

**THE STANDING COMMITTEE**  
**ON**  
**FOREIGN AND EUROPEAN AFFAIRS**

**ANNUAL REPORT 2006**



*“Pleasure in the job puts perfection in the work”*

*Aristotle (384 B.C. – 322 B.C.)*

***CHAIRPERSON'S FOREWORD***

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The presentation of this Annual Report, the third since this Parliamentary Committee responsible for Foreign and European Affairs started functioning eleven years ago, is a source of deep satisfaction.

Whilst sustaining the rhythm in the number of meetings held, I am pleased to note that the Committee met a number of distinguished personalities and discussed a whole plethora of subjects, both when meeting in plenary in Parliament and also during the Committee's official trips abroad. The subjects discussed and brought up were varied and wide-ranging, from tourism to oil exploration, from EU affairs to the Middle East conflict.

With the help of the indefatigable Parliamentary technical staff, we held a video-conference meeting, a first for our Parliament, with Maltese Members of the European Parliament on the setting up of the Parliamentary Assembly of the Mediterranean.

A number of Government Ministers addressed the Committee, together with ambassadors accredited to Malta. For instance, the Austrian Ambassador addressed us on the eve of the commencement of the Austrian Presidency of the European Union. The meetings with the Italian and Libyan Ambassadors provided much valuable food for thought on several subjects of mutual interest, notably (but not just) illegal immigration. The Committee had the honour of being addressed by Mr. Suleiman Elshahumi, Secretary for Foreign Affairs of the General People's Congress of Libya on several bilateral and multilateral issues.

We analysed for the first time the Work Programme of the Commission for 2006 for the transmission of a list of proposals which the Maltese Parliament wished to subject to the subsidiarity and proportionality check.

We met EU Commissioners Borg and Hübner and the Head of the EU Representation Office in Malta for the first time. For the first time also, we met the Maltese members of the European Court of Auditors and the European Court of Justice, Prof. Bonnici and Dr. Borg Barthet respectively.

A particularly poignant meeting was that with Dr. Barghouti, member of the Palestinian Legislative Council who briefed the Committee on the situation in the occupied territories and the latest developments.

Regarding the scrutiny of EU pipeline *acquis*, a crucial function performed by this Committee as well, aided by its four sub-committees, one cannot but note the ever increasing workload, with the increase in the number of documents received.

Before concluding, I would like to publicly thank the Hon. Minister of Foreign Affairs for his unstinting and valuable co-operation and attention provided to the Committee. The Foreign Minister not only briefed the Committee several times during the year, both on his official trips abroad and on several important issues, but also provided the Committee members with all the required information prior to our official trips abroad, ensuring their success.

I have always maintained that this Committee is the diplomatic arm of Parliament.

Its relevance and utility were effectively witnessed some days ago when the Cabinet of Ministers of the Government of Lithuania agreed to accept a number of asylum seekers from Malta following very strong representations made by this Committee with our Lithuanian counterparts during our official visit to Lithuania last June. The Lithuanian Foreign and European Affairs Committees had promised to pass on our concerns related to the crisis of illegal immigration being faced by Malta to the Lithuanian Government and I am so pleased to note that our efforts paid off. This shows the benefits of the synergy created between this Committee and the Maltese

Foreign Affairs Ministry and that this Committee can compliment, within certain parameters of course, the strenuous efforts of the Ministry in designated areas.

Special thanks perforce go to all the Committee members for their sense of duty, loyalty and industriousness. I must admit a sense of priding leading a Committee made up of members who clearly have the national interest close at heart and strive for excellence in whatever we are doing, in spite of certain obvious limitations. Thanks and appreciation go to the hard working Parliamentary staff, both clerks and research analysts, who are a big credit to the Maltese Public Service.

It is my sincere hope that this report offers food for thought and reflection on the part of those we are privileged enough to represent.

**DR. JASON AZZOPARDI MP**

**Chairman, Standing Committee on Foreign and European Affairs**

**EXECUTIVE SUMMARY**

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This third annual report presented by the Standing Committee on Foreign and European Union Affairs (SCFEA) provides an overview of the work embarked upon by the Committee during the past year, both related to its responsibilities regarding foreign affairs as well as to its role in scrutinising the European Union *pipeline acquis*.

This Annual Report is divided into two major sections. The first part presents in detail the main activities carried out by the SCFEA in relation to Foreign and European affairs and the major accomplishments of the Committee during the past year. In this respect, the current year was marked by a number of official visits abroad by the Committee Members in particular to the Czech Republic, Croatia, Finland, Estonia, Latvia and Lithuania as well as to the Russian Federation. These visits have encouraged the promotion of inter-parliamentary exchanges between Malta and the other new EU Member States and other non-EU countries. Furthermore, the Committee Members have acquired additional experience by observing the operations of other Foreign and European Affairs Committees. The SCFEA's participation in the Conference of the European Affairs Committees (COSAC) both at the plenary and Chairpersons' meetings is also included in this part of the Report. Furthermore, new initiatives launched by the Committee during the past months, namely, the launching of meetings via video-conferencing with the Maltese MEPs in Brussels, meetings held with the ambassadors of the countries holding the upcoming EU presidency and EU Commissioners to discuss their main areas of responsibility and recently launched policies, as well as a meeting held with the Secretary for Foreign Affairs of the General People's Congress of Libya to discuss bilateral relations between the two countries are also mentioned in this part of the Report.

On the other hand, the second part of the Report considers in detail the work carried out by the Scrutiny Committee within the SCFEA. The main task of the Scrutiny Committee consists of examining each EU document deposited at the House of Representatives, assess its legal and political relevance and establish whether the document should be cleared or referred for further debate.

This Annual Report further includes six appendices which illustrate the work of the Committee into more detail. In particular:

*Appendix 1* refers to Standing Order 120F setting up the Standing Committee on Foreign and European Affairs.

*Appendix 2* includes an abstract of the major topics discussed in the official meetings held in Plenary SCFEA during the past year.

*Appendix 3* presents a record of the informal meetings of the SCFEA Chairman held in 2006.

*Appendix 4* lists the frequency with which the Committee has met formally since its inception in 1995.

*Appendix 5* analyses the scrutiny process and the importance of the Parliamentary Scrutiny Reserve.

*Appendix 6* provides a diagrammatical representation of the scrutiny process.

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***THE STANDING COMMITTEE ON FOREIGN AND EUROPEAN AFFAIRS***

***THE SETUP AND STRUCTURE OF THE STANDING COMMITTEE ON FOREIGN AND EUROPEAN AFFAIRS***

The Standing Committee on Foreign and European Affairs (SCFEA) consists of the Chairman and eight members and its composition is such that it ensures the proportional representation of the two political groups of the Maltese Parliament.

The Chairman of the Committee, the Hon. Jason Azzopardi, is appointed by the Leader of the House on behalf of Government, whilst the eight Committee Members are elected by way of a parliamentary motion at the beginning of each legislature. The four members from the governing party are the Hon. Michael Frendo (Minister of Foreign Affairs), the Hon. Michael Ascjak, the Hon. Mario de Marco and the Hon. Clyde Puli. The other four members elected from the Opposition Party are the Hon. Evarist Bartolo, the Hon. Leo Brincat, the Hon. José Herrera and the Hon. George Vella. The Maltese European Parliament members (MEPs) can also participate in the Standing Committee meetings but do not have any voting rights.

According to Standing Order 120F, which set up the SCFEA on 8 October 2003, the Committee deals especially with matters relating to foreign and European Union affairs that may be submitted by the House or the Standing Committee on House Business as well as to scrutinise on its own initiative legislative proposals or documents that emanate from European Union institutions dealing with EU issues and measures to be taken by the Council of Ministers. Apart from these two core functions, the Committee was also appointed to represent the Maltese House of Representatives at the Conference of European Affairs Committee (COSAC)<sup>1</sup>. The scrutiny procedure undertaken by the SCFEA is discussed into more detail in the second part of this Report.

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<sup>1</sup> Vide: Appendix 1 – Standing Order 120F setting up the Standing Committee on Foreign and European Affairs.

Since the publication of last year's annual report, the Standing Committee held a total of 33 formal meetings, including two meetings held in December 2005, to debate various topics related to European affairs as well as relations with other non-EU countries. The meetings also involved the direct participation of Maltese parliamentarians through presentations on recent work carried out and their participation in various conferences locally and abroad such as those organised by the World Trade Organisation (WTO), the Parliamentary Assembly of the Council of Europe, the Euro-Mediterranean Parliamentary Assembly, the Home Affairs Committees of National Parliaments, the Commonwealth Parliamentary Association (CPA) and the North Atlantic Parliamentary Assembly. There were also expositions by other academics and Maltese appointees on European institutions, in particular the European Court of Justice and the European Court of Auditors, who gave an overview of the formation, functions and the legal aspects of both organisations.

The past year also saw the launching of an innovative initiative by the Maltese Parliament when the SCFEA held a meeting with the Maltese Members of the European Parliament (MEPs) in Brussels via video conferencing. This initiative, the first ever to be implemented in the Maltese House of Representatives, enables the Committee Members to directly discuss and exchange views on topics of particular interest to Malta that are currently being debated at the European Parliament. The discussion between the Committee Members and the Maltese MEPs focused on the setting up of the Parliamentary Assembly of the Mediterranean (PAM), which will provide the countries of the Mediterranean region a political forum of their own. During the past years, Malta has promoted the establishment of parliamentary dialogue exclusively among the littoral states of the Mediterranean.

During 2006, the Committee members also met with representatives and delegations from foreign parliaments including those of the Republic of Slovenia and the Grand Committee of the Parliament of Finland. The discussions centred on the structure and functions of the respective parliaments especially the Foreign Affairs and European Affairs Committees, as well as the particular circumstances that Malta faces as a small EU Member State.

The meetings of the plenary SCFEA also included debates with various Ministers, whereby oral evidence was taken on the position adopted during negotiations at Council level or on the implications for Malta on the decisions reached by the Council. These post-Council meetings are directly related to the scrutiny role of the Committee and also act as a means to verify the efficacy and validity of the Committee's work and the opinion given on particular explanatory memoranda. These meetings considered issues that directly impinge on local policies, such as the maritime and environment sectors, the European neighbourhood policy, as well as justice and home affairs issues, including legal and illegal migration.

Another important initiative launched by the Committee during 2006 was to hold an exchange of views with the Head of the European Commission Representation in Malta. During the meeting, the transformation in the role of the Commission Representation from that of an Embassy prior to Malta's accession to the EU to that of an Information and Communication Office of the Commission in Malta upon EU membership was highlighted. The two sides also agreed to continue to hold regular meetings to keep abreast of new initiatives undertaken both by the Commission Representation as well as by the Committee.

Furthermore, the Committee Members also had the opportunity to discuss the European Union initiatives scheduled under both the Austrian and Finnish Presidencies with the Minister of Foreign Affairs and Malta's Permanent Representative to the European Union. The meeting involved a discussion on the Commission legislative and work programme for the current year, the Annual Policy Strategy for both 2006 and 2007, the Council's operational programme for 2006 as well as the 18-month presidency work plan. The Minister of Foreign Affairs also briefed the Committee Members on various occasions on the strategic objectives undertaken within his Ministry, on the agreement between Malta and Tunisia on joint oil exploration activities and irregular immigration.

The SCFEA Members also held a meeting with the Austrian Ambassador prior to the commencement of the Austrian Presidency whereby the Presidency's priorities and its work programmes for the six months to June 2006 were discussed. A similar meeting was scheduled with the Ambassador of Finland to discuss the Finnish Presidency

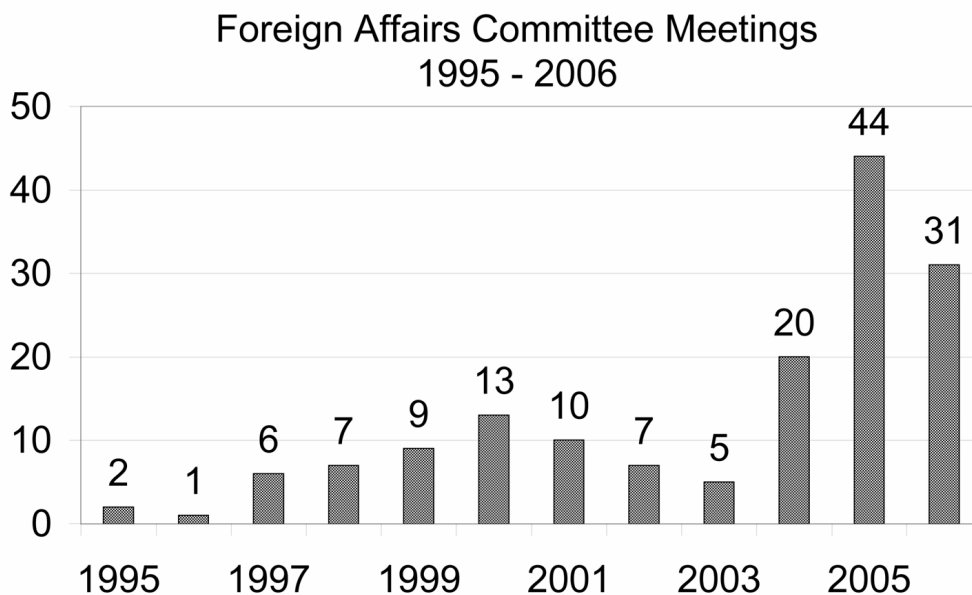
running between July and December 2006. The Committee Members also met with the Ambassador of Italy to Malta to discuss the bilateral relations between the two neighbouring countries.

Another important meeting was recently held between the Members of the SCFEA and H.E. Mr. Suleiman Elshahumi, Secretary for Foreign Relations at the General People's Congress of Libya. This was the first time that the Committee held an official meeting with the Secretary for Foreign Affairs at the Libyan General People's Congress during which particular issues of importance for both countries, including amongst others, irregular immigration, the development of closer bilateral relationships especially with regard to trade and culture, the visa requirements for Libyan citizens to visit Malta as well as the then upcoming Tripoli Interministerial Meeting were discussed. Furthermore, the SCFEA Members are also expected to meet the Tunisian Minister of Justice and Human Rights, Mr. Bechir Tekkari in the coming days.

During the past twelve months, meetings with European Commissioners were also organised, including the Maltese EU Commissioner for Fisheries and Maritime Affairs Dr. Joe Borg, and the Commissioner for Regional Policy of the European Union, Ms. Danuta Hübner. Dr. Borg briefed the Committee on the recently launched Green Paper on EU policy on Maritime Affairs and Fisheries Partnership Agreements whilst Commissioner Ms. Danuta Hübner, discussed the implementation of 2004-2006 programmes with regards to cohesion policy which is directed towards the sustained and equal development of various regions of the European Union.

In addition, the Committee Members also examined the 2006 Commission Work Programme and after due consideration, short listed a number of proposals that were deemed of sufficient importance as to be subjected to the subsidiarity and proportionality check. The Maltese Parliament had agreed to participate in the subsidiarity and proportionality check exercise during the London COSAC meeting held in November 2005. A short synopsis of the themes discussed in each of the formal meetings of the SCFEA during the past twelve months is presented in *Appendix 2* of this report. A direct comparison of the number of Foreign Affairs

Committee and Foreign and European Affairs Committee (as from October 2003) meetings held between 1995 and 2006 is illustrated in the chart below.



Besides the official meetings held in Plenary SCFEA, the Chairman of the Committee, the Hon. Jason Azzopardi, also met unofficially a number of times with foreign dignitaries, including meetings held with various ambassadors as well as delegations from foreign parliaments. Amongst others, meetings were held with the Ambassador of India, H.E. Mr. Dinkar Prakash Srivastava, the Ambassador of France, H.E. Mr. Jean Rives, the Ambassador of Italy, H.E. Mr. Paolo Andrea Trabalza, the German Ambassador, H.E. Mr. Karl Andreas Von Stenglin, the Ambassador of Spain, H.E. Ms. Marta Vilardel Coma, as well as with the Ambassador of the Netherlands, H.E. Mr. Jan Heidsma. The Hon. Azzopardi also had the opportunity to meet Dr. Rachel Reinmesser, Spokesperson at the Israeli Embassy in Rome and with the Malta Desk Officer at the Department of State of the United States of America, Ms. Angela M. Cervetti. A meeting with a delegation from Armenia consisting of public sector permanent secretaries was also convened in July of the current year. Recently, the Chairman of the SCFEA also met with the British High Commissioner to Malta, H.E. Mr. Nicholas Archer, Mr. Peter Altmaier, Parliamentary State Secretary of the

German Federal Ministry of the Interior as well as with Ms. Monica Cummings, Political, Economic and Commercial Officer at the United States Embassy in Malta.

The Hon. Jason Azzopardi was also periodically invited to deliver speeches at conferences in his capacity as Chairman of the SCFEA including a speech delivered during a General Workers Union (GWU) Conference on the EU Constitution and the way ahead in March of this year. Furthermore, the Hon. Azzopardi took part in a panel discussion on “SME’s in Malta - How can the National Parliament help create more success stories?” organised by the Malta Business Bureau (MBB) in collaboration with the European Commission Representation Office in Malta. A schedule of the unofficial meetings and other activities attended by the Chairman of the Committee is listed in *Appendix 3*. *Appendix 4* presents a record of the number of formal meetings held by the Foreign Affairs Committee and Foreign and European Affairs Committee (since October 2003) during the past eleven years.

#### ***VISITS ABROAD BY THE STANDING COMMITTEE ON FOREIGN AND EUROPEAN AFFAIRS***

The Standing Committee’s involvement in parliament’s international activities have expanded considerably during the past year with the Committee paying official visits to the Czech Republic, Croatia, Finland, Estonia, Latvia and Lithuania and finally the Russian Federation. These official visits have further enhanced bilateral cooperation with the national assemblies and the foreign and European affairs counterparts in other countries. During the visits abroad, the Maltese Committee members had the opportunity to observe parliamentary work and gain from the experience achieved by other similar committees, both covering the European perspective as well as other non-EU and Eastern outlooks.

#### ***Visit by a delegation from the Standing Committee on Foreign and European Affairs to the Czech Republic – 27 to 28 March 2006***

The Hon. Jason Azzopardi, Chairman of the Standing Committee on Foreign and European Affairs led a parliamentary delegation which consisted of the Hon. Mario

de Marco and the Hon. Jose' Herrera during an official visit to the Czech Republic in March of this year.

The Maltese delegation met with Mr. Vladimir Muller, Deputy Minister of European Affairs, Mr. Pavel Svoboda, Chairman of the Committee for European Affairs, Mr. Jan Kavan, Deputy Chairman of the Committee for Foreign Affairs, Mr. Ludek Sefzigen, Chairman of the EU Affairs Committee of the Senate and with senators sitting on the Foreign Affairs Committee.

The Maltese delegation and the Czech parliamentarians discussed their experience after the first year of European Union membership and also the role of the Foreign and European Affairs committees in the scrutiny of the Commission's *pipeline acquis*. Both sides acknowledged the benefits derived from the EU policy of solidarity, i.e. the provision of funds under the regional development and cohesion funds, and the challenges that EU membership has brought about, among them, the single market and the introduction of the Euro. Both sides encouraged closer cooperation between the two parliaments at EU and at international levels.

*Visit by a delegation from the Standing Committee on Foreign and European Affairs to Croatia – 6 to 7 April 2006*

A Maltese parliamentary delegation, led by the Hon. Jason Azzopardi, Chairman of the Standing Committee on Foreign and European Affairs, and comprising the Hon. Michael Ascjak and the Hon. Evarist Bartolo paid an official visit to Croatia after an invitation from the Croatian counterparts to the Foreign and European Affairs Committee.

The Maltese delegation met with Mrs. Kolinda Grabar-Kitarovic, Minister for Foreign Affairs and European Integration, Mr. Gordan Jandrokovic, Chairman of the Foreign Policy Committee, Mr. Neven Mimica, Chairman of the European Integration Committee and Members of these two committees. The discussions focused on the measures that were being implemented by Croatia to prepare itself for eventual European Union Membership. The Maltese delegation informed the Croatian side that although present EU enlargement policy foresee the accession of Romania and

Bulgaria as full members, Malta looks favourably upon Croatia's ambition to join the EU provided that it will meet the requirements set out in the treaties. The Maltese delegation presented an overview of the benefits and challenges that EU membership has brought to Malta.

The Maltese delegation also met with Mr. Mato Arlovic, Deputy Speaker, with whom discussions were held with a view to strengthen parliamentary cooperation both on a bilateral basis and at international parliamentary fora. In its meeting with Mr. Bozo Biskupic, Minister of Culture, the Maltese delegation agreed that there was room for closer collaboration in the field of culture.

*Visit by a delegation of the Standing Committee on Foreign and European Affairs to Finland, Estonia, Latvia and Lithuania – 28 May to 7 June 2006*

The Parliamentary Delegation was led by the Hon. Jason Azzopardi, Chairman of the Foreign and European Affairs Committee, and comprised the Hon. Leo Brincat, the Hon. Jose' Herrera and the Hon. Clyde Puli.

During the various meetings held in these four Baltic States, the delegation focused on three main issues, namely irregular immigration in Malta and parliamentary cooperation, meetings held with officials from the Ministries of Foreign Affairs of the three Baltic states as well as Finland, and information technology.

*Irregular Immigration in Malta and Parliamentary Cooperation*

The delegation held discussions with Members of the Grand Committee of the Parliament of Finland led by its Chairman, Mr. Jari Vilen MP; Members of the European Affairs Committee and of the Foreign Affairs Committee of the Parliament of Estonia led by the respective chairpersons, Ms. Kristiina Ojuland and Mr. Enn Eesmaa; Mr. Oskars Kastens, Chairman of the European Affairs Committee of the Parliament of Latvia and Members of the European Affairs Committee led by the Chairman Dr. Vydas Gedvilas as well as with Members of the Foreign Affairs Committee of the Parliament of Lithuania, led by the Chairman, Dr. Justinas Karosas.

The Maltese side explained the situation with regard to illegal immigration in Malta in particular focusing on:

- the large number of illegal immigrants arriving in our territory;
- the high population density of Malta;
- the financial and human resources being taken up in coping with this influx;
- the detention centres policy for the first 18 months and thereafter the operation of open centres;
- Malta's relatively high rate of granting refugee status and humanitarian protection;
- our efforts in international fora in advocating a policy of 'burden sharing' in respect of which there have already been modest but tangible responses from the Netherlands, Germany and the United States of America; and
- Malta's request for financial and logistical assistance as the situation is assuming proportions that are making it difficult for Malta to continue meeting its international obligations.

The Baltic delegations explained that they were aware of the irregular migration that was taking place in the Mediterranean but admitted that they were not fully aware of the crisis level that irregular immigration has reached in the case of Malta. The Baltic States do not have this kind of problem but on the contrary a number of people have been leaving the three new EU Baltic Member States to work elsewhere in the European Union. They expressed their support to Malta's call for assistance through burden sharing in line with the principle of solidarity. The Chairman of the Foreign Affairs Committee of the Parliament of Lithuania, Dr. Justinas Karosas, assured the Maltese side that he will present a recommendation to the Lithuanian government to take a number of irregular immigrants from Malta in answer to Malta's call for burden sharing. In fact, at the end of November 2006, the Members of the Maltese Foreign and European Affairs Committee, were pleased to be informed that the Government of the Republic of Lithuania had formally decided to start the procedure to receive six asylum seekers who are presently residing in Malta. The necessary funds to cover transport expenses in connection with this operation shall also be provided for by the Lithuanian authorities.

The Chairman of the Grand Committee of the Parliament of Finland, Mr. Jari Vilen MP, accepted the invitation extended by the Maltese side to send a delegation from his committee to Malta to see for itself the extent of the irregular immigration problem in Malta, which experience would be useful in the months to come when Finland would be holding the Presidency of the European Union especially when hosting Council Meetings on Justice, Security and Home Affairs.

The Maltese side also gave an overview of the initiatives taken at parliamentary level in the Mediterranean region, such as the Euro-Med Parliamentary Assembly, the Five-plus-Five and the proposed Parliamentary Assembly for the Mediterranean. On their part, the Baltic States provided information on the Parliamentary Assembly of the Baltic Sea Region.

The Maltese delegation shared its experience as a Foreign and European Affairs Committee with its Baltic counterparts, especially with regard to the role of scrutinising the EU draft legislation (*pipeline acquis*). Moreover, the delegation also took the opportunity to visit the facilities available and discuss the conditions accorded to parliamentarians in the Baltic parliaments. The Maltese delegation and the parliamentary delegations of the Baltic States discussed their experience of the past two years as new members of the European Union (except for the case of Finland) and although conscious of the challenges that this membership has presented, the general comment was that EU membership had proved beneficial.

#### *Meetings with Ministry of Foreign Affairs Officials*

The Maltese delegation participated in meetings with Mr. Jari Luota, Under Secretary of State, EU Affairs at the Prime Minister's Office and Ms. Marja-Leena Vuorenmaa, Counsellor at the Ministry of Foreign Affairs of Finland; Mr. Meelike Palli, Director General EU Department of Estonia and Mr. J Tumo-Vaizganto, Under-Secretary at the Ministry of Foreign Affairs of Lithuania.

During the meetings held there was a general agreement that there should be more cooperation among small states within the EU institutions, in international fora and

even on a bilateral basis, since, certain issues are of common interest and of particular concern to small states.

With regards to energy, there was great preoccupation at the recent sharp rise in the cost of fuel and the effects it will have on the economic growth targets set out in the Lisbon Agenda. The Baltic States remarked that the high prices of Russian gas imposed during the winter had little effect on them as they were already purchasing it at a commercial rate – unlike the Ukraine which had been obtaining it at a reduced price. However, Estonia, Latvia and Lithuania have embarked on a joint project to construct another nuclear reactor to cater for present and foreseeable energy requirements. In this context, the Maltese delegation expressed its concern at the rising oil prices as it is totally dependent on oil imports and added that the authorities are considering joining the European energy grid and also the feasibility of investing in alternative sources of energy, such as wind energy.

#### *Information Technology*

The Maltese delegation met with Ms. Ina Gudele, Minister for Electronic Government Affairs of Latvia; Mr. Mika Boedekker, Councillor for the Transport and Communications Committee of Finland; Mr. Ivar Tallo, Director of the e-Government Academy of Estonia; and Mr. Aurimas Matulis and Mr. Algirdas Trakimavicius, Members of the Information Society Development Committee of Lithuania.

During the discussions held, there was a general agreement that research and development lead to innovation which is the key to success in a globalised and competitive environment. A case in point is that of Finland which undertook an aggressive programme during the 1990s with regard to education, research and development and other sectors. This investment has contributed handsomely to Finland's eventual economic well-being and, in particular, the emergence of firms in this sector like Nokia, which has become a world leader in mobile telephone technology.

The other Baltic States, notably Estonia, have also made big strides in the introduction of e-services and m-services especially with regard to the delivery of public services.

The Maltese delegation also visited the cabinet office of Estonia which is run 'paperless'.

The Maltese side described the wide range of services provided by government and private firms and the rate of internet penetration and mobile phone availability. It was also explained that over the years, Malta has managed to attract international firms in this sector, notably, ST Microelectronics, and that recently there was the signing of an agreement with Teecom of Dubai to set up a hub in Malta to service North Africa and European states. It was further explained that Smartcity, as this new project is known, is expected to employ about 5,600 persons over a period of five to eight years and that about Lm110 million will be invested in a state-of-the-art ICT and Media Park according to the standards of first class knowledge-based working environments making it the ICT beacon of Europe.

*Visit by a delegation from the Standing Committee on Foreign and European Affairs to the Russian Federation - 22 to 25 September 2006*

A delegation from the Standing Committee on Foreign and European Affairs, led by the Hon. Jason Azzopardi, Chairman of the Committee, and comprising of the Hon. Leo Brincat, the Hon. Mario de Marco, the Hon. Clyde Puli and the Hon. George Vella visited Moscow and St. Petersburg on the invitation of Mr. Konstantin I. Kosatchev, Chairman of International Affairs Committee of the State Duma of the Russian Federation.

The delegation from the Standing Committee on Foreign and European Affairs held talks in Moscow with Mr. G. G. Petrov, Vice President of the Chamber of Commerce and Industry of the Russian Federation, and in St. Petersburg with Mr. Vladimir Prokopiev, Vice President of the Regional Chamber of Commerce, for the purpose of strengthening economic cooperation between the two countries. One of the main issues raised was the potential of tourism from Russia and the need to increase the number of tourists to Malta which recently had been slightly on the decrease. Other areas of mutual interest were the energy sector, financial services and research and development together with information technology, given the developments taking

place in Malta and the fact that Russia's efforts in research and development were being concentrated in the region of St. Petersburg. Both sides agreed on the urgent need for an exchange of business missions in the first six months of 2007 to identify and exploit business opportunities of mutual benefit. A letter of invitation was going to be issued to the Chamber of Commerce of Malta to visit St. Petersburg in 2007.

The delegation also had discussions at the State Duma with the Chairman, Mr. Konstantin I. Kosatchev, and Members of the International Affairs Committee on ways to strengthen parliamentary relations and bilateral political relations. There was also an exchange of views on relations between the European Union and Russia, the situation in the Middle East and other international issues. The delegation also held discussions with representatives of United Russia, which is the ruling political party, as well as with other political parties.

#### ***PARTICIPATION IN THE CONFERENCE OF EUROPEAN AFFAIRS COMMITTEES (COSAC)***

The first COSAC Chairpersons' Meeting for 2006 was held in Vienna, Austria on 20 February. The Maltese House of Representatives was represented by the Hon. Jason Azzopardi, Chairman of the Standing Committee on Foreign and European Affairs. The meeting was addressed by Dr. Ursula Plassnik, the Austrian Federal Minister for Foreign Affairs, who directed attention to the reflection period which the European Union is currently going through as well as highlighting the priorities of the Austrian Presidency. Plassnik referred to the fact that the energy strategy and the Western Balkans were among the issues that the Austrian Presidency chose to concentrate on during its six month Presidency. The Presidency also illustrated the results of a survey carried out among the participating national parliaments/chambers, which focused on the proposed subsidiarity and proportionality check and opened the floor to a debate focusing on the future steps to be taken in respect of the said test. The meeting closed with a presentation by Prof. Wolfgang Lutz of the Austrian Academy of Sciences and the International Institute for Applied Systems Analysis (IIASA), which dealt with the demographic aspects of the Lisbon Process. The various queries raised by the

delegates were answered by Professor Lutz himself as well as by Professor Alexia Prskawetz.

A parliamentary delegation composed of the Hon. Clyde Puli and the Hon. George Vella attended the XXV COSAC Plenary meeting held between the 21 and the 22 May in Vienna. The meeting touched upon a variety of key topics such as the future of the Constitutional Treaty and the subsidiarity control check to be implemented by the majority of the present national parliaments/chambers. After a lengthy discussion, COSAC called upon the European Council to present a roadmap for future measures aimed at ameliorating the way the Union functions. The conference was addressed by the Federal Chancellor Wolfgang Schussel who referred to what occurred during the past year, 2005, which he referred to as 'a very difficult year for the EU'. The Chancellor however, also expressed a certain amount of optimism with regards to 2006 and emphasized that the consensus achieved on the EU budget for the years 2007-2013 and the Commission's promise to deepen the involvement of national parliaments in EU projects were indicative of a bright future for the Union. The delegates were also addressed by the European Commissioner for External Relations and the Neighbourhood Policy, who together with Erhard Busek, the Special Co-ordinator of the Stability pact for South Eastern Europe, gave a detailed and insightful presentation dealing with the issue of the Western Balkans and the European Neighbourhood Policy.

The second COSAC Chairpersons' Meeting was held in Helsinki, Finland on the 11 September. The Finnish Presidency revealed that it had invited the Chairman of the International Affairs Committee of the Russian Duma to speak at the plenary COSAC meeting as a special guest. The Presidency also reported on the state of play of the subsidiarity and proportionality check which participating national parliaments are presently conducting on the Commission's Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters. The Presidency presented a note on the future funding of the permanent member of the COSAC. The said proposal is aimed at introducing a mechanism based on voluntary co-financing, which would make for a more sustainable long term arrangement. After an exchange of views, the chairpersons agreed that a reflection group, composed of officials, should be

established so as to go through any relevant issues relating to the said proposal. The delegates were also addressed by Mrs. Margot Wallström, Vice-President of the European Commission, Institutional Relations and Communication Strategy, who focused on the Commission's initiative for direct transmission of legislative proposals and working documents to national parliaments, which was put in place on 1 September 2006. The meeting closed with a series of presentations given by Mr. Mauri Pekkarinen, Minister of Trade and Industry, Mr. Jean-Baptiste Renard, President of British Petroleum Europe and Professor Peter Lund D.Sc. of the Helsinki University of Technology, Chairman of the EU Advisory Group on Energy Policy. The presentations dealt with the current state of energy supply on a global scale as well as within the EU Member States, strategies to enhance EU-wide energy security, the development of new technologies, alternative energy sources and the increase of energy efficiency also with regard to environmental implications of energy consumption. Following a number of questions and statements by the delegates, an exchange of views took place.

The XXXVI COSAC plenary meeting was held in Helsinki, Finland on the 20 and the 21 November 2006. The Maltese House of Representatives was represented by the Hon. Jason Azzopardi, the Hon. Clyde Puli and the Hon. George Vella. On the first day of the meeting, the delegations present discussed various issues including the sixth biannual report of COSAC and the ongoing subsidiarity and proportionality check. In this respect, it was decided that after the completion of the second subsidiarity and proportionality check exercise, COSAC will evaluate the best practice in relation to the said exercises and evaluate how national parliaments can improve their cooperation in this regard. The majority of the delegations also expressed their will to contribute to the co-financing of the permanent member of the COSAC secretariat since all agreed that the Secretariat plays an important role in assuring the overall effectiveness of COSAC.

The delegations were also addressed by Mr. Matti Vanhanen, the Finnish Prime Minister, who gave an overview of the state of play of the Finnish EU Presidency and by Mr. Franco Frattini, Vice President of the European Commission. Mr. Frattini discussed the Hague Programme and the necessity of implementing and developing further the said Programme. Following their presentations, both speakers readily

answered the various questions put forward by the delegations present. In particular, in answer to the queries of the Maltese delegation, the Commissioner announced the various steps that the Commission was considering or proposing when it came to tackling the problem of illegal immigration vis-à-vis Libya.

The main issue discussed by COSAC on the second and last day of the conference was the Northern Dimension vis-à-vis Russia. This topic was the focal point of the Finnish Presidency and was recently pushed into the limelight in view of the problems that Poland is facing in its trade relations with Russia. The conference was addressed by Mr. Paavo Lipponen, Speaker of the Finnish Parliament and Mr. Andrej Klimov, Chairman of the Sub-Committee of the International Affairs Committee of the Russian Duma.

***THE SCRUTINY COMMITTEE WITHIN THE STANDING COMMITTEE ON FOREIGN AND  
EUROPEAN AFFAIRS***

***THE ROLE OF THE SCRUTINY COMMITTEE***

In May 2004, the integration of our country in the European Union, brought with it a redefined role for the Maltese Parliament, which has since then been entrusted with a more direct role in the monitoring of the European Union decision-making process. The scrutiny of the EU *pipeline acquis* through the SCFEA is an important parliamentary function as it enables the establishment of a stronger link between Maltese citizens and their democratically elected representatives on the one hand and the decision-making institutions of the European Union on the other. This new parliamentary role also serves to enhance the transparency, accountability and parliamentary awareness of how new EU legislation is negotiated and implemented.

The Committee on Foreign and European Affairs was set up by the Maltese Parliament on 8 October 2003 by way of Motion 67, which amended the setting up of the 'The Committee on Foreign Affairs' to incorporate the added responsibility related to European Affairs. This decision was incorporated in Standing Order 120F which stipulates the exact responsibilities of the SCFEA. The main tasks of the SCFEA include those dealing with matters directly related to foreign and European affairs and to represent the House of Representatives at the Conference of European Affairs Committees (COSAC). Other responsibilities include those related to the scrutiny of EU proposals, whereby Standing Order 120F stipulates that the SCFEA shall scrutinise on its own initiative:

- Any proposals under the Community treaties for legislation by the Council or the Council acting jointly with the European Parliament;
- Any document which is published for submission to the European Council, the Council or the European Central Bank;
- Any proposal for a common strategy, a joint action or a common position under Title V of the Treaty of European Union which is prepared for submission to the Council or to the European Council;

- Any proposal for a common position, framework decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;
- Any document that is not listed above, which is published by one Union institution and which does not relate exclusively to the consideration of any proposal for legislation;
- Any other document relating to European Union matters placed on the Table of the House by any Minister.

The main purpose of the scrutiny procedure is to contribute to the law-making process by presenting a detailed analysis of European draft proposals, by exposing difficulties and by examining Government's role in negotiating and agreeing upon European legislation. Documents originating from the European Union and deposited in Parliament are analysed according to their legal or political importance. Henceforth, a decision is taken whether a particular document should be debated into more detail or cleared immediately. The determination of political importance depends upon the sensitivity of the subject matter, the financial implications, or the likely impact on the Maltese economy whilst importance related to legal aspects may arise due to doubtful legal basis, an unsupported affirmation by the Commission of powers to act, difficulties of drafting or impact on existing law.

#### ***THE WORK OF THE SCRUTINY COMMITTEE IN 2006***

The scrutiny system within the Maltese House of Representatives is a document-based one and set up in line with the UK House of Commons scrutiny procedure. It focuses on the examination of European Union documents as outlined in Standing Order 120F and the Government's policy towards them. Such documents include both legislative and non-legislative proposals with the former representing by far the largest category of documents considered by the SCFEA during the first years of operation. Legislative proposals include Proposals for Decisions of the Council, Proposals for Regulations, Proposals for Directives and budgetary documents. The scrutiny system also includes documents at later stages of legislation such as Amended Proposals, Presidency Compromise Proposals or Amendments proposed by

the European Parliament. Non-legislative Proposals published by European Union Institutions in the form of Declarations, Resolutions and Conclusions, Communications, Action Programmes, Guidelines, Commission Reports, draft Council Recommendations, Green Papers and White Papers are also considered by the Committee. Generally, these documents are not of binding effect, however they may be followed up by detailed legislative proposals when endorsed by the Council.

The Committee is also entrusted with scrutinising Proposals falling under Title V of the European Union Treaty, which refer to the EU's inter-governmental Common Foreign and Security Policy (EU's Second Pillar). Nonetheless, till the present date, no debates on these types of documents were carried out. The scrutiny of documents included under Title VI of the EC Treaty which are related to the EU's inter-governmental action relating to police and judicial co-operation in criminal matters, also known as the EU's third pillar also fall within the remit of the SCFEA. Other documents that are not included in the above-mentioned categories mainly refer to Reports of the Court of Auditors, both the regular general reports as well as the special reports on particular areas of expenditure. The SCFEA can also scrutinise documents relating to EU matters deposited by any Minister, however, the latter depends on the discretion of the Government and includes documents that would not otherwise have been subject to the scrutiny process.

### ***The Working Groups***

The SCFEA is made up of three working groups that are responsible for the parliamentary scrutiny of the EU *pipeline acquis* – Working Group 1, Working Group 2 and Working Group 3. Likewise, the Standing Committee on Social Affairs (SAC), which primarily deals with all matters relating to social policy, including social assistance and family matters, can also be requested to scrutinise specific documents.

The main objective of Working Group 1 is to analyse the EU *pipeline acquis* in preliminary scrutiny, to determine those documents of political or legal importance and to reach a decision on whether a particular document should be cleared without reserve or referred for debate at the plenary SCFEA, Working Group 2, Working

Group 3 or the SAC. Working Group 1 consists of four members and is chaired by the Hon. Jason Azzopardi. The members appointed on behalf of Government are the Hon. Michael Gonzi and the Hon. Jeffrey Pullicino Orlando whilst the Hon. Leo Brincat and the Hon. George Vella are assigned on the side of the Opposition.

The set-up of Working Group 2 rests upon the same principles of Working Group 1 whereby two members are appointed on behalf of Government and other two members on behalf of the Opposition. The Hon. Michael Gonzi chairs the meetings held under Working Group 2 and is assisted by the Hon. Leo Brincat and the Hon. Charles Mangion on behalf of the Opposition, and the Hon. Robert Arrigo and the Minister responsible for the *acquis* on behalf of Government. An ad hoc member from Government and another from the Opposition may also be appointed to participate in the discussion held during the meetings. Working Group 2 addresses issues related to *economic and monetary affairs, taxation, research, employment, education and culture, transport and energy, budget, regional policy, internal market, and customs union.*

In contrast, the areas of competence discussed within Working Group 3 include *health and consumer protection, development and humanitarian aid, rural development, fisheries, justice and home affairs* and the *environment*. The Hon. Jeffrey Pullicino Orlando has been designated as Chairman of Working Group 3 whilst the Hon. Joe Abela and the Hon. George Vella are the members appointed on the Opposition side. The Government representatives are the Hon. Joseph Falzon and the Minister responsible for the *acquis*. There is also the possibility that an ad hoc member from the Government side and another from the Opposition be called upon to assist in the scrutiny procedure.

The Plenary SCFEA scrutinises topics in relation to *constitutional affairs, enlargement, development, external relations and trade, enterprise and information society, and competition*. The Social Affairs Committee, composed of the Chairman, the Hon. Clyde Puli, three members from Government and three members from the Malta Labour Party, may also be requested to scrutinise documents of particular relevance for Malta's social policy.

The scrutiny process undertaken by the Maltese Parliament commences with the preliminary scrutiny of EU legislative and non-legislative proposals by Working Group 1 whereby the Members agree whether or not a particular document warrants additional scrutiny and if in the affirmative refer the proposal to the appropriate working group, the plenary SCFEA or the SAC. The Chairman of the respective Working Group then convokes a meeting for which the Minister responsible for the *acquis* is expected to attend. The current scrutiny procedure obliges the Minister to provide feedback on any queries made by the Committee Members with regards to a particular dossier. The Minister may also appoint any experts on the issue under discussion, who are invited to attend the meeting and provide additional oral evidence to the Members. At the end of the meeting, the Chairman of each respective Working Group, in consultation with the other Committee Members shall reach a decision on whether to clear the document under scrutiny or to retain a parliamentary scrutiny reservation. Even though the parliamentary scrutiny reservation is not legally binding, it does impose a general discipline on Ministers and their related departments to provide additional explanatory memoranda, to respond to the Committee's request for further information and developments and to debate queries related to the dossier<sup>2</sup>. Once a decision has been made by the relevant Working Group to clear the documents, the Chairman of the SCFEA deposits all documents on the table of the House. Henceforth, all documents – the EU *pipeline acquis*, the Minister's explanatory memorandum and the final brief prepared by the Research analyst are made accessible through the Committee's website<sup>3</sup>.

A diagrammatical representation of the House of Representatives' scrutiny process is provided in *Appendix 6*.

During the past twelve months, the SCFEA considered a total of 370 new EU proposals that have been deposited in Parliament. The documents ranged between Commission Communications, Reports, Staff Working Papers, White Papers and Green Papers as well as Proposals for Council Decisions, Directives and Regulations, Draft Framework Decisions, and Amended proposals for Directives, amongst others.

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<sup>2</sup> Vide Appendix 5: The Scrutiny Process and the Parliamentary Scrutiny Reservation.

<sup>3</sup> The Committee's website is accessible through <http://www.parliament.gov.mt>

Working Group 1 within the SCFEA met a total of ten times during the twelve months to December 2006, and scrutinised a total of 357 new EU legislative and non-legislative proposals and other documents compared to 311 new documents scrutinised during the first eleven months of 2005. On the other hand, Working Group 2 and Working Group 3 were convened three times and twice respectively. The Plenary SCFEA was summoned once in scrutiny mode whilst the Social Affairs Committee was called upon seven times in order to consider and scrutinise the EU *pipeline acquis*. Since the Committee's inception in May 2004, a total of 782 proposals and other EU documents have been examined, an average of 260 documents per annum. The number of EU proposals received this year is above the number received in 2005 and compares well to the number of documents received during the Scrutiny Committee's first year of operation. The following is a comprehensive breakdown of the EU documents scrutinised:

*Cleared documents*

- 332 documents were cleared by Working Group 1 as opposed to 244 documents in 2005 and 46 documents during 2004;
- 12 documents were cleared by Working Group 2, following the 34 documents cleared in 2005 and 8 documents in 2004;
- 4 documents were cleared by Working Group 3, compared to 12 documents in 2005 and 7 documents during 2004;
- 11 documents have been cleared by the SAC, compared to 10 documents cleared during 2005 and in contrast to 4 documents cleared in 2004;
- 1 document has been cleared by the Plenary SCFEA, corresponding to the same amount of documents cleared during 2005. No meetings of the SCFEA were held in scrutiny during 2004.

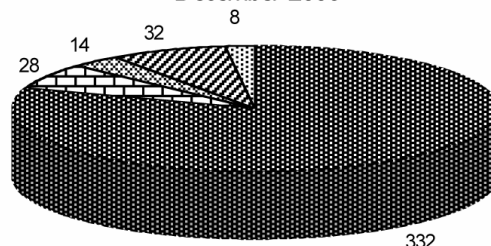
*Documents pending debate*

- 32 documents have been retained under Working Group 1 agenda;
- 1 document has been referred to Working Group 2;
- 4 documents has been referred to Working Group 3;

- 3 documents have been referred to the SAC;
- No documents have been retained under Parliamentary Scrutiny Reserve.

During the forthcoming weeks, the Scrutiny Committee shall also analyse any new EU proposals that will be deposited in Parliament by the various Ministries.

EU Documents analysed by the SCFEA from 22 November 2005 to 12 December 2006



- Cleared by Working Group I
- ▣ Cleared by Working Group II, III, Plenary SCFEA and the SAC
- ▨ Still to be debated by Working Group I
- ▩ Retained on Working Group I Agenda
- ▧ Referred to Working Group II, III and the SAC

In addition to the scrutiny of EU proposals by the SCFEA, the current year also marked the direct participation of Malta in the Inter-Parliamentary EU-Information Exchange (IPEX), which was set up as a result of a recommendation made by the Rome Speakers' Conference in September 2000. The objective of IPEX is to support Inter-Parliamentary cooperation in the EU by providing a platform for the electronic exchange of EU-related information between parliaments.

Although, all national parliaments of the EU Member States have up till now put in place scrutiny procedures to reinforce democratic control over EU matters, the mechanisms adopted vary between one Member State and another. In this regard, the IPEX project seeks to increase the transparency of the various procedures as it allows national parliaments to access each other's documents on a pan-European website, thus permitting cross-fertilisation of ideas and experiences. Apart from the website,

IPEX has a network of correspondents who are responsible for maintaining the corresponding national web pages. The 'IPEX dossier' is the focal point of the IPEX website. Each specific dossier contains documents relevant to the scrutiny activities by the National Parliaments of the EU 25 Member States concerning a specific EU legislative proposal. National parliaments may hence indicate their concerns – on subsidiarity or other issues – on each proposal through the use of an online scoreboard mechanism. This feature would serve as an early warning system for the Commission regarding proposals that do not enjoy support from Member States.

#### ***VISITS ABROAD BY THE COMMITTEE STAFF***

The past year has provided various opportunities for the Research Analysts as well as the Committee Clerk and the Assistant to the Clerk of the House to participate and attend a number of meetings and conferences in other EU Member States. These exchanges have proved to be insightful for the Committee staff and offered increased knowledge and experience directly related to their main areas of responsibility.

In February 2006, one of the Committee's Research Analysts accompanied the Chairman of the SCFEA to the first COSAC Chairpersons' Meeting for the current year, held in Vienna. The meetings focused on the current reflection period on the new EU Constitution and highlighted the priorities of the Austrian Presidency. The Austrian Presidency's priorities included the energy strategy, the Western Balkans, the demographic aspects of the Lisbon Strategy and the future steps to be taken with regards to the proposed subsidiarity and proportionality check. The Research Analyst, alongside with two Committee Members, also attended the XXV COSAC Plenary Meeting held in May 2006 in Vienna. The discussions, which followed the COSAC's Chairpersons' Meeting held in February centred on the future of the Constitutional Treaty, the subsidiarity control check to be implemented by the majority of the current national parliaments, the Western Balkans and the European Neighbourhood Policy.

On June 19 and 20, the Research Analysts and the Committee Clerk of the Foreign and European Affairs Committee of the House of Representatives took part in a

familiarisation visit to Brussels organised and financed by the Education and Culture Directorate General of the European Commission through the Commission Representation in Malta. In addition to the Committee's staff, the delegation also included representatives from the Federation of Industry (FOI), the Union Haddiema Magħqudin (UHM), the Confederation of Malta Trade Unions (CMTU), the Malta Employers Association (MEA), Aġenzija Appoġġ, the National Euro Changeover Committee, the EU Affairs and International Relations Section within the Ministry of Education, Youth and Employment, as well as the press officer of the EC Representation in Malta.

The programme was very extensive and meetings were held with various EU high officials. The discussions covered a wide array of subjects including trade and the Doha Round, immigration and asylum, the neighbourhood policy sector, plan D, current external relations issues, enlargement and common foreign policy as well as security policy. The talks were extremely insightful and beneficial especially for the Committee staff who works first hand on EU policies and initiatives. On the second day of the visit, the participants were hosted to lunch by Dr. Joe Borg, EU Commissioner for Fisheries and Maritime Affairs, whereby the main exchange of views focused on the Green Paper on EU Maritime Policy that had just been launched for discussion by the Commission.

In June 2006, two members of the Parliament's staff were also nominated as Malta's IPEX correspondents, and attended a one day training session in the Atrium building of the European Parliament, whose servers are currently hosting the IPEX online electronic system. This learning experience consisted of hand-on tutorials on how to update the IPEX webpages pertaining to each EU legislative proposal scrutinised by the SCFEA. Other IPEX correspondents attending the session hailed from the UK House of Commons, the Italian Senate, the German Bundesrat, the Irish Dáil Éireann and the Croatian Sabor. The event was coordinated by Mr. Jan Pátek from the European Parliament department on relations with National Parliaments.

***STRENGTHS OF THE COMMITTEE IN 2006***

During the past year, the achievements of the Committee on Foreign and European Affairs included:

- Wide-ranging scrutiny and reporting on various issues discussed at European level, that vary in significance from those with little or no significance for Malta to those which potentially have a very significant impact from an early stage;
- Detailed analysis and debates on an ample number of documents and sifting for legal or political importance;
- All decisions were taken by consensus among the SCFEA Members without the need for a vote to be taken on any issue;
- Public access to the Government’s Explanatory Memorandum and to the SCFEA’s reports via the Internet, keeping true to the Committee’s policy of transparency and accountability;
- Participation in the IPEX Project, which seeks to increase the transparency of the various scrutiny systems adopted by the EU Member States by allowing national parliaments to access each other’s documents on a pan-European website;
- Regular meetings were also held with the EU Secretariat, which coordinates the preparatory work for the Cabinet Committee on EU Affairs and the Inter-Ministerial Committee for EU Affairs within the Office of the Prime Minister. Such exchange of views are essential to ensure direct co-operation with the Committee, and to identify any areas of the scrutiny process that can be further improved;
- A process of written or oral questioning of Government until the Committee Members have sufficient information in order to reach a decision on a particular scrutinised document;
- Post-Council scrutiny of the Government’s policy in negotiations, and the outcome of the Council meetings, which enables the SCFEA Members to monitor the effectiveness of the Committee’s work;
- Discussion between the Committee Members on the documents that should be submitted for the subsidiarity and proportionality test and the new Council

- decision to directly forward all Commission documents to national parliaments;
- Development of the necessary internal electronic infrastructure to directly receive Commission consultation documents upon publication, following an initiative launched by the Commission on 1 September 2006 to promote the direct involvement of national parliaments in the process of policy formulation.

### ***OUR PLANS FOR 2007***

The inflow of draft EU proposals accompanied by the Minister's explanatory memoranda that are deposited in Parliament establish the majority of the work carried out by the Committee. Commission proposals and consultation papers, as well as new documents issued by other EU institutions that are discussed and approved by Cabinet and received in the remaining weeks of 2006 and during 2007, shall be addressed by the SCFEA during the up-and-coming year. Apart from scrutinising the EU *pipeline acquis*, the Committee intends:

- To ascertain that the Ministries concerned forward the explanatory memoranda disclosing the Government's position on the documents received and forwarded directly by the Commission that are of particular importance to Malta within a reasonable time frame;
- To act as a representative of the Maltese House of Representatives at the COSAC Chairpersons' and Plenary meetings that will be chaired by the German presidency between January and June 2007 and by the Portuguese presidency between July and December 2007;
- To tentatively develop a system of pre-council reporting and scrutiny. This shall allow the Committee to be informed about the topics that would be shortly discussed during the Council meetings and the point of view of the Maltese government. Pre-Council meetings would permit the SCFEA to assess the legal and political importance of the proposals to be considered, ask for additional oral evidence from the Minister concerned and reach a final decision before the Minister appears in front of the Council;

- To meet regularly with the staff at the EU Secretariat to keep up to date with recent developments happening at both ends and to seek ways to improve the flow of communication and transmission of EU documents that would ultimately benefit the implementation of the scrutiny procedure;
- To hold bi-annual meetings with the permanent representative of Malta to the EU to discuss the forthcoming Commission and Presidency work programmes;
- To continue to participate in the IPEX Project and to continue to establish the necessary infrastructure for the electronic exchange of EU-related information with other EU national parliaments;
- To continue to inform the public on the role and responsibilities of the Committee with regards to both Foreign Affairs as well as European scrutiny through the regular update of its website and the publication of the Annual Reports;
- To enhance existing bilateral relations and to foster new informal links with other European Union Scrutiny Committees;
- To increase inter-parliamentary co-operation between the Foreign and European Affairs Committees by paying official visits to Italy, the Arab Gulf States and India during the first half of 2007.

### **CONCLUSION**

The past twelve months have been characterised by a voluminous work-load both in terms of issues and projects related to foreign affairs as well as those related to the scrutiny of the *EU pipeline acquis*. The number of meetings held both in plenary SCFEA as well as by the relevant Working Groups affirm the increase in the Committee's contribution to the work of the Maltese Parliament since Malta's accession to the EU.

The increased flow of EU documents deposited in Parliament that had been experienced during the previous year has continued steadily over 2006. This bears witness to the fact that the Maltese government is giving due importance to the role of the Maltese Parliament in the EU decision-making process. Furthermore, the

Committee Members' visits to the Nordic, Baltic and Eastern countries have proved advantageous for Malta's parliamentary relationships with other Foreign Affairs and European Union Affairs Committees.

The achievements of the Committee during 2006 would not have been possible without the energy and perseverance and the concerted effort of the Chairman, Committee Members, the Research Analysts as well as the administrative staff together with the mutual collaboration of every person involved in the EU-decision making process.

The coming year is expected to be as intense and successful as the one that is shortly coming to an end.

*HOUSE OF REPRESENTATIVES, MALTA*

12 December 2006

**APPENDIX I: STANDING ORDER 120F SETTING UP THE STANDING COMMITTEE ON FOREIGN AND EUROPEAN AFFAIRS**

Standing Committee on Foreign and European Affairs.

*Added by: Res. 198 of 1995*

*Amended by: Res. 67 of 2003*

**120F.** (1) The Standing Committee on Foreign and European Affairs shall consist of not more than nine members of whom five shall constitute a quorum. The members shall be chosen so as fairly to represent the House in general and the proportion of Government and Opposition members in particular:

Provided that the Government members appointed on the Standing Committee shall include the Minister for Foreign Affairs who shall have the right to participate and to vote:

Provided further that members of the European Parliament elected from Malta shall have the right to participate in the work of the Standing Committee but shall not have the right to vote or to move motions and amendments.

(2) The Chairperson of the Committee shall be nominated by the Leader of the House from amongst the members representing the Government side, provided that any member of the Committee may, at any time, be appointed by the Leader of the House to act as Chairperson in case of the unavoidable absence of the Chairperson.

(3) The Standing Committee shall have the power to appoint select sub-committees and to delegate any of its functions to such sub-committees:

Provided that the composition of any sub-committee appointed by the Standing Committee shall be determined by the Standing Committee so as fairly to represent the House in general and the proportion of Government and Opposition members in particular.

(4) Subject to what is stated in this Standing Order, the provisions of paragraphs (3) and (4) of Standing Order 120B shall *mutatis mutandis* apply to the Standing Committee on Foreign and European Affairs.

(5) The Standing Committee on Foreign and European Affairs shall have the following functions:

(i) to deal with matters relating to foreign and European Union affairs which may be referred to it by the House or by the Standing Committee on House Business;

(ii) in the context of European Union issues and measures to be taken by the Council of Ministers of the European Union, to scrutinise on its own initiative –

(a) any proposals under the Community treaties for legislation by the Council or the Council acting jointly with the European Parliament;

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

(c) 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;

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

(e) any document (not falling within (b), (c) or (d) above) which is published by one Union institution and which does not relate exclusively to the consideration of any proposal for legislation;

(f) any other document relating to European Union matters placed on the Table of the House by any Minister;

(iii) to represent the House of Representatives of Malta at the Conference of European Affairs Committees (COSAC).

**APPENDIX 2: FORMAL MEETINGS OF THE STANDING COMMITTEE ON FOREIGN AND EUROPEAN AFFAIRS**

**Meeting No 66 – 7 December 2005**

*Meeting via Video Conferencing with Maltese Members of the European Parliament on the setting up of the Parliamentary Assembly of the Mediterranean*

The Chairman remarked that this was the first time that video conferencing was being used in the work of the Maltese Parliament.

The Members of the Committee together with Members of the parliamentary delegations to the Euro-Mediterranean Parliamentary Assembly (EMPA) and to the Inter-Parliamentary Union (IPU) explained to Dr. Simon Busuttill and Mr. David Casa, Members of the European Parliament (MEPs), the contents of the letter dated 9 June 2005 from Josep Borrell, President of the European Parliament, wherein he was expressing an adverse view with regard to the setting up of the Parliamentary Assembly of the Mediterranean (PAM) claiming that this amounts to duplication vis-a-vis the EMPA. It was further explained that both parties represented in parliament have been working hard since 1992 towards this regional parliamentary assembly and, moreover, that Malta was bidding to host the executive secretariat of this assembly.

The MEPs were enjoined to use their influence within their respective political groups in the European Parliament and even to request a meeting with the President of the European Parliament to insist that the PAM would be made up of all the states bordering the Mediterranean, that it would focus entirely on the Mediterranean region and that it would be complementary to EMPA and not a duplication.

Dr Simon Busuttill remarked that in his opinion there would be a measure of duplication, however, in the national interest and having heard this explanation, Mr. Casa and himself will fully support the setting up of the PAM. The Hon. George Vella stated that the three Labour MEPs had informed him that they could not attend to this

video conference due to other commitments, however, they will definitely support Malta's efforts on this matter.

*Presentation by Dr. Stephen Calleya on the next Agenda following the Euro-Mediterranean Summit held on 27 and 28 November 2005 in Barcelona*

Dr. Stephen Calleya remarked that a negative aspect of this summit was the fact that a number of Heads of state and/or government did not turn up. Of these, the most conspicuous absentees were Israel, which was going through particular circumstances at the time, and Syria, which apparently was informally asked not to attend this summit. It then followed that other Arab leaders did not attend as a sign of solidarity with Syria. Dr. Calleya argued that perhaps it was inopportune to hold a Euro-Med Summit when the political realities on the ground were not conducive to hold such a meeting.

On the other hand a positive outcome of this summit was the five year programme following the 2002 Valencia Action Plan. Dr. Calleya informed that this programme features various economic and social aspects which are very relevant to Malta, such as, education, in respect of which foreign ministers had agreed to double the budget, the energy network, migration and illegal immigration and the Euro-Med Information Agency being set up in Brussels by the European Union. Dr. Calleya said that Malta should adopt a proactive role and, in this regard, he mentioned the initiative 'Euro-Med Enterprise' undertaken by Malta Enterprise and also suggested the setting up of an 'ad hoc' unit within the Ministry of Foreign Affairs to follow up Euro-Med initiatives.

***Meeting No 67 – 12 December 2005***

*Presentation by the Hon. George Pullicino, Minister for Rural Affairs and the Environment regarding the Dismantling of Ships and the Proposal for a Regulation concerning management measures for the sustainable exploitation of fisheries resources in the Mediterranean Sea.*

*Dismantling of Ships*

The Minister stated that in principle, Malta is in favour of better regulation towards the protection of the environment and to improve health and safety at the place of work. However, Malta is against stricter regulation unless this is universally enforceable and with the same measure, otherwise Malta would find itself at a disadvantage in certain sectors especially with regard to ship registration. In this context one has also to take into consideration the position of satellite countries of certain European countries.

Another point raised was that the enforcement of additional rules should be vested in the International Maritime Organisation (IMO). Moreover, effective regulation in this sector should emanate from discussions between the three main institutions, namely, the Basel Convention, the International Maritime Organisation and the International Labour Organisation.

*Sustainable Fishing in The Mediterranean*

The Minister informed the Committee that when Malta was negotiating with the European Union it had insisted on a twenty-five kilometre conservation zone. Again, Malta agrees with a set of rules conducive towards the conservation of fish species, however, it is insisting that such rules should also be applicable to non-European Union Mediterranean states. This does not mean that the EU should not act on fish conservation but that it should also promote consensus on the introduction of such regulation among non-EU states by including the issue in its negotiations of free trade agreements with these countries. One has to note that of the twenty-two states

bordering the Mediterranean only seven are EU Member States, however, the latter catch more fish than all the rest put together. Consensus among all Mediterranean states will ensure an effective fish conservation policy for the Mediterranean Sea and at the same time provide for fishermen to operate on a level playing field.

These were some of the issues that the Minister for Rural Affairs and the Environment dealt with during recent Council meetings.

***Meeting No 68 – 9 January 2006***

*Meeting with H.E. Dr. Elizabeth Kehrer, Austrian Ambassador, regarding the Austrian Presidency of the European Union .*

During this meeting H.E. Dr. Kehrer outlined those areas which the Austrian Presidency considered as priorities in its work programme for the six month period January to June 2006.

One of the priorities was to revive the debate on the EU Constitution. To this end the Austrian Presidency was to hold two conferences, one on European culture and another one on subsidiarity, so as to contribute towards the formation of a common European identity.

Another priority was to seek and obtain the approval of the European Parliament to the budget agreed to by the Heads of State/Government in December 2005. Delay in securing the agreement of the European Parliament to the budget would have meant that Member States, especially new Member States, would have to wait beyond January 2007 to start utilising the allocations under the Structural and Cohesion Funds.

The Lisbon Agenda, i.e. economic growth and the creation of jobs, was another important aspect of the work programme. In attaining this goal, the Presidency was to endeavour to strike a balance between competitiveness and the social dimension.

Dr. Kehrer added that as a global player, the European Union had to continue with its enlargement policy in the Balkans and to extend its neighbourhood policy. With regards to enlargement, Bulgaria and Romania were the forerunners with Croatia and Macedonia following next in line. Turkey was proving to be a much more complex case and therefore the process was envisaged to be harder and to take longer.

Migration, which is an issue of special relevance to Malta, must also be given due importance especially to combat illegal migration and to have an action plan on legal migration.

The Austrian Presidency was also to press forward with policies to improve the environment.

***Meeting No 69 – 11 January 2006***

*Examination of the 2006 Work Programme of the Commission with a view to arrive at a list of proposals which the Maltese Parliament wishes to subject to the subsidiarity and proportionality check.*

The examination of the 2006 Work Programme of the Commission and the short listing of these proposals on the basis of the subsidiarity and proportionality principle was part of an exercise which the Maltese Parliament had agreed to participate in during the meeting of COSAC held in London in November, 2005. At this meeting, COSAC launched an initiative to encourage national parliaments to conduct subsidiarity and proportionality checks on the proposals made by the European Commission.

The Committee went through the various proposals and after due consideration, a shortlist of ten proposals was arrived at as follows:

Prosperity Index:

Reference No:	Title of Proposal:
2006/EAC/006	European Qualifications Framework

Solidarity Index:

Reference No:	Title of Proposal:
2006/AGRI/002	Fruit & Vegetables Reform
2006/AGRI/003	Communication on reform of the wine sector
2006/EMPL/002	Health and Safety at Work Strategy 2007-2012
2005/JLS/187	Regulation on the applicable law and jurisdiction in divorce matters
2006/JLS/005	Communication on Illegal Immigration
2006/JLS/009	Communication on the implementation of the rights of the child

Security Index

Reference No:	Title of Proposal:
2005/SANCO/006	Organ donation and transplantation

Internal Responsibility Index

Reference No:	Title of Proposal:
2006/TRADE/001	Communication on External Aspects of Competitiveness
2006/TREN+/015	Development of common energy markets with neighbouring countries

The shortlist of proposals drawn up by the Committee was to be referred to the Presidency of COSAC to eventually draw up a shortlist of those proposals that feature most in the returns it received from participating parliaments. The Foreign and European Affairs Committee would then receive COSAC's list of 'common proposals' and then the Committee will be expected to pick a few proposals from this common list and submit cogent reasons why the Maltese Parliament considers these

proposals to fall within the competence of Member States and, therefore, outside the Commission's competence.

***Meeting No 70 – 17 January 2006***

*Presentation by the Hon. Censu Galea, Minister for Competitiveness and Communications regarding the World Trade Organisation Conference held in Hong Kong between the 13 and 18 December, 2005.*

The Minister for Competitiveness and Communications opened his address by stressing that at this conference, like the previous ones, there were a number of complex issues that were dealt with and, given that the 149 countries that participated had varying interests, a lot of compromises had to be reached. Trade issues have a strong bearing on employment and economic growth and also have a direct effect on under-developed and developing countries. As experience from the previous conferences of the World Trade Organisation has shown, the expectations were high but the results obtained were very modest. In fact, at one stage the conference was heading for a complete failure but then participants agreed on a common declaration and on holding another conference in July 2006 to work on the implementation of those issues on which agreement had been reached.

Minister Censu Galea said that with regard to agriculture it was agreed to ensure the parallel elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect to be completed by the end of 2013. From the perspective of Malta, this agreement had no consequences as EU aid to Maltese agriculture was directed to rural development categorised as non-trade distorting measures of support while the Special Market Policy Programme for Maltese Agriculture (SMPPMA) was considered as a transitional measure. On the other hand, the Maltese consumer stood to benefit from the agreed measures. Besides, the measures were of significant importance to developing and least developed countries.

The Minister also reported that progress had been registered with regard to cotton which, however, is of little relevance to Malta. With regard to market access for non-agricultural products, the conference reiterated its commitment to the mandate for negotiations to reduce or, as appropriate, eliminate tariffs, in particular, on products of export interest to developing countries.

***Meeting No 71 – 18 January 2006***

*Presentation by Ms. Nathalie Flynn, Adviser to the Minister of Tourism and Culture, about Tourism in the European Union and the European Tourism Forum held in Malta in October, 2005*

Ms. Flynn gave an overview of the importance of the tourism industry to the European Union in general and also to particular countries, especially to Malta where it contributes between 25% to 30% of the Gross National Product (GNP).

In the European Union, tourism is considered as one of the main sectors that generate jobs and economic growth which are precisely the objectives set out to be achieved by the Lisbon Strategy. However, the European Union has no policy for the tourism sector, i.e. there is no Commissioner responsible exclusively for tourism, and therefore initiatives in this direction have to be undertaken indirectly through the other commissioners. Similarly, there is no specific fund for tourism but financial resources for tourism related initiatives have to be tapped from the money allocated under the various policy funds. Therefore, action on tourism related matters need to be properly coordinated. Moreover, it is essential for the European Union and national governments to work closely with the private sector to obtain maximum results.

Ms. Flynn also delved into the administrative structures of the European Union that deal with matters relating to tourism, notably the Tourism Unit under the responsibility of the Commissioner for Enterprise Policy, the Tourism Sustainability Group and the Annual Tourism Forum. Incidentally, the Annual Tourism Forum was

held in Malta in October 2005 whereby the Ministers responsible for Tourism of the 25 Member States gathered for the first time to discuss tourism related matters.

Ms. Flynn also went through the organisational set up of the Ministry of Tourism and Culture which is geared to coordinate national efforts on improving and promoting our national product.

***Meeting No 72 – 26 January 2006***

*Presentation by the Minister of Foreign Affairs on the Strategic Objectives of Malta's Foreign Policy, and the Scrutiny of the Communication from the Commission to the Council on the Commission Proposal for action plans under the European Neighbourhood Policy (COM(2004) 795)*

The Minister of Foreign Affairs presented the draft document titled 'Strategic Objectives of Malta's Foreign Policy' and gave an overview of the contents and purpose of this policy document.

During this meeting, the Committee also scrutinized and cleared the Commission document titled 'Communication from the Commission to the Council on the Commission Proposals for Action Plans under the Neighbourhood Policy (ENP) (Com(2004) 795 Final).'

The discussion on the policy document as well as the scrutiny process of the Commission Communication (COM(2006) 795) took place *in camera*.

***Meeting No 73 – 8 February 2006***

*Meeting with Prof. Marko Pavliha, Deputy President of the Parliament of the Republic of Slovenia*

Prof. Marko Pavliha, Deputy President of the Parliament of the Republic of Slovenia, spoke about the structure and functions of the Slovenian Parliament and its committees, notably the Foreign Affairs and European Affairs Committees, which bear similarities with our own set-ups.

As head of the delegation of Slovenia to the Euro-Mediterranean Parliamentary Assembly (EMPA), Prof. Pavliha spoke about the role that Slovenia was playing in this forum towards the promotion of dialogue and cooperation between the northern and southern countries of the Mediterranean. Prof. Pavliha expressed support to the setting up of the Parliamentary Assembly of the Mediterranean (PAM) and shared Malta's view that this institution should be considered as complementary to the EMPA and not as a duplication.

During his address, Prof. Pavliha expressed Slovenia's support to the proposal put forward by EMPA's Cultural Committee to promote cooperation between universities which in turn could lead to the creation of a University of the Mediterranean.

Prof. Pavliha acknowledged the importance that small states cooperate within the European Union and in other international fora and for this purpose he proposed the setting up of a Parliamentary Friendship Group between Slovenia and Malta. This kind of cooperation is considered in the interest of both countries and all the more so in the light of the fact that Slovenia will be assuming the Presidency of the European Union in the first six months of 2008.

*Presentation by Members of Parliament who attended the January 2006 Session of the Parliamentary Assembly of the Council of Europe*

The Hon. Leo Brincat and the Hon. Joseph Falzon gave an account of some of the events that took place during the January Session, mainly, the information memorandum on alleged secret detention centres in states which are members of the Council of Europe presented by the Swiss Liberal MP Dick Marty and the debate on the management of water resources. The Committee congratulated the Hon. Leo Brincat on his appointments as vice-chairman of the Sub-Committee on External Relations of the Political Affairs Committee, member of the sub-committee on Middle East Affairs, member of the sub-committee on Human Rights of the Legal and Human Rights Committee and rapporteur of the Political Affairs Committee on Lebanon.

*Presentation by the Hon. Mario Galea as EU Observer at the Elections in Palestine*

The Hon. Mario Galea explained his role as EU observer at the elections held in Palestine and commented on the voting process at these same elections. The Hon. Mario Galea reported also on the reactions that the outcome of these elections generated among the Palestinian community and from the international community.

***Meeting No 74 – 13 February 2006***

*Presentation by the Hon. Michael Frendo, Minister of Foreign Affairs, on the European Neighbourhood Policy.*

The Minister explained that the European Neighbourhood Policy (ENP) is addressed to partners neighbouring the Union which are not involved in the present accession or pre-accession processes. The objective of the neighbourhood policy is to share the benefits of enlargement with neighbouring countries in strengthening stability, security and well-being for all.

The Minister remarked that by drawing countries into a closer relationship with it, the EU can create a ring of friends and prevent the emergence of new dividing lines. This policy also offers neighbouring countries the opportunity to participate in various EU activities through greater cooperation on political, security, social and economic issues. Through this deeper engagement with its partners, the EU is seeking to promote partners' commitment to common values such as the rule of law, good governance, respect for human rights and the promotion of good neighbourly relations. Other areas covered by this policy are trade, aspects of internal market policies, energy, transport, information society and research, environment, social policy and people-to-people contacts.

The Minister stated that the neighbourhood policy is in line with the goals of the European Security Strategy, which, among other things seeks to promote close and cooperative relations with countries to the East of the European Union and on the borders of the Mediterranean. Various action plans have already been entered into and others were in the making with individual countries to put the goals of this policy into concrete action.

The Minister stated that Malta supports the European Neighbourhood Policy as it is complementary to the Barcelona Process and as it contributes towards stability, economic well-being and cooperation in the Mediterranean region. An aspect where Malta can make a good contribution is the promotion of cultural and religious dialogue. Furthermore, this policy is helping to keep the Mediterranean region high on the agenda of the European Union.

***Meeting No 75 – 15 February 2006***

*Meeting with H.E. Dr. Alvise Memmo, Ambassador of Italy to Malta*

H.E. Dr. Alvise Memmo gave an overview of how relations have developed during his four year term of duty in Malta. The main themes brought up during this meeting were:

- illegal immigration: the ambassador said that Italy was in favour of receiving immigrants as they were regarded as a resource by the economic sector. However, the Italian authorities were against illegal immigration and insist that this issue should be taken up not only on a bilateral basis but also at European Union level. The ambassador acknowledged that illegal immigrants stop in Malta accidentally as their destination is the European mainland. However, the Italian authorities believe that in certain critical circumstances, e.g. inclement weather, illegal immigrants ought to be forced to disembark in Malta so as to avoid them being lost at sea. Dr. Memmo revealed that a conference was scheduled to be held on 12 March, 2006, in Pozzallo, Sicily to which an invitation was going to be issued to African countries from where many illegal immigrants originate.
- the various road projects that have been financed from funds under the Fifth Financial Protocol with Italy.
- the incinerator at the abattoir and the cold storage facilities at the Pitkali markets.
- restoration works and the need to re-establish close collaboration between Heritage Malta and the Istituto del Restauro of Florence. The Ambassador announced that a new cultural agreement between the two countries has been drafted.
- with regard to trade, the ambassador remarked that there is room for improvement in the tourism sector and in the importation of certain vegetable, fruit and flower products from nearby Sicily.

- Ambassador Memmo expressed some concern with regard to the slow pace with which talks were taking place on the continental shelf and on the reduction of scholarships granted to Italian students to study in Malta.

The Committee thanked H.E. Dr. Alvise Memmo for his efforts during his term of duty in strengthening the relations between Malta and Italy.

### ***Meeting No 76 – 28 February 2006***

*Presentation by the Hon. Tonio Borg, Deputy Prime Minister and Minister of Justice and Home Affairs on the Council of Ministers Meeting*

The Hon. Tonio Borg, Deputy Prime Minister and Minister of Justice and Home Affairs, gave an overview of what took place during the Council of Ministers for Justice and Home Affairs that was held in Brussels on 21 February, 2006.

During his presentation, the Hon. Tonio Borg focused on the following three topics which were of particular interest to Malta:

- *The adoption of a directive on data retention*: this directive concerns the obligations of the providers of publicly available electronic communications services or public communications networks with respect to the retention of certain data that is generated or processed by them in order to ensure its availability for the purpose of the investigation, detection and prosecution of serious crime.
- *The agreement on the proposal for a regulation creating a European order for payment procedure*: the objectives of this regulation are to simplify, speed up and reduce the costs of litigation in cross-border cases concerning uncontested pecuniary claims and to permit the free circulation of European orders for payment throughout the Member States. This is to apply to civil and

commercial matters in cross-border cases, whatever the nature of the court or tribunal.

- *Regular and irregular migration*: the objectives are to achieve an EU-wide single asylum procedure; achieve the joint compilation, assessment and application of country of origin information; and address particular pressures on asylum systems or reception capacities resulting, amongst others, from the geographical location.

The Deputy Prime Minister reported that so far, resettlement arrangements have been undertaken with the Netherlands and the United States of America and efforts were being made to establish these arrangements on an on-going basis. However, other countries were being approached to assist in the resettlement of asylum seekers.

#### ***Meeting No 77 – 8 March 2006***

*Presentation by the Project Development Team of the Euro-Mediterranean Institute of Technology and Innovation (EuroMediti).*

Mr. Joseph Woods, Business Development Manager of CREATECH, Dr. Anton Bartolo from Malta Enterprise, and Mr. Michael Refalo and Mr. Andrew Triganza Scott from the Malta Institute of Science and Technology, who are part of the Project Development Team, gave a presentation with regard to the setting up of the Euro-Mediterranean Institute of Technology and Innovation. The Project Development Team explained that:

- the principle objective of EuroMediti was that of engaging European and Mediterranean business, academic and research entities, and national governments for the development, customisation and deployment of innovating technologies in sectors that have a special relevance to the Euro-Mediterranean Region; and

- this initiative aimed to develop and to empower Malta as an outstanding technology and innovation platform for business-driven services in training, applied research and development, incubation and dissemination in the Mediterranean Region. This would appeal directly to industries searching for a location to execute applied research and development under favourable conditions and to become a hub to access the large and emerging Mediterranean market.

An engaging discussion between Committee members and the Project Team followed on:

- the various technology sectors that this institute would focus on, like, renewable energies and water and environmental technologies;
- the use of Gozo as a test bed for new technologies due to its climatic and environmental conditions that are representative of the region and all the more so since it is a microcosm of larger infrastructures; and
- the renowned foreign research and development organisations that have already been attracted to participate in this project.

The Committee noted that the tenets of this project were in line with the objectives set out in the Lisbon Agenda and in the Euro-Mediterranean Partnership of the Barcelona Process and therefore this initiative deserved to be encouraged and assisted.

***Meeting No 78 – 15 March 2006***

*Meeting with Dr. Joe Borg, EU Commissioner for Fisheries and Maritime Affairs, regarding the Green Paper on EU Maritime Policy, Fisheries Partnership Agreements and related matters.*

Commissioner Joe Borg was accompanied by Dr. Joanna Drake, Head of the European Commission Representation in Malta, Mr. Michael Koehler, Deputy Head

of Cabinet, and Dr. Paul Nemitz, DG Fisheries Official on Maritime Task Force Policy.

Commissioner Borg and his advisers spoke at length about various aspects of their activities, among them:

- *Maritime Affairs*: the role of co-ordinating the work of the various Directorates General involved in the drawing up of the Green Paper on Maritime Affairs which was to be adopted in May 2006. The aim of this Green paper was to incorporate the numerous and different issues related to maritime affairs within a framework. Specific proposals would eventually be made following a year's consultation process with stakeholders. EU Maritime Policy would deal with subjects, such as oil exploration, sea transport, shipbuilding and repair, tourism, economic activity and environmental issues concerning coastal regions. Given that most of the issues involved were sensitive ones, it had been stressed that the aim of the EU Maritime Policy was to coordinate efforts and not to assume the roles that were the responsibility of individual Member States, otherwise it would become difficult for such a policy to take off.
- *Fisheries*: the proposal to set up a European Fisheries Fund to assist fishermen to improve their existing boats and equipment and even to decommission vessels. This matter was to be decided upon at the April Council of Ministers meeting and the amount of money that would be allocated to this fund will depend on the financial perspectives.

There were also bilateral agreements entered into between the Commission and near and far away countries for the grant of fishing rights to EU fishermen. Efforts were being made to stamp out over fishing and illegal fishing practices that were leading to the depletion of fish stocks. Attempts were also being made to set up a regional advisory council for the Mediterranean which would enable stakeholders to advise the Commission in this area – four such regional councils in other parts of Europe had already been set up.



*Dr. Joe Borg, EU Commissioner for Fisheries and Maritime Affairs addressing the Standing Committee on Foreign and European Affairs*

The Commission had so far been unsuccessful in its efforts to enter into discussions with Libya regarding its declaration of a fisheries conservation zone which has had adverse consequences on Maltese fishermen. The Commission's efforts in the case of Libya were being undermined by the fact that fishing companies were negotiating private agreements with Libya for fishing rights.

The Committee congratulated Commissioner Borg for his work especially on Maritime Affairs which sector is of particular relevance to Malta given its geographical position in the centre of the Mediterranean Sea.

**Meeting No 79 – 22 March 2006**

*Meeting with Dr. Joanna Drake, Head of the European Commission Representation in Malta.*

Dr. Drake explained that since Malta became a member of the European Union the role of the Office of the European Commission Representation changed from that of an Embassy to an Information and Communication Office with the objectives being to inform the Maltese people of what the Commission stands for and what it offers to its citizens and also to transmit the Maltese people's expectations to the Commission.

Dr. Drake informed the Committee that for the purpose of attaining its aims, the Representation would be holding the following main activities during 2006:

- a consultation exercise titled 'L-Ewropa Tagħti Widen' (Europe Listens) involving local councils, non-government organisations and constituted bodies;
- an information fair called 'EU Closer to You',
- radio and TV information transmissions; and
- an information service to citizens explaining their rights under EU law especially with regard to funding, recruitment and complaints.

Dr. Drake expressed her intention to periodically bring over to Malta a commissioner or a high ranking commission official to explain to the Maltese public particular activities carried out by the Commission. This would also give the Maltese public the opportunity to communicate with the Commission.

Dr. Drake informed the Committee that she would endeavour to organise visits to Brussels for Committee Members to meet commissioners and high ranking Commission officials and also for Committee staff to get an insight into the workings of the Commission.

The Committee agreed with the Head of the Commission's Representation that the two sides should meet on a regular basis for an exchange of views.

**Meeting No 80 – 3 April 2006**

*Meeting with the Hon. Michael Frendo, Minister of Foreign Affairs on the Agreement between Malta and Tunisia for Joint Oil Exploration and Exploitation Activities on the Continental Shelf between the Two Countries*

The Hon. Michael Frendo, Minister of Foreign Affairs, said that this agreement followed the discussions held with Tunisian President Ben Ali. A measure contemplated in this agreement was the appointment of a joint committee of experts to identify zones where joint oil/gas exploration may take place and to report to the respective Foreign Minister within three months. This joint committee was in fact to start meeting in Malta for the first time on 5 April 2006. The Minister further explained that if no progress was registered by the technical group within the stipulated three-month period, the Foreign Ministers would meet again to discuss the way forward in the interest of both countries.

The Minister added that as a sign of goodwill, the two sides had agreed to suspend all oil exploration activities in the area between Malta and Tunisia. The Hon. Evarist Bartolo and the Hon. Jose' Herrera disagreed that oil exploration activity was to be halted even in undisputed areas. The Minister remarked that the agreement did not go into the merits of which zones were disputed or not but it indicated that such activities be suspended in the areas concerned for three and a half months. In the opinion of the Minister, it was worth reaching an agreement on this issue in order for such an arrangement to take off on a note of cooperation and understanding.

The Minister assured the committee that oil exploration zones will be decided upon in full respect of the rule of law and of the interests of third countries.

The Minister informed the committee that Malta was in the process of floating the idea for the setting up an Economic Forum for the Central Mediterranean.

*The Future Of Europe*

The Hon. Michael Frendo, Minister of Foreign Affairs, said that following the rejection of the European Constitution by the French and the Dutch, the European Council decided that there should be a period of reflection during which a broad debate in each Member State involving the citizens, civil society, social partners, national parliaments and political parties would take place. In this context, the Commission had proposed what is known as 'Plan D' to stimulate a wider debate between the EU's democratic institutions and the citizens. At that time there were some who were in favour of modifying the text of the constitution, others who were advocating the drawing up of an entirely new text and others who were floating the idea of extracting the social chapter out of the constitution and present it as an annex to the same constitution.

The Minister informed the Committee that in May 2006, the General Affairs and External Relations Committee (GAERC) would be meeting to discuss further the future of Europe.

***Meeting No 81 – 25 April 2006***

*Meeting with Ms. Danuta Hübner, Commissioner Responsible for Regional Policy of the European Commission*

Commissioner Hübner was accompanied by Dr. Joanna Drake, Head of the Commission's Representation in Malta, Mr. Marco Panigalli, Member of *Cabinet*, and Ms. Paula Laissy, Spokesperson.

The Commissioner stated that the purpose of her visit was to see the implementation of the 2004-2006 programmes and look at the preparations that were in hand for the utilisation of the €728 million provided under the cohesion policy for the period 2007-2013. Commissioner Hübner explained that the cohesion policy is directed towards

the sustained and equal development of the various regions of the European Union. Hence, these funds are directed mainly at socio-economic projects and, particularly, towards improving the infrastructure. The Commissioner added that this effort should be supplemented by assistance from national governments to small and medium sized enterprises for innovation. She stressed that research and development are considered essential to achieve economic growth and sustainable development.

Commissioner Hübner remarked that the EU did not have a one-size-fits-all policy but that policies had to be modified according to the priorities and the characteristics of individual Member States. The Commissioner urged Malta to learn from the experience of other countries, such as Spain, in the tapping of funds and their proper utilisation and, towards this same aim, to improve the efficiency and skills of its administration.

Commissioner Hübner said that she was conscious that Malta has a small administration, however, she emphasised the importance for Malta to be more present at the various committee meetings that take place within the framework of the European Commission.



*Ms. Danuta Hübner, EU Commissioner for Regional Policy during the meeting held with the Standing Committee on Foreign and European Affairs*

***Meeting No 82 – 3 May 2006***

*Presentations by Members of Parliament who attended Parliamentary Meetings abroad*

The Hon. Joseph Falzon and the Hon. George Vella informed the Committee that the Plenary Session of the Euro-Mediterranean Parliamentary Assembly held in Brussels on the 26 to 27 March 2006 was dominated by the publication of the cartoon depicting the Prophet Mohammed and the fact that the Belgian authorities did not issue a visa to the Hamas representative. Other items on the agenda included the motion on the tenth Anniversary of the Barcelona Process, the dialogue between cultures and illegal migration.

The Hon. David Agius and the Hon. Gavin Gulia reported that the Meeting of the Home Affairs Committees of National Parliaments held in Vienna on 10 April, 2006,

focused its attention on the problems being posed by migration and international terrorism. They added that they took this opportunity to stress the request by Malta for adequate and concrete assistance to face the problems brought about by the relatively high number of irregular immigrants who were ending up in Malta mostly by sea.

The Hon. Joseph Falzon reported that among other things, the Second Part of the Council of Europe Session held between 9 and 12 April, 2006, dealt with the action plan drawn up by the Council of Europe and with the report prepared by Jean Claude Juncker, Prime Minister of Luxemburg, regarding the relationship between the Council of Europe and the European Parliament. Moreover, this session was addressed for the first time by José Manuel Barroso, President of the European Commission.

The Hon. Jason Azzopardi, Chairman of the Standing Committee on Foreign and European Affairs, reported that the main purposes of his delegation's visit to Croatia were to assist this country in confidence building during the period of preparations for accession to the European Union, the strengthening of parliamentary cooperation and the setting up of a Malta/Croatia Parliamentary Friendship Group.

### ***Meeting No 83 – 24 May 2006***

#### *Presentations by Members of Parliament who attended Parliamentary Meetings abroad*

The Hon. Clyde Puli reported on his participation at the Parliamentary Assembly regarding the 'Future of Europe' which was held in Brussels on 8 and 9 May 2006 by the European Parliament. During this meeting, contrasting views were expressed by those in favour of the Constitutional Treaty and the euro sceptics, with the latter expressing various concerns particularly with regard to enlargement. The Hon. Clyde Puli took part in the workshop which debated security issues while the Hon. George Vella took part in the workshop that considered issues brought about by globalisation.

The Hon. Franco Galea and the Hon. Joseph Sammut informed the Committee about the Commonwealth Parliamentary Assembly (CPA) 21st Century Trust Conference which tackled the theme ‘*Where is Globalisation Heading*’ that was held in Bangalore, India between 13 and 19 May 2006. This conference debated the effects of globalisation on both the industrialised countries and on the emerging economies with special attention given to sustainable development. Particular attention was given to the economic developments taking place in India and China and to the environmental and socio-economic problems, which were being faced as a consequence of extensive and rapid change.

The Hon. Michael Ascjak reported on his participation at the 12th Mediterranean Dialogue Seminar of the North Atlantic Treaty Organisation (NATO) Parliamentary Assembly held in Istanbul, Turkey, on 2 and 3 May, 2006. The main themes discussed during this seminar were:

- the way in which the international community was to deal with the Hamas Government in Palestine;
- how to react to the uranium enrichment programme underway in Iran;
- the dialogue among religions; and
- Turkey’s application to become a member of the European Union and its insistence to be granted the same conditions as those of present Member States.

#### ***Meeting No 84 – 21 June 2006***

##### *Meeting with Prof. Josef Bonnici, Member of the European Court of Auditors*

Prof. Josef Bonnici gave an overview of the organisation of the European Court of Auditors and its functions. He explained that this European Institution acts as the external auditor of the European Commission and therefore executes this function in an independent manner.

The main task of the Court of Auditors is to audit the collection and the expenditure of European Union funds and in this way assess whether financial operations have been carried out in a regular and efficient manner so as to ascertain the maximum value for money for the EU citizens.

Prof. Bonnici added that the Court of Auditors does not audit Member States but it audits funds such as the Structural Fund and the Agriculture Fund. The Court draws up what is known as the Statement of Assurance which analyses whether transactions, assets and liabilities were properly and accurately recorded and whether funds have been collected and spent in conformity with contractual and legal requirements and accurately calculated. Prof. Bonnici informed the Committee that the Court had carried out a revision of the Statement of Assurance and had adopted the revised version in February 2006.

Prof. Josef Bonnici remarked that for such important budget areas as the agriculture and structural funds, the opinion of the Court was a negative one due to the complex method in which these funds were managed and the weaknesses detected in the systems of control. To this end, the Commission had presented a roadmap towards improved internal systems of control both by the Commission itself and by Member States and that the Commission was in the course of implementing an action plan to attain this goal.

**Meeting No 85 – 23 June 2006**

*Meeting with the Minister of Foreign Affairs and Malta's Permanent Representative to the European Union to discuss: the Commission Legislative and Work Programme for 2006; the Annual Policy Strategy for 2006 and 2007; the Operational Programme for the Council for 2006 submitted by the Austrian and Finnish Presidencies and the 18-month Presidency Work Plan*

The Minister of Foreign Affairs proposed that a meeting on the work programme of each EU Presidency should be held every six months. The Hon. George Vella remarked that he had expected Government to submit its position paper on the documents in question, which paper would have been the subject of this Committee's discussion. The Minister of Foreign Affairs expressed the opinion that the Committee should discuss ways how future debates on these documents ought to be structured.

The Minister of Foreign Affairs outlined the following main items with regard to the European Union's activities:

- *The Constitution Treaty*: Malta wishes that the period of reflection would not be prolonged indefinitely and that there should not be any cherry picking from what is being proposed in this Treaty.
- *Financial Perspectives*: After a prolonged discussion, the financial perspectives had been approved in December, 2005. The task for 2006 was to introduce legislation for the implementation of the initiatives included in the perspectives.
- *Lisbon Strategy*: The Minister informed the Committee that towards the attainment of the goals set out in the Lisbon Agenda, i.e. employment, economic growth and prosperity, measures were to be taken so as to lessen the burden on small and medium sized enterprises (SMEs); simplify procedures; improve the transport infrastructure; develop an energy policy; and further promote the free movement of goods and services. Moreover, the enlargement of the euro zone was seen as another step that will contribute in this regard.

- *Solidarity*: This aspect was being reflected in the action that needed to be taken with regard to: Europe's ageing population; the management of migration flows with a view to meeting the needs of the labour market and to arrest the flow of illegal migrants; addressing the phenomenon of climate change which is causing frequent and more damaging natural disasters; the sustainable management of natural resources and the need to ensure social cohesion by securing common standards, reinforce social protection systems and tackle social exclusion.
- *Security*: The fight against terrorism and organised crime remained high on the agenda and measures were being contemplated by improving surveillance at Europe's borders and by enhancing coordination between law enforcement bodies. At the citizen's level, measures needed to be undertaken with regard to consumer protection, food and transport safety, and the setting up of a rapid response capacity to intervene in cases of major crises.

The European Union's actions as a world leader involved measures with regard to enlargement and association processes, the neighbourhood policy, the settlement of international disputes, the delivery of past commitments made to developing countries and the relationship with its established and emerging trading partners.

***Meeting No 86 – 10 July, 2006***

*Meeting with a Delegation from The Grand Committee of the Parliament of Finland composed of Jari Vilen MP and Johannes Koskinen MP, Chairman and Member respectively, regarding Irregular Immigration and the European Union*

This visit by a Parliamentary Delegation from Finland was the result of an invitation extended by the Hon. Jason Azzopardi, Chairman of the Foreign and European Affairs Committee, during a visit to Finland by a delegation that he headed in May 2006.

The purpose of this meeting, alongside with another meeting held between the Finnish delegation and the Hon. Anthony Abela, Parliamentary Secretary at the Office of the Prime Minister, and with the Deputy Prime Minister and Minister of Justice and Home Affairs, the Hon. Tonio Borg was to furnish the Finnish side with first hand information on the various problems that Malta, as a small EU Member State, is facing due to irregular immigration. In a nutshell, the Chairman and Members of the Committee explained that:

- Much needed financial resources – 1% of the national budget in 2005 - and human resources, in terms of armed forces and police personnel – 10% in 2005 - were being taken up in providing accommodation and subsistence, processing asylum applications and controlling irregular immigrants;
- In 2005, *circa* 1,800 irregular immigrants arrived in Malta which was equivalent to 45% of the birth rate in Malta and also to 252,000 arrivals in Italy or 270,000 arrivals in France;
- Malta, given its high population density and limited territory, could not afford to let free irregular immigrants but on arrival they were being held in detention centres. Successful applicants for refugee status or humanitarian protection were of course set free and given their rights whereas the others would be transferred to open centres after a maximum period of 18 months in detention;
- Irregular immigration was starting to cause social tensions and extreme right wing sentiments were being publicly expressed and a political organisation with these tendencies was in emergence;
- It was proving very difficult to repatriate illegal immigrants due to lack of documents and lack of cooperation from countries of origin and transit;
- If left on its own, Malta could not guarantee that in the future it would be able to meet its international obligations towards these immigrants and neither would it be able to live up to its tradition of being a very hospitable country towards persons in distress; and
- Malta expected that on the international scene, especially at European Union level, concrete steps be taken to arrest the inflow of irregular immigrants entering our territory and, in the spirit of solidarity, that other EU Member States would share the burden of this problem. The Committee informed the

Finnish delegation that there is consensus among political parties represented in Parliament with regard to the present policy on irregular immigration.

The delegation from Finland noted that at the insistence of Malta and other affected countries, like Spain and Italy, irregular immigration had found its place on the EU agenda. There were various tangible measures that were taken or should be taken at EU level, such as, border patrol by the extension of FRONTEX, assistance through funds specifically allocated for this purpose and for other emergencies, assistance at political level to reach repatriation agreements with countries of origin and cooperation agreements with transit countries, and burden sharing measures by taking over a number of immigrants as had already been the case with Germany and the Netherlands. The Finnish delegation pledged that they would do their part so that this issue will remain high on the EU agenda during the Presidency of Finland.

***Meeting No 87 – 12 July, 2006***

*Meeting with H. E. Pauli Makela, Ambassador of Finland (resident in Rome), on the Priorities of the Work Programme of the Presidency of Finland for July to December 2006*

H.E. Pauli Makela outlined the following priorities in the work programme of the EU Presidency, which are, in the main, a continuation of the out-going Austrian Presidency:

- *The future of Europe*: the EU should start moving from the period of reflection to the way forward. The EU should take measures to improve the decision making machinery to make it more effective and to avoid paralysis especially in order to face the challenges of globalisation;
- *Improving the legitimacy of the European Union*: the European Union should seek to be closer to the people by addressing the problems that are affecting them most and to do so in a transparent and efficient manner;

- *Competitiveness*: to compete in a globalised world the European Union has to intensify its efforts in the area of research and development which would lead to innovation. Towards this end, there was the 7th Framework for Research and Development and later on a forum was to be held on this matter in Lahti, Finland. The Ambassador added that Finland attached a lot of importance to innovation and in fact Finland had set up “The Committee for the Future” and allocated about 3.5% of its GDP for this purpose;
- *Justice and Home Affairs*: the main thrust in this area would be on international crime, terrorism and illegal immigration, which is of particular relevance to Malta and other Mediterranean states. In this regard, the Ambassador remarked that he had already been briefed by the President and the Minister of Foreign Affairs of Malta during their visit to Rome.
- *The EU as a world player*: in this area the European Union was committed to a policy of confidence building and diplomatic solutions in troubled areas such as Iraq, Iran and the Middle East, where it would explore ways how to engage the Hamas Government with the Israeli Authorities. The EU would also use its international relations to tackle problems, such as, illegal migration and to further its energy policy.

The Committee and H.E. Pauli Makela then engaged in a further discussion on these policies.

#### ***Meeting No 88 – 14 July, 2006***

*Meeting with Dr. Joe Borg, Commissioner responsible for Fisheries and Maritime Affairs, regarding developments following the launch of the Green Paper on EU Maritime Policy on 7 June 2006*

Commissioner Joe Borg explained that first and foremost, the Green Paper sought to answer the question as to whether there is the need for the Commission to have a policy on maritime affairs. The Commission recognised the need for an integrated

approach with regards to activities in the maritime sector as this was considered to be a major contributor towards the attainment of the main goals set out in the Lisbon Agenda, i.e. employment and economic growth.

Dr. Borg added that the Commission would proceed to the next stage - the consultation stage - which shall be undertaken at two levels:

- *Thematic*: addressing the various issues and sectors connected with maritime activities, including, tourism, sea transport, fishing and aquaculture, marine environment, coastal development, alternative energy sources and oil exploration. The idea was to identify these sectors and to coordinate action taken in each sector so as to ensure that action taken in one sector was not damaging to another sector; avoid overlap and promote those sectors which have a good potential to generate jobs and economic growth; and
- *Regional dimension*: to assess the present situation and the potential of maritime activities in the Baltic, the Mediterranean and the Atlantic regions and also in the Black Sea region given the imminent accession of Bulgaria and Romania to the European Union. Different regions posed different problems and presented different opportunities and therefore needed to be viewed from their particular circumstances.

Commissioner Borg remarked that the reaction to the Green Paper had been generally positive. Dr. Borg added that it was true that certain environmental organisations viewed this document as not going far enough, however, he stressed that the purpose of this policy was to coordinate action and that it was not the intention of the Commission to take over the responsibility of certain sectors that had so far been under the aegis of Member States.

Commissioner Borg also advised governments and, for that matter, even parliaments, to take a position on this document as early as possible so as to participate in the formulation of this policy and hence take the opportunity to influence the whole process. This consultation process is expected to take up to June 2007, when the

process will eventually move on to the subsequent stage that probably would result in the publication of a White Paper.

The Committee agreed to consider the Commissioner's suggestion to hold a meeting whereby Ministers, opposition spokespersons and other stakeholders in maritime affairs would be invited to contribute towards the drawing up of a position paper on this policy document. There was a general agreement that maritime affairs are of particular relevance to Malta and that Malta could make a fruitful contribution in this regard.

***Meeting No 89 – 19 July, 2006***

*Address by the Hon. Michael Frendo, Minister of Foreign Affairs, on Irregular Immigration in the light of the Euro-African Ministerial Conference on Migration and Development held in Rabat, Morocco, on 10-11 July, 2006, and on the European Foreign Ministers' Meeting held in Brussels on 17 July, 2006*

The Chairman presented the Committee with correspondence received from Mr. Speaker regarding the conclusions of the European Speakers' Conference held in May in Estonia, two documents from the European Commission on the 'Period of Reflection' and 'A Citizen's Agenda', the conclusions of the EU Speakers Conference held in Denmark and papers from the Assembly of the Western European Union and of the Interparliamentary European Security and Defence Assembly.

The discussion on the main item on the agenda was postponed to the next meeting as some members of the Committee were called upon to attend to other urgent parliamentary business.

**Meeting No 90 – 26 July 2006**

*Address by the Hon. Michael Frendo, Minister of Foreign Affairs, on Irregular Immigration in the light of the Euro-African Ministerial Conference on Migration and Development held in Rabat, Morocco, on 10-11 July, 2006, and on the EU Foreign Ministers' Meeting held in Brussels on 17 July, 2006*

The Hon. Michael Frendo, Minister of Foreign Affairs stated that at the Rabat Conference, countries of origin, transit and destination met for the first time to discuss migration flows and development. The Minister remarked that this conference was organised on the initiative of Spain and Morocco and that only West African countries were invited since most of the immigrants that use the Morocco/Spain route originate from those countries. In this connection, the Minister added that in the case of Malta, most of the immigrants come from East African countries and therefore, later on during 2006 or in early 2007, another conference was to be held in Tripoli, Libya, where countries from East and West Africa would be invited to participate.

The Minister stated that a holistic approach was required to tackle this problem, which implies that action has to be taken on all migratory routes as experience has demonstrated that when restrictive action was taken on a particular route, then immigrants made use of alternative routes.

The Minister added that the setting up of more reception and open centres for irregular immigrants was considered as a short term solution whereas tackling poverty and under-development in source countries was the long-term solution. The Minister informed the Committee that for the past year, Malta had been insisting upon the implementation of Article 13 of the Cotonou Agreement whereby development aid would be tied to good governance and the speedy repatriation of their citizens. The Minister added that a new concept was being introduced whereby countries of origin that co-operate in this regard would obtain additional aid.

The Minister informed the Committee that Commissioner Frattini had pledged that the border patrol programme known as Frontex was going to be extended to the central

Mediterranean. It was further explained that in this area, the Commission did not have its own resources but relied on Member States and even non-Member States – as in the case of Spain and Morocco - to carry out joint sea patrols. In the case of the Central Mediterranean, the Italian Prime Minister had, at the press conference with the Maltese Prime Minister given on the 25 July 2006, pledged Italy's participation in joint sea patrols. The technical details as to how such joint patrols were to be carried out were still being worked out.

Regarding the case of the Spanish trawler that had picked up stranded immigrants outside Malta's search and rescue area, the Minister made it clear that Malta was prepared to extend medical and humanitarian aid to those in need but it was not prepared to take over persons found outside its search and rescue area. This case had been brought to a satisfactory end through the cooperation of a number of countries and the publicity that this case was given had served to highlight Malta's case in this regard. The Minister stated that Malta's continuous efforts were now starting to produce concrete results.

***Meeting No 91 – 4 October 2006***

*Letter by the President of the European Commission conveying the Decision to forward all Commission documents directly to National Parliaments*

The Committee discussed the implications of the decision taken by the Commission and endorsed by the European Council at the meeting held on 15 and 16 June 2006 in Brussels to make all new proposals and consultation papers directly available to national parliaments and give them the opportunity to provide their feedback.

The Committee agreed that this step taken by the Commission was a positive development in the democratic process. Moreover, the Committee considered that the implementation of this measure requires new procedures to be put in place and additional resources and, for this purpose, it suggested that the matter be raised for

further discussion at a joint meeting of the Standing Committee on House Business and of the Standing Committee on Foreign and European Affairs.

*Presentation by the Hon. Michael Gonzi and the Hon. George Vella regarding the Inaugural Session of the Parliamentary Assembly of the Mediterranean (PAM) held in Amman, Jordan, on the 10 and 11 September, 2006, during which Malta was chosen to host the Executive Secretariat of this Assembly*

The Hon. Michael Gonzi and the Hon. George Vella gave an overview of the main initiatives taken since 1992 when the process started for the setting up of this assembly for the region of the Mediterranean. They also informed the Committee that during the opening session in Amman, the Member States expressed their appreciation to the hard work done by Malta by giving extensive support to Malta's candidature to host the executive secretariat of this parliamentary assembly so much so that in the end, Croatia, the other country seeking to host the secretariat, withdrew its bid.

The Committee acknowledged the hard work carried out over the years by various members in the political, diplomatic and administrative fields and the fact that both parties in Parliament contributed to the birth of the Mediterranean Parliamentary Assembly and to its secretariat being based in Malta.

***Meeting No 92 – 24 October 2006***

*Meeting between the Foreign and European Affairs Committee and Dr. Mustafa Barghouti, Member of the Palestinian Legislative Council and Secretary of the Palestinian National Initiative or Mubadara*

Dr. Barghouti informed the Committee that presently, forty democratically elected Members of the Palestinian Legislative Council were in Israeli jails, representing 30%

of the Palestinian Members of Parliaments. Dr. Barghouti asked the Maltese Parliament to take a strong position on this issue and to take it up at international fora.

Dr. Barghouti and his Palestinian National Initiative advocate an end to the Israeli occupation of Palestinian territories, the removal of illegal Israeli settlements from Palestinian territories and a just solution to the rights of Palestinian refugees. They maintain that these goals could be achieved with peaceful means and in accordance with the number of United Nations resolutions that have been passed over the years.

Dr. Barghouti acknowledged the active part played by both political parts represented in the Maltese Parliament with regard to the Palestinian cause and towards efforts to find a just solution to this long outstanding problem. Dr. Barghouti considered what is known as the Arab League 2002 Peace Initiative as a good base towards reaching a just solution to the Palestinian issue and agreed with the call for an international conference for this purpose. He remarked that Malta is a suitable country to hold such an international conference.

During his presentation, Dr. Barghouti, among other things, showed a number of maps that demonstrated how Israel has been expanding into the Palestinian territories. Dr. Barghouti stated that a few weeks before he had shown these same maps to the US Secretary of State, Dr. Condoleezza Rice. Dr. Barghouti also remarked that during his hour-long meeting with the US Secretary of State, he explained that the measures being taken by Israel were rendering the creation of a Palestinian State unsustainable and thus undermining the realisation of the US President's vision of having a two-state solution. Dr. Barghouti further stated that the US Secretary of State expressed her deep concern about this matter.



*The Members of the Standing Committee on Foreign and European Affairs during the meeting held with Dr. Mustafa Barghouti, Member of the Palestinian Legislative Council and Secretary of the Palestinian National Initiative, or Mubadara*

Dr. Barghouti remarked that whereas walls of division had recently been demolished in other parts of the world, in Palestine a high and long concrete wall – referred to as the wall of apartheid - was being constructed not only to separate Israelis from Palestinians but also to separate Palestinians from Palestinians. Besides, the hundreds of checkpoints scattered all over the Palestinian territories were rendering the daily life of Palestinians – especially that of workers, students and even patients – very difficult due to drastic movement restrictions. Other grievances mentioned by Dr. Barghouti included the withholding of foreign aid to the Palestinians and, above that, the fact that the Palestinians were paying taxes to the Israeli Government, and that the Gaza Strip was effectively being controlled by Israel from sea, air and land borders.

***Meeting No 93 – 1 November 2006***

*Address by Dr. Anthony Borg Barthet, Judge at the European Court of Justice, about the Set-up, Functions and Jurisdiction of this Court*

Dr. Borg Barthet gave an overview of the formation, functions and jurisdiction of the European Court of Justice, and the main points that emerged were the following:

- The Court is made up of twenty-five judges, one from each Member State, and eight advocates general, five from the five large Member States and three from the other Member States appointed on a rotation basis. Judges are designated for a renewable term of six years and give an independent opinion.
- The court performs its functions in plenary - in exceptional circumstances - or as a grand chamber of thirteen judges or in smaller chambers of five or three judges. The court acts as the Court of Justice, as the Court of First Instance and as the Tribunal of the Civil Service of the EU.
- One of the functions of the Court of Justice is to interpret the laws of the European Union on the request of national courts. The Court also determines whether a Member State had honoured its obligations under Community law, declares without effect any decision or regulation made by EU institutions and decides over failure on the part of EU institutions to act according to law when called to do so. The Court of Justice also decides on appeals from decisions taken by the Court of First Instance.
- The Court takes collective decisions and judgements are signed by all the judges without making public any dissenting opinions. Judges deliberate in French. Nonetheless, in certain cases, proceedings are conducted in the language in which the application was lodged and in other cases in the language of the court which referred the case. Requests for the interpretation of Community law and the Court's deliberations are translated into all the twenty-one official languages of the EU. However, this practice is slowing down proceedings and taking up most of the human and financial resources of the Court.

Dr. Borg Barthet viewed the functions of the European Court of Justice and those of the European Court of Human Rights of the Council of Europe as complementary. Dr. Borg Barthet remarked that recommendations have been made with a view to expedite proceedings and to reduce the running costs of the European Court of Justice, especially with regard to the translation of hearings and documents.

***Meeting No 94 – 8 November 2006***

*Information by the Hon. Michael Frendo, Minister of Foreign Affairs, on recent activities and initiatives undertaken by the Ministry of Foreign Affairs*

The Hon. Michael Frendo, Minister of Foreign Affairs, gave an overview of the work and initiatives undertaken by his ministry in the previous months. The issues discussed included the following:

- The meeting held in Athens, Greece, between the Ministers of Foreign Affairs of the Member States of the European Union bordering the Mediterranean. The Minister explained that the first time that this group met was in 2005 in Toulouse, France, and the purpose was to discuss issues of common interest to Mediterranean states in an informal manner so as to coordinate their work on Mediterranean issues in the Council of Ministers and in other fora of the European Union. It is a desired practice to hold two meetings of this group during each EU Presidency. The Minister said that in this way Malta will be in a position to gather support in respect of its concerns and proposals prior to formally submitting them at Council meetings. There were other such regional groupings of EU Member States like the one for Baltic States.
- The meeting of the ForoMed held in October 2006 in Alicante, Spain, whereby the core group of Foreign Ministers of Mediterranean countries met in preparation to the EuroMed Foreign Ministers meeting scheduled for the 27-28 November 2006 in Tampere, Finland. During this meeting, Malta presented a paper on reforming the working methods of the Barcelona Process

so as to activate and implement the commitments made at a political level. Libya was also invited to attend this meeting on an observer status and it was represented by Foreign Minister Shalgam.

- Malta's proposal to the Presidency of the European Union to hold regular meetings between ministers of foreign affairs from Mediterranean EU Member States and from Arab countries bordering the Mediterranean. The purpose of such meetings would be to draw the European Union closer to the Arab world and to engage in pre-emptive dialogue so that issues discussed will be dealt with from the initial stages rather than tackling them when they have expanded to larger problems.

Other issues that were brought up included the Constitution Treaty of the EU and enlargement, the situation in Lebanon and Palestine, the results of the mid-term elections in the United States and the need to persuade Spain to join the Parliamentary Assembly of the Mediterranean (PAM).

#### ***Meeting No 95 – 15 November 2006***

*Address by the Hon. Censu Galea, Minister for Competitiveness and Communications, on the Green Paper on a Future Maritime Policy for the European Union*

The Minister explained that in this Green Paper, the Commission does not only make reference to traditional maritime activities, such as fishing and merchant shipping, but included various other sectors, amongst them, coastal tourism development, the sustainable exploitation of marine resources, improving maritime skills, security, conservation, climate change, the reduction of risks to coastal regions from natural disasters and human threats as well as maritime governance.

In order to coordinate Malta's position on the various aspects being covered by this policy proposal, a task force has been set up under the chairmanship of the Minister for Competitiveness and Communications and including Dr. Stephen Calleya, Dr.

David Attard, Mr. Ranier Fsadni and representatives from the Ministries responsible for tourism, the environment, fisheries, justice and home affairs, resources and foreign affairs.

The Minister informed the Committee that the Commission has given a period of one year for consultations - up to May 2007 - by which time Member States will be expected to submit their position. The Minister added that consultations were underway with local interested parties and a conference is planned to be held in Malta in March 2007 whereby local organisations, together with countries from both the northern and the southern shores of the Mediterranean, will be invited to make their contributions. The Minister remarked that in order to have an effective maritime policy for the Mediterranean, such a policy should be formulated following wide consultations and in full respect of the rights and interests of all the countries surrounding the Mediterranean.

Furthermore, the Minister acknowledged the fact that the Foreign and European Affairs Committee has already held two meetings to discuss this Green Paper with EU Commissioner Dr. Joe Borg. The Minister agreed to keep the Committee informed with any developments in this regard.

***Meeting No 96 – 17 November 2006***

*Meeting with Mr. Suleiman Elshahumi, Secretary for Foreign Affairs of the General People's Congress of Libya.*

During this meeting, the Secretary for Foreign Affairs of the General People's Congress of Libya, who was accompanied by H.E. Dr. Saad Elshalmani, Libyan Ambassador to Malta, expressed a number of views:

- Even though there may be certain problems between Malta and Libya, these individual problems should not overshadow the good neighbourly relations between the two countries;
- There are particular issues, such as, the need of a visa for Libyan citizens to visit Malta and the imposition of tariffs on Libyan imports, which need further consideration;
- Libya was aware that Malta has a problem with irregular immigration, similar to the one faced by Libya since a large influx of people entered the country from its southern border to make their way up north to cross the Mediterranean and that in this regard, it was doing its part to combat illegal migration;
- There is room for improvement in the bilateral relations existing between the two countries especially with regard to trade and culture;
- Apart from contacts at government level, there should also be a stronger people to people approach and a good way to embark on such an initiative would be to set regular meetings between delegations from the Foreign and European Affairs Committee and the Foreign Affairs Committee of the General People's Congress of Libya; and
- The Tripoli Interministerial Meeting between the European Union and Africa scheduled for the 21 and 22 November 2006 should be a very good opportunity to improve relations between the two continents.

The Members of the Committee brought up various topics that required closer cooperation, including irregular immigration, fishing rights, the possibility for joint oil exploration, the lack of participation by Libya in the EuroMed Parliamentary Assembly, ways in which Malta, as an EU Member State, could assist in strengthening EU/Libya relations, as well as international issues, notably, the situation in the Middle East and Iran.



*Mr. Suleiman Elshahumi, Secretary for Foreign Affairs of the General People's Congress of Libya, addressing the Members of the Standing Committee on Foreign and European Affairs*

The Chairman of the Foreign and European Affairs Committee extended an invitation for a delegation from the Foreign Affairs Committee of the General People's Congress to visit Malta in 2007.

***Meeting No 97 – 5 December, 2006***

*Meeting with H.E. Dr Saad Elshalmani, Ambassador of the Great Socialist People's Libyan Arab Jamahiriya to Malta*

During this meeting H.E. Dr Elshalmani and the Committee Members discussed various issues of interest concerning the relations between Libya and Malta, amongst them the following:-

- *Visas*: Following Malta's membership in the European Union visas had to be issued for persons travelling from Libya to Malta and, following the initial

difficulties, the visa issue procedure was functioning satisfactorily. This was evidenced by the number of flights and passengers crossing from Libya to Malta and vice versa.

- *Malta's membership in the European Union:* This development should not be viewed in the sense that Malta had distanced itself from Libya but, on the contrary, given that Malta has a good understanding of Libyan affairs and that there was a good level of trust between the two neighbour countries, Malta could serve as a bridge to draw Libya and the European Union closer to each other.
- *Cooperation:* The International Conference on Migration held in Tripoli, Libya, was the result of collaboration between Malta and Libya at the Euro-African Ministerial Conference on Migration and Development held in Rabat, Morocco, on 10 to 11 July, 2006 and the preparatory meeting held in Malta. Furthermore, Libya has supported Malta in its efforts towards the setting up of the Parliament of the Mediterranean and Libya participated for the first time at the Organisation for Security and Co-operation in Europe (OSCE) Parliamentary Assembly that was held in Malta in November 2006. Malta and Libya were engaged in a multi-level relationship and this was evidenced by the exchange of visits between respective Ministers responsible for foreign affairs, education, agriculture and fisheries, justice and home affairs, and parliamentarians together with the visit to Libya by the Maltese Prime Minister, business joint ventures and the increased movement of people between the two countries. It was reiterated that delegations from the Maltese Parliament and from the Libyan People's General Council should meet regularly on a bi-annual basis to discuss issues of mutual interest. A positive aspect in the relations between Malta and Libya was the retention of the Joint Commission whereby the governments of both countries meet to discuss their relations on a regular basis, with the forthcoming meeting having been scheduled to the third week of December 2006.
- *A new start for Libya:* Following the lifting of sanctions and the measures taken to dispose of weapons of mass destruction, Libya has entered into a new phase by promoting peace and economic development. It was observed that the international community was recognising the positive role that Libya was

playing in the war torn region of Darfur in Sudan. Moreover, Libya was undertaking considerable infrastructural projects, in respect of which, Maltese firms could bid for the provision of services. It was also noted that Libya had recently been chosen to be the seat of the African Investment Bank.

**APPENDIX 3: INFORMAL MEETINGS OF THE CHAIRMAN OF THE STANDING COMMITTEE ON FOREIGN AND EUROPEAN AFFAIRS**

- 2 February 2006 Meeting with the Ambassador of India, H.E. Mr. Dinkar Prakash Srivastava
- 10 March 2006 Speech delivered at the General Workers Union (GWU) Conference on *Making Sense of Europe: European project under Active European Citizenship Programme* – “EU Constitution – The way ahead” at the Dolmen Resort Hotel, Qawra
- 24 March 2006 Meeting with Dr. Rachel Feinmesser, Head of Press Office and Spokesperson at the Embassy of Israel in Rome
- 2 May 2006 Meeting with the Ambassador of France, H.E. Mr. Jean Rives
- 4 May 2006 Meeting with the Ambassador of Italy, H.E. Mr. Paolo Andrea Trabalza
- 2 June 2006 Meeting with the Ambassador of the Netherlands, H.E. Mr. Jan Heidsma
- 12 June 2006 Participation in a Panel Discussion on “SMEs in Malta – How can the National Parliament help us create more success stories?” at an event organised by the Malta Business Bureau (MBB) in collaboration with the European Commission Representation Office in Malta titled *Is the EU listening to Enterprise? The Maltese Business Perspective* at the Hilton Malta, St. Julians

18 July 2006	Meeting with a delegation from Armenia consisting of Heads of Staff within the Public Sector
27 September 2006	Meeting with the Ambassador of Germany, H.E. Mr. Karl Andreas Von Stenglin
3 October 2006	Meeting with the Ambassador of Spain, H.E. Ms. Marta Vilardel Coma
20 October 2006	Meeting with the Malta Desk Officer at the Department of State of the United States of America, Ms. Angela M. Cervetti
22 November 2006	Meeting with the British High Commissioner to Malta, H.E. Mr. Nicholas Archer
5 December 2006	Meeting with the Parliamentary State Secretary of the German Federal Ministry of the Interior, Mr. Peter Altmaier
15 December 2006	Meeting with Ms. Monica Cummings, Political, Economic and Commercial Officer, Embassy of the United States in Malta

**APPENDIX 4 – RECORD OF COMMITTEE MEETINGS 1995 - 2006**

<b>Foreign Affairs Committee Meetings since 1995</b>				
<i>Legislature</i>	<i>Meeting</i>	<i>Date</i>		<i>Total</i>
<b>7th Legislature</b>	1	09 July 1995		
	2	19 July 1995	1995	2
	3	17 January 1996	1996	1
<b>8th Legislature</b>	1	30 April 1997		
	2	13 May 1997		
	3	16 June 1997		
	4	17 June 1997		
	5	01 July 1997		
	6	15 July 1997	1997	6
	7	06 April 1998		
	8	07 April 1998		
	9	29 April 1998		
	10	05 May 1998		
	11	12 May 1998		
	12	27 May 1998		
<b>9th Legislature</b>	1	16 November 1998	1998	7
	2	01 February 1999		
	3	08 February 1999		
	4	17 March 1999		
	5	11 May 1999		
	6	15 June 1999		
	7	16 June 1999		
	8	21 July 1999		
	9	25 October 1999		
	10	24 November 1999	1999	9
	11	01 February 2000		
	12	09 February 2000		
	13	22 February 2000		
	14	13 March 2000		
	15	14 March 2000		
	16	27 March 2000		
	17	11 April 2000		
	18	06 June 2000		
	19	20 June 2000		
	20	24 June 2000		
	21	17 July 2000		
	22	11 October 2000		
	23	06 November 2000	2000	13

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	24	06 February 2001		
	25	30 April 2001		
	26	15 May 2001		
	27	05 June 2001		
	28	19 June 2001		
	29	27 June 2001		
	30	18 July 2001		
	31	02 October 2001		
	32	06 November 2001		
	33	05 December 2001	2001	10
	34	30 January 2002		
	35	11 February 2002		
	36	06 May 2002		
	37	14 May 2002		
	38	15 July 2002		
	39	22 July 2002		
	40	30 October 2002	2002	7
<b>10th Legislature</b>	1	01 July 2003		
	2	15 July 2003		
	1	21 October 2003		
	2	26 November 2003		
	3	16 December 2003	2003	5
	4	26 January 2004		
	5	05 February 2004		
	6	01 March 2004		
	7	17 March 2004		
	8	12 May 2004		
	9	01 June 2004		
	10	10 June 2004		
	11	15 June 2004		
	12	12 July 2004		
	13	19 July 2004		
	14	20 October 2004		
	15	25 October 2004		
	16	27 October 2004		
	17	02 November 2004		
	18	12 November 2004		
	19	15 November 2004		
	20	16 November 2004		
	21	26 November 2004		
	22	03 December 2004		
	23	09 December 2004	2004	20
	24	12 January 2005		
	25	18 January 2005		
	26	19 January 2005		
	27	02 February 2005		

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	28	07 February 2005		
	29	09 February 2005		
	30	16 February 2005		
	31	22 February 2005		
	32	25 February 2005		
	33	14 March 2005		
	34	11 April 2005		
	35	12 April 2005		
	36	13 April 2005		
	37	15 April 2005		
	38	02 May 2005		
	39	03 May 2005		
	40	06 May 2005		
	41	10 May 2005		
	42	11 May 2005		
	43	17 May 2005		
	44	18 May 2005		
	45	23 May 2005		
	46	25 May 2005		
	47	01 June 2005		
	48	02 June 2005		
	49	08 June 2005		
	50	13 June 2005		
	51	22 June 2005		
	52	04 July 2005		
	53	13 July 2005		
	54	19 July 2005		
	55	21 July 2005		
	56	31 August 2005		
	57	27 September 2005		
	58	05 October 2005		
	59	12 October 2005		
	60	19 October 2005		
	61	26 October 2005		
	62	02 November 2005		
	63	08 November 2005		
	64	16 November 2005		
	65	24 November 2005		
	66	07 December 2005		
	67	12 December 2005	2005	44
	68	09 January 2006		
	69	11 January 2006		
	70	17 January 2006		
	71	18 January 2006		
	72	26 January 2006		
	73	08 February 2006		
	74	13 February 2006		
	75	15 February 2006		

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	76	28 February 2006		
	77	08 March 2006		
	78	15 March 2006		
	79	22 March 2006		
	80	03 April 2006		
	81	25 April 2006		
	82	03 May 2006		
	83	24 May 2006		
	84	21 June 2006		
	85	23 June 2006		
	86	10 July 2006		
	87	12 July 2006		
	88	14 July 2006		
	89	19 July 2006		
	90	26 July 2006		
	91	04 October 2006		
	92	24 October 2006		
	93	01 November 2006		
	94	08 November 2006		
	95	15 November 2006		
	96	17 November 2006		
	97	05 December 2006		
	98	14 December 2006		31

**APPENDIX 5 – THE SCRUTINY PROCESS AND THE PARLIAMENTARY SCRUTINY RESERVATION**

Parliamentary scrutiny of European legislation falls within the remit of Working Group 1 of the Standing Committee on European and Foreign Affairs (SCFEA). The first stage of the scrutiny procedure requires that Working Group 1 considers all European Union legislation and subsequently report its opinion on the legal and political significance of each document. In issuing its opinion, the Scrutiny Committee may decide that:

- No further action on the document is recommended and the document can be cleared; or
- Refer the document for debate in either Working Group 2, Working Group 3 or the Standing Committee on Social Affairs (SAC).
- Retain the document for information purposes at Working Group 1 level.
- Recommend that the document be debated by the SCFEA at Plenary level.

When a document is referred to either Working Group 2, 3, or the SAC, the Chairman of the respective Working Group has the right to convene a meeting and ask for oral evidence from the Minister responsible for the relevant EU document. The Minister, who can also be accompanied by his experts, is expected to reply to the queries put forward by the Members of the Working Group. At the end of the meeting and following a comprehensive discussion on the document under scrutiny, the Chairman of the Working Group declares that either:

- The document is cleared. This implies that the Working Group Members are satisfied with the outcome of the debate and the queries or clarifications sought from the Minister including, if applicable his experts, were satisfactorily answered. Consequently, there is no need for the Working Group to continue to deliberate the particular *pipeline acquis* any further and consideration of the document shall cease at this stage.
- The Committee retains a parliamentary scrutiny reservation.

The parliamentary scrutiny reservation represents an informal arrangement between Government and the Maltese parliament, whereby the Minister concerned is expected to:

- Provide supplementary explanatory memoranda;
- Regularly inform the Committee on any developments in the course of negotiations and answer any queries arising in relation to the document under scrutiny.

The parliamentary scrutiny reserve constrains Ministers from giving agreement in the Council or European Council to proposals or recommendations for European Community legislation, which the SCFEA has not yet cleared. Government may agree upon a proposal that is still awaiting clearing under special circumstances, however, the Minister must subsequently explain the reasons behind its decisions to the Scrutiny Committee at the first available opportunity.

It is relevant to point out that as in other European Union Member States, with the exception of Denmark, the Parliamentary scrutiny reservation is not legally binding in Malta. Nonetheless, it encourages Ministers to take into account the opinion of the SCFEA during the negotiations to approve decisions at Council level. The Committee recommendations rest upon a procedure that subjects a particular document to the scrutiny of all Committee Members who represent both sides of the House as well as to its Research Analysts. This in turn serves to strengthen Government's bargaining position during negotiations at EU level.

**APPENDIX 6 – THE SCRUTINY OF EU DOCUMENTS**

1	EU documents originating from the <b>Commission in Brussels</b> are made available to all Member State Governments.
2	EU documents are made available to the <b>EU Secretariat</b> within the Office of the Prime Minister. The EU Secretariat liaises with the respective Ministries regarding these EU documents.
3	On receipt of the documents, the <b>individual Ministries</b> are expected to draw up an Explanatory Memorandum (EM) on each document. These EMs are forwarded to the Standing Committee on Foreign and European Affairs for the relevant scrutiny procedure.
4	<p>The Research Analysts prepare a report on all the EMs received irrespective of their political and/or legal importance. A recommendation whether to clear a document or refer it for further debate is generally included as part of the conclusion in the Research Analyst's report.</p> <p>Documents on which the Committee is in agreement with the Government's position thereon, and consequently no further discussion is deemed necessary, are <b>cleared by the Scrutiny Committee</b> (Working Group 1).</p>
5	Documents on which the Committee deems that further information is necessary are <b>retained for further scrutiny</b> by Working Group 1.
6	Documents that warrant further in-depth discussion and evidence by the Minister responsible, and his/her experts, are <b>referred to one of the Working Groups</b> according to the respective areas of competence (Working Group 2, 3, the Social Affairs Committee (SAC) or the Plenary FEAC). Documents may be referred to the House if these are of sufficient national importance.
7	Documents being discussed within the Working Groups may be <b>retained under scrutiny</b> if the document in question is of significant importance and the Committee does not agree with the position taken by the Government, or is of the opinion that further discussions are necessary.
8	Documents are <b>cleared</b> by the relevant Working Groups to which the documents have been referred for further scrutiny.
9	<b>Notification</b> of clearance of the document is sent to the relevant <b>Ministries</b> .
10	<p><b>Notification</b> of clearance of the document is sent to the <b>EU Secretariat</b>.</p> <p>The Chairman of the SCFEA tables all relevant documents (including the <i>pipeline acquis</i>, the ministerial memo as well as the analyst's report), which are also made publicly available on the Committee's website.</p>

***THE SCRUTINY OF EU DOCUMENTS***

