

The European Union Committee

The European Union Committee is appointed by the House of Lords “to consider European Union documents and other matters relating to the European Union”. The Committee has seven Sub-Committees which are:

Economic and Financial Affairs, and International Trade (Sub-Committee A)
Internal Market (Sub-Committee B)
Foreign Affairs, Defence and Development Policy (Sub-Committee C)
Environment and Agriculture (Sub-Committee D)
Law and Institutions (Sub-Committee E)
Home Affairs (Sub-Committee F)
Social and Consumer Affairs (Sub-Committee G)

Our Membership

The Members of the European Union Committee are:

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|-------------------------------|---------------------------------|
| Lord Blackwell | Lord Mance |
| Baroness Cohen of Pimlico | Lord Plumb |
| Lord Dykes | Lord Powell of Bayswater |
| Lord Freeman | Lord Roper |
| Lord Grenfell (Chairman) | Lord Sewel |
| Lord Harrison | Baroness Symons of Vernham Dean |
| Baroness Howarth of Breckland | Lord Tomlinson |
| Lord Jopling | Lord Wade of Chorlton |
| Lord Kerr of Kinlochard | Lord Wright of Richmond |
| Lord MacLennan of Rogart | |

The Members of the Sub-Committee (Sub-Committee E, Law and Institutions) are:

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|---------------------------|-------------------------|
| Lord Blackwell | Lord Mance (Chairman) |
| Lord Bowness | Lord Norton of Louth |
| Lord Burnett | Baroness O’Cathain |
| Lord Jay of Ewelme | Lord Rosser |
| Baroness Kingsmill | Lord Tomlinson |
| Lord Lester of Herne Hill | Lord Wright of Richmond |

Information about the Committee

The reports and evidence of the Committee are published by and available from The Stationery Office. For information freely available on the web, our homepage is:

http://www.parliament.uk/parliamentary_committees/lords_eu_select_committee.cfm

There you will find many of our publications, along with press notices, details of membership and forthcoming meetings, and other information about the ongoing work of the Committee and its Sub-Committees, each of which has its own homepage.

General Information

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at

http://www.parliament.uk/about_lords/about_lords.cfm

Contacts for the European Union Committee

Contact details for individual Sub-Committees are given on the website.

General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London SW1A 0PW

The telephone number for general enquiries is 020 7219 5791.

The Committee’s email address is euclords@parliament.uk

Green Paper on Succession and Wills

The Green Paper

1. In March 2005 the Commission published a Green Paper seeking views from interested parties on what action might be taken at Union level in relation to the law governing wills and succession, including intestate succession.¹ The Green Paper acknowledged that it would be “inconceivable” to harmonise substantive rules relating to wills and succession and accordingly the Commission restricted itself to posing questions relating to private international law (jurisdiction, applicable law and recognition) issues *i.e.* to cases where there is a foreign/transnational element. The Green Paper also considered ways of removing certain administrative and practical obstacles facing individuals wishing to have their status as “heir” recognised across Europe. The idea of establishing a “European Certificate of Inheritance” was mooted.

Scrutiny history

2. The Green Paper was first considered by Sub-Committee E (Law and Institutions) in May 2005 when it sought clarification of certain issues from the Government as well as sight of the Government’s Response to the Commission. The Committee reconsidered the proposal in the light of this further information and cleared the proposal from scrutiny in October 2006.
3. Representations from the Law Society and the Society of Trusts and Estate Practitioners caused the Sub-Committee to revisit the Green Paper and on 10 October 2007 the Committee met Professor Jonathan Harris, University of Birmingham, and Mr Paul Hughes from the Ministry of Justice. This provided the opportunity for the Sub-Committee to examine, with their assistance, the question of the harmonisation within the Union of private international law rules relating to wills and succession and, in particular, to seek to identify those areas where action at Union level would be helpful and how UK citizens might secure worthwhile practical benefit from such action.
4. Following that meeting the Committee wrote to the Government setting out further views on the Green Paper and in particular identifying certain “red lines” for the UK. A copy of that letter and of the transcript of the evidence of the meeting with Professor Harris is annexed to this Report, which is made for the information of the House.

Next steps

5. The Commission’s annual policy strategy for 2008² and its recent Legislative and Work Programme 2008³ mention that a legislative proposal on succession and wills is a key action envisaged for 2008. In the meantime the

¹ *Green Paper Succession and wills*, COM(2005) 65 final. Brussels, 01.03.2005.

² COM(2007) 65 final. Brussels, 21.02.2007.

³ COM(2007) 640 final. Brussels, 23.11.2007.

Government are urgently preparing a further paper for submission to the Commission, drawing attention again to those matters of great concern to the UK.

6. The Committee intends to monitor carefully the progress of this work and to scrutinise the Commission's proposal when it emerges next year. We have asked the Government to keep the Committee fully informed of developments and in any event to let us know how matters stand by the end of March 2008.

APPENDIX 1: SUB-COMMITTEE E (LAW AND INSTITUTIONS)

The members of the Sub-Committee are:

Lord Blackwell (from November 2007)
Lord Borrie (until November 2007)
Lord Bowness (from November 2007)
Lord Brown of Eaton-under-Heywood (Chairman until November 2007)
Lord Burnett
Lord Clinton-Davis (until November 2007)
Lord Jay of Ewelme
Baroness Kingsmill
Lord Leach of Fairford (until November 2007)
Lord Lester of Herne Hill
Lord Lucas (until November 2007)
Lord Mance (Chairman from November 2007)
Lord Norton of Louth
Baroness O’Cathain (from November 2007)
Lord Rosser (from November 2007)
Lord Tomlinson (from November 2007)
Lord Wright of Richmond (from November 2007)

Declarations of Interest

Lord Bowness

Non-parliamentary consultant, Streeter Marshall—Solicitors

Notary Public (fees)

Partner, P & J Consultants (legal consultants)

Lord Mance

Membership of Lord Chancellor’s Advisory Committee on Private International Law (though not involved in its recent discussions on Wills and Succession)

A full list of Members’ interests can be found in the Register of Lords Interests:
<http://www.publications.parliament.uk/pa/ld/ldreg.htm>

APPENDIX 2: REPORTS

Recent Reports from the Select Committee

Annual Report 2007 (36th Report, Session 2006–07, HL Paper 181)

The EU Reform Treaty: work in progress (35th Report, Session 2006–07, HL Paper 180)

Evidence from the Ambassador of Portugal on the Priorities of the Portuguese Presidency (29th Report, Session 2006–07, HL Paper 143)

Evidence from the Minister for Europe on the June European Council and the 2007 Inter-Governmental Conference (28th Report, Session 2006–07, HL Paper 142)

The Further Enlargement of the EU: follow-up Report (24th Report, Session 2006–07, HL Paper 125)

The Commission's Annual Policy Strategy for 2008 (23rd Report, Session 2006–07, HL Paper 123)

Evidence from the Ambassador of the Federal Republic of Germany on the German Presidency (10th Report, Session 2006–07, HL Paper 56)

The Commission's 2007 Legislative and Work Programme (7th Report, Session 2006–07, HL Paper 42)

Government Responses: Session 2004–05 (6th Report, Session 2006–07, HL Paper 38)

Evidence from the Minister for Europe on the Outcome of the December European Council (4th Report, Session 2006–07, HL Paper 31)

The Further Enlargement of the EU: threat or opportunity? (53rd Report, Session 2005–06, HL Paper 273)

Annual Report 2006 (46th Report, Session 2005–06, HL Paper 261)

Correspondence with Ministers March 2005 to January 2006 (45th Report, Session 2005–06, HL Paper 243)

The Brussels European Union Council and the Priorities of the Finnish Presidency (44th Report, Session 2005–06, HL Paper 229)

Recent Reports from Sub-Committee E

European Supervision Order (31st Report, Session 2006–07, HL Paper 145)

An EU Competition Court (15th Report, Session 2006–07, HL Paper 75)

The Criminal Law Competence of the EC: follow-up Report (11th Report, Session 2006–07, HL Paper 63)

Breaking the deadlock: what future for EU procedural rights? (2nd Report, Session 2006–07, HL Paper 20)

Rome III—choice of law in divorce (52nd Report, Session 2005–06, HL Paper 272)

The Criminal Law Competence of the European Community (42nd Report, Session 2005–06, HL Paper 227)

European Arrest Warrant—Recent Developments (30th Report, Session 2005–06, HL Paper 156)

Human rights protection in Europe: the Fundamental Rights Agency (29th Report, Session 2005–06, HL Paper 155)

European Small Claims Procedure (23rd Report, Session 2005–06, HL Paper 118)

Human Rights Proofing EU Legislation (16th Report, Session 2005–06, HL Paper 67)

Evidence from the EP Legal Affairs Committee on European Contract Law, Rome II and Better Regulation (8th Report, Session 2005–06, HL Paper 25)

The Constitutional Treaty: Role of the ECJ: Primacy of Union Law—Government Response and Correspondence (3rd Report, Session 2005–06, HL Paper 15)

European Contract Law—the way forward? (12th Report, Session 2004–05, HL Paper 95)