

1. European Union (Amendment) Bill 2014 – Second Reading approved

The Acting Attorney General to move:

That the European Union (Amendment) Bill 2014 be read a second time.

The President: The first Item on our Order Paper is the European Union (Amendment) Bill. I call on Her Majesty's Acting Attorney General to take the Second Reading.

The Acting Attorney General: Thank you, Madam President.

As I advised at the First Reading, the primary purpose of this Bill is to amend the European Communities (Isle of Man) Act 1973, to implement in Manx law certain international obligations that apply to the Island by virtue of its Protocol 3 relationship with the European Union. In particular as a result of this Bill, the 1973 Act will reflect the fact that Croatia became an EU member state last year, and it must be treated in the same way as the other member states.

The Bill also provides for any such straightforward amendments that may be required in the future to be made by an Order which will be subject to the approval of Tynwald, rather than a further amending Act.

Finally, the Bill streamlines the procedure for the voluntary application of certain EU legislation to the Island using the 1973 Act, whilst retaining the requirement for Tynwald approval. It provides some clarification in respect of EU legislation that is applied to the Island, as amended from time to time, as is in the case with the list of persons who are subject to EU sanctions, for example.

Madam President, before I move that the Bill be read for a second time I would like, if I may, to pick up on a couple of points that were made by Hon. Members during the First Reading.

One of these points concerns the recently announced EU legislation that has capped – and, as I understand, next year will *abolish* – roaming charges for mobile phone users within the European Union.

The Council of Ministers could invite Tynwald to apply that relevant EU legislation to the Island using the 1973 Act, and so require the Island's network operators not to impose roaming charges on visitors from any of the EU member states. What Tynwald could *not* do, however, is impose any obligation on the network operators in any of the EU member states in respect of visitors from the Isle of Man.

As I explained at the First Reading, the procedure of using the 1973 Act for the application of EU legislation to the Island, and so for it to become the law here, is perhaps more clearly described as a legal mechanism for a piece of EU legislation to be used as a template for making an equivalent or similar piece of Manx legislation. But as a Manx piece of legislation, the application order cannot impose obligations on any of the EU member states, or companies that are based in those states, or on any of the institutions of the EU.

Madam President, if I may put it this way: the abolition of roaming charges within the EU is a benefit that is available to the people of the EU member states. The fact is that if the Isle of Man had mirrored the EU legislation it would not make us part of the EU for this purpose, so the benefit would still not be available to the people of the Island.

The further point from the First Reading concerned countries that may become EU member states in the future. Assuming that the UK is still a member of the EU at that point and the Island's Protocol 3 relationship is still in place, the Isle of Man would be subject to the same international obligations in respect of a new member country as it is in respect of Croatia and the other member states, because this is a fundamental requirement of Protocol 3. However, as I have made it clear, the decision on whether the Island's international obligations will then implement the Manx law would rest *in* Tynwald and *with* Tynwald.

I would suggest, though, that any decision not to do so could not be taken lightly. It would have to take into account the potential implications for the Island's relationship with the EU as a whole and with the UK in particular, which has ultimate responsibility for the Island's international relations.

Madam President, I hope that this information is helpful to the understanding of Hon. Members, and I beg to move that the European Union (Amendment) Bill be read for a second time.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Downie.

Mr Downie: Yes, thank you, Madam President.

I would just like to ask Her Majesty's Attorney: one of the main planks of the Bill is to provide a mechanism so that if there are countries in the future joining the European Union there will not be a requirement to have a Bill; we will be able to deal with this by Order in Tynwald.

But the question I would like to ask is: will this Order, if so approved, also deal with countries who may wish to withdraw from the European Union? As I understand it at the moment under the present regime, not only do we need a Bill if another country joins but if another country were to withdraw we would need a similar piece of legislation.

Given all the discussion going on about the European Union at the moment, surely it would make sense to have provisions now in our legislation so that if there are countries withdrawing, that can be dealt with without requiring us to go and draft a new piece of legislation.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I would just like to support the Second Reading of this Bill. This seems to be a pragmatic way of dealing with what could be a bureaucratic problem in terms of new legislation coming before us every so often when a new country joins. Also the application of EU instruments will be more simply achieved, always with the safeguard that Tynwald will have to approve these measures.

So I think this is a sensible piece of legislation and I support it.

The President: The mover to reply.

The Acting Attorney General: Yes, thank you, Madam President.

Firstly, if I could thank Mr Butt for his support, and also to you, Mr Downie, for your similar support and if I could address the issue you have raised for clarification.

One of the purposes of this Bill, as you quite rightly said, is to streamline the legislative process in the Isle of Man to enable, for example, the example you have quoted and that I have referred to, a new EU member state joining, that we would not have to actually introduce new legislation.

The same streamlined provision would apply for an existing EU member leaving, if there was an enactment or an order out of the EU under which an existing member was to step out of membership or step down, then a similar procedure would be followed here, just simply by introducing an Order to reflect that.

The President: The motion is, Hon. Members, that the Bill be read a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**European Union (Amendment) Bill 2014 –
Clauses considered**

The President: We turn now to clauses.
Clause 1.

The Acting Attorney General: Thank you, Madam President.
Clause 1 states the short title of the Act resulting from this Bill, if it is passed, and I beg to move that it stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 2.

The Acting Attorney General: Clause 2, Madam President, amends section 1 of the European Communities (Isle of Man) Act 1973 to add the Accession Treaty of the Republic of Croatia, and the protocol on the concerns of the Irish people on the Treaty of Lisbon, to the defined list of EU treaties set out in that section.

This clause also amends section 1 of the 1973 Act to enable the Council of Ministers, with Tynwald approval, to amend the defined lists of EU treaties by Order so as to keep it up to date in a more timely and effective manner. However, Madam President, this power is quite limited as Protocol 3 is required to, in the 1973 Act, separately from the definition of the EU treaties. Any substantive change to the Island's relationship with the EU would still involve full public consultation and an amending Act of Tynwald.

I beg to move that clause 2 stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 3.

The Acting Attorney General: Madam President, clause 3 amends section 2A of the 1973 Act to change the Tynwald procedure required for an Order to voluntarily apply EU legislation to the standard Tynwald affirmative procedure. This will streamline the procedure and it is in line with the other Acts of Tynwald that may apply EU or UK legislation to the Island with any necessary modifications.

The current Tynwald procedure for the application of European Union sanctions legislation will, however, remain unchanged. As Hon. Members will be aware, when any EU legislation is applied to the Isle of Man by an Order made under the 1973 Act, a copy of the text of the EU legislation as modified in its application to the Island must be attached as an annex to the Order.

This clause amends section 2A of the 1973 Act to provide legal certainty and for updates to the attachment where part of a piece of EU legislation is applied to the Island, as amended by the European Union from time to time as is the case, for example, with the lists of persons and bodies that are subject to EU sanctions measures.

Madam President, I beg to move that clause 3 stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 3 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

The Acting Attorney General: Madam President, clause 4 provides for the automatic repeal of the Act resulting from the Bill, but not the amendments to the 1973 Act made by it upon its promulgation. As Hon. Members will be aware, this is now standard drafting practice for purely amending Acts so as to reduce unnecessary clutter on the Island's statute book.

I beg to move that clause 4 stand part of the Bill.

Mr Braidwood: I beg to second, Madam President, and reserve my remarks.

The President: The motion is that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.