



Council of the
European Union

187485/EU XXVII. GP
Eingelangt am 05/06/24

Brussels, 5 June 2024
(OR. en, ga)

10802/24

Interinstitutional File:
2023/0448(COD)

INST 219
PARLNAT 92
VETER 79
AGRI 465
AGRILEG 282
CODEC 1452

COVER NOTE

From:	The Irish Houses of the Oireachtas
date of receipt:	4 June 2024
To:	General Secretariat of the Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005 [16405/23 + ADD 1 - COM(2023) 770 FINAL] - Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find enclosed the opinion¹ of the the Irish Houses of the Oireachtas on the above proposal.

¹ The translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange website (IPEX) at the following address: <https://secure.ipex.eu/IPEXL-WEB/document/COM-2023-0769>



Tithe an
Oireachtais
Houses of the
Oireachtas

An Comhchoiste um Thalmhaíocht, Bia agus Muir, Joint Committee on Agriculture,
Food and the Marine
Teach Laighean
Baile Átha Cliath 2
D02 XR20
Guthán: (01) 618 3717
R/phost: jcam@oireachtas.ie

Leinster House
Dublin 2
D02 XR20
Tel: (01) 618 3717
E-mail: jcam@oireachtas.ie

Ref: AFM-i-333-2024

For the attention of:
The Council of the European Union,
The European Commission, and
The European Parliament.

30 May 2024

Political Contribution on COM(2023)770 - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005

The Joint Committee on Agriculture, Food and the Marine (‘the ‘Committee’’) has considered the recent proposal, COM(2023)770, concerning the protection of animals during transport. The Committee has agreed to forward the attached Political Contribution for consideration to the Council of the European Union, the European Commission and the European Parliament, as part of the political dialogue process with national parliaments.

Yours sincerely,

Mr. Jackie Cahill T.D.,
Cathaoirleach to the Committee

Cuirfear fáilte roimh chomhfhreagras i nGaeilge



Tithe an
Oireachtais
Houses of the
Oireachtas

Tithe an Oireachtais

An Comhchoiste um Thalmhaíocht, Bia agus Muir

An Cion Polaitiúil i ndáil leis an

COM(2023)770 Togra le haghaidh RIALACHÁN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le hainmhithe a chosaint le linn dóibh a bheith á n-iompar agus le linn oibríochtaí gaolmhara, lena leasaítear Rialachán (CE) Uimh. 1255/97 ón gComhairle agus lena n-aisghairtear Rialachán (CE) Uimh. 1/2005 ón gComhairle

Bealtaine 2024

Houses Of The Oireachtas

Joint Committee on Agriculture, Food and the Marine

Political Contribution on

COM(2023)770 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005

May 2024

33/AM/028

1 of 18

Table of Contents

1. Introduction.....	3
2. Scrutiny by the Committee	3
3. Decision of the Committee	3
4. Opinion of the Committee	4
1. Réamhrá	9
2. Grinnscrúdú ag an gCoiste.....	9
3. Breith an Choiste	9
4. Tuairim an Chomhchoiste.....	10
APPENDIX 1 – Membership.....	14
APPENDIX 2 – Terms of Reference of the Committee	15

1. Introduction

1.1. The Oireachtas Joint Committee on Agriculture, Food and the Marine (“the Committee”) considers the *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005* (the “Proposal”)¹ to be significantly important to Ireland and the EU.

2. Scrutiny by the Committee

2.1. The Committee first considered the Proposal at its meeting on 30 January 2024 and again considered the Proposal at its meeting on 27 March 2024. The Committee heard from Officials from the Department of Agriculture, Food and the Marine in relation to this Proposal at its meeting on 24 April 2024.²

3. Decision of the Committee

3.1. On 27 March 2024, the Committee agreed to draft a political contribution and to forward a copy to Mr. Charlie McConalogue, T.D., Minister for Agriculture, Food and the Marine, Ms. Ursula von der Leyen, President of the European Commission, Ms. Roberta Metsola MEP, President of the European Parliament, and Ms. Thérèse Blanchet, the Secretary General of the Council of the EU.

3.2. The Committee further agreed that, in the interests of inter-parliamentary cooperation on EU matters, a copy of this report will be forwarded to the appropriate body in the national parliament of each Member State.

¹ European Commission, [COM\(2023\)770](#), 07 December 2023.

² The Joint Committee on Agriculture, Food and the Marine, [Debate](#) *Joint Committee on Agriculture, Food and the Marine*, 24 April 2024

4. Opinion of the Committee

- 4.1. The Committee notes that the Proposal seeks to enhance the welfare of animals while they are being transported, both to destinations within and without the EU, and the Committee supports this objective.
- 4.2. However, the Committee believes that any new transport rules in this regard must take into account Ireland's unique geographical circumstances as a peripheral EU island nation. Furthermore, Ireland has a long history of and dependency on livestock farming, and so the Committee strongly believes that any new rules in respect of the transport of animals cannot put Ireland at a disadvantage when compared to other Member States. It is of the utmost importance that Irish farmers and businesses maintain the same access to the Single Market as those in other Member States.
- 4.3. The Committee notes that Ireland has a positive track record in relation to animal welfare outcomes of animals traded by sea to other Member States and to countries outside of the EU.
- 4.4. The Committee is concerned with the lack of clarity in respect of Article 15 of the Proposal. The Committee notes that Article 15 will require all long and short journeys to third countries to be logged in the European Commission's TRACES system. However, the Proposal does not detail how this will be achieved, nor does it provide detail as to how to address the possible additional administrative burden to Member States in implementing this change. The Committee does, however, welcome the opportunities for efficiency that Article 15 may present, in accelerating the change from a paper-based system to a digitised system.
- 4.5. The Committee is concerned with the lack of clarity in respect of Article 19 of the Proposal. The Committee notes that Article 19 will require the driver to assess the welfare of the animals being transported every 4.5 hours during a journey. If the driver is required to check the welfare of each individual animal being transported, then the Committee believes that this will create an unrealistic burden for the driver.

- 4.6. The Committee is concerned with the lack of clarity in respect of Article 21 of the Proposal. The Committee notes that Article 21 will require the transporter to designate an animal welfare officer, which the Committee understands will be a distinct role from a veterinarian, who must travel with the animals on sea journeys. The Committee further notes from the Proposal there is no clear definition of the responsibilities of an animal welfare officer, nor are the requisite qualifications for the position stated in the Proposal.
- 4.7. The Committee notes with serious concern the provisions of Article 25 of the Proposal. The requirement to have a veterinarian present to supervise the unloading of animals on both long and short journeys will present challenges, both in terms of cost implications and the availability of the relevant professionals in what is already a demanding profession.
- 4.8. The Committee is not convinced that the requirements of Article 29 of the Proposal, as regards the potential feeding of milk replacer to unweaned animals, is warranted. The Committee believes that the feeding of electrolytes to unweaned animals may be more appropriate in these instances. The Committee notes that there is little or no consensus within the scientific community as to which food is more appropriate and encourages the European Commission to undertake further research in this regard, in order to further animal welfare during transport.
- 4.9. The Committee does not agree with the requirements of Article 31 of the Proposal. The Committee acknowledges that while the capabilities of meteorological organisations to predict the weather have improved in recent times, their reports are not always accurate. Furthermore, the Committee is concerned that proposed journeys with animals could be delayed because of a forecast which may apply to a particular region along a planned route, but not the whole route. The Committee requests that the European Commission explores other suitable methods for preventing temperature stress for animals. Additionally, the Committee notes with concern Article 31(2)(e) of the Proposal, which will require that an additional space allowance of 20% be made in the vehicle for animals which are being transported by road where the temperature

is forecasted to be above 30°C between 21h00 and 10h00, on a given day. This proposed change will have a significant economic impact on the industry.

- 4.10. The Committee is concerned with the lack of clarity in respect of Article 33 of the Proposal. The Committee notes that the organiser of a first journey to a third country will be required to arrange an evaluation by a certification body of the general welfare of the transported animals. However, the Committee notes that Proposal does not provide details as to how the certification bodies will be constituted and how the evaluations will take place. The Committee would welcome more clarity from the European Commission in this regard.
- 4.11. The Committee is deeply concerned by the provisions in paragraph 1(h), Chapter I, Annex 1 of the Proposal. The Committee notes that these proposed changes will mean that calves that are less than five weeks of age and that weigh less than fifty kilogrammes will no longer be able to be transported more than one hundred kilometres. The Committee understands that this change could affect up to 70% of calves that are presently transported from Ireland to other Member States. If these calves cannot travel until they meet the criteria as set out above, then a large volume of calves which are usually transported to other Member States will need to be cared for on Irish farms until they are old enough to travel. Furthermore, the Committee notes that this change may have a detrimental effect as regards trade within a Member State, as if one farmer would like to sell his or her calves to another farmer who is over one hundred kilometres away, to fatten them, for instance, then this will no longer be possible for calves that are less than five weeks of age and that weigh less than fifty kilogrammes. These changes will, of course, lead to significant economic implications, particularly in terms of animal husbandry, for those involved in the industry.
- 4.12. The Committee is also deeply concerned by the provisions of both paragraph 6, Chapter III, Annex I, and Chapter VII, Annex 1, of the Proposal. The Committee notes that these proposed changes will greatly affect the carrying capacity of vehicles. The Committee understands from the Proposal that these changes will likely result, in some instances, in vehicles which currently have

the capacity for three tiers within the vehicle, for example, possibly having to reduce in size to two tiers. Ultimately, the Committee believes that these changes will, especially when coupled together with the changes referred to in paragraphs 4.9 and 4.11, above, call into question the economic viability of the industry.



Jackie Cahill T.D.,
Cathaoirleach

Joint Committee on Agriculture, Food and the Marine
May 2024



Tithe an
Oireachtais
Houses of the
Oireachtas

Tithe an Oireachtais

An Comhchoiste um Thalmhaíocht, Bia agus Muir

An Cion Polaitiúil i ndáil leis an

COM(2023)770 Togra le haghaidh RIALACHÁN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le hainmhithe a chosaint le linn dóibh a bheith á n-iompar agus le linn oibríochtaí gaolmhara, lena leasaítear Rialachán (CE) Uimh. 1255/97 ón gComhairle agus lena n-aisghairtear Rialachán (CE) Uimh. 1/2005 ón gComhairle

Bealtaine 2024

Houses Of The Oireachtas

Joint Committee on Agriculture, Food and the Marine

Political Contribution on

COM(2023)770 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005

May 2024

33/AM/028

8 of 18

1. Réamhrá

1.1. Measann an Comhchoiste Oireachtais um Talmhaíocht, Bia agus Muir ("an Coiste") gur ríthábhachtach d'Éirinn agus do AE an togra le haghaidh RIALACHÁN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le hainmhithe a chosaint le linn dóibh a bheith á n-iompar agus le linn oibríochtaí gaolmhara, lena leasaítear Rialachán (CE) Uimh. 1255/97 ón gComhairle agus lena n-aisghairtear Rialachán (CE) Uimh. 1/2005 ón gComhairle.

2. Grinnscrúdú ag an gCoiste

2.1. Bhreithnigh an Coiste an Togra don chéad uair ag a chruinniú an 30 Eanáir 2024 agus bhreithnigh sé an Togra arís ag a chruinniú an 27 Márta 2024. Chuala an Coiste ó Oifigigh ón Roinn Talmhaíochta, Bia agus Mara i ndáil leis an Togra ag a chruinniú an 24 Aibreán 2024.

3. Breith an Choiste

3.1. Chomhaontaigh an Coiste, an 27 Márta 2024, cion polaitiúil a dhréachtú agus cóip den chéanna a chur ar aghaidh chuig an Uasal Cathal Mac Conall Óg, T.D., chuig Ursula Von der Leyen, Uas. Uachtarán an Choimisiúin Eorpaigh, chuig Roberta Metsola, Uas. CPE, Uachtarán Pharlaimint na hEorpa, agus chuig Thérèse Blanchet, Ard-Rúnaí Chomhairle AE.

3.2. Chomhaontaigh an Coiste thairis sin, ar mhaithe le comhoibriú idirpharlaiminteach i dtaobh nithe a bhaineann leis an Aontas Eorpach, go gcuirfear cóip den chion polaitiúil seo ar aghaidh chuig an gcomhlacht cuí i bparlaimint náisiúnta gach Ballstáit den Aontas Eorpach agus chuig comhaltaí Éireannacha de Pharlaimint na hEorpa.

4. Tuairim an Chomhchoiste

- 4.1. Tugann an Coiste dá aire go bhféachann an Togra le leas ainmhithe a fheabhsú le linn dóibh bheith á n-iompar go dtí áiteanna laistigh agus lasmuigh de AE, agus tacaíonn an Coiste leis an gcuspóir sin.
- 4.2. Ach tá an Coiste den tuairim, a mhéid a bhaineann le haon rialacha nua iompair maidir leis sin, nach mór go ndéanfar leo tosca geografacha ar leith na hÉireann mar náisiún oileánda ar imeall AE a chur i gcuntas. Ina theannta sin, tá an fheirmeoireacht beostoic ann in Éirinn le fada an lá agus an tír ag brath uirthi agus, dá bhrí sin, creideann an Coiste go láidir, maidir le rialacha nua i leith ainmhithe a iompar, nár chóir go gcuirfi Éire faoi mhíbhuntáiste mar gheall ar na rialacha sin nuair a chuirtear i gcomparáid le Ballstáit eile í. Tá sé rithábachtach go gcoinníonn feirmeoirí agus gnóthaí na hÉireann an rochtain chéanna ar an Margadh Aonair agus atá ag Ballstáit eile.
- 4.3. Tugann an Coiste dá aire an méid atá déanta ag Éire go dtí seo i ndáil le torthaí leasa ainmhithe a mhéid a bhaineann le hainmhithe a thrádáiltear ar muir go dtí Ballstáit eile agus go dtí tíortha lasmuigh de AE.
- 4.4. Is ábhar inní don Choiste an easpa soiléire maidir le hAirteagal 15 den Togra. Tugann an Coiste dá aire go gceanglófar le hAirteagal 15 go ndéanfar gach aistear fada agus gach aistear gearr a thaifeadadh i gcóras TRACES de chuid an Choimisiúin Eorpaigh. Ach ní thugtar mionsonraí sa Togra áfach, ar an tslí a mbainfear é sin amach, ná ní sholáthraítear ann aon mhionsonraí ar an tslí a dtabharfar aghaidh ar an ualach riaracháin breise a bheidh ar Bhallstáit le linn dóibh an t-athrú sin a chur i ngníomh. Fáiltíonn an Coiste áfach, roimh na deiseanna chun éifeachtúlachta a d'fhéadfaí a bheith á gcur i láthair le hAirteagal 15, maidir le dlús a chur faoin athrú ó chóras atá bunaithe ar pháipéar go dtí córas digitithe.
- 4.5. Tá inní ar an gCoiste faoin easpa soiléire atá ann maidir le hAirteagal 19 den Togra. Tugann an Coiste dá aire go gceanglófar ar an tiománaí le hAirteagal 19 leas na n-ainmhithe atá á n-iompar a mheas gach 4.5 uair an chloig le linn aistir. Más rud é go gceanglófar ar an tiománaí leas gach ainmhí aonair a

sheiceáil le linn dó a bheith á iompar, creideann an Coiste go gcuirfear leis sin ualach míréadúil ar an tiománaí dá bharr.

4.6. Tá imní ar an gCoiste faoin easpa soiléire atá ann maidir le hAirteagal 21 den Togra. Tugann an Coiste dá aire go gcuirfear ceangal ar an iompróir le hAirteagal 21 oifigeach leasa ainmhithe a shainainmniú, ar ról é a dtuigeann an Coiste a bheith ar leithligh ó ról an tréidlia, agus nach mór dó nó di taisteal leis na hainmhithe ar aon aistir a dhéanfar ar muir. Tugann an Coiste dá aire thairis sin ón Togra nach ann do mhíniú soiléir ar fhreagrachtaí oifigeach leasa ainmhithe, ná nach luaitear sa Togra na cáilíochtaí a bheidh riachtanach don phost.

4.7. Tugann an Coiste dá aire, le himní tromchúiseach, forálacha Airteagal 25 den Togra. Beidh dúshláin ag baint leis an gceanglas tréidlia a bheith i láthair chun maoirsiú a dhéanamh ar ainmhithe a dhíluchtú ar aistir fhada agus ar aistir ghearra araon, ar dúshláin iad lena mbainfidh impleachtaí costas agus lena bhféadfaí nach mbeidh na gairmithe iomchuí ar fáil toisc an t-éileamh mór atá ar ghairmithe tréidliachta cheana féin.

4.8. Níl an Coiste cinnte gur cóir iad ceanglais Airteagal 29 den Togra, maidir lenar féidir ainmhithe neamhscoite a bheathú le bainne púdrach. Creideann an Coiste gur mó is cuí sna cásanna sin ainmhithe neamhscoite a bheathú le leictirilítí. Tugann an Coiste dá aire gur beag comhaontú, más ann dó ar chor ar bith, atá laistigh den phobal eolaíochta maidir le cén bia is mó is cuí agus molann sé don Choimisiún Eorpach tuilleadh taighde a dhéanamh maidir leis sin, d'fhonn leas ainmhithe a chur chun cinn le linn dóibh a bheith á n-iompar.

4.9. Ní chomhaontaíonn an Coiste le ceanglais Airteagal 31 den Togra. Aithníonn an Coiste gur in ainneoin feabhas a bheith tagtha le blianta beaga anuas ar chumas na n-eagraíochtaí meitéareolaíochta an aimsir a thuar, nach cruinn ceart i gcónaí a bhíonn a dtuairiscí. Ina theannta sin, tá imní ar an gCoiste go bhféadfaí moill a bheith ar aistir bheartaithe le hainmhithe mar gheall ar réamhaisnéis aimsire a d'fhéadfadh a bheith ag baint le ceantar áirithe ar bhealach socraithe ach gan é a bheith ag baint leis an mbealach ar fad. Iarrann

an Coiste go ndéanfaidh an Coimisiún Eorpach cíoradh ar mhodhanna cuí eile chun strus teochta a chosc le haghaidh ainmhithe. Ina theannta sin, tugann an Coiste dá aire, le himní, Airteagal 31(2)(e) den Togra, lena gceanglófar go lamhálfar spás breise de 20% san fheithicil le haghaidh ainmhithe a bheidh á n-iompar ar bhóthar in áiteanna ina dtuair an teocht a bheidh os cionn 30°C idir 21:00 uair an chloig agus 10:00 uair an chloig aon lá áirithe. Beidh tionchar eacnamaíoch suntasach ag an athrú beartaithe sin ar an tionscal.

4.10. Tá imní ar an gCoiste faoin easpa soiléire atá ann maidir le hAirteagal 33 den Togra. Tugann an Coiste dá aire go gceanglófar ar an duine a eagraíonn an chéad aistear go dtí tríú tír measúnú ar leas ginearálta na n-ainmhithe atá á n-iompar a shocrú, is measúnú a dhéanfaidh comhlacht deimhniúcháin. Tugann an Coiste dá aire, áfach, nach soláthraítear sa Togra, mionsonraí faoin tslí a gcomhdhéanfar na comhlachtaí deimhniúcháin ná an tslí a ndéanfar na measúnuithe. D'fháilteodh an Coiste roimh thuilleadh soiléire ón gCoimisiún Eorpach maidir leis sin.

4.11. Tá na forálacha i mír 1(h), Caibidil 1, larscríbhinn 1 den Togra ina n-ábhar mór imní don Choiste. Tugann an Coiste dá aire go mbeidh mar thoradh ar na hathruithe beartaithe sin nach bhféadfar a thuilleadh laonna atá níos óige ná cúig seachtaine agus a bhfuil meáchan níos lú ná caoga cileagram iontu a iompar níos faide ná céad ciliméadar. Tuigean an Coiste go bhféadfadh an t-athrú sin difear a dhéanamh do 70% de laonna a iompraítear faoi láthair ó Éirinn go dtí Ballstáit eile. Mura féidir leis na laonna sin taisteal go dtí go gcomhlíonann siad na critéir arna leagan amach thuas, ansin maidir leis na laonna a iompraítear de ghnáth go dtí Ballstáit eile, beidh líon mór acu a mbeidh gá le haire a thabhairt dóibh ar fheirmeacha in Éirinn go dtí go mbeidh an aois slánaithe acu ag a mbeidh siad in ann taisteal. Ina theannta sin, tugann an Coiste dá aire go bhféadfaí éifeacht dhochrach a bheith ag an athrú sin maidir le trádáil laistigh de Bhallstát, más rud é, cuir i gcás, gur mhaith le feirmeoir amháin a laonna a dhíol le feirmeoir eile atá suite os cionn céad ciliméadar uaidh nó uaithi, lena ramhrú, ní fhéadfar é sin a dhéanamh níos mó i gcás laonna atá níos óige ná cúig seachtaine nó más lú ná caoga cileagram an meáchan iontu. Beidh impleachtaí móra eacnamaíocha ann de bharr na n-

athruithe sin dar ndóigh, go háirithe i dtéarmaí feirmeoireacht ainmhithe, dóibh sin a bhfuil baint acu sa tionscal.

4.12. Tá forálacha mhír 6, Caibidil III, larscríbhinn 1, agus Caibidil VII, larscríbhinn 1 den Togra ina n-ábhar mór inní don Choiste. Tugann an Coiste dá aire go ndéanfar leis na hathruithe beartaithe seo difear mór d'acmhainn na bhfeithiclí chun ainmhithe a iompar. Tuigeann an Coiste, ón méid atá sa Togra, gur dócha gurb é a bheidh mar thoradh ar na hathruithe sin, i gcásanna áirithe, i bhfeithiclí inar féidir trí leibhéal a bheith iontu faoi láthair laistigh den fheithicil, cuir i gcás, go bhféadfadh sé gur gá iad a laghdú go dtí dhá leibhéal. Sa deireadh, creideann an Coiste go mbeidh mar thoradh ar na hathruithe sin, go háirithe nuair a chuirtear i dteannta iad leis na hathruithe dá dtagraítear i míreanna 4.9 agus 4.11 thuas, go gcuirtear inmharthanacht eacnamaíoch an tionscail in amhras.



Jackie Cahill T.D.,
Cathaoirleach

An Coiste um Thalmhaíocht, Bia agus Muir
Bealtaine 2024

APPENDIX 1 – Membership

The following Deputies and Senators are members of the Joint Committee on Agriculture, Food and the Marine of the 33rd Dáil Éireann and the 26th Seanad Éireann.



Sen. Victor Boyhan
Independent



Sen. Lynn Boylan
Sinn Féin



Jackie Cahill T.D.
Fianna Fáil
[Cathaoirleach]



Michael Collins T.D.
Independent



Sen. Paul Daly
Fianna Fáil



Michael Fitzmaurice T.D.
Independent



Joe Flaherty T.D.
Fianna Fáil



Paul Kehoe T.D.
Fine Gael



Claire Kerrane T.D.
Sinn Féin



Brian Leddin T.D.
Green Party



Sen. Tim Lombard
Fine Gael [Leas-
Chathaoirleach]



Johnny Mythen T.D.
Sinn Féin



Sen. Denis O'Donovan
Fianna Fáil



Michael Ring T.D.
Fine Gael

APPENDIX 2 – Terms of Reference of the Committee

Functions of the Committee – derived from Standing Orders [DSO 95; SSO 71]

- (1) The Select Committee shall consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) The Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) The Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may

be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

- (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.
- (8) Where the Select Committee proposes to consider—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
- (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (iii) at the invitation of the Committee, other members of the European Parliament.

- (9) The Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 94; SSO 70]

- (1) It shall be an instruction to each Select Committee that—
- (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1)1; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- (2) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.