

European and External Affairs Committee

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Report of the meeting of the UK European Committee Chairs and Clerks forum

Scottish Parliament, Edinburgh, 30 June 2008

1. Chairs and Clerks of UK European Committees met at the Scottish Parliament, Edinburgh on Monday, 30 June 2008. A list of the attendees and the meeting agenda is attached at Annex A.

2. Chairs presented update reports from each jurisdiction, which are attached at Annex B. Among the issues of common interest were:

How Committees learn of their respective Governments' priorities for engaging with the European Union

The modus operandi of European scrutiny Committees

Engagement with other parliamentary Committees within jurisdictions

Relationships between national and regional parliaments - are devolved administrations being properly consulted on EU issues? Should explanatory memoranda state Ministers' positions? Both Clerks and Chairs noted a lack of transparency with regard to what Executives feed to the UK Government. Lord Grenfell was of the opinion that the Government should state whether it has consulted, as Committees would be at too great a disadvantage if they did not know what had passed between the UK Government and devolved administrations

3. The meeting's main discussion centred on the impact and future of the Lisbon Treaty and the issue of subsidiarity. The following are the main points raised:

Is a treaty needed? Could Lisbon be achieved by legislation?

Lisbon will allow opt-ins

Resources for subsidiarity monitoring

Subsidiarity as an expression of a political view and judgement (Wallström)

The Committee of the regions is clearly looking for a future role under Lisbon

The use of passerelles: the possibility of either moving a policy area from the intergovernmental third pillar to the supra-national first pillar, or changing the voting rules in the council, or the extension of the article's scope of application. This would be seen as a last resort and should not be used without a vote in Parliament

Declarations of assurance could be attached to the Treaty

Impact of Irish vote on EU enlargement

4. Chairs and Clerks also discussed the prioritisation of EU issues. Northern Ireland wished to learn of others' mechanisms for prioritisation. Wales acknowledged that a more strategic approach was required. Scotland seeks the views of other Committees on the European Commission's legislative and work programme. All agreed that better ways of mainstreaming European issues in parliamentary scrutiny should be found.

Sandy Mewies AM
Committee Chair

Kathryn Jenkins
Acting Committee Clerk

Annex A

EC-UK Meeting
Monday 30 June 2008

Attendees:

Lord Grenfell, Chairman of the EU Select Committee, House of Lords

Susannah Street, 2nd Clerk of the EU Select Committee, House of Lords

Michael Connarty MP, Chairman, European Scrutiny Committee, House of Commons

Emma Webbon, 2nd Clerk, European Scrutiny Committee, House of Commons

Sandy Mewies AM, Chair, European and External Affairs Committee, National Assembly for Wales

Dr Kathryn Jenkins, Clerk, European and External Affairs Committee, National Assembly for Wales
Mr Danny Kennedy, Chairperson, Committee for the Office of the First Minister and Deputy First Minister, Northern Ireland Assembly
Damien Martin, Clerk, Committee for the Office of the First Minister and Deputy First Minister, Northern Ireland Assembly
Malcolm Chisholm MSP, Convener, European and External Relations Committee, Scottish Parliament
Dr Jim Johnston, Clerk, European and External Relations Committee, Scottish Parliament

Agenda

10:30 Tea and Coffee

11.00 Introductory remarks

11.05 Updates from each jurisdiction

11.30 Impact of the Lisbon Treaty

12.10 Prioritising EU issues

12.30 Lunch, Members Dining Room

Annex B

Scottish Parliament's European and External Relations Committee Update on Work Programme (European Aspects)

Consultation on the Commission's Legislative and Work Programme

On 15 November 2007 the Committee conducted its annual consultation with subject committees and stakeholders on the European Commission's legislative and work programme for 2008, with a view to prioritising those issues which potentially have a significant impact on Scotland. At its meeting on 19 February 2008 the Committee agreed the key policy themes that would form the basis for the work of the Parliament's European Officer. These are:

Energy and Climate Change

Maritime issues (including Fisheries)

Structural/Reform issues

Economic and Social issues

Brussels Bulletin

The Parliament's European Officer continues to produce the fortnightly "Brussels Bulletin". This provides an update on the key policy themes identified as part of the Committee's consultation on the Commission's LWP and is distributed to all subject committees, published on the Committee's webpage and considered by the Committee at its fortnightly meeting.

Europe Day Conference

On 9 May 2008 the Committee hosted a conference for young people on international development issues as part of its inquiry into international development and to mark Europe Day on 9 May 2008.

Scottish Government's EU priorities

The Scottish Government continues to present its revised EU priorities to the Committee on a six monthly basis. The Committee continues to seek to develop the type of information supplied by the Scottish Government on each of its priorities. In particular, the Committee has indicated that the information should focus on the way in which the priorities are identified, delivered and progress measured.

Inquiry into the transposition of EU directives

A major piece of work for the Committee has been its six month inquiry into the transposition of EU directives. This was a follow up to the previous committee's inquiry into the scrutiny of European legislation. The new inquiry addressed the two to three year period between a directive being agreed in Brussels and its implementation into domestic law. The Committee published its Report on an inquiry into the transposition of EU directives on 2 May 2008.

Inquiry into the transposition of the Services Directive

At its meeting on 19 February 2008 the Committee agreed to conduct an inquiry into the transposition of the Services Directive. A Call for Evidence was launched on 26 February 2008 and the Committee took evidence from a number of stakeholders on 27 May 2008. The

Committee will consider the summary of evidence and further action at its meeting on 24 June 2008.

Inquiry into the impact of the Lisbon Treaty

At its meeting on 13 May the Committee agreed to conduct an inquiry into the impact of the Lisbon Treaty on Scotland as it relates to devolved matters. A Call for Evidence was launched on 3 June with a view to commencing oral evidence sessions in Autumn 2008. The purpose of the inquiry is to consider the impact of the Lisbon Treaty as it relates to devolved matters and will include consideration of the extension of co-decision, the new and extended competencies, freedom, security & justice issues and the revised subsidiarity protocol. Following the Irish Referendum on 12 June 2008, the Committee will consider at its meeting on 24 June 2008 how it wishes to take this work forward.

EU Budget Review

The Committee is continuing to monitor the Budget Review and is due to take evidence from Gary Titley MEP, member of the European Parliament's Committee on Budgets, at its meeting on 24 June 2008.

Relations with the EU institutions

The Committee continues to work closely with MEPs in the course of its work. The Committee took evidence from Arlene McCarthy MEP as part of its inquiry into the transposition of EU directives and from Andrew Duff MEP as part of its consideration of the Lisbon Treaty. The Committee will take evidence from Gary Titley MEP as part of its consideration of the Budget Review. Finally, the Brussels Bulletin now incorporates a regular update from individual Scottish MEPs.

The Committee continues to develop links with the European Commission. The Committee took evidence from the Commission as part of its inquiry into the transposition of EU directives and collaborated with the Commission in hosting the Europe Day conference (discussed above).

At its meeting on 29 April 2008, the Committee agreed to develop links with representatives from the relevant Presidency of EU Council. In the meantime, the Committee continues to host a visit by the Ambassador to the UK for the Member State holding the EU presidency in order that they can present their priorities.

Links with other regional parliaments

The Committee continues to develop its contact with other regional parliaments with legislative powers. As part of its transposition inquiry, the Committee appointed three Reporters to visit counterparts in Belgium, Germany and Spain. The Committee plans to build on these links by hosting a seminar in the Autumn for key partner regional parliaments with legislative powers. The purpose of the seminar will be to look broadly at the scrutiny of European issues from a regional perspective and to consider the implications of revised Subsidiarity Protocol as part of the Committee's inquiry into the impact of the Lisbon Treaty.

Committee Clerk June 2008

House of Lords European Union Select Committee - update

Since the last EC-UK meeting on 26 November, the Select Committee has devoted a lot of energy to the Lisbon Treaty. The Committee's report, "The Treaty of Lisbon: an impact assessment" was published on 13 March, and included work by the Select Committee and all seven of the Sub-Committees. It offered a comprehensive and objective impact assessment, and was widely quoted in debates on the EU (Amendment) Bill.

Since March, the Committee's Chairman and staff have been working on the implications that the Lisbon Treaty would have for the Committee's work, by preparing systems to enable the Committee/House to conduct subsidiarity scrutiny. This work is currently suspended.

Parliamentary control of opt-ins in the Area of Freedom, Security and Justice is the one issue on which there was movement during the passage of the EU (Amendment) Bill. The Lords Constitution Committee proposed affirmative resolution. Its Chairman, Lord Goodlad, tabled an amendment to the EU Bill to that effect, which gained broad support. The Lords EU Committee is in favour of scrutiny, but took no public position on affirmative resolution. In debate on 9 June, the Leader of the House, Baroness Ashton of Upholland, proposed a compromise (please see Hansard at <http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80609-0002.htm#08060916000006> for details). According to this compromise:

The Government will bring forward annual reports looking ahead to the approach to justice and home affairs policy and forthcoming dossiers in strategic terms - this would be available for debate in both Houses

The Government will bring forward a retrospective report at the end of each year describing where the Government had and had not opted in

On individual opt-in dossiers, the Government will supply the EM "as swiftly as possible" (ie stick assiduously to the 10-day deadline), setting out the proposal and, where possible, information about the Government's intention and the factors in the decision, for the Committees to scrutinise

Providing the Committee presents its views within eight weeks, the Government will take into account the Committee's opinion. Committees will be able to call Ministers and to make reports to the House on issues which they think significant. There will be the possibility of a vote, which the Government would take into account, though it would not be binding

The Government will find time for such debates where requested

The Government will seek not to come to a conclusion before eight weeks, where possible

These arrangements will be reflected in a code of practice and in an amended scrutiny reserve resolution.

On the basis of this offer, Lord Goodlad's amendment was defeated. In the light of the Irish referendum, the Committee is seeking to discover whether the Government would agree to apply this procedure before or without the implementation of the Lisbon Treaty, given that, as noted in our impact assessment report, there is no dedicated scrutiny procedure in place to deal with opt-ins.

Meanwhile, the Committee has heard evidence from the Slovenian and French Ambassadors on the priorities of their respective Presidencies, and has heard evidence from the Minister for Europe, Jim Murphy MP, on the December European Council and on the Annual Policy Strategy for 2009. The Committee will hear evidence on the APS for 2009 from Commissioner Wallström on 2 July and will publish a short report (without written evidence) before the summer recess. The Committee will also hear evidence from Jim Murphy MP on the June European Council on 15 July.

Reports published since November include:

The Passenger Name Record (PNR) Framework Decision

The European Union and Russia

The euro

The Future of the Common Agricultural Policy

FRONTEX: the EU external borders agency

The Single Market: wallflower or dancing partner?

Solvency II

Protecting the consumers of timeshare products, and

Green Paper on Succession and Wills.

Reports will shortly be published on:

Organ donation and transplantation

The 2009 EC budget

Structural funds

The Common Fisheries Policy, and

The initiation of EU legislation.

And inquiries are being conducted on:

European trade policy

The EU's renewable energy target

The European Security Strategy

The EU's Emission Trading Scheme, and

EUROPOL.

Susannah Street
Second Clerk to the Select Committee
23 June 2008

Update on the work of the European Scrutiny Committee

The main focus of the European Scrutiny Committee is the weekly scrutiny of EU documents. The Committee publishes a weekly report on those documents it considers to be of legal and political importance, and refers documents for debate in European Committee or on the Floor of the House. Since the last meeting of the EC-UK Forum in November, the Committee has published 20 weekly reports, containing 459 substantive chapters on those proposals considered to be legally and/or politically important, and has further considered

341 proposals which it deemed did not raise questions of sufficient or legal importance to warrant a substantive report to the House. There have been 22 European Committee debates (sometimes on more than one document) and 3 debates on the Floor of the House. The Committee has taken oral evidence from three Ministers regarding their Departments' scrutiny performances. For more information, please see the European Scrutiny Committee's website: http://www.parliament.uk/parliamentary_committees/european_scrutiny.cfm

The European Scrutiny Committee has commenced an inquiry into the role of national parliaments under the Lisbon Treaty. A call for written evidence was sent out in March 2008 and was sent to each of the Devolved Assemblies. The focus of the inquiry is on the opt-ins and subsidiarity provisions. The Committee has taken oral evidence from two EU academics (Professor Alan Dashwood, Cambridge and Professor Simon Hix, LSE) as well as from Commissioner Wallström, Vice President of the European Commission with responsibility for relations with national parliaments, and Jim Murphy, Minister for Europe. The Committee is planning to publish its report in the Autumn.

The Committee has also published a report (and follow-up report) on Council Conclusions following an inquiry. The Committee heard oral evidence from: Sir Stephen Wall GCMG, LVO, the United Kingdom's Ambassador and Permanent Representative to the EU 1995-2000, and Head of the Cabinet Office European Secretariat 2000-2004; the Rt Hon Margaret Beckett MP, then Foreign and Commonwealth Secretary, and Ms Shan Morgan and Mr Anthony Smith of the Foreign and Commonwealth Office; Commissioner Margot Wallström, Vice President of the European Commission, and Mr Christian Leffler, "Chef de Cabinet"; and Lord Williamson of Horton GCMG, CB, Secretary General of the European Commission 1987-1997; and received eight memoranda. The Committee concluded that it sees no reason why the draft Conclusions of the European Council or of the Council of Ministers need be classified; recommended that the Government deposit within the scrutiny process in Parliament the draft Conclusions of the European Council and that Standing Order No. 143 relating to the European Scrutiny Committee be amended accordingly; and further recommended that the Government discuss with other Member States the options for improving the process and removing its present inefficiencies and eccentricities; and, in particular, whether a clear, definitive and accessible record of the proceedings of the European Council should be made as a matter of course.

The Committee has held informal meetings with: the Speaker of the Moldovan Parliament; the Slovak Deputy Prime Minister; Hungarian EU Committee; an IPU delegation from Nicaragua; the Bulgarian Foreign Minister and a delegation of MPs from Bulgaria. A Committee meeting was filmed by the BBC for The Record: Europe.

The Chairman and individual Members of the Committee have represented the Committee at COSAC Chairs and COSAC meetings, as well as Joint Parliamentary meetings on the Lisbon Strategy and International Development.

The European Commission's Annual Policy Strategy was debated in Government time in Westminster Hall.

Following meetings with the Deputy Leader of the House, temporary changes were made to European Scrutiny procedures in February. These include meetings of the European Scrutiny Committee in public; Members of the European Scrutiny Committee and relevant Departmental Select Committees being nominated to serve on European (Standing) Committees; and a Member of the European Scrutiny Committee making an opening statement at the beginning of a Standing Committee debate to explain why the document was recommended for debate. These changes run until the end of the Session and will then be reviewed.

Northern Ireland Assembly

Update on the work of the Committee for the Office of the First Minister and Deputy First Minister on European and International Relations Work Programmes

European Familiarisation

1. The Committee has been undertaking a familiarisation programme to assist members of the Committee to develop a more detailed awareness and understanding of the European institutions. This involved the delivery of briefings on the EU institutions and their decision making processes and on the scrutiny of European issues in other legislatures. The Committee has also been briefed on the Lisbon Treaty. This included a specific research briefing on the provisions within the treaty dealing with subsidiarity.
2. The familiarisation programme concluded this week with a Committee visit to Brussels. The purpose of the visit was to increase understanding of the role of the European Institutions and the impact and influence of the institutions on Northern Ireland. During the familiarisation visit, the Committee was briefed on the work of the Council, Commission and Parliament and met with Northern Ireland's three MEPs.
3. In addition, the visit aimed to assist Committee members to develop an awareness and understanding of the role of the Executive's regional office in Brussels. This involved receiving a detailed briefing on the Office of the Northern Ireland Executive in Europe and meetings with representatives from the Brussels Offices of the Welsh and Scottish Governments.
4. Committee members also met with the British and Irish Ambassadors to the EU and were advised of the current position in relation to the Lisbon Treaty.

International Relations

5. The Committee has been involved in a large number of meetings and events designed to promote Northern Ireland internationally and to improve relationships with European and International partners. Most notably, the Chairperson was invited to accompany the

First Minister and Deputy First Minister on their visit to Washington to promote the US/NI Investment Conference.

Future Plans

6. Now that the EU familiarisation programme has concluded, the Committee has asked for proposals to be brought forward, directly after the summer recess, in relation to the establishment of a sub-committee to focus on the scrutiny of EU policy.

Committee Secretariat

June 2008

National Assembly for Wales

European and External Affairs Committee

Update for EC-UK Forum, Edinburgh, 30 June 2008

1. The purpose of this paper is to update colleagues in the EC-UK forum on the work undertaken during 2007-08 by the National Assembly for Wales European and External Affairs Committee.

Committee Inquiry - European Investment Bank (EIB)

2. The "One Wales" coalition agreement between the Labour Party and Plaid Cymru committed the Government to explore options for a public sector investment agreement with the European Investment Bank. The Committee therefore undertook an inquiry to explore the opportunities offered by the EIB for funding infrastructure projects in Wales. Among issues examined, were the investment opportunities and support offered by the EIB. We also considered the lessons we could learn from other UK and European regions. The report will be published after the summer recess.

European Commission Legislative and Work Programme

3. Members identified a number of key areas of interest for further consideration - the Treaty of Lisbon; regional policy; the CAP health check; the Lisbon Strategy; and the budget review. The Committee is currently scoping an inquiry on subsidiarity and has questioned Andrew Duff MEP. Much of the discussion focussed on the implications of Article 6 of the 'Protocol on the application of subsidiarity' for regional parliaments. Concerns were expressed about current procedures. The Committee is also undertaking an inquiry into the new legislative proposals announced on 20 May as part of the CAP health check. We have discussed the issue with DG Agriculture and Rural Development and are about to scrutinise the Minister for Rural Affairs. We intend to call farming and environmental stakeholders and report early in the autumn.

All-Wales Programme Monitoring Committee

4. The new All-Wales Programme Monitoring Committee (PMC) is responsible for monitoring the implementation of the Convergence and Regional Competitiveness and Employment (ERDF and ESF) programmes in Wales, 2007-2013. The Committee is chaired by Jeff Cuthbert AM, who is also a Member of this Committee. In addition to the Chair, who represents the Managing Authority, the Committee comprises a panel of 10 expert members appointed via the public appointments process and a further 14 members nominated on a representative basis from partners and statutory bodies. The European Commission, staff of Welsh European Funding Office, and the European Investment Bank participate in an advisory capacity. The Chair will provide an update on the work of the PMC at our meeting on 17 July.

European Union Presidency

5. In February, His Excellency Iztok Mirošič, Ambassador to the Court of St James from the Republic of Slovenia, addressed the Committee on the Slovenian government's main priorities for the EU Presidency. I have also met with the French Consul General, M. Bertrand Cochery. We discussed the Committee's priorities, the French Presidency, perceptions of Europe in Wales, and the progress of devolution.

Scrutiny of the First Minister and Minister for Europe

6. Scrutiny of Wales's First Minister, who has responsibility for Europe, is a regular feature of the Committee's work. The Rt Hon Rhodri Morgan AM has appeared before the Committee on three occasions during the last year. Among the issues discussed were: the EU Reform Treaty; the future of EU Regional Policy; the JEREMIE and JESSICA initiatives; the Assembly Government's response to the consultation on the EU Budget Review; and the consultation on the future of Cohesion Policy.

Oral updates

7. The Committee continues to receive regular oral updates on the work of the European Commission from its Head of Office in Wales, and to be briefed on proceedings of the Committee of the Regions by the Assembly's representatives, who are also Members of the Committee.

External Affairs

8. On external affairs, the Committee discussed the Assembly's international relations' strategy and received updates on the work of the British-Irish Interparliamentary Body and the activities of the Assembly's Commonwealth Parliamentary Association Executive branch.

Members of the European Parliament

9. Our MEPs are standing invitees, but are seldom able to attend in person or via video link. They have participated in proceedings in the past and it is hoped to develop closer ties with them in the future. We would be interested to learn how European committees in other legislatures handle their relationships with their MEPs

Other activities

10. On 9 September, I will be chairing an EU Mock Council event, involving the participation of students from 28 schools across Wales, including some from my constituency. They will have the opportunity to debate and vote on topical issues affecting the EU such as Enlargement, Climate Change or Migration.

At the request of the Latvian Honorary Consul to Wales, I will be sponsoring a photographic exhibition to celebrate the 90th anniversary of Latvian Independence, which will be staged at the Assembly, 25-27 November, 2008.

Sandy Mewies AM 20 June 2008
Committee Chair