



Health and Social Care Committee

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EU update: (i) European Commission Work Programme 2013; and (ii) the Review of Balance of Competences between the EU and UK

Paper to note

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This paper has been produced by the EU Office.

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1. Introduction

Under the fourth Assembly European issues have been mainstreamed (as relevant) into the work of all Committees, and there is no longer a lead Committee responsible for European and External Affairs.

Engagement with EU affairs can take place in a number of ways:

- Engaging in the policy/legislative process (including addressing subsidiarity and other concerns as well as looking at policy detail and potential impact of proposals)
- Assessing participation of Welsh organisations in EU funding programmes and other forms of co-operation
- Benchmarking and learning from best/different practices elsewhere in Europe (outward looking approach to policy formulation in Wales)

One of the standard mechanisms for identifying priorities on EU work for Committees is the European Commission's annual Work Programme, which is usually published during the autumn (October/November), and this falls within the scope of the first of the bullet points listed above.

2. Purpose and content of this briefing

This briefing provides an overview of the main developments of relevance to the work of the Health and Social Care Committee in the latest version of the European Commission Work Programme 2013 (WP2013), which was published by on 23 October¹. It also includes reference to a number of ongoing initiatives carried over from previous European Commission Work Programmes that remain relevant.

Finally it includes a section on the UK Government's Review of the Balance of Competences between the EU and UK, which was announced in July and which will be carried out over the next two years.

To note briefings are also being provided for the Assembly's other Committees.

Proposed action:

Members are requested to note the contents of the paper.

¹ COM(2012)629. Available on the [European Commission Work Programme](#) pages of the European Commission web-site.



3. **European Commission Work Programme 2013 (WP2013)**

3.1. *Dynamic process focusing on forthcoming initiatives*

The European Commission views the Work Programme as a dynamic document: it is updated on a monthly basis, and is complemented by various 'roadmaps' providing more details on each of the proposals included (and added during the year). The annual publication, therefore, does not necessarily contain all proposals that will be published during the year, as others may be added as they come to 'maturity' (whilst others may drop off the list or get delayed).

The Work Programme also only includes information on planned or forthcoming initiatives. Once a proposal is published it will not feature in the next year's Work Programme even if the proposal is continuing to be discussed or negotiated with the European Parliament and Council of Ministers.

This is the case with a number of key dossiers including the Multi-annual Financial Framework 2014-2020 negotiations, and the various funding programmes that fall within this (such as EU Structural Funds, Common Agricultural Policy etc.).

3.2. *Main objectives and initiatives for 2013*

There are seven overarching objectives for WP2013, with the planned legislative and non-legislative initiatives grouped under these objectives:

- Getting the foundations right: towards genuine Economic and Monetary Union:
- Boosting competitiveness through the Single Market and industrial policy
- Connect to Compete: Building tomorrow's networks today
- Growth for jobs: Inclusion and excellence
- Using Europe's resources to compete better
- Building a safe and secure Europe
- Pulling our weight: Europe as a global actor

These initiatives have been proposed during a period of great uncertainty within the EU, as a result of the ongoing financial and economic crisis and the instability in the Eurozone.



The agenda is very much focused on delivering jobs and growth, and setting in place the building blocks to move towards closer economic and monetary union within the Eurozone.

3.3. Welsh Government (and other UK) priorities

The UK Government prepares explanatory memoranda (EM), in consultation with the Devolved Administrations (as considered appropriate), on all legislative and non-legislative communications coming out of Brussels.

The UK Government EM for the European Commission's WP2013² was prepared on 13 November, and includes references to the views of the Welsh Government (and the UK Government, Scottish Executive and North Ireland Executive) on the proposed priorities.

For Wales the following entry is made:

...The Welsh Government welcomes the Work Programme's focus on sustainable growth and jobs as being broadly consistent with the approach in its Programme for Government. In particular, the Welsh Government welcomes the proposals to boost competitiveness, including through the strengthening of the Single Market, access to finance for SMEs and investing in networks for telecoms, energy and transport. The Welsh Government similarly agrees with the promotion of social inclusion and the raising of skills levels as being one of the priorities of the European semester. The Welsh Government's central organising principle is sustainable development and it therefore supports the Commission's focus on the better use of resources and measures including new proposals to provide a long-term perspective on the move to a low-carbon economy and a new strategy on the adaptation to climate change. [Paragraph 9]

3.4. Potential areas of interest to Health and Social Care Committee

It is clear from the above sections that the economy is the main priority for 2013, with the emphasis on creating jobs and growth, whilst there is also a strong emphasis on environmental dossiers.

There is less of interest to the Health and Social Care Committee's work, and it is suggested that a 'watching brief' be kept on those initiative highlighted below, as these are not likely to be a high priority compared to the other work on the Committee's agenda for 2013:

Initiatives of relevance to Health and Social Care Committee within WP2013:

² UK Government EM 15691/12, dated 13 November 2012.

- Use of animal cloning technique for food production [Legislative proposals] – also drawn to the attention of Environment and Sustainability Committee as this may fall more within their remit than Health and Social Care Committee
- Composite products and meat inspection hygiene [Legislative proposals]:
 - following a review (2009) of the implementation of the 2004 EU Food Hygiene Package, the European Commission proposes to amend this legislation to make a number of improvements (including giving clearer scope for ‘risk based’ assessments, reducing administrative burden, giving clarity on certain definitions/practices)

Initiatives of relevance to Health and Social Care Committee that fall outside of the WP2013:

- Autism Strategy for Europe:
 - Autism Cymru, the Celtic Autism Partnership and Autism Europe are lobbying for the Irish EU Presidency to seek adoption of Council conclusions on autism, that would call for establishment of an EU-wide strategy for autism [Non-Legislative]

Other initiatives of relevance to Health and Social Care Committee that carry over from WP2012³:

- **EU Health for Growth Programme 2014–2020**: main dedicated EU funding instrument for public health. Proposals published in November 2011 are working through the EU decision-making process
- **Modernisation of the EUs Public Procurement Directives**: potential implications to the health and social care sector of changes to the EU laws. Proposals were published in December 2011 and these are working their way through the EU-legislative process. The Assembly’s Enterprise and Business Committee undertook an inquiry (through a task and finish group) publishing its **report in May 2012**.

³ Details on these were provided in the EU update briefing to the Committee (RS111855) for its meeting on 8 December 2011

4. **Review of the Balance of Competences EU and UK level⁴**

On 12 July the Foreign Secretary of the UK Government, William Hague, announced his intention to undertake a review of Balance of Competences between EU and UK, within the context of the ongoing discussions about the future governance of the EU:

...The crisis in the Eurozone has intensified the debate in every country on the future of Europe and there is no exception here. Now is the right time to take a critical and constructive look at exactly which competences lie with the EU, which lie with the UK, and whether it works in our national interest.

This will be a thorough and analytical piece of work, involving many Government Departments and taking evidence from representatives from business and other interest groups, the British public and our EU and global partners. I want to take stock of the impact of the EU on our country based on a detailed assessment of those things that derive from EU law that affect us in the UK. [*pages 4-5, foreword of Review document published 12 July*]

On 23 October the Foreign Secretary made a statement setting out more detailed plans on how the UK Government plans to carry out the review over the next two years.

The review will be undertaken through four overlapping semesters, with each semester addressing a number of thematic policy issues, with conclusion of the review by the end of 2014. Those areas of relevance to Health and Social Care Committee are indicated below (full details available from the UK Government web-site):

Semester 1: Autumn 2012–Summer 2013

- Health
- Food Hygiene (part of Animal Welfare and Food Hygiene review)

Semester 2: Spring 2013–Winter 2013

Nothing relevant to Committee

Semester 3: Spring 2013–Summer 2013

- Internal Market (services – potentially in context of measures to remove barriers to functioning of an internal market for services within the EU)

⁴ Details available (including the announcements referred to in the section) on the UK Government's [Balance of Competences web-pages](#)

- Social and employment (potentially in context of Working Time Directive and employment legislation affecting health and social care workers)

Semester 4: Spring 2014–Autumn 2014

Nothing specifically relevant to the Committee

In each of these areas the relevant UK Government Department will take the lead, undertaking the review in consultation with ‘experts, organisations and individuals who wish to feed in their views on each issue’.

The review will:

...look at the EU’s competences (the power to act in particular areas conferred on it by the EU Treaties), how they are used, and what that means for Britain and our national interest.

The process will be comprehensive, well-informed and analytical. Government departments will be tasked with **consulting Parliament and its committees**, business, the **devolved administrations**, and civil society to look in depth at how the EU’s powers work in particular areas. [Page 12 of the Review document published on 12 July]

There is no explicit mention of involving the ‘devolved legislatures’ within this process, although the UK Parliament and ‘devolved administrations’ are referred to in the UK Government’s paper.

One route that the Committee may wish to consider for engagement in the Review would be to use Welsh Government Ministerial sessions as a way to clarify if and how the Welsh Government is (or plans to) engage in the review.