

EUROPEAN AND EXTERNAL AFFAIRS COMMITTEE EUR-02-02(p.2)

Date: 20 March 2002
Time: 9.30am
Venue: Committee Rooms 3 and 4, National Assembly Building
Title: The European Commission White Paper on Governance: Outline draft response from the First Minister of the Welsh Assembly Government

The role of the Welsh Assembly Government in European Governance

1. The Welsh Assembly and Government have important roles to play as **participants** in the European Union. Although the EU operates by and large via the Member State, a large proportion of the functions devolved to the Welsh Assembly are covered by European competence and authority. We have direct responsibility for managing EU programmes in Wales, the largest being the Structural Funds and the Common Agricultural Policy. Operating within the UK's constitutional arrangements the Welsh Assembly works actively to play our full part at the European level.
2. Our relationship with the UK government as our Member State is crucial. Resulting from this co-operation we have a permanent Welsh Assembly Office in Brussels, with diplomatic status, that works closely with the UK Permanent Representation. We work together to represent Welsh perspectives in the policy making process while ensuring that the overall UK position remains coherent. This approach includes Welsh Assembly Ministers from time attending Council of Ministers meetings where appropriate as part of the UK delegation.
3. The European and External Affairs Committee aims to provide strategic political guidance on European issues and to consider in detail those matters that impact most directly on Wales.
4. Wales has five MEPs in the European Parliament and the Assembly is represented directly on the Committee of the Regions. Wales also has representatives on the Economic and Social Committee. The European Commission has a permanent information office in Wales. The European and External Affairs Committee of the Assembly aims to maintain dialogue with all Wales' representatives on the EU institutions.
5. The Assembly co-operates in networks with other European regions. We are active members of the Regions with Legislative Powers and the CPMR. We also co-operate informally with other regions on policy exchanges across a range of subject areas.
6. The twenty-two local authorities in Wales are responsible for developing and delivering many EU programmes on the ground. They also implement large tracts of EU legislation.
7. Civil society, including the voluntary sector, has an essential part to play in converting EU proposals into action.
8. The Welsh Assembly sees local government, the business sector, the voluntary sector and civil society more widely as its partners in the European Union. Across a range of areas

the Assembly is working inclusively with others to develop an "all Wales" approach to EU policies.

Consideration of the White Paper

1. We consider the White Paper to make a significant contribution to the future governance of the EU. We have therefore made every effort to ensure that its contents have been widely disseminated and that all sectors of society in Wales have had the opportunity to consider it.
2. Members of the Welsh Assembly European and External Affairs Committee have considered the contents of the White Paper on a number of occasions since its publication in 2001.
3. On **5 December** 2001 the Committee met in Brussels and discussed the White Paper with the Head of the Commission's Governance Team and Welsh MEPs.
4. On **17 January** 2002 the National Assembly for Wales held a plenary debate on the White Paper. This was the first time in the Assembly's history that a Commission White Paper has been debated in a plenary session of the Assembly.
5. The European and External Affairs Committee invited written submissions from civil society and these were considered at a meeting of the Committee on **13 February** 2002 along with a preliminary draft response from the First Minister.
6. The Assembly's plenary debate was followed by a **Wales European Forum** on Governance held in Llandudno, North Wales on **15 February** 2002. This was organised jointly by the Welsh Assembly and the Welsh Local Government Association and brought together Wales' political representation with wider civil society from across the country. Political representation was drawn from the Assembly, the UK Parliament, the European Parliament and local government leaders in Wales. Civil society was represented through the voluntary and NGO sectors.
7. We believe this comprehensive approach to consideration of the White Paper to be almost unique. The comments on the content of the White Paper are set out below and they draw extensively on the wide consultation and debate we have undertaken in Wales.

The White Paper

1. As to the content of the White Paper itself, the Assembly Government **welcomes** the spirit of the Commission's initiative to examine governance in the European Union. We agree that improvements cannot be made by the Commission working alone and the Assembly is a willing partner in taking forward this work.
2. The **five principles** of good governance – openness, participation, accountability,

effectiveness and coherence – are sound and mirror the Assembly’s approach to governance in Wales.

3. Membership of the European Union has many **benefits** for Wales and has a practical impact on our lives. The different parts of the European Union – its members and its institutions - have a role to play in **communicating** with our public about the decisions taken by the EU and their practical impact. **Participation** is vital if the EU is to connect with people’s lives and **early consultation** is at the centre of this principle. It is important that people understand clearly where responsibility for decision making lies and why those decisions are made.
4. **Better involvement** – we encourage the Commission to consider further how it communicates with regional and local authorities. The current situation in this respect is positive in some ways but falls short of systematic. Greater use could be made of the network of regional offices based in Brussels as a channel for information and consultation.
5. The Internet and the EU web-sites have helped make information much more accessible and we support the Commission’s ambitions to exploit fully new technologies. We encourage the Commission to emphasise a policy of accessibility among its staff and awareness of the value of responding positively to public enquiries. The Commission and its partners need to consider ways of improving public access to information about what the European Union does and how it does it.
6. The style and language of **communications** should be clear and straightforward. Some documentation is needlessly difficult to understand. If a reader cannot understand the text then it is usually the text, and not the reader, which is at fault. Does the Commission employ enough of the right kind of people to do this work (ie people skilled at sub-editing)?
7. The Commission websites have made a significant difference to the availability of information in all parts of the Union. IT offers the best opportunity to broaden out the EU’s work from a diplomatic to a democratic process. We encourage the Commission – and the other institutions – to exploit fully the potential offered by IT as a communications tool.
8. Wider and earlier consultation will in turn help generate **better legislation**. It should be kept as simple as possible and allow sufficient flexibility for local circumstances to be taken into account.
9. **"Tri-partite agreements"** – this represent an intriguing idea. The tri-partite principle already exists in relation to Commission programmes. Rural Development Plans, for example, and the Structural Fund programmes are, in effect, tri-partite agreements (ie actions implemented at regional level based on negotiation with the Commission and within a Member State funding and policy framework).
10. More regional and local variation and input to policy through a **tri-partite** model would be welcome in principle and could help make the Union more responsive and relevant. Any plans should allow a significant element of "regionalisation" and should be "light touch": a heavily bureaucratic approach will make them unattractive at regional level where resources are often slim.

11. The Assembly is interested in the principle of tri-partite agreements and is keen to work with the Commission to explore their potential in greater detail.
12. The **Committee of the Regions** has a significant role in reflecting regional opinion on Commission proposals. We support the plan to consult with it at an earlier stage ahead of proposals appearing in published form.
13. **Consultation** is the central mechanism for ensuring that interested partners have their voices heard during the policy formation stage. Some Commission consultations are wide-ranging and exemplary – such as the one underpinning this governance exercise – but sometimes they are ad-hoc and arbitrary. To this end we strongly support the idea of a Code of Conduct that sets out minimum standards for the Commission to follow in its consultation procedures. This should include the maintenance of an updated central register of organisations that should be routinely consulted on initiatives.
14. **Better regulation** - We believe in simplicity. Legislation should only be introduced when there is a clear case for it. Before legislation is proposed, account should be taken of the cost burden on the authorities responsible for delivery (i.e. a Cost Benefit Analysis). It should be kept as simple as possible. Existing legislation should be simplified wherever it can be. Less is best. Alternatives to regulation should be considered where possible. Potential alternatives to regulation include codes of practice, peer review, benchmarking, networked solutions, framework directives and the open method of co-ordination.

Conclusion

1. Some of the issues raised in the White Paper will be taken forward through the **Future of Europe** debate. In particular, we hope to see a renewed emphasis on subsidiarity, recognising the importance of decision making at the level closest to the people affected by the decisions. We also want to see greater clarity about the division of competencies in the EU (i.e. who does what). But we encourage the Commission to use this current Governance exercise as a way of bringing about early improvement in the way work is handled. Our priorities for practical outcomes are:
 - Code of Practice on Consultation
 - Better communication through websites and use of simpler language
 - Better regulation
 - Keen to explore practical opportunities for tri-partite agreements

