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## Parliamentary Scrutiny of European Community Legislation

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# Parliamentary Scrutiny Of European Community Legislation: The Case of the United Kingdom\*

## I. Background

Entry of Great Britain into the European Community on 1 January 1973 was a significant step following much debate and negotiations prior to accession. The first British application was made in 1961 and negotiations continued throughout 1962 but were broken off in early 1963 upon the announcement by President de Gaulle of France that France would oppose British membership. In 1967 a second application was made; in 1971 Parliament voted favorably for entry and in January of 1972 the signing of the Treaty of Accession took place in Brussels. The Treaty was signed by Great Britain, Denmark, the Irish Republic, Norway and the original members of the European Community. (Subsequently, a referendum in Norway produced a vote against entry for that country.)

In 1972, the European Communities Act became law in Great Britain. This Act gave legal effect, within Britain, of the obligations resulting from membership in the Community. Sec. 2(1) of this Act provides that

all such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognized and available in law, and be enforced, allowed and followed accordingly. . . .<sup>1</sup>

In order to exercise some degree of Parliamentary "control" of legislation adopted by the European Community, the British Parliament has created Scrutiny Committees in each of the Houses to consider proposals made by the European Commission prior to their submission to the Council of Ministers. The "Select Committee on the European Communities" was created in the House of Lords in April, 1974 while its counterpart in the House of Commons, the "Select Committee on European Legislation, etc.," was established in May, 1974. Thus, within a very short period of time following Britain's entry into the European Community (1 January, 1973), both Houses of Parliament had brought into being mechanisms for examining proposed European Community legislation before final adoption by the Council of Ministers of the Community.<sup>2</sup>

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## II The House of Commons Select Committee on European Legislation, etc.

Prior to the creation of the House "Select Committee on European Legislation, etc." an ad hoc committee was created in the House of Commons to consider the problem of examining proposals from the European Commission before their submission to the Council of Ministers. It was known as the "Select Committee on European Community Secondary Legislation," or the "Foster Committee." The chairman of the committee was Sir John Foster, a pro-marketeer who favored a greatly strengthened European Community. The Committee was established shortly after passage of the European Communities Act in 1972, but before formal accession of Great Britain to the Communities. In February 1973 the Committee produced an interim report.<sup>3</sup> The Clerk of the Foster Committee, Mr. John Rose, recorded the main questions considered during the Committee's deliberations:

. . . could or should the UK Parliament establish relationships with the Commission so as to be informed of, and to attempt to influence the shape of, proposals before their publication? Could or should it mandate the delegation to the European Parliament, or require the delegation (or ask the Parliament) to keep it informed of developments in that Parliament? Was there anything to be learnt by it from the experience and procedures of the Parliaments of the six original Member countries? Could or should it exercise influence or control on its own Government before decisions were taken in the Council of Ministers, bearing in mind the secret and negotiatory nature of Council decision taking and the prospect at some future date of majority decisions there?<sup>4</sup>

The debate in the House of Commons on the first report of the Foster Committee was undertaken in April, 1973. The Government made a commitment to issue explanatory memoranda with each proposal emanating from the Commission and to "forecast" the agenda for each Council of Ministers' meeting. In addition, it indicated that it intended to issue ministerial statements after each meeting of the Council of Ministers.<sup>5</sup> However, the Government's commitment was qualified. It undertook in a formal motion before the House to issue these statements only "whenever the substance of meetings of the Council of Ministers has warranted it. . . ."<sup>6</sup>

The second report of the Foster Committee was debated in January, 1974. It sought to insure that the Commons participate, in a substantial fashion, with the Government in the legislation enacted by the Council of Ministers. To this end it recommended the creation of a committee, different from the types of standing and select committees already in existence, in that this committee would "participate" in legislation. This recommendation rejected the Government's proposal to have important proposals

debated in a standing committee. Furthermore, it recommended that there be two scrutiny committees, one for the Commons and another for the House of Lords. The Commons' committee should refer major matters to the House before the Council comes to a decision and rapidly moving proposals from the Community should be debated within two weeks of the Government's report. The report suggested that there be one government minister with the responsibility to provide Parliament with the details of legislative proposals from the Community and to inform the Commons what the Government intended to do. Also, it favored the appointment of a Law Officer to advise Parliament of the legal effect within Britain of particular legislative proposals. However, a separate Legal Officer, specifically concerned with Community legislation, has not been appointed.

The "Select Committee on European Legislation, etc." was established in the House of Commons in the spring of 1974, as was its counterpart in the House of Lords. Sixteen members were named to the Commons Committee, with a balance between "anti-marketeters" and "pro-marketeters."<sup>7</sup>

#### Powers of the Commons' Scrutiny Committee

The mandate for the committee is set forth in its original order of reference:

To consider draft proposals of the Commission of the European Economic Community for secondary legislation and other documents published by the Commission for submission to the Council of Ministers, and to report their opinion as to whether such proposals or other documents raise questions of legal or political importance, to give their reasons for their opinion, to report what matters of principle or policy may be affected thereby, and to what extent they may affect the law of the United Kingdom, and to make recommendations for the further consideration of such proposals and other documents by the House.<sup>8</sup>

The Commons' Committee, in contrast to the Lords' Committee, does not consider the merits of proposals from the European Commission. It sifts the proposals to determine whether they are politically or legally important, on the one hand, or whether they are unimportant, on the other hand. (Some proposals, e.g. are more politically important than others and would receive priority in terms of being reported to Commons for consideration). "Unimportant" proposals are not recommended to the Commons for consideration. Not surprisingly, in view of the total amount of the Community Budget devoted to agricultural matters, approximately 35% of the Commission documents considered by the Committee fall within this category.<sup>9</sup>

The Scrutiny Committee attempts to furnish an analysis of the annual Community Budget, which is drawn up in June, and to suggest to the House

the major items of importance. Because of time constraints the task is a difficult one. Sir John Eden, Chairman in 1977 of the Scrutiny Committee, in testimony before the Select Committee on Procedure described the difficulties:

[The Budget] is a massive document, and I do not think one can pretend to do justice to a document of that significance. What we can attempt to do, within the extraordinary constraints imposed by the timetable, is to do as fair an analysis as possible of the main features of the Budget, to highlight the major points of significance to be noted within it, to draw those to the attention of our colleagues in the House and to recommend that they be further considered in debate by the House. This is what we attempt to do. . . . [However] whether it be our Committee or any other committee that has that task, they would still be likely to be subjected to the same very tight timetable. We did, in fact, supplement our work this time, as has been done in the past, by inviting the Chief Secretary to the Treasury to come and answer questions on the Budget. He proved to be a most able witness with plenty of information to give to the Committee. But even so, in a short question and answer session. . . it is impossible to do justice to a document that is nine volumes in length . . .<sup>10</sup>

Mr. D. W. Limon, Clerk of the Committee, emphasized the problem in his statement to the Select Committee on Procedure:

I think one has to appreciate that the timetable for the Budget is so extraordinary that to imagine that any Committee of this House could do an effective job on it is not realistic. The Budget is published at the end of June, and the all-important decision on the Budget is taken by the Council of Ministers at the Budget Council. . . . about three weeks later. What is decided at that Council determines the broad form of the Budget, and all the other procedures that take place between now and December have an infinitely smaller effect on the final form of the Budget. So, working backwards, if this House wants to influence what happens at the Budget Council, all the work has to be done in three weeks.<sup>11</sup>

Although the Scrutiny Committee has the power to make recommendations on the Community Budget, to the Commons, the Committee's impact is severely limited because of the time constraints.

## Procedure of the Committee

The Scrutiny Committee undertakes an examination of all proposals from the Commission to the Council of Ministers. (It does not consider actions which the Commission takes, acting alone, without the approval of the Council of Ministers). Initially, it was expected that approximately 400 proposals would come up each year, but the actual number has been approximately 700. Three sub-committees have been created. The first one, the "Sifting Sub-Committee," was used only in the beginning to handle the backlog of proposals. The other two sub-committees have been charged with considering certain instruments in greater detail, particularly when oral evidence is desired from persons, other than government ministers.

Three main problems affected the Committee's work in its initial stages. First, the backlog of proposals was considerable. Second, the government lacked effective liaison with Community officials in Brussels. Third, the committee lacked adequate staff.<sup>12</sup> Presumably, these difficulties have been overcome.

The Committee has access to a number of documents in performing its task. These consist of Commission proposals, the government's Explanatory Memoranda and "advisory briefs." These briefs are confidential Committee papers prepared by the Clerk/Advisers, which give an independent assessment of each Commission proposal. Also, the Committee receives many written statements, mainly from interest groups, and, when the Commission proposals are fast-moving, views from interest groups are obtained by telephone. Most of the Committee's work is performed in private, although occasionally oral testimony is taken from government Ministers in public session.

Meetings of the Committee take place weekly when Commons is in session. After each meeting a Report is published, which informs the House of the Committee's opinion on every document which has come before them. In all cases where the Committee find a document to be of political or legal importance, a "paragraph" explaining the main issues which arise (which may range in length between half a page and three pages) is included in the Report. The Committee's Reports are circulated with the Votes to all Members of the House.<sup>13</sup>

Not only does the Committee scrutinize proposals prior to their submission to the Council of Ministers, but it also attempts to keep Commons informed of amendments to Commission proposals which may occur during consideration by the Council of Ministers.

The government has undertaken to provide time for debate in Commons prior to the adoption of Commission proposals by the Council of Ministers. The Leader of the House of Commons made this commitment on August 4, 1976:

Ministers will not give agreement to any legislative proposal recommended by the Scrutiny Committee for further consideration, unless the Committee has indicated that agreement need not be withheld, or the Minister concerned is satisfied that agreement should not be withheld for reasons which he will at the first opportunity explain to the House.<sup>14</sup>

Although the government has honored this commitment, the arrangements for debate by Commons have been considered less than satisfactory. There have been long delays between the Committee's recommendation for debate and the actual holding of the debate. Sir John Eden, Chairman of the Committee in his 1977 Memorandum to the Select Committee on Procedure, has stated, "Until comparatively recently the Government, while agreeing with the Committee in principle, have arranged most of the debates at a very late stage, by which time many of the most important decisions on documents will already have been taken in Council working groups."<sup>15</sup> Furthermore, by 1977 a large backlog of recommendations, which had not been debated by the House, had accumulated. Another criticism is that "European 'secondary' legislation is too readily equated in importance with Statutory Instruments and given only scant attention."<sup>16</sup> Statutory instruments, involving domestic law, are made by government departments, local units of government and nationalized industries. These consist of Regulations and Orders, implementing parliamentary acts; most of them do not require parliamentary approval. Those that do are approved by "affirmative resolution" of Parliament.<sup>17</sup>

Treatment of Community matters as similar in importance to that of statutory instruments has been cited as "evidence of the Government's reluctance to appreciate the importance of Commission proposals, many of which if being enacted by domestic legislation would be in the form of major public bills."<sup>18</sup> In concrete terms this has meant that debate on European matters has occurred late in the day, it has been limited to 1½ hours, and much of that time has been used by government spokesmen, with little time available for discussion by other members of Commons. Furthermore, debate has usually taken place on government motions "to take note." This has meant that amendments to substantive proposals were excluded and it was difficult to ascertain what the views of the Commons were.<sup>19</sup> However, this was changed in October 1980 when the Commons adopted major procedural changes recommended by its Select Committee on Procedure (1977-78).

Included in the changes was the provision for the creation of new Standing Committees on European Community documents to which European Community instruments would be referred (in lieu of Standing Committees on Statutory Instruments to which such documents, in the past, were occasionally referred).<sup>20</sup> In addition, amendments can now be debated in these Committees as well as on the floor of the House. The changes in

procedure, as they affect European Community matters, were summarized in a special report of the Scrutiny Committee:

As a result of the new Standing Order agreed to by the House on 30 October 1980, Standing Committees on European Community documents will in future be able to debate substantive motions to which amendments can be moved; the debates will have a time limit of two and a half hours, rather than one and a half hours as before; and when a document debated in Standing Committee is brought back to the House for a final vote, it will also be possible for amendments to the motion to be moved and voted on, but without debate.<sup>21</sup>

The first use of this power by such a standing committee was exercised on February 7, 1981.<sup>22</sup>

In spite of the changes which have been made the Committee on December 3, 1980 asserted that "it will continue to be necessary for the majority of debates on European Community documents to take place on the floor of the House." The Committee indicated it would "distinguish, in their recommendations, those documents which in their view might be suitable for debate in Standing Committee."<sup>23</sup>

Some of the new "departmental select committees" established in the House of Commons in late 1979 should supplement the work of the Scrutiny Committee. The Procedure Committee of the House recommended that the newly created "departmental select committees" be allowed to consider the merits of Commission proposals, leaving the "task of technical scrutiny" to the Scrutiny Committee.<sup>24</sup> George Clark, Political Correspondent of the *London Times*, in commenting on the potential impact of the newly created departmental committees, has stated:

There is a suggestion that even while legislation is in progress through a standing committee the departmental committee could call evidence from civil servants and from interested outside bodies.

Without a doubt the agricultural committee will turn itself into a second European Community legislation scrutiny committee, with a freedom that the present scrutiny committee does not possess to express firm views on Community proposals.<sup>25</sup>

Nevertheless, this new development is unlikely to have a dramatic effect in increasing the effectiveness of scrutiny procedures. These new committees, to date, have simply not had sufficient time, given their wide responsibilities, to perform their task.<sup>26</sup>

Furthermore, it should be stressed that the scrutiny procedure, at best, cannot bind the government in its deliberations and voting in the Council of Ministers where Britain is only one of nine members and where the Council of Ministers, under the Rome Treaties establishing the Community, possesses supra-national powers. Under the European Communities Act (1972), the British Parliament has already accepted direct legal application of Community legislation.<sup>27</sup> The government cannot guarantee that Parlia-



ment's view on a particular matter, even if it can be ascertained, will prevail in the decisions taken by the Council of Ministers.

### Scrutiny Committee Activity (1979-80)

During the 1979-80 session of Parliament, the Commons' scrutiny committee was active. Forty-six meetings were held and oral testimony was taken on five occasions. The Committee did not appoint any subcommittees and no joint meetings were held with the Lords' scrutiny committee. A relatively large number of instruments (963 in number) were considered by the Committee. Three hundred forty of these were determined by the Committee to raise questions of legal or political importance and 138 were proposed for debate. (These figures show a marked increase over the work load in the previous session of Parliament where only 439 instruments were reported).

When the 1979-80 session began, 67 instruments, recommended for debate had not received consideration in Commons. During the period 102 instruments were debated on the floor of Commons while no debates took place in Standing Committee. There were seven occasions when the government approved instruments in the Council of Ministers without recommended debate in Commons. In each of these instances the government provided written reasons for taking this action.

In addition to the normal work of the scrutiny committee, the committee conducted a rather extensive review of the Community's budgetary process. (As noted earlier, the time between the proposal of the Budget and basic approval by the Council of Ministers is only about three weeks.<sup>28</sup> This time constraint makes it difficult for the Scrutiny Committee and the House to give adequate consideration to a document comprising nine volumes.) According to the Committee the purpose of its

investigation was two-fold: first to enable the Committee to gain a clear understanding of the complex process whereby the Community's budget is drawn up, established and administered; and secondly and more specifically, to follow up some disturbing criticisms and comments made in one of the documents that came before the Committee, the Report of the European Court of Auditors for the financial year 1978.<sup>29</sup>

In the course of performing these tasks the Committee made a visit to the Commission's offices in Brussels and to the headquarters of the Court of Auditors in Luxembourg. The Committee reported that with respect to "one specific section of the Court of Auditors' 1978 report relating to agricultural frauds and irregularities, the Committee on 3 July 1980 took oral evidence in private from representatives of the Intervention Board for Agricultural Produce and the Ministry of Agriculture, Fisheries and Food."<sup>30</sup> The information was published.

This summary of the Scrutiny Committee's work during the 1979-80 session of Parliament indicates that the Committee is conscientiously pursuing its task. Also, certain procedural reforms, adopted by the House, have been discussed which should increase the effectiveness of scrutiny in Commons.

That improvements can still be made seems clear. In a 1976 survey of members of Parliament (including both Lords and members of the House) certain reforms were suggested and are relevant today. These include the following: "(1) increasing the amount of time devoted to EEC matters, (2) giving over one day to the Community budget, (3) debating simultaneously major domestic policies which overlap, (4) more debates on consultative documents, and (5) no late night debates on anything of real substance."<sup>31</sup> Implementation of these "reforms," for the most part, would involve the assignment of greater priority to Community matters and the allocation of more time for their consideration.

### III. The House of Lords Select Committee on the European Communities

Just as the House Scrutiny Committee had its Foster Committee whose recommendations led to the creation of the House committee, the House of Lords had its Maybray-King Committee whose report resulted in the organization of the Lords' Select Committee on the European Communities. In March, 1973, one month after the initial report of the Foster Committee, the Maybray-King Committee issued its first report. It agreed with the Foster Committee that the government should furnish written explanations to the Scrutiny Committees of Commission proposals being made to the Council of Ministers. Also, it suggested the immediate creation of a joint select committee (from both Houses) to sift out proposals warranting consideration by Parliament. This, however, was not done.

In its second report in July, 1973, it recommended the setting up of a select committee in the House of Lords, to include several sub-committees. It favored the creation of a sub-committee to consider the legal effect of proposed legislation. Also, it suggested that recommendations of the new scrutiny committee be debated on a motion for approval. (This contrasted with the Foster Committee which did not so recommend for the Commons' Scrutiny Committee and the first debates in the Commons were held on a "take-note motion.")

The Procedure Committee of the House of Lords made its report in February, 1974. There had been protracted discussion over the mandate of the new Scrutiny Committee but finally the government accepted the recommendations of the Maybray-King Committee "both as to the type of committee and the scope of its work."<sup>32</sup>

The Committee was created in April, 1974 and its members were selected the next month. It now has 24 members; almost all of its members,

except for the chairman, serve on one of the Committee's seven sub-committees. These committees are:

- A. Finance, Economics and Regional Policy
- B. Trade and Treaties
- C. Education, Employment and Social Affairs
- D. Agriculture and Consumer Affairs
- E. Legal
- F. Energy, Transport and Research
- G. Environment<sup>33</sup>

In addition to the formal members of the Committee other members of the House may serve on sub-committees; this increases the effective membership of the committee to more than 100. Other lords may attend meetings of the committee if they have an interest or expertise with respect to matters being considered by the committee. Ad hoc committees are created occasionally.

### Powers of the Lords' Scrutiny Committee

The Lords' Committee has the following powers as expressed in its terms of reference:

To consider Community proposals whether in draft or otherwise, to obtain all necessary information about them, and to make reports on those which, in the opinion of the Committee, raise important questions of policy or principle, and on other questions to which the Committee consider that the special attention of the House should be drawn.<sup>34</sup>

An important difference should be noted between the powers of the Commons' Committee and those of the Lords' Committee. As Anne Sevens has stated, "The task of the Commons' Committee is to identify, without going into their merits, those proposals for Community Instruments which require further discussion by the House. The House of Lords' Committee considers both the importance and the merits of a somewhat wider range of documents."<sup>35</sup>

Contributing to the effectiveness of the Lords' committee is the fact that it is so much more "pro-Marketeer" than the Commons' committee.<sup>36</sup> Also, it has so many more members than the Commons' committee and its members possess a great deal of expertise. Furthermore, with greater time to devote to their task, the Lords' committee can consider European Community matters in greater depth.

### Procedure of the Committee

The Lords' Scrutiny Committee, as does the Scrutiny committee in the House of Commons, receives published reports from the Government of Commission proposals. In addition explanatory memoranda are furnished

by the appropriate Government department summarizing the document with particular attention to its legal and policy implications and the predicted timetable for the consideration of the document. This normally occurs two weeks after the Commission has published the proposal.

The Chairman of the Committee has an important function in the work of the Committee. He separates the proposals into "A-type" and "B-type." "A-type" proposals, consisting of approximately two-thirds of the total, are deemed inconsequential while the "B-type" are divided into those "for information" and those "for detailed consideration." They are referred to the appropriate subcommittees for further consideration. "Certain proposals of a substantially legal character are sifted to Sub-Committee E [Legal] and considered by it, often in conjunction with another Sub-Committee (for instance, proposals relating to company law are generally considered by Sub-Committee E together with Sub-Committee A [Finance, Economics and Regional Policy])."<sup>37</sup>

After the Committee has met a Report is issued listing "A-type" proposals, since the last Report, and the "B-type" proposals, grouped according to the sub-committee to which referral has been made. Sub-committees sometimes decide not to consider certain "B-type" proposals. Approximately one-tenth of the proposals are reported to the House of Lords for consideration. About one-half of these Reports recommend that debate be held. The Government undertakes, except in special circumstances, not to agree to a proposal in the Council of Ministers before debate in both chambers of the Parliament. A major difference between the two Houses of Parliament exists with respect to debate on the floor:

Debate in the House usually takes place on a Motion to "take note" of the Report in question. This neutral formula differs from the House of Commons practice, where the Motion "takes note" (often with approval or with specified qualifications) of the document itself and where amendments selected for debate sometimes seek to bind ministers to a specific course of action. The timetable of the Lords is not so crowded as the Commons' and the Lords Scrutiny Committee has recommended far fewer debates than has its counterpart committee in the House of Commons. It has thus been possible to find time for other extensive debate in the Lords on Select Committee Reports. . . .<sup>38</sup>

In the period from the Committee's creation in 1974 until June 1979, 3,485 Commission documents were scrutinized. The following table summarizes the work of the Committee:

1. Proposals adopted by Council before sifting possible—	99
2. Proposals sifted A-type (not for scrutiny)—	2,230
3. Proposals sifted B-type (for scrutiny)—	<u>1,156</u>
	3,485 <sup>39</sup>

The Committee has expanded the size of its staff since its inception and now has four Clerks, two legal advisers, two Clerical Officers and three

secretaries. In addition, sub-committees are assisted by two more Clerks and have the services of specialists.

Most of the meetings of the Scrutiny Committee are open and oral testimony is taken in two-thirds of the meetings. On the average 24 Reports are issued each year by the Committee. In order to facilitate the work of the Lords' and Commons' committees the respective Houses have given their committees the right to hold joint meetings. However, between 1977 and 1979 the two committees did not avail themselves of this power but instead relied on frequent informal contacts. When the Commons' Committee learns that the Lords' Committee is taking evidence it will not do so.<sup>40</sup>

The Lords' Committee's consideration of European matters, by the very nature of the House of Lords' structure and manner of operation, is better than that of the Commons' Committee. David Brew has concluded that

. . . the greater flexibility of the Lords' procedures, the ability to take evidence informally and the general absence of strict rules have allowed the Lords to play a more dynamic role. With the greater amount of time at their disposal, they are capable of discussing specific issues in depth. In part, however, this different evolution [of the Lord's scrutiny] must be attributed to the salience of the Common Market debate. In a predominantly pro-European House, a discussion of the merits of a proposal could take place with little controversy while the extent of mistrust between Commons' pro- and anti-marketeters could militate against any meaningful delegation of responsibility, either from House to Committee or from Committee to sub-committee.<sup>41</sup>

### Conclusion

This article has reviewed the scrutiny procedures in both Houses of the British Parliament. Because of the large number of proposals by the European Commission and the limited time available for their discussion in Parliament prior to adoption by the European Council of Ministers, the Scrutiny Committees have had some difficulty in performing their tasks. However, improvements have been made and the Committees, during the second decade of Britain's membership in the Community, should perform their tasks more effectively.

The positive vote for continued membership in the Community in the Referendum of 1975 demonstrates that Britain is committed to the Community. With the benefit of experience scrutiny procedures should be continually improved.

<sup>1</sup>Great Britain, *European Communities Act 1972*, Sec. 2(1).

<sup>2</sup>Some comment on the Community institutions is appropriate. There are four main institutions: The Commission, the Council of Ministers, the European Parliament and the Court of Justice. Prior to 1967 there were separate, but essentially the same type of institutions, for each of the three European Communities: the European Coal and Steel Community (ECSC), the European Economic Community or "Common Market" (EEC) and the European Atomic Energy Community (EURATOM). In 1967 the separate institutions were merged, by treaty, to serve all three Communities. The Commission, composed of 14 members (the larger countries, France, Germany, Italy and Britain, having two members each) and acting "independently" of the countries from which they are appointed, makes proposals to the Council of Ministers. The Council, composed of ministers of each of the member countries and representing national viewpoints, has the power and responsibility to adopt major decisions affecting the Community. The Parliament is mainly advisory although it has gained increasing "control" over the Budget. The Court of Justice is a "Supreme Court" for the Community and its decisions, involving Community matters, are binding on member governments, and individuals.

<sup>3</sup>See Martin Kolinsky, "Parliamentary Scrutiny of European Legislation," *Government and Opposition*, X (Winter, 1975), 50.

<sup>4</sup>Quoted *ibid.*

<sup>5</sup>David Brew, "National Parliamentary scrutiny of European Community legislation: the case of the United Kingdom Parliament," in *The European Parliament and the National Parliaments*, ed. by Valentine Herman and Rinus van Schendelen (Westmead, England: Saxon House, 1979), p. 240.

<sup>6</sup>Kolinsky, 50.

<sup>7</sup>See Great Britain, Parliament, *Minutes of Evidence taken before the Select Committee on Procedure* (House of Commons), 18 July, 1977, 190-91.

<sup>8</sup>*Ibid.*, 191.

<sup>9</sup>*Ibid.*, 200.

<sup>10</sup>*Ibid.*, 205.

<sup>11</sup>*Ibid.*

<sup>12</sup>*Ibid.*, 192.

<sup>13</sup>*Ibid.*

<sup>14</sup>*Ibid.*, 194.

<sup>15</sup>*Ibid.*, 195.

<sup>16</sup>Brew, p. 241.

<sup>17</sup>See John Taylor, "British Membership of the European Communities: The Question of Parliamentary Sovereignty," *Government and Opposition*, X (Summer, 1975), 287.

<sup>18</sup>*Minutes of Evidence* [etc.], 195.

<sup>19</sup>Brew, p. 241.

<sup>20</sup>See Great Britain, Parliament, *Factsheet; The Procedural Changes Agreed on 30 October 1980* (Public Information Office, House of Commons), December, 1980, p. 2.

<sup>21</sup>Great Britain, Parliament, *First Special Report from the Select Committee on European Legislation [etc.]*, Session 1980-81 (House of Commons), 3 December 1980, p. 3.

<sup>22</sup>Letter to author from David Coombes, Senior Research Fellow, Policy Studies Institute (London), Feb. 13, 1981.

<sup>23</sup>*First Special Report* [etc.], p. 3.

<sup>24</sup>Philip Norton, *The Commons in Perspective* (New York: Longman, 1981), p. 163.

<sup>25</sup>George Clark, "New departmental select committees approved," *London Times*, Nov. 28, 1979, p. 2.

<sup>26</sup>Norton, p. 163.

<sup>27</sup>See *supra*, p. 1.

<sup>28</sup>See *supra*, p. 4.

<sup>29</sup>*First Special Report* [etc.], p. 4.

<sup>30</sup>*Ibid.*

<sup>31</sup>See Brew, p. 251.

<sup>32</sup>Kolinsky, 52.

<sup>33</sup>Great Britain, Parliament, *The House of Lords and the European Communities*, House of Lords Factsheets, No. 2 (House of Lords Information Office), 1979, pp. 2-3.

<sup>34</sup>*Ibid.*, p. 2.

<sup>35</sup>Anne Stevens, "Problems of Parliamentary Control of European Community Policy," *Millennium*, V (Winter 76/77), 270.

<sup>36</sup>Interview with Mr. R. B. Sands, Clerk to the Commons' Select Committee on European Legislation, etc., London, Sept. 4, 1979.

<sup>37</sup>*The House of Lords and the European Communities*, p. 3.

<sup>38</sup>*Ibid.*, p. 4.

<sup>39</sup>*Ibid.*

<sup>40</sup>Interview with Mr. David Beamish, Clerk to two sub-committees of the Lords' Select Committee on the European Communities, London, Sept. 4, 1979.

<sup>41</sup>Brew, p. 243.