

**EUROPEAN AND EXTERNAL AFFAIRS COMMITTEE**

<b>Date:</b>	6 March 2003
<b>Time:</b>	14:00
<b>Venue:</b>	Committee Rooms 3 & 4, National Assembly for Wales
<b>Title:</b>	Summary of previous discussions on the Convention on the Future of Europe

**ISSUE**

1. The European and External Affairs Committee has considered the Convention on the Future of Europe at a number of meetings. This paper summarises the discussion at and main conclusions of those meetings.
2. The Committee is asked to consider the summary of discussions on the Convention contained in this paper, and paper EUR 02-03(p4) from the Assembly Government, in order to arrive at an agreed set of conclusions for the Chair to present to the Secretary of State for Wales.
3. Some general background on the Convention is attached at Annex A.

**RECOMMENDATION**

4. Members are invited to comment on the summary of conclusions at point 19 and suggest any additional issues or comments that should be raised with the Secretary of State.

**BACKGROUND**

5. As paper EUR 02-03(p4) notes, discussions on the regional dimension of the Convention are quite well advanced. A full Convention plenary session on regional issues was held on 7 February and an UK position paper on regional issues was influential in the discussion.
6. Peter Hain, Secretary of State for Wales, is keen to get this Committee's views on the Convention, but is unable to attend this meeting because the UK Cabinet meeting is on the

same day. He has therefore arranged to meet the Chair to discuss the Committee's views to ensure that they are taken into consideration in future discussions on the Convention.

## **PREVIOUS DISCUSSIONS**

### **8 May 2002 - Discussion of paper from Welsh Assembly Government**

7. The Committee considered a paper [EUR 03-02(p3)], which set out the parameters of the Convention.

8. The main issues raised in discussion were:

- There was no formal machinery for contributing to the Convention, but the Committee could influence the debate by submitting contributions to Convention members.
- The Committee was interested in what role the regional tier of government might play as a result of the Convention.
- The Convention would consider whether a new institution should be created to work alongside the Council of Ministers and the European Parliament. It could, for example, be comprised of representatives from member state parliaments, regional tiers of government or from European committees.
- More involvement by regional tiers of government in the EU could contribute to the reduction of citizen alienation.

### **31 October 2002 - Discussion with UK Parliamentary representatives to the Convention**

9. The Committee discussed the Convention with the UK's parliamentary representatives to the Convention - Gisela Stuart MP and Rt Hon David Heathcoat-Amory MP.

10. The main points raised in discussion were:

- The role of regions would need to be resolved to ensure the long-term stability of the constitutional treaty, but there were tensions around the role and influence of regions. There was a real difficulty in making a distinction between regions with and without legislative power. The working group on national parliaments had recommended that matters referred to national parliaments would also go to legislative bodies within that member state, but at the same time it was considered inappropriate for member states to be told how to deal with their regions.
- A difficult balance needed to be struck between the time taken to introduce legislation and the democratic nature of legislative process. It was expected that proposals to give regions more rights of objection to draft EU legislation would be resisted on the grounds it would slow things down.
- There were concerns that the repatriation of powers back to national parliaments would

not necessarily benefit Wales. Since 1999 the Assembly had had to implement EU legislation over which it had had little influence. For example, the Assembly has a high level of interest in CAP reform, but was often not able to influence developments in this area.

- Parliamentary scrutiny of decision making by the European Council was seen as an important area to develop. A number of ideas on how to do this had been suggested to the Convention, including parliamentary representatives accompanying Ministers to the EU Council of Ministers or the EU Commission presenting its annual work programme to national parliaments.

### **10 July 2002 and 5 December 2002 - Submission from RegLeg**

11. The committee considered a submission from the steering group of the Co-ordination Committee of the Regions with Legislative Power to the Convention at its meetings on 10 July and 5 December 2002.

12. The submission highlighted the important role regional tier governments and assemblies could play in good governance in the future Europe.

13. The committee endorsed the broad principles underlying the submission and noted that a great deal of work was needed to develop the level of influence regions with legislative power had in Europe.

### **30 January 2003 - Brussels Declaration from CALRE**

14. The Committee considered the Brussels Declaration, a statement by the Conference (of Presidents) of Regional Legislative Assemblies.

15. The main points of the Declaration were:

- the need to recognise Regions in the Constitutional Treaty and as a founding principle of the European Union;
- the need for guarantees in the Convention on the preservation of regional autonomy;
- the need for subsidiarity and clearly defined competences, which fix precise limits on EU competence and for this to be guaranteed;
- the need to guarantee the right of regions with legislative power to go to the Court of Justice;
- the importance of the participation of the regional Parliaments in the co-operation between the European Parliament and national parliaments
- the need to review the role of the Committee of the Regions, and the participation of the regional parliaments within it, with a view to strengthening its power and influence; and
- to participate and contribute to setting up an open and democratic regional system in the

accession Countries

16. The Committee endorsed the Declaration.

### **30 January 2003 - Agreed UK Government position**

17. At its meeting on 30 January, the Deputy First Minister informed the Committee about the official UK position on the Convention, which had been made public that day. The agreed UK position was positive for Wales, in particular:

- Ensuring direct consultation with devolved administrations before legislation is made through an addition to the proposed new Constitutional Treaty of the European Union;
- Reinforcing the principle of subsidiarity – through a reference in the new Treaty specifically acknowledging the role of the regions;
- Strengthening the Committee of the Regions to give it more punch in the Brussels policy-making machinery.

18. The Committee welcomed the agreed UK position.

### **SUMMARY OF COMMITTEE'S VIEWS SO FAR**

19. The following points can be drawn from the Committee's discussions so far:

- The Convention should deliver a stronger, formalised role for regions in the EU decision making process and the additional democratic legitimacy of regions with legislative power should be acknowledged.
- In general the competences of all tiers of Government - EU, Member State and regional - should be more clearly drawn.
- The UK Government should provide undertakings on how it proposes to ensure that the Assembly, and the other devolved administrations, are formally consulted on EU policy proposals.
- Policy areas where Wales has a particular interest or distinctive view, for example CAP reform, should be acknowledged and mechanisms to take forward that distinct view should be provided.
- The new constitutional Treaty should be explicit about when and to whom regions would have the right to appeal against EU law.

### **Contact Point**

- Committee Secretariat

## The Convention on the Future of Europe - Background

The Convention on the Future of Europe was formed following the Ghent Summit in October 2001 which considered organisational issues for the European Union, including those highlighted by the Inter-Governmental Conference (IGC) in Nice in December 2000. The Convention was set up to conduct "*a fundamental re-examination of the institutional architecture of the EU*" in the context of enlargement ahead of the next Inter-Governmental Conference (IGC) in 2004.

At their meeting in Laeken in December 2001, EU leaders agreed a declaration, the Laeken Declaration, which set out the framework for the Convention.

## The Laeken Declaration

The Declaration calls for the Convention to consider four main areas:

- **A better division and definition of competence in the European Union** – How to clarify, simplify and adjust the areas in which the Union operates to define clearly where the Union should act, where Member States should act, and where both co-operate to fulfil a task;
- **Simplification of the Union's instruments** – How to simplify how the Union acts in order to carry out its goals. The Convention will look at whether the Union's instruments should be better defined and their number perhaps reduced – in order to ease understanding and make the Union more efficient and effective;
- **More democracy, transparency and efficiency in the European Union** – How to make improvements to the Union's institutions to ensure they are more effective, efficient and democratically accountable; whether transparency can be increased, through, for example, greater access to Union documents; and the role of national parliaments in the Union;
- **Towards a Constitution for European Citizens** – Whether the existing Treaties can be simplified, without changing their content; the status of the Charter of Fundamental Rights; and whether the process of simplification and reorganisation of the Treaties should lead in the long run to the adoption of a constitutional text.

## Composition

The European Council appointed former French president, Valéry Giscard d'Estaing as Chairman of the Convention and Giuliano Amato (former Italian Prime Minister) and Jean-Luc Dehaene (former Belgian Prime Minister) as Vice-Chairmen.

The Convention is composed of the main parties involved in the debate on the future of the European Union. In addition to the chairman and vice-chairmen, its members are:

- 15 representatives of the Heads of State or Governments of the Member States (one from each Member State – **Peter Hain** is the UK representative);
- 13 representatives of the Heads of State or Government of the candidate States (1 per candidate State);
- 30 representatives of the national parliaments of the Member States (two from each Member State – for the UK, **Gisela Stuart** and **David Heathcoat-Amory**);
- 26 representatives of the national parliaments of the candidate States (two from each candidate State);
- 16 members of the European Parliament (from the UK, **Timothy Kirkhope**, **Linda McAvan** and **Andrew Duff**);
- 2 representatives of the European Commission (Michel Barnier and Antonio Vitorino).

The Economic and Social Committee (three representatives), the Committee of the Regions (six), the social partners (three) and the European Ombudsman are invited to attend as observers. Candidate States may take a full part in the proceedings but may not prevent any consensus which may emerge among the Member States.

### **Mode of operation**

The Convention meets in open plenary sessions once a month at the European Parliament in Brussels. A Praesidium drives the Convention's proceedings. It consists of the Chairman and Vice-Chairmen, two representatives of the members of the European Parliament, two representatives of the Commission, two national parliament representatives and representatives of the Spanish, Danish and Greek governments (who hold the Presidency of the Union during the Convention). The Praesidium invites one member of the Convention designated by the representatives of the candidate countries to all its meetings. Members of the Convention participate in working groups to look into particular issues more closely.

The Convention is assisted by a Secretariat, headed by Sir John Kerr, former head of the British Diplomatic Service. Annalisa Giannella, a European civil servant, is his deputy.