

Wales and the European Union

Introduction

The European Union has evolved significantly since it was founded by six European countries in 1957 with the aim of creating a single internal market. Fifty years on, it has 27 member states - including the UK which joined in 1973 – and co-ordinates policy across a wide range of issues: justice and home affairs, industry and competitiveness, transport, research, education, health, culture, agriculture and development aid.

The EU's competences are set out in Treaties, the most recent being the Nice Treaty in 2001. It either has exclusive competence for a policy area, such as state aid legislation where it sets the rules for the whole of the EU, or it shares competence with Member States where it can produce supporting or complementary measures. This means that the EU help co-ordinate Member States' policies towards a shared goal or produce legislation where there is a clear benefit from having a common legislative framework at the EU level.

There are three key players in the EU decision-making process: the Commission (the EU's executive), the Council of Ministers (the main decision-maker made up of the governments of all Member States) and European Parliament. As far as how Wales fits in, the Welsh Assembly Government is represented by the UK Government in the Council of Ministers; Wales has four Members of the European Parliament; and the Commission has a Wales Representation Office in Cardiff.

Each institution has a varying responsibility and influence over policy direction and legislation, according to the policy area which determines the decision-making process. For example, environmental legislation has to be agreed by both the Parliament and the Council; while common immigration rules are decided solely by the Council.

EU law has supremacy over national laws. All national and regional legislation has to comply with EU legislation. There two main types of EU legislation – regulations which have direct effect in all Member States once adopted at the EU level; and directives which have to be transposed into national law. While directives set out the objective to be achieved, national authorities have a certain amount of freedom to decide how they should be implemented domestically.

Overview of current statutory powers of the Assembly

Foreign policy, including EU policy, is not devolved. However, the UK government has recognised that the devolved administrations have a significant role to play in relation to the EU, in particular on policy areas which are devolved. This role is formalised in the Memorandum of Understanding and the Concordat on the Co-ordination of European Policy and the Joint Ministerial Committee Europe.

The Concordat stipulates that "a single UK policy line" is agreed beforehand as the basis for negotiations. The WAG therefore has to make its views known to the UK Government, in order to have its concerns voiced within the Council of Ministers and it can only represent its own interest within the parameters of the agreed UK line.

Where matters relate to the Assembly's powers, it is for the WAG to consider, in consultation with Whitehall, how any EU obligations arising from new policy or legislation should be implemented and enforced in Wales. The WAG could implement the obligation separately or opt for UK legislation. If the Welsh Ministers do not have the specific powers to make regulations to implement all of the requirements of a Directive under existing primary legislation, then it can be designated (under Section 2(2) of the European Communities Act 1972) to bring forward regulations to implement European obligations in a given field.

Many of the policy fields devolved to the National Assembly for Wales contain a substantial EU component, which means that they are bound by EU rules and policy, for example, agriculture and the environment. By the time that legislation has to be implemented by the Assembly, the policy options have already been agreed and there is normally little scope for variation. It is important therefore to influence the direction of policy and legislation at an early stage, when it is being discussed and agreed by the Parliament and Council in Brussels, which will normally be a few years before it hits the Assembly's books.

Membership of organisations relating to the EU

- ◆ The Committee of the Regions is a consultative body of the EU which represents the voice of Europe's local and regional authorities. Wales was represented by two Assembly Members of the Second Assembly and two local councillors.
- ◆ Conference of European Regional Legislative Assemblies (CALRE) is a network of Presiding Officers from the EU's legislative regions. The Assembly's Presiding Officer of the Second Assembly was a member.
- ◆ Regleg is the Conference of European Regions with Legislative Powers, its membership consists of the regional governments. The WAG is a member.
- ◆ The WAG is also a member of a European regions association called the Conference of Peripheral and Maritime Regions (CPMR).

Legacy issues from the Second Assembly

Increasingly during the Second Assembly, Committees were engaging in direct debate with the Commission and MEPs, often via video conference, in order to better understand the EU's policies and make their views known. The legacy paper for the European and External Affairs Committee made a number of recommendations as to how the Committee could strengthen its scrutiny of EU affairs in the Third Assembly.

Useful links

1. The Welsh Assembly Government has a website on the European Union:
http://new.wales.gov.uk/topics/international/european_union/?lang=en
2. Members Research Service European Affairs intranet page:
<http://assembly/presidingoffic/mrs/europe/euro-e.htm>
3. The Foreign and Commonwealth Office "Britain in the EU" website:
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029391674>
4. The EU's gateway website:
http://europa.eu/index_en.htm

Further information

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