

European and External Affairs Committee

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Date: 18 January 2006

Time: 9.00 - 12.00

Venue: National Assembly for Wales, Cardiff Bay

Title: Review of Scrutiny of European policy and legislation

Purpose of Paper

1. A new approach to scrutinising European Union (EU) legislation and policy proposals within the Assembly's Committees was adopted for this year, on the basis of this Committee's recommendation (11 November 2004) which was endorsed by the Panel of Chairs (7 December 2004). The Committee agreed to review the process after one year, which is the purpose of this paper.

Summary

2. Following positive feedback from the Committees, it is proposed that this new approach should be continued, whereby a limited number of high priority issues are selected by the Assembly's Committees on the basis of the EU work programme for scrutiny over the coming year.

3. A number of recommendations are put forward for consideration by this Committee for improving the process of scrutinising EU legislation. If agreed, they will be put to the Panel of Chairs at their 29 January 2006 meeting.

Background – a more strategic approach to EU issues

3. In previous years, Committees considered whether they wished to scrutinise any EU proposals on the basis of regular lists of EU documents "deposited in the UK Parliament", as is the practice of the UK Houses of Parliament. Although, these lists were sifted according to relevance to the Committees' priorities, it was felt that this was not always effective in bringing important issues to the attention of the Committees.

4. It was decided therefore to use the European Commission's Annual Work Programme as the starting point for identifying documents which were of potential importance to the Assembly during the year ahead.

5. Each Committee was presented with an analysis of the Work Programme between February and April

2005, which had been prepared by the Members' Research and Committee Services. This included suggestions for key legislative and policy proposals in their subject areas which Committees could monitor and scrutinise. For some Committees there were no significant items of interest.

6. The Panel of Chairs subsequently agreed a protocol for Committees for dealing with the scrutiny of EU legislative and policy proposals (19 April 2005) – attached at Annex A.

7. Each Committee has tailored its own approach to dealing with EU issues, depending on the nature of the document(s) identified for further scrutiny and monitoring. Committee Chairs have generally welcomed this more strategic approach as compared to the deposited documents list. A summary of items identified by each Committee and how they are being dealt with is attached in Annex B.

8. A complete list of all documents 'deposited in the UK Parliament' is still produced for information purposes, and made available to this Committee and other Committee Chairs. This provides a check that nothing is being missed.

Areas where the process could be strengthened

9. The following issues have been identified with a view to strengthening the EU scrutiny process and relate to four main areas: identifying priorities for Committees from the annual work programme (paragraphs 10 – 13); undertaking better informed scrutiny (paragraphs 14 – 15); the role of EEAC in taking an overview of EU issues (paragraph 16); and promoting the Assembly Committees' views externally (paragraph 17).

10. This year, at the request of the Chair, the Welsh Assembly Government is providing a statement on their EU priorities for 2006, which will help inform the Committees' views. Although this was not the case last year, it had been provided in previous years.

11. The Member State holding the Presidency will often push their own specific policy initiatives. It is important, therefore, not to lose sight of the agendas of the rotating EU Presidency during the year, when Committees consider which policy areas to prioritise.

12. Although the Commission's Work Programme should be the main focus for identifying priorities for the Committees, increasing amounts of EU activities are inter-governmental in character, for example, issues dealt with through the Open Method of Coordination. These are on-going processes rather than part of any new initiative. They relate to specific policy areas e.g. Lisbon agenda, education and training, health, social inclusion. The aim is to help Member States to develop their own policies through National Action Plans, according to EU guidelines, which are then evaluated and stimulate the exchange of good practice.

13. The Welsh contributions to the National Action Plans are generally not scrutinised, although this Committee did look at the Welsh dimension of the UK National Reform Programme which is part of the

Lisbon strategy open method of co-ordination. The Open Method of Co-ordination (National Action Plans) is an area which could be further explored, if it's felt to be of sufficient importance and interest to Committees.

14. Despite being agreed in the protocol on dealing with EU issues, Committees are not yet systematically receiving reports of discussions and outcomes of Council of Ministers meetings from the Welsh Assembly Government (paragraph x of the protocol – Annex A). This would help Committees to track developments in negotiations on priority issues, as often the Commission's original proposals undergo significant amendments as the European Parliament and Presidency try to find an agreement.

15. The UK government produces Explanatory Memorandums (EMs) on every document deposited in the UK Parliament. These form the basis of the House of Commons' European Scrutiny Committee's scrutiny of EU matters. EMs are public documents and are sent to the Welsh Assembly Government. They provide a useful summary of the UK government's analysis of the issue and their position. It would be useful for the Assembly's Committees to have sight of the relevant EM when scrutinising specific issues.

16. Several of the other committees have undertaken detailed EU scrutiny work over the past year, following the identification of specific items in the Commission's annual work programme, as mentioned above. The European and External Affairs Committee has generally been kept informed through membership cross-over, but is not formally receiving this information. However, it is suggested that the Committee has a role to play in overseeing the process and therefore should formally receive information about how other Assembly Committees are dealing with EU issues.

17. It is important to inform other parliamentary bodies of the Assembly Committees' views to enhance its influence. Members of the European Parliament and Members of the House of Commons European Scrutiny Committee have expressed a wish to be kept better informed of the Assembly's views on EU issues.

Action for the Committee

18. The Committee is invited to consider and agree the following recommendations, which will be put to the Panel of Chairs (31 January 2006).

i. The approach to EU legislative and policy scrutiny is continued whereby the Committees select a limited number of EU priority issues for the coming year, on the basis of the Commission's work programme, taking into account the WAG's EU priorities.

ii. The Committees should take into account the work programme of the Council of Ministers as well (as determined by the Member State assuming the Presidency of the EU), when deciding on its priorities for the year ahead.

iii. That the Committee requests that the Welsh Assembly Government, in line with the agreed protocol, provides a summary of the results of all Council of Ministers meetings where the Committees' high priority issues are discussed, to facilitate Committee scrutiny.

v. That the Welsh Assembly Government makes the UK government's Explanatory Memorandums available to Committees systematically, when they look at EU proposal in detail i.e. as annexes to commissioned papers.

iv. That the European and External Affairs Committee should be kept regularly informed of the actions of other Committees in relation to EU scrutiny through papers to note to the Committee provided by the Members Research and Committee Service.

vi. That Members Research and Committee Services ensure that other parliamentary bodies are regularly informed of the scrutiny of EU issues within the Assembly's Committees.

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Annex A – Protocol on Scrutiny of EU policy and legislative proposals

Annex B – Scrutiny of EU issues undertaken by the Assembly's Committees in 2005