculosis
- Legislation on plant health

Committee for Culture, Arts and Leisure

- Creative Europe 2014-2020
- Intellectual Property Rights Strategy
- Online distribution of audio-visual works in the EU
- Music piracy and copyright protection
- European Commission Communication on Promoting Cultural and Creative Sectors for Growth and Jobs in the EU
- Developing the European dimension in sport
- Sport sub-programme
- Horizon 2020

Committee for Education

- Nil response from the Commission Work Programme however the Committee has sought further information from the Department of Education and the British Council in respect of other education related EU programmes.

Committee for Employment and Learning

- Tackling the gender pay gap
- Recast and merger of three Directives - on collective redundancies; transfers of undertakings; and establishing a general framework relating to information and consultation of workers in the EU
- Labour mobility package
- Communication on job creation in the 'green economy'

Committee for Enterprise, Trade and Investment

- 2030 Framework for Climate and Energy Policies
- State Aid Modernisation in key sectors
- State of Implementation of the Internal Energy Market and Action Plan to implement the Internal Energy Market at retail level
- A New Approach to Business Failure and Insolvency
- Research and Innovation as new sources of growth

Committee for Environment

- Climate & Energy Framework for the Period up to 2030
- Resource Efficiency and Waste
- Framework to Enable Safe and Secure Unconventional Hydrocarbon Extraction
- State Aid Modernisation in Key Sectors

Committee for Finance and Personnel

- Industrial Policy Package
- Framework for Crisis Management and Resolution for Financial Institutions other than Banks
- PEACE and INTERREG programmes
- Policy and legislation influenced by European legislation such as Buildings Regulations, Civil Law and Public Procurement

Committee for Health, Social Services and Public Safety

- Scrutiny of secondary legislation arising from the Tobacco Products Directive
- Committee review of waiting times for elective care will include scrutiny of practice in other European countries
- Scrutiny of secondary legislation implementing EU Directives, particularly in relation to food hygiene & safety.

Committee for Justice

- UK Government opt-in protocol on EU legislative proposals
- Special Safeguards in Criminal Proceedings for Suspected or Accused Persons who are Vulnerable (legislative proposal)
- 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 (legislative proposal)
- Fighting Money Laundering (legislative proposal)
- Fighting Cigarette Smuggling (non-legislative proposal)
- Initiatives on Firearms: Reducing Gun Crime in Europe (non-legislative proposal)
- Establishment of a European Public Prosecutor's Office (EPPO) to Protect the Financial Interests of the Union (legislative proposal)
- Nuclear insurance and liability (legislative proposal)
- EU Directive on Human Trafficking (2011/36/EU) (legislative and other changes required to fully comply with, and implement this Directive)
- EU Directive on standards relating to the rights, support and protection of victims of crime (2012/29/EU) which is due to be transposed by November 2015.
- UK's 2014 Opt-out decision in relation to the approximately 130 police and criminal justice measures which were adopted by unanimity in the Council of Ministers before the Lisbon Treaty came into force
- EU Regulation on Mutual Recognition of Protection Measures in Civil Matters
- EU Framework Decision: "Mutual Recognition of Probation Measures, Licence Supervision and Alternative Sanctions across Member States of the European Union"

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

- Tackling the Gender Pay Gap (non-legislative initiative)
- Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (legislative initiative)
- European Accessibility Act (legislative and non-legislative)
- Subsidiarity monitoring
- Committee inquiry into the Barroso Taskforce

Committee for Regional Development

- Trans European Transport Networks (TEN-T) and Connecting Europe Facility (CEF)
- Committee inquiry into the benefits of cycling to the economy will include a European aspect

Committee for Social Development

- Social investment through the European Social Fund
- Social inclusion
- European Regional Development Fund resources for sustainable urban development



Northern Ireland
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Appendix 1

Minutes of Proceedings

Wednesday 24 October 2012

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Colum Eastwood
Mr Paul Givan
Mr John McCallister
Ms Bronwyn McGahan
Mr George Robinson

Apologies: Miss Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Mr Stephen Moutray

In Attendance: Mr Alyn Hicks (Assembly Clerk)
Mr Keith McBride (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mrs Marion Johnson (Clerical Officer)
Mr Tim Moore (Senior Researcher) Item 6 only

2:07pm The meeting opened in public session.

6. EU Pilot Project

A Senior Researcher from the Assembly's Research and Information Service briefed the Committee on draft criteria for the proposed EU Pilot Project to support statutory committee engagement in European issues.

3.00pm Mr Eastwood left the meeting.

Agreed: The Committee agreed that it was content with the criteria for proposed EU Pilot Project.

4.26pm The Chairperson adjourned the meeting.

Wednesday 11 December 2013

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mr Leslie Cree
Miss Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr George Robinson
Mr Jimmy Spratt

Apologies: None

In Attendance: Mrs Shauna Mageean (Assembly Clerk)
Mr Keith McBride (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mrs Marion Johnson (Clerical Officer)

2:02pm The meeting began in public session.

4.30pm Mr Attwood left the meeting.

9. **EU Priorities for 2014**

The Committee considered a research paper on the European Commission's Work Programme for 2014 highlighting possible European priorities that statutory committees may wish to take forward.

Agreed: The Committee agreed to include a non-legislative initiative on tackling the gender pay gap and a legislative initiative on the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms in its European Priorities for 2014.

Agreed: The Committee agreed to forward a copy of the research paper to all statutory committees for their consideration and to request that they provide details on European issues that they will be taking forward in 2014.

Agreed: The Committee agreed to write to the Department, MEPs, Members of the Committee of the Regions and Members of the European Economic and Social Committee to seek their views on the European Commission's Work Programme and its relevance to Northern Ireland.

Agreed: The Committee agreed to forward a copy of the research paper to the House of Commons and House of Lords EU Committees for information.

4.52pm The Chairperson adjourned the meeting.

Wednesday 5 February 2014

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mr Leslie Cree
Miss Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr George Robinson
Mr Jimmy Spratt

Apologies: Mr Stephen Moutray

In Attendance: Mrs Shauna Mageean (Assembly Clerk)
Mr Keith McBride (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mrs Marion Johnson (Clerical Officer)
Ms Roisin Kelly (Bill Clerk – Item 11 only)

2:01pm The meeting began in public session.

2.11pm Mrs Hale left the meeting.

3.14pm Miss Fearon left the meeting.

7. Committee's European Priorities for 2014

Agreed: The Committee agreed to its response for the Report on Assembly Committee's EU Priorities for 2014.

Agreed: The Committee also agreed to include a copy of the Committee's EU Activity for 2013 in the report.

4.25pm The Deputy Chairperson adjourned the meeting.

Wednesday 12 March 2014

Room 30, Parliament Buildings

Present: Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mr Leslie Cree
Miss Meagan Fearon
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr George Robinson
Mr Jimmy Spratt

Apologies: Mrs Brenda Hale
Mr Mike Nesbitt

In Attendance: Mr Peter Hall (Assembly Clerk)
Mr Keith McBride (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mrs Marion Johnson (Clerical Officer)

2:00pm The meeting began in public session.

3.06pm The meeting moved into closed session

10. Report on Assembly Committees European Priorities for 2014

The Committee considered its draft Report Assembly Committees European Priorities for 2014.

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

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

Agreed: The Committee read and agreed the Introduction.

Agreed: The Committee read and agreed the Committee EU Priorities.

Agreed: The Committee agreed that an extract from the Minutes of Proceedings of today's meeting should be included in Appendix 1 of the report and that the Deputy Chairperson approve that extract for inclusion.

Agreed: The Committee agreed that the Report be printed as the Eleventh Report of the Committee.

Agreed: The Committee agreed to table a motion for a 'Take Note' debate on the Report. The Committee agreed to the wording of the motion.

3.08pm The Deputy Chairperson adjourned the meeting.



Northern Ireland
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Appendix 2

Statutory Committee Responses

Committee for Agriculture and Rural Development

EUROPEAN COMMISSION WORK PROGRAMME 2014 – 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 14 January 2014 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 Single Farm Payments and the Northern Ireland Rural Development Programme.

The Committee participated in a visit to Brussels in April 2013 and met with MEPS to discuss a range of issues including regional flexibility, financial discipline, and red tape and funding for the Rural Development Programme.

MEPs discussions focused on Horizon 2020 and how to engage with EU institutions using Europe to grow the NI economy via use of Regional Aid Guidelines and Youth Unemployment.

The Committee also met with a range of officials in Brussels including Mr Tim Render, Counsellor Agriculture and Fisheries, UK Permanent Representation to the EU, Dermot Ryan, Presidency Chair of the Special Committee for Agriculture in the Council of Ministers and Brian Kilgallen, Veterinary Attaché for the Permanent Representation of Ireland in the EU. The main issues discussed at these meetings were CAP Reform, CFP Reform and the Horsemeat scandal.

Bovine TB and the expected timescale for changes to EU legislation is another area of concern for the Committee alongside cattle vaccination for Bovine TB and this was also discussed during the Brussels visit.

Two new issues for Committee consideration emerged during 2013; Tree Disease and the Horse Meat Scandal. On Tree Disease, the Committee is aware of and investigated the EU legislative background to importing plants. The Committee has also been watching the progress of the review and proposals for amending EU legislation on Plant Health. Both these matters were discussed when the Committee met with Robert Baayen and Paco Riveriego, from the DG SANCO in Brussels.

Whilst in Brussels the Committee took the opportunity to meet with the Barroso Desk Officers, Gordon Browne, Alastair Campbell and Keith Brown. The officers briefed the Committee on their roles and responsibilities and their aim to encourage Northern Ireland organisations to pull down EU monies.

Other EU activity planned for 2014

- Ongoing work to be continued through 2014;
- Updates from RaISe as required;
- Regular updates on EU matters from Barroso Task Force Desk Officer or departmental officials;
- Briefing sessions with Minister on EU issues; and
- EU dimension in inquiries/reviews if appropriate.

Committee for Culture, Arts and Leisure



Northern Ireland
Assembly

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: C10/14

13th February 2014

Dear *Mr Nesbitt*,

Culture, Arts and Leisure Committee EU Priority Workstreams

At its meeting on 13th February 2014, the Committee for Culture, Arts and Leisure agreed that I should write to you to highlight the Committee's EU priority workstreams for the remainder of 2014.

As you are aware, as was the case in 2013, there were no CAL-related issues coming out of the EU Commission Work Programme for 2014. However, as I also indicated last year, the Committee is very keen to continue to pursue an EU workstream and engage with stakeholders around EU-related issues.

Many of the priorities identified in the Committee's 2013 return to your Committee were under a watching brief and are only now coming to fruition and this can be seen in the Committee's 2014 return (attached). With respect to the other priorities in last year's return, the Committee communicated with stakeholders and partners as indicated in the previous return.

Members have highlighted the Committee's key EU priorities for 2014 on the attached pro forma. Many of these are ongoing issues highlighted in last year's return. The Committee is continuing to prioritise the outworkings of its Creative Industries Inquiry Report in March 2013 which highlights a number of key EU-related priorities. In addition, the Committee will continue to prioritise engagement with stakeholder groups and key partners around responding to funding calls for the Creative Europe and Horizon 2020 funds, which were opened at the beginning of this year.

The Committee looks forward to receiving a copy of your report.

Yours sincerely,

Michelle McIlveen

Ms Michelle McIlveen MLA
Chairperson
Committee for Culture, Arts and Leisure

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

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

Background

The CAL Committee considered the correspondence from the OFMDFM Committee with respect to its EU priorities at its meeting on 13th January 2014. Members agreed that the Committee would respond to the OFMDFM Committee highlighting the EU priorities below.

Agreed Priorities for 2014 from the European Commission Work Programme

Again, there were no specific CAL-related items identified in the 2014 CWP; however, the Committee's EU-related activities are set out below.

Other EU activity planned for 2014

Creative Europe programme 2014–2020:

This fund has now been established and initial funding calls have been made. The Committee is engaging with the Department and stakeholders to ensure that there is widely disseminated information regarding how to apply to the fund. The Committee has noted an improvement in the ease with which applications can be made to the fund with respect to its predecessors.

Intellectual Property Rights Strategy:

A number of measures with respect to this are very current, including the creation of a unitary patent protection system, better protection of brands through a modernised trademark system, facilitating EU access to copyright-protected works (particularly online), and more effective cooperation in the EU against counterfeiting and piracy. It is expected that 2014 will see considerable activity with respect to IPR and the Committee will respond to any needs that Members identify for the Committee and the Department to support stakeholders.

As indicated in the Committee's 2013 EU Priorities response, Members looked at the issue of IPR during the Committee's Creative Industries Inquiry and Members are keen to ensure that key stakeholders here, the screen and music industries, remain well-informed.

Online Distribution of Audiovisual Works in the EU:

The 2013 Green Paper with respect to this focused on the cross-border availability of audiovisual works across the EU, and in particular on the copyright licensing framework. It discussed a number of regulatory approaches to licensing and the remuneration of authors and performers for the online use of their works. Actions will target ways of stimulating the European audiovisual sector, particularly in areas such as video-on-demand and cross-border broadcast services. Measures are being undertaken and the Committee will seek to react appropriately to these.

Issues around music piracy and copyright protection:

A draft bill was presented in July 2012, intending to combat music piracy and strengthen copyright protection, with the intention of forcing companies that manage music rights to pay artists their royalties more speedily. The Committee's examined this issue during its Inquiry into the Creative Industries and Members will now look at the implications flowing from the bill becoming law.

European Commission Communication on Promoting Cultural and Creative Sectors for Growth and Jobs in the EU:

The outworkings of this Communication are now beginning to be seen. The Committee is very interested in this Communication following on from its Creative Industries Inquiry. The Committee will seek an update on the impact of the Communication around how loan guarantee funds and localised administration are working. From this update Members will decide how to engage further with stakeholders. The Committee expects further green papers or draft legislation.

Current work plan for sport: Developing the European Dimension in Sport:

The Committee will seek an update from DCAL regarding its current engagement with respect to the annual EU Sports Forum.

Sport Sub-Programme:

The Committee intends to seek an update on how this programme will operate in its latest guise. From this Members will decide on communication with the Department and stakeholders.

Horizon 2020:

The Committee is very keen that the considerable potential for the Creative Industries to make use of Horizon 2020 is realised. Members will seek to scrutinise DCAL on its role in encouraging such sectors to seek funds from the framework. The Committee also intends to undertake stakeholder events to publicise the fund.

General Comments:

The Committee will be seeking regular updates from both RaISe and the Department with respect to EU issues and Members will engage with the relevant Barroso Task Force Desk Officers. The Committee currently has no plan for a visit to Brussels.

Committee for Education



Northern Ireland
Assembly

Mr Mervyn Storey MLA
Chairperson, Committee for Education

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

10 January 2014

Our Ref: PMcC/SMcG/1101

Dear Mike

EU Scrutiny

At its meeting on Wednesday 8 January 2014, the Committee noted your correspondence dated 16 December 2013, regarding the European Commission Work Programme 2014.

The Committee agreed to respond indicating that as there are no Commission Work programmes of relevance to the Department of Education, the Committee has undertaken no scrutiny of this aspect of EU activity.

You may wish to note however that the Committee is currently seeking further information from the Department and the British Council in respect of other education related EU programmes.

Yours sincerely



Mr Mervyn Storey MLA
Chairperson, Committee for Education

Committee for Education
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Committee for Employment and Learning

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

Committee: **Committee for Employment and Learning**

Background

On receipt of the request by the Committee for OFMDFM for its forthcoming EU priorities the Committee agreed to consider its response after it received its quarterly departmental briefing from DEL on EC issues. Furthermore the Committee requested an additional paper from Assembly Research and Information Service on the European Commission Work Programme. The briefing took place on 5 February 2014. The Committee agreed to for

Agreed Priorities from the 2014 European Commission Work Programme

Tackling the gender pay gap (Previously referred to in the Q3 CWP 2013 briefing as: Commission Recommendation on strengthening the principle of equal pay between man and women through transparency

This initiative would promote and facilitate effective application of the principle of equal pay in practice and assist Member States in finding the right approaches to reduce the persisting gender pay gap.

The Committee agreed to write to the Department asking how NI compares with other EC jurisdictions regarding Equal Pay and what the proposals will mean for NI.

Recast* and merger of three Directives in the area of information and consultation of workers

Recast and merger of three Directives further to a fitness check published in July 2013 in order to address some of the issues raised by the Commission SWD (and improve the operation of the Directives). This initiative is subject to a consultation of social partners.

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 agreed to write to the Department on this issue for a fuller explanation given the importance of both the public sector and SME's to the NI Economy.

Labour mobility package

The initiative will facilitate the free movement of persons within the EU by means of better coordination of social security schemes, thus making citizens' rights more effective and contributing to growth and jobs. The package will present recent achievements and include the revision of Regulation 883/2004 and Regulation 987/2009 on social security coordination as well as the initiative on highly mobile workers.

The Committee agreed to write to the Department seeking further information on this issue given Westminster's revised thinking on the entitlement to benefits of EC Migrants. The Committee also requested further information from Assembly research on the impact of the regulations on the UK Welfare Reform and in particular, the introduction of Universal Credits.

Communication on job creation in the 'green economy

The Communication will focus on the main actions to support job creation and improve resource efficiency at the workplace as one of the main challenges for Europe's competitiveness. It will focus on key economic sectors and on anticipation and emerging skills development for a more resource efficient economy.

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

Other EU activity planned for 2014

The Committee for Employment and learning will continue with its EC scrutiny in 2014 including its quarterly briefing on EU issues, Briefings on the European Social Fund including on the new ESF 2014-2020 and Horizon 2020.

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

Introduction

The Committee received the correspondence from the OFMDFM Committee on 13 December 2012 providing the European Commission Work Programme for 2013. The Committee considered the Work Programme on 20 February 2013 during its briefing on the European Legislative proposals by the Assembly Research and Information Service and a Briefing from Departmental Officials and the OFMDFM European Thematic Desk Officer. The committee raised DEL related issues from the OFMDFM Work Programme with the DEL officials and provided them with a copy of Work Programme requesting that they respond to the issues raised. The Committee also agreed its priorities and forwarded this to the OFMDFM Committee.

The Committee's actions on each of its priorities for 2013 are outlined below.

Proposals for reinforcing partnering in research and innovation in Horizon 2020

Leveraging and pooling efforts on key industrial sectors and in global development assistance through the renewal and creation of Public-Private Partnerships (PPPs).

Includes PPP for joint implementation of national research programmes, to underpin industrial competitiveness by supporting R&D performing SMEs, cutting edge meteorology and ICT based products, and services for the elderly. Another will fight against poverty-related diseases in Sub-Saharan Africa.

The Committee requested a joint briefing by the UU, QUB and University College Dublin on its funding partnerships however there were no funding partnerships between the three Universities. The Committee hosted an event for the 3 Northern Ireland Universities to begin partnerships between them.

The Committee visited the CERN Institute in Geneva to look at funding opportunities for Northern Ireland enterprises. The Committee was joined by representatives from the Universities and Colleges as well as the Institute of Physics to look at opportunities. As part of the trip the Committee and the representatives visited the University of Geneva to look at aspects of how it is engaging with partners to apply for funding and to look at the possibility of establishing links with the University.

The Committee issued the Research and Information Service papers on the EC Work Programme 2013 and the EU work priorities relating to DEL to the Department's attention for comment on the questions raised.

Modernisation of Public Employment Services

This package will cover all elements of the reform of EURES including the delivery of a European Employment Guarantee and the setup of a formal European network of Public Employment Services (PES), to help develop and implement a European Labour Mobility Action Plan for modernisation and strengthening of PES to help transitions on labour markets.

The Committee issued the Research and Information Service papers on the EC Work Programme 2013 and the EU work priorities relating to DEL to the Department's attention for comment on the questions raised.

Social Investment for Growth and Cohesion

Providing guidance on increasing efficiency, effectiveness and adequacy of social protection systems; improving activating and enabling policies; social inclusion and adequate livelihoods.

The Communication will contribute to implementing the Europe 2020 strategy/European Semester, support the design of social investment in the National Reform Programmes and assist Member States in making best use of EU funds, ESF in particular.

The Committee issued the Research and Information Service papers on the EC Work Programme 2013 and the EU work priorities relating to DEL to the Department's attention for comment on the questions raised.

The Committee also raised this issue in its briefing by the European Thematic Desk Officer on 20 Feb 2013.

Review of the Technology Transfer Block Exemption Regulations

Technology transfer agreements concern the licensing of technology. Such agreements will usually improve economic efficiency and be pro-competitive as they can reduce duplication of research and development, strengthen the incentive for the initial research and development, spur incremental innovation, facilitate diffusion and generate product market competition. The objective of the Review is to improve framework conditions for licensing of technology for production thereby stimulating innovation and growth while ensuring effective competition.

The Committee issued the Research and Information Service papers on the EC Work Programme 2013 and the EU work priorities relating to DEL to the Department's attention for comment on the questions raised.

State Aid modernisation – General Block Exemption Regulations

Since 2008 the General block exemption has enabled the granting of regional aid without the need to meet the notification requirement when the aid is directed towards R&D, the environment, employment and training, and aid that complies with the map approved by the Commission for each Member State.

The intention of this is to reduce the administrative burden on Member States. It also has implications for SMEs as the current exemption exempts aid under certain conditions aid in favour of small and medium-sized enterprises.

The Committee issued the Research and Information Service papers on the EC Work Programme 2013 and the EU work priorities relating to DEL to the Department's attention for comment on the questions raised.

Internationalisation of Higher Education

Europeans need to be prepared for an increasingly global, open and competitive labour market. European universities are subject to growing global competition to attract talent and exchange knowledge. The Communication will review the different policies and programmes that can support them in furthering their internationalisation efforts

The Committee issued the Research and Information Service papers on the EC Work Programme 2013 and the EU work priorities relating to DEL to the Department's attention for comment on the questions raised.

State Aid modernisation in key sectors

Reviews of the compatibility criteria included in the following guidelines for aid to Research & Development & Innovation; for aid to risk capital, for regional aid, for environmental aid, for industrial Rescue and Restructuring aid, and for aid to airports and airlines. These revisions aim at supporting the EU's strategy for economic growth, at giving a better focus to the Commission's enforcement work and at taking Commission decisions quicker.

No further information on this has been available.

European Platform to fight undeclared work

This draft decision established a European platform between labour inspectorates and other enforcement bodies. It aims for a more coherent approach by covering all the key areas influenced by undeclared work and supporting a more effective fight against undeclared work by way of improving cooperation, sharing best practice and identifying common principles.

This was at an early stage and has not been considered further.

Other EU activity undertaken in 2013

The Committee received a number of briefings from the European Thematic Desk Officer on upcoming European issues and on the ESF 2014-2020 Strategy. The Committee also attended the EU Employment Conference in Brussels in November 2013 and headed a delegation to CERN to consider opportunities better European link with Further and Higher Education in Northern Ireland.

Other comments

Committee for Enterprise, Trade and Investment

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

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

Background

The Committee for Enterprise, Trade & Investment considered the Assembly Research Paper on the European Commission Work Programme 2014 at its meeting on 16th January 2014. Members agreed to write to the Department of Enterprise, Trade & Investment to receive its priorities prior to responding to the Committee for OFMDFM.

Agreed Priorities from the 2014 European Commission Work Programme

2030 Framework for Climate and Energy Policies

The initiative will frame energy and climate policies beyond 2020 for the period up to 2030 to provide a long-term perspective for investments, achieve a more sustainable, secure and competitive EU energy system and ensure that the EU post 2020 is on track to meet climate and energy objectives.

Planned committee action

Continued scrutiny of DETI implementation of its vision for energy up to 2050.

Scrutinise and support the DETI as appropriate as the Department works towards its target to have 40% of electricity and 10% of heat consumed from renewable sources by 2020.

Committee scrutiny of the planned Energy Bill.

State Aid Modernisation in Key Sectors

The package completes State Aid modernization in key sectors, including an assessment of the guidelines on Research, Development and Innovation.

Planned committee action

To follow up on Committee work to support DETI in retaining Northern Ireland's 100% Assisted Area Status by scrutinising and advising the Department on sub-regional support for businesses through Foreign Direct Investment and increased levels of EU support for innovation and R&D for SMEs.

State of Implementation of the Internal Energy Market and Action Plan to Implement the Internal Energy Market at Retail Level

The Commission intends to complete the internal energy market by 2014. With this in mind, they will report on progress in implementation of the energy acquis and the actions identified in the Action Plan outlined in the Communication on Internal Energy market from November 2012. The Commission will also issue a retail market initiative aiming at facilitating consumer engagement, fostering competition and strengthening energy system architecture to the benefit of energy consumers.

Planned committee action

Follow developments in the review of the Single Electricity Market and work to meet the EU requirements for integration of markets in electricity and gas by 2016.

Engage with the Oireachtas Select sub-Committee on Communications, Energy and Natural Resources on issues relating to EU integration of energy markets and the Single Electricity Market.

Committee scrutiny of the planned Energy Bill.

A New Approach to Business Failure and Insolvency

The objective of this initiative is to set up minimum standards in the field of pre-insolvency procedures (reorganisation) and second chance for honest entrepreneurs. It aims to remove obstacles to cross-border trade and investment by providing a level-playing field for debtors and creditors situated in different Member States.

Planned committee action

Committee scrutiny of the planned Insolvency Bill

Research and Innovation as New Sources of Growth

To follow on from the Commission's work on the Innovation Union it will produce a Communication to assess how the innovation economy promotes competitiveness and provide an evidence base for identifying priority investments alongside the necessary structural reforms in the context of fiscal consolidation and unlocking growth potential.

Planned committee action

Advise the DETI and scrutinise its plans for increasing uptake of research and development opportunities through Horizon 2020 and the COSME programme for SMEs.

Scrutinise the work of the North-South Steering Group on Horizon 2020.

Scrutinise the work of InterTradeIreland in relation to opportunities for collaboration with the ROI under Horizon 2020.

Engage with the Oireachtas Committee for Jobs, Enterprise and Innovation on matters relating to Horizon 2020.

Other EU activity planned for 2014

Follow developments in relation to EU plans to abolish mobile phone roaming charges.

Scrutiny of the DETI NI Broadband Improvement Project

Further engagement with and scrutiny of work of the NI Executive Desk Officers in Brussels as their work relates to the Department of Enterprise, Trade & Investment and attempts to draw down funding from the Connecting Europe Facility.

Other comments

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

Competitiveness & Employment

Economic recovery and job creation

Support to DETI to retain Northern Ireland's 100% Assisted Area Status.

Engagement with EU Parliament Committee on Industry, Research & Energy on matters relating to competitiveness and employment.

Briefing from Invest NI Belgium/NI Trade & Investment team on issues relating to inward investment.

Briefing from three NI MEPs on matters relating to competitiveness and employment

Briefing from NI Bureau Desk Officers in Brussels on matters relating to competitiveness and employment.

Innovation and Technology

Increasing participation in innovation, research & development

Scrutiny of DETI work relating to EU Framework Programme 7

Scrutiny of DETI plans for Horizon 2020

Briefing from three NI MEPs on matters relating to innovation and R&D.

Briefing from NI Bureau Desk Officers in Brussels on matters relating to Innovation and R&D.

Climate Change & Energy

Integration of EU Energy Markets

Engagement with DETI, Single Electricity Market Operator and Utility Regulator in relation to integration of EU energy Markets and the impact on the Single Electricity Market

Scrutiny of DETI work to develop a vision for energy to 2050 (this was a key recommendation of the inquiry conducted by the previous Committee for Enterprise, Trade & Investment into renewable energy development.

Briefing from the EU Wind Energy Association on the European Wind Initiative in the European Strategic Energy Technology Plan.

Briefing from three NI MEPs on matters relating to energy.

Briefing from NI Bureau Desk Officers in Brussels on matters relating to energy.

Other EU activity undertaken in 2013

The Committee covered a wide range of issues during its visit to Brussels in April 2013. Full details of the visit and responses to issues raised by the Committee can be accessed on the Committee pages of the Assembly website here: <http://www.niassembly.gov.uk/Assembly-Business/Committees/Enterprise-Trade-and-Investment/European-Matters>

Other comments

Committee for the Environment



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

6 February 2014

EU Legislation

The Committee for the Environment considered your letter regarding the European Commission (EC) Work Programme 2014 in tandem with the RAISE paper. The RAISE paper identified four relevant priority issues for the Environment Committee in its analysis of the EC's work programme.

The Committee sought clarification from the Department of the Environment (DOE) on a number of these issues and at its meeting on 16 January 2014, the Committee received a briefing from the DOE Barroso Task Force Climate Change and Energy Desk Officer on the aspects of the EC's 2014 work programme that relate to the remit of the DOE.

The Committee has used this information to inform its agreed priorities for the 2014 Work Programme and these have been provided in the attached template. This was agreed by the Committee on 6 February 2014.

In addition, the Committee has a number of on-going European-related priorities and these have also been included on the template.

Yours sincerely



Anna Lo MBE MLA
Chairperson
Committee for the Environment

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

Committee: **Committee for Environment**

Background

The Committee considered Mr Nesbitt's letter about the European Commission (EC) Work Programme 2014.

RaISE has identified four relevant priority issues for the Environment Committee in its analysis of the EC's work programme:

1. Climate & Energy Framework for the Period up to 2030
2. Resource Efficiency and Waste
3. Framework to Enable Safe and Secure Unconventional Hydrocarbon Extraction
4. State Aid Modernisation in Key Sectors

The Committee sought clarification on a number of issues relating to these from the Department and was briefed by the EU Desk Officer at its meeting on 16 January 2014.

A number of other issues of concern to the Committee relating to the EC's ongoing work have also been listed.

1. Climate & Energy Framework for the Period up to 2030

The three specific objectives identified by the EC are:

- To meet 80-95% greenhouse gas emission reduction objective in 2050 compared to 1990
- To foster long term competitiveness, security of supply and sustainability
- To provide a long-term perspective for investments until 2030

Current policies will not allow the EU to meet its objectives of 80-95% carbon emissions reduction by 2050. It is believed that this is largely due to the significant policy gap between 2020 and 2050. The Framework is the next intermediary step in the binding 2030 renewables, CO₂ and energy efficiency targets to fill this gap.

The Minister of the Environment has proposed the introduction of a Northern Ireland Climate Change Bill that includes challenging targets for greenhouse gas reduction.

Proposals are to go to the Executive for agreement before they go public for consultation. Targets in relation to the Framework will need to be considered.

However, the Department stresses that the Minister's proposals for a Northern Ireland Climate Change Bill are not directly reliant on a new EU Climate and the sectoral specificity and Energy Framework.

Proposed Committee Action

The Committee acknowledges that whilst the Department for the Environment has responsibility for climate change policy, the remit for energy lies with the Department for Enterprise, Trade and Investment and it is this Department that brought forward the Strategic Energy Framework and is consulting on a Northern Ireland Energy Bill. Similarly, the Office of the First Minister and deputy First Minister has responsibility for the delivery of the Sustainable Development Action Plan. Consequently targets that are in place up to 2030 have been determined outside the Department for the Environment.

The Environment Committee intends to play an integral part in the development of climate change policy throughout the Department's consultation phase and in conducting the committee stage of a Northern Ireland Climate Change Bill, should such a Bill be introduced. During this time the Committee may decide to gather more information on the inclusion of targets for emission reduction in the legislation.

The Committee will want to ensure that the legislation is best suited to Northern Ireland's needs and contributes proportionately to overarching UK, EU and global obligations. However, as the Department has indicated that the Northern Ireland Climate Change Bill is not directly reliant on the EC's development of a Climate and Energy Framework, it is unlikely that the Committee's action will focus on this EC priority other than to ensure compatibility. The Committee is due to be briefed by the Minister on a Climate Change Bill for Northern Ireland at its meeting on 6 February 2014 and may decide to ask the Department for further in depth briefings at future Committee meetings as this issue progresses.

2. Review of Waste Policy and Legislation

This initiative will review key targets in EU waste legislation (in line with the review clauses in the Waste Framework Directive, the Landfill Directive and the Packaging Directive) and carry out an ex-post evaluation of waste stream directives, including ways to enhance coherence between them. Currently the Waste Regulations (Northern Ireland) 2011 have fully transposed the requirements of the revised Waste Framework Directive (2008/98/EC) (WFD) in Northern Ireland. However, the Department of the Environment has recently held

open consultations on a number of areas including the possibility of introducing a requirement for Site Waste Management Plans, Restrictions on Wastes to Landfill, a Recycling Policy (setting a 60% Municipal Recycling rate target), an Addendum to the Northern Ireland Waste Management Strategy and a proposed Duty of Care Code of Practice for Northern Ireland.

The Landfill Allowances Scheme Regulations (2004) Northern Ireland (NILAS) came into force on April 2005. The scheme permits free transfer of allowances within Northern Ireland but does not permit trading of allowances. The NILAS scheme is also currently under review.

Other proposals include the development of a Waste Prevention Programme in line with requirements under the WFD to be in place by December 2013. The WFD requires the Commission to review its implementation by 2014, which includes an assessment of Member States' waste prevention programmes.

The outcome of reviews at national and EU level is expected to shape future waste regulation in Northern Ireland however, consideration will need to be given to the review of EU legislation taking place, the timing of it and how it will fit in with the review process at the Northern Ireland level.

The Department maintains that the Waste Management Strategy 2006-20 does include some targets relating to municipal waste, e.g. household waste recycling targets and targets relating to the reduction of biodegradable municipal waste to landfill. NILAS was reviewed in 2009 and a policy position statement issued by the Department in January 2010. A further review is planned after legislation has been put in place in respect of a 60% Local Authority Collected Municipal Waste recycling target and a restriction on the landfilling of food waste.

One area on which the Committee has been keen to see the Department provide greater clarity is the definition of end of waste. During its inquiry into the management of used tyres the Committee was told that unlike other parts of the UK and the Republic of Ireland, several waste streams were being stilted due to the absence of clear end of waste definitions. The Department's response to the Committee's request for an update on progress informed the Committee that the Commission is now preparing a set of end-of-waste criteria for priority waste streams to comply with the EU End of Waste Regulations and that the Department has published 7 quality protocols. It also indicates that the Northern Ireland Environment Agency will give a view on whether a product meets the end of waste or by product criteria through a submission.

Proposed Committee Action

The Committee is aware that some councils may be concerned about the proposed introduction of a 60% recycling target and the Committee will engage with them to gather

more information about the implications including an indication of the costs that might be involved to meet a target of this level.

The Committee welcomes any progress that has been made in defining end of waste to allow waste streams to be turned into acceptable products or fuels. It will monitor closely the introduction of the EC criteria and to what extent this is compatible with existing Northern Ireland and GB criteria.

3. Framework to Enable Safe and Secure Unconventional Hydrocarbon Extraction

Against the background of existing EU legislation this initiative will examine options to ensure that opportunities to diversify energy supplies and improve competitiveness, including by production of unconventional gas, can be taken up. The framework would target a level playing field across the EU, clarity and predictability for both market operators and citizens including for exploration projects, full consideration of greenhouse gas emissions and management of climate and environmental risks in line with public expectations.

This may impact Northern Ireland due to the recent consideration of shale gas exploration. Responsibilities and consideration in relation to planning such an environmental impact assessment, community/public involvement, any public inquiry etc. rest with the DOE.

However, close liaison will be required with DETI in terms of exploration and extraction consents. DOE has responsibility for groundwater, air and a range of other environmental issues. However, the Geological Survey Northern Ireland assesses the seismic activity and present physical, chemical and ecological conditions, all of which are required to inform the Environmental Impact Assessment by DOE.

NIEA represents Northern Ireland at the European level on the EU Ad Hoc Working Group on Unconventional Fossil Fuels and on an interest group of the Network of Heads of European Environmental Protection Agencies.

The Department has previously advised the Committee that in May 2012 the DOE Minister agreed with the DETI Minister that the Shale Gas Regulators Forum should be formalised in recognition of the need for collaboration between Government Departments and bodies, in particular DETI and DOE.

Proposed Committee Action

The Committee is aware of the significant public interest in this issue because of the potential for hydraulic fracturing in Northern Ireland. It will consider the Minutes and half-yearly statements produced by the Shale Gas Forum and will be seeking to assure itself that the Department has the necessary expertise and resources to undertake any assessment and issuing of licenses.

4. State Aid Modernisation in Key Sectors

The Assembly Research paper outlines that aid measures, such as to support energy saving and waste management or to improve production processes, pursue a direct benefit to the environment.

Whilst the Committee has not directly considered this issue before it welcomes this initiative as there are undoubted benefits to be derived from energy saving and waste management, not just to the environment but to individuals and businesses.

Proposed Committee Action

The Committee will keep a watching brief on this issue and will write to the Department to ask how it intends to avail of this measure.

Other EU activity planned for 2014

Ongoing work to be continued through 2014

- The Committee has previously been involved with the following and will retain a watching brief:
 - CAP reform
 - Life + funding and other EU funding opportunities
 - Implementation of the Wild Birds Directive in Northern Ireland
 - Implementation of the Habitats Directive in Northern Ireland
- Scheduled updates from RaISe

None planned at this stage

- Scheduled updates on EU matters from the Barroso Task Force desk officers or departmental officials

The Committee recently received an oral briefing from Desk Officer Keith Brown.

- Sessions with the Minister on EU matters

The Committee has agreed to a routine briefing from the Minister and these will include updates on EU matters.

Committee for Finance and Personnel

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

Committee: **Committee for Finance and Personnel**

Background

The Committee first considered the OFMDFM Committee correspondence at its meeting on 15 January 2014 and agreed that, in order to inform its response, it would seek comment from the Department of Finance and Personnel (DFP). The DFP response arrived on 11 February and members considered this correspondence alongside a draft response to OFMDFM Committee at the Committee meeting on 19 February 2014.

Agreed Priorities from the 2014 European Commission Work Programme

The research paper from Assembly Research and Information Service (RaISe), which accompanied the OFMDFM Committee correspondence, cited the following areas as potentially relevant to the Finance and Personnel Committee remit:

12 Industrial Policy Package

The Communication on industrial policy will further look at manufacturing and related services in the EU with a view to enhancing competitiveness of European companies. The package will include a review of the internal market legislation for industrial products, aimed at eliminating the remaining barriers to trade, increasing the quality and efficiency of legislation and bringing the acquis up to date with the latest practices and developments

In its response on this issue, whilst acknowledging that it has responsibility for non-domestic/business rates in NI and noting the RaISe suggestion that ‘CFP may wish to follow developments in respect of Northern Ireland’s “Industrial De-rating” (a long-standing subsidy to the manufacturing industry in NI), DFP has responded that ‘There is little direct DFP involvement in these issues as lead responsibility for these matters are outside the Department; Industrial Policy sits with DETI’.

The Committee, nonetheless, has scrutinised the issue of industrial de-rating in the past and will continue to monitor developments in this regard.

25 Framework for Crisis Management and Resolution for Financial Institutions other than Banks

With a view to enhancing financial stability and in parallel to the framework for the banking sector, this initiative will ensure that non-bank financial institutions can be effectively resolved without causing systemic impact

In its response on this issue, DFP has stated that, while Financial Institutions fall under reserved matters, it will undertake to follow this issue and update the Committee on developments. The Committee will therefore maintain a watching brief on this matter and looks forward to updates from the Department.

Other EU activity planned for 2014

The Committee receives half-yearly update briefings from both DFP and the Special European Union Programmes Body (SEUPB) in relation to EU Funding programmes. A scheduled briefing from DFP and SEUPB officials on 5 February had to be postponed because briefing papers were not forthcoming from the Department (this briefing has been rescheduled for 12 March). The previous update briefing from DFP and SEUPB on future EU Funding Programmes took place in June 2013. The Committee focus has been on the outcomes from existing PEACE and INTERREG programmes, including issues identified by stakeholders, and on progress in relation to the future programmes.

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, such as Buildings Regulations, Civil Law and Public Procurement. On the latter issue, the Committee will be examining the key changes arising from various new EU procurement directives, including planned measures to: increase uptake of procurement opportunities by SMEs, improve the social benefit from public contracts; and support the prompt payment by government bodies and main contractors involved in delivering public contracts. Most recently, at its meeting on 19 February, the Committee considered proposals for subordinate legislation in respect of the transposition of EU Directives relating to Buildings Regulations.

Other comments

While the aforementioned DFP policy areas directly affected by European Directives are mainstreamed within the Committees regular scrutiny work, the Committee will continue to seek assurances from the Department that it is fully engaged on a European level on all relevant issues.

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

Common Strategic Framework Regulations and Funds

This Framework is the overall project in which a number of various funding programmes extend. The new Regulations will govern how Structural Funds are spent over the period 2014-2020.

See other EU activity as outlined above

Initiative on E-invoicing on the field of Public Procurement

The use of E-invoicing in the public sector would help to reduce the operating costs of enterprises and the procurement costs of public authorities by fostering the automation of procedures related to invoicing.

The Committee queried this specific issue with DFP previously and, more generally, received updates on public procurement matters from Central Procurement Directorate

Communication on Guidelines for Standards-based public procurement of ICT systems

This communication's objective is to identify how and ensure that public authorities make best use of the full range of relevant standards when procuring hardware, software and IT services.

Activity undertaken The Committee queried this specific issue with DFP previously and, more generally, received updates on public procurement matters from Central Procurement Directorate

Other EU activity undertaken in 2013

As stated in previous return

Other comments

Committee for Health, Social Services and Public Safety

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

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

Background

The Committee considered correspondence on the European Commission work programme 2014 at its meetings on 15 & 22 January 2014. It considered the issues suggested in the paper prepared by Assembly Research & Library Service.

The Committee noted that while the framework for safe and secure unconventional Hydrocarbon extraction may have general health implications it did not have a direct link to the work of the Department of Health, Social Services & Public Safety.

When the Tobacco Products Directive is implemented by the Department of Health, Social Services & Public Safety the Committee will have a role in considering secondary legislation arising from the Directive.

Agreed Priorities from the 2014 European Commission Work Programme

None

Other EU activity planned for 2014

The Committee is carrying out a review of waiting times with the aim to assess the effectiveness of the Department's current approach to reducing waiting times for elective care, and to identify effective approaches to reducing waiting times which have been used in other countries/regions which could be applied in Northern Ireland. The Committee has a particular interest in measures taken by other European countries to address waiting list problems. The Committee will be taking evidence from academic experts who have knowledge of approaches which have been applied across Europe, include Portugal and the Scandinavian countries.

The Committee regularly deals with secondary legislation implementing EU directives, particularly in relation to food hygiene & safety.

Other comments

None

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

Other EU activity undertaken in 2013

The Committee considered secondary legislation regarding the implementation of EU Directive 2011/24 on patients' rights in cross border healthcare. It took evidence from the Department, the HSC Board, and the BMA on the relevant issues.

At its meeting on 11 December 2013 the Committee agreed that it was content with the Department's policy proposals in terms of how it intends to implement the EU Directive.

The Committee also considered a range of secondary legislation which implemented various EU Directives around food safety and food hygiene.

Other comments

None

Committee for Justice

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

Committee: Committee for Justice

Background

The Lisbon Treaty (ratified by all 27 Member States of the European Union 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 valid and applicable.

The Treaty also enables the European Union to develop and propose legislation related to Justice and Home Affairs (i.e. civil and criminal justice, and security matters). Once a measure is adopted Member States will be bound by it and will be required to implement it nationally. The aim 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 United Kingdom’s participation as a Member State in European Union measures on Justice and Home Affairs is governed by Protocol 19 to the Treaty on the European Union and Protocol 21 on the Functioning of the European Union. The United Kingdom Government negotiated an opt-in protocol within the Treaty. This 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 to the proposal i.e. participate in the adoption and application of the proposed measure, or not.

The UK Government is required to seek and include the views of the Devolved Administrations on opt-in decisions. Justice Ministers in the Devolved Administrations are asked to consider the implications for their region and confirm whether or not they agree with the UK Government’s recommendation regarding opt-in.

The Justice Committee has requested sight of all EU legislative proposals requiring a UK decision to opt-in at the earliest opportunity and, as far as possible, before the Minister of Justice confirms whether or not he agrees with the UK Government’s recommendation, to enable it to submit views/comments.

Agreed Priorities from the 2014 European Commission Work Programme

The Committee for Justice has considered the 2014 European Commission Work Programme which focuses on completing work on the many proposals pending in the legislative process and on accelerating implementation on the ground. While a limited number of new initiatives will be brought forward none are relevant to the area of Justice and Home Affairs.

The Stockholm five-year Justice and Home Affairs programme (2010 – 2014) is coming to an end and the European Council is likely to begin formally discussing the strategic priorities for the next Justice and Home Affairs Programme in June 2014 before reaching a decision on its content by December 2014. At a recent Justice and Home Affairs Council meeting in Brussels on 5 and 6 December 2013, the Commissioner for Home Affairs noted that the next set of Justice and Home Affairs priorities would be concise and strategic.

In September 2013 the Committee for Justice considered correspondence from the House of Lords Select Committee on the European Union, Sub-Committee F (Home Affairs, Health and Education) regarding its Inquiry on the EU's Five Year Agenda for Justice and Home Affairs Activity covering the period 2015 – 2019. The Committee requested a written briefing from the Department of Justice on the issues raised from a Northern Ireland perspective and subsequently noted that it is mainly concerned with further developing policy areas such as organised crime and human trafficking; police cooperation; and criminal and civil justice matters.

The Committee will revisit its EU priorities once the next Justice and Home Affairs programme is available.

Other EU activity planned for 2014

The Committee will continue to undertake work on the EU priorities it identified in 2013.

1. *Legislative Proposal - Special Safeguards in Criminal Proceedings for Suspected or Accused Persons who are Vulnerable*

This proposed initiative aims to ensure that special attention is shown in criminal procedures throughout the European Union to suspected or accused persons who cannot understand or follow the content or the meaning of the proceedings, owing, for example, to their age, mental or physical condition.

The European Commission has recently published a proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings. A Commission recommendation on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings has also been published. Collectively the proposed Directive and Commission recommendation will complete Measure E of the agreed Roadmap for strengthening procedural rights of persons in criminal proceedings across Member States.

The proposed Directive and Recommendation will almost certainly require amendments to the current PACE legislation and associated Codes of Practice should

the UK decide to opt-in to the instruments. There may also be some financial implications, particularly in relation to the audio-visual recording requirements within the directive on the questioning of children.

Planned Committee Action

The Committee will monitor developments in relation to the negotiations on the proposed Directive in 2014 and specific information will be sought from the Department of Justice regarding the likely implications/impact of the proposal for Northern Ireland to enable the Committee to put forward its views prior to the Minister of Justice confirming whether he agrees with the UK Government's recommendation on whether to opt-in to the proposal.

In the event of the UK Government opting into the proposal the Committee will assess the amendments and measures needed to achieve compliance.

2. Legislative Proposal – 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

This legislative initiative aims at using the new legal basis of the Lisbon Treaty to set up a coherent and effective legal 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. There is a related proposal for a directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and a proposal for a regulation on information accompanying transfers of funds.

While this is a non-devolved matter, the Department of Justice has an interest in the Organised Crime elements of this Framework.

Planned Committee Action

The Committee will monitor progress in relation to this legislative proposal and, if necessary, seek specific information from the Department of Justice on the likely implications/impact for Northern Ireland.

3. Legislative Proposal – Fighting Money Laundering

The Commission has noted that EU Member States do not have the same definition of money laundering and also apply different sanctions and this hinders cross border investigations and police cooperation. The Commission proposes a legislative initiative to harmonise the offence of money laundering at EU level.

Planned Committee Action

The Committee will monitor progress in relation to this legislative proposal and, if necessary, seek specific information from the Department of Justice on the likely implications/impact for Northern Ireland.

4. Non-legislative Proposal – Fighting Cigarette Smuggling

It is proposed that this non-legislative initiative will be in the form of a strategy. The aim is a comprehensive response at EU level to illicit trade in cigarettes, taking into account the losses to public revenue and its role as an outlet for organised crime.

Following the addition of Evasion of Duty for Tobacco and Fuel Smuggling to the schedule of offences referable as being unduly lenient – a change fully supported by the Justice Committee - the Department of Justice is hopeful that custodial sentences will be handed down to those involved in large scale smuggling of tobacco.

Planned Committee Action

The Committee will monitor the development of this strategy and seek information from the Department of Justice on actions identified in the strategy and the likely cost of implementation to assess the appropriateness of them for Northern Ireland.

5. Non-legislative Proposal – Initiatives on Firearms: Reducing Gun Crime in Europe

This is a proposed non-legislative initiative in relation to firearms to reduce gun crime in Europe.

The Department of Justice continues to monitor new technologies and how these impact on the ability for those with criminal intent to make firearms available.

Planned Committee Action

The Committee will continue to monitor development of this initiative through regular up-dates from the Department of Justice to enable it to assess any possible impact for Northern Ireland.

6. Legislative Proposal – Establishment of a European Public Prosecutor’s Office (EPPO) to Protect the Financial Interests of the Union

The aim of this legislative initiative is to set out the framework and conditions for establishing the European Public Prosecutor’s office to focus on the protection of the financial interests of the European Union. The European Public Prosecutor’s Office would be responsible for investigating, prosecuting and bringing to judgement the perpetrators and accomplices of offences against the EU’s financial interests.

The UK Government has confirmed that it will not opt in to the European Public Prosecutor’s Office proposal. The UK is aware that the interaction of the European Public Prosecutor’s Office with non-participating member states will need careful consideration and this will form part of the on-going negotiation process.

Planned Committee Action

The Committee will keep a “watching brief” on developments through up-dates from the Department of Justice.

7. Legislative Proposal – Nuclear insurance and liability

The aim of this proposal is improvement of victim compensation in case of nuclear accident and the creation of an internal market/level playing field for investors.

Planned Committee Action

While this proposal is not directly related to the work of the Department of Justice it has indicated that it has an interest in it in relation to civil liability. The proposal could involve changes to court-related legislation. The Committee will therefore keep a ‘watching brief’ on the development of this proposal.

8. *The EU Directive on Human Trafficking (2011/36/EU) - the legislative and other changes required to fully comply with, and implement this Directive.*

The United Kingdom opted into the EU Directive on preventing and combating trafficking in human beings and protecting its victims (Directive 2011/36/EU) in July 2011 and the Committee has already undertaken substantial scrutiny work on this matter.

Planned Committee Action

Lord Morrow introduced his Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill into the Assembly on 25 June 2013. The objective of the Bill is to provide Northern Ireland with a more robust legal framework in relation to the prosecution of traffickers and those subjecting people in NI to conditions of slavery; the provision of improved support for the victims of trafficking; and for tackling the demand for trafficking.

The Committee will complete the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and report to the Assembly by 11 April 2014. The Chairman of the Committee will reflect the position of the Committee on the provisions of the Bill and proposed amendments during Consideration Stage, Further Consideration Stage and Final Stage of the Bill.

The Committee will also consider the results of a consultation by the Department of Justice on the provisions contained within the draft Modern Slavery Bill and accompanying White Paper published by the Home Secretary in December 2013. The consultation focuses on the most effective means of giving effect to the legislation in Northern Ireland to strengthen the response to Human Trafficking and Slavery. Some of the provisions will touch on or have implications for the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill. The Committee will monitor the outcome of the consultation and any subsequent proposals to include provisions within the Human Trafficking Bill.

9. *The EU Directive on standards relating to the rights, support and protection of victims of crime (2012/29/EU) which is due to be transposed by November 2015.*

This EU Directive was published in October 2012 and will affect a range of criminal justice agencies in terms of setting out standards of services that are to be provided to victims of crime.

Planned Committee Action

The Committee will closely monitor implementation of the Department's new 5-year strategy for victims and witnesses of crime and the associated action plan, which reflects the recommendations of the Committee Inquiry Report on the Criminal Justice Services available to victims and witnesses of crime in Northern Ireland, to ensure that appropriate progress is being made and full implementation of this Directive is achieved within the required timescales.

A Bill to implement a range of legislative changes to improve services for victims and witnesses of crime will be introduced by the Department in Spring 2014. The Committee will undertake detailed scrutiny of the Bill which will include provision for a new Victims Charter which will be the primary means of transposing the Directive.

10. The UK's 2014 Opt-out decision in relation to the approximately 130 police and criminal justice measures which were adopted by unanimity in the Council of Ministers before the Lisbon Treaty came into force

The Home Secretary announced to Parliament on 9 July 2013 that the United Kingdom intends to exercise the 2014 opt-out of the pre-Lisbon Treaty police and criminal justice measures (commonly known as Third Pillar measures) and published a Command Paper that sets out a list of 35 measures that the Government will seek to re-join (which includes the European Arrest Warrant). Given that Northern Ireland is the only region within the UK to share a land border with another Member State which, in the UK context, is unique, and there is on-going North South co-operation in a range of policing and justice areas there are distinct issues from a Northern Ireland perspective that need to be considered in relation to the Opt-out decision.

Planned Committee Action

The Committee will continue to monitor developments on the 2014 Opt-out decision and the bid to re-join a range of measures and will support the Minister of Justice in lobbying the Home Office and the Ministry of Justice for recognition of the implications of decisions from a Northern Ireland perspective and the need to ensure there is no operational gap in the availability of the European Arrest Warrant.

11. EU Regulation on Mutual Recognition of Protection Measures in Civil Matters

This Regulation, which will apply from 11 January 2015, aims to establish an efficient mechanism of recognition of civil protection measures e.g. non-molestation orders in Northern Ireland to ensure that they can circulate freely throughout the EU.

Planned Committee Action

The Committee will monitor progress and request information from the Department regarding any administrative and legislative changes that will be required to support the implementation of the Regulation in Northern Ireland.

12. EU Framework Decision: “Mutual Recognition of Probation Measures, Licence Supervision and Alternative Sanctions across Member States of the European Union”

This is one of the measures that the UK Government intends to opt-out of as part of the pre-Lisbon Treaty Review and will result in the potential for mutual recognition of probation measures, in particular with the Republic of Ireland, not being available.

Planned Committee Action

The Committee will monitor the on-going discussions regarding adding this measure to the list that the UK is seeking to re-join. If this is not successful it will request information from the Department of Justice on alternative options for legislation to facilitate the mutual recognition of probation measures etc.

13. Scheduled updates from RaSe

Written and oral research briefings will be scheduled by the Committee as necessary.

14. Scheduled updates on EU matters from the Barroso Task Force desk officers or departmental officials

The Committee receives regular written briefing papers from the Department of Justice on all relevant EU issues and will continue to do so over the next 12 months. Oral briefings will be scheduled if appropriate.

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

Priority 1: EU Directive on Human Trafficking (2011/36/EU)

Summary of Priority: *The legislative and other changes required to fully comply with, and implement, the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims*

Activity Undertaken:

The issue of human trafficking continues to be a priority for the Committee for Justice and it has considered a range of issues in this area including:

- The GRETA assessment report on implementation of the provisions of the Council of Europe Convention on Action against Human Trafficking, an analysis of its implications for Northern Ireland and action being taken by the Department of Justice to address the issues.
- A Human Trafficking Annual Action Plan for Northern Ireland for 2013-14 and the proposed actions under the themes of protection, prevention and prosecution.
- Draft guidance on working arrangements for the welfare and protection of adult victims of human trafficking.
- The agreement to include Northern Ireland in a Designation Order under the European Communities Act 1972 relating to the EU Directive to allow any Northern Ireland department to put in place secondary legislation required to implement any of the provisions of the Directive.
- A draft multi-lingual leaflet for victims of human trafficking.
- The 2nd Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking and the assessment of it by the Department of Justice.

The Committee is also currently undertaking detailed scrutiny of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill introduced into the Assembly on 24 June 2013 by Lord Morrow MLA. The Bill aims to achieve better compliance for Northern Ireland with the EU Directive and Council of Europe Convention on Action against Trafficking in Human Beings. As part of the Committee Stage of the Bill the Committee has received 138 written submissions and has held 14 oral evidence sessions and an evidence event involving 10 organisations/individuals. The Committee has also undertaken a visit to Sweden which has in place legislation criminalising the purchase of sex similar to that which would be brought in by clause 6 of the Bill and has met with the Oireachtas Committee on Justice, Equality and Law Reform to discuss the issue. The Committee will shortly commence its clause-by-clause consideration of the Bill and report to the Assembly by 11 April 2014.

Recently the Committee considered a proposed consultation by the Department of Justice on measures to further strengthen Northern Ireland's response to human trafficking and slavery which has been informed by the measures contained in the draft Modern Slavery Bill and accompanying White Paper published by the Home Secretary on 16 December 2013. The Committee will consider the results of the consultation when available and, in particular, any proposed future legislative provision which may be taken forward as part of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Priority 2: The EU Directive on Standards Relating to the Rights, Support and Protection of Victims of Crime (2012/29/EU) which is due to be transposed by November 2015.

Summary of Priority: This Directive sets out the standard of services that are to be provided to victims of crime.

Activity undertaken

In March 2013 the Committee considered a draft Department of Justice Strategy for Victims and Witnesses of Crime and an action plan covering the first two years of the Strategy. The Strategy is a key component in delivering the requirements of the EU Directive on Standards relating to the Rights, Support and Protection of Victims of Crime and it also reflects many of the key recommendations contained in the Committee's report on its Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime in Northern Ireland. Following a requested change regarding standards for waiting times for witnesses the Committee agreed the Strategy and action plan.

The Committee intends to monitor the delivery of the Strategy for Victims and Witnesses of crime and the action plan on a six-monthly basis to ensure that adequate progress is made in relation to the implementation of this Directive.

Priority 3: The UK's 2014 Opt-out Decision

Summary of Priority: Protocol 36 of the Treaty of Lisbon enables 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 which 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 all.

Activity undertaken

The Home Secretary announced to Parliament on 9 July 2013 that the United Kingdom intends to exercise the 2014 opt-out of the pre-Lisbon Treaty police and criminal justice

measures and published a Command Paper that sets out a list of 35 measures that the Government will seek to re-join (which includes the European Arrest Warrant). Given that Northern Ireland is the only region within the UK to share a land border with another Member State which, in the UK context, is unique, and there is on-going North South co-operation in a range of policing and justice areas there are distinct issues from a Northern Ireland perspective that need to be considered in relation to the opt-out decision.

The Committee discussed the opt-out decision with the Minister of Justice and the Chief Constable of the PSNI in September 2013 and a range of issues and concerns were covered including the likely implications for Northern Ireland of any potential loss of the European Arrest Warrant; the loss of the measure to permit mutual recognition of probation measures, licence supervisions and alternative sanctions across Member States which will make offender management and public safety between Northern Ireland and the Republic of Ireland more difficult; and the impact of any loss of cooperation or mutual recognition of other individual measures across the border given the good relations between criminal justice agencies in Northern Ireland and the Republic of Ireland are facilitated by the use of European Union measures that allow for cooperation and mutual recognition of instruments without the need for separate bi-lateral arrangements.

Following the discussions the Committee wrote to the Home Secretary outlining its concerns regarding the potential loss of the European Arrest Warrant and the possible impact the opt-out decisions could have on the fight against cross-border crime given the land border with the Republic of Ireland. The Committee asked the Home Secretary to ensure that full account is taken of the unique position of Northern Ireland in any future decisions or actions. The Committee also requested that the measure to allow the mutual recognition of judgements and probation decisions (Council Framework Decision 2008/947/JHA of 27 November 2008) should be included in the list of measures that the UK seeks to re-join given it would be particularly helpful with regard to offender management and public safety between Northern Ireland and the Republic of Ireland.

The Committee also wrote to the House of Lords Select Committee on the European Union and the Chairman of the Home Affairs Committee in response to inquiries both Committees were holding regarding the opt-out decision.

Other EU activity undertaken in 2013

Scrutiny of other proposed Directives and Measures

The Committee has considered a range of other EU matters and Statutory Rules to implement EU requirements including:

- An EU Directive on Alternative Dispute Resolution for Consumer Disputes.

- A draft Directive on Protection of the Euro and other currencies against counterfeiting by criminal law and replacing Council Framework Decision 2000/383/JHA.
- An Explanatory Memorandum on the European Commission proposal on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents.
- A proposed two-stage approach to introduce the necessary changes to Court Rules and PACE Code C to ensure compliance with the EU Directive on the Right to Interpretation and Translation in Criminal Proceedings.
- An up-date on the legislative proposal and the on-going negotiation process to establish a European Public Prosecutor's Office.
- A Statutory Rule to support the operation of the 2007 Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance.
- A Statutory Rule in relation to the Aarhus Convention to provide a legislative scheme for protected cost orders to ensure the public has access to a court procedure to challenge decisions.
- A six-monthly update report from the Department of Justice on the priority EU Justice and Home Affairs measures identified in the 2013 European Commission Work Programme which summarised the current position in relation to a number of EU measures, the known impact for Northern Ireland and the next steps to be taken.

Visit to the European Court of Human Rights and the European Court of Justice

The Committee undertook a very useful and interesting visit to the European Court of Human Rights in Strasbourg and the European Court of Justice in Luxembourg from 22 – 25 October 2013 to gain a better understanding of the work of both Courts and the implications for Northern Ireland. The visit also included a meeting with the 3 Northern Ireland MEPs and a briefing with officials from the NI Executive Office on EU justice related issues and funding opportunities.

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

EUROPEAN COMMISSION WORK PROGRAMME 2014 – 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 2014 at its meeting of 11 December 2013. The Committee agreed to include the items highlighted in the paper of relevance to the Committee for OFMDFM in its European Priorities for 2014.

The Committee agreed five European priorities for 2014:

- Tackling the Gender Pay Gap (non-legislative initiative)
- Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (legislative initiative)
- European Accessibility Act (legislative and non-legislative)
- Subsidiarity monitoring
- Committee inquiry into the Barroso Taskforce

Agreed Priorities

PRIORITY 1: TACKLING THE GENDER PAY GAP (non- legislative)

This non-legislative initiative aims to promote and facilitate effective application of the principle of equal pay in practice and assist Member States in finding the right approaches to reduce the persisting gender pay gap.

Article 4 of the recast Directive 2006/54/EC of the European Parliament and of the Council states:

For the same work or for work to which equal value is attributed, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated.

In particular, where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex.

The EU Strategy for Equality between Women and Men 2010-2015 states that the EU average pay gap between women's and men's hourly gross earnings is 17.8% and states that the Commission will

- *With the European social partners, and respecting the autonomy of the social dialogue, explore possible ways to improve the transparency of pay as well as the impact on equal pay of arrangements such as part-time work and fixed-term contracts.*
- *Support equal pay initiatives at the workplace such as equality labels, ‘charters’, and awards, as well as the development of tools for employers to correct unjustified gender pay gaps.*
- *Institute a European Equal Pay Day to be held each year to increase awareness on how much longer women need to work than men to earn the same.*

Article 1 of the European Pact on Gender Equality 2011-2020 reaffirms a Council commitment to

close the gender gaps in employment and social protection, including the gender pay gap, with a view to meeting the objectives of the Europe 2020 Strategy, especially in three areas of great relevance to gender equality, namely employment, education and promoting social inclusion in particular through the reduction of poverty, thus contributing to the growth potential of the European labour force.

One of the actions urged is to *ensure equal pay for equal work and work of equal value* (Article 3(c)).

Equal pay is not mentioned in the current Northern Ireland Programme for Government 2011-15, but the Gender Equality Strategy is listed as a ‘building block’

The Gender Equality Strategy 2006-2016 includes the gender pay gap as a key action area. The following strategic objectives are specified in the Strategy under this action area

- To achieve better collection and dissemination of data
- To achieve equal value for paid work and equitable participation in unpaid work
- To achieve gender balance in government appointed posts
- To actively promote an inclusive society
- To promote and protect the rights of girls and boys

The Executive also makes commitments to close the gender pay gap by

- making it easier for women to take up equal pay cases
- streamlining the tribunal system
- providing guidance
- tackling the wider causes of the pay gap

The main legislation in Northern Ireland in this area is the Equal Pay Act 1970, as amended. This provides for the equal treatment of women and men

- a) where the woman is employed on like work with a man in the same employment

- b) where the woman is employed on work rated as equivalent with that of a man in the same employment
- c) where a woman is employed on work which, not being work in relation to which paragraph (a) or (b) applies, is, in terms of the demands made on her (for instance under such headings as effort, skill and decision), of equal value to that of a man in the same employment

The following table uses figures for Northern Ireland in 2012 from the Equality and Human Rights Commission

Table 1: The Gender Pay Gap in Northern Ireland

	Gap Between Men’s and Women’s Full Time Pay
Median Hourly	£0.03
Median Weekly	£38.90 (8.1%)
Mean Hourly	£0.62
Mean Weekly	£57.90 (10.3%)

Calculating the gender pay gap is not straightforward. There are different results depending on whether the mean or median averages are used, different perspectives within and between industries and different outcomes for full time and part time work. For example, women occupy 71% of administrative and secretarial occupations and 85% of caring, leisure and service occupations, but only 10% of skilled trades. In addition, women comprise 80% of the part time workforce, which is paid significantly lower than full time work.

Planned Committee activity

At this time it is unclear as to what form this initiative will take. The Committee plans to maintain a watching brief on developments at EU level.

The Committee will also seek information from OFMDFM on what action is being taken to tackle the gender pay gap in Northern Ireland and how it will respond to this European initiative as it develops. The Committee will also seek information on how the Department is feeding into the UK Government position on this issue.

A review of the Northern Ireland Executive’s 2006-16 Gender Equality Strategy and Action Plans was initiated in February 2013. Together: Building a United Community stated that the Executive aimed to deliver a revised Gender Equality Strategy and Action Plan by autumn 2013. This has not yet happened. The Committee will be briefed on the Review of the Gender Equality Strategy on 12 February 2014. In its consideration the Committee will review the planned action on tackling the gender pay gap in Northern Ireland.

PRIORITY 2: ACCESSION OF THE EUROPEAN UNION TO THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (legislative)

The initiative sets out legal rules which are required to make the forthcoming accession to the European Convention on Human Rights operational internally.

The Treaty of Lisbon amended the Treaty on European Union as follows

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.

EU accession to the Convention is complex, as it will be the first time a multi-national body has done so. Negotiations on a final agreement for accession took place earlier this year and a text is being considered by both the Council of Europe and the EU

There is some ambiguity as to how accession will work in practice, as the EU already has a Charter of Fundamental Rights. The Charter only applies to EU law, however, and accession to the ECHR will mean, while all EU Member States are signatories to the Convention, the EU would also be subject to the European Court of Human Rights.

The initiative is legislative, but there is no further detail on what form this legislation will take.

The ECHR is a 'building block' of the Northern Ireland Programme for Government. The Northern Ireland Assembly may also not pass legislation that is incompatible with the ECHR and the Human Rights Act provides for the articles of the ECHR to be brought into UK law.

Planned Committee Activity

As there is insufficient detail at this stage to establish a view on what, if any, impact this legislative proposal will have on Northern Ireland, the Committee maintain a watching brief on this issue. As the proposal develops, the Committee will seek a view from OFMDFM on what the EU accession to the ECHR will mean for Northern Ireland including any potential requirement for further legislation in Northern Ireland to ensure compliance.

The Committee will liaise with the European Committees in the House of Commons and House of Lords on developments on this matter.

PRIORITY 3: EUROPEAN ACCESSIBILITY ACT (legislative and non legislative)

This initiative is aimed at improving the market of goods and services that are accessible for persons with disabilities and elderly persons, based on a “design for all” approach. This ‘business friendly’ initiative will include binding measures to promote procurement and harmonisation of accessibility standards. The initiative is currently in a consultation process with industry and stakeholders.

The UK Government has stated that it is not convinced that there are gaps in EU legislation on accessibility to warrant such an Act. It believes the Act to be disproportionate and burdensome on businesses and that the promotion of a non-regulatory approach is sufficient.

Planned Committee Activity

There is currently insufficient detail available to assess what impact, if any, an Accessibility Act would have in Northern Ireland. The ‘design for all’ approach may be relevant to procurement processes and may compel manufacturers and service providers to include accessibility in their product development. Access to, and the promotion of, information technologies for older people and people with disabilities is another aspect of the Act which if implemented effectively may promote access to online social security and pension services etc.

Given the Committee’s remit on equality, the Committee will maintain a watching brief on developments on this issue. As the potential implications for the Northern Ireland become clearer the Committee will seek information from the Department on its assessment of the proposals including any potential beneficial outcomes and financial and/or regulatory burden.

The UK Government has already expressed its concerns on this proposal, stating its support of non-regulatory approaches to more accessible goods and services for disabled and older people. In light of the UK Government’s concerns regarding proportionality of such legislation, the Committee will also feed its view into the European Scrutiny Committee at the House of Commons and the European Union Committee at the House of Lords as the proposals develop.

PRIORITY 4: SUBSIDIARITY

The UK Government, in its Explanatory Memorandum 15521/13 on the European Commission Work Programme 2014 has identified a number of legislative proposals which present possible concerns in relation to compliance with the principle of subsidiarity.

- Establishment of the European Public Prosecutor's Office
- Data Protection Package
- Free Movement of Workers
- Future priorities in the areas of justice and home affairs
- Labour Mobility Package
- European Accessibility Act
- Business failure and insolvency

Planned Committee Activity

The Committee will monitor developments in these areas and where appropriate seek the Department's view of any impact on Northern Ireland. The Committee will liaise with the European committees in Westminster and the devolved regions on these issues in considering areas of common concern.

In addition, the Committee will continue its system of subsidiarity monitoring in order to identify any legislative proposals relevant to Northern Ireland which present concerns in relation to subsidiarity.

Where such concerns are identified, the Committee will communicate its view to the European Scrutiny Committee at the House of Commons and the European Union Committee at the House of Lords in order to feed into deliberations at Westminster.

PRIORITY 5: COMMITTEE INQUIRY INTO THE BARROSO TASK FORCE

The President of the European Commission, José Manuel Barroso announced a European Commission Task Force for Northern Ireland on 1 May 2007. This inaugural task force for a specific region in the EU was created in order to support the peace process, with particular emphasis on how to support Northern Ireland in its efforts to improve its economic competitiveness and to create sustainable employment. The vision for the Task Force was: *"The NITF represents, in effect, a new and closer partnership between Northern Ireland and the Commission services as the region's long period as major recipient of European regional aid is gradually phased out, and where it will increasingly rely on its own resources."*

The Task Force comprises a group of representatives from the European Commission working with officials from the Northern Ireland Executive departments to strengthen European engagement.

In April 2008, the European Commission produced a report on the Northern Ireland Task Force which examined performance to date and included suggestions and recommendations for future activity. In response, the Northern Ireland Executive produced an Action Plan for 2008-09 setting out the European policy and programme priorities. The Executive now produces an annual European Priorities document.

In 2011, President Barroso announced the continuation of the work of the Northern Ireland Task Force in aligning the priorities of Northern Ireland with the priorities at EU level and linking them with the objectives of the Europe 2020 strategy for smart, sustainable and inclusive growth.

Planned Committee Activity

President Barroso's term runs until October 2014 and indications are that he will not seek a third term in office. The Committee has agreed to conduct a short inquiry to reflect on the work of the Barroso Taskforce and what it has achieved.

The Committee will take evidence from key stakeholders and will seek to capture and collate the evidence to assess the outcomes from the Taskforce and identify lessons learned. The Committee will produce a report on the inquiry and depending on the evidence gathered, may make comment on the future structures of Northern Ireland Executive engagement in European affairs.

The Committee will produce its report in 2014 and will seek to have a plenary debate on the report.

Other EU activity planned for 2014

- The Committee looks forward to considering an early draft of the Northern Ireland Executive's European Priorities for 2014-15 and later in the year, considering the review of the 2013-14 priorities.
- The Committee has scheduled consideration of the Barosso Task Force desk officers' quarterly report into its 2014 work programme. The Committee will continue to share these reports with other Assembly committees in order to facilitate their scrutiny of relevant European matters.
- The Committee plans to schedule a further evidence session with the Minister of State for Europe to discuss European matters including the Review of the Balance of Competences. In addition, the Committee will continue engagement with the Irish Minister of State for European Affairs and the Oireachtas Joint Committee on European Affairs in order to discuss areas of common interest.
- The Committee plans to continue its engagement with the Northern Ireland representatives on the Committee of the Regions and the European Economic Social Committee. The Committee will schedule in biannual briefings in order to keep up to date with developments.
- The Chairperson will continue to represent the Assembly on the EC-UK forum of chairpersons of the UK and devolved regional parliamentary committees with responsibility for European affairs.

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

a) EU FRAMEWORK FOR NATIONAL ROMA INTEGRATION STRATEGY

This priority was selected by the Committee for OFMDFM from the RaISe analysis of the European Commission Work Programme for 2013 (NIAR – 937-12) as this policy has relevance for integration of the Roma in Northern Ireland.

On 5 April 2011, the European Commission adopted a Communication creating an EU Framework for National Roma Integration strategies up to 2020. The aim of the Communication was to encourage Member States to adopt further a comprehensive approach to Roma integration by setting realistic, achievable national goals for Roma integration in four crucial areas (employment, education, housing and health) and to allocate sufficient funding to actions supporting Roma integration from national budgets complemented by international or EU funding.

This 2013 initiative directly deriving from the 2011 Communication aimed at ensuring that all national authorities created or adapted national Roma integration strategies/sets of policy measures in proportion to the size of the Roma population living in their territories and taking into account their starting points. It is important to note that the Commission's definition of Roma includes Gypsies and Travellers.

OFMDFM leads on the thematic priority of Social Cohesion in the Northern Ireland Executive European Priorities 2012-13, including use of EU funding to support social inclusion and combat discrimination (action SC10) and on promotion of the use of EU funding programmes to organisations who are working in the area of social cohesion (SC14).

Over recent years members of the Roma Community have arrived in Northern Ireland. There are similarities between the circumstances of the Roma and those of Travellers however, Roma may also face language barriers. In June 2009, a major incident in Belfast brought treatment of the Roma in Northern Ireland to international attention.

A Promoting Social Inclusion (PSI) Working Group on Travellers was set up by the Executive in the late 1990s to consider difficulties which Travellers face and to suggest ways of tackling them. The Working Group set out 33 recommendations in its report of 2001. The recommendations covered issues such as Traveller accommodation, health, education, training and policing.

NI Executive action on Travellers has also included the amendment of the Race Relations (Northern Ireland) Order which outlaws discrimination on racial grounds. The Irish Traveller community is specifically identified in the RRO as a racial group which is protected against unlawful racial discrimination. The law covers racial discrimination in

employment, education, the provision of goods, facilities or services and the disposal or management of premises.

Under Section 75 of the Northern Ireland Act 1998 public authorities are required, in carrying out their functions in Northern Ireland, to have due regard to the need to promote equality of opportunity between various groups, including persons of different racial groups. They are also required to have regard to the desirability of promoting good relations between persons of different racial groups. These duties are in addition to obligations under the Race relations Order.

Committee Activity Undertaken

At its meeting of 11th September 2013, the Committee considered UK Government Explanatory Memoranda produced on two European documents relating to Roma integration. Firstly, a Communication from the Commission on Steps Forward in Implementing National Roma Integration Strategies. This was the second assessment of progress on implementation of National Roma Integration Strategies by Member States and as such was a non legislative communication.

Further to that Communication, a Proposal for a European Council Recommendation on Effective Roma Integration Measures in the Member States was produced. The aim of this proposal was to strengthen the political commitment of Member States to advancing Roma integration and to speed up the implementation of National Roma Integration Strategies or integrated sets of policy measures for Roma inclusion. Following assessments of the approaches taken by Member States (published in July 2012 and in June 2013) the European Commission concluded that progress so far has been too slow. The Council Recommendation set out specific measures that Member States should take. The proposed Recommendation focused on specific measures to improve access to education, employment, healthcare and housing; the measures needed to achieve this (such as anti-discrimination legislation and support for equality groups); and the appropriate allocation of funding.

The Committee noted that this was not a legislative proposal, but rather sought a political commitment from Member States. The Committee noted the UK Government's view that the Recommendation did not sufficiently acknowledge the diversity of the situation of Roma in different Member States and while the proposed measures were broadly in line with policies already in place in the UK, the prescriptive approach proposed would not align with the UK approach of providing mainstream services through local flexible provision. The UK Government also considered the measures to be potentially burdensome.

Following its consideration, the Committee sought information from OFMDFM on its view on the European proposals and also information on actions being taken at a local level in relation to the Roma Integration Strategy. OFMDFM advised that the measures contained in the proposal are broadly in line with policies that are already in place and that OFMDFM shares the UK Government view that the draft Recommendation is too prescriptive and many of the individual recommendations restrictive and inflexible.

OFMDFM advised that:

“...decided not to develop a specific Roma integration strategy on the foot of the adoption of the Council Conclusions relating to the EU Framework for National Roma Integration Strategies up to 2020. Ministers considered it to be more appropriate to deal with the issues raised by Roma and Irish Travellers (and other groups) within the context of the revamped Racial Equality Strategy. Work is on-going on the reworking of the strategy.

Currently a number of Departments are involved in providing services that promote integration. The Department for Social Development (DSD), Department of Health, Social Services & Public Safety (DHSSPS), the Department of Education (DE), and the Department for Employment and Learning (DEL) have developed a range of SMART activities for Roma, Gypsy and Traveller integration. Activities range from the DEL’s Migrant Workers Employment Rights project to DHSSPS’s employment of a Roma community liaison officer.

In addition, after the racist attacks on the Roma population in 2009, government and local community groups set up a Roma Tension Monitoring Group to assess what is happening on the ground and will be particularly important once restrictions on Romanians and Bulgarians are lifted on 1 January 2014. What more could or should be done will be considered in the context of the consultation on the revamped Racial Equality Strategy.”

Following consideration of the Department’s response, the Committee queried why the Department decided not to develop a specific Roma integration strategy and instead deal with issues within the context of the revamped Racial Equality strategy. The Committee also sought further information on the role and work of the Roma Tension Monitoring Group.

OFMDFM advised;

“We believe in the integration of all migrant issues managed through an overarching Racial Equality Strategy. There are a number of reasons for this outlined below:-

- *Size of resident population - the number of Roma living here is estimated to be 500 individuals and is unlikely to rise substantially when EU restrictions on*

services are lifted in January 2014. Previous experience would suggest the south of England will be the favoured destination.

- *Risk of implicit discrimination - not all the issues facing the Roma are unique to them, for example, many migrants also face similar educational attainment and employment issues. Therefore there is a potential risk that other migrants would be disadvantaged if programmes of assistance are targeted solely at Roma.*
- *Racial Equality Strategy policies - There is no evidence that Roma are disadvantaged by the lack of a strategy. We have an extensive range of local policies designed to support migrant integration whatever their ethnicity.*
- *Increased bureaucracy - the addition of another strategic layer could potentially hamper delivery of effective change as we would have to persuade service providers, businesses etc. that there is merit in managing a further group of migrants separately.*

In conclusion, we feel that the disadvantages of a Roma Integration Strategy currently outweigh the benefits. We will continue to monitor the situation and take remedial action should the need arise. This position is not at odds with that taken by Whitehall on a Member State basis.

Tension monitoring has been on-going in Belfast since 2009 when Belfast City Council convened a Belfast Tension Monitoring Group. This approach is a widely accepted technique to inform local action which has been developed by the University of Coventry's Centre for Social Relations. It is thus specifically designed to build positive relationships and facilitate early problem identification so that difficult situations can be managed collaboratively, sensitively and effectively.

A number of other tension monitoring groups have spun out from the central project as a need emerged. The Roma Tension Monitoring Group is one of these and has a wide membership drawn from the statutory sector and community groups such as South Belfast Round Table and Bryson Intercultural. Both community groups have had grant funding from our Minority Ethnic Development Fund. Successes of the group to date include the employment of a dedicated Roma Liaison Officer."

The Committee sought an oral briefing from the Northern Ireland Council for Ethnic Minorities (NICEM) on its assessment of the work being undertaken by OFMDFM in relation to Roma integration. This briefing was postponed by NICEM and has been scheduled for early 2014.

The Committee had planned to consider the issues in conjunction with consideration of the revised Racial Equality Strategy which will replace the Racial Equality Strategy 2005-2010. Consultation on the revised Strategy was due in spring 2013 and development and publication of the final strategy by the end of 2013. However, the draft Racial Equality Strategy has not yet been published for consultation. The Committee will continue to consider the issue of Roma integration in the context of scrutiny of the Racial Equality Strategy.

b) EU ENLARGEMENT IN THE CONTEXT OF THE EXECUTIVE'S PRIORITY TO 'SHARE OUR EXPERIENCE OF CONFLICT RESOLUTION TO ASSIST OTHERS'

This priority was selected by the Committee for OFMDFM from the RaSe analysis of the European Commission Work Programme for 2013 (NIAR – 937-12) as it relates to the sharing of expertise and experience in terms of a region in the transition from conflict with candidate countries and regions.

The current Enlargement Strategy includes proposed access by countries in the Western Balkans (Croatia, Montenegro, Macedonia, Serbia, Albania, Bosnia and Herzegovina and Kosovo), Turkey and Iceland. The Balkan states are, like Northern Ireland, areas in the transition from community-based conflict (Turkey's conflict regarding Kurdish communities is on-going), those of Macedonia, Bosnia and Herzegovina and Kosovo having adopted power-sharing institutions in or since the 1990's. Key challenges in this process include the rule of law, regional co-operation and reconciliation and economic and social challenges.

The NI Executive EU Priorities 2012-13 included an action to 'share our experience of conflict resolution to assist others'.

Northern Ireland has been the recipient of generous EU and other funds in support of post-conflict reconciliation and has accumulated considerable experience and expertise in institution-building in a region in transition from conflict. As part of the enlargement process, Northern Ireland has much to offer potential accession states and Northern Ireland can also learn from their experiences. In this context, the Northern Ireland Assembly has a Memorandum of Understanding with the Kosovo Assembly.

The Committee noted the potential synergy between the EU's current enlargement strategy (which includes a number of post-conflict states) and the development of the EU funded Peace-building and Conflict Resolution Centre (PbCRC) at Maze/Long Kesh.

Committee Activity Undertaken

The Committee undertook a visit to Brussels in January 2013 and received a briefing from a representative of the European External Action Service (EEAS) on its work in the area of peace building and conflict resolution there and discussed how Northern Ireland could contribute to the work of the EEAS.

The Committee considered briefings throughout 2013 on the development on the Maze Long Kesh site in the context of scrutiny of delivery on the Programme for Government 2011-15 Commitment 15 to develop Maze Long Kesh as a Regeneration Site of Regional Significance. The Committee also considered briefings from representatives of the Maze Long Kesh Development Corporation which was established to oversee development at the 347 acre site.

Since August 2013 there has been no further development of the Peace building and Conflict Resolution Centre at the Maze Long Kesh site and the Committee has requested a briefing from the First Minister and deputy First Minister on future developments. This briefing is scheduled for early 2014.

c) SUBSIDIARITY

The Committee, in conjunction with other Assembly Committees, and with the assistance of the Assembly European Project Manager, developed a system of subsidiarity monitoring and scrutiny.

Subsidiarity is the principle whereby the European Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level.

The Early Warning System is a procedure established by the Lisbon Treaty to enable national parliaments to carry out subsidiarity checks on draft EU legislative acts and possibly object to the draft on this ground. Within eight weeks from the date of transmission, they may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the subsidiarity principle. Each national parliament or each chamber of a national Parliament may, should this be deemed appropriate, consult regional parliaments with legislative powers. The Northern Ireland Assembly, like the other devolved regions, has the opportunity to submit a view on EU proposals to the House of Commons and the House of Lords.

In establishing a system for monitoring of EU proposals for subsidiarity compliance, the Committee facilitated the sharing of the views of Assembly Committees on subsidiarity issues with the relevant Westminster Committees to inform their deliberations and reports to the House of Lord and House of Commons on whether to issue a Reasoned Opinion that an EU proposal adheres to the principle of subsidiarity.

Committee Activity Undertaken

The Committee has scrutinised a number of European proposals and in doing so has sought the views of other Assembly committees. The proposals considered during 2013 included:

- Proposal for a Directive establishing a framework for maritime spatial planning and integrated coastal management
- Proposal on effective Roma integration measures in the member states
- Steps forward in implementing national Roma integration strategies
- Proposal to promote the free movement of citizens and businesses by simplifying the acceptance of certain public documents.
- Proposal for a Regulation on measures to reduce the cost of deploying high-speed electronic communications networks
- Proposal for a Directive on the Deployment of Alternative Fuels Infrastructure

- Proposal for a Regulation establishing a framework on the market access to port services and the financial transparency of ports
- Proposal for a Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers

The Committee conveyed the Assembly committee views on these proposals to the European Union Committee at the House of Lords and the European Scrutiny Committee at the House of Commons in order to inform consideration and development of the UK view on these issues.

The Committee will further develop and streamline the processes involved so that, whenever possible, the views of Assembly Committees are relayed to Westminster Committees within the very tight timeframe available.

d) PEACE funding

Northern Ireland has benefitted from £1.3 billion of European funding through the successive PEACE programmes since 1995. Given the value of these funds, the Committee agreed that following development in relation to a potential PEACE IV Programme would be a priority for 2013.

The Committee agreed to commission a briefing from Assembly Research on the findings emerging from the evaluations of PEACE III and consider the significance of those findings for the PEACE IV Programme.

PEACE I (1995-1999) addressed the immediate problems emerging from the conflict: destroyed communities, rebuilding, regeneration, creating strong inclusive local community partnerships involving elected representatives, NGOs, etc., working with the victims and survivors, and reintegrating former paramilitaries. 15,000 projects were funded. Total funding was €667 million including €500 million of EU funding.

PEACE II (2000-2006) focused on using the discipline of the structural funds with strong controls but tailored to the needs of a region emerging from conflict. Stimulating economic renewal with more involvement of local partnership structures and locally based action plans reaching into every part of the society and touching all of the 2.8 million population. 7,000 projects were funded. Total funding was €995 million which included €609 million of European monies.

PEACE III (2007-2013) concentrated on the hearts and minds of people. It was a strategic package designed to promote long-term partnerships in cross-community and cross-border cooperation with an emphasis on fewer yet larger and more strategic projects. 400 projects were funded. Total funding was €333 million, of which €225 million was EU funding.

PEACE IV (2014-2020) has been allocated €150 million in the European multi annual Financial Framework for 2014-2020.

Committee Activity Undertaken

PEACE funding is drawn from EU Structural Funds and responsibility for policy regarding the Structural Funds is a reserved matter. Responsibility for overseeing the implementation of Structural Funds in Northern Ireland lies with the Department for Finance and Personnel (DFP). Implementation of PEACE is the responsibility of the Special EU Programmes Body (SEUPB), a cross-border body sponsored by DFP and the Department of Public Expenditure and Reform (DPER).

The Committee commissioned and considered a number of research publications prepared by Assembly Research and Information Service including an evaluation of PEACE III (NIAR 189-13)

According to the Operational Programme for Peace III, the overall objective was to reinforce progress towards a peaceful and stable society and to promote reconciliation in Northern Ireland and the Border Region. PEACE III Programme had a continued and renewed emphasis on reconciliation and specifically focused on reconciling communities and contributing towards a shared society.

To this end, the Programme had two priorities, each having two key themes

- Priority 1: Reconciling Communities:
 - 1.1 Building Positive Relations at the Local Level
 - 1.2 Acknowledging and Dealing with the Past
- Priority 2: Contributing to a Shared Society:
 - 2.1 Creating Shared Public Spaces
 - 2.2 Key Institutional Capacities are Developed for a Shared Society

The International Conflict Research Institute produced a handbook for the monitoring and assessment of projects supported through Peace III. This handbook details how to assess conflict and peace impacts of an initiative in the following areas

- Conflict management capacities – how the initiative builds the capacity to manage conflict
- Militarised violence and human security – how the initiative affects levels of violence or individuals' sense of safety
- Political structures and processes – how the initiative has an impact on formal and informal political arenas
- Economic structures and processes – how the initiative contributes to socioeconomic stability and development
- Social empowerment – how the initiative makes a contribution to building a culture of peace and creating the capacity for all members of society to overcome obstacles to participation

In January 2013, the Committee attended the Bringing Divided Communities Together Conference in Brussels. The Conference shared the experience of the EU PEACE Programme Northern Ireland and showcased some of the projects that had been undertaken through the PEACE Programme. The Conference was hosted by Commissioner Hahn and was opened by the First Minister and deputy First Minister. During the visit to Brussels, Members discussed the future of PEACE funding with the UK Permanent Representation and the Irish Permanent Representation.

In May 2013, the Committee invited those projects that presented in Brussels to make the presentation in Parliament Buildings. The event was attended by a number of MLAs and by the UK Minister of State for Europe, the Rt. Hon David Lidington MP. The Committee also took this opportunity to discuss the future of PEACE funding with the UK Minister.

In June 2013, the Committee received from the Committee on Finance and Personnel a copy of the Update on the Mid Term Evaluation of PEACE III from the Special EU Programmes Body. SEUPB commissioned an independent mid-term evaluation of the PEACE III Programme to review the programme performance to date and to establish the progress which the Programme is making toward achieving the objectives as set out in the Operational Programme.

The study will also draw conclusions on the programme's efficiency, effectiveness and impact and make recommendations for the direction and structure of any future funding period 2014 –2020 and potential PEACE IV Programme, taking into consideration the Europe 2020 objectives.

The PEACE Monitoring and Evaluation Working Group met in June 2013 to consider this evaluation report. The Committee requested a copy of the report but has not received it yet.

The Committee also considered a research publication (NIAR 014-13) on developments in relation to a potential PEACE IV programme.

In planning for PEACE IV, SEUPB carried out a public consultation on potential priorities and content of the Programme in 2012. Following consideration of consultation responses an Operational Programme for PEACE IV will be drawn up and a further public consultation carried out. This has not yet happened.

Key themes emerging from the consultation for a future PEACE programme included:

- maximising peace building and reconciliation outcomes;
- funding provision for young people to develop in positive directions and to enter and progress in the workplace, training and further and higher education
- opportunities for young people to come together through sport should also continue to be supported.
- capacity building for communities and in particular to support initiatives to address rural poverty and isolation.
- work on intergenerational projects
- area based support for estates and villages identified to be in need of specific intervention to address issues of sectarianism and/or racism.
- educational programmes, including shared education programmes aimed at developing linkages between schools from different sectors creating the potential for future joint working, sharing and collaborating.
- funding for capital projects aimed at creating shared public spaces and which have the capacity to demonstrate the significance and purpose of PEACE funding.
- projects for targeted groups such as families, victims, ex-prisoners / combatants and former and current members of the security forces which address the causes of the sense of marginalisation of such groups

The Committee looks forward to receiving the mid- term evaluation report for PEACE III and considering the draft operational programme for PEACE IV when published.

e) DEVELOPMENT AND DISSEMINATION OF EXPERTISE IN DRAWING DOWN COMPETITIVE EU FUNDING

The Committee noted the emphasis on the development of this expertise in the Executive's draft priorities for 2013-14 on which the Committee was consulted. The Committee agreed that it would seek further briefings from the Department and from key stakeholders on the actions being taken to deliver on this priority.

The Committee also agreed to seek briefings on examples of existing good practice in the development and dissemination of expertise in drawing down competitive EU funding.

Committee Activity Undertaken

In January 2013, when the Committee was in Brussels the Committee discussed with the Head of the Executive's Office in Brussels and with the Barroso Taskforce Desk Officers the dissemination of information and the need to share best practice and expertise across Government and across the business and academic sectors.

f) SCRUTINY OF THE IMPLEMENTATION OF THE EXECUTIVE'S EUROPEAN PRIORITIES FOR 2013-14 AND THE WORK OF THE BARROSO TASKFORCE AND TASKFORCE WORKING GROUP

To scrutinise the work of OFMDFM in implementing the Executive's EU Priorities for 2013/14 to ensure that Northern Ireland is maximising its potential in Europe and maximising the benefits for the people of Northern Ireland.

To receive regular briefings from the Office of the Northern Ireland Executive in Brussels on its work in Europe and the work of the Barroso Taskforce

Committee Activity Undertaken

The Committee was briefed on the draft Executive European Priorities for 2013-14 in January 2013 but did not have sight of the final Executive European Priorities 2013-14 document until October 2013. The Committee will consider the mid-year review of progress against these 2013-14 priorities in early 2014. The Committee looks forward to early engagement with the Executive on the development of EU Priorities 2014-15.

The Committee also undertook two briefings in 2013 from the Office of the Northern Ireland Executive in Brussels on the work on-going on EU engagement and the Executive's performance against the actions contained in the EU Priorities 2012-13 Implementation Plan. In addition, the Committee considered the quarterly update report from the four Barroso Task Force desk officers based in Brussels working on the Executive's four thematic priorities of competitiveness and employment; innovation and technology; climate change and energy; and social cohesion. The Committee received the April – June 2013 report in October 2013 and again, the Committee hopes that there will be more timely engagement with the Department on reviewing the work of the Barroso Task Force in 2014.

The Committee undertook to share the information on the Executive's European Priorities and the Barroso Task Force desk officer updates with all other statutory committees in order to facilitate them in following up on key issues with the relevant departments.

Other EU activity undertaken in 2013

Brussels visit

The Committee undertook a visit to Brussels in January 2013, the primary focus of which was to attend the PEACE Conference. However, while in Brussels the Committee took the opportunity to meet with a number of key stakeholders and discuss a number of emerging themes.

During the visit the Members met with the Barroso Taskforce Desk Officers to discuss the work they are undertaking and to hear about emerging priorities. The Committee also met with the Chair of the Barroso Taskforce to discuss the role of the European Commission's Taskforce in helping Northern Ireland to engage in Europe. The Committee also met with the UK and Irish Permanent Representation, Invest NI, the Representative of the Irish Parliament and the European External Action Service.

EU related briefings

The Committee received briefings from a number of EU representatives during 2013 including from:

- Colette Fitzgerald, Head of the European Commission Office in Belfast. Issues discussed included the Barroso Task Force, the role of the EU in peace building and conflict resolution, the European Year of Citizens, PEACE funding and Horizon 2020.
- Jane Morrice, European Economic and Social Committee. Issues discussed included the role of the European Union in peace building and external relations, Northern Ireland engagement in EU affairs, PEACE funding, the European Investment Bank, and the UK position in the EU
- Francie Molloy MLA and Cllr Trevor Cummings, Committee of the Regions. Issues discussed included the European budget, PEACE funding, subsidiarity and the single market.

COSAC

In January 2013, at the invitation of the Chairperson of the Oireachtas Joint Committee on European Union Affairs, Dominic Hannigan TD, the Committee Chairperson attended the COSAC Chairpersons meeting in an observer capacity as part of the parliamentary dimension of Ireland's Presidency of the Council of the European Union.

COSAC is the Conference of the committees of the national Parliaments of the European Union Member States dealing with the European Union affairs. In addition, representatives

of the European Parliament and the national Parliaments of the candidate countries also participated. Topics discussed included briefing on the Presidential Troika meeting; the priorities of the Irish Presidency January – June 2013; and the future of Europe: towards a genuine Economic and Monetary Union.

Irish Presidency of the Council of the European Union

In March 2013, the Committee, in association with the Northern Ireland Assembly and Business Trust, hosted the then Minister of State for European Affairs, Lucinda Creighton TD at an event to mark the midpoint of the Irish Presidency of the Council of the European Union. The Minister discussed the priorities for the Irish Presidency and progress on a number of key issues including intensive negotiations in relation to the European budget which included allocations for PEACE IV; tackling youth unemployment; reform of the Common Fisheries and Common Agricultural Policies; enhancement of the single market and negotiations on the new EU-US Free Trade and Investment Agreement.

The Committee also hosted a Youth and Europe event attended by over 50 young people from schools, colleges and youth organisations who got the opportunity to quiz Minister Creighton on a range of European issues which affect young people.

EC-UK

In April 2013, the Committee Chairperson attended the bi-annual EC-UK meeting which took place at the National Assembly for Wales. EC-UK is the forum where chairpersons of the UK and devolved regional parliamentary committees with responsibility for European affairs meet. Topics discussed included the UK Government Review of the Balance of Competences; the UK status in the EU; UK Justice and Home Affairs Opt-out Decision; the House of Commons EU Scrutiny System inquiry; and Subsidiarity and Proportionality. The Chairpersons also participated in an informal session with the Welsh Constitutional and Legislative Affairs Committee in context of its inquiry into engagement from Wales in EU policy/law-making process.

Visit from Minister of State for Europe

In May 2013, the Committee hosted a visit from the Rt. Hon David Lidington MP, Minister of State for Europe. The Committee hosted an event showcasing three projects which have benefitted from funding from the European PEACE III programme – Groundwork NI who showcased a project focusing on contested physical space, attempting to overcome sectarianism and segregation within local communities in Northern Ireland; Theatre of

Witness which is a model of performance that gives voice to those stories that have not been heard in society; and Football for All which is an Irish Football Association project committed to tackling sectarianism and racism through football with a number of grass-root level education measures.

The Committee then took evidence from Minister Lidington on a range of European issues including the role of devolved regions in contributing to UK Government negotiating positions at the European Council; structural funds; and the future of the UK and Europe. This was the first time Minister Lidington had given evidence to an Assembly committee.

Visit from Irish Minister of State for European Affairs

In October 2013, the Committee hosted a visit by the Irish Minister of State for European Affairs, Paschal Donohoe TD. This was Minister Donohoe's inaugural visit to the Northern Ireland Assembly. The Committee took evidence from Minister Donohoe on a range of issues including the role of the Irish Presidency of the Council of the European Union; the role of Parliaments within the European Union and democratic accountability of the EU institutions; and the future of the European Union and the role of the United Kingdom and Ireland within the EU.

Other comments

none

Committee for Regional Development

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

Committee: **Committee for Regional Development**

Background

Members noted the Raise briefing paper at the meeting of 8th January 2014. Members noted that there were no measures relevant to their work identified in the RaiSe analysis of the Commission's Work Programme. However, the Committee continues to maintain a close interest in the TEN-T and CEF programmes and attended a TEN-T event on 17th December 2013

Other EU activity planned for 2014

The Committee for Regional Development will take a briefing from the Head of the Executive Office in Brussels on EU policies impacting on Regional Development in February 2014.

The Committee will also travel to Denmark as part of its inquiry into the benefits of cycling to the economy

Other comments

None

COMMITTEE ACTIVITY ON 2013 EUROPEAN PRIORITIES

Priority 1

Development of TEN-T proposals

The Committee successfully negotiated with the EU Parliament rapporteurs and, in conjunction with the Minister and the Department, helped secure significant exemptions to the draft proposals, including recognition that the rail network is defined as an isolated network. This provides an exemption to expensive upgrading of the rail infrastructure

Committee for Social Development



COMMITTEE FOR SOCIAL DEVELOPMENT
Room 144, Parliament Buildings, Stormont, Belfast BT4 3XX
Tel: 028 9052 1864

To: Shauna Mageean, 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: 21 February 2014

Subject: European Commission Work Programme 2014

At its meeting on the 9 January 2014, the Committee for Social Development noted correspondence from the Chairperson regarding the European Commission Work Programme 2014. Subsequently, at its meeting on 20 February 2014, the Committee agreed to forward the attached response to the Committee for the Office of the First and Deputy First Minister.

The Committee recognises the importance of the relevant initiatives identified in the RAISE paper. It has opted, however, to respond with comments on issues that it considers to be of greater importance, given the Committee's current work programme.

Dr Kevin Pelan
Ext 21864

Enc.

EUROPEAN COMMISSION WORK PROGRAMME 2014 – COMMITTEE PRIORITIES

Committee: Committee for Social Development

Background

At its meeting on 9 January 2014, the Committee for Social Development considered correspondence from the Committee for the Office of the First Minister and deputy First Minister regarding the European Commission Work Programme 2014. Subsequently, at its meeting on 20 February 2014, the Committee agreed to forward its response to the Committee for the Office of the First Minister and deputy First Minister (see details below).

Social investment through the European Social Fund

The Committee agreed to consider policies that will enable social enterprises and the third sector to develop new services and markets for communities.

It agreed that this could also include consideration of how housing associations could expand their range of services via development of social enterprises. This is particularly relevant in the context of the Social Housing Reform Programme.

Of important is the development of an appropriate enabling regulatory environment (such as the Social Business Initiative or Entrepreneurship 2020 Action Plan). The Committee can pursue this with the Department for Social Development and link it to the community asset transfer policy.

Social Inclusion

The Committee agreed on the need to progress work on issues relating to the terms and conditions faced by those in the voluntary and community sector vis à vis public sector employees.

The Committee agreed to monitor the Department's progress in maximising benefit uptake.

Other EU Activity planned for 2014

The Committee received a briefing on relevant European issues from the Department for Social Development in June 2013. This briefing highlighted the potential for earmarking a minimum of 5% of ERDF resources for sustainable urban development. The Committee agreed that it would keep this on its forward work programme as an issue to pursue.



Northern Ireland
Assembly

Appendix 3

Research Paper and UK
Government Explanatory
Memorandum on the
European Commission Work
Programme 2014



Northern Ireland
Assembly

Research and Information Service
Research Paper

29 November 2013

RaISe

European Commission Work Programme 2014

This research paper identifies initiatives contained in European Commission's 2014 Work Programme which are of potential interest to statutory committees of the Assembly, as part of their engagement with European issues.

Research and Information Service briefings are compiled for the benefit of MLAs and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relate to our papers and these should be sent to the Research and Information Service, Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

Background

1. In October 2012, the Committee for the Office of the first and deputy First Minister (COFMdFM), with the support of the Chairs' Liaison Group, agreed that a pilot project aimed at enhancing committees' scrutiny of European issues should be undertaken. The pilot project was designed to build on actions recommended in the 2010 COFMdFM 'Inquiry into Consideration of European Issues' and was based upon four elements:
 - review of the European Commission's Work Programme;
 - review of the NI Executive's response to the above;
 - the NI Executive European Priorities document and related implementation plan; and
 - NI Executive Programme for Government targets which have a European focus.
2. As part of the approach recommended in the COFMdFM inquiry and developed through the pilot project, RaISe undertakes a review of the European Commission's Annual Work Programme, in order to identify those new initiatives from the CWP which are of potential interest to Committees.

European Commission Work Programme 2014¹

3. The European Commission's Annual Work Programme (CWP), which is usually published in the autumn, is a key document, as the Commission alone has the 'right of initiative' within the European Union. The CWP sets out the legislative (directives, regulations etc.) as well as non-legislative (action plans, green papers, communications, recommendations etc.) proposals which the Commission will bring forward in the forthcoming year. The 2014 CWP was adopted by the Commission on 22 October.
4. Adoption of the CWP followed on from President Barroso's State of the Union Address to the European Parliament in September and sets out the Commission's priorities under a number of following heading.

Economic and Monetary Union

Under this heading, the CWP states that the Commission will continue to work on reinforcing economic governance and completing the Banking Union, in line with the 'Blueprint for a deep and genuine Economic and Monetary Union'. The CWP notes that this will include an 'overhaul of financial regulation and supervision' and 'improve the ability of the financial system to finance the real economy'. It will also involve a 'fight against undeclared work, tax fraud and tax evasion'.

Smart, sustainable and inclusive growth

Under this heading, the CWP highlights the importance of the new Multi-Annual Financial Framework (MFF) programmes, which 'are designed to support the priorities of Europe 2020 and include a wide range of measures to boost investment, promote employment and social inclusion, develop human capital and prioritise reforms with a direct impact on growth and jobs. The CWP goes on to note that 'Work is currently under way to ensure that programmes are fully operational in 2014. This will include finalising the new partnership agreements and corresponding programmes of the European Structural and Investment Funds'. Under this heading, the CWP also notes that reform of the Common Agricultural Policy will be implemented in order to generate more jobs in rural areas and to build strong foundations for a green economy. In addition, new priorities under the 'Smart, sustainable and inclusive growth' heading include:

- measures to **increase investment**, promote employment and social inclusion and **combat youth unemployment** through the Youth Guarantee scheme
- **boosting competitiveness** through a fully integrated single market covering telecoms, energy and transport and promoting widespread deployment of digital services to modernise public administrations
- **connecting Europe** – initiatives in areas such as rail, airports, air traffic management and ports will open up new opportunities and increase competitiveness'

Justice and security

Under this heading, the CWP states that 'the EU must protect citizens and safeguard their rights' and underlines that '...strengthening national cooperation and the application of EU rules will be essential in the fight against crime, corruption, the threat of terrorism and to ensure the respect of fundamental rights'.

External action

Under this heading, the CWP indicates the intention to further the EU's role as the world's leading contributor to development aid and , through the EU's enlargement agenda, help

¹ The 2014 Work Programme and associated documents including annexes to it and previous work programmes can be accessed at the 'Commission at work' webpages <http://ec.europa.eu/atwork/key-documents/>

to consolidate peace and stability at its borders . The EU will also seek to promote its fundamental values and democracy and meet global challenges through cooperation with neighbours and strategic partners.

5. As elections to the European Parliament will be held in May 2014 and the last plenary session of the current European Parliament is set for April, the Commission notes in the CWP that its priority will be to work with the European Parliament and the Council to finalise negotiations on a series of existing proposals. Annex I to the CWP sets out a list of priority items for adoption by the legislator.
6. The CWP does, however, also set out in Annex II a list of 29 new legislative and non-legislative initiatives being brought forward by the Commission. Due to the approaching end of the mandate, the number of new initiatives is low compared to the number of new initiatives contained in previous CWPs.
7. In line with the procedure developed as part of the pilot project aimed at enhancing committees' scrutiny of European issues, researchers within RaISe have now considered the list of new initiatives contained in Annex II of the CWP to identify those initiatives which are of greatest potential interest to each statutory committee. Given the limited number of new initiatives, it has not been necessary to prioritise initiatives; out of the total of 29 new initiatives, 22 have been identified as of potential interest to one or more committees. Appendix 1 of this paper contains background on these initiatives and their relevance to committees. It should be noted that some initiatives have been identified as being of interest to more than one committee. It should also be noted that for some statutory committees the CWP does not appear to contain any new initiatives of potential interest.
8. The UK Government's Foreign and Commonwealth Office (FCO) has prepared a European Memorandum² (EM) to support the UK Parliament's scrutiny of the CWP. The EM outlines what the Government views as the most significant initiatives in the CWP and presents its initial views on these. In the Oireachtas, the Head of the European Commission's Dublin Office (Barbara Nolan) appeared before the Joint Committee on European Union Affairs on 12 November to discuss the CWP³.
9. The FCO EM states that '*The Devolved Administrations have been consulted on, and expressed an interest in, the entirety of the CWP in so far as it relates to devolved responsibilities. Implementation of many of the measures outlined in Scotland, Wales and Northern Ireland would ultimately fall to the devolved Administrations, and they will wish to engage in more detail with the Commission and UK Departments on individual policy dossiers as they emerge*'.⁴
10. The EM also notes that '*The Northern Ireland Executive has a close interest⁵ in the new measures under the Multi-annual Financial Framework, Common Agricultural and Fisheries Programmes, Regional Aid, the Connecting Europe Facility, Horizon 2020 and the European Social Fund 2014-20. The Northern Ireland Executive will also wish to follow developments in energy policy and technology, climate change adaption, waste policy, youth unemployment, free movement of workers, public procurement and the tobacco products directive*'.⁶

2 Explanatory Memorandum on European Union Documents 15521/13+ ADD.1 COM(2013)739 <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1384673730>

3 <http://oireachtasdebates.oireachtas.ie/debates%20authoring/DebatesWebPack.nsf/committeetakes/EUJ2013111200001?opendocument>

4 <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1384673730> paragraph 7

5 Whilst as a matter of law, relations with the European Union remain the responsibility of the United Kingdom Government and Parliament, the UK Government recognises that the devolved administrations will have an interest in European policy making in relation to devolved matters.

6 <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/communication-from-the-commission-to-the-european-parliament-the-council-the-european-economic-social-committee-1384673730> paragraph 8

11. In addition to the priority items for adoption by the legislature set out in Annex I and new initiatives set out in Annex II, the CWP sets out, in Annex III, a list of twenty one REFIT actions. REFIT (Regulatory Fitness and Performance) is the Commission programme which involves a review *'of the entire stock of EU legislation – to identify burdens, inconsistencies, gaps or ineffective measures and to make the necessary proposals to follow up on the findings of the review'*. The programme is described by the Commission as the expression of *'its on going commitment to a simple, clear, stable and predictable regulatory framework for businesses, workers and citizens. In this context, Annex IV of the CWP, also contains a list of 53 'withdrawals of pending proposals under consideration'*. The FCO EM, whilst welcoming the Commission's commitment to withdraw some specific proposals, expresses the view that the Commission has not gone far enough and that a more ambitious programme to reduce the European regulatory burden on business and to build a more competitive EU is needed.
12. Publication of the CWP provides an opportunity for governments and legislatures in Member States to identify potential subsidiarity concerns with emerging Commission proposals. Whilst recognising that positions may change as negotiations progress, the EM prepared by the FCO highlights a number of areas where initial concerns have been identified.

Explanatory Memorandum on European Union Documents

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Commission Work Programme 2014

Submitted by the Foreign and Commonwealth Office on 15 November 2013.

Subject Matter

1. The Commission Work Programme (CWP) sets out the Commission's priorities through to the end of its term in October 2014. This year's CWP contains five annexes. Annex I contains items that are being prioritised by the Commission for adoption by the co-legislators before the end of the current European Parliament; Annex II contains a number of new initiatives to be presented in 2014; Annex III relates to actions for the 'Regulatory Fitness' (REFIT) programme in 2014; Annex IV contains a list of items that are being withdrawn; and Annex V lists a selected number of legislative items that will become applicable in 2014.
2. This Explanatory Memorandum outlines the most significant initiatives in the CWP and the Government's initial views on them, including our assessment of subsidiarity concerns. However, the Government's position may change or sharpen on individual proposals when the new substantive proposals are put forward in 2014 and their precise implications become clearer. The Government will submit all individual proposals for scrutiny in the usual way, and present our developed assessment of individual proposals at that time.
3. The CWP builds on European Commission President Barroso's State of the Union Address on 13 September 2013. President Barroso looked back at the challenges for the EU over the past five years. He outlined the importance of promoting growth, tackling unemployment and deepening the Single Market as the Commission's key objectives to safeguard and strengthen the EU.
4. The CWP sets out the EU's aims in the following key policy areas:

Economic and Monetary Union: The Commission will focus its energy on completing the Banking Union; it will also strengthen the banking sector and financial regulation through implementation of the Single Supervisory Mechanism, agreement on the Single Resolution Mechanism and support for SMEs. The Commission will also prioritise the fight against undeclared work, tax fraud and tax evasion.

Smart, sustainable and inclusive growth: Commission priorities include measures aimed at boosting investment, promoting employment and social inclusion, developing human capital and prioritising reforms aimed at promoting growth and creating jobs.

This includes adoption of key measures under the Single Market Act II, transport, digital services, and climate and energy.

Justice and security: Protecting citizens from threats and safeguarding their rights. This includes helping to fight crime and corruption and the threat of terrorism, and ensuring the respect of fundamental rights. Proposed measures include the creation of the European Public Prosecutor's Office (EPPO), a framework on the rule of law and safeguards on health, food and product safety.

External: The CWP emphasises the need for greater engagement with Europe's neighbours and promoting the EU's role in global economic and financial governance, peace and security,

as well as being the largest donor of global development assistance and humanitarian aid in the world. Key priorities will include aid and the post-2015 development framework.

Scrutiny History

5. An Explanatory Memorandum on the Commission Work Programme 2013 was submitted for Parliamentary Scrutiny on 13 November 2012. The House of Commons European Scrutiny Committee cleared the documents as “legally and politically important” on 7 January 2013 (ESC 34122, Session 2012/13) after a debate on the floor of the House. The House of Lords Select Committee on the European Union cleared the documents on 15 January 2013 after referral to the Select Committee.

Ministerial Responsibility

6. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU. Ministers from other Government Departments will have responsibility for most of the specific initiatives proposed in the Commission Work Programme, and Departments have contributed to this document accordingly.

Interest of the Devolved Administrations

7. The Devolved Administrations have been consulted on, and expressed an interest in, the entirety of the CWP in so far as it relates to devolved responsibilities. Implementation of many of the measures outlined in Scotland, Wales and Northern Ireland would ultimately fall to the Devolved Administrations, and they will wish to engage in more detail with the Commission and UK Departments on individual policy dossiers as they emerge.
8. The Northern Ireland Executive has a close interest in the new measures under the Multi-annual Financial Framework, Common Agricultural and Fisheries Programmes, Regional Aid, the Connecting Europe Facility, Horizon 2020 and the European Social Fund 2014-20. The Northern Ireland Executive will also wish to follow developments in energy policy and technology, climate change adaptation, waste policy, youth unemployment, free movement of workers, public procurement and the tobacco products directive.
9. The Scottish Government has identified five areas of particular interest under the CWP. These are listed below:
 - Jobs and Growth (the Scottish Government is interested to help deliver the ambitions set out in the Government Economic Strategy), particularly the following items: youth unemployment; digital/telecoms agenda; Transatlantic Trade and Investment Partnership (TTIP); banking and financial services reforms; economic governance; education, training and skills; industrial policies to support business; public procurement; sustainable management of natural resources; implementation of the reformed Common Agricultural Policy; and implementation of Horizon 2020 Programme.
 - Regulation (the Scottish Government is interested in ensuring regulation is current and being applied in an effective manner), particularly REFIT.
 - Justice and Home Affairs (the Scottish Government is interested because of potential significant impact on Scottish Justice system and to ensure measures take into account distinctive characteristics of Scots Law), particularly the following items: Data Protection; EPPA and related Eurojust proposals; EU action to prevent tragedies such as the recent disaster in Lampedusa, as well as a focus on tackling organised crime and corruption; successor to the Stockholm Programme; and health and food security.
 - Energy and Climate Change (the Scottish Government is interested because of Scotland’s low carbon energy programme, emissions reduction targets and ambition, and climate

justice agenda), particularly the following items: 2030 energy and climate framework; green economy; completion of the internal energy market, particularly infrastructure; and international climate change.

- External Action (the Scottish Government is interested so as to promote responsible development and empower nations to be self-sufficient through targeted international programmes), particularly humanitarian measures and international development.

10. The Welsh Government has a strong focus on boosting jobs and sustainable growth and welcomes measures in support of these objectives. There is particular interest in areas including research and innovation as new sources of growth, the industrial policy package, the State Aid Modernisation measures, the 4th railway package, the 2030 framework for climate and energy policies, the framework for safe and secure unconventional hydrocarbon extraction, resource efficiency and waste, the Communication on job creation in the green economy, the proposed Public Procurement Directive (SMA I), the post-2015 international sustainable development agenda, the implementation of CAP-related legislation, the review of the organic sector, the revision of food hygiene legislation, the reform of the farm survey system, the labour mobility package, the European Accessibility Act, the initiative on tackling the gender pay gap and the review of the copyright acquis.

Interest of the Local Government Association

11. The Local Government Association has identified the following measures as being of most interest in the 2014 CWP: EU Funds 2014-20 (European Social Fund, European Regional Development Fund); 2030 framework for climate & energy policies; Resource efficiency & waste initiative; Implementing new EU Procurement Directive; E-invoicing Directive; EU Urban Transport Package; Regulatory Services; Revision of food hygiene legislation: composite products and meat inspection; EU Format Civil Documents; EU Services Directive Implementation; EU Data Protection Regulation; Communication on the definitive VAT system; State aid modernisation in key sectors; EU state aid rules to airports & airlines; Environmental assessment framework for tracking; European Accessibility Act; Tobacco Products Directive; Directive on free movement of workers & their rights; Labour mobility package - revision of Regulation on social security schemes; Directive on information and consultation of workers; EU Working Time Directive; Non-legislative Initiative on tackling gender pay gap.

Policy Implications

12. This year's CWP contains 26 dossiers (in annex I) that the Commission is prioritising for adoption by the co-legislators before the European Parliamentary elections next spring and the end of the current Commission in autumn 2014. It includes 29 new legislative and non-legislative initiatives (in annex II) to be introduced in the same period. Some of the non-legislative items will inform legislative action in the next Commission. If and when the Commission presents these as full legislative initiatives, the Government will submit an Explanatory Memorandum for each. Any proposed legislation will be subject to Parliamentary scrutiny in the usual way.
13. As last year, the Government welcomes the strategic focus of the CWP and the way in which it seeks to explain why action is needed in four strategic areas. We welcome the statement that promoting growth and jobs remain at the heart of EU action. We are also pleased to see that the Commission now shares the Government's recognition that the EU is currently falling short of ambitions for a Single Market in services and on digital economy. These are priority areas for the UK. We also welcome the references to competitiveness and innovation. We would however have liked to see greater priority and emphasis given to the TTIP with the United States.

14. What follows is an overview of the policy initiatives in the CWP and the Government's position. There is also an analysis of the Commission's proposed actions for the REFIT programme in 2014. For reasons of practicality, the analysis here touches on the initiatives which the Government considers to be the most significant.

Economic and Monetary Union

15. Among dossiers currently being negotiated, the Government's key priority is to ensure that the Single Market is protected with a level playing field for all EU banks. The UK will not participate in the Single Resolution Mechanism (SRM). Concerns have been expressed by Parliament over this proposal, including over the use of a Single Market legal base for a measure not designed to apply to all Member States. The Government is continuing to consider the strength of the rationale presented by the Commission for its choice of Treaty base and the suitability of the Treaty base for the necessary content of the proposal and will continue to engage actively in negotiations to mitigate risks to the integrity of the Single Market.
16. The Proposal establishing a framework for the recovery and resolution of credit institutions and investment firms remains, broadly, consistent with UK priorities to implement a credible bail-in tool. The financial transaction tax (FTT) however does not. Government lobbying here continues to focus on narrowing the scope of the FTT to an issuance-principle based tax with appropriate exemptions including an introduction of a market-maker exemption. The Government continues to believe that the FTT proposal would conflict with the UK's priority of continuing the economic recovery, and be damaging to growth and employment.
17. Our focus on the Directive on Deposit Guarantee Schemes (DGS) continues to be that it does not undermine the Bank Recovery and Resolution Directive (BRRD). The Government also continues to make progress to establish a well designed transparency framework in trilogue negotiations for the Directive on markets in financial instruments (MIFID). We are continuing to negotiate carefully the Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing to ensure our competence and subsidiarity red lines are met.
18. Government priorities to open up competition in the financial services industry and support small business are being met by the Directive on payment services in the internal market and the proposal for a Regulation on interchange fees for card-based payment transactions interchange fee regulation (payments package). We remain watchful in negotiations however for unintended impacts that could conflict with that objective.
19. Looking forward to the follow-up to the Green Paper on long-term financing of the EU economy the Government's main objective will be to increase the supply of capital to long-term investments. We will lobby for the paper to have a de-regulatory focus, ensuring SME access to finance, developing private placements markets, and also helpful narrative to ensuring other financial services measures are also pro-growth. Smart, sustainable and inclusive growth
20. The Government will continue to negotiate firmly on the Directive on the posting of workers to ensure that the Directive strikes the right balance between protecting posted workers' rights and the effective functioning of the Single Market. We remain strongly opposed to any extension of existing free movement rights in the Freedom of Movement for Workers negotiations, and will continue to resist proposals which seek to expand the scope of the Directive beyond the 2011 Regulation on the freedom of movement for workers in the EU.
21. Looking forward, the Government has reservations regarding the proposed Labour mobility package, which aims to revise coordination of unemployment and long-term care benefits. We expect the Commission's impact assessment in January 2014. The Government does not believe the scope of EU rules should be extended to cover long term care. This type of benefit falls under social assistance which is not covered by EU rules on social security coordination.

- On unemployment benefit, the Government would similarly like to maintain the status quo and only export the benefit for up to three months. The Government would be concerned about changes that mean we would have to pay more benefits than we do now.
22. The Government has concerns regarding the European Accessibility Act. Its stated intention is to make more goods and services accessible for disabled and older people. It will require that providers of goods and services meet minimum accessibility standards based on concepts of universal design. There is a risk of new regulatory burdens on businesses and a lack of clarity about how the measure will relate to existing requirements. The Government is supportive of non-regulatory approaches to more accessible goods and services for disabled and older people.
23. The aims of telecoms package continue to broadly align with UK priorities to complete the telecoms single market, contributing towards the creation of the digital single market. The Commission's claim that it will allow citizens to download what they want and increase productivity may, however, be overly ambitious. The Commission's impact assessment does not look at the likely costs of each part of the package, only gains of from the overall package. We also remain opposed to any extension of Commission competence. Similarly, the e-identification and signatures Regulation supports UK policy delivering the digital single market. The UK has made significant progress in negotiations influencing Presidency texts to flesh out the detail on how the regulation would deliver in practice. The UK will actively participate in the debate around the European Commission's proposal to review the copyright acquis. We will ensure that any changes are sustained by sound evidence and are in the interest of our stakeholders.
24. Progress continues on the fourth Railway Package. The Government continues to seek to ensure that the measures in the package are flexible enough to work within the UK railway structure and are compatible with our plans for reform. The European Parliament wishes to consider the Package as a whole and their first reading Plenary is currently scheduled for February 2014. Trilogue negotiations continue on the Tobacco Products Directive. The Government will continue to pursue its primary public health objectives while ensuring the Directive remains proportionate.
25. Looking forward to the framework of climate and energy policies covering the period from 2020 to 2030 - the Commission published a Green Paper in March 2013 to which the UK responded in July. We expect a Commission White Paper in January 2014. The European Council is scheduled to discuss the 2030 Framework in March 2014. A positive '2030 framework' could help secure Government objectives, by: promoting an ambitious global response to climate change; ensuring that EU and domestic ambitions are aligned; enhancing energy security and economic growth through facilitating investment in energy infrastructure; and securing a more integrated EU energy market for the benefit of consumers. The Government will work to mitigate the risks, such as binding targets for renewable energy or energy efficiency that would increase the cost of decarbonisation and diverge from UK policy implemented through Electricity Market Reform.
26. The Government will use the UK's experience in policies designed to encourage investment to decarbonising technologies to shape the Commission's communication on job creation in the 'green economy'. We will lobby for the removal of any potential future punitive measures which place further costs on industry. The Government welcomes the ongoing state aid modernisation package which is a review and revision of all the various state aid frameworks and guidelines. The Commission's modernisation of its state aid rules is an opportunity to facilitate growth measures and faster decisions and we particularly look forward to the Commission consulting on new Energy and Environmental Guidelines, which will be important not only for the delivery of security of supply measures but also to help meet carbon targets.
27. On the industrial policy package the Commission recognises the need to look at manufacturing and related services with the aim of increasing trade within the internal market. The Services Directive has not been implemented consistently across all Member

States and there remain barriers to trade which the Commission are committed to reviewing and ensuring their removal by strengthening existing legislation to reflect the developing markets. The Government would support such action provided it does not bring additional or unnecessary burdens on business.

28. The Government continues to welcome the reform of insolvency rules to promote business rescue, reduce the costs of some proceedings and provide for interconnected insolvency registers. The new approach to business failure and insolvency follows a consultation by the Commission in December 2012 on the need and scope for further harmonisation of insolvency laws to further promote the rescue of viable businesses. The outcome of the consultation has not yet been reported, nor have any proposals been published.

While a strong case would have to be made to justify that harmonisation is required, rather than convergence of national laws, the Government is generally supportive of the objectives of business rescue and second chance for honest entrepreneurs, which reflects current UK insolvency policy.

29. The Commission plans to report on Member State implementation of the third energy package and the actions contained in the 2012 communication on the internal energy market. The Commission also plans to launch a retail market initiative to ensure more benefits for consumers. The Government has already implemented the third energy package and supports Commission monitoring and reporting of Member State compliance. While the Commission has yet to share their intentions on the content and scope of the retail markets initiative it is likely to focus on strengthening the rights of energy consumers. The UK is already ahead of most EU Member States on this, as it has one of the most liberalised retail markets in the EU.
30. The Government broadly welcomes the resource efficiency and waste initiative in so far as it helps reduce business burdens, strengthen the single market, and makes existing Directives consistent where this is helpful. The Commission began their review of waste policy and legislation in December 2012. It also covers targets in the three main waste directives (the Waste Framework, Landfill and Packaging & Packaging Waste Directive). Before legislative changes are proposed in spring 2014, the Government is influencing the Commission to avoid new burdens on business and local authorities.

Justice and security

31. The Government does not agree that the draft Regulation establishing a European Public Prosecutor's Office should be a priority for adoption. As the Government made clear in its Explanatory Memorandum on the dossier of 7 August 2013, the Government does not welcome this proposal and does not believe that it is necessary. The Government also does not support the proposal for further reform of the European Anti-Fraud Office (OLAF) regulation. We see no reason why the Commission should be proposing new safeguards given that the strengthening of procedural guarantees (i.e. respect of fundamental rights) for any person under investigation by OLAF was one of the key reasons behind the recent review and revision to the Regulation. We will work with other Member States to seek to force a rethink on the proposal.
32. The Government continues to have concerns on the Data Protection package. We want to see legislation that protects the civil liberties of individuals while allowing for proper public protection and economic growth and innovation. The Government believes that the current text of the draft Data Protection Regulation imposes unnecessary regulatory burdens on businesses, particularly SMEs. Progress has been made towards a more risk-based approach, but there is more work to be done. The second proposal is a draft Directive which covers public authorities dealing with criminal offences and penalties. It is intended to replace the existing Data Protection Framework Decision (DPFD). The Government is concerned by the blurred lines between the two proposals in the package and will work to address this.

33. The Government agrees with the aim of the network and information security proposal to improve levels of network and information security. However, we have serious concerns about a mandatory requirement to notify security breaches, which applies to certain business. This requirement could place a significant bureaucratic burden on businesses, especially SMEs, for little benefit. There is also a requirement to share certain information between Member States which could result in sharing sensitive information without necessary safeguards. We will continue to shape the proposal to UK interests.
34. The Government expects the Commission to issue a communication on the possible content of the future priorities in the areas of justice and home affairs in or around March 2014. The Government considers that this should focus on achieving future objectives through better practical cooperation rather than new legislation. It should also ensure that Commission proposals take into account cost and burdens to both the private and public sector; give the Council responsibility for monitoring the way in which the guidance is applied in practice; and envisage a process of repealing defunct or obsolete JHA measures.
35. The Commission is taking forward the dialogue and debate on rule of law in the EU, as called for by June 2013 JHA Council. The Government understands the Commission will produce a communication proposing options to address rule of law problems in Member States. This will look both at short term possibilities within the existing treaties and longer term options potentially involving treaty change. Whilst Rule of Law is an issue of critical importance, the Government does not consider the case has been made for any extension of EU competence in this regard. The Government is committed to dialogue on these issues and is participating in the process of debate and discussion, and to supporting other countries – both within the EU and outside – as they enhance their standards of rule of law. However this is best achieved through constructive dialogue between Governments and between judiciaries.

External action

36. The UK will continue to be at the heart of the EU's foreign policy decision making, using our influence to shape its direction. We see the EU's role in external action as complementing UK foreign and economic policy. We continue to work closely with the EEAS, Commission and Member States to ensure continued support for UK interests and objectives. We agree with the CWP's focus on enlargement, European Neighbourhood Policy, Syria and the Southern Neighbourhood, Trade, Sustainable Development and climate change, and the fight against tax evasion and banking secrecy.
37. The EU can, and is, delivering results in these areas, for example with significant progress in 2013 on Serbia/Kosovo, the opening of TTIP negotiations, and responding to the Syrian crisis. We would like to see more emphasis by the EU on its role in alleviating the humanitarian crisis in Syria and neighbouring countries. The EU has significant expertise and resources in humanitarian assistance and can play a significant role in addressing the problems raised by this unprecedented crisis.
38. The Commission's emphasis on extending the use of Taskforces in the area of external affairs needs to be considered carefully. Taskforces can be useful to raise the profile and leverage the EU and as a public platform for host governments to communicate their reform plans. But there are risks that they can turn into less effective donor conferences, where the EU comes under pressure to make major funding announcements. Any decision to expand the use of Taskforces needs to be taken carefully, with clearly identified goals and a clear risk management strategy.
39. Consular protection is an area of Member State competence and it is for Member States to judge what consular assistance they provide to their own citizens. Many Member States want to strengthen the coordination function of EU Delegations in the consular field but we continue to argue strongly that providing consular assistance is a national prerogative which the UK wishes to preserve.

40. The UK's priority is to maximise the use of competition in the European defence market, while recognising legitimate national security concerns and watchful of attempts by the Commission to extend its competence. The Government will encourage the Commission to focus its efforts on fostering an open and competitive defence market that encourages innovation, while minimising bureaucracy. We would expect UK defence manufacturing and services industries to be at the heart of this market, supporting UK exports.
41. The CWP reflects the Government's priority for a single, compelling ambitious goal framework in the follow up towards the post-2015 development agenda. The Commission is keen to explore areas where there is agreement on specific goals and targets; the Government believes it is too early for the EU to form a more detailed position as this will limit the ability for the EU to play a flexible role in negotiations – we will continue to press for this approach in EU meetings.
42. The Government welcomes the EU Maritime Security Strategy. This is aimed at delivering a framework in which Member States can deliver maritime security. The strategy is anticipated to highlight the cross-cutting nature of EU activity bringing together EEAS and Commission work-strands without creating new institutions or legislation. The Government will ensure that the strategy does not fall out of step with the current overarching EU Security Strategy: the two must be symbiotic.

The Regulation on political parties

43. The Regulation seeks to create a new European Legal Status for political parties and foundations operating at the European level as a pre-requisite to their accessing EU Funding. It seeks to improve their access to funding, and improve the transparency and control of the EU funds they access, as a way of allowing these parties better to bridge the perceived gap between national and European level politics. The UK is considering this proposal in detail. We are not convinced that these proposals will have this effect, and is considering whether the proposals are consistent with the UK's legal framework for elections.

REFIT programme

44. Although the REFIT programme is described as a major theme for 2014, the Government does not think the Commission has gone far enough. We also regret the lack of a comprehensive timetable for the reforms. We welcome REFIT as an important step towards reducing the burden of European regulation on business and eliminating barriers to growth. However, the Government believes that this should be just the beginning of an ambitious programme to reduce the European regulatory burden on business and to build a more competitive EU.
45. We note that the REFIT sections (Annexes III-IV) of the Work Programme set out plans for 14 simplification measures, the repeal of seven pieces of legislation, and the withdrawal of 53 pending proposals under consideration. We welcome measures to simplify regulations, provided these will genuinely achieve the stated aims of reducing regulatory burdens. It is not clear that this will be the case for all such proposals for recast legislation and such changes would not be desirable should Member States be required to alter well established national frameworks and practices. The Commission's commitments not to table proposals on occupational health and safety for hairdressers, and on ergonomics; and to consider withdrawing the Soils Framework Directive proposal are particularly welcome. These proposals would have introduced substantial and unnecessary costs for UK businesses.
46. However, we also note that the majority of the repeals and withdrawals are described as 'obsolete', 'no longer relevant' and/or overtaken by new regulation. We believe substantive reductions in unnecessary regulatory burdens are urgently needed, especially for small businesses, and we will press the Commission to bring forward further repeals and withdrawals that make a tangible difference to business.

Subsidiarity

47. Below is an analysis of the Government's top subsidiarity concerns covering items in annexes I and II. The measures identified are not an exhaustive list. For the measures in annex II, the analysis represents an initial view with the information we have available. The Government's position may change as negotiations progress.
48. The Government has strong concerns relating to the European Public Prosecutor's Office. Both Houses of Parliament have issued reasoned opinions against the Commission's proposal. The Government shares these concerns and remains firmly of the view that the Commission has failed to provide robust evidence to justify the creation of a new supra-national agency, nor has it explored or assessed alternative approaches to deliver a strengthened system to prevent fraud at national level. Nineteen reasoned opinions were issued by national parliaments from eleven Member States, which resulted in a yellow card. This obliges the Commission to review their draft proposal. As a result of that work, the Commission will decide whether to maintain, amend or withdraw the draft and must give reasons for their decision.
49. The Government will continue to negotiate the Data Protection package mindful of subsidiarity concerns and will keep the Committee updated. The Government does not consider the measure to be proportionate as drafted, as it imposes unnecessary regulatory burdens on businesses. The Government has a particular concern about the extension of cover to personal data processed solely within the UK ("domestic processing"), which we do not consider to be an area that should properly be regulated at the EU level. The Government will also continue to negotiate the Freedom of Movement for Workers mindful of subsidiarity concerns, and strongly oppose any extension of existing free movement rights.
50. The Government will examine the Commission's communication of the future priorities in the areas of justice and home affairs carefully, having in mind the need to assess any future proposals that may arise from it against the principle of subsidiarity. We believe that the EU's priorities in this area should focus on achieving better practical cooperation rather than unnecessary new legislation.
51. There is a risk that the Labour Mobility Package will affect national welfare systems, which are a Member State competence. The Government wants to see a fairer balance of responsibilities between Member States and a system that is fair and transparent for migrants and non-migrants alike. The Government is not convinced that there are gaps in EU-level legislation on accessibility to warrant the European Accessibility Act, nor that it is proportionate given its potential regulatory burden on businesses. The Government would prefer to see a nonregulatory approach pursued.
52. The Government will follow developments closely on the new approach to business failure and insolvency. A strong argument would be needed from the Commission that a harmonisation of insolvency laws is necessary. It would presuppose that Member States could not achieve a move level pan-EU insolvency playing field through better collaborative working and convergence of national rules.

Legal and Procedural Issues

53. Legal Basis: Not applicable. The document relates to future proposals and initiatives.
54. Voting Procedures: Not applicable.
55. Impact on UK Law: Not applicable.
56. Application to Gibraltar: We will ensure the Gibraltar Government is informed about any developments on the CWP and that their views are conveyed to other Government Departments.

57. Fundamental rights analysis: We will consider particular concerns in relation to each dossier when it is published, and comment on rights issues in the specific Explanatory Memorandum.

Application to the European Economic Area

58. Not applicable.

Regulatory Impact Assessment

59. Not applicable. Impact assessments will be carried out as applicable on individual proposals as they arise.

Financial Implications

60. The Government is working across Departments to gain more detailed understanding of the financial and regulatory implications of the CWP. However, the precise financial implications of the new initiatives outlined in this document will not be clear until the Commission presents specific proposals. Where future proposals have new cost implications, the Government will, working with other Member States, insist that the Commission explains and justifies its position.
61. The Government is a strong advocate of sound financial management and budget discipline in relation to EU expenditure. We will also press for costs to be met from within existing budget resources, respecting the budget ceilings of the 2007-2013 Financial Framework and its successor.

Timetable

62. The CWP is included as a presentation on the agenda for the General Affairs Council on 19 November. No endorsement by Ministers is expected as the Commission adopts its Work Programme under its own responsibility, and substantive discussion is unlikely. Therefore any timetabling issues will only arise from the adoption of individual proposals in the Work Programme, which will each be subject to scrutiny in the usual way.

Other Observations

63. None.

The Rt Hon David Lidington MP
Minister for Europe
Foreign and Commonwealth Office



Northern Ireland
Assembly

Appendix 4

Stakeholder Responses

Stakeholder Responses

1. OFMDFM
2. Department of Enterprise, Trade and Investment
3. European Economic and Social Committee
4. Martina Anderson – Member of the European Parliament
5. Diane Dodds – Member of the European Parliament
6. Jim Nicholson – Member of the European Parliament
7. Northern Ireland Local Government Association

Office of the First Minister and deputy First Minister



**Shauna Mageean
Clerk
Committee for OFMDFM
Room 412
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX**

12 February 2014

Dear Shauna,

EUROPEAN COMMISSION WORK PROGRAMME 2014

Thank you for your letter of 12 December 2013.

The Department circulated the Commission's Work Programme to all departments and within OFMDFM, asking officials to take it into consideration in the development of the Executive's 2014/15 European Priorities.

The Executive operates a decentralised system of European engagement. Departments are therefore responsible for taking forward European matters on a sectoral basis in line with agreed priorities and resources and taking account as appropriate of the Commission's Work Programme. As such, OFMDFM does not provide an overall analysis of the Work Programme. We have an interest in two sectoral areas:

1. Tackling the Gender Pay Gap

The Department is committed to eliminating the gender pay gap and achieving equal value for paid work. This is a key action area of the Gender Equality Strategy 2006-16.

The Equality Commission's revised Code of Practice on Equal Pay came into effect on 22 July 2013. This provides updated practical guidance to employers and employees on how to

avoid sex discrimination in pay structures. It will also help embed the law in practice, securing equality of opportunity and equal treatment for men and women.

2. EU Accession to the European Court of Human Rights

The Department will closely monitor developments on the EU Accession to the European Court of Human Rights, including the finalised text and any forthcoming proposed legislation.

Yours sincerely

Signed Colette Kerr

Colette Kerr
Departmental Assembly Liaison Officer

Department of Enterprise, Trade and Investment

Request to DETI from the ETI Committee

At its meeting on 16 January 2014 the ETI Committee considered the European Commission's Work Programme.

Members asked the Department to outline its priorities in relation to the work programme.

Departmental Response

The Department is currently considering its EU priorities for 2014/15 taking into account the current commitments in the Programme for Government and the European Commission Work Programme. This work is being taken forward as part of a wider exercise on setting the EU Priorities for 2014/15 which is being lead by OFMDFM.

It is anticipated that this exercise will be completed within the next two months and we will be in a position to share the outcome with the Committee at that stage.

Reply prepared by: European Support Unit
Date: 10 February 2014

Jane Morrice - European Economic and Social Committee

Recommended areas of EU priority interest for NI in 2014

Request for response from OFMdFM Committee

Response from EESC Member

Jane Morrice

Given that the legislative and non-legislative work of the EU Institutions will be relatively light in 2014 due to the ending of the European Parliament and the Commission term of office, the main priority areas for NI legislative focus are limited. These have been well documented in the research service analysis and the UK Government memorandum.

My recommendation, therefore, is for the NI Assembly to use this opportunity to be even more creative in its approach to EU affairs.

On the one hand the OFMdFM, in particular, should be working to ensure that support and empathy for Northern Ireland in Brussels is not lost with the departure of Commission President Barroso and that the new incumbent is well versed in issues relating to Northern Ireland.

This can be helped by making greater use of the valuable resources on the ground in Brussels and

Belfast to keep lines of communication and cooperation open at the political and practical level. The Barroso Task Force is key in this respect and increased awareness of its existence among stakeholders would be valuable. The NI European Forum is another valuable asset, as is the Executive Office in Brussels, the Commission Office in Belfast and the variety of NI representatives in Brussels and NI staff in EU Institutions.

At the policy level, efforts should be made to select priority areas for work that have specific potential for the expertise that exists in Northern Ireland. In addition, greater emphasis should be placed on certain opportunities that have been under-used to date.

EU/US Trade talks

As regards the former, I would recommend a watchful eye be kept on the opening up of trade talks between the EU and the United States – known as TTIP. This will be an exciting area of interest for English-speaking countries in general and, Northern Ireland in particular because of its extensive knowledge of and formative links with the USA. I would suggest a move to ensure NI regional representation, at civil service level, in the back up to those negotiations.

Peace-building/conflict resolution

The lessons learned from the Northern Ireland experience, and particularly EU support for conflict resolution through the Peace Programme, is an area, which could be developed to a much greater extent. The new European External Action Service (EEAS) is operating peace initiatives in many conflict zones throughout the world and has begun to recognise the value of learning from the Northern Ireland experience. Ways should be found to take up the multi-million pound offer of EU support for a peace-building and conflict resolution centre in Northern Ireland for this purpose.

Erasmus

It is said that the UK has the lowest take-up of ERASMUS grants for students in the EU and Northern Ireland has the lowest take up in the UK. This may no longer be the case but there is no doubt that Northern Ireland could take much greater advantage of this initiative than it has in the past. The new ERASMUS programme has been extended to include all manner of training and exchange for young people and adults. A government campaign should be launched to encourage people to take advantage of the mobility that being part of the European Union offers.

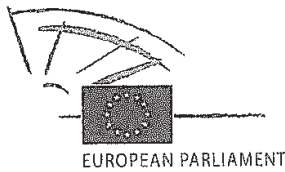
Financial framework

Work is already underway to prepare for the next round of EU funding known as the Multiannual Financial Framework (MFF) which will run from

2014-2020. While, the specifics of funding for Northern Ireland through the Agricultural Fund the Regional fund and the Social fund are well advanced, work on the new PEACE Programme and the cross-border INTERREG Programme is still underway and a consultation process on the subject is expected soon.

Other policy areas worth watching include – progress towards a new Energy Dialogue and a Commission white paper proposing new targets for 2030. Work on a Digital Single Market and Telecoms market. The proposal for reduced Corporation tax in Northern Ireland and the implications for the EU. Posting of workers, freedom of movement and labour mobility in the lead up to the European elections and the immigration issue and finally, the growing push at EU level for greater backing for social entrepreneurship as a means of creating a more socially responsible Europe in the aftermath of the crisis.

Martina Anderson - Member of the European Parliament



Member of the European Parliament

Thursday 13th February 2014

Dear Mike, a chara

I am delighted to have this opportunity to input into the Committee's consultation on the priorities emerging for Assembly Committees from the Commission work plan for 2014.

In addition to the individual issues the Committees in the Assembly will be looking at, I firmly believe that we must ensure that this work becomes a priority for the Assembly Committees.

As a former member of the OFMdfM Committee and a former co-chair of the Barroso Task Force in my time as junior Minister, and now as an MEP, I believe that the Assembly's engagement with the European Parliament and other institutions is paramount. So much of what is discussed and voted on there is relevant to here, and so much of the legislation which comes to the Assembly from London originates in directives and legislation on which we produce reports and vote in Brussels and Strasbourg.

On that point, within the list of issues in the Work Programme are several which I chose to become engaged and active in the Parliamentary process. I am a shadow rapporteur in the Environmental Committee on both the Tobacco Products Directive and the Climate 2030 framework – I believe these are both vitally important issues and I would like to see the relevant Committees in Stormont (HSS&PS and ETI/Environment respectively) putting a focus on these in terms of their effects on the north.

In addition, other elements from the CWP on which I would also place considerable importance would be topics such as tackling the gender pay gap (OFMdfM & EL Committees), the labour mobility package (EL) and 'a new approach to business failure and insolvency (ETI) which is particularly timely at this perilous time for our business sector and including as it does an aim to tackle obstacles to cross-border trade.

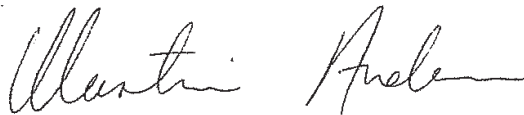
However, to repeat my main point, it is the mainstreaming within the OFMdfM Committee and the other Assembly Committees of European-related scrutiny and knowledge-building which I feel is the most important point to be made in the report your Committee produces.

I believe the Assembly is in the process of appointing a European officer, and there will be new recruits taking up roles as the Liaison Officers in the Executive's office in Brussels so we currently have a great opportunity to step up the quality and quantity of our engagement.

I look forward to briefing the Committee on my ongoing work in the European Parliament.

All the best

Is mise le meas

A handwritten signature in black ink, appearing to read 'Martina Anderson', written in a cursive style.

Martina Anderson MEP

Diane Dodds - Member of the European Parliament

Response by Diane Dodds MEP

European Commission Work Programme 2014

The European Commission's Work Programme for 2014 sets out the EU's goals under four key priority areas. For reference, this response will be based around this framework.

1. Economic and monetary union

The first key priority endorsed by the Commission's Work Programme for 2014 is that of deepening economic and monetary union. The Commission will continue to pursue its overhaul of the banks in order to promote greater harmonisation. This will include:

Proposals for regulations **creating a single supervisory and recovery mechanisms for banks and credit institutions.**

Proposal for a Directive **making automatic exchange of information on taxation mandatory.**

Proposal for Directive **on enhanced cooperation toward a financial transaction tax.**

- The DUP believes the Committee should reject these proposals, in order to safeguard growth in the Northern Ireland economy. We oppose the concept of an EU banking union or any harmonisation of mechanisms regulating the financial sector.
- The City of London is the home of a large proportion of the EU's financial transactions and these proposals - which extend to a common financial transaction tax - would disproportionately hurt our economy. The UK must retain complete sovereignty over these financial powers.
- The Work Programme for 2014 restates the intention to compel Member States to take the Euro-area's fiscal objectives into account within their national budgets. This is unacceptable. The UK Government and OFMdfM should target investment where it is needed to drive growth and improve cohesion in our own society.

2. Smart, sustainable and inclusive growth

Several of the Commission's intentions listed under this priority area are positive and can be cautiously welcomed.

The Programme aims to **finalise preparations and national Partnership Agreements for new EU funding programmes**, including the Structural and

Investment Funds, through which a PEACE IV Programme in Northern Ireland will be allotted 150 million euro between 2014 and 2020.

Maximising funding

- The new round of European funding stands to have a beneficial impact on businesses, households and individuals here in Northern Ireland. The swifter negotiations are finalised, the sooner this money can be put to use by projects across our Province. The Committee should promote and facilitate the commencement of these schemes.
- The European Structural and Investment Funds (ESIF) will include PEACE IV and INTERREG Programmes, which, it is hoped, will aim to tackle youth unemployment, improve skills and training capacity, and ensure effective cooperation in terms of services, labour and general relations between Northern Ireland and the Republic of Ireland. The Committee should ensure that this funding meets identified need.
- We feel that the Work Programme's focus on investing in skills, education and increasing labour mobility is positive. The new Erasmus + Programme will combine several existing schemes, offering opportunities for youth and education exchanges, and volunteering. The option of the Youth Guarantee will also allow national governments in the worst affected contexts to offer statutory opportunities for young people who are unemployed. The Committee should concentrate on highlighting these opportunities.

Promote research & innovation

- Horizon 2020 is another Programme that will be implemented in 2014. It will help to target investment in research and innovation activities in order to allow businesses and entrepreneurs develop new and improved products and services to benefit our economy. There must, however, be a focus on ensuring that this funding is directed in places and sectors of greatest potential. The emphasis on creating smart-regions is so important. The Committee, we feel, should look to realise the potential of this Programme in 2014.

Build digital, transport & energy infrastructures

- The 2014 Work Programme also aims to boost investment, promote employment and increase social inclusion by investing in digital, transport and energy infrastructures, and by removing other obstacles to free movement of labour and professional services across the EU. This is to be welcomed.
- Better connections and capacity, especially in cross-border contexts such as our own, are so important to ensuring that qualified, professional workers, as well as products and services, can move across borders to the benefit of the economy. We feel the Committee should seek to support the development of these infrastructures.

- In recent years, I have been contacted by qualified professionals in various sectors that have had problems being recognised in the Republic of Ireland. The Committee should prioritise safeguarding mutual recognition of qualifications.

Promote tourism

- The focus on promoting tourism is also to be welcomed. This is a growing sector of the Northern Ireland economy, and the potential offered by our rich heritage and natural landmarks must be maximised.

Social security

- While free movement offers professionals the capacity to exploit cross-border opportunities, the Commission's proposal that this should extend to coordination of social security schemes is unacceptable. Social welfare should remain a competence of national governments.

3. Justice and security

The third priority area included within the Commission's 2014 Work Programme is justice and security. There are commitments to **fight organised crime, human trafficking and terrorism - as well as to uphold fundamental rights**. The Programme also includes a desire to **create a European Public Prosecutor's Office (EPPO) to investigate crimes against the EU's financial interests**.

- It is right that the European Commission focus efforts toward preventing and tackling human trafficking, organised crime and terrorism - crimes exacerbated by free movement between EU borders. These are atrocities that are becoming increasingly prevalent, and in Northern Ireland we know all too well the link between organised criminal activity and terrorist influences.
- The Committee should seek to build on this direction to create synergies. As part of this, the National Crime Agency should be permitted to operate here in Northern Ireland.
- We feel that the proposal to create a European Public Prosecutor's Office is unacceptable. Member States should have complete sovereignty over their respective criminal justice systems. Harmonisation of judicial practices is unnecessary and intrusive, as is the Commission's intention to set out home affairs policies should evolve.

4. External Action

The final priority area included in the Commission's Work Programme for 2014 is external action. **The principle of enlargement is reinforced**, with specific reference to the prospective accession talks with Serbia and Kosovo. The Programme also **aims to work toward a single defence market and European defence base**.

- The EU's enlargement agenda threatens to make the UK's return from Europe even worse. Already, Northern Ireland taxpayers put more into the EU pot than they get back.
- The potential for extending the Union stands to take further funding away from those in our society in favour of those in the developing countries of other parts of the EU. It is likely that our national contribution would also have to increase. Instead, the Committee should focus on getting better value for money for our taxpayers.
- The agenda promoting a single defence market to protect the EU is unacceptable. The UK should retain the capacity to formulate its own national security policy and to control its own foreign affairs. The EU's External Action Service already employs over 3,500 people at an annual cost of almost half a billion, and the threat of a single defence base stands to pick the pockets of EU taxpayers even further. We oppose this proposal.
- The Programme also commits to pursuing an ambitious trade agenda, and this is to be cautiously welcomed. Opening up new sectors and markets for exports is important to driving the economy, especially in Northern Ireland where this is so central to our growth potential.
- It is now the competence of the EU to make trade agreements on behalf of the UK. Trade agreements must, however, be constructed in a manner that safeguards the high-quality and innovative services and products made locally. The Committee should pursue opportunities in this area and seek to identify gaps in external markets for local businesses to exploit.

Jim Nicholson - Member of the European Parliament



Member of the European Parliament

Mike Nesbitt MLA
Committee Chairman
Committee for OFMDFM
Room 435
Parliament Buildings
Stormont
BT4 3XX

7th February 2014

Dear Mike

RE: European Commission's Work Programme 2014

In response to your letter of 16th December 2013 in regards to matters arising from the European Commission's Work Programme for 2014 I have attached a number of issues that I am working on throughout the year and that may be of interest to some of the Assembly committees in selecting their EU priorities for 2014.

If you would like any further information please do not hesitate to contact my office.

Yours sincerely,



JIM NICHOLSON
Ulster Unionist MEP for Northern Ireland

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Member of the European Parliament

PRIORITIES IN THE EUROPEAN PARLIAMENT 2014 JIM NICHOLSON MEP

The Northern Ireland Assembly's 'Research and Information Service Research Paper' entitled European Commission Work Programme 2014 identifies a number of areas of potential interest to statutory committees of the Assembly.

In addition to the subject areas already mentioned, listed below are a number of topics that I am currently focused on, broken down by the committees I am a member of. The following topics may be of particular interest to the Committee for Agriculture and Rural Development, the Committee for the Environment, and the Committee for Health, Social Services and Public Safety in the Assembly.

1. The Committee on Agriculture and Rural Development

As the European Conservative and Reformist's coordinator for the Committee on Agriculture and Rural Development, I am heavily involved in numerous aspects of the committee's work for the remainder of this session, including:

Transatlantic Trade and Investment Partnership (TTIP)

I am the rapporteur for the European Conservative and Reformist group on this file. A potential trade deal between the EU and the US could be hugely significant for both economies - both sides are attempting to improve market access and reduce regulatory burdens for their imports/exports. I am interested in the implications for the agricultural sector of any prospective deal, with controversial aspects like GM foods, hormone-treated beef and the use of lactic acid, ensuring that the negotiations are sure to continue throughout the year and into 2015.

Delegated Acts in relation to the reformed Common Agricultural Policy (CAP)

I am interested in ensuring that the Commission upholds the political agreement in its technical amendments to the legislation.

Delegated Acts relating to the European Agricultural Fund for Rural Development (EAFRD): support for rural development 2012-2020

Similarly to Delegated Acts in relation to the CAP, the Parliament wishes to ensure that the original political agreements are upheld, and that the Commission does not overstep its remit.

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Member of the European Parliament

Proposal for a regulation of the European Parliament and of the Council on information provision and promotion measures for agricultural products on the internal market and in third countries

This proposal has the potential to improve market access for local agricultural products to other Member States in the EU, but more significantly, to emerging and growing markets outside the EU.

Proposal for a new EU regulation on novel foods

The Commission proposal aims to streamline and simplify the authorization process and establish an EU list of authorized novel foods. The definition of "novel food" is to be updated, including foods containing or consisting of 'engineered nano materials' but excludes GM foods and foods from cloned animals.

2. The Committee on the Environment, Public Health and Food Safety

Smarter rules for safer food package

The Commission has proposed a package of measures to strengthen the enforcement of health and safety standards for the whole agri-food chain. The ambitious package aims to cut down nearly 70 pieces of legislation into 5 pieces, in the process reducing red tape. The package includes:

- ***Production and making available on the market of plant reproductive material (plant reproductive material law)***

This proposal concerns the types of seeds that can be sold, distributed and exchanged throughout the EU. There are concerns that the Commission's proposals may limit biodiversity, and could also negatively impact on the exchange of seeds between small farmers locally.

- ***Protective measures against pest of plants***

The Commission is attempting to regulate plant disease from third countries and the EU internally.

- ***Animal Health***

Proposed regulation on animal health on the basis that 'prevention is better than cure.' It aims to improve standards to better detect and control disease, as well as the capability to react more quickly to prevent the spread of disease.

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Member of the European Parliament

- **Plant Health**

The Commission proposes to upgrade the existing plant health regime, with more focus on high risk trade coming from third countries and increased traceability of planting material on the internal market.

- **Official Controls**

The Commission proposes to strengthen the instruments available to competent authorities in the Member States to check compliance with EU legislation on the ground.

Minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking as regards the definition of the term 'drug'

This proposal aims to clarify the definition of a drug as the criminal marketplace has begun to diversify its activities, including the use of drug precursors and also medicinal drugs used for illegitimate purposes. Also linked to this proposal are moves to tackle **new psychoactive substances** (more commonly known as 'legal highs'), allowing national authorities more flexibility to ban substances they believe may pose an immediate health risk.

3. The Committee on Regional Development

The majority of this committee's work in recent months has largely been concerned with the implementation of the **European Structural and Investment Funds (ESIF)** for 2014-2020. These funds comprise of the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund. All of which will have a significant role to play local business and industry in Northern Ireland.

In addition to the ESIF, the committee is also examining **the local and regional consequences of the development of smart grids** which looks at ways to provide a stable and secure energy supply across regions in the EU.

Northern Ireland Local Government Association



NILGA regional policy position: European Commission lobbying priorities for 2014

Summary

NILGA, the Northern Ireland Local Government Association, represents the 26 councils and is supported by all of the political parties in NI. NILGA acts as a policy conduit for local government in respect of most of the NI Executive's government departments.

EU legislation has a significant regulatory and financial impact on councils in NI and across all spheres of public, voluntary and private sectors. Every year the EU publishes an annual work programme. The most recent was published in late October 2013. A significant number of legislative proposals will materially affect councils.

NILGA would welcome a stronger formal relationship with the NI Assembly on European matters specifically within OFMdfM and its scrutiny committee, in order to contribute to preparation of policy, and its delivery, and ultimately to formally partner and invest with government, as local government, in growing and sustaining regional jobs and growth while protecting the rate payer against any unnecessary policy burdens. NILGA seeks to replicate the mechanisms which prevail in other parts of the UK, in this regard.

The work programme has been analysed and the suggested EU lobbying priorities will be considered by NILGA's **Inter-regional/EU Policy and Practice Working Group** and by NILGA's Executive. The paper attached is in draft and reflects key issues.

Background

The European Commission published its 2014 work programme in late October 2013. It is the European Union's (EU) equivalent of the Queen's Speech and sets out a programme of EU proposals which will be considered by the EU institutions in 2014.

The EU's legislative proposals affect many aspects of councils' activities. At least 70 per cent of regulation affecting councils now has its origins in EU legislation.

The 2014 work programme contains 30 new legislative proposals.¹ There are fewer proposals than usual as the European Parliament and Commissioners are in the last year of their five-year mandate. European Parliament elections will be held on 22 May 2014. The new European Commissioners will be confirmed in Autumn 2014.

The work programme has been analysed by NILGA to identify those issues which are expected to have a regulatory or financial impact on councils and the services that they provide. It is proposed that there is a **priority** list of a maximum of six issues and a 'watch list' of other issues.

Ensuring that EU legislation is proportionate and is transposed correctly into Northern Ireland law is important given the EU financial sanctions which could be passed onto councils.

¹ http://ec.europa.eu/atwork/pdf/cwp_2014_annex_en.pdf



Delivery of lobbying priorities

Priority issues will require pro-active lobbying work and engagement in both Brussels and Whitehall. NILGA will influence through the Committee of Regions, CEMR (European LGA) and CEEP (the employers forum in the EU) as well as directly engaging with NI/UK civil servants, the European Parliament and the European Commission. **These priorities are provided below.** NILGA has many international advisory networks made up of council staff who will provide valuable contributions to our lobbying.

Overall, NILGA seeks simplified, 'light touch' legislation, meaning that the EU sets out the results to be achieved and national and local government is given the right to determine how best to deliver the desired outcome. In essence this is self regulation whilst complying with Policy and Legislative frameworks, e.g. on the economy, waste management, and similar. We will seek to minimise or eradicate any new administrative and financial burdens as well as seeking to maximise any new opportunities for Northern Ireland councils.

Proposed NILGA European Commission lobbying priorities for 2014

The following are the proposed **priorities** for NILGA to work on in 2014:

- 1. EU funds – more investment accounted for and disbursed by the new 11 councils.** NILGA lobbying in the NI Assembly and Brussels has secured agreement for a community led approach to the delivery of EU Structural Funds 2014- 2020. As the final EU and national documents are put in place, it is essential that they provide the tools to enable new councils and local areas to drive / benefit from the funds. This is a means to subsidiarity. NILGA is working to achieve that through our active representation on DFP's EU Programmes Consultation Group and through new EU Programme Managing Authorities planning groups. Final plans will need to be signed off by the European Commission before the funds can flow in local areas. This is an excellent model reflecting not just subsidiarity, but one which promotes self help, local identity, accessing (and acknowledging the benefits of) EU funding to drive local, social economy, cohesion and infrastructure programmes, accounted for by local people.
- 2. EU environmental legislation.** The EU is proposing to publish a 'framework for climate and energy policies' and an initiative on 'resource efficiency and waste'. NILGA aims is to ensure any new subsequent regulation in the fields of energy, waste, and air quality is manageable for councils and that EU targets are realistic in the current financial climate and contemporary environmental arena.
- 3. EU procurement rules.** A new EU Procurement Directive will come into force in 2015/16. Continued work is required to ensure that councils benefit fully from the new rules which should make councils' purchasing rules simpler, provided that there is no governmental 'gold-plating'.
- 4. EU legislation affecting councils' regulatory services.** UK Court rulings in relation to the EU Services Directive may lead to changes in the licencing fees councils can charge. The proposal for EU birth, marriage, and death certificates will need to be scrutinised to ensure it is manageable for councils' registrars and adds no new financial burdens.



- 5. EU data protection regulation.** The proposals may impose new processes and procedures for councils regarding the use, storage, and deletion of personal data. The proposed regulation, designed for big business, does not contain proper exclusions for public sector use of personal data. Appropriate changes are needed for 'public policy' use and storage of personal data. Further scrutiny is required similar to 4. Above.
- 6. State Aid Modernisation in Key Sectors / General Block Exemption Regulation (GBER).** These proposals complete State Aid modernisation in key sectors, including: airports, environment, research, development & innovation, rescue & restructuring aid, agriculture and forestry. Revision of the GBER will refine general compatibility criteria to make spending more effective and to further simplify administration. NILGA's aim is to ensure the EU competition framework makes it simpler for councils to make local decisions about how enterprises can best be supported with grant funds and to contribute at policy level through OFMdFM / NILGA co-operation on what overall regional priorities should be, as per the Summary message, above.



Tables

1. Proposed NILGA EU lobbying priorities for 2014

<p>EU Funds 2014-20 (ESF, ERDF) <i>Finalising the design & delivery of EU funds from 2014-20. Greater local control and greater local authority co-ordination of greater amounts of EU Funds, reflecting the new powers, legislative framework and services to be provided by councils in the NI Local Government Act, effective from April 2015.</i></p>
<p>2030 framework for climate & energy policies <i>This will lead to new climate & energy legislation and targets affecting councils, especially greenhouse gas emissions.</i></p> <p>Resource efficiency & waste initiative <i>A new legislative initiative which will lead to revised waste targets and stronger enforcement. Investment will be required to support councils new burdens / duties in this regard.</i></p>
<p>Implementing new EU procurement directive <i>The new Directive goes live in 2015. We need to ensure that a suite of UK government consultations leads to no UK gold plating.</i></p> <p>E-invoicing directive <i>Legislation proposed in June 2013 will require changes to all councils' payment systems to ensure they can accept EU standard e-invoices in 3 or 4 years' time. Investment is required to test and realise a workable version of this change, mindful that this will be an additional burden on the transforming from 26 to 11 councils in NI.</i></p>
<p>EU services directive implementation <i>New regulation (resulting from High Court rulings) will lead to changes in licensing fees charged by councils.</i></p> <p>EU format civil documents <i>Legislation for new EU standard birth/death/marriage certificates, affecting councils' registrars. There must not be additional administrative and financial burdens without investment provision.</i> <i>be</i></p>
<p>EU data protection regulation <i>New processes & procedures for councils on use, storage, deletion and permissions relating to use of personal data. The proposed Regulation, designed for big business, must contain proper exclusions for public sector use of personal data, in particular councils.</i></p>
<p>State Aid Modernisation in Key Sectors / General Block Exemption Regulation (GBER) <i>New regional aid rules to ensure the EU competition framework must make it easier for councils to make local decisions about how enterprises can best be supported with grant funds and be part of preparatory policy work with regional government through OFMdfM and as reflected in other parts of UK .</i></p>



2. Other proposed EU legislation affecting councils – the ‘watch list’

<p>Communication on the definitive VAT system <i>EU consultation on VAT on Public Bodies by Feb 2014</i> <i>Need to ensure future legislation doesn't threaten UK VAT reimbursements to councils</i></p>
<p>State aid modernisation in key sectors: <i>EU competition rules should make it easier for councils to make local decisions about how enterprises can be supported with grant funds in line with UK 'assisted areas' map</i></p>
<p>EU state aid rules to airports & airlines <i>New rules may severely limit public sector ability to support regional airports, outlawing all public operating support to regional airports within 10 years</i></p>
<p>Environmental assessment framework for fracking <i>Proposal to set minimum standards to contain the potential environmental and public health impact of fracking operations</i></p>
<p>Revision of food hygiene legislation <i>New standards on composite products and meat inspection</i></p>
<p>European Accessibility Act <i>Legislative initiative will include binding requirements on the procurement of 'accessible' goods and services, benefiting those with disabilities</i></p>
<p>Tobacco products directive (presentation & sale of) <i>This will affect councils' trading standards/public health activities</i></p>
<p>Directive on free movement of workers & their rights <i>Consideration of the rights of workers from abroad to claim UK benefits and vice-versa</i></p>
<p>Labour mobility package - revision of Regulation on social security schemes <i>Consideration of accessible to EU workers to social security schemes</i></p>
<p>Directive on information and consultation of workers <i>The reworking & merging of the 3 current directives may have implications for councils' HR practices</i></p>
<p>EU working time directive <i>EU is currently considering next steps on reforming the Directive: potential major impacts on councils' care homes & fire services functions. However no major development expected in 2014.</i></p>
<p>Non-legislative initiative on tackling gender pay gap <i>More information needed to ensure data from councils and a policy response is achieved.</i></p>

Contact

Ken Bishop
 NILGA
 Head of Programmes (Investment and Partnerships)

6 January 2014



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