HOUSE OF LORDS

European Union Committee

7th Report of Session 2008–09

The United Kingdom opt-in: problems with amendment and codification

Report with Evidence

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The European Union Committee

The European Union Committee of the House of Lords considers EU documents and other matters relating to the EU in advance of decisions being taken on them in Brussels. It does this in order to influence the Government's position in negotiations, and to hold them to account for their actions at EU level.

The Government are required to deposit EU documents in Parliament, and to produce within two weeks an Explanatory Memorandum setting out the implications for the UK. The Committee examines these documents, and 'holds under scrutiny' any about which it has concerns, entering into correspondence with the relevant Minister until satisfied. Letters must be answered within two weeks. Under the 'scrutiny reserve resolution', the Government may not agree in the EU Council of Ministers to any proposal still held under scrutiny; reasons must be given for any breach.

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The Members of the Sub-Committee which conducted this inquiry are listed in Appendix 1.

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The telephone number for general enquiries is 020 7219 5791. The Committee's email address is:
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CONTENTS

Note: References in the text of the Report are as follows:
(Q) refers to a question in oral evidence

The United Kingdom opt-in: problems with amendment and codification

Introduction

1. The provisions on visas, asylum, immigration and other policies related to the free movement of workers, currently making up Title IV of the Treaty establishing the European Community (TEC), were introduced into that Treaty by the Treaty of Amsterdam, which was signed on 2 October 1997 and came into force on 1 May 1999. The Government did not necessarily wish to be bound by EC measures on visas, asylum and immigration, and negotiated a Protocol to give the United Kingdom the necessary flexibility. This is Protocol No.4 on the Position of the United Kingdom and Ireland. We reproduce Articles 1–6 of the Protocol in Appendix 2 to this report.

2. The effect of this Protocol is that the United Kingdom does not take part in the negotiation and adoption of Title IV measures, and is not bound by them, unless within three months of a proposal for legislation being presented to the Council the United Kingdom notifies the President of the Council that "it wishes to take part in the adoption and application" of the proposed measure. This is the United Kingdom opt-in. What is sometimes referred to as an opt-out is simply a decision by the Government not to opt in, and requires no action by the United Kingdom.

3. No thought seems to have been given when the Protocol was drafted to what the situation might be if a Title IV measure came to be amended by further legislation, inevitably also made under Title IV and so subject to a United Kingdom opt-in. Both measures would be binding on 24 of the Member States.[1] No problem would arise if the United Kingdom opted in to both, or neither. But what if the United Kingdom had opted in to the first, but did not wish to opt in to the second? Or, *a fortiori,* if it had not opted in to the first, but wished to opt in to the second?

4. This problem was recognised when the Treaty of Lisbon was drafted, and a new Article 4a was inserted into the Protocol, the effect of which will be that if the United Kingdom does not opt in to any amendment of legislation which already applies to it, the Council has the power to order that the original measure, and any amendment of it which does apply to the United Kingdom, will cease to apply to it. The Council also has the power to make the United Kingdom pay for any financial consequences.[2] But since the Treaty of Lisbon is of course not yet in force, currently the new Article 4a is of no assistance.

5. A further problem, not foreseen when the Treaty of Lisbon was drafted, arises when changes need to be made to related measures, some of which

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1 No Title IV measures apply to Denmark. Ireland is in the same position as the United Kingdom.

2 Article 4a is also printed in Appendix 2. For a fuller analysis of its consequences, see paragraphs 6.260 to 6.269 of our report *The Treaty of Lisbon: an impact assessment* (10th report, Session 2007–08, HL Paper 62).

apply to the United Kingdom and some of which do not. An example is the codification of such measures.

6. These are no longer academic questions. Since December 2008 the Commission has made three proposals for amendment of legislation and one proposal for codification which raise these problems in an acute form. Because of the three-month deadline for opting in there is of course considerable urgency. Sub-Committee F[3] therefore conducted a brief inquiry, and took evidence on 25 February 2009 from Meg Hillier MP, the Parliamentary Under-Secretary of State at the Home Office, and three of her officials. We are most grateful to them for having come at short notice.

Amendment of legislation

The Reception Directive

7. The three proposals for amendment of legislation all relate to asylum. The first is a proposal[4] to amend the Directive which lays down the minimum standards for the reception of asylum seekers—the Reception Directive.[5] This was adopted by the Council on 27 January 2003 and entered into force on 6 February 2005. The United Kingdom opted in, but Ireland did not. The Directive is designed to harmonise the laws of the Member States on the support given to asylum seekers during the determination of their claims: their access to health care, education and employment, the housing and financial support provided to them, and the circumstances in which that support may be withdrawn. The changes proposed are significant. The Directive would be extended to persons who qualify for subsidiary protection—those who, while not refugees, are at risk of serious harm if returned to their countries of origin. There would be improved access to the labour market and a better level of support, and for the first time there would be provisions restricting the time for which and the circumstances in which asylum seekers can be detained.

8. At the date we took evidence 12 days remained of the three-month period for opting in. We were told that the Government had yet to reach a decision about whether to opt in, but that they were unlikely to do so; and they confirmed on 6 March 2009 that they had chosen not to opt in.[6] Why not is a question outside the scope of this report, but it was made clear to us in evidence that while the Government intend to maintain the minimum standards currently laid down by the Directive, the amendments dealing with arrangements on detention, wider access by asylum seekers to the labour market, and some elements of financial support would be too onerous. (Q 22)

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3 The members of Sub-Committee F are listed in Appendix 1.

4 Proposal for a Directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers (Document 16913/08).

5 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31, 6.2.2003, p. 18).

6 Letter of 6 March 2009 from Phil Woolas MP, Minister of State, Home Office to Lord Roper.

The Dublin System

9. The second proposal[7] is for amendment of the Dublin Regulation[8] which determines which Member State has jurisdiction to examine and decide an asylum application. This is initially the State where the applicant's closest family already resides; failing which, the State which has allowed access to the EU by the issue of a visa or residence permit; failing which, the first State that the applicant entered, whether lawfully or irregularly; and lastly the State where the applicant applied for asylum. The changes proposed include the extension of the scope of the Regulation to applicants for subsidiary protection, and the inclusion of dependent relatives in the family reunion criteria.

10. The third proposal[9] is for amendment of the second Regulation making up the Dublin system,[10] which established a fingerprint database, EURODAC, for recording and comparing the fingerprints of asylum applicants and illegal entrants.

11. These two Regulations apply to all the Member States: to the United Kingdom and Ireland because they opted in; and to Denmark which has introduced a parallel system. The system also applies to Norway, Iceland, Switzerland and Liechtenstein by virtue of agreements with those States. In the case of these Regulations we were told that the Government were likely to opt in to both; and on 6 March 2009 they wrote to the Presidency of the Council notifying it of the Government's intention to participate in both proposals.[11]

Interoperability of the Reception Directive and the Dublin System

12. In the case of the Reception Directive, if it was legally possible for the Directive to apply in its unamended form in the United Kingdom but amended in the rest of the EU, this would be workable. There is for example no operational necessity for access of asylum seekers to the labour market to be the same in the United Kingdom as in France. (Q 5) There is however both an operational and a legal necessity for the Dublin Regulation to apply in exactly the same way in the United Kingdom as in the other Member States. It imposes on each participating State mutual obligations which must be identical, otherwise the different regimes applicable in different Member States would in some cases lead to different results in determining the jurisdiction which should decide the claim.

13. Mr Christophe Prince, the Director of International Policy at the United Kingdom Borders Agency, told us that there was no formal legal link between the Reception Directive and the Dublin system. (Q 32) This is

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7 Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Document 16929/08).

8 Council Regulation (EC) No 343/2003/EC of 18 February 2003 on the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50, 25.2.2003, p.1).

9 Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EC) No […/…] [establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] (Document 16934/08).

10 Council Regulation (EC) No 2725/2000/EC of 11 December 2000 for the establishment of 'EURODAC' (OJ L 316, 15.12.2000, p. 1).

11 Letter of 6 March 2009 from Phil Woolas MP, Minister of State, Home Office to Lord Roper.

currently true. He also pointed out that the Commission had never previously called into question the United Kingdom's ability to opt in to individual measures, though the question whether they would see the Dublin system and the Reception Directive as "inextricably linked" had not been raised with them. (Q 18) We pressed the Minister to seek the Commission's view on whether opting in to the two Dublin system proposals but not the Reception Directive proposal would cause difficulties; and to do so before reaching a final decision on whether or not to opt in. (Q 20) We understand that her officials did so and that the Commission, though unhappy with this suggestion, did not see that it would cause any insuperable difficulty.

14. We ourselves believe that the links between the measures may well cause problems. Under the Commission proposals the amended Dublin Regulation will have numerous cross-references to the amended Reception Directive.[12] One example is Article 27(12) of the amended Dublin Regulation, which in its current draft reads: "Member States shall ensure that asylum-seekers detained in accordance with this Article enjoy the same level of reception conditions for detained applicants as those laid down in particular in Articles 10 and 11 of [the Reception Directive]". To us, this is an example of provisions which are "inextricably linked"; we do not see how this provision can apply to the United Kingdom while referring to a level of reception conditions which does not apply.[13] If, as is possible, the Treaty of Lisbon comes into force before the (inevitably lengthy) negotiations on these proposals are concluded, the United Kingdom will perhaps be told that if it does not opt in to the Reception Directive after its adoption (using Article 4 of the Protocol), the two Dublin Regulations will be disapplied under Article 4a.

Amendment versus repeal and replacement

15. Changes can be made to a measure by amending it, that is, either by adding or removing individual provisions, or by repealing and replacing individual provisions. Either way, elements of the original measure survive. If the changes are made by a measure which applies in the majority of the Member States but not in the United Kingdom, the original measure will continue to apply in its unamended form in the United Kingdom. This would be the consequence if the United Kingdom opted in to the initial measure, but not to the amending measure. The Home Office accept this.[14] It is precisely because this might lead to an unworkable situation that Article 4a is to be inserted in the Protocol by the Treaty of Lisbon.

16. The question is whether the position is different when the initial measure is repealed in its entirety and replaced by a subsequent measure. This is the drafting method adopted by the Commission for each of these three proposals. The potential problem arises because the provision repealing the

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12 The following provisions of the draft of the amended Dublin Regulation in document 16929/08 have cross-references to the draft of the Reception Directive in document 16913/08: recitals (9) and (18), and Articles 6(2), 27(2), (10) and (12), 30(2) and 31(2), (3) and (9).

13 Now that the United Kingdom has chosen not to opt in to the amended Reception Directive it would be possible, as a matter of drafting, for Article 27(12) to state that, in the case of the United Kingdom, it is to be read as referring to the level of reception conditions currently applicable under the unamended Reception Directive; but we doubt whether this would be acceptable to other Member States as a matter of policy.

14 Letter of 5 February 2009 from Phil Woolas MP, Minister of State, to Lord Roper (not printed with the evidence).

initial measure is, inevitably, contained in the subsequent measure. If the United Kingdom opts in to the subsequent measure there is no problem; the repealing provision, like the rest of that measure, will apply to the United Kingdom, so that the initial measure will cease to have effect in the United Kingdom as in every other Member State. If however the United Kingdom does not opt in to the subsequent measure then, in consequence of Article 2 of the Protocol, that measure is not "binding upon or applicable in the United Kingdom"; and among the provisions of that measure not binding upon or applicable in the United Kingdom is the provision effecting the repeal of the initial measure. On that basis the initial measure would continue to apply in the United Kingdom in its unamended form.

17. In the view of the Home Office this would not be the case. In her opening statement Ms Hillier stated categorically that "if we do not take part in the repeal and replace provisions and they are approved by the Council and the European Parliament, then the existing legislation that we are in will have been repealed and will cease to exist". (Q 1) Mr Iain Macleod, the Deputy Legal Adviser, took the same view; he saw the initial measure as disappearing from the *acquis,* and he expected that the European Court of Justice would share that view. (Q 13)

18. We are not so sanguine. **In our view, where the United Kingdom has opted in to a measure but does not opt in to a subsequent measure which purports to repeal and replace it, there is at the very least some doubt as to whether the repeal of the initial measure will be effective in the United Kingdom, or whether the initial measure will continue to apply here, even though only the subsequent measure will apply in other Member States.**

19. **In the particular case of the Reception Directive, because there is no policy or operational reason why the Directive should not continue to operate in the United Kingdom in its unamended form, it is vital to clarify whether or not it will in fact continue to be legally applicable in the United Kingdom.**

20. We suggested to the Home Office two ways in which the repeal of the initial measure might be put beyond doubt. The first would be to have two instruments coming into force at the same time; the first would simply repeal the existing legislation, and the United Kingdom would opt in to this, while the second, which the United Kingdom would not opt in to, would contain the new regime. Another way would be for the United Kingdom to opt in to a single instrument which would contain a provision on scope, specifying which parts of the instrument applied to the United Kingdom and which did not—a procedure familiar in the United Kingdom, where statutes frequently contain provisions applicable in one or two but not all three of the jurisdictions (England and Wales, Scotland and Northern Ireland). Mr Macleod did say that, in the light of the concerns which we had expressed, he would try to get the matter clarified during the negotiations in Brussels. (Q 43)

Codification of legislation

21. On 19 December 2008 the Commission put forward a proposal for codification of three Council Regulations laying down a uniform format for

visas.[15] The proposal is made under Article 62(2)(b)(iii) in Title IV, and hence is applicable to the United Kingdom only if the Government opt in. The proposal was published by the Council on 13 January 2009, so that the three-month period for opting in will expire on 13 April 2009.

22. The initial Council Regulation 1683/95[16] laying down a uniform format for visas is very short. It lays down the outlines for a uniform visa format, and sets up a Comitology Committee with power to settle those details about the formatting of visas which inevitably are required to remain secret to avoid forgery.

23. The Proposal aims to codify three measures:

- Council Regulation 1683/95. This was adopted in 1995, before the Treaty of Amsterdam, before Title IV and before the United Kingdom opt-in; the legal basis was Article 100c(iii) of the EC Treaty, and the Regulation applied in the United Kingdom in the same way as in every other Member State. In 1995 there was no way it could not apply.
- Council Regulation 334/2002:[17] This amends the 1995 Regulation by specifying that visas must have "additional elements and security requirements including enhanced anti-forgery, counterfeiting and falsification standards"; again the details are left to the Comitology Committee. By 2002 the Protocol was in force, and the United Kingdom (but not Ireland) opted in to this Regulation.
- Council Regulation 856/2008,[18] whose single operative article deals only with the numbering of visas to make them compatible with the Visa Information System (VIS). Ministers decided that the United Kingdom should not opt in; given that it was not part of the VIS, they saw no disadvantage if visas issued by the United Kingdom to nationals of third countries were not machine-readable.

24. Thus, of the three measures the proposal attempts to codify, the first applies to the United Kingdom automatically, the second applies because the Government opted in, and the third does not apply because the Government chose not to opt in.

25. The proposal for codification presented by the Commission states that it "was drawn up on the basis of a preliminary consolidation … carried out by the Office for Official Publications of the European Communities, by means of a data-processing system" [emphasis in the original]. It is clear that the data-processing system was not briefed about the problems caused by the United Kingdom opt-in, for the proposal states unequivocally in recital (15):

> "In accordance with Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland are not participating in the adoption of this Regulation. As a result, and without prejudice to Article 4 of the said

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[15] Proposal for a Council Regulation on laying down a uniform format for visas (codified version) (Document 5256/09).

[16] Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

[17] Council Regulation (EC) No 334/2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 53, 23.2.2002, p. 7).

[18] Council Regulation (EC) No 856/2008 amending Regulation (EC) No 1683/95 laying down a uniform format for visas as regards the numbering of visas (OJ L 235, 2.9.2008, p. 1).

Protocol, the provisions of this Regulation do not apply to the United Kingdom and Ireland."

26. This recital was taken verbatim from recital (8) of the 2008 Regulation, ignoring the fact that the 1995 and 2002 Regulations do apply to the United Kingdom, and one of them to Ireland. It was also a somewhat premature statement to make when the three-month period for opting in had not even started.[19]

27. It is accepted on all sides that the purpose, and the only purpose, of codification is to reproduce the law in a more accessible form without in any way changing its substance. It is also now accepted, including by the Commission, that recital (15) is erroneous. Ms Emma Gibbons from the Home Office International Directorate told us that they were in discussion with the Commission and hoped to be able to present this Committee with a revised text "very shortly". Mr Prince added that he hoped that the matter would be clarified before the three-month period expired on 13 April. (QQ 44–47)

28. We certainly hope that the original Commission proposal will be withdrawn before then, otherwise the Government will have to choose between opting in to a Regulation which will apply to the United Kingdom provisions which do not currently apply, or being excluded altogether from the application of a Regulation some of whose provisions currently do apply. The latter option would also raise once again the question whether the repeals of the measures which are being codified would extend to the United Kingdom.

29. The problem could be avoided if, as we suggested in paragraph 20, the codifying measure simply contained a provision specifying which parts of the instrument applied to the United Kingdom and which did not. We hope that the Commission may adopt this drafting technique when attempting to codify measures which are not equally applicable to all the Member States.

30. **We suggest that Government lawyers take this opportunity to agree with Commission officials a technique for drafting codifications of such measures, so as to avoid any recurrence of this unfortunate episode.**

31. **This report is made to the House for information.**

32. We wish to make clear that this inquiry, like the evidence given to us, has primarily been considering the legal position rather than the policy implications, and that we are retaining under scrutiny the three asylum proposals and the proposal for codification.

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[19] The same premature statement was made in recital (20) of a proposal prepared by the Commission (COM(2008)761 final, 28.11.2008) for a Council Regulation codifying Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1) and amendments made to it by five subsequent Regulations and by the 2003 Act of Accession. In that case, since the United Kingdom had opted in to none of the earlier Regulations, it was perhaps reasonable to assume that the United Kingdom would not wish to opt in to the codifying Regulation; but under Article 3 of the Protocol it would have been perfectly legitimate for the United Kingdom to do so. The Commission proposal was circulated by the Council as document 16750/1/08 on 5 December 2008, so that the 3-month period for opting in expired on 5 March 2009.

APPENDIX 1: SUB-COMMITTEE F (HOME AFFAIRS)

The members of the Sub-Committee which conducted this inquiry were:

Lord Avebury
Lord Dear
Lord Faulkner of Worcester
Baroness Garden of Frognal
Lord Hannay of Chiswick
Lord Harrison
Baroness Henig
Lord Hodgson of Astley Abbotts
Lord Jopling (Chairman)
Lord Marlesford
Lord Mawson
Lord Richard

Lord Mance, the Chairman of Sub-Committee E, also took part in the inquiry.

Declarations of Interests:

A full list of Members' interests can be found in the Register of Lords Interests:

http://www.publications.parliament.uk/pa/ld/ldreg.htm

APPENDIX 2: PROTOCOL ON THE POSITION OF THE UNITED KINGDOM AND IRELAND

Extract from the Protocol as currently applicable

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland,

HAVING REGARD to the Protocol on the application of certain aspects of Article 7a of the Treaty establishing the European Community to the United Kingdom and to Ireland,

HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing the European Community and to the Treaty on European Union,

Article 1

Subject to Article 3, the United Kingdom and Ireland shall not take part in the adoption by the Council of proposed measures pursuant to Title IV of the Treaty establishing the European Community. By way of derogation from Article 205(2) of the Treaty establishing the European Community, a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in the said Article 205(2). The unanimity of the members of the Council, with the exception of the representatives of the governments of the United Kingdom and Ireland, shall be necessary for decisions of the Council which must be adopted unanimously.

Article 2

In consequence of Article 1 and subject to Articles 3, 4 and 6, none of the provisions of Title IV of the Treaty establishing the European Community, no measure adopted pursuant to that Title, no provision of any international agreement concluded by the Community pursuant to that Title, and no decision of the Court of Justice interpreting any such provision or measure shall be binding upon or applicable in the United Kingdom or Ireland; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of those States; and no such provision, measure or decision shall in any way affect the *acquis communautaire* nor form part of Community law as they apply to the United Kingdom or Ireland.

Article 3

1. The United Kingdom or Ireland may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Title IV of the Treaty establishing the European Community, that it wishes to take part in the adoption and application of any such proposed measure, whereupon that State shall be entitled to do so. By way of derogation from Article 205(2) of the Treaty establishing the European Community, a qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in the said Article 205(2).

The unanimity of the members of the Council, with the exception of a member which has not made such a notification, shall be necessary for decisions of the Council which must be adopted unanimously. A measure adopted under this paragraph shall be binding upon all Member States which took part in its adoption.

2. If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with the United Kingdom or Ireland taking part, the Council may adopt such measure in accordance with Article 1 without the participation of the United Kingdom or Ireland. In that case Article 2 applies.

Article 4

The United Kingdom or Ireland may at any time after the adoption of a measure by the Council pursuant to Title IV of the Treaty establishing the European Community notify its intention to the Council and to the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article 11(3)[20] of the Treaty establishing the European Community shall apply *mutatis mutandis.*

Article 5

A Member State which is not bound by a measure adopted pursuant to Title IV of the Treaty establishing the European Community shall bear no financial consequences of that measure other than administrative costs entailed for the institutions.

Article 6

Where, in cases referred to in this Protocol, the United Kingdom or Ireland is bound by a measure adopted by the Council pursuant to Title IV of the Treaty establishing the European Community, the relevant provisions of that Treaty, including Article 68, shall apply to that State in relation to that measure.

Article 4a to be added by the Treaty of Lisbon

1. The provisions of this Protocol apply for the United Kingdom and Ireland also to measures proposed or adopted pursuant to Title IV of Part III of the Treaty on the Functioning of the European Union amending an existing measure by which they are bound.

2. However, in cases where the Council, acting on a proposal from the Commission, determines that the non-participation of the United Kingdom or Ireland in the amended version of an existing measure makes the application of that measure inoperable for other Member States or the Union, it may urge them to make a notification under Article 3 or 4. For the purposes of Article 3 a further period of two months starts to run as from the date of such determination by the Council.

If at the expiry of that period of two months from the Council's determination the United Kingdom or Ireland has not made a notification under Article 3 or Article 4, the existing measure shall no longer be binding upon or applicable to it, unless the Member State concerned has made a notification under Article 4 before the entry into force of the amending measure. This shall take effect from the date of entry into force of the amending measure or of expiry of the period of two months, whichever is the later.

For the purpose of this paragraph, the Council shall, after a full discussion of the matter, act by a qualified majority of its members representing the Member States participating or having participated in the adoption of the amending measure. A

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[20] The provision referred to was numbered Article 11(3) in the re-numbering done following the Treaty of Amsterdam. In the further re-numbering under the Treaty of Nice this provision became Article 11a, but no consequential amendment was made in this Protocol.

qualified majority of the Council shall be defined in accordance with Article 205(3)(a) of the Treaty on the Functioning of the European Union.

3. The Council, acting by a qualified majority on a proposal from the Commission, may determine that the United Kingdom or Ireland shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in the existing measure.

4. This Article shall be without prejudice to Article 4.

APPENDIX 3: RECENT REPORTS

Relevant Reports from the Select Committee

The Treaty of Lisbon: an impact assessment (10th Report, Session 2007–08, HL Paper 62)

Enhanced scrutiny of EU legislation with a United Kingdom opt-in (2nd Report, Session 2008–09, HL Paper 25)

Recent Reports prepared by Sub-Committee F (Home Affairs)

Session 2006–07

Schengen Information System II (SIS II) (9th Report, HL Paper 49)

Prüm: an effective weapon against terrorism and crime? (18th Report, HL Paper 90)

The EU/US Passenger Name Record (PNR) Agreement (21st Report, HL Paper 108)

Session 2007–08

FRONTEX: the EU external borders agency (9th Report, HL Paper 60)

The Passenger Name Record (PNR) Framework Decision (15th Report, HL Paper 106)

EUROPOL: coordinating the fight against serious and organised crime (29th Report, HL Paper 183)

Session 2008–09

Civil Protection and Crisis Management in the European Union: (6th Report, HL Paper 43)