



House of Commons

European Scrutiny Committee

Economic and Monetary Union

Twenty-fourth Report of Session 2012–13

Documents considered by the Committee on 12 December
2012



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Report, together with formal minutes

*Ordered by The House of Commons
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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

EC	(in " <i>Legal base</i> ") Treaty establishing the European Community
EM	Explanatory Memorandum (submitted by the Government to the Committee)*
EP	European Parliament
EU	(in " <i>Legal base</i> ") Treaty on European Union
GAERC	General Affairs and External Relations Council
JHA	Justice and Home Affairs
OJ	Official Journal of the European Communities
QMV	Qualified majority voting
RIA	Regulatory Impact Assessment
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) can be downloaded from the Cabinet Office website: <http://europeanmemoranda.cabinetoffice.gov.uk/>.

Letters sent by Ministers to the Committee relating to European documents are available for the public to inspect; anyone wishing to do so should contact the staff of the Committee ("Contacts" below).

Staff

The staff of the Committee are Sarah Davies (Clerk), David Griffiths (Clerk Adviser), Terry Byrne (Clerk Adviser), Leigh Gibson (Clerk Adviser), Peter Harborne (Clerk Adviser), Paul Hardy (Legal Adviser) (Counsel for European Legislation), Joanne Dee (Assistant Legal Adviser) (Assistant Counsel for European Legislation), Hannah Finer (Assistant to the Clerk), Julie Evans (Senior Committee Assistant), Jane Lauder (Committee Assistant), Alex Hunter (Committee Assistant), Jim Camp (Committee Assistant), and Paula Saunderson (Office Support Assistant).

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1 Economic and Monetary Union

(a) (34452) 16988/1/12 REV.1 COM(12) 777	Commission Communication: <i>A blueprint for a deep and genuine EMU — Launching a European debate</i>
(b) (34453) — —	President of the European Council Report: <i>Towards a genuine Economic and Monetary Union</i>

<i>Legal base</i>	—
<i>Date originated</i>	(a) 28 November 2012
<i>Deposited in Parliament</i>	(a) 4 December 2012 (b) 6 December 2012
<i>Department</i>	HM Treasury
<i>Basis of consideration</i>	Two EMs of 10 December 2012
<i>Previous Committee Report</i>	None
<i>Discussion in European Council</i>	13–14 December 2012
<i>Committee’s assessment</i>	Politically important
<i>Committee’s decision</i>	Not cleared; further information requested

Background

1.1 At the June European Council the President of the European Council was invited “to develop, in close collaboration with the President of the Commission, the President of the Eurogroup and the President of the ECB, a specific and time-bound road map for the achievement of a genuine Economic and Monetary Union [EMU]”.¹ The intention was for an interim report to be presented at the October European Council and a final one to be presented at the December European Council.

1.2 The interim report, which built on ideas expressed during bilateral meetings in September with all Member States and the European Parliament, was considered at the October European Council, together with Commission draft legislation for the first stage of a Banking Union. The interim report:

- outlined areas for further work ahead of the final report due in December;
- focused on the eurozone as its members face specific challenges from sharing a currency;
- was clear that the process must be fully compatible with the single market in all aspects; and

- had four substantive sections covering an integrated financial framework (for which the immediate aim was a Single Supervisory Mechanism as in the Commission’s legislative proposals), an integrated budgetary framework, an integrated economic policy framework and strengthened democratic legitimacy and accountability.²

1.3 Following presentation of the interim report the October European Council concluded that:

“... informal consultations will continue with Member States and the European Parliament on the different issues to be explored. The European Council looks forward to a specific and time-bound roadmap to be presented at its December 2012 meeting, so that it can move ahead on all essential building blocks on which a genuine EMU should be based.

“The process towards deeper economic and monetary union should build on the EU’s institutional and legal framework and be characterised by openness and transparency towards Member States which do not use the single currency and by respect for the integrity of the Single Market. The final report and roadmap should include concrete proposals for how to achieve this.”³

The documents

1.4 The Communication, document (a), was presented by its President at a press conference on 28 November as “the Commission’s contribution to the report of the ‘four presidents’ on the next steps for economic and monetary union.”⁴ It provides the Commission’s vision for a strong and stable architecture in the financial, fiscal, economic and political domains of the currency union. Section 1 provides background information on the EMU, Section 2 looks at the measures that have been taken so far to deal with the crisis in the eurozone, Section 3 puts forward proposals the Commission thinks necessary for a deep and genuine EMU and Section 4 considers questions of democratic legitimacy and accountability that arise in the context of a more integrated currency union.

1.5 The Commission says that the EMU “is facing a fundamental challenge, in particular as regards the euro area, and needs to be strengthened to ensure economic and social welfare for the future.”⁵ It proposes action for the short, medium and longer term, with a focus on the eurozone, with eurozone measures open to participation by other Member States. The Commission says that “the way forward needs to be carefully balanced. Steps toward more responsibility and economic discipline should be combined with more solidarity and financial support.”⁶

1.6 For the short term (within six to 18 months) the Commission proposes:

2 (34217) 13682/12 (34218) 13683/12 (34231) 13854/12 and (34314) —: see HC 86–xiv (2012–13) chapters 1 and 2 (17 October 2012) and *HC Deb*, 6 November 2012, cols. 805–833.

3 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/132986.pdf.

4 See http://europa.eu/rapid/press-release_IP-12-1272_en.htm.

5 Page 11 of document (a).

6 *Ibid.*

- implementation of governance reforms already agreed (that is the “six-pack” of economic governance legislation agreed in December 2011) or about to be agreed (that is “two-pack” eurozone only legislation for enhanced budgetary monitoring and enhanced surveillance);
- agreement to the Single Supervisory Mechanism, which would transfer to the EU level specific, key supervisory tasks for banks in the eurozone or non-eurozone countries which decide to join;
- a new Convergence and Competitiveness Instrument (CCI) to support structural reform of economies within the EMU — this would involve contractual agreements between the Commission and eurozone Member States, attached to financial incentives;
- a Single Resolution Mechanism, which would be in charge of the restructuring and resolution of banks of eurozone Member States and others participating in the Banking Union;
- ex ante coordination of major eurozone reforms in the context of the European Semester; and
- a single eurozone seat in the IMF Board and other international financial organisations.

1.7 For the medium term (18 months to five years) the Commission proposes:

- deeper coordination of tax and employment policy in the eurozone;
- an enhanced eurozone budget to support structural reforms relying on own resources;
- EU “right to require a revision” of eurozone national budgets;
- introduction of euro-bills (short-term eurozone debt securities) and a debt redemption fund for the eurozone; and
- an EMU treasury within the Commission for the eurozone.

1.8 In the longer term (beyond five years) the Commission proposes:

- following an adequate pooling of sovereignty and solidarity, a stabilisation mechanism to manage asymmetric shocks in the euro area; and
- common issuance of public debt for the eurozone (that is some form of Eurobonds).

1.9 The Commission says that “[s]ome of the instruments can be adopted within the limits of the current Treaties”, but that others “will require modifications of the current Treaties and new competences for the Union.” It also notes a number of basic legal principles that would apply:

- deepening the EMU should “build on the institutional and legal framework of the Treaties”;
- the eurozone should be able to integrate “more quickly and more thoroughly” than the EU at large, but the integrity of policies at 27 must be protected, especially the single market; and
- eurozone measures should be open to other Member State participation “[w]herever legally possible”.

1.10 The Commission also suggests that increased democratic accountability would be needed to accompany a deeper EMU, saying that:

- “[f]urther financial mutualisation requires commensurate political integration” for the euro area;
- “it is the European Parliament that primarily needs to ensure democratic accountability for any decisions taken at EU level”;
- at the same time “the role of national parliaments will always remain crucial in ensuring legitimacy of Member States’ action in the European Council and the Council”; and
- if a need arises for reinforced governance structures in a deepened EMU, these should be “part of the Union’s institutional framework and in line with the Community method.”

The Commission also puts forward the idea of extending the competences of the Court of Justice as regards Article 126 (10) of the TFEU, concerning the excessive deficit procedure.

1.11 The Commission has also published an executive summary of the Communication.⁷

1.12 The Report, the “Van Rompuy Report”, document (b), by the President of the European Council, prepared “in close collaboration with” the Presidents of the Commission, the Eurogroup and the European Central Bank, is that requested by the October European Council. The President comments that “It incorporates valuable input provided by the Commission in its Communication [document (a)]... The European Parliament has also made a valuable contribution.”

1.13 The Report is split into two broad sections. After providing background information on the EMU, the first section sets out an overview of sequencing, describing how measures to improve the EMU could be implemented under three stages: Stage 1 being end 2012–2013, Stage 2 being 2013–2014 and Stage 3 being post 2014. In the second section of the Report the President discusses the proposals in the established format, separating them into the four pillars thought necessary for a genuine EMU: integrated financial framework, integrated budgetary framework, integrated economic policy framework and democratic legitimacy and accountability. The President says that “[t]he views set out in this report

7 See http://ec.europa.eu/commission_2010-2014/president/news/archives/2012/11/pdf/blueprint_exec_en.pdf.

focus on the euro area Member States as they face specific challenges by virtue of sharing a currency.” He also says that “[t]he process towards a deeper EMU should be characterised by openness and transparency and be fully compatible with the Single Market in all aspects.”

1.14 The President says that “[t]he euro area needs stronger mechanisms to ensure sound national policies so that Member States can reap the full benefits of the EMU.” He asserts a “commitment to, and subsequent implementation of, a roadmap towards a genuine EMU” is “indispensable”. In Stage 1 (end 2012–2013) of this roadmap, the President highlights the importance of ensuring fiscal sustainability and breaking the link between banks and sovereigns. He proposes:

- completion and thorough implementation of stronger fiscal governance measures already agreed (that is the ‘six-pack’ and Treaty on Stability, Coordination and Governance) or soon to be agreed (that is the ‘two-pack’: eurozone only legislation for enhanced budgetary monitoring and enhanced surveillance);
- establishing of a framework for ex ante coordination of major economic policy reforms in the eurozone;
- establishing a Single Supervisory Mechanism for the eurozone and other Member States which want to join voluntarily and entry into force of the Capital Requirements Regulation and Directive;
- agreement on harmonisation of national resolution and deposit guarantee frameworks, ensuring appropriate funding from the financial industry; and
- enabling direct bank recapitalisation through the European Stability Mechanism.

1.15 For Stage 2 (2013–2014) the President asserts the importance of completing the financial framework and promoting sound structural policies. He proposes:

- completion of an integrated financial framework through establishing a common resolution authority for the eurozone and those other Member States which have decided to be part of the Banking Union and an appropriate backstop to ensure that bank resolution decisions are taken swiftly, impartially and in the best interest of all; and
- establishing a mechanism for stronger coordination, convergence and enforcement of structural policies based on arrangements of a contractual nature between Member States and EU institutions on the policies countries commit to undertake and on their implementation.

1.16 For Stage 3 (post 2014) the President asserts the need to improve the resilience of the EMU through the creation of a shock-absorption function at the central level. He proposes:

- establishing a well-defined and limited fiscal capacity to improve the absorption of country-specific economic shocks in the eurozone, through an insurance system set up at the central level; and

- an increasing degree of common decision-making on national budgets and an enhanced coordination of economic policies, in particular in the field of taxation and employment, building on the Member States' National Job Plans.

1.17 The President then discusses the proposals in more detail in the format of the four pillars, as follows.

Integrated Financial Framework

1.18 The President says that the Single Supervisory Mechanism will be a “guarantor of strict and impartial supervisory oversight, thus contributing to breaking the link between sovereigns and banks and diminishing the probability of future systemic banking crisis.” He also describes the need for the European Central Bank acting as single supervisor to have a “strong supervisory toolkit” and to ensure its ultimate responsibility for banking supervision is coupled with adequate control powers. With regard to timing, the President says “[i]t is imperative that the preparatory work can start in earnest at the beginning of 2013, so that the Single Supervisory Mechanism can be fully operational from 1 January 2014 at the latest.” He comments that once a Single Supervisory Mechanism were established, the European Stability Mechanism could have the capacity to recapitalise eurozone banks directly.

1.19 The President suggests that a strong and integrated resolution framework would be important to limit the cost of bank failures to taxpayers. But he argues that in a context where supervision is moved to a Single Supervisory Mechanism, it would be essential that bank resolution also moved to the EU level. This single resolution mechanism, which the President says would be put forward once proposals on Recovery and Resolution and Deposit Guarantee Schemes have been adopted, should cover all banks supervised by the Single Supervisory Mechanism and “should be based on robust governance arrangements, including adequate provisions on independence and accountability, as well as an effective common backstop, which is indispensable to complete an integrated financial framework.” The President says further that:

- Resolution actions would be financed by, amongst other sources, a Resolution Fund financed through *ex-ante* risk-based levies on all the banks directly participating in the Single Supervisory Mechanism;
- the single resolution mechanism should include an effective common backstop, possibly organized by means of an European Stability Mechanism credit line; and
- this backstop would be fiscally-neutral over the medium-term, by ensuring that public assistance is recouped by means of *ex post* levies on the financial industry.

Finally, the President asserts the importance of adoption of the proposal on harmonisation of national deposit guarantee schemes which would ensure that robust national deposit insurance systems are set up in each Member State, thereby providing appropriate depositor protection across the EU.

Integrated Budgetary Framework

1.20 The President, making clear that the first priority in this area should be to complete and implement the new steps for stronger economic governance, that is, the “six pack”, the Treaty on Stability, Coordination and Governance and the “two pack” (which would provide for *ex ante* coordination of annual budgets of eurozone Member States and enhance the surveillance of those experiencing financial difficulties), then:

- proposes a fiscal capacity for the eurozone, which would support new functions which are not covered by the Multiannual Financial Framework, from which it would be clearly separated;
- says one of these functions would be for structural reforms to be supported through “limited, temporary, flexible and targeted financial incentives” as eurozone Member States enter into mandatory arrangements of a contractual nature with EU institutions, with these arrangements being voluntary for non-eurozone Member States;
- suggests that the second function of this fiscal capacity, which would be established at a later stage, would be to facilitate adjustment to economic shocks;
- says this could take the form of an insurance-type mechanism between eurozone Member States to buffer large country-specific economic shocks, so ensuring a form of fiscal solidarity exercised over economic cycles, which would improve the resilience of the eurozone as a whole and reduce the financial and output costs associated with macroeconomic adjustments;
- comments that successfully implementing reforms specified in the contractual arrangement could also serve as a criterion for participating in the asymmetric shock absorption function;
- suggests that, in order to avoid the relapse of macroeconomic imbalances once countries have gained access to the shock absorption function, the contractual approach to reforms would continue;
- says that the conditions for activation of transfers would have to be examined carefully, as only country specific shocks of a sufficient magnitude should be absorbed centrally;
- suggests that resources raised to finance both of these functions could take the form of national contributions, own resources or a combination of both;
- proposes that, in the longer term, the fiscal capacity could have the ability to borrow and could be an appropriate basis for common debt issuance without resorting to the mutualisation of sovereign debt and that this could involve a fiscal rule such as the balanced budget rule; and
- argues that to administer this integrated budgetary framework the eurozone would require establishment of a treasury function with clearly defined responsibilities.

Integrated Economic Policy Framework

1.21 Under this rubric the President says that:

- in the near term it is “essential” to complete the single market as “it provides a powerful tool to promote growth”;
- a framework for systematic ex-ante coordination of major economic policy reforms should be implemented;
- the proposed contractual arrangements would need to focus on microeconomic, sectoral and institutional bottlenecks and aim at enhancing the competitiveness and growth potential of the economy;
- they would be mandatory for eurozone Member States but voluntary for others;
- as competitiveness and growth challenges vary across countries the content of reform arrangements would reflect this diversity and adapt to country-specific needs;
- to achieve this, an intense dialogue between Member States and the institutions would be essential;
- length of agreements would vary for each country but they would likely be of a multiannual nature;
- in order to avoid inconsistencies and duplication, contractual arrangements should be included in the European Semester and be based on the Country Specific Recommendations proposed by the Commission;
- these recommendations would be the basis for a dialogue with each country on the detailed measures contained in the reform arrangements, including timeframe for implementation;
- for Member States under the corrective arm of the Macroeconomic Imbalances Procedure, the agreement would be the corrective action plan and, as foreseen in the current Regulation, non-compliance would lead to sanctions;
- a national debate on the priority measures and approval of reform agreements by national parliaments would be essential to ensure national ownership;
- both contractual parties would be responsible for content and implementation of their part of the agreement and for reporting to their respective parliaments (national and European) on progress achieved;
- full accountability of both parties could only be ensured if the agreed reform agenda is specific, detailed and measurable — this would require ex ante agreement on concrete timelines, on the specific modalities for monitoring and on access to information; and

- altering political circumstances, such as election of a new government, could lead to a renegotiation of the precise measures and steps to reach the reform objectives.

Democratic Legitimacy and Accountability

1.22 The President, suggesting that one of the guiding principles in determining mechanisms for democratic legitimacy and accountability is that democratic control and accountability should occur at the level at which decisions are taken, proposes involvement of the European Parliament as regards accountability at the EU level, while maintaining the pivotal role of national parliaments. Whilst acknowledging that control of national budgets is at the heart of Member States' parliamentary democracies, the President says that "further integration of policy making and a greater pooling of competences at the European level should first and foremost be accompanied with a commensurate involvement of the European Parliament in the integrated frameworks for a genuine EMU."

1.23 In terms of the integrated financial framework the President suggests that while accountability of the European Central Bank should take place at EU level, there should be complementing stronger mechanisms for information, reporting and transparency to national parliaments. In the contexts of integrated budgetary and economic policy frameworks, he says that:

- Member States should ensure the appropriate involvement of their national parliaments in the proposed contractual arrangements and more broadly in the context of the European Semester;
- new mechanisms to increase the level of cooperation between national parliaments and the European Parliament, for example building on Article 13 of the Treaty on Stability, Coordination and Governance and Protocol 1 of the TFEU, could contribute to enhancing democratic legitimacy and accountability; and
- their precise organisation and modalities are a responsibility of the European Parliament and national parliaments to determine jointly.⁸

1.24 In this section the President also says that:

- creation of a new fiscal capacity for the EMU should also lead to adequate arrangements ensuring its full democratic legitimacy and accountability, the details of which would largely depend on its specific features;
- the crisis has shown the need to strengthen not only the EMU's surveillance framework but that Member States should ensure involvement of national parliaments in the contractual arrangements;
- there is a need to strengthen EMU's ability to take rapid executive decisions to improve crisis management in bad times and reinforcing this capacity is essential; and

⁸ The words "and national parliaments to determine jointly" were not in the first published version of the document.

- as the eurozone integrates further, its external representation should also be unified.

The Government's view

1.25 The Financial Secretary to the Treasury (Greg Clark) says that the Commission Communication, document (a), will not itself be the subject of discussion at the December European Council. He then comments that:

- the UK is not legally obliged to join the euro and the Government has been very clear that the UK will not join the euro under it;
- the Government has said that it recognises that the eurozone Member States are likely to want to move towards a stronger, more stable currency union and economic and financial stability in Europe is in the UK's interests;
- at the same time, the Government has been clear that the UK will not take part in measures designed to strengthen integration in the eurozone;
- it has also been clear that proposals must take account of the interests of all Member States, in particular with regard to the single market;
- the Government will always ensure that the UK's specific interests, especially on the single market, are protected;
- the document does not put forward actual legislative proposals — further Explanatory Memoranda would be due if specific legislative proposals were to be published by the Commission.

1.26 In a second Explanatory Memorandum, on the Van Rompuy Report, document (b), the Minister, in addition to reiterating his comments on the Commission communication, says that:

- the Government welcomes the fact that the President says that “the views set out in this report focus on the euro area Member States as they face specific challenges by virtue of sharing a currency”; and
- it also welcomes the fact that the President says that the process proposed must be “fully compatible with the Single Market in all aspects”.

Conclusion

1.27 We note both the Government's reiteration of its general policy in relation to UK membership of the eurozone and to policies proposed in relation to the eurozone problems and the two specific comments on the Van Rompuy Report. However we are deeply concerned about the possible implications for the UK of what is proposed. In addition to the issue of a threat to the single market for financial services, already exemplified by the current Banking Union proposals, there is the question of democratic legitimacy and accountability. We note that the Van Rompuy Report states

that the organisation and modalities of this “are a responsibility of the European Parliament and national parliaments to determine jointly” but we are concerned:

- at the implications of the apparent presumption in the reports about the primacy of the European Parliament; and
- the implicit presumption that democratic legitimacy and accountability of a new strengthened EMU framework and cooperation under Article 13 of the SCG treaty should necessarily be considered within the context of the European Semester.

1.28 So we expect the Prime Minister to secure very robust language in the Conclusions of the forthcoming European Council about the single market and the role of national parliaments. We intend to recommend that these documents be debated on the Floor of the House in the light of those Conclusions. To that end we should like to receive from the Minister immediately after the Council a detailed account of how the Conclusions meet the concerns expressed in this Report about the single market and the role of national parliaments.

Formal minutes

Wednesday 12 December 2012

Members present:

Mr William Cash, in the Chair

James Clappison
Michael Connarty
Julie Elliott
Chris Kelly

Penny Mordaunt
Jacob Rees-Mogg
Henry Smith

The Committee deliberated.

Draft Report (*Economic and Monetary Union*), proposed by the Chair, brought up and read

Ordered, That the draft Report be read a second time, paragraph by paragraph.—(*The Chair.*)

Paragraphs 1.1 to 1.28 read and agreed to.

Resolved, That the Report be the Twenty-fourth Report of the Committee to the House.

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

[Adjourned till Wednesday 19 December at 2.00 p.m.]

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

Mr William Cash MP (*Conservative, Stone*) (Chair)
 Mr James Clappison MP (*Conservative, Hertsmere*)
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 Julie Elliott MP (*Labour, Sunderland Central*)
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 Henry Smith MP (*Conservative, Crawley*)
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