



# European Scrutiny Committee

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**From: Mr William Cash MP**

29 February 2012

Mr David Melding AM  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

## **Public procurement (33586) 18966/11**

Thank you for your letter of 23 February, drawing to our attention your Committee's views on this draft Directive which the Commission has put forward on public procurement.

My Committee considered this document at its meeting today, and it is clear that you, we and the UK Government all have similar concerns about the extent to which the powers of the proposed national oversight body to seize the jurisdiction of the courts would conflict with the principle of subsidiarity (and indeed could also raise certain human rights issues).

The Report we will be making to the House of Commons does therefore recommend that the House should issue a Reasoned Opinion relating both to this proposal and to a parallel proposal (18964/11) on procurement by public entities, which gives rise to similar issues. The Report will also draw attention to the points in your letter (including your concern about whether the proposal gives due consideration to the principle of devolution), and, as requested, it makes clear that your Committee's representations are being appended to the Opinion.

**CHAIRMAN**