



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Materion Ewropeaidd ac Allanol
The Committee on European and External Affairs**

**Dydd Iau, 9 Hydref 2008
Thursday, 9 October 2008**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Nerys Evans	Plaid Cymru The Party of Wales
Huw Lewis	Llafur (yn dirprwyo ar ran Jeff Cuthbert) Labour (substitute for Jeff Cuthbert)
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Sandy Mewies	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

Eraill yn bresennol
Others in attendance

Yr Athro/Professor Alistair Cole	Athro Gwleidyddiaeth, Ysgol Astudiaethau Ewropeaidd, Prifysgol Caerdydd Professor of Politics, School of European Studies, Cardiff University
Andy Klom	Pennaeth, Swyddfa Comisiwn Ewrop yng Nghymru Head, European Commission Office in Wales
Yr Athro/Professor John Loughlin	Athro Gwleidyddiaeth Ewropeaidd, Ysgol Astudiaethau Ewropeaidd, Prifysgol Caerdydd Professor of European Politics, School of European Studies, Cardiff University
Dr Rosanne Palmer	Ysgol Astudiaethau Ewropeaidd, Prifysgol Caerdydd School of European Studies, Cardiff University
Dr Stijn Smismans	Ysgol y Gyfraith Caerdydd Cardiff Law School
Yr Athro/Professor Daniel Wincott	Ysgol y Gyfraith Caerdydd Cardiff Law School

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Carys Jones	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Annette Millett	Dirprwy Glerc Deputy Clerk
Stefan Sanchez	Clerc Clerk

Dechreuodd y cyfarfod am 1.32 p.m.
The meeting began at 1.32 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Sandy Mewies:** I welcome everyone to this afternoon's European and External Affairs Committee. Once again, we are in the old building for reasons which I will not go into, but it will probably be more comfortable for us here although it is not raining. I welcome our witnesses and members of the public, should there be any lurking about. You can access translation on channel 1 of the headsets. There is also a volume control on the headsets. The

committee operates through the medium of Welsh and English, so if you are not a Welsh speaker you will need to use the headsets and we will try to give you plenty of time to get them on. Amplification for those who are hard of hearing is on channel 0. Please turn off mobile phones or any electronic devices such as BlackBerrys, because they might interfere even more with the broadcasting in this building than in the Senedd.

[2] I have not been notified of any test of the emergency system. If the alarm goes off, you should follow the ushers out as calmly and as quietly as you can—you will all be behind me—although it should not happen. There are cameras in the room, so please be careful of the wires should you need to leave. The cameras are also quite low. So, please be very careful.

[3] I have received apologies from Jeff Cuthbert and Michael German, and I am very pleased to welcome Huw Lewis as a substitute. I understand that William Graham must leave the meeting slightly earlier than we may finish. If no-one has anything to declare, I will move on to the next item. I see that you do not.

1.34 p.m.

Y Wybodaeth Ddiweddaraf ar Lafar am y Comisiwn Ewropeaidd Oral Update on European Commission

[4] **Sandy Mewies:** I welcome Andy Klom, head of the European Commission in Wales, who often attends our meetings and is always very welcome. He will provide the oral update. Once he has spoken, I will invite questions from Members.

[5] **Mr Klom:** Good afternoon and thank you, Chair. I intend to give you a short update on a number of EU-related activities, five of them in a very short period of time. First, I wish to draw your attention to the fact that next week on 16 October, the European Commissioner for Multilingualism, Mr Leonard Orban, is visiting Wales. He will be having a meeting with Assembly Members, which is organised by this committee but which is open to other Assembly Members. I understand that some of you are attending, but other colleagues who have not heard about it are most welcome to join us. Mr Orban will be spending a whole day in Wales. He will first visit the Welsh Language Board, then he will see for himself examples of Welsh-medium learning and foreign-language learning through the medium of Welsh, by visiting Ysgol Glantaf here in Cardiff. He will have meetings with the First Minister, the Minister for Heritage and the Minister for Children, Education, Lifelong Learning and Skills, and he is also looking forward to the meeting with Assembly Members.

[6] Mr Orban is responsible for multilingualism within the European Commission. The European Commission adopted a responsibility for communication on that topic just last month. In addition, the translation services of the European Commission fall under his responsibility. So, in that respect, the addition this summer of Welsh as a co-official language has significance for his activities.

[7] After that, on 20 October, we have a very short visit by Danuta Hübner, the commissioner responsible for regional policy, and one part of the convergence funding coming to Wales is the European regional development fund. She is here to open a conference on Monday 20 October, but she will only be here for a short time because she must move on quickly afterwards.

[8] Currently, the European Commission has opened a call for tender for the renewal of all the Europe Direct centre contracts in the UK. That call for tender has already taken place in the rest of Europe; we delayed it a little here in the UK to give people more time during the summer to prepare. We have good indications that all of the current Europe Direct centres will be applying for a continuation of their contracts, plus, possibly, there will be some new

proposals coming forward. We are hearing hopeful indications from the Swansea area that there will be a serious bid to join the network. I was also hoping for proposals from the Ceredigion area and possibly from somewhere in the Valleys, but, unfortunately, notwithstanding all of the lobbying and the promotion work that we have put into it over the past six months, I have not received any positive signs that that might be forthcoming.

[9] The fourth point that I would like to draw your attention to is that the European Commissioner for Communication, Mrs Wallström, who visited here in January, is currently going through a mapping exercise regarding the topic of European civic education in schools within EU member states. She is asking for input from representations such as ours in Cardiff on what type of EU teaching takes place and what kind of civic education is available. This committee, two years ago, did a lot of work in that respect, and it might also be something for you to consider in your future discussions.

[10] Finally, I would like to draw your attention to the fact that next week, on 16 and 17 October, the European Council summit is taking place in Brussels. It is officially the informal summit, because there are official summits only twice a year. So, the one in between is an informal one, which is dedicated to issues as they arise. It was originally expected that the council meeting of the 16 and 17 October would deal with the aftermath of the Irish referendum on the Lisbon treaty and would include a presentation by the Irish Government of its analysis of the vote and what to do afterwards. Unfortunately, the current international financial and economic crisis is overtaking that agenda and that topic will be the core of discussions next week between the prime ministers and presidents of the EU.

[11] Those were the five topics of my brief overview.

[12] **Sandy Mewies:** That was very good. Thank you.

<p>[13] Nerys Evans: Diolch am y cyflwyniad. Mae gennyf ddau bwynt. Yn gyntaf, a fedrwch chi roi gwybodaeth inni ynghylch y sefyllfa ddiweddaraf ynglŷn â'r ffaith bod yr iaith Gymraeg wedi dod yn iaith lled swyddogol yn y misoedd diwethaf? A oes unrhyw ddatblygiad ers eich adroddiad diwethaf? Yn ail, o ran canolfannau Ewrop, faint o gyllid sydd ar gael i ehangu'r rhwydwaith ar hyn o bryd? Soniasoch efallai fod cais yn dod o Abertawe, ond faint o gyllid sydd ar gael i barhau gyda'r canolfannau sydd gennym eisoes ac i ehangu'r rhwydwaith dros Gymru?</p>	<p>Nerys Evans: Thank you for the presentation. I have two points. First, can you give us an update on the latest with regard to the fact that the Welsh language has gained co-official status in the past few months? Have there been any developments since your previous report? Secondly, in terms of the European centres, how much funding is available to expand the network at present? You mentioned that there may be a bid coming from Swansea, but how much funding is available to maintain the centres that we already have and to expand the network across Wales?</p>
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1.40 p.m.

[14] **Mr Klom:** As regards the Welsh language, since the agreement between the Council of Ministers and the British Government this summer, in July, the status of Welsh as a co-official language has been established, at least in the Council of Ministers, which means that facilities are being created for the Welsh language in three areas. The first area is interpretation during ministerial meetings, if applied for sufficiently in advance. It is also about having interpreters at hand who are accredited by the EU institutions not only in terms of their proficiency in Welsh and English, but in terms of EU knowledge and terminology. I understand from the Assembly Government that Welsh interpreters went through that accreditation in Brussels during September and that a first session in Welsh might be able to be held in November.

[15] The other two facilities are for all final legislation to be translated into Welsh—it is for the Assembly Government to decide which directives it wants to have in Welsh—and for the general public to be able to communicate and correspond with that institution in their own language; that is also something for the Assembly Government to consider. To my knowledge, since that decision in July, the British Government and the Assembly Government have not yet approached other EU institutions—or at least not the European Commission. We understand that the European Parliament and the Committee of the Regions may be higher on their list of priorities. However, we are open to being approached by the Government to discuss a similar agreement with similar facilities.

[16] On the second issue of how much funding is available for the Europe Direct centres, in the whole of the United Kingdom, we have funding available to establish about 33 centres—there are currently 30 centres in the UK—based on a maximum match funding by the European Commission of €25,000 a year, which, with the current exchange rate, is about £20,000. However, that is match funding; the host organisation and its financial supporters need to match that €25,000 with a similar amount; if they raise a smaller amount, we will also lower our amount.

[17] The distribution of centres in Wales is rather unbalanced. There is one in the south-west, one in the south-east, one in Powys, and two in the north-east. A centre was open for a short period in Bangor, but, unfortunately, it closed because of problems. We do not have any sort of geographic designation. The 33 or so centres for the UK will be selected, or shortlisted, on the basis of the quality of their proposals, and not so much on the basis of a territorial division. In that respect, with the EU not always being that popular in places such as England, take-up for this sort of opportunity has, until now, been disappointing. There is a chance that, with sufficient proposals coming from Wales, we could see more centres being established here. However, the shortlisting will be done on the basis of quality, and not so much on location.

[18] **Sandy Mewies:** Did you say that all the existing centres have reapplied to be centres and to renew their contracts?

[19] **Mr Klom:** The deadline for the proposals is 31 October, so that is not yet closed. I understand from contacts with the centres that they are all reapplying.

[20] **Sandy Mewies:** Are there any additional ones?

[21] **Mr Klom:** The current five centres have indicated that they want to come back. There are also indications from Swansea, so there may be one there as well. We are trying to stimulate interest in two other areas, and we have spoken with many authorities to entice them into becoming involved. However, either they have not been able to indicate that they are applying or they have indicated that there might be problems. The result could be that the west coast, including Aberystwyth, and the north-west—Gwynedd—will not be covered by a Europe Direct centre, and that the five current centres, with the possible addition of Swansea, will be the network that we will be working through over the next four to five years.

[22] **Sandy Mewies:** That is a pity; if people saw the work that goes on in the centres, they would see that it is very valuable to them, as well as to others. The level of understanding of the work that goes on there is the problem, is it not? Are there any other questions for Andy? I have a question, although you may not know the answer. On this informal summit—and in some ways the credit crunch may be God's gift to the Irish—do you believe that, when it happens again, there is likely to be any sort of resolution put forward at the next meeting?

[23] **Mr Klom:** Twenty-four member states have already completed ratification of the Lisbon treaty. Sweden is due to complete its ratification before the end of this year—it is going through Parliament there. The Czech Republic has the parliamentary and the constitutional court procedure going on. It hopes to complete ratification by December, or by January 2009, which is an important date for it because it takes over the rotating presidency of the EU for the first time. Those countries are the only ones not to have completed ratification, apart from the Republic of Ireland. In that respect, from the beginning of next year, we will all be looking at Ireland; the other 26 member states hope to resolve the issue. That is why, originally, the European Council summit next week would have been so important in terms of hearing the Irish Government's analysis of the reasons for the 'no' vote and their proposals to address the issue. Back in June, that was the decision of the European Council—to wait for the Irish Government to come forward with proposals.

[24] **Sandy Mewies:** I see that there are no further questions for Andy.

1.46 p.m.

Tystiolaeth i'r Pwyllgor ar Sybsidiaredd Evidence to the Committee on Subsidiarity

[25] **Sandy Mewies:** I invite our guests to come forward. You are very welcome. As you know, we decided on 17 July to carry out an inquiry into subsidiarity. That is not to say that this is the first time that we have discussed subsidiarity, and I am fairly sure that it will not be the last time, either. We have been provided with two papers—one from Professor Loughlin and Professor Cole, and another from Professor Wincott and Dr Palmer. I think that that is correct, is it not? You are all welcome, as is Dr Stijn Smismans. You are all from Cardiff University, so you have not had to come too far. Before you start, I must thank you for your papers. I found them interesting, and you were very clear in setting out a process that was easy to follow, which is something that does not always happen with subsidiarity. You can assume that Members have read both papers. Who will make the introduction? Please start, and then the others can follow—or however you want to do it. Members will then ask questions.

[26] **Professor Loughlin:** First, thank you for inviting us to make these submissions from the Cardiff School of European Studies and Cardiff Law School. We collaborate quite a bit on these kinds of issues so it was a welcome opportunity to speak about subsidiarity. I would like to make a few comments; I know that you have all read the papers, so I will not repeat what we have said, but just make a few general points that strike me as rather important.

[27] First, regarding the concept of subsidiarity itself, as you probably realise, it is quite ambiguous and can be used in different ways. We need to be aware of that. It has a legal dimension, which is how it is defined in the treaties, but it also has a political dimension, which goes beyond the treaties and can be used politically by the regions, particularly those with legislative powers. That is extremely important, because those two aspects may not always coincide and we need to be aware of that.

[28] Secondly, although my fellow Irishmen voted against the Lisbon treaty—although I am from the north of Ireland—the subsidiarity aspect will continue. I can well understand why they voted it down, but, as Rhodri Morgan has said, whatever happens to Lisbon, many aspects of the constitutional treaty and the Lisbon treaty will survive, and it seems to me that subsidiarity is one of those. The subsidiarity protocol will continue to be an important issue.

[29] Thirdly, when you asked me to look at this a couple of weeks ago, I was struck by the fact that there are very different kinds of states within the European Union. The states that

have taken this on board are the three federal states, because they are obliged by their constitutions to deal with the question of subsidiarity and their own intergovernmental relations, particularly regarding the EU. All three of those states are in that position.

1.50 p.m.

[30] Most of the other states have not paid too much attention to it up to now. You then have two other kinds of state. You have the classical unitary states, such as France, the Netherlands or Sweden, and also a third kind of state, which I think is important, and I would put the UK in that category. It is a hybrid type of state, such as Spain and Italy, in which there are regions with legislative powers but not federal states, and they are faced with the challenge of how the principle of subsidiarity applies to those particular states given that it is not always written in the constitution. Until now, we have not had much development in those countries, and the National Assembly for Wales is one of the first of its kind to look at the issue. What you are doing is therefore very timely.

[31] There are two aspects to the problem for the National Assembly for Wales. The first is the internal dimension, namely how you co-ordinate with the other devolved assemblies in the UK and with Westminster. Is there scope for new mechanisms to be set up in the UK to tackle that? The nature of the UK devolution settlement is rather peculiar, given the different types of institutions that were set up and the types of legislative powers that they were given, but that is also evolving. The All-Wales Convention is meeting to decide whether a referendum should be held on increasing the powers of the Assembly, Scotland is also moving ahead, and something else again is happening in Northern Ireland. So, it is a rather peculiar situation. A lot of thought needs to be put into the institutional mechanisms. I would argue that the existing, rather informal mechanisms are not adequate to deal with the issue, particularly if the Government at Westminster is of a different party to those of the Governments in the devolved regions. It could be problematic unless there are formal mechanisms in place.

[32] The final point is on the broader European dimension, which is important for the Assembly, given the pan-European routes by which subsidiarity can be tackled. The Committee of the Regions has set up a subsidiarity monitoring committee, which involves some 27 regions around Europe, and it has been involved in monitoring some issues, so that is one kind of route. We should also remember that, as an outcome of the recent reforms, the monitoring of subsidiarity comes back to two institutions: the national parliaments and the Committee of the Regions. There are also other networks across Europe, such as CALRE, the Conference of European Regional Legislative Assemblies, REGLEG, the Conference of European Regions with Legislative Power, and the Assembly of European Regions and so on, which are another route into it.

[33] Finally, we should not forget the importance of keeping a grip on this. We mentioned intelligence gathering in our paper, and that is a long-term process that will mean establishing contacts in the commission and really trying to suss out what will happen with its legislation at an early stage. Eight weeks is not long enough to do this, and, for the devolved regions and parliaments, it is even less than eight weeks; it may be three weeks. I do not know how long it is, but it is not adequate, so you need to undertake that intelligence-gathering exercise well in advance, and have the mechanisms set up at different levels to gather the necessary information to make the exercise work.

[34] **Professor Wincott:** I repeat the thanks of my colleague, Professor Loughlin, for the invitation that we received from the committee and for the support given by the clerks and so on, which has all been great. Thank you for inviting us. I do not want to speak for very long, because, although we have two separate papers, they run broadly in parallel. There may be some small differences of interpretation or emphasis, but there is a general, common thrust.

We have tried to put together a team from across the law school and the school of European studies that can respond to any questions that you may have on the legal side and the more political side of subsidiarity. I will not reiterate what is in the paper, but I emphasise that, if you start to tease out the differences between a legal and a political perspective of subsidiarity, it becomes very important to think about the EU's policy process overall.

[35] The protocol attached to the Lisbon treaty is one of both subsidiarity and proportionality. From a legal perspective, proportionality is far more likely to be used in cases taken before the European Court of Justice than subsidiarity is. Some lawyers would say that, in principle, it is justiciable, but they would then rapidly emphasise that, in practice, it is unlikely to be taken up. That is partly because subsidiarity, as it plays out in the EU policy process, tends to be involved much more at the level of legislative proposals, and so early on in the policy process; proportionality very often comes in much more in the implementation side. My colleague, Dr Smismans, and I would be happy to take questions on that aspect of it.

[36] I also want to emphasise—and this underscores what Professor Loughlin has already said—how significant it is in principle that what the EU calls 'regions' are discussed under the heading of the subsidiarity and proportionality protocol attached to the Lisbon treaty, whatever its fate might be. Hitherto, as a legal principle, subsidiarity has been about the EU level and the member-state level. So, there is an opportunity to build on there, but this is a very early stage of that process. That is particularly true when it comes to monitoring legislative proposals, which was a point that Professor Loughlin made towards the end of his presentation. However, you also need to be aware that there are very considerable resource implications to that. The EU produces a large amount of legislation. There are many legislative proposals. So, reviewing and monitoring them will be an arduous task. In a sense, there may also be further reasons for looking into collaboration with broadly similar regions across Europe or thinking about the arrangements within the UK. Those two levels should perhaps be pursued in parallel, although they are not necessarily mutually exclusive.

[37] **Nerys Evans:** Mae'r ddau bapur yn sôn am rôl Pwyllgor y Rhanbarthau, ac yr wyf yn aelod o'r pwyllgor hwnnw. Sut y gwelwch y pwyllgor hwnnw yn datblygu? Ar hyn o bryd, mae'n cynrychioli rhanbarthau sydd â phwerau deddfu ac awdurdodau lleol. Sut y gwelwch hynny fel mecanwaith? Bu ichi sôn y bydd angen buddsoddiad enfawr os dyna'r ffordd o ddatblygu hwn.

Nerys Evans: Both papers mention the role of the Committee of the Regions, of which I am a member. How do you see that committee developing? At the moment, it represents regions that have legislative powers and local authorities. How do you see that as a mechanism? You mentioned that considerable investment would be required if that was the way to develop this.

[38] **Professor Loughlin:** The Committee of the Regions, in my opinion, was set up by the Treaty of Maastricht to stop the rise of the regions. It is a consultative body in nature that includes local authorities and all kinds of regions. However, the Committee of the Regions has slowly evolved since 1994. It is an extremely important institution in the institutional architecture of Europe, because it is the primary institution in which regions of all kinds can have a voice and be represented at the level of EU decision-making. It goes beyond simply giving advice or being purely consultative in nature.

[39] It strikes me that the Committee of the Regions will evolve further. It has already evolved to be something rather different from the European Economic and Social Committee, on which it was initially modelled. We need to remember that it is made up of politicians, and politicians probably want power. They want to exercise political power, and they want to influence. You are all politicians, so you probably know that. Politicians such as the presidents of the German Länder are not satisfied with the rather weak body that was set up. I have looked at this in some detail over the years, and I think that it is evolving.

2.00 p.m.

[40] I think that the Committee of the Regions should be used to maximum effect given the state of evolution that it is in and the resources that it has. One of its major functions is networking. That is a wonderful opportunity for regions like Wales to network with other powerful regions in Europe such as the German Länder and Catalunya and so on. It is an important body. It has set up this subsidiarity monitoring committee, which examines specific policy areas to see how the principle is affected. Up to now, it has said that the two commission proposals have not breached the principle of subsidiarity, but I think that the Assembly could get involved in that kind of exercise. That would be useful for Wales as a learning process about this whole issue of subsidiarity with these other regions.

[41] **Nerys Evans:** Yr wyf yn Aelod newydd o Bwyllgor y Rhanbarthau, felly hoffwn ofyn am ei ddylanwad ar y penderfyniadau a wneir yn Ewrop. A ydych wedi gwneud gwaith i weld faint o ddylanwad sydd gan y pwyllgor o ran newid trywydd y pethau sy'n dod allan o Ewrop?

Nerys Evans: I am a new Member on the Committee of the Regions, so I want to ask about its influence on the decisions taken in Europe. Have you undertaken any work examining how much influence the committee has on changing the routes of what comes out of Europe?

[42] O ran cynrychiolaeth Pwyllgor y Rhanbarthau yn y Deyrnas Unedig, mae'r pwyslais ar awdurdodau lleol gan nad oes ond llond llaw o aelodau ar y pwyllgor hwnnw, gan gynnwys un Aelod llawn o'r Cynulliad, aelod am yn ail, ac un ychwanegol o'r Alban ac o Ogledd Iwerddon yn eu tro. Felly, mae'r cyfarfodydd ar lefel Brydeinig yn canolbwyntio ar awdurdodau lleol yn hytrach nag ar gyrff sy'n gallu deddfu'n rhanbarthol.

On the representation of the Committee of the Regions in the UK, the emphasis is on local authorities, because only a handful of members is on that committee, including one full Member from the Assembly, one alternate member, and an additional one from Scotland and Northern Ireland alternately. Therefore, the meetings at a UK level are focused very much on local authorities rather than on regional bodies that have legislative powers.

[43] **Professor Loughlin:** On your first question about how much influence it has over decisions, that is extremely difficult to know, to be honest. A certain amount of research has been done on this. The Committee of the Regions can issue an opinion on European Commission legislation in a range of areas. Perhaps Andy could clarify this, but I think that the commission has to respond to those opinions and give some feedback. So, there is a feedback mechanism on the extent to which those opinions are taken into account. I think that it varies. In some cases, the committee seems to have had some influence on the commission, which has changed its proposals, and, in other cases, it has not, but it is a fairly mixed bag. I do not think that it has a great influence. That is the answer to your first question. It is not the European Parliament, the Council of Ministers, the European Commission, or the European Court of Justice; it is a rather weak body and we need to recognise that. Nevertheless, it is still an important body, because it can have a broader political influence by keeping regional issues alive in Europe via the networking activity that I mentioned earlier.

[44] On your question on local authorities, that is a problem. I know that the Council of Europe has a congress of local and regional authorities of Europe, which is divided into two chambers: a regional chamber and a local authorities' chamber. Again, because of a desire to dilute the Committee of the Regions not least by the UK Government, but also by other Governments, it is rather problematic, particularly for the strong regions such as those with legislative powers. However, the committee already has its own network and organisation, so there are different groupings within it. The regions that have legislative powers have their own group, which gives them a voice, to some extent. I am not saying that the Committee of the Regions is a perfect organisation, as it could be much improved, but the regions

themselves will have to keep pushing for this.

[45] **William Graham:** Thank you for your papers today. I am very interested in the points that we are trying to pursue in this committee. Could I ask you to focus on paper 2, and particularly on your suggestion about some form of protocol of co-ordination? You will know that, in parliamentary terms, an eight-week wait for a response to a potential breach is relatively short, particularly as we have no real mechanism here between Westminster and the devolved assemblies or parliaments. I think that some of us would like to see that. What do you think is the best way of defining the terms of reference of that protocol, and not the time for it, but also how it should be developed?

[46] **Professor Wincott:** We do not discuss the protocol.

[47] **Professor Loughlin:** Did you say paper 2? Do you mean paper 1?

[48] **William Graham:** Paper 2 focuses on examples of practice elsewhere in Europe.

[49] **Sandy Mewies:** Can you give the paragraph numbers?

[50] **Professor Loughlin:** Sorry, could you just repeat the question?

[51] **William Graham:** You very kindly point out that there is an eight-week period for potential breaches of subsidiarity. You all know that eight weeks is a short period in parliamentary time. There are no institutional mechanisms of co-ordination between Westminster and the devolved Assemblies. What would be your advice on terms of reference for a protocol so that we could agree on something? This committee might be interested in offering advice to the Assembly Government on how that could be drawn up and on the actual terms of reference and its relevance.

[52] **Sandy Mewies:** May I just interject for a minute? In the Members' briefing, it refers to your paper as paper 2, so that is why there was that confusion.

[53] **Professor Loughlin:** Okay. I think that there are two aspects of this that maybe Alistair would like to say something on. I think that there is the issue of general co-ordination between the Westminster Parliament, the UK Government and the devolved Assemblies and Governments that, until now, has relied on a rather informal set of mechanisms, such as the Joint Ministerial Committee, which has only met on certain issues. It has not met as a full council since 2004. It is basically not functioning as a mechanism of co-ordination. I think that that probably needs to be replaced by another type of institution that will meet regularly, particularly with regard to general European issues. That is the first thing. We actually give it a name in the paper; it may not be the best name, but there needs to be such a body. The terms of reference of that body, which is what I think that your question refers to, could include a broader remit than subsidiarity, because you have general issues on EU legislation. The problem is with co-ordinating a single UK position on European issues, which has been the British tradition, so that you do not have different positions from Scotland, Northern Ireland and Westminster. That body would be one part of the terms of reference. As another part of the terms of reference, you could have a section about subsidiarity and the subsidiarity mechanism, as a body that explicitly takes on board the issues of the protocol as outlined in the Lisbon treaty. Whether that survives or not in that form, it will continue. You have two aspects: a broad set of references and then a set of references that are more narrowly focused on particular kinds of issues that have a European dimension.

[54] **Professor Cole:** I would just add that it is clear that, after 10 years of devolution, one is struck from the outside by the apparent informality of the arrangements, including those on European issues. I suspect that, in the next phase of the UK's constitutional development, we

will have to ask ourselves whether this informality is sustainable in the long run, given the likely political circumstances in a year or two. I think that what we were doing in our paper was flagging up, first and foremost, the need to perhaps rethink, at a UK-wide level, whether this informality is sustainable. There is also a need to try to get away from the focus on executives, on the JMC, and to try to see precisely what sort of procedures there should be at the level of Parliaments and Assemblies. Clearly, we would need to do more work on that. The terms of reference are critical to this and, in the paper, we do not define the terms of reference in great detail, but I think that that would be the next step. That is where the serious work should now lie, if a procedure like this was to go ahead.

2.10 p.m.

[55] **Professor Loughlin:** This is something that needs to be discussed with the Northern Ireland Assembly and the Scottish Parliament as well as with Westminster. In each of the devolved Assemblies and Governments there are very different dynamics involved with regard to Europe, given the nature of the powers of each Assembly. The Scottish Parliament will transpose EU legislation directly into Scottish law, while the National Assembly for Wales must wait for England and Wales legislation; that is a big difference.

[56] The Scottish Parliament's equivalent of the Committee on European and External Affairs is rather different; it has a different function and role. In Northern Ireland it is even more difficult, because European affairs are part of the remit of the Committee for the Office of the First Minister and deputy First Minister. It is one of about 20 fields—which are supposed to be the more sensitive issues in Northern Ireland—that that committee is responsible for. However, you need to co-ordinate your work with the other legislatures, and that should be done sooner rather than later. There could be scope for a meeting between the devolved Assemblies and Governments to discuss precisely this issue of co-ordination along these lines, and, at that point, you could define what kind of institutions you want to look at, given the circumstances I have outlined, and the terms of reference in relation to these issues.

[57] **Professor Wincott:** I endorse strongly the general points made about the weakness of the development of intergovernmental and inter-Parliamentary relations within the UK; the first paper also mentioned some of these issues. I would also add that, as well as developing relations in the UK, there would be considerable merit in looking comparatively across Europe. At the beginning of his presentation, John talked about unitary states, federal states and these hybrid states. We have considerable expertise on this; John and Alistair, as well as my colleagues Stijn and Rosanne, know a great deal about arrangements in Belgium, Germany, Spain, Italy and so on. There are more fully institutionally elaborated forms of response, specifically to this subsidiarity point, but subsidiarity can be looked at only in the context of the range of legislative proposals. So, I endorse the point about looking across the policy areas. For example, arrangements in Belgium are very elaborate.—

[58] **Professor Loughlin:** Perhaps not to be replicated. [*Laughter.*]

[59] **Professor Wincott:** However, they are worthy of study. You do not look at things just to copy them; sometimes you look at them for other reasons.

[60] **Sandy Mewies:** That was very diplomatic. I am not sure whether you are aware that, as Chair of the Committee on European and External Affairs since 2003, I meet regularly with the chairs of the European committees in the House of Lords, the House of Commons, more recently Northern Ireland, and Scotland. Indeed, we have a great deal in common with the regional Assemblies. One of the things that we talk about is subsidiarity, and it is interesting that you have identified many of the problems that come up again and again. For Northern Ireland and Wales there are real resource implications; the situation is not as acute for the House of Commons committee, and it certainly is not for the House of Lords

committee. Therefore, we have tried to set up a networking arrangement whereby we look at these issues together, and some of the ideas that you have brought forward in this paper have been touched on. However, your paper makes explicit some of the issues that we have talked about.

[61] I set up an arrangement for clerks—the people who do the work—to speak to each other, so that we would not be reinventing the wheel here. The problem that you have touched upon is the sifting of 600 pieces of legislation. Someone has to sift through them all, and the fact is that, of those 600, subsidiarity will be a big issue in very few. We think that it will be an issue in only a handful of those. We have taken part in exercises with the Committee of the Regions and others on monitoring, but it has all been a bit arm's length, and as it gets much closer to us, we are really trying to focus on this. It is not that we have just woken up to subsidiarity, but there are resource implications for us.

[62] I was looking at your paper; I think that joint parliamentary and Assembly subsidiarity monitoring group is a lovely name—very European. It fits in wonderfully with Europe. Politicians are always looking for power; I thought straight away that there could be a role for the European committee in that. Given that that is a good framework model, who do you think would participate, and at what level would that participation be in that monitoring group? At what level do you see it working? When I read the paper, I thought, 'Well, we're looking at subsidiarity', and it may be something that we as a committee are investigating as part of our role, as we are the only people to have done it up to now. Who do you think would work on that particular group from the devolved regions?

[63] Your point about the pan-European group is also good, because we have been talking about Catalunya, in particular, as the subject of a study. So, we are thinking along these lines. The way this has been laid out has made the thinking very clear to me. Who do you think would participate, and at what level will it work?

[64] **Professor Loughlin:** The thing about subsidiarity is that it is a cross-cutting dimension of all policy areas, which is part of the problem, because so many policy areas are involved. You need to involve policymakers and policy researchers from a wide range of those areas to see where it impacts on their particular policy area.

[65] You can think of it as having two tiers. The first tier is what I call the 'intelligence gathering phase'. Policy research is key to this whole area. Clearly, politicians or clerks cannot do the research themselves, so you need dedicated teams of policy researchers—research units that specifically examine the subsidiarity issue. I know that the Committee of the Regions, for example, has a specific unit dedicated to subsidiarity; I was in Brussels just a few days ago when one of the people walked past the door, and I met him—so they have people whose job is to look at this issue. That could be done on a UK-wide level or at an individual Parliament or Assembly level. It could be done perhaps at the sub-national level, with a co-ordinating mechanism across the three devolved bodies. You need to consider what would be most effective with the resources that are available. To me, a key aspect of the whole process is a matter of really gathering that intelligence, anticipating what is coming up, and seeing how it affects subsidiarity issues in a range of policy areas.

[66] The second phase would involve bodies such as this committee, but with other cross-cutting committees as well. I think that the National Assembly for Wales has a cross-cutting committee that looks right across policy areas—is that right? That was one idea that was flagged up right at the beginning, but because of this cross-dimensional, cross-policy aspect, you probably need to bring this and other committees in. That is the second level. A third level would be this other body that we have. These different committees or units would feed into each other, finally ending up with this joint policy and strategy group, which is the UK-wide body. I see a process that could work like that.

[67] However, I strongly emphasise the policy research dimension, because it is a waste of these groups' time meeting if they do not have the high-quality, high-grade information available to make decisions about the issues.

2.20 p.m.

[68] **Professor Cole:** May I add briefly to that? It seems to me that the Welsh Assembly Government—but also the National Assembly—has, via its Brussels office, a considerable depth of expertise that puts it in a comparatively good position. In that essential intelligence gathering phase—coming back to Professor Loughlin's stages—at that first stage, there has to be a way of systematically getting that information from Brussels, where people are working very hard at networking. Some of that information can only be tapped in Brussels, close to the commission. So, a systematic way of inputting that expertise will be essential in any of these processes.

[69] **Professor Loughlin:** That is another dimension.

[70] **Huw Lewis:** I would like to probe this issue a little further. I am interested in the phased approach that you have taken here. Sandy's comments on resources are particularly relevant for the Northern Ireland Assembly and for us. Is a possible interpretation of what you are saying that each individual devolved assembly would have a Brussels operation and then we would bring it all together for a co-ordinated look? That strikes me as resource-wasteful in that, if we did this on a UK-basis of devolved institutions working right at the start in Brussels, you skip straight to the co-ordination phase with everyone in situ. It also makes it less of a scary resource issue for institutions such as the Assembly. Is there also not an element of the consideration that we would have to take if we did that in a truly and properly co-ordinated way? It would have to be a Britain-and-Ireland approach rather than just a UK approach, because of the inter-ministerial links with the Republic, which have great implications for what goes on in the north of Ireland. Is there a case for having a British-Irish office in Brussels that is gathering the information in the first instance, and then, in a co-ordinated way, moving towards the subsidiarity monitoring?

[71] **Professor Loughlin:** I will take the first point first. It is useful to have a UK-wide approach, as it is a way of sharing resources, which is very important. However, we also need to keep in mind that policy issues vary across the different parts of the UK. Let us take a policy area such as agriculture as an example. Agriculture in Scotland is not the same as agriculture in Wales, which is not the same as agriculture in Northern Ireland. Each has a very different profile, which, after all, is one of the reasons for devolution, so that each part of the UK can devise policy approaches appropriate to their region or nation. In Wales, for example, the Welsh language is very important in the rural policy areas, while in Northern Ireland, there is a very different situation: you have Protestant/Catholic differentiation between different types of farmers, so it is a rather different issue. In Scotland, it is something else again. So, to some extent, your own policy research and policy analysis takes those differences into account. In the second phase, you can look at how that can be co-ordinated in a UK-wide approach that would be brought to the commission, for example, through the national Parliament, if there is an issue of subsidiarity involved. That is important.

[72] Your comment about the north-south Irish dimension is extremely important, because, as part of the devolution settlement, we have the British-Irish Council. We have the North-South Ministerial Council, which looks at issues such as agriculture, tourism, and economic development, which are all-Ireland issues. That is one forum for that. You then have a wider set of issues that affect these islands. Irish people do not call them 'the British Isles', we call them 'these Islands', or 'the Atlantic archipelago'. So, we have this British-Irish Council, which is specifically geared towards looking at different policy areas, but, up to

now, it has not functioned very well because of the suspension of the Northern Ireland Assembly. Now that the Assembly is working again, that resource could be reactivated and could be another already-existing institution that could be tapped into to bring forward some of these issues, precisely because they are policy orientated. The different assemblies and regions of these islands were given different policy briefs, if you look at the origins of that council.

[73] **Dr Palmer:** To follow up on a couple of issues that my colleagues, Professors Loughlin and Cole, have raised, some of the research work that I have done in the past has looked at the obstacles that European affairs committees in Germany, Austria, Wales and Scotland have faced in trying to engage with looking at EU issues. I am just beginning a new project that will carry on that work, looking at Germany, Spain and the UK. On the issue of variation, I agree with John that, because of the policy divergence and differentiation across the territories of the United Kingdom, you cannot do everything on subsidiarity through one central pool. The key point that we will have to remember, and the key point from the EU perspective, is that it will expect the yellow or orange card to come from Westminster. Therefore, that must be taken into account in whatever pooling or co-ordination arrangements come through.

[74] In terms of the almost eternal question of resource and the resource constraints that are faced, I know that the Scottish Parliament and its clerking and legal teams found repeatedly in its first years of practice that it constantly needed to revise the sift, in considering how to make it more manageable and how to tackle the enormous volume of documentation. One of the battles that you will have in trying to commit resources to this is the fact that, when you get through all of these proposals, as you have rightly suggested, probably only a limited number will have the subsidiarity question mark raised over them. Therefore, you will have to face questions about how you justify the use of resources, given that limited impact.

[75] The other point that I wanted to raise is about cross-cutting issues, because this has been problematic in terms of co-ordination in sub-state parliaments and assemblies. It has perhaps been less of an issue in the UK for the simple reason that a large portion of the EU's competencies were transferred prior to devolution taking place. In Germany, Austria and other places, you saw a European committee coming in later and having to try to find a place among all the subject committees. So, perhaps that has not been such an issue in Wales and Scotland, but there is the question of who is rightly placed to take the lead. In terms of subsidiarity, it is more likely to be the European committees, because you are looking at whether the principle has been respected. Nevertheless, the question of co-ordination arises if you need to bring others in from subject committees and that will have an impact on what you can do within the timescale and what sort of group of people you need to bring together.

[76] **Sandy Mewies:** In the past, we have taken the decision to do some scrutiny ourselves and then to pass it on to the relevant subject committee, because we do not have the time and do not see that it is necessary for everyone to do everything. However, that is a point well made.

[77] **Nerys Evans:** Hoffwn holi ymhellach ar y pwynt hwn. A ydych yn gweld lle i ddatblygu protocolau swyddogol ar sybsidiaredd rhwng gwledydd yr aelod-wladwriaeth, hynny yw, rhwng Gogledd Iwerddon, yr Alban a Chymru? Sut ydych yn gweld unrhyw brotocolau ar sybsidiaredd rhwng San Steffan a'r cyrff datganoledig yn datblygu wrth, gobeithio, i'r Cynulliad gael **Nerys Evans:** I would like to ask further questions on that point. Do you see a place for developing official protocols on subsidiarity between the nations in the member state, that is, between Northern Ireland, Scotland and Wales? How do you envisage any such protocols on subsidiarity between Westminster and the devolved bodies developing as, hopefully, the

mwy o bwerau ar ôl refferendwm? Mae'r Alban yn sôn am gynnal refferendwm ar annibyniaeth mewn dwy flynedd. Felly, sut ydych yn gweld y protocolau hynny'n datblygu wrth i'r darlun newid o flwyddyn i flwyddyn ynglŷn â faint o bwerau sydd wedi cael eu datganoli?

Assembly gains more powers after a referendum? Scotland is talking about holding a referendum on independence within two years. Therefore, how do you see those protocols developing as the picture regarding how many powers are devolved changes from year to year?

[78] **Professor Loughlin:** That is a hard question; shall I leave it to you? [*Laughter.*]

2.30 p.m.

[79] **Professor Wincott:** It is a hard question, and it lurks behind much of our discussion. For example, what happens to devolution in the UK in general if Scotland becomes independent or moves towards independence, and what does independence mean at the EU level? I look across to our representative from the commission on that.

[80] As an academic, it is tempting to say that we would not like to have started from here. In the past 10 years or so, many academics studying these sorts of developments have said repeatedly that, although there are many informal or perhaps increasingly formalised processes of co-ordination, they are not a substitute for better elaborated machinery. That is a kind of academic escape clause in a sense.

[81] I am tempted to make your question even more difficult by picking up on something that Dr Palmer said a minute ago. It is important not to forget the fact that, even as the protocol for the Lisbon treaty is written, we must distinguish the information-gathering phase from any process that would get a grip on trying to follow up—I was going to stay enforce, but I think that that is too strong a word—a subsidiarity objection, and, as it is written, that must, and can only, go through a state-wide Parliament and involves a relationship between a state-wide Parliament and an executive.

[82] There are several interesting ideas about how a committee of this sort, for example, could put itself in the best position to be informed about areas in which it might want to make a challenge, but you also need the machinery for registering that challenge. In terms of that machinery, as the arrangements are currently proposed, that can only be collaborative—you do not have a point from which you could resist, if that is what you wanted to do, a proposal if the UK-wide Parliament or authority stated that it did not see a problem there. So, those two elements are very important. I guess that you need to be thinking about both of them, but they may be somewhat different—you may want to put in place somewhat different kinds of institutional architectures for those two aspects.

[83] That is a slightly slippery answer to your question.

[84] **Dr Smismans:** Thank you for the invitation to be here.

[85] Talking as a lawyer on this issue, the risk with the protocols is whether they create any expectation in a legal way. How the member states deal with that will be a question between the national and the regional level. So, you cannot say, legally, if there is an expectation on the basis of the protocols, whether regions can expect something in particular from the national level; it can perhaps happen politically, but that depends on the power that is at stake at the moment.

[86] We can only guess whether there will be evolution in future. There are more radical forms of collaboration, and the example that has gone the furthest on this is the Belgian case. Belgium has seven Parliaments: a senate and a chamber at national level and then regional

Parliaments of different types. Attached to the Lisbon treaty, they have signed a declaration stating that all Parliaments are considered at the same level in terms of the protocol, and they have also signed inter-institutional agreements between the seven Parliaments in Belgium.

[87] The first element is that the European institutions send the information directly to all seven Parliaments. Another important element is that the seven Parliaments have the right to come up with their own opinions, which will be sent to the commission in a single document, making the different positions clear. The most critical element is what happens with the two votes under the protocol in the case of their wanting to use the sanctioning mechanism. In this case, it is important to see what the competencies of the regions are. If competence over the matter in question is held only at the national level, the two votes go to the chamber and the senate. If it is a mixed competence, there is one vote at the national level and one vote at the regional Parliament level, and they have to agree on this. If the matter in question is one where the power is held entirely by the regions—and that is the case in Belgium, with issues such as the environment and education—the regions have both votes. It is a decentralised system, but it depends on the institutional and constitutional structure at the national level. For the moment, that is not an issue in the UK.

[88] **Sandy Mewies:** Andy, did you want to add anything?

[89] **Mr Klom:** I would just like share some thoughts and comments arising from the discussion today. The European Commission is trying to facilitate advance notice to member states and their Parliaments of what might be in the pipeline—not this year, but next year. We have a forward-looking policy cycle that includes programming, an annual work programme and so on. In the first instance, it is directed towards the European Parliament and the Council of Ministers, but then, through the Council of Ministers, it is directed towards member state Governments and Parliaments. This process did not exist during the initial phase within the EU set-up, but it is something that we can recognise as a development, an evolution, over the past 10 years, intended to give a warning of what is coming up. It is a formal mechanism in which the Assembly Government office in Brussels participates, as it is part of UKREP, the United Kingdom Permanent Representation to the European Union.

[90] There are separate informal channels as well, which are used by those same entities—UKREP, the Assembly Government office, or the equivalent offices—in their informal daily contact with the European Commission and other institutions. That is one opportunity to modify and strengthen structures and to look at how something such as UKREP could function differently. I am not sure, in that respect, whether other federal states have different models—I know of a few examples, such as Belgium, which of course has quite a federal structure. Its permanent representation to the EU, its embassy to the EU, has a different make-up as well. However, it is just one model among many to look at.

[91] What I have noticed here in the UK—and this was emphasised in the presentation by Professor Loughlin—is the lack of a formal, legal mechanism between the different levels of devolved government and the devolved Assemblies and the UK Government and the Parliament in Westminster. That leads to a political process and, as devolution evolves over the years, it is necessary to come to some sort of legal clarification of how authorities, parliaments and assemblies work together. As far as the EU is concerned, all that is a domestic internal matter. The EU and the European Commission take member states as they are and as they evolve internally over decades. We see examples of that in Spain and Belgium, but we have also seen France and Italy going through a certain degree of decentralisation over the years. In the end, the member states are those that sign up to the EU treaties, but the constitution of their internal structures is for them to decide.

[92] There was a brief mention of the issue of state succession and what happens in the case of independence and so on. There is a whole body of international law on that, quite

separate from EU law, with precedents and rules and so on. However, as regards the current states and their constitutional make-up, they can of course adapt and adjust their constitutional structures to meet the EU requirements in a way that suits them better, until they think that their needs are fully satisfied.

2.40 p.m.

[93] It is not just the federal and hybrid states that are interesting to look at; there are some unitary states, such as Denmark, that have strong parliamentary structures to create checks and balances, not just on what the EU is doing, but on what Government is doing within the EU.

[94] **Sandy Mewies:** Are there any more questions? I see that there are not. The papers clearly set out the processes and flagged up the issues that we need to address, particularly the need for a formal mechanism because things will probably change in future, whatever the timescale may be. That will mean that Wales will need a formal structure. Is there anything else that you wish to add, Dr Smismans? We have Gerhard Stahl from the Committee of the Regions coming to the next meeting, so we will explore issues around that at the next meeting.

[95] **Dr Smismans:** I wish to add a point on the importance of information at an early stage and where it comes from. An issue that should be linked more with what is happening on setting the subsidiarity levels is what the commission is doing on impact assessments. Since 2005, whatever the legislative proposal, the commission must make an impact assessment, which provides a great deal of data. These data are available on the website and are useful for playing the game at a national level in the context of subsidiarity. I am sceptical about how much potential subsidiarity has in legal terms, and I could provide evidence as to why I think that you really cannot expect the courts to make a statement to strike down a legal initiative at a European level on the basis of the principle of subsidiarity. So, if that is not possible, the game is to use the protocol and the sanction mechanism. However, that works at a national level and you must establish rules; it is complicated—you have only eight weeks, there is the question of resources and so on.

[96] Another aspect is what one can do at a European level. You can gather other information, such as that from the impact assessments, but you can also try to influence at that stage. In that regard, collaboration with other regions can be very useful. That is the level at which one can most likely have an influence, because the commission is still drafting its proposals and it takes the information that comes in into account. It must justify itself more and more in terms of subsidiarity in the context of the impact assessments. If one can play at that stage, one can have an influence. If one has to play after that, once the commission has made its proposals, when the procedure and the protocol normally start, it is too late. So, I would try to focus on where you can get information and collaborate with other regions with legislative powers and that have offices in Brussels to put information together and to try to play at the first stage of the policy-making process.

[97] **Professor Loughlin:** Following on from what Stijn said, I return to my initial comment that subsidiarity has a legal and technical dimension, but also a political dimension. It is that second dimension that is extremely important for regions or small nations such as Wales that have their own assemblies. In the evolution of the European Union, since the Maastricht treaty and the setting up of the Committee of the Regions, it seems that there are opportunities for these sub-national entities of various kinds to establish themselves in the architecture of Europe, and subsidiarity is the principle that allows them to do that, even if that is in a technical sense. I would imagine that the commission has pre-empted any challenges to subsidiarity and that it has drawn up its own policy proposals. So, it might be in a very technical sense—and there will be very few cases going to the European Court of

Justice to challenge the commission, because it has already taken care of that—but in its broader political sense, this is a strong opportunity for regions and nations such as Wales, Scotland, Northern Ireland and Catalunya to establish themselves on the European scene.

[98] I followed to some extent the position of the regions during the Giscard Convention on the Future of Europe. They had a very difficult time actually getting heard at the beginning. The Committee of the Regions had no voting powers in that; it was simply Luc Van den Brande, the president of the Flemish region, and others who began to mobilise, and they really pushed the subsidiarity question. However, it was an uphill struggle because the national Governments do not like this, I think, and they will do a lot—even the German federal Government, which is not very happy about the Länder having these prerogatives—to tone that down, play it down and block these initiatives. I think that we should also see it in those terms, that in that political project of a regional Europe—if not a Europe of the regions, at least a Europe with the regions in which regions have an important role—it is not simply left to the member states to decide our future.

[99] **Sandy Mewies:** Thank you for that. I think that you probably stated the most important point at the end. It has certainly given us all food for thought. We will return to this particular question.

[100] I thank you all for coming here today. It was most interesting and, as I said, it has certainly cleared up many points in my mind and pointed us in some directions as to where we all need to go now. As I say, we have a mechanism through which we are meeting with the other Assemblies and Parliaments to discuss the way forward. It is important to us all in the end, because subsidiarity issues may be few and far between, but the impact they can have can be enormous. Therefore, it is important that we have this mechanism in place. Thank you very much. I think that everyone enjoyed your two papers, which complemented each other very well today.

2.47 p.m.

**Adroddiad Drafft y Pwyllgor—Archwiliad Iechyd y Polisi Amaethyddol
Cyffredin**

Draft Committee Report—Common Agricultural Policy Health Check

[101] **Sandy Mewies:** Members have had a copy of the draft report. All that we need to do is to comment on the report and agree on it. Carys will join us at the table now; I have been assured that she can answer any questions that you might have. [*Laughter.*] Do you want to say anything, Carys, or would you rather wait for questions?

[102] **Ms Jones:** If people have questions, I am happy to take them.

[103] **Nerys Evans:** When is the deadline for agreeing the report?

[104] **Mr Sanchez:** We were hoping that it would be agreed in this meeting today.

[105] **Sandy Mewies:** The report has been circulated.

[106] **Nerys Evans:** I am just conscious that only three of the five regular Members are here.

[107] **Sandy Mewies:** Everyone has had a copy of the report but no-one has commented on it.

[108] **Mr Sanchez:** There have been no comments.

[109] **Sandy Mewies:** I am quite happy, but I do not know whether other Members feel differently. Everyone has had a copy of the report for a little while.

[110] I see that there are no questions or comments. Are you happy to agree this report? I see that you are content. I assume, therefore, that we have finished. Thank you for coming, Carys.

[111] We have the minutes of the previous meeting to note. Do we have a date for the next meeting? We should have a date somewhere. Gerhard Stahl will be attending the next meeting.

[112] **Mr Sanchez:** Gerhard Stahl will be with us via a video link.

[113] **Sandy Mewies:** The meeting will be in the form of a video conference, therefore, and we will have questions to ask him.

[114] Members have also asked me whether we have any dates settled for the visit and meetings in Brussels. We are considering 16 to 20 February—not necessarily between those two dates but during that time period. I know that people want to put it in their diaries now. We have considered it with Gregg, who is our new person in Brussels, and it seems that our recesses do not coincide. Therefore, we can be there when the Members of the European Parliament and other people can be there. It is quite important that, if we go across, we take best benefit of it. So, perhaps Members could put that in their diaries and let the clerk know whether it is convenient for them.

2.50 p.m.

[115] **William Graham:** You have given us a selection of dates from 16 to 20 February, but how many days do you expect us to be away for?

[116] **Mr Sanchez:** Two days.

[117] **William Graham:** When we have gone away as a group, we have always had at least one full day of meetings.

[118] **Sandy Mewies:** Yes, that is what we have done in the past. Once, we had one full day of meetings, leaving in the morning and going back the same night.

[119] **William Graham:** That was a bit much. It is worthwhile spending the night before the meeting there. The 4 p.m. train will get us back by 10 p.m..

[120] **Sandy Mewies:** Okay. You should all put that in your diaries as a date to be confirmed.

[121] **William Graham:** So, do you want us to tell the clerk which days we can and cannot manage?

[122] **Sandy Mewies:** That would be useful. Stefan will circulate this to all other Members so that they are aware of what is going on.

[123] Thank you all for attending today and for your comments on those two papers, which I found extremely interesting.

Daeth y cyfarfod i ben am 2.51 p.m.
The meeting ended at 2.51p.m.