

PWYLLGOR MATERION EWROPEAIDD AC ALLANOL

Dyddiad: 4 Rhagfyr 2003

Amser: 09:00

Lleoliad: Ystafelloedd Pwyllgor 3 & 4, Adeilad y Cynulliad Cenedlaethol, Bae Caerdydd

Teitl: Craffu ar ddeddfwriaeth Ewropeaidd – newidiadau i Reolau Sefydlog

PWRPAS

1. Mae'r papur hwn yn nodi'r newidiadau arfaethedig i Reolau Sefydlog er mwyn hwyluso craffu effeithiol ar ddeddfwriaeth Ewropeaidd.

GWEITHREDU

2. Gwahoddir Aelodau :

- i drafod a chytuno ar y newidiadau arfaethedig i Reolau Sefydlog; ac i
- i drafod y cynigion ar gyfer sefydlu Is-Bwyllgor Craffu Sybsidiaraeth.

CEFNDIR

3. Yn ei gyfarfod ar 9 Hydref, cytunodd y pwyllgor ar gynigion ar gyfer craffu deddfwriaeth Ewropeaidd yn fwy proactif. Yn dilyn hyn, cadarnhawyd cynigion y pwyllgor gan y Panel Cadeiryddion.

NEWIDIADAU ARFAETHEDIG I REOLAU SEFYDLOG

4. Mae fersiwn o Reol Sefydlog 15 yn dangos newidiadau wedi eu marcio i'w gweld yn Atodiad A.

5. Bwriad y diwygiad cyntaf, sef cynnwys y gair '*legislation*' yn 15.1(iii), yw gwneud yn berffaith eglur bod cylch gorchwyl y Pwyllgor yn cynnwys cadw trosolwg strategol ar drefniadau'r Cynulliad o safbwynt trafod deddfwriaeth.

6. Mae'r ail a'r trydydd ddiwygiad "*EU Member States*" ac "*and the Assembly's involvement in*

European and International organisations" yn egluro bod cylch gorchwyl y Pwyllgor yn cynnwys bod yn gyfrifol am arolygu'r berthynas gyda Gwledydd Aelodau eraill o'r UE a'r berthynas â'r UE a sefydliadau rhyngwladol. Yn gyfredol, monitro perthynas gyda sefydliadau'r UE a Gwledydd Aelodau y tu allan i'r UE yn unig y mae Rheol Sefydlog 15.1(i) a (iv), er bod y pwyllgor wedi edrych yn ehangach na hyn.

7. Mae'r trydydd diwygiad yn cyflwyno swyddogaeth monitro torri sybsidiaraeth ategol y Pwyllgor:

"The Committee shall take the lead in considering the subsidiarity implications of draft EU legislation and will liaise with the UK Parliament and other devolved legislatures in the formulation of UK reasoned opinions."

8. Mae hawl seneddau cenedlaethol i wrthwynebu cynigion drafft gan yr UE – y cyfeiria'r diwygiad hwn ato – wedi ei nodi yng nghyfansoddiad drafft yr UE. Ni ddaw yn weithredol hyd nes y cytunir ar y cyfansoddiad ac y bydd hwnnw wedi ei ddilysu. Fodd bynnag, mae Senedd y DU wedi mynegi ei bod yn awyddus i weithredu'r trefniadau yn gynt na hyn a byddai'r diwygiad hwn yn awdurdodi'r Pwyllgor i gytuno mecanwaith gyda hwy.

IS BWYLLGOR CRAFFU SYBSIDIARETH

9. Yn ei drafodaeth ar 9 Hydref, cytunodd y Pwyllgor y dylid trafod materion Sybsidiaraeth mewn is bwyllgor yn hytrach nag yn y pwyllgor llawn neu trwy ohebiaeth. Mae Rheol Sefydlog 8.26 - 8.29 yn gosod allan y fframwaith ar gyfer sefydlu is bwyllgor:

" 8.26 Gall unrhyw bwyllgor benderfynu sefydlu un neu ragor o is-bwyllgorau drwy gynnig a wneir gan aelod o'r pwyllgor; bydd y cynnig yn pennu aelodaeth a chylch gwaith yr is-bwyllgor a'r dyddiad y daw ei fodolaeth i ben oni fydd y pwyllgor yn penderfynu ei barhau. Ni fydd y dyddiad hwnnw yn hwyrach na'r hyn sy'n angenrheidiol ar gyfer cyflawni'r busnes a bennir yng nghylch gwaith yr is-bwyllgor a ph'un bynnag ni fydd yn fwy na 12 mis ar ôl dyddiad y cyfarfod cyntaf.

8.27 Wrth ystyried a ddylid penodi is-bwyllgor neu beidio, bydd pwyllgor yn ei fodloni ei hun ynglŷn â diben a gwerth gwneud hynny; a bydd yn rhoi sylw i'r angen i osgoi lluosogi is-bwyllgorau.

8.28 Bydd is-bwyllgor yn cynnwys o leiaf un Aelod sy'n cynrychioli grŵp gwleidyddol nad yw'n cael ei gynrychioli yng Nghabinet y Cynulliad.

8.29 Mae paragraffau 8.8 i 8.25 yn gymwys hefyd i gyfarfodydd is-bwyllgorau

10. Yr hyn sydd yn hanfodol o safbwynt yr is bwyllgor arbennig hwn yw y byddai'n gallu cyfarfod ar fyr rybudd, oherwydd ei fod yn gaeth i gyfnod o chwech wythnos ar gyfer llunio sylwadau ar gynigion

drafft. Mae cyfres o gylchoedd gwaith drafft ar gyfer yr Is bwyllgor Sybsidiaraeth arfaethedig wedi ei chynnwys er ystyriaeth yn Atodiad B

11. Byddai'r is-bwyllgor yn dilyn y drefn arferol ar gyfer Pwyllgorau'r Cynulliad, fel y nodir yn Rheol Sefydlog 8. Byddai'r is-bwyllgor yn cyhoeddi adroddiad yn nodi ei benderfyniadau ar oblygiadau Sybsidiaraeth pob cynnig gan yr UE y byddai'n ei drafod. Yr adroddiad hwn fyddai ei gyfraniad tuag at ffurfio barn y DU ar gynnig drafft

12. Byddai'r is-bwyllgor yn cyfarfod mor aml ag y byddai angen er mwyn bod o fewn yr amserlen ar gyfer sylwadau ar oblygiadau Sybsidiaraeth cynigion drafft yr UE. Mae'n debygol na fyddai angen i'r is-bwyllgor gyfarfod yn aml iawn ac y byddai ei gyfarfodydd yn rhai byrion. Er hynny, byddai'n ofynnol canfod lle safonol yn yr amserlen ar gyfer ei gyfarfodydd; ni fyddai'n cyfarfod onibai bod materion i'w trafod. Efallai y byddai 10:00am neu 10:30am ar fore Mawrth yn amser cyfleus, yn dilyn y Pwyllgor Deddfwriaeth.

13. Byddai papurau ar gyfer yr is-bwyllgor yn cael eu dosbarthu yn ystod yr wythnos cyn y cyfarfod.

14. Dylid edrych ar yr is-bwyllgor arfaethedig fel arbrawf er mwyn canfod lefel y gwaith sydd ynghlwm wrth graffu sybsidiaraeth ac, o ystyried mai am gyfnodau o 12 mis yn unig y gellir sefydlu is-bwyllgor, mae'n debygol na fydd yn darparu ateb addas ar gyfer y tymor hir. Fodd bynnag, bydd y toriad wedi cyfnod o 12 mis yn rhoi cyfle da i asesu pa mor effeithiol yr oedd yn gweithio ac i gytuno ar y dull gorau o ymdrin â'r materion hyn yn y dyfodol.

15. Bydd aelodau yn hoffi nodi nad oes angen gwneud penderfyniad terfynnol ar y trefniadau ar gyfer is-bwyllgor craffu sybsidiaraeth hyd nes bydd cytundeb wedi ei gyrraedd ar y cyfansoddiad drafft.

ARGYMHELLIAD

16. Argymhellir bod y Pwyllgor:

- yn trafod ac yn cytuno ar y diwygiadau i Reol Sefydlog 15; ac
- yn trafod y cynigion ar gyfer is-bwyllgor craffu Sybsidiaraeth – nid oes angen penderfyniad terfynnol ar y funud.

Pwynt cyswllt

Gwasanaethau Ymchwil a Phwyllgor yr Aelodau

(Nid yw'r atodiadau ar gael yng nghymraeg)

STANDING ORDER 15 - COMMITTEE ON EUROPEAN AND EXTERNAL AFFAIRS

Title and Terms of Reference

1. There shall be a Committee on European and External Affairs, which shall keep under review
 - (i) the Assembly's relations with the institutions of the European Union, and its methods for informing and advising those institutions of the needs of Wales;
 - (ii) the Assembly's liaison arrangements with UKREP, and with United Kingdom government departments on European issues;
 - (iii) the Assembly's methods and procedures for the consideration of **proposed legislation**, documents, issues and questions emanating from European institutions, having particular regard to the need for liaison with Members of Parliament responsible for scrutiny of European matters of particular relevance to Wales.
 - (iv) the Assembly's relations with **EU Member States** and nations external to the European Union **and the Assembly's involvement in European and international organisations**.

15.2. The Committee shall monitor the general impact and consequences for Wales of policies pursued by institutions of the European Union, and ensure that there is adequate liaison with the Members of the European Parliament representing Wales and Welsh representatives on the Committee of the Regions.

15.3. The Committee shall avoid duplicating the work of subject committees, but may draw particular issues to the attention of relevant subject committees and, with the agreement of the relevant subject committee, may consider any matter falling within paragraphs 15.1 or 15.2 which is otherwise wholly within the remit of that subject committee. The Committee may assess and where necessary report on the significance of proposed European legislation affecting Wales which falls within the remit of more than one subject committee.

15.4 The Committee shall take the lead in the Assembly in considering the subsidiarity implications of proposed European legislation and will liaise with the UK Parliament and other devolved legislatures in the consideration

of these implications.

Membership

15.5 The Members of the Committee shall be elected by the Assembly having regard to the desirability of each subject committee being represented on the Committee and so as to ensure that, so far as practicable, the balance of political groups in the Assembly is reflected in its membership. The Assembly shall elect one of the members of the committee to chair the Committee, but it may not be chaired by a Minister.

15.6 A committee member who has given advance notice to the chair may be represented at a meeting of the committee by another Member from the same political group who has been identified in advance. In giving such notice, the Member shall indicate the reason for the need for substitution. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No Member may represent more than one committee member at a meeting.

15.7 Members of the European Parliament representing Wales, and the Assembly's representatives on the Committee of the Regions, may attend and, with the permission of the chair, speak at the Committee's meetings when these are in public, but they may not vote.

15.8 Assembly Members who have specific constituency or regional interests to pursue in relation to the work of the Committee may in advance of any meeting seek the chair's permission to make representations to the Committee at that meeting, but they may not vote. Members may also write to the chair requesting that their observations on any aspect of the Committee's work be tabled for consideration by the Committee at its next meeting, and the chair shall arrange for such tabling to take place.

Reports

15.9 The Committee shall report to the Assembly from time to time.

Annex B

DRAFT TERMS OF REFERENCE FOR SUBSIDIARITY SCRUTINY SUB COMMITTEE

Title and Terms of Reference

There shall be sub committee of the Committee on European and External Affairs called the Subsidiarity

Scrutiny Sub-Committee.

The sub-committee shall:

- Consider whether the principle of subsidiarity has been infringed by draft EU proposals and publish a report setting out its conclusions.
- Liase with the UK Parliament and other devolved legislatures to formulate UK reasoned opinions on the subsidiarity implications of draft EU proposals.

The Sub-committee shall not consider the wider policy issues raised by draft EU proposals, these are a matter for the relevant Assembly subject committee, or the European and External Affairs or Equality of Opportunity Committees.

Membership

The sub-committee's membership shall be the same as that of the Committee on European and External Affairs.

A sub-committee member who has given advance notice to the chair may be represented by another Member from the same political group who has been identified in advance. In giving such notice, the Member shall indicate the reason for the need for substitution. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No Member may represent more than one committee member at a meeting.

Frequency and timing of meetings

The sub-committee shall meet as often as required to meet the deadline for the submission of opinions on the subsidiarity implications of draft EU proposals, but not more often than once a week.

The sub-committee (shall have a slot set aside for it each week in the Assembly timetable, but) will only meet when there are draft EU proposals to consider.

Duration of sub-committee

The sub-committee will be established from X [date to be agreed].

The operation of the sub-committee shall be kept under review and a report assessing its effectiveness shall be produced to inform decisions on its continuation.

In the absence of a decision to continue the sub-committee's existence, it shall cease to exist on from X

[date 12 months from start date].