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COVER NOTE

From:	House of Commons of the United Kingdom Parliament
date of receipt:	29 March 2018
To:	General Secretariat of the Council
Subject:	Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast) [5846/18 ENV 59 SAN 50 CONSOM 24 CODEC 134 - COM(2017) 753 final] - Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find in Annex a copy of the above opinion.

HOUSE OF COMMONS

Donald Tusk
President of the Council of the European Union
Council of the European Union
Rue de la Loi 175
1048 Brussels
Belgium

By email: sj6.parlnat@consilium.europa.eu
dri.parlnat@consilium.europa.eu

29 March 2018

Dear President Tusk

EUROPEAN UNION DOCUMENT NO. 5846/18 AND ADDENDA 1-5, PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE QUALITY OF WATER INTENDED FOR HUMAN CONSUMPTION (RECAST)

On 28 March 2018, the House of Commons of the United Kingdom Parliament resolved as follows:

> That this House takes note of European Union Document No. 5846/18 and Addenda 1 to 5, Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast); considers that the proposal does not comply with the principle of subsidiarity for the reasons set out in the annex to the Eighteenth Report of Session 2017-19 of the European Scrutiny Committee (HC 301- xviii); and, in accordance with Article 6 of Protocol No. 2 annexed to EU Treaties on the application of the principles of subsidiarity and proportionality, instructs the Clerk of the House to forward this reasoned opinion to the Presidents of the European Institutions.

I enclose the reasoned opinion, and the relevant European Scrutiny Committee Report.

Best wishes,

David Natzler

David Natzler
Clerk of the House

Reasoned Opinion of the House of Commons

Submitted to the Presidents of the European Parliament, the Council and the Commission, pursuant to Article 6 of Protocol (No. 2) on the Application of the Principles of Subsidiarity and Proportionality.

concerning

a Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast) ("the proposal")

The UK House of Commons first notes that Protocol No 2 on the application of the principles of subsidiarity and proportionality (the Protocol) applies to the proposal since it is a proposal from the Commission"8 and a "draft legislative act". The House of Commons considers that the proposal fails to meet the requirements of Article 5(3) TEU10 and the Protocol for the following reasons, all of which relate specifically to Article 13 (Access to water intended for human consumption) of the proposal:

i) We see no compelling reason why the decision of one Member State to improve universal access to drinking water and promote its use would have a deleterious effect on neighbouring Member States or on the EU's internal market.

ii) The Commission fails to provide any explanation in its proposal or the accompanying impact assessment11 as to the necessity of action at EU level to improve access to water or the greater benefit of acting at EU level. Referring to the 'Right2Water' European Citizens' Initiative and the Sustainable Development Goals explains the rationale but does not explain compliance with subsidiarity.

iii) Noting that both the Commission and the UK Government point in their respective subsidiarity analyses to the margin of discretion afforded to Member States in their implementation of the article, we observe that Article 13(1)(b) in particular—requiring Member States to set up outdoors and indoors water fountains in public spaces—does not allow much room for discretion. We do not agree therefore that Article 13 strikes the right balance between any action which might be deemed necessary at EU level and action best left to Member States.

We are concerned that the Commission has not complied with the requirement in the Subsidiarity Protocol 12 to provide a detailed assessment of subsidiarity substantiated by quantitative and qualitative "indicators", which would ideally include a full cost/benefit analysis of the access to water provisions, taking into account both the cost of installing water fountains and any savings from reduced plastic waste."

House of Commons

European Scrutiny Committee

Drinking Water Directive

Eighteenth Report of Session 2017–19

Documents considered by the Committee on 7 March 2018 including the following recommendations for debate:

Drinking Water Directive

Report, together with formal minutes

Ordered by the House of Commons to be printed 7 March 2019

HC 301-xviii
Published on 9 March 2018
by authority of the House of Commons

Notes

Numbering of documents

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

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

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

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

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

Abbreviations used in the headnotes and footnotes

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

Euros

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

Further information

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

*Explanatory Memoranda (EMs) and letters issued by the Ministers can be downloaded from the Cabinet Office website: http://europeanmemoranda.cabinetoffice.gov.uk/.

Staff

The staff of the Committee are Dr Lynn Gardner (Clerk), Kilian Bourke, Alistair Dillon, Leigh Gibson and Foeke Noppert (Clerk Advisers), Arnold Ridout (Counsel for European Legislation), Françoise Spencer (Deputy Counsel for European Legislation), Joanne Dee (Assistant Counsel for European Legislation), Mike Winter (Second Clerk), Sarah Crandall (Senior Committee Assistant), Sue Beeby, Rob Dinsdale and Beatrice Woods (Committee Assistants), Ravi Abhayaratne and Paula Saunderson (Office Support Assistants).

Contacts

All correspondence should be addressed to the Clerk of the European Scrutiny Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is (020) 7219 3292/5465. The Committee's email address is escom@parliament.uk.

Contents

1 Drinking Water Directive

Committee's assessment	Legally and politically important
Committee's decision	Not cleared from scrutiny; draft Reasoned Opinion for debate in European Committee A; further information requested; drawn to the attention of the Environment, Food and Rural Affairs and the Environmental Audit Committees
Document details	Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)
Legal base	Article 192(1) TFEU, QMV, Ordinary legislative procedure
Department	Environment, Food and Rural Affairs
Document Number	(39487), 5846/18 + ADDs 1–5, COM(17) 753

Summary and Committee's conclusions

1.1 The EU's "Drinking Water Directive" is designed to ensure that drinking water across the EU is wholesome and clean. While it has been relatively well implemented, its approach to monitoring water quality at the point of consumption uses parameters determined over 20 years ago. Following a review, the European Commission has proposed to revise the Directive in order to improve the quality of drinking water, modernise the approach to monitoring water quality and provide both greater access to water and information to citizens.

1.2 The proposal contains an obligation for EU countries to improve access to safe drinking water for all and to ensure access for vulnerable and marginalised groups. These measures should include setting up and maintaining outdoors and indoors equipment for free access to drinking water in public space. This is a direct reply to the European Citizens' Initiative 'Right2Water', which had urged the EU institutions and Member States to ensure that all EU citizens enjoy the right to water and sanitation and urged the EU to increase its efforts to achieve universal access to water and sanitation. Another important driver of the proposal is resource efficiency, including the objective of reducing the number of plastic bottles following increased confidence in tap water, improved access to drinking water and promotion of the use of drinking water. In that regard, it forms part of the wider Plastics Strategy.

1.3 As set out below, we consider that aspects of the requirements on access to water breach the EU's principle of subsidiarity, under which the EU should act only where its objectives are best achieved by action at the EU level rather than at national, regional or local level.

1.4 Other elements of the proposal are:

- amendments to the chemical and microbiological substances that can be found in water and the quality standards that must be met, in line with the latest World Health Organisation (WHO) recommendations;

- introduce the WHO's holistic risk-based approach to monitoring water quality, involving risk assessments from abstraction through to the point of supply ("source to tap");
- introduction of the domestic distribution risk assessment, strengthening the checks that need to be performed on materials and substances in contact with drinking water—in parallel, the Construction Products Regulation will set harmonised standards on construction materials and substances in contact with drinking water;
- empower consumers by giving them much more information about their water supply and updating reporting requirements so that data are stored online; and
- a new Article on access to justice, which reflects the provisions of the Aarhus Convention on access to justice in environmental matters—including the particular right of non-governmental organisations to have access to legal review mechanisms without such a procedure being "prohibitively expensive".

1.5 The Parliamentary Under Secretary of State for the Environment (Dr Thérèse Coffey) says[1] that the Government is still in the process of considering the impact of the proposal on the UK. She notes that risk assessments in the UK already risk-assess the supply from "source to tap" and so few costs, if any, might be incurred from introducing abstraction risk assessments.

1.6 On the UK's withdrawal from the EU, the Minister highlights no specific issues but acknowledges the possibility of swift adoption of the proposal, with the result that the deadline for transposition may fall during any post-Brexit transition period.

1.7 As regards subsidiarity, the Department is currently considering the implications of the proposal on that principle. The Minister notes, however, that the provision on improving access to water allows Member States discretion in deciding what measures to take in order to implement the access obligation.

1.8 On access to water, the Commission justifies[2] its proposal by pointing to the European Citizens' Initiative (ECI), European Parliament support for the idea in its response to the ECI and the EU's commitment to the UN's Sustainable Development Goals. The Commission acknowledges that the provision of water services is generally the responsibility of local authorities and emphasises that EU rules must in no way prejudice national rules governing the system of property ownership of water undertakings. The Commission also notes that the proposal allows Member States a margin of discretion in deciding how to implement the access to water obligation.

1.9 **We recognise that the Drinking Water Directive is a long-established piece of EU legislation and that it is important that its water quality elements be updated to reflect developments in knowledge. We note, however, that the Commission has not followed World Health Organisation recommendations in all respects, tending towards a stricter approach. We would welcome confirmation that the Minister is content with the Commission's approach to water quality parameters in all instances covered by this**

1 Explanatory Memorandum dated 19 February 2018.
2 The Commission subsidiarity assessment is summarised in the proposal and set out in full at pages 11–12 of its Impact assessment (SWD(17) 449).

recast proposal. We also ask the Minister to give us a sense of whether drinking water quality is an area where the UK is likely to follow international recommendations post-Brexit or maintain the stricter approach proposed by the Commission in this instance.

1.10 A number of the new elements of the Directive, such as increased information for consumers and the "source to tap" approach to risk assessment, strike us as helpful provisions alongside the core quality requirements. We note the Commission's proposal reflects the Aarhus Convention access to justice requirements (new Article 16). Should the transposition deadline for the amended Directive fall within any post-Brexit transition period, the Directive would need to be applied in the UK and would become "EU retained law", requiring its continued application post-transition. In our Report of 21 February, we raised concerns about the UK's commitment to full compliance with the Aarhus Convention both when still an EU Member State and in the future when only a Contracting Party in its own right.[3] We do not replicate those questions here, but we note their relevance and will draw on the Minister's response in our ongoing scrutiny of this proposal. We do ask, however, for the Government's position on the new Article 16.

1.11 The area of the Directive where we have most concerns is that of access to drinking water (Article 13). It is pleasing that action is already under way in the UK in this regard and so the impact of this aspect of the proposal on the UK—if the transposition deadline falls within any post-Brexit transition period—is likely to be limited. Nevertheless, we consider it important that EU legislation respects the principles laid down in the Treaties. Under the subsidiarity principle, action should only be taken at the EU level where it cannot be sufficiently achieved by Member States at national, regional or local levels and there is greater benefit to taking action at the EU level.[4] We have considered compliance of this aspect of the proposal with the subsidiarity principle and have identified the following concerns:

- We see no compelling reason why the decision of one Member State to improve universal access to drinking water and promote its use would have a deleterious effect on neighbouring Member States or on the EU's internal market.
- The Commission fails to provide any explanation in its proposal or the accompanying impact assessment as to the necessity of action at EU level to improve access to drinking water or the greater benefit of acting at EU level. Referring to the European Citizens' Initiative and the SDGs explains the rationale but does not explain compliance with subsidiarity.
- Noting that both the Commission and the Government point in their respective subsidiarity analyses to the margin of discretion afforded to Member States in their implementation of the article, we note that Article 13(1)(b) in particular—requiring Member States to set up outdoors and indoors water fountains in public spaces—does not allow much room for discretion. We do not therefore agree that Article 13 strikes the right balance between any action which might be deemed necessary at EU level and action best left to Member States.

3 Fourteenth Report HC 301–xlv (2017–19) chapter 13 (21 February 2018).
4 Article 5(3) TEU (see footnote 8).

- **We are concerned that the Commission has not complied with the requirement in the Subsidiarity Protocol to provide a detailed assessment of subsidiarity substantiated by quantitative and qualitative "indicators",[5] which would ideally include a full cost/benefit analysis of the access to water provisions, taking into account both the cost of installing water fountains and any savings from reduced plastic waste.**

1.12 We therefore recommend that the House issue the Reasoned Opinion annexed to this chapter and to be submitted to the EU institutions before the deadline of 3 April 2018. To facilitate this, we ask the Government to arrange the necessary debate as a matter of urgency, noting that the House will be in recess from 29 March 2018.

1.13 We note that the Minister says that the environmental legal basis of Article 192(1) TFEU for this proposal is the same as the original directive which is being recast. However, we ask whether the Government has considered that the recast proposal has a wider scope and arguably extends to a public health objective with the inclusion of Article 13. On the basis of current Court of Justice case law on the choice of legal basis for proposals, does the Government consider that a second legal basis is required?

1.14 We look forward to a response from the Government to the issues that we have raised—including further comment on subsidiarity—as well as developments in the UK's position and any available information on early discussions on the proposal among Member States. We draw this chapter to the attention of the Environment, Food and Rural Affairs Committee and the Environmental Audit Committee, which has shown specific interest in the wider provision of tap water to reduce the volume of plastic bottles entering the waste stream and which has also shown interest in access to justice in environmental matters post-Brexit.

Full details of the documents

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast): (39487), 5846/18 + ADDs 1–5, COM(17) 753.

Background

1.15 The proposal for modernising the 20 year-old drinking water directive (98/83/EC) comes as a result of the REFIT evaluation, the implementation of the Commission's response to the European Citizens' Initiative 'Right2Water' and as a contribution to meeting the targets of the Sustainable Development Goals.

1.16 On water quality, the Commission proposes updates to water quality standards based on recommendations from the World Health Organisation (WHO) although the Commission has generally taken a stricter approach than recommended by the WHO. The Commission proposes:

- maintenance in the Directive of parameters for benzene, cyanide, 1,2-dicloroethane, mercury and polycyclic aromatic hydrocarbons (the WHO had recommended removal of these substances from the Directive);

5 See Article 5 of Protocol (No 2) on the application of Subsidiarity and Proportionality to the TEU and the TFEU.

- maintenance of current standards for antimony, boron and selenium (the WHO had recommended a relaxation of these standards);
- introduction of parameters for chlorate and chlorite, as recommended by the WHO but at lower levels than recommended;
- introduction of parameters for perfluorinated compounds, regulating a wider group than recommended by the WHO;
- adoption of WHO recommendations for three endocrine-disrupting compounds; and
- a tightening of the limits on chromium and lead (the WHO had not recommended any change).

1.17 At the core of the proposal is the introduction of the risk-based approach to water safety. This should include a hazard assessment of water bodies used for abstraction, a supply risk assessment and a domestic distribution risk assessment. Specific provisions for each of these are laid down in the proposal. On the basis of the domestic distribution risk assessment, for example, Member States can then take remedial measures, such as: appropriate treatment techniques in cooperation with water suppliers; training of plumbers; and information and advice to house owners.

1.18 The proposal includes an obligation for EU countries to improve access to safe drinking water for all and to ensure access for vulnerable and marginalised groups. The obligations comprise:

- Member States to improve access to, and promote use of, drinking water via a number of measures, some of which are included in the Article (setting up and maintaining outdoors and indoors equipment for free access to tap water in public spaces, launching campaigns to inform citizens about the quality of tap water, encouraging the provision of tap water in public buildings and restaurants); and
- Member States to take all measures necessary to ensure access to drinking water for vulnerable and marginalised groups—informing them about connection possibilities and, when those groups do not have access to drinking water of a minimum quality as set out by the Directive, Member States should swiftly inform them of the quality of the water available to them, and give the necessary related health advice.

1.19 There are also new provisions on the provision, and availability, of information to the public. The obligations are two-fold:

- first, to ensure availability online of a wide variety of information; and
- second, to provide, in addition, some specific information directly to consumers (for instance on their invoices), such as volume consumed and details of the tariff(s) and cost-structure.

1.20 Finally, there is a new article on access to justice. This is in line with Article 47 of the Charter of Fundamental Rights and reflects the Aarhus Convention with regard to

access to justice in environmental matters. It ensures that citizens and non-governmental organisations are able to legally review the decisions taken by Member States under this Directive and to be able to do so without facing "prohibitively expensive" costs.

The Minister's Explanatory Memorandum of 19 February 20186

1.21 The Government is still in the process of considering the impact of the proposal on the UK and will work with relevant stakeholders, both inside and outside of Government, to gather their thoughts e.g. Food Standards Agency, Environment Agency, Ministry of Housing, Communities and Local Government, Water UK and Ofwat.

1.22 On the possible costs, the Minister says the following:

> "The Commission's impact assessment estimated set up costs of between €5.9 and €7.3 billion (£5.18 billion and £6.41 billion) across EU Member States with employment increasing from 17,000 to 26,000 full time equivalents throughout the EU. Were the proposals to come into force as it is, there would be an impact on business costs. For instance, water companies would incur extra costs for analysis (due to the proposed amendments to parameters) and extra costs to improve technology or for undertaking remedial action (to meet the new quality standards). However the costs may not be as substantial in the UK compared to other Member States. For instance, the risk assessments within England, Wales and Scotland already risk assess the supply from 'source to tap', therefore few costs, if any, may be incurred to introduce abstraction point risk assessments."

1.23 On subsidiarity, the Minister says:

> "Regulating environment and health in the water sector is a shared competence between the EU and Member States. Therefore the EU can only legislate as far as the Treaties allow it, and must observe the principles of necessity, subsidiarity and proportionality.
>
> "The EU sets minimum water quality standards and minimum requirements for monitoring, reporting, access to water, transparency and remedial action when these standards are not met. These measures are designed to meet the objectives of the DWD, namely to protect human health from the adverse effects of any contamination of drinking water. Member States may determine the type of action they wish to take to meet these minimum standards/requirements. The provisions on improving access to drinking water also allow Member States discretion in deciding what measures to take in order to implement the obligation.
>
> "The Department is currently considering the implications of the recast proposals on subsidiarity."

6 http://europeanmemoranda.cabinetoffice.gov.uk/files/2018/02/EM_5846-18_signed_version.pdf.

1.24 On Legal Basis, the Minister says:

> "The proposal is based on Article 192(1) of the Treaty on the Functioning of the European Union (ex-Article 130s of the Treaty establishing the European Community). This is the same legal basis as the directive being recast."

1.25 As to the timing of adoption, the Minister notes that negotiations between the European Parliament, Council and the Commission are unlikely to begin before autumn 2018. Should the text be agreed quickly, she says, it could be put to a vote by Ministers and enter into force before the end of 2018. The deadline for transposition is likely to be two years from that date, which may fall during any implementation period.

Previous Committee Reports

None.

Annex: Reasoned Opinion of the House of Commons

Submitted to the Presidents of the European Parliament, the Council and the Commission, pursuant to Article 6 of Protocol (No. 2) on the Application of the Principles of Subsidiarity and Proportionality.

concerning

a Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast) ("the proposal")[7]

The UK House of Commons first notes that Protocol No 2 on the application of the principles of subsidiarity and proportionality (the Protocol) applies to the proposal since it is a proposal from the Commission"[8] and a "draft legislative act".[9]

The House of Commons considers that the proposal fails to meet the requirements of Article 5(3) TEU[10] and the Protocol for the following reasons, all of which relate specifically to Article 13 (Access to water intended for human consumption) of the proposal:

i) We see no compelling reason why the decision of one Member State to improve universal access to drinking water and promote its use would have a deleterious effect on neighbouring Member States or on the EU's internal market.

ii) The Commission fails to provide any explanation in its proposal or the accompanying impact assessment[11] as to the necessity of action at EU level to improve access to water or the greater benefit of acting at EU level. Referring to the 'Right2Water' European Citizens' Initiative and the Sustainable Development Goals explains the rationale but does not explain compliance with subsidiarity.

iii) Noting that both the Commission and the UK Government point in their respective subsidiarity analyses to the margin of discretion afforded to Member States in their implementation of the article, we observe that Article 13(1)(b) in particular—requiring Member States to set up outdoors and indoors water fountains in public spaces—does not allow much room for discretion. We do not agree therefore that Article 13 strikes the right balance between any action which might be deemed necessary at EU level and action best left to Member States.

We are concerned that the Commission has not complied with the requirement in the Subsidiarity Protocol[12] to provide a detailed assessment of subsidiarity substantiated by quantatitive and qualitative "indicators", which would ideally include a full cost/benefit analysis of the access to water provisions, taking into account both the cost of installing water fountains and any savings from reduced plastic waste.

7 Council document: 5846/18 +ADDS 1–5, COM (17) 753.

8 Article 3 of Protocol No 2.

9 The proposal is based on Article 192(1) TFEU which specifies an ordinary legislative procedure and does not fall within the exclusive competence of the Union.

10 Article 5(3) TEU provides that "Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional or local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level".

11 SWD(17) 449

12 See Article 5 of Protocol (No 2).

Formal Minutes

Wednesday 7 March 2018

Members present:

Sir William Cash, in the Chair

Steve Double	Kelvin Hopkins
Richard Drax	Darren Jones
Marcus Fysh	David Jones
Kate Green	Michael Tomlinson
Kate Hoey	Dr Philippa Whitford

5. Reasoned Opinion

Draft Report, *Drinking Water Directive*, proposed by the Chair, brought up and read.

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

Paragraphs 1.1 to 1.25 read and agreed to.

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

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

[Adjourned Wednesday 14 March at 1.45pm.

Standing Order and membership

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

a) to report its opinion on the legal and political importance of each such document and, where it considers appropriate, to report also on the reasons for its opinion and on any matters of principle, policy or law which may be affected;

b) to make recommendations for the further consideration of any such document pursuant to Standing Order No. 119 (European Committees); and

c) to consider any issue arising upon any such document or group of documents, or related matters.

The expression "European Union document" covers—

i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;

ii) any document which is published for submission to the European Council, the Council or the European Central Bank;

iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;

iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;

v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation;

vi) any other document relating to European Union matters deposited in the House by a Minister of the Crown.

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

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

Current membership

Sir William Cash MP (*Conservative, Stone*) (Chair)

Douglas Chapman MP (*Scottish National Party, Dunfermline and West Fife*)

Geraint Davies MP (*Labour/Cooperative, Swansea West*)

Steve Double MP (*Conservative, St Austell and Newquay*)

Richard Drax MP (*Conservative, South Dorset*)

Mr Marcus Fysh MP (*Conservative, Yeovil*)

Kate Green MP (*Labour, Stretford and Urmston*)

Kate Hoey MP (*Labour, Vauxhall*)

Kelvin Hopkins MP (*Independent, Luton North*)

Darren Jones MP (*Labour, Bristol North West*)

Mr David Jones MP (*Conservative, Clwyd West*)

Stephen Kinnock MP (*Labour, Aberavon*)

Andrew Lewer MP (*Conservative, Northampton South*)

Michael Tomlinson MP (*Conservative, Mid Dorset and North Poole*)

David Warburton MP (*Conservative, Somerton and Frome*)

Dr Philippa Whitford MP (*Scottish National Party, Central Ayrshire*)