

European and External Affairs Committee

Minutes

Date: 22 January 2004

Time: 09.00

Venue: Committee Rooms 3 & 4, National Assembly Building, Cardiff Bay

Attendance:

Members

European & External Affairs Committee:

Sandy Mewies (Chair)	Labour: Delyn
Nick Bourne	Conservative: Mid and West Wales
Rosemary Butler	Labour: Newport West
Christine Chapman	Labour: Cynon Valley
Mike German	Liberal Democrat: South Wales East
Christine Gwyther	Labour: Carmarthen West and South Pembrokeshire
Ieuan Wyn Jones	Plaid Cymru: Ynys Mon
Jonathan Morgan	Conservative: South Wales Central
Rhodri Morgan	Labour: Cardiff West
Rhodri Glyn Thomas	Plaid Cymru: Carmarthen East & Dinefwr

Standing Invitees

Janet Royall European Commission Office in Wales

Janet Davies AM Committee of the Regions

Invitees

Emma Whiteacre European & Global Director, Institute for Citizenship

Lord Elis-Thomas Presiding Officer

Peter Kellam Overseas Unit Manager, Presiding Office

Officials

Gary Davies Head, European and External Affairs Division

Des Clifford Head, Brussels Office, European & External Affairs Division

Secretariat

Claire Bennett Committee Clerk

Lara Date Deputy Committee Clerk

Item 1 - Introductions, apologies, substitutions and declarations of interest (09:00)

1.1 The Chair welcomed everyone to the meeting. Apologies had been received from standing invitees Jill Evans MEP, Jonathan Evans MEP, Glenys Kinnock MEP, Eluned Morgan MEP, Eurig Wyn MEP, and Rose D'Sa (ECOSOC).

1.2 There were no declarations of interest.

Item 2 - Minutes of the previous meeting and matters arising (09:02 - 09:05)

Paper: EUR(2)04-03(min)

2.1 The Committee noted in relation to 9.1 of the minutes, reporting back on a Committee of the Regions territorial cohesion meeting attended by Janet Davies AM, that there had been problems with translation, and that the statement 'that rural areas in receipt of Objective 1 would be unaffected by enlargement' was incorrect, in that all Objective 1 areas would be treated the same. The minutes were ratified.

Item 3 - Report on EC-UK Chairs Meeting (09.05 - 09.16)

Paper: EUR(2)01-04(p01) - Report on the EC-UK Chairs meeting held in Aberdeen

3.1 The EC-UK meeting that was held between the Chairs of the other European Committees in the UK had been very useful, and the Committees' work programmes shared many of the same themes: reform of the cohesion and Structural Funds, the IGC and enlargement.

3.2 The House of Commons' and House of Lords' Committees had offered their support and expertise in enabling Committees in the devolved bodies to conduct effective European scrutiny. The Members' Research and Committee Services would be taking this forward and meeting their counterparts in Westminster.

3.3 Members were interested to compare how the other Committees operated, and how an 'early warning system' to scrutinise EU legislation would work. The Scottish Parliament system for dealing with legislation was very similar to that of the National Assembly for Wales, with the Committee taking a strategic role and passing information to subject Committees for their scrutiny. The Scottish Parliament's Committee was more advanced in its scrutiny role having been operating it in some form since it was established. The Committee met more frequently and had identified scrutiny of legislation and policy reviews, such as its current review of promotion of Scotland overseas, as the most important areas of work. The House of Commons had a different role, aimed at directing comments on the political and legal implications of proposals to the UK Government in order for the Government to challenge the European Commission. The Committee met weekly and had the resources of a number of legal advisers and clerks to service that function. The House of Lords had a similar function but tended to take topics and themes in its sub-Committees and produce detailed reports - much of its recent work had focused on the IGC. In the Northern Ireland Assembly, the Committee of the Centre had the role of shadowing EU issues along with many other areas, and had been in the process of reviewing the need for a separate European Committee. The Assembly had been dissolved before the findings of that review could be published. A paper would be produced to detail how the different Committees operated.

3.4 Members' Research and Committee Services would also produce a paper exploring the issues to be addressed in developing a responsive early warning system for EU legislation in devolved administrations.

3.5 At the EC-UK meeting there had been discussion as to whether the Parliaments and Assemblies planned to mark enlargement on 1 May. The Welsh Assembly Government had planned a number of business, cultural and educational events around 1 May, and had produced a leaflet on the impact of enlargement in Wales, in conjunction with the Foreign and Commonwealth Office and the European Commission, which was circulated to Members in the meeting. Members noted that none of the events mentioned were at venues in North Wales and suggested this should be examined. The First Minister noted that the schedule of events was not yet finalised and he would look into this. The final events schedule would be circulated to the Committee Members and EU-UK Committee Chairs and be drawn to the attention of the Presiding Officer.

3.6 The next meeting of the EU-UK Committee Chairs would be hosted in Wales. The date was not yet finalised.

Action points:

- Members' Research and Committee Services would produce a paper setting out how the different EC-UK Committees operated and best practice for operating an 'early warning' system for EU proposals.
- The Committee members, the Presiding Officer and the EU-UK Committee Chairs would receive details of events to mark enlargement in Wales when the programme was finalised.
- The Committee would be kept updated on the sharing of best practice between the Secretariats of the Assembly's European & External Affairs Committee and other EC-UK Committees.
- The next meeting of the EC-UK Committee Chairs would be hosted in Wales by the Chair of the Assembly's European & External Affairs Committee.

Item 4 - Minister's Report (09.16 - 09.35)

Paper: EUR(2)01-04(p02) - Minister's Report

4.1 The First Minister made oral additions to his written report:

- The First Minister had recently hosted a number of visits from Ambassadors, including positive talks with the Russian Ambassador. Following a meeting with the Latvian Ambassador, feedback was awaited from the UK Embassy in Riga on what commitment Latvia could give within a Memorandum of Understanding (MOU). The First Minister could then consider what Wales could provide in return.
- The First Minister had visited Brittany to sign a MOU, and the shared interests with Wales were noted. Wales could learn from Brittany's food processing industry, which included a lot of larger family-owned companies, and Wales had expertise to offer Breton-speakers on how to integrate the language into the education system. It had not been possible to visit the fishing industry area on that particular visit.
- Discussions had been held with the Danish Ambassador on trade links, on a possible MOU, and

on the prospects for the IGC.

- The First Minister would be visiting South Africa alongside a Wales Trade International Mission including 17 companies from all over Wales. The First Minister would also be taking part in events to mark the battle at Rourke's Drift and he noted the strong link that this event still created, for example, South African army cadets received training from Welsh regiments in Brecon.
- The First Minister drew attention to the figures in relation to transposition of directives in his report and the strong performance by the UK. The Welsh Assembly Government played a significant role in this, with responsibility for transposing many directives for example in food and animal health and food protection. The First Minister noted that some Member States seemed to be more keen on the content of directives but less willing to enforce them, whereas the UK was more likely to enforce even those directives it had opposed prior to implementation. This could lead to businesses in the UK operating at a disadvantage due to heavier regulation and the First Minister was consulting the Office of the Counsel General on the implications of this for competitiveness.
- Negotiations were continuing on the implementation of the working time directive, following court judgements on interpretation of time spent sleeping while 'on call'. The UK could not provide sufficient medical and other emergency workers to cover staffing needs when the directive came into force in August 2004. A common sense interpretation of the directive was needed, but if a challenge was made then infraction was a possibility. The EU Parliament would be suspended due to elections for some time during 2004 and this could inhibit amendments to the directive, however it was noted that the draft legislative proposals before the Committee under Item 7 included a consultation on the directive that provided a good opportunity to comment.
- The First Minister had met the Premier of Quebec and was keen to develop links with the province, which operated bilingually within a large monolingual continent. The Premier had also noted the economic and political importance of state ownership of the power industry in that part of North America.

Item 5 - Update on the IGC(09:35 - 10.00)

Paper: EUR(2)01-04(p03) - Update on the IGC

5.1 The prospects for agreement on the draft constitutional treaty during the Irish Presidency were discussed. The Irish were bullish about prospects, but if outstanding issues could not be resolved by the end of April, following the Council meeting in March, progress might then be delayed until 2005. This would prevent implementation of the early warning system for legislative scrutiny proposed in the draft treaty.

5.2 Until an agreement was reached the status quo on 'Qualified Majority Voting' (QMV) would prevail, giving Spain and Poland disproportionate voting weight. It was unfortunate that following deadlock over QMV during the IGC, the full range of other contentious issues were not put on the table and explored. This meant that there might be other issues that could cause problems even if agreement on voting rights

were reached.

5.3 There had been media reporting that the UK Government was threatening a decrease in regional aid budget as a way to remove deadlock over the treaty, and this would have consequences for Wales. This was a current issue because of the imminent publication of the EC Financial Perspectives document. A number of small and large Member States were lining up to support a reduction in the regional aid budget. The head of the EC Office in Wales noted that Ireland was keen to separate the IGC from discussions on the EU budget.

5.4 The negotiations over the total EU budget, including the regional aid share of that budget, were expected to last for many months so the possible outcome for Wales would not be known for some time. The Financial Perspectives and 3rd cohesion reports would be considered jointly with the Economic Development and Transport Committee at the next meeting. Members were keen to monitor these issues at meetings on a regular basis.

5.5 According to the Treaty of Nice, from October 2004 there would be one Commissioner per Member State, up to a maximum of 27. This allowed for the accession of Bulgaria and Romania, and if further countries, such as Turkey, then joined, a process of rotation would begin. In the past Wales had been well represented amongst the EU Commissioners appointed from the UK. The European Parliament agreed the appointment of Commissioners following an 'audition' by nominees. With its growing power, it would be interesting to see if the Parliament would reject any of the nominees this time.

5.6 The Committee discussed possible UK moves for greater alliance with France and Germany to create a 3-Member State 'motor' at the centre of Europe. This alliance could conversely reduce the relative power of France and Germany, if the UK also maintained strong alliances with Scandinavian Member States and others that widened out any influence.

Action points:

- The Committee would receive regular updates on discussions on the EU budget and on reform of regional policy.

Item 6 - Presentation from the Chair of the Culture, Welsh Language and Sport Committee (CWLS) (10:00 - 10.35)

Paper: EUR(2)01-04(p04) - Culture, Welsh Language and Sport Committee: Consideration of European and external affairs issues

6.1 Nia Lewis, Policy Officer in the Assembly's Brussels office, had given a useful presentation to the

CWLS Committee on the range of EU funding opportunities. Concern was expressed about the apparent lack of a central point of co-ordination in Wales to ensure that organisations were aware of and could take full advantage of the range of funding available. The Committee would be looking at how to ensure Wales was getting its fair share of EUCLID funds.

There was a Wales European Information Network, and most local authority areas had European officers, but pursuing EU funding for projects could sometimes be personality-led, and smaller organisations might not have the staff resources to pursue opportunities. It was noted that the application procedures could be so burdensome that they discouraged applications.

6.2 The European Committee could take an overview of the sources of advice on European funding available in Wales and a paper setting this out would be prepared for a future meeting.

6.3 The EU Year of Education through Sport (EYES) would be launched in Wales in 2004, and it would be good if Welsh projects could benefit from some of the available budget. Currently surveys suggested that only six per cent of people accessed sport through school. The idea was to encourage participation in sport as a way to educate people. This would include sports projects aimed at encouraging potential school refusers to stay in education. A bid had been submitted by a football project in Carmarthen.

6.4 The Chair's membership of the Committee of the Regions Culture Committee was useful and she had been invited to various events to promote what Wales was doing and to develop links.

6.5 The Minister was good at keeping the Committee updated on developments relating to Europe and the Members were keen to develop links across Europe. The Committee had met representatives of the government of Finland, where successful work had been done to reduce high levels of heart disease by encouraging greater participation in sport, particularly among women. Lessons could be learnt in Wales to tackle problems of obesity and diabetes. Exchange visits between arts and sport practitioners in Wales and Western Sweden were also planned.

6.6 According to the President of the Bureau of Lesser Used Languages, Wales was an exemplar in Europe of how minority languages could be integrated. It also appeared that the Committee's planned policy review of English-medium writing was a first in Europe, and that other countries and regions could learn from the results.

6.7 Rosemary Butler AM could circulate any Committee papers on subjects referred to in her presentation to Committee Members on request.

Action point:

- The Committee would consider a paper on the mechanisms and networks for accessing EU funding in Wales at a future meeting.

Break: 10.35 - 10.50

Item 7 - (10:50 - 11.10)

Papers:

EUR(2)01-04(p05) - List of European Legislation

EUR(2)01-04(p05 - annex a) - List for European and External Affairs Committee

EUR(2)01-04(p05 - annex b) - Full subject list

7.1 The production of legislation lists for scrutiny was a useful exercise. There had been some technical problems with the database used to produce the lists but these were being worked on. The European and External Affairs Committee had an important mainstreaming role as the co-ordinating hub to ensure other Committees were considering relevant EU legislation.

7.2 The Committee Clerk explained the current system. Deposited documents were entered onto a database daily and categorised by subject area. The Members' Research and Committee Services (MRCS) team for each subject committee were then each sent a list of proposals relevant to their area and assessed their relevance. Members agreed that the subject committee Chairs should receive the lists at the same time as the MRCS team.

7.3 The Environment, Planning and Countryside Committee would be considering a detailed paper on EU legislation at its next meeting, and Economic Development and Transport Committee would be following suit. The Committee had agreed to examine and evaluate the system at Easter to see how it might be improved.

7.4 A formal consultation document had been deposited on 14 January 2004 concerning aspects of the implementation of the Working Time Directive (93/104/EC) - comments were invited by 31 March. It was agreed that the Chair should request that subject committees consider the document and provide feedback to the European and External Committee before its next meeting. The Committee could then consider the consultation at that meeting, and decide on coordinated feedback on the proposals by the March deadline.

7.5 The Committee would also consider the Report from the Commission 'Better Lawmaking 2003' pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality (11th report) (deposited 22/12/03) as it had broad importance across all the Assembly's work. Other documents would be drawn to the attention of subject Committees as set out in the paper.

7.6 The Chair, and Members Rosemary Butler AM and Chris Gwyther AM, who were Assembly

Committee Chairs, would also raise the issue of EU legislation scrutiny at the Panel of Chairs meeting the following week.

Action point:

- Subject Committee Chairs would receive the weekly lists of EU legislation at the same time as the MRCS team.
- The Committee would examine and evaluate the system of EU legislative scrutiny in the Summer term.
- The Chair would write to the relevant subject Committee Chairs to request that they consider the European Commission's consultation on the Working Time Directive and provide feedback before the European & External Affairs Committee meeting on 4 March 26 February 2004.
- The Chair would write to draw subject committee's attention to a number of other proposals, as set out in the paper.
- The Chair would also raise the issue of EU legislative scrutiny at the next Panel of Chairs meeting.

Item 8 - Active democracy in the EU and increasing turnout in the European elections (11:10 -11:27)

8.1 Emma Whiteacre of the Institute for Citizenship spoke to the Committee about active democracy in the EU and the organisation's 'Get the Vote Out!' campaign in the run-up to European elections. The main points that emerged were:

- The Institute for Citizenship was a small charity set up by the then Speaker of the House of Commons, the Rt. Hon. Bernard Weatherill MP, 12 years earlier. It promoted active citizenship and democracy through debating events and projects such as its current 'Get the Vote Out!' campaign. The campaign aimed to encourage and inform voter participation. The Institute had relatively few resources and therefore aimed to work with other organisations and networks, such as the Electoral Commission, to spread its message.
- The UK voter turnout in the 1999 European elections had been the lowest in the EU - 24 per cent. The figure in Wales was higher - 29 per cent - which may have been bolstered by local elections being held on the same day.
- A series of half-day conferences were being held in 12 UK regions - 6 had already taken place. The agenda included a keynote address from a Minister or senior MEP, a panel discussion and action groups looking at how to mobilise different sections of the electorate, to reach young people, use the media and so on.
- The focus was on smaller-scale local events and initiatives. For example the Women's Institute was holding events involving MEPs and candidates, the World Development Movement and Trade Justice were having street stalls, organisations had pledged to use their e-mail databases, postal franking, website banners and newsletters to spread the word.
- The Institute was speaking to the Confederation of British Industry, Communication Workers

Union, British Youth Council, National Union of Students, Cooperative Bank and others. It was following up commitments by e-mail and working to develop resources, which were also available through the European Parliament.

- MORI research commissioned by the Electoral Commission found that the public considered European elections to be 'third order', ie using a football analogy, if Westminster was the Premiership league and local elections were the Nationwide league, European Parliament elections were considered local league. The survey suggested that people did not engage with European politics, know their MEP or what the European Parliament did. The Institute's role was to inform, using examples such as food labelling and compensation for cancelled flights to explain how the EU had a direct impact on people's everyday lives.
- It was noted that in 1999 there were four different elections in Wales at the same time, so it was not just voter apathy but confusion. It was important to develop a common language and explain the difference to voters. The Institute was working with local councils and political parties to tackle this - they were the main participants in its 'Get the Vote Out!' conferences.
- Clear competition for seats also encouraged voter interest - this had been the case previously in Mid and West Wales, where a real contest between candidates had an impact - as did candidates being visible campaigning.
- There was no 'quick fix' for voter disengagement. Increasing the emphasis on citizenship in schools was important to engage future voters. The 'Speak out on EU Citizenship' project involved young people across the EU in discussing issues and took participants to Brussels and Strasbourg to see how the Parliament operated. The 'Active Citizenship Today' project involved young people in their own community, to encourage local regeneration and decision-making.
- Members were invited to the 'Get the Vote Out!' conference in the Millennium Stadium Conference Centre in Cardiff on 6 February. They requested feedback from the Institute for Citizenship on the outcomes of the campaign.

Action points:

- The Members would receive feedback on the 'Get the Vote Out!' campaign in Wales and across the UK from the Institute for Citizenship.

Item 9 - Update from the Presiding Officer about the work of CALRE (11:27 - 11.42)

Papers:

EUR(2)01-04(p06) - Report on the work of CALRE

EUR(2)01-04(p06 - appendix 1) - CALRE

EUR(2)01-04(p06 - appendix 2) - CALRE

9.1 It had been proposed that the Presiding Officer take on the 2005 Presidency of CALRE, and that the CALRE annual conference was hosted in Wales. CALRE was keen for Wales to have the Presidency for 2004 but the Presiding Officer hoped that by delaying it until 2005 the new larger Assembly Building would be available to host the Conference of Presidents. It was proposed that an affiliation fee be charged to members of CALRE, which would reduce the costing of holding the Presidency. Hosting the conference was estimated to cost in the region of £30,000 - £40,000. The proposal was being considered by the House Committee.

9.2 CALRE provided an opportunity for the regional voice to be heard and Wales had taken a stronger role recently partly because Lord Alderdice of the former Northern Ireland Assembly, who had been the UK representative on the steering committee, had been unable to participate. It was an opportunity to learn from other regional assemblies, for example from the Austrian Lander, about the development of regional legislation, for example, how to deal with formal petitions, and to influence the development of regional tiers of government in the EU. This had greater importance in the run-up to enlargement - links with smaller regions and countries was important.

9.3 Wales had expertise and experience to share in IT and e-democracy as the standard of electronic communications in the Assembly was higher than in other regional parliaments and assemblies. The Euskadi Parliament of the Basque region was interested to share knowledge in this area as well as in minority language issues.

9.4 Article 10 of the 'Charta of the Regions' referred to the rights of devolved administrations to bring an action to the European Court of Justice when their powers were directly violated by EU legislation. There was no agreement yet among member states in the IGC concerning that proposal.

9.5 The Presiding Officer was keen to demonstrate the Assembly's support for the 'Charta of the Regions' as it promoted the process of realising regions' desire to be an executive legal force. The Committee agreed to endorse the Charta and the CALRE declaration, but it was noted that neither the Committee nor the Presiding Officer had delegated authority to sign them - that was a decision for the Assembly in Plenary. The Chair would write to the Presiding Officer confirming the Committee's endorsement of the CALRE declaration and Charta.

Action points:

- The Chair would write to the Presiding Officer confirming the Committee's endorsement of the CALRE declaration and Charta.

Item 10 - Update from Committee of the Regions (COR) members and MEPs (11.42 - 11.50)

10.1 Rosemary Butler AM reported that Sir Albert Bore had finished his two year Presidency of the Committee of the Regions and should be commended for leaving the organisation on a sound basis. The First Minister was requested to extend his appreciation to Sir Albert for his work as President when they next met. Voting for the new President had taken place the previous day.

10.2 Opinions produced by the COR would be circulated to other Committee members. Recent opinions included investing in efficiency in education and training, the role of universities in local and regional development, and promoting language, learning and linguistic diversity. A Statement to the COR from the Conference of Peripheral and Maritime Regions (CPMR) would also be circulated to Committee members.

10.3 Some notable speakers were attending the COR, such as Pat the Cope Gallagher TD, the Irish Minister for Environment, Heritage and Local Government, and the President of the EU Investment Bank, which reflected its increasing status as an organisation.

10.4 Janet Davies AM reported that she had attended a meeting of the UK delegation to COR jointly with the Irish delegation. Both Janet Davies AM and Rosemary Butler AM were prevented from attending the next plenary due to clashes with their roles as Chairs of Assembly Committees. It was unfortunate as Commissioner Barnier was expected to address the meeting on Structural Funds. The Deputy Director-General of DG Regio, Charles White, had previously given the COR an update on Structural Funds. Publication of the 3rd cohesion report was now expected to be in mid-February. A question on funds for rural development had been answered saying that LEADER would be absorbed and rural development would not lose out. A shaded map was shown of those regions that would become ineligible for Objective 1 funding after 2006. The map showed that of UK regions that would become ineligible, West Wales and the Valleys was the closest to remaining below the qualification threshold of 75 per cent of the average EU GDP.

10.5 The next meeting of the Committee would be on 26 February 2004.

Action points:

- Rosemary Butler AM would continue to circulate COR opinions to subject Committee chairs, and the CPMR Statement to COR would be circulated to Committee members.

The meeting closed at 11:50 am