European and External Relations Committee

Consideration of Scotland’s Representation on the EU Committee of the Regions

Letter from the Presiding Officer (and accompanying background paper)

The Parliamentary Bureau has been considering the composition of membership of the delegation that Scotland sends to the Committee of the Regions (CoR). At its meeting on 13 September, the Bureau agreed to invite the views of the European and External Relations (EER) Committee on the current arrangements and on an alternative proposition for membership before taking a final decision on this matter.

As you will be aware, CoR is currently made up of 344 full and 344 alternate members of sub-national authorities from the 27 Member States. The UK has 24 members and, within this, Scotland has four full and four alternate members. All UK members of CoR are elected politicians representing either the Westminster Parliament, the devolved bodies of Scotland, Wales and Northern Ireland or local authorities across the UK.

In previous Sessions, the Scottish Parliament has nominated two full and two alternate members to the UK delegation, with the remainder of the delegation (a further two full and two alternate members) nominated by COSLA. The Bureau considered the attached paper (PB/S4/11/25) which, as well as outlining the role of CoR and its composition, provides details of how membership is composed.

As well as detailing the composition of CoR membership for the UK, the paper also looks at how membership is composed in Belgium, Germany and Spain which have federal structures and, like the UK, have sub-national devolved governments.

The Bureau considered a proposition that, in a departure from previous practice, all Scottish places on the UK delegation should be taken up by local authority representatives instead of including nominees from the Scottish Parliament. Before taking a final decision, the Bureau would welcome the views of the EER Committee on this proposition.

I would be grateful for your response by Friday 30 September.

TRICIA MARWICK
15 September 2011
COMMITTEE OF THE REGIONS

Background

1. Established in 1994, the Committee of the Regions (CoR) is the official voice of sub-national authorities within the European Union. It provides a forum for the consultation of local and regional authorities on issues affecting them, giving formal recognition to the role of sub-national government in the EU decision making process\(^1\).

2. The European Treaties\(^2\) oblige the European Council and the European Commission to consult the CoR if a legislative proposal concerns one of the many policy areas that directly affect local and regional authorities. The Maastricht Treaty set out five such areas - economic and social cohesion, trans-European infrastructure networks, health, education and culture, while the Amsterdam Treaty added another five - employment policy, social policy, the environment, vocational training and transport. The Lisbon Treaty extended the scope of the CoR's involvement even further, adding civil protection, climate change, energy and services of general interest to the list of policy areas where the CoR must be consulted.

3. Whilst the CoR must be consulted, neither the European Council nor the European Commission is required to accept the recommendations of the CoR.

4. There are four political groups represented in the CoR, reflecting the main European political families: the European People's Party (EPP), the Party of European Socialists (PES), the Group of the Alliance of Liberals and Democrats for Europe (ALDE) and Union for Europe of the Nations - European Alliance (UEN-EA). Generally CoR Members take their policy lead from their political or national group.

5. The Committee of the Regions pays the expenses incurred for attendance at meetings and other expenses incurred in the process of undertaking CoR business.

Membership

6. CoR is currently made up of 344 full and 344 alternate members of sub-national authorities from the 27 Member States. The UK has 24 members and, within this, Scotland has four full and four alternate members.

7. According to Article 300 TFEU, “the Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly”.

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\(^2\) Article 307 of the Treaty on the Functioning of the European Union
8. Crucially Article 300 TFEU adds “the members of the Economic and Social Committee and the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union’s general interest.” This suggests that it is not possible for a regional parliament to mandate its CoR members ahead of a meeting or to hold them to account following a meeting.

9. This contrasts with the position of any reporters appointed by a committee in the Scottish Parliament where they must carry out work on behalf of a particular committee and are accountable to that committee through, for example, reports back.

10. An issue to note is the variance in membership of the Committee of the Regions. Most Member States are represented at both sub national and local authority level. These divergent interests limit its ability to agree strong positions and consequently the influence it can exert. The next section looks at the composition of some Member States delegations.

Composition of Members

11. As well as providing details of the composition of CoR membership for the UK, this paper also looks at how membership is composed in Belgium, Germany and Spain which have federal structures and like the UK have sub national devolved governments.

United Kingdom³
12. All UK members of the CoR are elected politicians representing local authorities or the devolved bodies of Scotland, Wales, Northern Ireland and London.

13. Although the UK Delegation is formally nominated by the UK Government, it receives proposals from the following bodies: the Local Government Association of England & Wales (in consultation with English regional bodies); the Scottish Executive (in consultation with the Scottish Parliament and Convention of Scottish Local Authorities); the Welsh Assembly (in consultation with the Welsh Local Government Association); and the Northern Ireland Assembly (in consultation with the Northern Ireland Local Government Association).

14. As can be seen, the English delegation is made up entirely of members of local government. Whereas Scottish, Northern Irish and Welsh delegations are split between members of their respective Parliament and Assemblies and local government.

Belgium⁴

15. The Belgian delegation consists of 12 members and an equivalent number of alternates.

16. Members are appointed by decision of the respective governments of each of the Belgian regions and communities, after an agreement has been reached on the number of members and alternates to be allocated to each one. Belgium's three linguistic communities are therefore represented. The majority of the Belgian members are members of either the governments or the parliaments of the regions and communities. Some members, i.e. the mayors, represent the local authorities.

Germany

17. The Federal Republic of Germany is represented in the Committee of the Regions by 24 members and their 24 alternates. These members are elected representatives of a regional or local authority or are accountable to an elected assembly.

18. The delegation is made up of—

- 21 members and their 21 alternates who represent the 16 federal state governments or parliaments in Germany. Five seats are rotated between the states on the basis of population size.
- members and their three alternates who represent the three local authority organisations (Deutscher Städtetag, Deutscher Landkreistag, Deutscher Städte- und Gemeindebund)

Spain

19. Spain has a total of 21 full members and 21 alternates. 17 of the 21 seats of the Spanish CoR Delegation are for the regions and the remaining 4 are reserved for local representatives.

20. Each region proposes a member and an alternate, and four representatives from the local authorities are proposed by the Spanish Federation of Provinces and Municipalities (FEMP - Federación Española de Municipios y Provincias), along with four alternates. Within the local authorities, it was decided that two of Spain's most populous cities (Madrid and Barcelona) should be represented on the CoR, whilst maintaining the political balance with other, smaller authorities.

21. In the case of the regions representation it appears that the appropriate President for the autonomous community he or she leads is also the CoR representative.

Interaction with European and External Relations Committee

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5 http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=folder&id=f4ce81ce-96e8-4275-8c54-44bff1201fe6&sm=f4ce81ce-96e8-4275-8c54-44bff1201fe6
6 http://www.cor.europa.eu/pages/PresentationTemplate.aspx?view=folder&id=1c1ef9bb-3cc7-41bd-b17f-b120aece1b3&sm=1c1ef9bb-3cc7-41bd-b17f-b120aece1b3
22. Midway through session 3 of the Parliament, the European and External Relations Committee adopted the practice of receiving reports from the CoR plenary meetings attended by the Parliament’s representatives. These reports, prepared by the European Officer, were forwarded to Members, but not generally discussed at Committee. An example is attached as Annex A.

ANNEX A – Committee of the Regions report

COMMITTEE OF THE REGIONS
85th Plenary session

9 - 10 June 2010

Introduction
The 85th plenary meeting of the Committee of the Regions focused on the internal market & financial regulation, agriculture & biodiversity, the European Citizen’s Initiative and the Europe 2020 strategy.

The plenary session was addressed by Agriculture Commissioner Dacian Cioloș for the second time, as part of the CoR’s consideration of the draft opinion of René Souchon on the future of the Common Agricultural Policy (see below). Commissioner Cioloș took advantage of his visit to ask for a further opinion from the CoR, this time on how to give greater support to local agricultural marketing (the so-called ‘short-circuit’) and to promote small-scale, high quality agricultural output. In responding to the debate, Commissioner Cioloș reassured the CoR that ‘both Commissioner Hahn and myself will work to … ensure better coordination between cohesion policy and the CAP. Our aim is to improve the balance between urban and rural areas and the social and environmental challenges they face’.

The Internal Market Commissioner Michel Barnier addressed the plenary gathering, seeking local and regional support for new European financial market rules, as put forward by the Commission. In his speech he stated that ‘growth will not recover unless the regions are brought on board. Their economic weight and creativity will contribute to the recovery of the single market. I want traders, consumers and small businesses to take back control of the internal market. How are we to achieve this without the regions passing on questions and criticism to Brussels?’

During the question and answer session that followed, Barnier was held to account on suggestions that the Cohesion Fund could be suspended to penalise Member States facing an Excessive Deficit Procedure, as proposed by the Commission.

Opinions & resolutions
Europe 2020. Following discussion in the European Parliament, the CoR plenary adopted a resolution calling for stronger local and regional involvement in the Europe
2020 strategy, which recalled points previously raised in a letter to the EU Heads of State and Government. In the resolution, CoR members went further, supporting the European Parliament’s suggestion to establish a Territorial Pact of Regional and Local Authorities, subdivided into national territorial pacts. In the resolution members emphasised their intention to ‘ensure that national authorities work with local and regional authorities to implement the objectives and initiatives of the Europe 2020 strategy in order to promote European growth in the interests of citizens’.

CAP reform (Rapporteur: René Souchon). The own-initiative opinion was drafted by René Souchon (a former French Agriculture Minister) in response to the call by the Agriculture Commissioner at the last plenary session for input from local and regional actors. The opinion states that the CAP, as the longest-standing and most important of EU strategic policies, must be judged on the basis of its added value to citizens. It adds that this value largely reside in the CAP’s ability to ensure EU food independence and the promotion of territorial cohesion within the EU by ensuring that farming continues in every region of Europe. Importantly, the report asks whether the rural development measures of CAP (Pillar II) should be removed from CAP altogether and included under regional policy, thereby eliminating the current two-pillar CAP model.

Biodiversity (Rapporteur: Linda Gillham). The opinion focused on international biodiversity policy beyond 2010. The opinion stresses that neither the EU nor global biodiversity targets for 2010 have thus far been achieved, and that it is vital to give local and regional authorities the human, technical and financial resources to address the new targets. The opinion urges the Commission to give the CoR observer status in the European delegation to the UN Conference on Biological Diversity in October 2010 in Nagoya, to ensure that the views of local and regional authorities are represented.

Citizens’ Initiative (Rapporteur: Sonia Masini). The report explored the implications of the introduction of the new initiative (following adoption of the Lisbon Treaty). The opinion disagreed with the Commission proposal, considering that the ‘significant number’ required to launch the initiative should be one quarter rather than one third of Member States. The rapporteur states that: ‘the threshold being proposed is too high and will not encourage this new right of Europeans to participate in the EU's democratic process to take root. The CoR would like the European Commission to provide a framework which reflects the potential of this new instrument.’ The opinion also suggests that an inter-institutional information point should be established to provide assistance to those introducing initiatives, which should also publicise the initiatives under consideration.

Rights of the Child (Rapporteur: Arnoldas Abramavičius). The opinion states that EU action must first and foremost focus on children from the most vulnerable social groups, and also ensure the right to quality education for all. The opinion expresses regret that the available EU funding is fragmented and that information about it is scarce, leading to duplication, inefficiency and a lack of comparative data between the Member States.
Annex 2

Consultation responses

The following consultation questions were sent to: (i) former Scottish Parliament CoR Delegates; (ii) Current Scottish Local Authority CoR Delegates; and (iii) Scotland’s Members of the European Parliament.

- Do you believe that the Scottish Parliament should continue to nominate representatives to the Committee of the Regions? Why?
- Do you believe the current equal allocation between Scottish Parliament and local authorities is appropriate? Why?
- What have been the main benefits of the Parliament’s membership of the Committee of the Regions?
- What have been the main drawbacks of the Parliament’s membership?
- Other comments?

Consultees

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**Scotland’s MEPs**

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