



WLGA Response to the NAFW Constitutional and Legislative Affairs Committee Inquiry into Wales' role in the EU decision- making process

June 2013



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. WLGA welcomes the opportunity to contribute to this timely and important Inquiry. This written response follows a meeting with Committee members in Brussels on 17 June, which was a useful opportunity to exchange ideas and assess the current state of play regarding Wales' role in the EU decision-making process.
4. Although the Inquiry focuses on how Wales is involved in the decision-making mechanisms at the EU level, WLGA would emphasise from the outset our strong support for Wales' continued membership of the European Union. EU funding has made an enormous contribution to Wales' economic development and has helped deliver jobs, growth and regeneration for our communities across Wales. Given the reduced domestic budgets facing our local authorities in today's challenging economic climate WLGA stresses the need for Wales to maximise opportunities from all EU funding streams as we plan ahead for the 2014-2020 programming period.
5. WLGA has established a European Office in Brussels since 2003 and recognises the value of having a representative office at the heart of the EU. With around 60% of domestic legislation originating in Brussels, the office monitors upcoming EU legislation and seeks to influence any legislation which has implications for our local authorities in Wales as early as possible. Together with the Welsh Government, the National Assembly for Wales and Welsh Higher Education, the office forms part of Tŷ Cymru (Wales House), giving Wales much-needed visual presence in Brussels.

6. We have long advocated a 'Team Wales' approach in Brussels and are committed to working with our Welsh partners on issues of common interest, as well as promoting Wales as much as possible. We work well with our Welsh partners to develop and promote the Wales 'brand' in Brussels. We understand the importance of working with our Welsh partners and to reinforce Wales' position on a particular issue. Indeed, on some occasions, and on some specific issues, we can take forward key messages that the Welsh Government supports but cannot always pursue due to the constraints of the nature of their relationship as a Devolved Administration within the UK. This is particularly the case when different political parties are in power in Cardiff and London, when cooperation is "premised on the goodwill of both governments"¹.
7. Wales is not an EU Member State, and does not have a full 'seat at the table' to influence decisions in the same way as Member States. As a result Wales has to work within the constitutional framework and find other ways to influence decisions at the core of the EU decision-making machinery, namely the inter-institutional 'triangle' between the European Commission, the Council of the EU and the European Parliament. With twenty eight Member States (from July 2013), 241 EU regions and four nations within the UK all competing for lobbying, funding and resources within the EU arena, it is essential that Wales is adequately and fully prepared and able to compete with other regions and countries when key decisions are made.

UK Government

8. The most notable route for Wales is working through the UK Government, both in Brussels through the UK Permanent Representation to the EU (UKREP) and in London through relevant Whitehall departments.
9. In terms of EU legislation, Wales currently has three main roles: implementing EU directives in its areas of legislative competence, complying with EU laws within the scope of the National Assembly's legislative powers, and monitor the subsidiarity principle and keep the Westminster Parliament abreast of any particular issues². Should any EU legislation affect Wales then we fully support the efforts of our Welsh

¹ http://www.clickonwales.org/wp-content/uploads/Chapter_8.pdf

Government colleagues to lobby and intervene on this piece of legislation, regardless of whether they are EU regulations, directives or decisions, and ensure that Wales' interests are fully recognised and understood by the UK Government.

10. For example, robust lobbying by the Welsh Government was needed during the March 2013 UK Government discussions on the distribution of the EU Structural Funds in the UK for the 2014-2020 period. The outcome (€2.145bn from around a total investment of €11bn) was widely regarded as positive for Wales and demonstrated the need for a strong and effective lobbying strategy to promote and defend Wales' interests. We support the Welsh Government's commitment, as set out in its May 2012 EU Strategy, to continue to work closely and constructively with the UK Government on developing and implementing legislation³.
11. It appears that Welsh Government officials have generally a good relationship with UKREP officials in Brussels and that UKREP departments generally acknowledge key issues from the Welsh Government. Welsh Government officials also have well-established links with their counterparts in the Northern Irish and Scottish Government offices in Brussels and this is also important to lobby on any issues of common interest.
12. WLGA also has well-established direct connections with UKREP officials and we also seek to maximise these relationships when EU legislation particularly affects local government in Wales.

European Commission

13. Direct lobbying with European Commission officials is also important and supported, particularly those desk officers with specific responsibilities for Wales for e.g. the Structural Funds and rural development. Welsh Government officials, as well as WLGA officers, have established good working links with key Commission officials and we respond to a broad range of Commission consultations in a number of policy areas in

² <http://www.legislation.gov.uk/ukpga/2006/32/contents>

³ <http://wales.gov.uk/docs/caecd/publications/120531eustrategyfinalmay12.pdf>

order to provide the views of Welsh local government on an upcoming piece of legislation.

14. We also encourage as many civil servants from Wales as possible to enter the European Commission. We are delighted to see Wales' Lowri Evans, for example, influence policy in maritime and fisheries affairs as Director General and we hope to see more officials from Wales influencing the Commission 'from within' in the future.
15. We fully support the continued engagement between Welsh Government Ministers and EU Commissioners and recognise the value of staging these meetings both in Wales and in Brussels in order to demonstrate that Wales has its own challenges, strengths, priorities and concerns regarding EU legislation and funding programmes. Given the continued importance of EU funding for Wales we are pleased to see the European Structural Funding portfolio now promoted to full Welsh Government Ministerial level although we remain concerned that the splitting of the European Funding portfolio between the Natural Resources and Food Minister and Finance Minister will hinder integration between the European Structural and Investment Funds in the 2014-2020 EU Programmes for Wales.
16. We need to ensure that we maximise working opportunities with the European Commission office in Cardiff and make every effort to attract EU Commissioners and key Commission officials to Wales, ensuring that the Commission and all partners, including the Welsh Government, WEFO, local government, higher education and the voluntary sector, are working towards the same goals on European affairs.
17. As part of this all partners need to 'raise our game' in terms of maximising opportunities for Wales from wider initiatives promoted by the European Commission. This needs to involve a wider perspective than the traditional focus of maximising opportunities from the Structural Funds and Common Agriculture Policy to ensuring that Wales benefits from the number of other policy and funding initiatives, such as the themed programmes for the 2014-2020 programming period, including Horizon 2020; Erasmus for All; Territorial Cooperation; LIFE; and COSME etc.

18. We also fully support and encourage the participation of Welsh citizens in the European citizens initiative⁴. This is a direct way of enabling our citizens to join other people across the EU to express their voice and call on the Commission to propose legislation on a specific issue.

Council of the EU

19. We also fully support the participation of Welsh Government Ministers in the UK Joint Ministerial Committee on Europe and Council of the EU meetings in order to promote and defend Wales' interests. We recognise however that Wales' influence in these Council meetings is limited as Wales must share the UK 'seat' with the UK Government Minister (despite being the Minister solely for England in certain policy areas) as well as Ministers from the other devolved administrations in Scotland and Northern Ireland.

20. As identified by the First Minister Carwyn Jones AM last autumn⁵, WLGA would like to see the role of Welsh Government Ministers and devolved governments strengthened in these Council meetings as we recognise the UK Government position does not always correlate with the Welsh Government and Welsh local government positions. For example, regarding the continued discussions on the 2014-2020 EU budget, the Multi-Annual Financial Framework (MFF), WLGA, unlike the UK Government, supports a strong and robust EU budget for the next programming period to deliver much-needed jobs and economic growth in our communities, and it is essential that there are sufficient avenues for Wales to express, defend and lobby its own position, especially at a time when EU funds take on added importance with the scale of the reductions in domestic capital budgets in particular.

21. The capacity of the Welsh Government to play a role in the UK's European policy formation continues therefore to be a key challenge in strengthening Wales' role in EU decision-making⁶.

European Parliament

⁴ <http://ec.europa.eu/citizens-initiative/public/welcome>

⁵ <http://wales.gov.uk/newsroom/articles/firstminister/121112futureunion/?lang=en>

22. The Welsh Government and WLGA also seek to influence decisions through our four Welsh MEPs in the European Parliament. Although four MEPs amongst over 750 is a very small number the influence of our Welsh MEPs cannot be underestimated, particularly for policy areas, such as the cohesion policy regulations, going through the co-decision legislative procedure, where the Parliament has considerable powers.
23. We have well-established relationships with our Welsh MEPs and keep in regular contact, particularly on policy areas of most relevance to Welsh local government, such as cohesion policy, the overall EU budget and the Common Agricultural Policy. To have our MEPs sitting on corresponding committees, such as Regional Development (REGI), the Budget Committee (BUDG) and the Agriculture and Rural Development Committee (AGRI), and leading on influential reports is a very useful way of ensuring Wales' views are known and heard thus engaging with our MEPs, as well as other influential MEPs, is crucial.
24. It is regrettable that, unlike Edinburgh and London, the European Parliament does not have a representative office in Cardiff and we hope that the Parliament will reconsider this in the future in order to foster cooperation between the National Assembly and the European Parliament and promote awareness amongst citizens in Wales about the work of the Parliament.

Local/Regional Government Lobbying

25. In addition to the lobbying channelled through the UK Government, Wales has other ways of influencing decisions taken at the EU level. At the local government level, WLGA often lobbies on a particular piece of legislation with our fellow Local Government Associations through the pan-European LGA, the Council of European Municipalities and Regions (CEMR).
26. Together with our European Local Authority Network (ELAN) and close cooperation with the Local Government Associations representing England, Scotland and Northern Ireland, we find working through CEMR a useful way of lobbying and a strong unified

⁶ http://www.clickonwales.org/wp-content/uploads/Chapter_8.pdf

voice from European local government can prove very effective, for example, on strengthening the role of local and regional authorities through the Partnership Principle in the cohesion policy regulations for the future EU programmes⁷.

Committee of the Regions & European Economic and Social Committee

27. We also have two members in the Committee of the Regions (CoR) and, together with the two members representing the National Assembly, seek to influence reports produced by the CoR which respond to EU legislative proposals that affect local and regional authorities. Another avenue is to secure *rappoteurships* for our members, ensuring that Wales leads and shapes reports on behalf of European local and regional government.
28. Recent reports on synergies between private investment and public funding at local/regional level by Rhodri Glyn Thomas AM and the new EU cybersecurity strategy by the WLGA European Affairs Spokesperson, Cllr Bob Bright, demonstrate the continued importance of ensuring our members lead on CoR reports.
29. The challenge, however, is to ensure that the aforementioned 'triangle' at the core of the EU decision-making process fully recognises and acknowledges the views of the CoR as well as those of the European Economic and Social Committee, where Wales also has representation.

Concluding notes

30. WLGA recognises that Wales can do more to influence decisions at EU level, but recognises the long-standing barriers to achieve this. The Welsh Government civil service is relatively small and, provided with additional resources, capacity and expertise, could do more to monitor and influence EU legislation across a broader range of policy areas. It is essential that Welsh Government officials are fully aware of the importance of EU legislation and how it affects their policy areas. A guide similar to

⁷ <http://www.ccre.org/en/communiqués/view/356>

that prepared for Scottish Government officials⁸ could prove useful in raising awareness and better integrate EU and domestic policy. The Welsh Government has recently expanded the number of Brussels-based officers and it is essential that it maximises usage of the EU office to strengthen Wales' presence on the ground.

31. As outlined in the Welsh Government's EU Strategy, the publication of Annual Reports and Work Programmes to reflect the Commission's Legislative and Work Programme is welcomed as a way of monitoring Wales' achievements and progress on EU issues.
32. Communicating the Welsh Government position on a particular piece of EU legislation not only to UK Government colleagues but also to other partners such as WLGA through, for example, short briefings similar to the UK Government Explanatory Memoranda, and making better use of the Europe section of the Welsh Government website⁹ would also be beneficial, in order to ensure that all partners working in the European arena, both in Wales and in Brussels, are fully aware of the Welsh Government position.
33. Regarding barriers to participation, Welsh local government faces similar challenges, whereby our officers in the Association and local authorities must prioritise the domestic agenda and/or the constant demands of preparing, implementing and running EU funded and/or domestic schemes and projects. Monitoring and influencing EU legislation in the pipeline is not often prioritised not because of a lack of interest and engagement but rather constraints involving lack of time, capacity and resources.
34. In conclusion, Wales must be smart and able to keep up with the rapid changes in the shifting EU landscape. The current political climate regarding the UK's membership of the EU and recent examples of a growing divergence between UK and Welsh Government positions makes it all the more important for Wales to have its say in the EU decision-making machinery. Given that Wales is not a Member State it must continue to 'raise its game' and maximise all opportunities to influence decisions taken at the EU level and engage "actively and visibly", as identified in the Welsh Government EU Strategy.

⁸ Scottish Government 'Influencing and implementing EU obligations', 3rd edition, 2012

35. WLGA supports the Inquiry's intention to engage and consult with other countries and regions, such as Scotland, Northern Ireland, Flanders and Catalunya, to learn how they influence the EU decision-making process and whether Wales can do more in this regard. WLGA is committed to working with our Welsh partners and ensure that we all work together towards the same goal: to provide Wales with a strong voice and influence EU decisions as much as possible.

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⁹ <http://wales.gov.uk/topics/international/europeanaffairs/?lang=en>