RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

EU PROPOSAL 5084/11 – POSSIBLE BREACH OF SUBSIDIARITY

CORRESPONDENCE FROM THE CONVENER TO LORD ROPER CHAIRMAN OF THE HOUSE OF LORDS SELECT COMMITTEE ON THE EUROPEAN UNION

The Rural Affairs and Environment Committee is currently taking part in a pilot ‘early warning’ system, which involves scrutinising EU documents of relevance to our remit. Part of the pilot involves the Committee considering any documents which have been notified, by any one of a variety of sources, as possibly breaching the principle of subsidiarity.

The following document was recently drawn to the Committee’s attention as having subsidiarity concerns and was considered at our meeting on 9 February:

Proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (5084/11).

I understand that your Committee will be considering this proposal at its meeting on 16 February 2011.

I put consideration of the draft instrument on the agenda because I understood that some subsidiarity concerns had been raised with it. In particular, I understood that there were concerns in relation to the incorporation within it of another proposed regulation, which the House of Lords European Committee reported on in October 2010:


That report recommended that the House of Lords should issue a reasoned opinion to the effect that the proposed Regulation does not comply with the principle of subsidiarity; and should send it to the Presidents of the European Parliament, the Council and the Commission, in accordance with the provisions of the EU Treaties. Your report concluded that:

“[…] there appears to be no compelling argument to suggest that the Union is better placed than Member States to ensure a food supply to its most deprived citizens.”

With regard to the current proposal, 5084/11, the Rural Affairs and Environment Committee noted that the UK Government expressed similar subsidiarity concerns in the Explanatory Memorandum which accompanied the document. We asked the views of the Scottish Government and the Office of the Solicitor to the Scottish

Parliament, and the Scottish Government noted its support for the subsidiarity concerns outlined by the UK Government and House of Lords European Committee, stating that:

“[…] the Scottish Government supports the views of the UK Government, which has consulted with the Scottish Government, as outlined in paragraph 9 of EM 5081/11, namely, that there are certain aspects of the Commission proposal in relation to the use of surplus food stock which do not appear to comply with the subsidiarity principle.”

After consideration of all the information made available to us, the Rural Affairs and Environment Committee concluded that it agreed with the view expressed by both the UK and Scottish Governments, and, on the original proposal, by the House of Lords European Committee. The Committee further agreed to write to you to communicate this view ahead of your Sub-Committee’s consideration of the matter at its meeting on 16 February.

Maureen Watt MSP
Convener