

# **EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**

Tuesday 18 November 2003  
(*Afternoon*)

Session 2

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## EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

7<sup>th</sup> Meeting 2003, Session 2

### CONVENER

\*Richard Lochhead (North East Scotland) (SNP)

### DEPUTY CONVENER

Irene Oldfather (Cunninghame South) (Lab)

### COMMITTEE MEMBERS

\*Dennis Canavan (Falkirk West)  
\*Mrs Margaret Ewing (Moray) (SNP)  
\*Phil Gallie (South of Scotland) (Con)  
\*Mr John Home Robertson (East Lothian) (Lab)  
\*Gordon Jackson (Glasgow Govan) (Lab)  
\*Mr Alasdair Morrison (Western Isles) (Lab)  
Mr Keith Raffan (Mid Scotland and Fife) (LD)

### COMMITTEE SUBSTITUTES

\*Ms Wendy Alexander (Paisley North) (Lab)  
Murdo Fraser (Mid Scotland and Fife) (Con)  
\*Nora Radcliffe (Gordon) (LD)  
Nicola Sturgeon (Glasgow) (SNP)

\*attended

### CLERK TO THE COMMITTEE

Stephen Imrie

### ASSISTANT CLERKS

Nick Hawthorne  
David Simpson

### LOCATION

Committee Room 3



## Scottish Parliament

### European and External Relations Committee

*Tuesday 18 November 2003*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:02*]

### Interests

**The Convener (Richard Lochhead):** Good afternoon. I welcome everyone to the seventh meeting of the European and External Relations Committee in this session. We have received apologies from Keith Raffan, who will be substituted by Nora Radcliffe, and from Irene Oldfather. I believe that a committee substitute might also come along later to take Irene's place.

Given that this is Nora Radcliffe's first visit to the committee, I ask her to declare any relevant interests.

**Nora Radcliffe (Gordon) (LD):** I have no relevant interests to declare.

**The Convener:** Thank you. Welcome to your first meeting.

## European Parliament Elections 2004

14:03

**The Convener:** The first item on the agenda is consideration of options for postal voting for the European Parliament elections in June 2004. A fortnight ago, we took evidence from the Electoral Commission and various MEPs on proposals to use Scotland as one of the pilot regions for postal voting in the elections. We also took evidence on other issues such as funding and the number of Scottish MEPs.

As a result of that meeting, we agreed to write to Lord Falconer, the Secretary of State for Constitutional Affairs in the UK Government, to express our desire that eight Scottish MEPs should be retained. We have not yet heard back from the secretary of state. However, we also postponed until this meeting any decision about using Scotland as a pilot for postal voting, and other related issues.

I hope that members have had a chance to read the paper that is before them. There are three options: the first is that we make no further comment; the second is that we have a brief discussion, agree our response, and vote on any issue on which we cannot reach agreement; and the third is that we send a reply on the basis of consensus. I recommend that we go for the second option, which is that we discuss the issues. I think that the committee agrees on more than it disagrees on, but we will have to reach conclusions on any substantive issues on which we disagree if we are to make our response meaningful. Is the committee happy to adopt that option?

**Members indicated agreement.**

**Mrs Margaret Ewing (Moray) (SNP):** I have just read the letter from the Electoral Commission, which responds clearly to Alasdair Morrison's inquiry about the Electoral Commission's recommendations to the Government. The commission states that there will be no recommendation on the location of pilot schemes in 2004, and that

"the Government is under no obligation to accept our recommendations."

I am not sure whether we can reach consensus on the issue. I have huge reservations about the whole of Scotland's being used as a pilot region—and it is not to do with the use of the word "region". There is a strong case for particular regions within Scotland being considered for pilot schemes, but to use the whole of Scotland will mean that there will hardly ever be a Scottish dimension to

European elections, given the time scales for postal voting. In some ways, I am quite keen that the committee vote against the proposal that the whole of Scotland be used as a pilot area. We should make that recommendation to the Executive for its consideration for the negotiations with Westminster.

**Mr Alasdair Morrison (Western Isles) (Lab):** We outlined our various positions when we met two weeks ago, and members raised the various delicacies that they had in relation to postal voting. I happily put on the record that I firmly favour postal voting. Many people across not only Scotland but the United Kingdom are currently able to exercise their right to vote by post, and the system has been refined and simplified so that once one registers for a postal vote, one has then to disengage positively from that process. I would go as far as the second half of option 2, which is that as a committee we simply record that we are in favour of using Scotland as an electoral region and that we also favour postal voting.

**The Convener:** Thanks. We should discuss the issues on which we are agreed, which we will include in our response to the UK Government and other authorities, then decide on the issues on which we are not agreed. I detected at the previous meeting that the majority—if not all—of members agreed that postal voting was a valid way in which to increase electoral turnout. All committee members shared concerns about such matters as the bill to the Royal Mail and issues to do with publicity and campaigning, in the event of the pilot's going ahead. The committee was agreed on those issues. The substantive area of disagreement was whether Scotland should be used as a pilot for postal voting.

**Phil Gallie (South of Scotland) (Con):** I did not agree that there should be a pilot. I said that postal voting might be worth a try, but I felt that it would be far better to do that across the whole United Kingdom for a number of reasons that are stated in the committee's last *Official Report*.

**The Convener:** That is exactly what I am trying to differentiate. There were many areas that we agreed upon, should a pilot go ahead, but the substantive disagreement was whether a pilot should go ahead in Scotland as a separate region.

**Mr John Home Robertson (East Lothian) (Lab):** As I said last time, anything that increases turnout at elections must be a good thing—it broadens democracy. Comprehensive postal voting has been tried, and there is abundant evidence that it has that effect.

I accept the point that Phil Gallie, Margaret Ewing and others have made about there being a case for having a pilot scheme across the whole United Kingdom, but that does not seem to be an

option at the moment. The suggestion is that the whole of Scotland as a nation could use postal votes on this occasion. That would broaden the scope of democracy for the European Parliament elections in Scotland. I cannot see the sense in opting out of an option that could increase our people's access to the democratic system; it would be perverse for the European and External Relations Committee to suggest that we should not take up such an option. I propose that we support the case for Scotland to have a postal ballot for the European Parliament elections.

**Dennis Canavan (Falkirk West):** I have an open mind on postal voting as a permanent arrangement. Although I do not think that it is the complete solution to the problem of people's not voting, it may be part of the solution and I therefore think that the pilot scheme is worth trying.

In previous elections to the European Parliament, voter turnout has been abysmal. There have been decreasing turnouts, both in general elections to the Westminster Parliament and to the Scottish Parliament. I welcome the pilot scheme, because assessment of the results will allow us to determine whether postal voting increases turnout for the European elections. If it succeeds in doing that, it might be worth trying in elections to this Parliament and to Westminster.

**Gordon Jackson (Glasgow Govan) (Lab):** For me at least—I know that that is not the highest standard in the world—it is difficult to see what harm could be done by using the pilot as Alasdair Morrison suggests. For the reasons that Dennis Canavan mentioned, we would certainly want to assess whether it increases the whole democratic process. I would be very much in favour of a pilot scheme for postal voting because we want to find out how the system works. Not to use it simply because the whole UK will not be involved seems to be a bit like cutting off one's nose to spite one's face.

**The Convener:** Phil Gallie wants to come back in.

**Phil Gallie:** I think that Margaret Ewing made a point about the importance of Europe to everyone in Scotland. The fact is that people have to be involved in the political argument on the basis of the facts as presented to them. If we go for the postal vote, it seems likely to me that we in Scotland will be recording our votes before the arguments have finished. Whether we like it or not, we are on the wavelengths of the national media and, to a large extent, the European election campaign will be fought in the national media. To a degree, people in Scotland will not have formed their opinions on the basis of all the available facts by the time they come round to having to record their postal votes.

Other factors in relation to the Electoral Commission concerned me: for example, the commission seemed not to have thought about the question that I asked about exit polling, which I think could be a significant influencing factor throughout the UK. For very good reasons, other countries manage to put blocks on such polling up to the day before polling but, to my knowledge, they do not impose blocks for some time before then, which is what would be required in the present case.

There are other concerns, such as the validity of the postal vote and the guarantees that the Royal Mail is able to provide about ensuring that people's votes reach the returning officer and are included in the ballot. I acknowledge that its being a pilot would mean that that aspect would be monitored and that, to that extent, there might be some value in the scheme. However, Royal Mail services have been disrupted recently and I do not know where we will be by the time the European elections come round. The situation could be unsettling, so the vote from Scotland could be lower than it should be.

**Mr Morrison:** I have two points to make. Phil Gallie has just said that the vote could be lower than it should be. The turnout in the last European election was only 24.6 per cent—that was the democratic choice. We should do anything that we can to increase participation.

The first point that Phil Gallie made was about how the media will report the campaign in such a way that the facts and the arguments will somehow bypass Scotland. Given that the pilot schemes will take place in three areas of the United Kingdom—one of which will be Scotland, I hope—and given the uniqueness of a situation in which 25 per cent of the electorate could cast their votes by post, there will be a lot of focus on what happens in Scotland. We will benefit from that.

Those issues were satisfactorily answered two weeks ago, when we heard from the Electoral Commission about the Post Office's ability to deal with the postal vote—the contingencies that would be put in place, for example, in the event of industrial action in the Post Office—and about the question of exit polling. I cannot recall the exact words that the witness from the Electoral Commission used, but I think that we heard that there would be strict guidelines on exit polling and on the publication of any data that were collated in Scotland or the other two regions in England or Wales. I was satisfied with what I heard at that meeting.

14:15

**Ms Wendy Alexander (Paisley North) (Lab):** I attend the meeting as committee substitute for Irene Oldfather.

I am new to the argument, although I accept that there are respectable arguments for and against postal voting. There are also respectable arguments for and against pilot schemes. However, in the UK we have set the tone about how we introduce postal voting in the context of local government, where we have gone down the route of using pilots. As we have established the principle of piloting postal voting when that system is to be introduced in an area where people have hitherto gone to their polling station, it is probably right to operate a pilot scheme in the context of the European elections.

Concerns about the risk of a postal strike, and about the possibility that the full arguments might not be heard before the election were also expressed in the context of local government. We went down the piloting route then; it would be safer to do so again. A pilot scheme would probably help us to find out more of the sort of information that Dennis Canavan hinted at in relation to whether postal voting would significantly increase turnout. That is why the piloting route was adopted for local government. For the same reason, the approach commends itself in relation to the European elections.

**Mrs Ewing:** I understand that there have been only three all-postal ballots in local government, so the situation is hardly uniform throughout the country. There might be a change to the voting system for the local government elections in 2007—I think that to have three different systems will cause endless confusion, but that is another story.

To run a pilot scheme in three local government areas is very different from doing so throughout Scotland. There is a strong argument for running the pilot in some parts of Scotland, but it is not right that the whole of Scotland should take part in the pilot. If we are seeking evidence, it would be interesting to run all-postal ballots in a couple of regions so that we could compare the results with those of other regions. That would give us a firmer foundation for future recommendations about how to improve turnout at elections—we might recommend the use of postal ballots.

I am in favour of getting more people to come out and cast votes—that is their democratic right. However, there is no genuine reason why Scotland should be chosen as one of the three pilot electoral regions, especially as we have a legislative Parliament. There is a huge difference between local government and parliamentary elections.

**The Convener:** This is an interesting debate and I am happy to allow it to continue for a few more minutes.

**Dennis Canavan:** I was not sure whether Margaret Ewing was in favour of running a pilot scheme at the European elections in different parts of Scotland, rather than across Scotland as a whole but, if that were to happen, candidates would complain that there were different rules for different areas. Some candidates might feel that they were stronger in some areas than in others and candidates and parties would complain if they were not competing on a level playing field. If we run a pilot, it must operate throughout Scotland, because Scotland is one constituency for the purposes of the European elections.

**Mrs Ewing:** That argument must also apply south of the border, where there will be two pilot schemes. Those areas will use the same voting system as Scotland.

**Dennis Canavan:** The pilots would run in three electoral regions, as Margaret Ewing knows. A single electoral region will have the same candidates and the same rules, irrespective of the sub-areas within that region.

**Nora Radcliffe:** There must be an all-or-nothing approach. If we go for all, a lot of monitoring and evaluation must be done to get to the bottom of whether fraudulent voting and personation have occurred and whether all the extra votes have been cast by real people who have cast valid votes. I have grave reservations about the postal ballot system. On paper, it can look secure. People say that checks can be done, signatures can be compared and so on, but how many checks are actually done?

**The Convener:** Are you in favour of using Scotland as a pilot region?

**Nora Radcliffe:** I have reservations about using Scotland as a pilot region for the European elections, because a large number of people would be involved. The monitoring and examination that could be done with smaller groups of voters before and after the elections could not be done to ensure that the system is secure. However, if we go for it, we must use an all-or-nothing approach. The argument that bits can be picked out for use falls for the reason that Dennis Canavan gave.

**The Convener:** If members have no further comments to make, we will return to Alasdair Morrison's original proposal and take a vote on the substantive issue. Alasdair Morrison proposed that the committee, in responding to the substantive issue, record that it is in favour of a pilot postal voting scheme and that Scotland should be viewed as a region for that purpose.

**Mrs Ewing:** I do not support that proposal. I am usually a very consensual Ewing, but I have such major reservations about the issue that I have no alternative but not to support Alasdair Morrison's proposal. I am sorry for ruining his birthday.

**Mr Morrison:** It would ruin my birthday if a Ewing were consensual.

**The Convener:** I am sure that that happens often.

Margaret Ewing has answered my next question, which was whether any member disagrees with Alasdair Morrison's proposal. We will therefore proceed to the committee's first vote this session. It has taken until our seventh meeting in the second session for the committee to have to vote, but we got there eventually. That is what debate is all about. I suggest that the vote should be simple.

The question is, does the committee support the choice of Scotland as a pilot electoral region for postal voting in the next European Parliament elections in June 2004?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
Canavan, Dennis (Falkirk West)  
Home Robertson, Mr John (East Lothian) (Lab)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Morrison, Mr Alasdair (Western Isles) (Lab)

#### AGAINST

Ewing, Mrs Margaret (Moray) (SNP)  
Gallie, Phil (South of Scotland) (Con)  
Lochhead, Richard (North East Scotland) (SNP)  
Radcliffe, Nora (Gordon) (LD)

**The Convener:** The result of the division is: For 5, Against 4, Abstentions 0.

The proposal is agreed to. A majority of members are in favour of Scotland's being used as a pilot electoral region for postal voting, which we shall reflect in our response to the appropriate authorities. In addition, we have agreed that we will incorporate in that response the concerns that members have expressed at previous meetings, some of which have been repeated at this meeting. If the pilot proceeds, such issues should be taken into account. That was a nail-biting first vote.

**Phil Gallie:** On our reservations about the matter, has the committee made representations to the Electoral Commission? Is the commission duty bound to come back to us on the points that have been recorded? If not, can we ask it to do so as part of a monitoring exercise and as a comfort factor for those of us who think that a mistake is being made, as well as for those who supported the proposal?

**The Convener:** I would be happy to do that. The only response that we have received from the Electoral Commission was to questions that were posed to its representatives at the previous meeting, but which they could not answer, and the



only letter that we have sent following that evidence was on the number of MEPs that Scotland should have. We can pursue any outstanding matters that relate to the elections.

**Gordon Jackson:** As a matter of note, convener, the briefing paper mentions the Electoral Commission's recommendation

"that Scotland should reduce its share of MEPs from seven to eight".

I spent five minutes working out what that meant.

**The Convener:** Is that right? Can you let us know where you saw that?

**Gordon Jackson:** It is in the briefing paper. I thought that the Europeans must do things in a funny way.

**Phil Gallie:** They do.

**Gordon Jackson:** There is a comment in brackets in paragraph 2 of the briefing paper. It states:

"Scotland should reduce its share of MEPs from seven to eight".

It took me a while to work that one out.

**The Convener:** I congratulate the member—well spotted.

**Stephen Imrie (Clerk):** The clerk takes full responsibility for the drafting of said paper.

**The Convener:** We occasionally plant something in the papers to check whether members are reading them.

## Regional Development Funding Inquiry

14:25

**The Convener:** Item 2 is on our short inquiry into the UK Government's recent consultation on repatriating regional funding from the European Union to the UK Government.

We have agreed to conduct a short investigation into the matter. The purpose of our discussion today is to consider the written submissions that we have received from various local authorities and other organisations in Scotland. Those submissions are in the committee papers. We will also discuss the schedule of witnesses, so that we can arrange the evidence-taking sessions for the next couple of meetings.

First, are there any comments on the written evidence that we have had so far? We should not get into the debate on the issues. We have received a variety of responses. More responses may have come in since the committee papers for the meeting were prepared. I ask the clerk to clarify that.

**Stephen Imrie:** For the record, so that the external organisations know that we have received the material, I point out that we received a number of submissions subsequent to the production of the committee papers that members have in their possession. Those submissions are from Highland Council, Highlands and Islands Enterprise, the Scottish Trades Union Congress, the West of Scotland European Consortium, the Wise Group, the Scottish Chambers of Commerce, Orkney Islands Council and Glasgow City Council. Those submissions are being compiled, along with the submissions that members have in their possession, into a lever arch file that will contain all the submissions. We will bring that to members' offices after the meeting.

**Mrs Ewing:** I have read through all the submissions that were in our papers and it seems to me that the almost unanimous view that comes through is antagonism towards the repatriation of regional funding. It might be helpful if an analysis of the papers could be done as they arrive, particularly in that sphere, rather than our having to plough our way through mountains of information.

I point out a piece of news that was in *The Press and Journal*, although I do not always believe everything that I read in *The Press and Journal*. The article states:

"the Office for National Statistics have confirmed that the Highlands and Islands should have qualified for a second round of European funding—which would have netted the area an extra £250 million."

I will pass the article to the clerk, because it is a matter that we should examine. We have missed out on objective 1 status and according to the Office of National Statistics there is something far wrong with the way in which the figures are calculated. That issue should be part of our inquiry. We should consider not only the Highlands and Islands missing out on objective 1 status but how the analysis for that is undertaken.

**The Convener:** Do members have any further comments before we discuss witnesses?

**Phil Gallie:** I, too, read through all the papers and, as Margaret Ewing said, the message in each of them was the same. That comes as a surprise to me, given the fact that today the European Commission has yet again failed to have its books audited. I am not sure why everybody thinks that it is better for the EU to look after our money than it is for us or even the Labour Chancellor of the Exchequer to do so. Having said that, could the clerks identify any papers that offer a different view so that there is variety in the input when we choose whom we will interview?

**The Convener:** We will certainly take that on board.

We should put on record our thanks to all the organisations that have replied, given that this is not the first time that we have asked for written evidence on the subject. This is not the first time that those people have replied to us, so we are grateful to them for doing that, but clearly the situation has moved on.

Members will have seen the provisional schedule of witnesses. We can spread the witnesses over a couple of meetings in December and early January. That means that we can conclude the inquiry by the end of January, which will allow us to get stuck into our next inquiry on the promotion of Scotland overseas. At the moment, it has been suggested that we have a panel with Professor John Bachtler, Professor Michael Keating and Graham Meadows, who is the acting director-general of regional policy in the European Commission, and a panel with representatives of various councils around Scotland.

**Dennis Canavan:** Would local authorities have a separate panel?

**The Convener:** Perhaps we could have one meeting but two separate panels. After that, we could have a separate meeting at which we could hear evidence from the ministers. Jim Wallace has agreed to appear before the committee. We have had a response from the Department for Trade and Industry saying that it thinks that it would be more appropriate to invite a Treasury minister. We have taken that comment on board, but I feel that it is important that we get one or the other.

14:30

**Dennis Canavan:** Could you or the clerk please explain why Clackmannanshire Council, Glasgow City Council and Shetland Islands Council were selected to give oral evidence when several other local authorities and the Convention of Scottish Local Authorities had also put in submissions? In fact, COSLA might be a bit miffed if it finds that it is not invited to give oral evidence while three individual councils have been selected. Is it the case that Clackmannanshire Council, Glasgow City Council and Shetland Islands Council have differing views on the matter?

**The Convener:** It was difficult to ascertain the differing views among the responses, but having a geographical spread might be helpful to some extent. It is just a provisional list; if members feel strongly that other councils should be included in place of those three councils, they have the opportunity to put their views forward. We had to have a random selection of councils so that we would have people with different geographical perspectives appearing before the committee, but if members have strong views, this is the opportunity to suggest other councils.

**Gordon Jackson:** I was interested in Dennis Canavan's question about whether the three councils have differing views. It would be more useful to have people with differing views than to have people from different regions. Views might be more important than geography, but perhaps they all have the same view.

**The Convener:** My understanding from a brief reading of the paper is that there are different perspectives and different reasons. However, it is not likely that different conclusions will be reached, because most of the local authority responses that we have received reached pretty similar conclusions, so a variety of views may not be the easiest thing to achieve.

**Phil Gallie:** My initial comment on the responses was that very similar views were expressed, although the three councils would provide views from a remote area, a city area and a semi-rural industrial area. I presume that that is one of the reasons why those three councils were suggested. I thought that John Home Robertson might have given a plug for East Lothian Council, whose contribution was quite reasonable.

**Mr Home Robertson:** Give me time.

**Phil Gallie:** Aside from the selection of local authority areas, I wonder who Professor John Bachtler is and where his submission is.

**The Convener:** I shall ask Stephen Imrie to clarify that.

**Stephen Imrie:** Professor John Bachtler is a professor at the University of Strathclyde's

European policy research centre. He has previously been mentioned by members of the committee, including Irene Oldfather. He was an adviser to the previous committee when it was looking at issues relating to structural funds. He has also been an adviser to the Department for Trade and Industry and he is an adviser to the Scottish Executive on structural fund issues. Among academics in Scotland, he is one of the leading experts on regional development.

I do not have a formal submission, as such, from Professor John Bachtler, because his thoughts on the matter are contained in the various documents that he has written for the DTI and for the Scottish Executive, all of which are in the inquiry folders that we will be circulating later.

**Phil Gallie:** That satisfies me on that point.

I am pleased to hear that there is a submission from the Scottish Chambers of Commerce. It seems to me that the public sector is well represented, but there is little or nothing from the private sector. If we are going to interview people, perhaps the Chambers of Commerce should be pulled along. I am surprised that the Confederation of British Industry Scotland has not made a submission. I note that Highlands and Islands Enterprise has prepared a submission and, again, I am a bit surprised that Scottish Enterprise seems to have nothing to say. I would have thought that all those bodies would be worth talking to.

**The Convener:** That is a fair point. Do members have any other comments on the witnesses before we take decisions?

**Mr Home Robertson:** It is obviously impossible to have a witness from every local authority that has made a representation, but I thank Phil Gallie for mentioning East Lothian Council. I agree—I would like to hear from that council.

We need to achieve a representative scatter of authorities. It makes sense to hear from a big city authority, from a remote island community authority and from AN Other or perhaps from some more councils. What prevents us from having two goes at taking evidence? I do not know about the timing.

I have every respect for Clackmannanshire Council, but I am not sure whether it is the most representative council of east central Scotland. Perhaps we could reflect on that further or discuss with the convener and the clerk whether a case can be made for varying the package slightly or altering the format.

**The Convener:** I do not want to prolong discussion about the witnesses, so I suggest that we take on board Phil Gallie's useful suggestion of having a witness from the private sector. If we are to have a panel of local authority representatives

for half an hour, perhaps we could add a fourth person from another authority to the panel, to achieve a wider spread. That will give members the opportunity to question whomever they want to. Is the committee happy with that approach?

**Members indicated agreement.**

**The Convener:** I continue to encourage members to invite written evidence from anyone else whom they want to give evidence. There is no reason why that cannot still be done. We continue to receive submissions.

## Promoting Scotland Worldwide Inquiry

14:36

**The Convener:** Our other continuing inquiry is into the promotion of Scotland worldwide. We now have an opportunity to review the written evidence that we have received. If we conclude the regional funding inquiry by late January, we will have the opportunity to get stuck into the promoting Scotland worldwide inquiry.

We have received more submissions since members' papers were issued and we expect to continue to receive submissions until the end of the year. The provisional deadline to encourage people to make submissions has passed and many people have contacted the committee to say that they will provide written submissions as soon as, for example, they have the green light from their bosses.

**Stephen Imrie:** I ask the committee's indulgence to put it on the record that the submissions that have been received since members' committee papers were issued are from Glasgow City Council, the City of Edinburgh Council, Fife Council, the Royal Scottish National Orchestra, the Scottish Arts Council, Scots language bodies and Universities Scotland. We also have two submissions from the United States of America—one is from the national tartan day co-ordinating committee and the other is from the American-Scottish Foundation.

We have received apologies from bodies including the Scottish Executive, the UK Foreign and Commonwealth Office, VisitBritain and the Scottish Council for Development and Industry, whose submissions should arrive in the next few days. All the submissions that have been received will be put together in a separate inquiry file that will be delivered to members' offices later today or tomorrow.

**Mrs Ewing:** I think that all committee members received two additional mailings this morning—one from VisitScotland and one from Highlands and Islands Enterprise, which began, "Dear Alasdair," so I assume that Alasdair Morrison has a letter that starts, "Dear Margaret".

**The Convener:** Have members received individual copies of those submissions?

**Mr Home Robertson:** The document is addressed at the top just to Alasdair Morrison.

**Mrs Ewing:** The document came to my desk. It is from Sandy Cumming.

**The Convener:** That means that we have two extra submissions, which is good. The

submissions that have been received are interesting, so the inquiry looks promising. However, we need many more submissions, so I urge members to approach any organisations that they want to encourage to give evidence on this important subject. I hope that, in December, we can discuss and schedule potential witnesses for the new year.

**Phil Gallie:** I am amazed that Clan Cameron is doing so well in sending submissions from New South Wales and New Zealand. We must have consulted fairly far afield. I congratulate that organisation on beating everyone else to make its submissions.

**Mrs Ewing:** Are the Gallies a subset of that clan?

**Phil Gallie:** No, we are connected with the Gunns.

**Mr Home Robertson:** Cameronians are scary people.

**Phil Gallie:** The submissions were interesting.

**The Convener:** We will move on to the next agenda item; we are completing the agenda quite quickly today.

## Scottish Executive (Scrutiny)

14:39

**The Convener:** The next agenda item is post and pre-council scrutiny. As we all know, we play a very important role in looking out for issues that will be important to Scotland. As ever, we have three options with regard to the subjects that are before us. We can note, seek more information on, or call ministers before us to discuss any of the items that have been brought to our attention. I ask for initial feedback from members on the subjects in the paper.

**Phil Gallie:** On the economic and finance council, I am surprised that the Executive has not registered any comments on the Commission's use of the budget or on the Statistical Office of the European Communities in particular. Money that could have been spent on Scotland seems to have gone missing in Europe. I would have thought that at least some mention of the issue at the economic and finance council would have been in order.

**The Convener:** Okay.

**Mrs Ewing:** In annex A, under post-council scrutiny, we are told that the Executive's reports on the agriculture and fisheries council are well overdue. One was due on 20 October and one was due on 3 November. I wonder whether we can send the Executive a reminder, saying also that the committee expects such deadlines to be met.

**The Convener:** Thanks. That is a fair comment, given the fact that we have not received a report. Agriculture and fishing, along with other rural issues, play an important part in the committee's work, so we will have to pay attention to that.

I bring to the committee's attention the fact that, in respect of the economic and finance council of 24 and 25 November, the Executive's note on the investment services directive states that the directive

"is of significant importance to Scotland."

The note continues:

"Political agreement on the Directive was achieved at the last ECOFIN, but unfortunately the UK's blocking minority on mandatory quote disclosure rules fell apart here."

I thought that that was an interesting comment by the Executive. With the committee's agreement, we could delve into that matter a bit further to find out what is going on there. The financial industry in Scotland is extremely important. Is the committee happy for that information to be sought, too?

*Members indicated agreement.*

**The Convener:** Are members happy for me to approach the Executive on Margaret Ewing's and Phil Gallie's suggestions?

*Members indicated agreement.*

**The Convener:** I do not think that there is any case for ministerial appearances in relation to the issues at the moment. Ross Finnie will come before the committee on 2 December—he is the only minister who is scheduled to come before the committee at present.

**Phil Gallie:** Are we working through the other papers that we have? Are you taking them one at a time?

**The Convener:** The other council papers?

**Phil Gallie:** Yes.

**The Convener:** I am waiting for members to highlight anything that they want to bring to the committee's attention.

**Phil Gallie:** I have a question on the hallmarking directive, in which we have shown an interest. Will there be qualified majority voting on that?

**The Convener:** Yes.

**Phil Gallie:** So, the Executive and the Government have done all that we would have asked.

**Stephen Imrie:** I can confirm that the most recent correspondence that we had from the Scottish Executive on hallmarking confirms that the Scottish Executive has made the appropriate recommendations to the UK Government and that the UK Government has said that it is not in favour of the hallmarking directive. The UK Government's position is that it will not be voting in support of that at the council. However, as the member rightly points out, the matter is still subject to qualified majority voting.

**The Convener:** Are there any further points on this agenda item before we move on?

**Phil Gallie:** Yes. I want to pick up a point in the section on police co-operation. There is a suggestion that there are no distinctly Scottish aspects regarding the list of terrorist organisations and so on.

**Mr Home Robertson:** Which page is that on?

**Phil Gallie:** It is on page 12. There have been reports this week that Gleneagles is perhaps scheduled to host a G8 meeting. I would have thought that, on that basis, there are specific Scottish interests that the Executive should examine and be prepared for.

**The Convener:** I am happy to pursue more information on that point. Are there any further points on the paper?

**Phil Gallie:** I am sorry about this; I seem to be the only one who is picking up points.

**The Convener:** That is all right, Phil; that is why you are here.

**Mr Home Robertson:** He is just a nitpicker.

14:45

**Phil Gallie:** I am not causing trouble—on this occasion. These are genuine points. Reference is made to the 1996 Hague convention on page 15 of the briefing paper. What are the implications of that on Scottish legal aid? What are the implications for other countries? I am aware that people are obliged to sign up to whatever legal aid systems are invoked in each member state. However, in signing up to the Hague convention, it seems that Scotland could pay a disproportionate amount, given the fact that the Scottish legal aid system probably provides more support than is the case in other countries.

The Hague convention is an international convention, and I am aware that the United States depends entirely on a pro bono service, which means that Scots in the United States miss out in comparison with US citizens who live in Scotland, who would receive legal aid.

**The Convener:** Do you wish the committee to pursue that point?

**Phil Gallie:** I would perhaps like the Scottish Executive to pick up on it and explain how it will cover those issues, and what the effect on our civil legal aid system will be. Gordon Jackson probably knows more about it than I do.

**Gordon Jackson:** I think that I know what Phil Gallie means. We might want to ask the Executive how things work with regard to legal aid. I cannot see what harm there would be in asking the Executive about that.

**Mr Home Robertson:** It is not awfully clear from the note in front of us what the situation is. Much of it concerns Gibraltar.

**The Convener:** We can seek clarification and we can establish whether there are any implications. That will be quite a simple query.

**Mr Home Robertson:** The situation seems to be obscure.

**Mrs Ewing:** I have a question of clarification to ask, just to show that Phil Gallie is not the only member who has been through the documents. I, too, refer to page 15 of the paper, which says:

"Framework Decision on criminal liability for sea pollution

*Unlikely to be on final agenda."*

Is there any indication whether that will in fact feature on the final agenda? Will that framework

decision simply disappear from sight? There is in relation to that decision a big issue pertaining to the safety of the waters around Scotland.

**The Convener:** It is certainly worth keeping an eye on the matter. If the decision appears on the agenda, we will get information on it. Are there any more comments on the briefing paper? If not, we will move on to the next item on the—

**Phil Gallie:** I am sorry, convener, but I have an issue to raise with respect to shipping, which is featured on page 25 of the paper. Does qualified majority voting apply? I refer to the heading, "Proposal for a regulation amending Regulation (EC) No 1406/2002 of the EP and the Council establishing a European Maritime Safety Agency".

**The Convener:** We will have to come back to you on that one, Phil.

**Phil Gallie:** Okay. Finally—

**Dennis Canavan:** Hear, hear.

**Phil Gallie:** Aviation is dealt with on page 27. I have a particular interest in regional airports and low-cost flights, and in revision of relevant rules. I wonder what the situation is in this respect. Some national Governments seem to flex their muscles in a way that could prevent regional airports from receiving low-cost flights from Scotland. Is there any way in which we could flag the matter up with the Executive? Could it take the matter up with Westminster to establish what is being done about that?

**The Convener:** We can do that—it is a fair point. Does Phil Gallie have any other points to make before we move on to the next item? We shall give you your own agenda item next time: "Phil Gallie's response to pre- and post-EU Council scrutiny".

**Mr Home Robertson:** No—don't!

## Convener's Report

14:49

**The Convener:** We can now move on to the next agenda item, which is the convener's report, under which there are five items to report. As on previous occasions, there is a monthly report on the Parliament's external liaison activities. If members have had a chance to read it, we can note the contents of that paper. As ever, we thank the Parliament's clerk and chief executive and the external liaison unit for all their work over the past month or so. As we can see, the Parliament still regularly receives many visitors from other countries—a lot of work is involved in that.

**Dennis Canavan:** It might be helpful if we knew which members were attending which outgoing delegations. Could we ask the external relations unit to include that information in its regular reports?

**The Convener:** That is a fair point. We can do that. It would probably be quite helpful.

The second item in the convener's report is the situation regarding expenditure of European structural funds in Scotland. As part of the current expenditure round, the European Union has introduced a decommitment rule—better known as N+2—which means in simple terms that moneys that are not spent within two years following the year in which they were programmed to be spent must be returned to the EU.

As the committee can see, there is a response from the Executive, which outlines the current situation with regard to the various programmes in Scotland, and which indicates that they are all attempting to get their spending programmes in place by the required time so that they do not have to pay cash back to the EU. The issue is important, because millions of pounds are at stake if they do not get their programmes in place. For instance, on the east of Scotland, the response states:

"there remains a risk that the Programme spend will fall short of the N+2 target".

Similar statements are made about a number of other areas.

I suggest that we welcome the efforts that are being made to spend the money and to ensure that Scotland gets the European funding to which it is entitled. I also suggest that we ensure that the Executive gives us regular updates on the issues.

**Phil Gallie:** I note that the West of Scotland European Consortium, which has made a submission on structural funds, seems to be having some difficulty and that there is a question mark over whether all the money will be spent in

the west of Scotland. It might be worth while bearing that in mind when those who are coming to the committee to discuss structural funding are selected. We might be able to benefit from WOSSEC's experiences.

**The Convener:** I support that. We will have a good opportunity to raise the issue when the ministers and the local authorities are before us. Perhaps not many people know about it, but millions of pounds are clearly at stake for the Scottish economy.

The next item in the convener's report is publication of the European Commission's legislative work programme for 2004, which has been sent to committee members. It seems to be quite a light programme, because the Commission will be busy with enlargement and the EU constitution in 2004. The paper is perhaps a bit lighter than in previous years. I suggest that we ask the Scottish Parliament information centre and the clerks to draw any interesting issues out of the programme and to bring them to the committee's attention. Do we want to seek a parliamentary debate on the matter during Executive time? We have previously discussed the idea that we should encourage the Executive to have a debate on the matter in the chamber every time the Commission publishes its work programme, in order to ensure that all MSPs are aware of what is happening in Europe. Are members happy with that?

**Members indicated agreement.**

**The Convener:** We will ensure that we send the Commission's work programme to the other committees as well, because it will contain a lot of items that are relevant to their agendas.

The fourth item in the convener's report concerns the various trade and cultural missions that ministers undertake. We wrote to the Executive in October on the subject after the committee raised it. Committee members can see in their papers the response from the Executive. Are there any comments on that response?

**Mr Morrison:** The last delegation that went to Catalonia included the Minister for Enterprise and Lifelong Learning and Frank McAveety, but there was an oversight: the Executive did not include as part of its delegation or in the expositions in which it was involved any representatives of the Gaelic language, Gaelic literature, the Gaelic economy or any Gaelic artists. With John Farquhar Munro, I met Frank McAveety, who has now agreed to use the offices of Donald MacInnes at Scotland Europa to advise the Executive as to how to involve the Gaelic Arts Agency, for example, in any such tours. The agency has done great work with the British Council in Barcelona and other cities.

It is worth emphasising that issue, and I would be much obliged if we could do that through you, convener.

**The Convener:** That is a good suggestion, which I support. It is also something that we can build into our inquiry about promoting Scotland overseas, which will give Alasdair Morrison an opportunity to bring the subject back on to our agenda.

If there are no more comments on that item, I move on to the final item in my convener's report, which is the First Minister's role in the conference of presidents of regions with legislative powers in Europe—Regleg. As we all know, the First Minister took over the role of president of Regleg about a week ago. I have dropped an informal letter to him asking whether he will at some point update the committee on what his role entails. I suggest that the committee might want to consider the matter again. The presidency of Regleg is a high-profile post and I know that the committee will want to welcome the First Minister's having that post.

**Gordon Jackson:** For my information, does he have the post for three months, a year or what?

**The Convener:** It is an annual post, as far as I am aware—he will hold it for a year.

**Gordon Jackson:** In that case, we would certainly want to know what he intends to do.

**Mr Home Robertson:** He is the first president of Regleg, is he not? It is newly set up, so his presidency represents an opportunity.

**The Convener:** It would be helpful if the First Minister came to the committee at some point and outlined what he intends to do and the background to it. I am happy to convey that request to him.

**Members indicated agreement.**

## Sift

14:56

**The Convener:** That takes us on to the final agenda item, which is the sift paper. Only one document of special importance has been highlighted. The Equal Opportunities Committee is the relevant committee for that document, which concerns equal opportunities for people with disabilities and an action plan that the Commission has produced. That is clearly an issue that the Equal Opportunities Committee would want to consider and find out more about.

Has anyone spotted in the sift paper any issues that they want to highlight?

**Phil Gallie:** Can I propose—I do not know whether this is in order—that the European and External Relations Committee of the Scottish Parliament send its best wishes to Berti Vogts and the Scottish team for tomorrow night's game?

**The Convener:** Yes. I am certainly very happy to do that. I notice in the minister's reply about future trade and cultural missions that the Scottish Executive will be running events in France and Holland next year, but I wonder whether, after Wednesday, Holland will welcome Scotland with open arms. We will wait and see. I suppose that it depends on the outcome of Wednesday's game.

**Mr Home Robertson:** Perhaps we in Scotland should refrain from referring to the Netherlands as Holland, which is almost as irritating for people in the Netherlands as it is for us to hear Britain being referred to as England.

**The Convener:** That is right, but I was only quoting the minister's reply.

I thank members for attending. I will see them at the next meeting on Tuesday 2 December when, among other things, Ross Finnie, the Minister for Environment and Rural Development, will give evidence to the committee.

*Meeting closed at 14:58.*



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