

Agenda – External Affairs and Additional Legislation Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date: 28 January 2019

Meeting time: 14.00

For further information contact:

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Committee Clerk

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Private pre-meeting

(13.45–14.00)

1 Introductions, apologies, substitutions and declarations of interest

(14:00)

2 Paper to note

(14.00–14.05)

2.1 Paper to note 1 – Correspondence from Mick Antoniw AM and Bethan Sayed AM to the Chair regarding the report on 'Wales' future relationship with the Committee of the Regions' – 23 January 2019

(Pages 1 – 14)

3 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting

(14:05)

4 Forward work programme

(14.05–15.00)

(Pages 15 – 31)



Agenda Item 2.1

Mick Antoniw AM and Bethan Sayed AM

The National Assembly for Wales' Committee of the Regions Members

David Rees AM

Chair of External Affairs and Additional Legislation Committee

23 January 2019

Dear David,

Report on 'Wales' future relationship with the Committee of the Regions'

We are writing in our capacity as the Assembly's representatives on the Committee of the Regions, in response to the External Affairs and Additional Legislation Committee's inquiry into Wales' future relationship with Europe and the World – part two. To inform the Committee's work in this area, we have enclosed our recently published report on 'Wales' future relationship with the Committee of the Regions' which the Committee may wish to consider as written evidence.

The Committee of the Regions is the unique voice of sub-national, regional and local government in the EU and provides an opportunity to engage widely across Europe. Our membership of the Committee of the Regions gives Wales a direct link to policy development and legislation going through the EU, including direct access to the European Parliament and Commission.

The UK's membership of the Committee of the Regions will cease after the UK's withdrawal from the EU on 29 March 2019. The UK Delegation to the Committee of the Regions is therefore working on the development of proposals for a mechanism to maintain a relationship between the UK and the Committee of the Regions after Brexit. The proposals include the establishment of a Joint Commission to ensure continuing dialogue and influence during any transition period.

As the Assembly's members on the Committee of the Regions, we have endorsed this approach as being the most efficient means of promoting arrangements which will enable continuing Welsh engagement to be put in place. It will also provide an initial framework within which the Assembly and Welsh Government can develop its own unique Welsh relationship with the Committee of the Regions.

The final plenary session of the Committee of the Regions before our membership comes to an end is on 6 and 7 February. We will both be attending this meeting in Brussels and will use it as an opportunity to make a strong case for a continued relationship between Wales and the Committee of the Regions to the UK Delegation and representatives from the other 27 EU countries. It is crucial that progress in relation to a future relationship is made as soon as possible before the UK formally leaves the EU on 29 March 2019.

To conclude, in our view, it is essential that the Assembly recognises the importance of a continued relationship between Wales and the Committee of the Regions, and that the Welsh Government supports the establishment of arrangements which will ensure continuing dialogue and collaboration between the Committee of the Regions and the Assembly and Welsh local authorities after Brexit.

Yours sincerely,



Mick Antoniw AM



Bethan Sayed AM

The National Assembly for Wales' Committee of the Regions Members



WALES' FUTURE RELATIONSHIP WITH THE COMMITTEE OF THE REGIONS

Mick Antoniw AM and Bethan Sayed AM

The National Assembly for Wales' Committee of the Regions Members

January 2019

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Wales' future relationship with the Committee of The Regions

1. Introduction

Wales has a good reputation in Europe. The Welsh Government is respected and our policy attunement with Europe is well recognised.

However, getting on well with other European institutions, governments, regional bodies, towns and cities is not enough. We need a strategy that enables us to prepare for a post-Brexit relationship which will enable Wales, through the Welsh Government, local government, businesses and educational institutions, to continue to benefit from the engagement we have enjoyed and perhaps taken for granted in the past.

This report focuses on the Committee of the Regions (the CoR), an European Union institution on which we have direct Welsh representation. Outside political circles it is not very well known but is nevertheless an important EU political and policy forum, although is perhaps an institution that has still not sufficiently established its unique identity and function alongside the Commission, the Council of Ministers and the European Parliament. We do also have representation on a number of other important EU bodies and organisations which are listed below.

The CoR is the unique voice of sub-national, regional and local government and provides an opportunity to engage widely across Europe and with many of the most important European Union and pan-European organisations. It provides a direct link to policy development and legislation going through the EU and enables direct access to the European Parliament and Commission.

The Welsh Assembly is represented on the CoR by Mick Antoniw, with Bethan Sayed as an alternate, nominated by the First Minister, vetted by the UK Government and formally appointed by the Council of the EU. The 8-10 October plenary session was the first representation Wales had for approximately three years.

In April 2017, Vikki Howells was appointed to the CoR as a full member (to replace Mick Antoniw) and Bethan Sayed was appointed as the alternate member (to replace Rhodri Glyn Thomas). The following November, the Welsh Government nominated Mick Antoniw to replace Vikki Howells. This nomination was not approved by the UK Government until 16 July 2018.

2. What is the Committee of the Regions?

The CoR was formally created by the Maastricht Treaty in 1993 and met for the first time in March 1994. The main role of the Committee is to act as a voice for sub-national, regional and local interests in the EU, and to advise the three EU institutions responsible for drawing up and adopting the EU's legislation on regional matters (the Council of Ministers, the European Commission and the European Parliament). In particular, the Lisbon Treaty requires the CoR to be consulted on all major issues of local and regional relevance in addition to any draft EU proposal published by the European Commission.

The CoR currently has 350 full members (and an additional 350 alternate members) who are regional and locally elected representatives from the EU's 28 Member States. Four members represent Wales (two as full members and two as alternate members): two Assembly Members who are nominated by the Welsh Government and two councillors who are nominated by the WLGA. The UK has a total of 24 full places on the Committee and an additional 24 alternate places.

The Bureau is the decision-making body of CoR. It generally meets seven times a year and prepares the agendas and policy programmes of CoR ahead of each plenary session.

The CoR's plenary is a meeting of all of the members which meets six times a year. The main purpose of plenary sessions is to set CoR's programme at the beginning of every term and to adopt opinions, reports and resolutions.

The CoR's work is divided between six Commissions which support the preparation of opinions relating to draft EU legislative proposals. Draft version of opinions and resolutions emanating from the Commissions are then submitted to the plenary sessions for adoption.

The CoR's principal task is to advise the three main EU institutions on policies and proposed EU legislation that is likely to have an impact on the regions of the EU. In particular, the Lisbon Treaty requires the CoR to be consulted on all major issues of local and regional relevance in addition to any draft EU proposal published by the European Commission.

The CoR submits its views on particular pieces of EU legislation and policies through opinions, which may be adopted by the CoR at each plenary session and at any stage during the legislative process. Opinions may relate to legislative proposals on policy areas (consultation on such proposals is mandatory); future European policies; and territorial impact assessment analysis on some European Commission proposals. It can also pass resolutions on any topical political issue but it cannot bind the Council or the Commission to its opinions and resolutions, or issue its own legislative proposals.

In addition to its formal role, the CoR conducts various consultations about certain policies and legislative proposals, and organises events to facilitate and encourage the exchanging of information and concerns about EU issues which affect its members.

The CoR also has an important and constitutional role in defending the subsidiarity principle. Following the coming into force of the Lisbon Treaty in December 2009, the CoR has the power to bring an action before the Court of Justice of the EU when the principle of

subsidiarity is breached, but only after the legislative proposal in question has been enacted. But to avoid such action being taken in the first place, the CoR acts to ensure that any concerns that relate to the subsidiarity principle are identified in draft legislative proposals as early as possible and has created a Subsidiarity Monitoring Network (SMN) (of which the Assembly for is a member) in order to raise awareness and facilitate the exchange of information between local and regional stakeholders and the EU institutions in relation to legislative proposals that may give rise to subsidiarity concerns.

The CoR also supports and facilitates, amongst other EU regional networks and conferences, the European Grouping of Territorial Cooperation, a network to facilitate cross-border cooperation between regions and cities across Europe. Wales (or any other part of the UK) does not currently participate in this network.

3. Other European networks with representation from the Assembly

The Conference of European Regional Legislature Assemblies (CALRE)

The [Conference of European Regional Legislature Assemblies \(CALRE\)](#) was established in Orvieto in 1997. The Conference brings together ‘chairs’ or presiding offices of sub-state national parliaments or assemblies from across the EU’s Member States. CALRE currently consists of 74 regions from eight EU Member States:

- The parliaments of the Spanish autonomous communities
- The Italian regional councils
- The assemblies of the Belgian regions and communities
- The parliaments of both the Austrian and German Länder
- The autonomous parliament of Åland (Finland)
- The regional assemblies of the Azores and Madeira (Portugal)
- The devolved institutions in Scotland, Wales and Northern Ireland.

A President is elected to lead the work of CALRE on an annual basis. CALRE establishes a number of Working Groups who meet to discuss key issues to the parliaments/assemblies and share good practice. Whilst there is a large focus on the work of the EU institutions, their policies and legislation the working groups also focus on other areas of common interest to regional legislatures.

Regional assemblies and legislatures have to be based within an EU Member State to be eligible for CALRE membership. This means that at present the devolved legislatures in the UK would not be able to be members of the organisation once the UK leaves the EU.

The Congress of Local and Regional Authorities of the Council of Europe

The Congress is the ‘local and regional arm’ of the [Council of Europe](#), Europe’s leading human rights organisation. Members are councillors, mayors and presidents of local and regional authorities and their role as part of this pan-European political assembly is to promote local and regional democracy, improve local and regional governance and strengthen authorities’ self-government. Wales has two Congress Members, one from local government and one from the Assembly. The Congress provides a forum for elected members of over 200,000 European regions and municipalities to discuss and report on various issues concerning local councils.

A list of the EU networks that the Welsh Government and other Welsh organisations are a member of is attached in Appendix A.

4. Future relationship with the CoR

The UK's membership of EU institutions including the CoR will cease after the UK's withdrawal from the EU on 29 March 2019, regardless of whether or not [the Withdrawal Agreement](#) reached between the UK and EU, endorsed by the European Council on 25 November, is ratified.

In the event that the Withdrawal Agreement is ratified and comes into force upon exit day, Article 123 of the agreement provides that during the transition period, the UK Parliament shall not be considered to be a national parliament of a Member State and provisions of the Treaties which grant institutional rights to Member States shall be understood as not including the UK. However, Article 128 of the draft Withdrawal Agreement states that during the transition period, representatives or experts of the UK may be invited to attend certain EU meetings, and meetings of EU entities where representatives or experts of Member States take part, where the UK's presence is necessary and in the interests of the EU, or where discussions relate to individual "acts" (legally-binding decisions) addressed to the UK or a UK citizen or company (e.g. a decision that a UK company has breached EU competition law during the transition period), but the UK representatives will not have voting rights at such meetings.

[The Political Declaration](#) on the future relationship between the UK and EU highlights that both parties will work towards 'an overarching institutional framework covering chapters and linked agreements relating to specific areas of cooperation.' It notes that this could take the form of an Association Agreement. However the agreements relating to the future relationship still need to be formally negotiated between the UK and EU after the UK's withdrawal on 29 March 2019.

To ensure the functioning of the future relationship, the Political Declaration notes that arrangements will be made for its management, supervision, implementation and development over time as well as for the resolution of disputes and enforcement. In addition the UK and EU will seek to ensure 'regular dialogue' between the UK and EU at summit, ministerial, technical, parliamentary and civil society level. With regard to summit and ministerial level dialogue, the draft political declaration states that this should, amongst other things, discuss opportunities for cooperation in areas of mutual interest, **including on regional issues**.

Proposals of the UK Delegation

The UK Delegation of the CoR is currently working on the development of proposals for a mechanism to maintain a relationship between the UK and the CoR after Brexit. However the CoR does not have a formal role in the negotiations.

The CoR unanimously [adopted a Resolution](#) at its Plenary session on 16-17 May on the implications of the UK's withdrawal from the EU for the local and regional authorities of the Member States. The Resolution:

- Notes that there is not sufficient focus on what the future relationship should look like at the level of local and regional authorities;
- Underlines that many important issues require local and regional action and therefore continued cooperation with the sharing of best practice at the level of local and regional authorities is needed;

- Identifies that the economic and social effects of the UK's withdrawal from the EU will most likely be asymmetrical not only across different sectors of the economy, but also across regions and countries, with some regions and Member States being more exposed due to the nature and scale of their trade linkages with the UK;
- Underlines that all levels of governance both in the UK and in the EU27 must continue to prepare for all possible Brexit scenarios;
- Urges the EU member states as well as the EU institutions to ensure that local and regional authorities are not left to deal with Brexit challenges on their own and that these challenges are mitigated as far as possible through a positive future relationship;
- States that even if the Committee does not have a formal role in the negotiations, some of its members and the authorities they represent will have the possibility of adopting formal positions according to their respective roles in their different national legal frameworks; and
- Reiterates that Committee of the Regions is best placed to devise and implement institutional mechanisms to promote regular consultation and interaction with local government and devolved parliaments and assemblies in the UK post Brexit.

In July 2018 the leader of the UK Delegation, Sir Albert Bore, [told the Assembly's External Affairs and Additional Legislation \(EAAL\) Committee](#) that discussions on the future relationship between the UK and Committee of the Regions are ongoing. The UK Delegation has proposed a two-stage approach to the development of a future relationship between the UK and the Committee of the Regions. In the short term it proposed establishing a joint commission, between the UK and Committee of the Regions, to ensure continuity between "Brexit Day" and the establishment of a more permanent arrangement. It proposes that the joint commission would be made up of 12 members on each side and would include geographical coverage from across the UK.

In the longer term, the UK Delegation has suggested exploring the possibility of establishing a North-West Europe macro-economic region. Sir Albert Bore expanded on this [in his evidence to the EAAL Committee](#) in July 2018, setting out what this would involve:

We were then looking at a period beyond any transition period where we had a more lasting arrangement, which picked up on where the European Commission have been moving things, and that is in terms of macro-economic regions. There are a number of macro-economic regions already established and, therefore, there is an opportunity with EU funding sitting in behind macro-economic regions to look at economic issues across the regions perhaps of a number of member states. We wondered whether or not, post Brexit that we might look at a north-west Europe macro-economic region, which then engaged the UK, not just with the north-west of Europe, but also potentially with the likes of Norway and Iceland. That would be phase 2, but phase 2 would require the agreement of member states. We would have to go down that route.

Two other points Sir Albert Bore made in his evidence on a potential macro-economic region were that:

- Macro-economic strategies are developed to cover a number of states within a macro-economic region, to progress the economic agenda of the regions within them; and

- Representation from the UK in any macro-economic region would be required to include representatives from local government and devolved administrations in a similar way to the requirements of the Committee of the Regions

In terms of timescales, Sir Albert Bore stated that:

We're concerned to start the discussion on both what I've called the first phase, as well as the second phase, as early as possible. It will take some time to put in place a joint committee. We think we need to move on that and we should have that in place sooner rather than later. It will take even longer to bring in a macro-economic strategy for north-west Europe, but if we don't start these discussions now, then we are going to be well beyond Brexit before any such strategy is adopted, if that is to be the way forward, if you like, for the longer term.

Wales: a special relationship with the CoR

In a [letter](#) to Karl-Heinz Lambertz, President of the CoR, on 19 June, the Llywydd welcomed:

...the commitment the Committee made in the Resolution to begin internal preparations to ensure the maintenance of relationships between devolved legislatures and local governments in the UK and the Committee of the Regions following the UK's withdrawal.

In its report [Wales' future relationship with Europe](#) the Assembly's External Affairs and Additional Legislation Committee acknowledged the "important and beneficial" role that Wales' membership of the CoR has played in the past and also noted the calls for continued relationship with the Committee after Brexit.

In its response to the report, laid on 16 May the Welsh Government said:

The Welsh Government supports the principle of a continued relationship between the UK and the Committee of the Regions (Committee of the Regions) and the detailed discussions already underway as to the shape of the relationship. In the transition period, we have expressed our support to the establishment of a joint Committee of the Regions-UK Commission which would if adopted by the Committee of the Regions include twelve members from the Committee of the Regions and twelve from the UK. We have also stated that there should be strong devolved representation in the UK's delegation to the joint commission and we would expect that the three devolved administrations should each be in a position to nominate one representative onto the committee (subject to the situation evolving in Northern Ireland). We also agree with the proposal of a permanent political forum for North-West Europe after transition which should include representatives from each of the Devolved Administrations.

During the course of the recent plenary session of the CoR on 8-10 October 2018 Sir Albert Bore met jointly with a representative group of UK members and they agreed the action points set out below to secure a positive decision in establishing a CoR-UK Joint Commission to ensure continuing dialogue and influence in the period immediately after the UK's withdrawal from the EU on 29 March 2019.

As the Assembly's members on the CoR we have endorsed this approach as being the most efficient means of promoting arrangements which will enable a continuing Welsh engagement to be put in place, endorsed by the CoR and which will provide an initial framework within which the Assembly and Welsh Government can develop its own unique Welsh relationship.

It will be necessary for the Assembly to endorse this approach and to support the efforts being made to develop this new form of relationship.

The following principles have been agreed between the Welsh representatives and the UK delegation to enable progress:

- There is an urgent need to establish acceptance within the CoR for a **CoR – UK Joint Commission** that would explore the opportunities for continuing dialogue and collaboration between the CoR and UK local and regional authorities, and devolved parliaments.
- This commission would operate during the transition period and possibly beyond, but would need to be constituted prior to 29 March 2019 so as to take advantage of the experience of present UK members of the CoR and their contacts within the CoR.
- It is acknowledged that such a proposal would require a CoR Bureau decision, not least because of ongoing financial and administrative consequences of the establishment of a commission.
- Members of the UK delegation on the CoR will need to ascertain the level of support for the establishment of the commission, across Member States and political groups.
- If such support is established, an approach will be made to assist the Cabinet of the CoR President in preparing a paper to be submitted to the Conference of Presidents meeting on 4 December 2018 that could be adopted at the CoR Bureau that follows.
- It would be the intention to arrange a small number of meetings of the commission prior to 29 March 2019 for the reasons set out above.
- Support for this approach and timetable will be sought from the Brexit Task Force and, therefore, the UK local government associations and devolved parliaments, and advice taken on the UK membership of the commission.

The next steps

It was hoped in December that the CoR Bureau, subsequent to a joint meeting of the Presidents of the European Commission, Parliament and CoR, would be able to propose to the plenary meeting of the CoR in Brussels on 6-7 February the endorsement of the principles underpinning commitment to an ongoing relationship with the UK, and consequently Wales. This did not happen but further discussions are under way. It is important that progress is made before the end of March this year when the UK (subject to any developments) formally leaves the EU.

The next plenary meeting of the CoR is on 6-7 February at which there will be a further meeting of the UK delegation.

It is important the National Assembly for Wales endorses this approach and confirms its commitment to maintaining the best possible post-Brexit relations with the EU and its institutions, and that the Welsh Government makes its own representations directly to the CoR and any other relevant bodies to achieve this.

As Welsh representatives on the CoR we will make the following recommendations:

1. The National Assembly for Wales recognises the importance of maintaining an ongoing relationship with EU institutions and networks, including the CoR, post Brexit.
2. The Welsh Government should seek direct meetings with the CoR and other relevant EU bodies to discuss how this might be achieved.
3. The Welsh Government should raise the issue of ongoing associate representation on the CoR with the UK Government.

Appendix A

The Welsh Government has created a non-exhaustive list of the EU networks that the Welsh Government participate in or have Welsh members. The list is as follows:

EU Networks of which the Welsh Government is a member

Conference of Peripheral Maritime Regions

European Association of Regions and Local Authorities for Lifelong Learning

GM Network

Network of Regional Governments for sustainable development (international)

Four-Motors

ERRIN - European Regions Research and Innovation Network

Network to Promote Linguistic Diversity

Vanguard Initiative

European Regional and Local Health Authorities

European Health Telematics Association EHTEL

European Innovation Partnership on Active and Healthy Ageing

Reference Site Collaborative Network (RSCN)

World Health Organisation Regions for Health Network - WHO RHN

European Network of Social Authorities

JASPERS Networking Platform

EU Networks of which the Welsh European Funding Office (WEFO) is a member

North-West Europe

Atlantic Area Strategy

Atlantic Area

Ireland/Wales

INTERREG Europe

INTERACT

[URBACT](#)

[ESPON](#)

[ESF Evaluation Partnership](#)

[ERDF Evaluation Network](#)

[European Network for Rural Development \(ENRD\)](#)

[IQ-Net](#)

Networks that have Welsh organisations as members

[Council of European Municipalities and Regions](#)

[United Cities and Local Governments \(UCLG\)](#)

[Cine regions](#)

[Culture Action Europe](#)

[IETM](#)

[EUROCITIES](#)

[Eurochild](#)

[European Network of National Civil Society Associations](#)

[European Nostra](#)

[European Route of Industrial Heritage](#)

[Conference on European Regional Legislative Assemblies](#)

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