



European Scrutiny Committee

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From: Mr William Cash MP

3 November 2010

Rt Hon Rhodri Morgan AM
Committee Chair
European and External Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Rhodri

Many thanks for your letter of 25 October, with its kind message on my appointment.

I am happy to confirm that the position of the European Scrutiny Committee regarding subsidiarity and the devolved assemblies and parliament remains that which was set out in our report “Subsidiarity, national parliaments and the Lisbon Treaty” (33rd Report, session 2007–08). In that report we stated that because of the short time allowed for submissions of reasoned opinions the Committee : “*considered that it:*

- *should place the onus on the devolved assemblies or parliament to obtain draft legislation, vet it and tell the Committee as quickly as possible if they have objections; and*
- *should invite the comments of the devolved assemblies or parliaments on the Committee’s drafts of opinions where the draft includes a reference to a matter on which one or more devolved assemblies have expressed a view.*

If a devolved assembly or parliament were not ready to express its views until after the Committee Motion had been proposed, or if the Committee disagreed with the views, the assembly or parliament should be invited to send its views to the Committee for onward transmission to the Government.”

I do not consider this to amount to what you describe as “an undertaking to consult with officials in Wales and to take account of views, however informally they may be presented”. But I am sure we can discuss this and other matters when we meet at the EC-UK forum on 24 January.

In the meantime I should stress that we scrutinise all EU documents, not just those subject to the reasoned opinion procedure, and we examine all aspects, not just subsidiarity. Therefore, if your committee is concerned about subsidiarity, or any other matter, in relation to any EU proposal, it is welcome to let us know.

I am copying this letter to Lord Roper and Andrew Makower in the House of Lords; and to Les Saunders of the Cabinet Office.

Yours,
Bill Cash

CHAIRMAN