

# **European & External Affairs Committee**

## **EUR2 02-05(p12)**

Date: 24 February 2005

Time: 09:00 - 12.30

Venue: Committee Rooms 3 and 4, National Assembly for Wales

Title: Informal note of meeting of UK-EC Chairs, 17 January 2005 in Cardiff

### **Purpose of Paper**

The note attached is an informal record of this meeting prepared by the Clerks. It is provided for information

#### **Clerk**

**European & External Affairs Committee**

## **Meeting of UK-EC Chairs, 17 January 2005 Hilton Hotel, Cardiff,**

### **Informal Note of Proceedings**

#### **House of Commons, European Scrutiny Committee**

Wayne David - MP (representing Chairman)

Dorian Gerhold - Clerk

Olivia Davidson - Second Clerk

#### **House of Lords, European Union Select Committee:**

Lord Grenfell - Chair

Simon Burton - Clerk

#### **Northern Ireland**

Hugh Farren - Clerk of former Committee of the Centre.

## **National Assembly for Wales, European and External Affairs Committee**

Sandy Mewies - Chair

John Grimes - Clerk

Bethan Williams - Members Research Service

Paul Davies - Administrative Support

**Apologies (due to travel disruption) were received from:**

## **Scottish Parliament, Clerk, European & External Relations Committee**

John Swinney – Convenor

Alasdair Rankin - Clerk

## **Roundtable Discussion; work been done by each Committee over past year; current work programmes**

### **House of Commons**

Work was continuing on the Constitutional Treaty into which the European Scrutiny Committee was currently undertaking an inquiry. It was focusing on the role of national parliaments and looking to understand the implications of the draft treaty. It had taken evidence from a wide range of witnesses, including academics, but so far little consensus was emerging on the implications. In addition, much of it was somewhat esoteric and it seems likely that public debate on the constitution will focus on much broader issues such as what being ‘European’ would mean.

The Committee had produced a report on the new Financial Perspective and Regional and Cohesion Policy which had been followed with a debate on the floor of the House. The key to this issue appears to be the conclusions on the budget which in turn will highlight the need for greater local/Member State control.

A report had also been issued on the Justice and Home Affairs Proposals for the next 5 years.

The Committee had had concern about the use of Article 308 which can apply when there is no clear legal basis for an EC proposal. The Committee’s concern was that it was being used too often.

The Committee was keen to broaden its consultation with outside organisations particularly the CBI with whom there had been some recent disagreement.

The Committee saw a key role for national parliaments working together in the future and hoped that COSAC, the working of which has recently improved, can be strengthened further.

Discussion focussed on the role that committees might play in informing the referendum debate although it might be difficult to progress this before a general election. The UK presidency would be used to give Europe a higher profile and might give a boost to the Lisbon agenda. The budgetary debate was likely to figure in this also and the British rebate.

## **House of Lords**

The European Union Select Committee had recently undertaken an extensive study of the EU Constitutional Treaty and was now maintaining a watching brief on this. It would shortly be meeting a delegation from the Constitutional Committee of the European Parliament.

They were waiting with great interest to see how proposals for an EU 'Joint Grand Committee' developed. They were in principle in favour of it providing it gave added value. They were concerned to ensure that the EC did not refuse to see individual committees if such a joint committee were created.

On the EU Presidency they were hoping that 'better regulation' would figure in this and also the Lisbon Agenda and International Development.

They felt that COSAC was working better and that this was the result of pressure from the Lords and others. It now did not simply provide a platform for Ministers in whichever country had the Presidency and was genuinely achieving an exchange of 'best practice'.

The Committee was also talking to new member countries about the sort of mechanisms they should aim to have in place on joining, or better still in advance of joining, the EU.

They had also again considered the EC budget and were looking at the future financing of the EU.

The Committee had undertaken and had underway a number of enquiries including:

Subsidiarity mechanism

Stability and growth pact

Services directive

3rd railway package

EU policy on WMD

CAP funding

The Hague Programme

Lifelong learning

The Committee was meeting EC officials in March to discuss their Annual Work Programme as part of the annual scrutiny round. They would welcome comments from colleagues on issues that might be raised.

Work was being done to enhance the scrutiny of regulatory impact assessment. There was a general feeling that the Committee had extensive information on EU issues but was still trying to establish ways to identify the key ones. (This was a view echoed by the other participants in the meeting). The Committee was now producing an annual report and would send copies to others at the meeting. They were also developing a monthly newsletter of issues of significance and working with the Commons to develop an e-mail alert system. This should be available in mid February.

## **National Assembly for Wales**

The key issues for Wales were:

The structural funds, cohesion and the new Assisted Area maps.

Legislation – the key issue here was to identify the key pieces to look at in more detail.

The EU Constitution.

Enlargement – Wales was developing links with a range of other countries where there was mutual benefit to be gained.

External Affairs – although much of the Committee's work was focused on Europe its remit included external affairs more widely. Consideration was being given to how this might be developed.

The Committee had expressed cautious support for the opening negotiations on EU membership with Turkey.

There was a brief discussion on the structure of funds and the impact on these of the discussions about the EC budget. This in turn had an impact on the Barnett Formula.

## **Scotland**

Due to travel problems, the Scottish Parliament was not represented at the meeting but provided the note at Annex A giving an update on the year's activities.

## **Northern Ireland**

The Northern Ireland Assembly remained suspended. Moreover, the former Assembly had not had an EU Committee and European matters had fallen to the Committee of the Centre. There was no indication from current discussions that an EU Committee would figure in a revived Assembly. Nonetheless, they were grateful for being kept in touch with developments elsewhere in the UK.

## **Issues for the year ahead and summary of conclusions**

The Main issue for the year ahead was the UK's presidency of the EU and it was hoped would lead to developments on the Lisbon Agenda, better regulation, the G8 and future financing of the EU.

Wales hoped to play its part in this and was expecting to host one of the informal meetings of the Council of Ministers. In addition, there were a number of informal 'events' planned for Wales including a youth event which it was hoped would attract people from all over the country.

The various committees have different roles and foci to their work programmes and different levels of resource to support them. However, a number of common themes emerged from the discussions: one identifying the key issues and how one might influence them was a challenge for everyone.

The EC Annual Work Programme seemed likely to be a valuable way of identifying key issues.

In trying to sort out these complex issues close communication and sharing of information was very valuable.

Meetings of this kind were an important element of working together and should continue at roughly 6 monthly intervals; they might be preceded by meetings of officials.

## **Subsidiarity early warning system**

The Lords had launched an inquiry into this and had taken a wide range of evidence. It would shortly be taking evidence in Brussels after which it would meet government ministers. The intention was to report

by the end of March.

It was not proving to be an easy issue to investigate raising as many questions as it resolved. The key issue seemed to be how to move from the protocols attached to the draft constitutional treaty to action by national governments.

There were, however, a range of difficult issues to be considered such as whether there was a legal obligation on national parliaments to monitor subsidiarity and whether there was a need for a common approach. Indeed, the definition of subsidiarity was not clear.

In addition, there was a more fundamental question of whether if something was within the EU's 'competence' then any challenge to their proposal could be considered a political issue and hence that subsidiarity was essentially an element of 'competence'.

There was also the need to consider the role of regional assemblies and whether they could feed in independently or via the national parliament.

In all of this, the 6 week deadline was very tight although it might work if sufficient warning of an issue was provided.

Within the UK there was a need to ensure the maximum involvement of the devolved administrations in the UK consideration. It was also noted, as highlighted in the paper from the Scottish Parliament, that significant differences between the political make-up of the UK and Devolved Administrations could be a significant factor. There was a risk that a failure to agree on a position might lead to the detriment of both.

The role of the Committee of the Regions in this process was unclear particularly as this now had increased powers. However, whether this would be acceptable to the UK Government and the Devolved Administrations was uncertain.

It was generally agreed that objections on subsidiarity grounds were not likely to be frequent and where the European Scrutiny Committee identified them officials could communicate this to the devolved parliaments and assemblies before the start of the 6 week period if possible. Conversely, they would welcome early intelligence from the devolved parliaments and assemblies.

## **Any Other Business**

It was agreed that the next meeting would be in London and suggested that the date should be agreed soon so as to avoid the diary clashes that had caused this meeting to be delayed. It was noted that a general election might affect the next meeting of this group – not least because it would take a little time for new committees to be elected.

**European and External Affairs Committee**  
**National Assembly for Wales**  
**January 2005**

**Scottish Parliament European & External Relations Committee**  
**Update on the year's activities**

**Personnel:**

1. New Convener: John Swinney MSP (SNP) joined the Committee in September 2004 and replaced Richard Lochhead MSP as Convener. John was previously leader of the SNP. Richard has moved to become the SNP's environment spokesperson.
2. New Clerk: Alasdair Rankin has recently replaced Stephen Imrie as the Clerk to the Committee.
3. Brussels Officer: The Parliament is currently recruiting an Officer to work in Brussels on its behalf – this should help with intelligence gathering, "getting in early" particularly if we are to develop early warning systems in respect of subsidiarity etc.

## **Work:**

4. The Future of Regional Development Funding and the UK Government's proposals: The Committee completed its inquiry into this in June 2004. Copies of this are available online or from the Clerks. Members were disappointed that they were not able to hear from ministers from either the DTI or the Treasury on this important debate.
5. Promotion of Scotland Inquiry: The Committee is drawing to a close its inquiry into the effectiveness of the Scottish Executive's promotion of Scotland. This has been a long inquiry looking at a number of sectoral areas (tourism, trade, sport, culture, international development etc). Members were involved in fact finding visits to the USA, Paris, Dublin and Flanders as part of this inquiry. It is hoped the final report can be agreed by early February with a view to publication shortly afterwards.
6. Committee Reporters: Two short inquiries have also been completed by members acting as Committee Reporters – on the possible impact on travel to and from Scotland of the European Commission's ruling on Ryan Air and Charleroi Airport and on the proposed EU Fisheries Agency.
7. NORPEC: The NORPEC group met in Edinburgh in November. The Basque and Sachsen-Anhalt committees have now formally joined. To allow time for the network to bed. There are no plans for it to further expand just now. The next formal meeting of NORPEC will be in spring 2005 in Magdeburg.
8. Future Work Programme: Following a recent "away-day" in Glasgow, the Committee started mapping out its work programme for early 2005. The Committee is interested in looking at the impact of the UK's holding EU and G8 Presidencies – particularly in areas such as international development. The Committee also wants to examine in greater depth the Scottish Executive's "Fresh Talent" initiative – aimed at meeting population decline by offering the opportunity for graduates and others from overseas etc to live in Scotland.
9. Future Visits: The Committee hopes to be able to visit Brussels at the end of February to meet key players and help in their inquiry work.

10. Luxembourg Presidency of the EU: The Committee has invited the Luxembourg Ambassador to address a public meeting on 27 January (which will be webcast)

11. UK Presidency of the EU: The committee is keen to ensure Scotland plays an active part in the EU Presidency and will be monitoring the work of the Scottish Executive with this in mind.

### **Subsidiarity/Early Warning Systems:**

12. The Committee's recent away-day looked in great depth at developing early warning systems and subsidiarity. The Committee were assisted in this by Professor Drew Scott (Edinburgh University) a leading academic expert in this field. A number of issues arise with this such as:

- Time constraints to active scrutiny reserve
- The mechanics
- "Trust" between the Whitehall and Edinburgh civil servants and politicians and our members - what if there are significant differences between the political make up of the Whitehall and Edinburgh Governments?