



Number 25 of 2002

EUROPEAN UNION (SCRUTINY) ACT, 2002

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EUROPEAN UNION (SCRUTINY) ACT, 2002

AN ACT TO PROVIDE FOR THE SCRUTINY BY THE HOUSES OF THE OIREACHTAS OF CERTAIN PROPOSED MEASURES, TO AMEND THE EUROPEAN COMMUNITIES ACT, 1972, AND TO PROVIDE FOR RELATED MATTERS. [23rd October, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, save where the context otherwise requires— Interpretation.

“European Communities” has the meaning assigned to it by the European Communities Act, 1972;

“measure” means—

- (a) a regulation or directive adopted under the Treaty establishing the European Community;
- (b) a joint action adopted under Article 14 of the Treaty on European Union;
- (c) a common position adopted under Article 15 of the Treaty on European Union;
- (d) a measure requiring the prior approval of both Houses of the Oireachtas pursuant to Article 29.4.6° of the Constitution not otherwise mentioned in this definition;

“Minister”, in relation to a measure, means the Minister of the Government performing functions in relation to the measure or, if there is more than one such Minister of the Government, such one of them as may be agreed upon by them.

(2) In this Act—

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- (a) a reference to a section is a reference to a section of this Act unless it is indicated that reference to some other provision is intended,
 - (b) a reference to a subsection or paragraph is a reference to a subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
 - (c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.

Scrutiny of
measures by Houses
of Oireachtas.

2.—(1) As soon as practicable after a proposed measure is presented by the Commission of the European Communities or initiated by a Member State, as the case may be, the Minister shall cause a copy of the text concerned to be laid before each House of the Oireachtas together with a statement of the Minister outlining the content, purpose and likely implications for Ireland of the proposed measure and including such other information as he or she considers appropriate.

(2) The Minister shall have regard to any recommendations made to him or her from time to time by either or both Houses of the Oireachtas or by a committee of either or both such Houses in relation to a proposed measure.

(3) *Subsections (1) and (2)* shall not apply, if in the opinion of the Minister, there is insufficient time for the carrying out of the procedures aforesaid and the performance of the functions of the Houses of the Oireachtas in relation to the text aforesaid.

(4) Where, pursuant to *subsection (3)*, a text of a proposed measure has not been laid before each House of the Oireachtas and the measure concerned is adopted by an institution of the European Communities, the Minister shall cause a copy of the text of the measure to be laid before both Houses of the Oireachtas together with a statement outlining the implications for Ireland of the measure and the circumstances of its adoption and including such other information as he or she considers appropriate.

(5) Every Minister of the Government shall make a report to each House of the Oireachtas not less than twice yearly in relation to measures, proposed measures and other developments in relation to the European Communities and the European Union in relation to which he or she performs functions.

Exempt measures.

3.—(1) *Subsections (1) and (2) of section 2* shall not apply to a proposed measure which, in the opinion of the Minister, is confidential.

(2) Where by virtue of *subsection (1)*, *subsections (1) and (2) of section 2* do not apply to a proposed measure, the Minister may make a report to either or both Houses of the Oireachtas or to a committee of either or both such Houses in relation to the proposed measure as he or she deems appropriate in the circumstances.

Amendment of
European
Communities Act,
1972.

4.—The European Communities Act, 1972, is hereby amended by the substitution of the following section for section 5:

“5.—In each year, beginning with the year 2003, the Government shall make a report to each House of the

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Oireachtas on developments in the European Communities S.4
and the European Union.”.

5.—In each year, beginning with the year 2003, the Joint Committee on European Affairs shall make a report to each House of the Oireachtas on the operation in the preceding year of this Act. Annual Report to Houses of Oireachtas.

6.—(1) This Act may be cited as the European Union (Scrutiny) Act, 2002. Short title and collective citation.

(2) The European Communities Acts, 1972 to 2001, and *section 4* may be cited together as the European Communities Acts, 1972 to 2002.