

**COMMITTEE ON EUROPEAN AFFAIRS**

**Date:** 30 November 2000  
**Time:** 2.00pm  
**Venue:** Committee room 1, National Assembly Building

**COMMENTS ON THE ROLE OF THE EUROPEAN AFFAIRS COMMITTEE OF THE NATIONAL ASSEMBLY OF WALES**

This paper has been submitted by Plaid Cymru the Party of Wales

**Introduction**

The question of the role and remit of this Committee came to a head during the 4th Committee meeting in March when it became clear that all the papers were 'for information only'. None of the papers required any action or decision, all of them were presented as information to members to note their contents. This begged the fundamental question of what the point is of having this Committee and raised serious concerns regarding the role of the Committee.

As a result, during the next meeting of the committee on the 8th of June, Plaid Cymru The Party of Wales called for all Parties to be given the opportunity of presenting their views and recommendations concerning the role of the Committee. This paper is the product of the decision to accept that request by Plaid Cymru The Party of Wales.

Plaid Cymru The Party of Wales welcomes this opportunity and the recognition by Rhodri Morgan after he became First Secretary that this is an issue which has been neglected by the National Assembly during its first year and that this must be rectified in the second year. The Paper entitled 'Influencing EU Policies' prepared for the last Committee meeting on the 8<sup>th</sup> of June reflects the fact that this issue has been neglected by the Government of Wales. Many elements within this paper are encouraging such as recognising the fact that the National Assembly's Committees have not been considering EU policy

proposals and the point that the role of the Committee may be reviewed.

## **Main recommendations**

- A thorough Review of the Committee, its functions and perceived failings is required. This should involve asking external bodies within Wales which have an interest in European Affairs how they wish to see the Committee operating.
- The Committee should meet on a more regular basis to ensure more detailed discussion and the creation of more productive proceedings.
- The work and role of the House of Commons and House of Lords European Legislation Committees be examined to establish the wider framework within which the National Assembly's European Affairs Committee has to operate.
- The role of European Committees within other devolved administrations be considered for relevance to Wales. In particular, following the example of Wallonia and Catalonia as referred to in this paper, the National Assembly's European Affairs Committee should invite UK Civil Servants and European Commission Officials whose work is of special interest to Wales to attend, so that they can hear the Committee's views. If the officials' work involved agriculture matters, for example, the meeting could be a joint one with the Agriculture Committee.
- Again following the examples of Wallonia and Catalonia, the National Assembly's European Affairs Committee could put forward motions to be approved by the whole Assembly calling on the cabinet to act in a particular way, or to make the Assembly's opinion on a European issue clear to the UK Government. A motion of the whole Assembly would have more authority and weight than if the Committee were acting alone or only representing its opinion to the First Secretary.
- Each Subject Committee should appoint one of its members to be its European co-ordinator / rapporteur.
- The Committee has to have a proper strategy in place.
- It should act as an overarching Committee.

## **Current arrangements**

The supposed role of the Committee at present is to:

- Bring relevant issues to the attention of the Subject Committees.
- Give attention to issues that extend beyond the responsibility of one Subject Committee or which

do not fit within the remit of any of those committees.

- Consider and formulate clear recommendations to the National Assembly as a whole on issues that may not be devolved but which merit a distinctive Welsh input into the UK position.

An analysis of the proceedings of the Committee to date suggests that the Committee has not been adequately executing these functions.

Further, it does not seem that the National Assembly as a whole has a proper mechanism in place to scrutinise EU Legislation. Officials say this is done by their keeping track of legislation and informing the relevant Subject Secretaries and Committees; the Committees, they say, are supposed to keep an eye on EU Legislation and produce reports on how it effects their areas: this does not appear to have been happening. Central issues, such as considering the impact of EU Directives on Wales, does not seem to be taking place. There does seem therefore to be lack of transparency in relation to this issue as National Assembly Committees and AMs are not aware which EU Directives are relevant to their areas of interests and which ones require Subordinate Legislation.

Questions need to be asked concerning how – or if - the Committee is meeting its proposed remit and role, e.g.

- is it fully monitoring the progress of every Assembly Committee's responsibility to consider the European dimension of their areas of work?
- does it fulfil its obligation of ensuring that Wales is responding effectively to policy developments within the EU?

At one end of the spectrum of possible roles for the European Committee lies the task of scrutinising all EU Legislation. Under the present constitutional arrangement, with only 60 members in the National Assembly and limited staff and funding resources, it is very unlikely that the Assembly's European Committee could perform this role in full. As a result, there is a need to develop the ability to identify those Directives which are of considerable importance to Wales rather than attempting to execute the impossible task, under present arrangements, of a complete analysis of the whole volume of Legislation as the House Of Commons does. A mechanism must be found which gives the European Affairs Committee an appropriate, though necessarily limited scrutiny role, for example, in relation to the cross-cutting themes of the National Assembly and in assessing which legislation should pass on to be considered by the Subject Committees.

### **What should the Committee do?**

- The Committee should receive regular information regarding the work undertaken by the European Affairs Division in relation to tracking EU Directives and identifying which would require Subordinate Legislation to implement them in Wales.
- It should provide effective linkages between the Committee and the Assembly's Subject

Committees: for example, it could alert other committees to developments at the EU level which are relevant to their areas. In order for the Committee to be effective in executing this function, each Committee should appoint one member to be its European co-ordinator/rapporteur and he/she should sit on the European Affairs Committee.

- As recommended in Paper 5 *'Influencing European Union Policies'* presented to the Committee during its last meeting on 8th June, the Committee should scrutinise Presidency Priorities, Commission Work Programmes and Council conclusions as they become available. WEC often does an analysis of such documents, which should give the Committee a useful basis from which to start. The Committee should then bring relevant matters to the attention of the Subject Committees. The rapporteurs should be responsible for reporting back to the European Affairs Committee on what action, if any, was taken by the Subject Committee.
- Consider issues which do not fall into the remit of any particular subject committee and consider and formulate clear recommendations to the National Assembly as a whole on issues that may not be devolved, but which merit a distinctive Welsh input into the UK position.
- Establish formal mechanisms for the Committee to be able to present Wales' views before crucial Council of Ministers and Summit meetings so that the UK delegation is aware of the National Assembly's views.

As a matter of procedure, the National Assembly/Committee should receive briefings on meetings leading up to crucial Council of Ministers and Summit meetings, such as the Lisbon Summit on Employment held in March.

- It should ensure that organisations within Wales are mobilised and made aware of developments and have the opportunity to have an input into the UK line: there is a role for the Committee to facilitate this kind of arrangement.

As it is up to the individual Member States how they carry out many of the decisions reached at Summit meetings, such as the Lisbon Summit on Employment.

- The National Assembly's European Committee could monitor and ensure that the UK Government is executing its duties in relation to such decisions. Further, the Committee could identify any areas where there would be a need to implement decisions differently in Wales.
- Early identification of which Council of Ministers meetings at which National Assembly Secretaries should be represented. The Committee should be central in ensuring that Assembly Secretaries attend more Council of Ministers meetings by analysing forthcoming agendas and making recommendations to the First Secretary when it believes that Welsh interests require the presence of an Assembly Secretary in a meeting. The First Secretary should report to the Committee on which meetings were attended and provide an explanation if the Committee's

recommendations were not acted upon. Having attended a Council meeting, the relevant Secretary should report back to the Committee on how Welsh interests were advanced.

- The Committee should look into the possibility of Assembly Secretaries meeting more regularly with their Scottish, Northern Irish and UK counterparts to discuss European matters. If this happens, the Secretaries could then report back to the Committee and be questioned.
- The Committee could consider asking the UK Minister for Europe to attend from time to time, perhaps to coincide with the publication of the UK White paper on Developments in the EU.
- Ensure proper Welsh participation in Commission Working Groups by ensuring that experts in Wales are aware of the opportunities on offer and that Government Officials consider nominating them when appointing experts from the UK.
- According to Paper 5 '*Influencing EU Policies*' presented at the last Committee meeting (8<sup>th</sup> June), officials from the National Assembly attend meetings in London before Working Groups and Council of Ministers meetings in Brussels to ensure that Wales's views are considered in establishing the UK line. It is not clear how often this happens. These Officials should attend the National Assembly's European Affairs Committee to take the view of the Committee on board before such meetings and report back after.
- It should be up to this Committee to decide if the National Assembly should join organisations such as the *Assembly of European Regions*.
- Create a critical awareness within Wales of the opportunities coming from the EU.
- There is a need to anticipate what is in the pipeline; to receive warning signs of future developments; to anticipate instead of reacting to developments at the EU, otherwise it is too late to influence policy proposals.
- The Committee should think strategically by identifying those areas within the EU that are most important to Wales, then ensuring that people and organisations work together and present a united front. It could bring partners together to make focus presentations on what concerns Wales, for example, when lobbying the Commission.
- Initiate meetings between Wales's five MEPs and between them and other representatives from Wales, such as members of the Committee of the Regions and the Economic and Social Committee.
- Take evidence from organisations within Wales, for example, from European Units of Local Authorities, some of which are very pro-active in relation to EU affairs.

- Develop into an effective overarching Committee. Although there is an assumption that such a Committee, as the National Assembly's European Affairs Committee, should not discuss matters that are the responsibility of a Subject Committee, there are some areas where it would be of benefit to do so. For example, the Committee has not been allowed to discuss the Objective 1 Programme. However, there is an aspect to the implementation of European Structural Funds that may provide an important role for the European Affairs Committee - the co-ordination of the different Structural plans that are at present the responsibility of different Subject Committees. In particular, the co-ordination of the Rural Development Plan, which is the responsibility of the Agriculture and Rural Development Committee and the rural parts of Objectives 1 and 2, which is the responsibility of the Economic Development Committee.

It must meet more often and have detailed discussions if it is to become more effective. It has to become more productive.

## **Other European committees**

### **1. Consideration of the House of Commons and House of Lords European Legislation Committees to establish the wider framework within which the National Assembly's European Affairs Committee has to operate**

The House of Commons European Scrutiny Select Committee has a remit to examine EU Documents and report its opinion on their legal and political importance. It can also make recommendations for further consideration of any documents and consider any issue arising from any document. It also has the power to appoint sub-committees and specialist advisers.

The House of Lords European Union Committee has a remit to scrutinise and report on proposed European Legislation through consideration of EU documents. The Committee conducts its investigations through 6 subject-area sub-committees: around 70 Lords are actively involved in the work of the Committee or sub-committees. At present, the Committee is holding an inquiry into the Inter-Governmental Conference.

There is a procedure for the above two committees to hold joint meetings.

### **2. Consideration of the role of European Committees within other devolved administrations**

The Scottish Parliament's European Affairs Committee has a remit to consider and report on proposals for EU Legislation; implement legislation and any other issue relating to the EU. This is the Committee within the Scottish Parliament which has the responsibility for the Structural Funds (a function reserved for the Economic Development Committee in Wales). It has been working on a special report, after a process of extensive consultation, on what Europe means for Scottish people and organisations and what

they would wish to see the Committee doing.

The Committee focuses on three strands: scrutiny; relations with the Scottish Executive and advocacy. The Committee wishes to drive the debate and set the agenda in Scotland. In its Forward Work Programme, it has identified 12 issues as working titles with one member responsible for each. These include: the Single Currency, Enlargement, the EU Environmental Action Plan and European Law. This is a challenging work programme for the Committee. Its long-term work programme includes the consideration of holding informal meetings with the European Committees of the other devolved administrations to discuss matters of common interest. The Committee produces an electronic newsletter, **Europe Matters**, to provide information on its work.

The Scottish Committee is much more powerful than its Welsh counterpart. It meets more regularly (twice a month usually), has a very demanding work programme and seems much more serious about its role.

## **Federal constitutions**

Federal constitutions, such as Germany's, allocate exclusive competence on particular tiers of government in relation to EU policies. The National Assembly of Wales, however, shares competence for all of the policy areas with the UK Government, thus there is no scope for the National Assembly to take a different line from the UK Government on EU issues.

## **Belgium: The Walloon Parliament's European Committee**

### **The 'Committee of Opinion on European Matters' as set out in the Walloon Parliament's Standing Orders:**

- The Committee has nine members, proportionally representing the different parties, along with nine MEPs.
- The chairperson is the Speaker of the Parliament and the Committee has two vice-chairs: one an MEP and the other a member of the Parliament.
- The Committee gives its opinion on all EU matters, either on its own initiative or at the request of a Member of Parliament, an MEP or the Walloon Government.
- In particular it discusses the methods and structures for co-operation between the Walloon Parliament and the European Parliament, the Committee of the Regions, ECOSOC and other EU institutions on which regions are represented, as well as the institutional and policy areas of the EU.
- The Committee's opinions are transferred to the Business Committee, which decides whether to make time for a Plenary debate on the Committee's opinion.

### **Issues in relation to the role of this Committee in comparison to the National Assembly for Wales's European Affairs Committee:**

When the National Assembly for Wales's European Affairs Committee wishes its opinion on a matter to be made clear to the UK Government, a Motion could be passed in Plenary thus giving it greater authority. For example, this procedure could have been used to make the National Assembly's views clear on EU Institutional Reform, rather than the Committee simply asking the First Secretary to pass its opinion on.

The Walloon Committee asks officials from the European Commission involved in policy areas affecting the region, and those involved in EU negotiations to attend, and questions them in relation to their work. The National Assembly's European Committee could look to increase its scrutinising role in relation to decisions taken at the EU level which effect Wales.

While there are advantages to having the Secretary with the responsibility for Europe as chair of the Committee there is a disadvantage as this makes it very difficult for the Committee to examine him/her about their work, as is normal within the subject committees.

### **Spain: The Catalan Parliament's European Committee**

As its title suggests, the Catalan Parliament's 'Committee for the European Union, Foreign Activities, Co-operation and Solidarity' encompasses much more than just Catalonia's relations with the EU. There are four main ways in which the Committee goes about its work:

- Holds hearings with individuals and authorities involved in international affairs.
- Adopts declarations of opinion on issues, calling on the Catalan Government to act in a particular way.
- Proposes declarations of opinion to be adopted by the whole Parliament.
- Approves resolutions regarding Catalonia's relations with the EU.

Areas where the National Assembly's European Affairs Committee could emulate its Catalan counterpart:

- Greater opportunity to question and scrutinise those involved in EU policy and decision-making processes.
- More resolutions asking the Government of Wales to act in representing the Committee's views to the UK Government.

### **Conclusion**



Plaid Cymru The Party of Wales welcomes this opportunity to engage in a discussion on how the National Assembly's European Affairs Committee should move forward to operate more effectively. We hope that the views and recommendations contained in this paper will contribute to a constructive debate on the future role of this Committee.

As the majority of the policy areas within the present remit of the National Assembly are influenced so much by developments at the EU level, in particular Agriculture and the Environment, it is essential that the Assembly, through its European Affairs Committee, be fully aware of the latest developments in the EU and be given proper opportunity to engage with the UK Government when it prepares its negotiating line.

The National Assembly's European Affairs Committee is but one of the positive elements within Wales's relations with the EU. The challenge for this Committee is to find a means of co-operating effectively with the National Assembly's Representation Office in Brussels and the Wales European Centre, and work with Wales's representatives on all levels within the EU to promote and make the best use possible of the opportunities on offer to us through our membership of the EU.