

# **EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**

Tuesday 8 November 2005

Session 2

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## EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

16<sup>th</sup> Meeting 2005, Session 2

### CONVENER

\*Linda Fabiani (Central Scotland) (SNP)

### DEPUTY CONVENER

\*Irene Oldfather (Cunninghame South) (Lab)

### COMMITTEE MEMBERS

\*Dennis Canavan (Falkirk West) (Ind)

\*Mrs Margaret Ewing (Moray) (SNP)

Phil Gallie (South of Scotland) (Con)

\*Mr Charlie Gordon (Glasgow Cathcart) (Lab)

\*Mr John Home Robertson (East Lothian) (Lab)

Gordon Jackson (Glasgow Govan) (Lab)

\*Mr Jim Wallace (Orkney) (LD)

### COMMITTEE SUBSTITUTES

Ms Wendy Alexander (Paisley North) (Lab)

\*Derek Brownlee (South of Scotland) (Con)

Richard Lochhead (North East Scotland) (SNP)

Nora Radcliffe (Gordon) (LD)

\*attended

### CLERK TO THE COMMITTEE

Alasdair Rankin

### ASSISTANT CLERKS

Nick Hawthorne

David Simpson

### LOCATION

Committee Room 6



## Scottish Parliament

### European and External Relations Committee

*Tuesday 8 November 2005*

[THE CONVENER *opened the meeting at 14:03*]

### Item in Private

**The Convener (Linda Fabiani):** I welcome everyone to the 16<sup>th</sup> meeting in 2005 of the European and External Relations Committee. I have received apologies from Phil Gallie, who is attending a meeting of the Edinburgh Tram (Line One) Bill Committee, which seems to be going on and on. I have also received apologies from Gordon Jackson. I again welcome Derek Brownlee as Phil Gallie's substitute on the committee.

Under agenda item 1, I ask members whether they are happy to take in private item 8, which is further—and, I hope, final—consideration of the second draft of the committee's report on the fresh talent initiative. Are members content to take item 8 in private?

**Members indicated agreement.**

## Work Programme (Potential Inquiries)

14:04

**The Convener:** I seek the committee's agreement to change the agenda around slightly and take item 3 before item 2. Item 3 is consideration of the draft terms of reference for an inquiry into the possibility of a programme of co-operation between Scotland and Ireland and item 2 is on the European Commission's plan D for democracy, dialogue and debate. Changing the items around will allow Mr Dennis Canavan to attend another committee meeting that is important to him. Do members agree that we should swap those items round?

**Members indicated agreement.**

**Mr John Home Robertson (East Lothian) (Lab):** Special treatment again.

**The Convener:** Mr Canavan is a very special member.

What was item 3 has become item 2, under which we will consider the terms of reference for a reporter-led inquiry into possible co-operation between Scotland and Ireland. At our previous meeting, we agreed to appoint Dennis Canavan as the reporter for the inquiry, so I ask him to present the paper that he has prepared.

**Dennis Canavan (Falkirk West) (Ind):** I thank the convener and members of the committee for agreeing to take my item now. I do not intend to bore the committee by repeating what I said when we discussed the matter at our previous meeting.

The clerks have circulated briefing paper EC/S2/05/16/2, annex A to which contains the proposed terms of reference for the inquiry. The first page of annex A gives a summary of the points that I made at our previous meeting, so I turn immediately to the second page, which is headed "Aims and Objectives". It states:

"The aims of the Inquiry are:

a) To assess the potential for a programme of co-operation projects between Scotland and Ireland and the resultant social and economic benefits.

b) To investigate the possibility of European Union funding for such projects."

Members might remember that, in particular, I mentioned Interreg, which will be replaced at the end of next year by a new co-operation objective. The third aim is:

"To make recommendations about what action should be taken, particularly by the Scottish Executive and the Scottish Parliament, to develop such a programme of co-operation."

The paper goes on to describe the *modus operandi* of the inquiry:

"The reporter will seek evidence from a number of sources including ... governmental bodies in Scotland, Northern Ireland and the Republic of Ireland."

I dropped the word "bilateral" from the description of the inquiry because three Administrations are involved: Scotland, Northern Ireland and the Republic of Ireland. If we use the word "bilateral", that might cause offence to some politicians and other people in Ireland. In effect, the inquiry is *trilateral*.

I also propose to seek evidence from

"non-governmental bodies in Scotland, Northern Ireland and the Republic of Ireland",

as well as the European Commission, academic experts and cultural groups. Finally, I state:

"This may involve visiting Ireland and also attending, as an observer, the next meeting of the British-Irish Inter-Parliamentary Body ... After analysing all evidence received, the reporter will compile a draft report with conclusions and recommendations for consideration by the European and External Relations Committee."

**The Convener:** Does anyone have any questions for Mr Canavan? If not, I take it that everyone is perfectly happy to go ahead with the proposed inquiry. Is that agreed?

**Members** *indicated agreement.*

**Mr Jim Wallace (Orkney) (LD):** The proposal is sensible.

**The Convener:** Thank you, Dennis.

**Dennis Canavan:** Thank you. I hope to return to the meeting later.

**The Convener:** We move on to what was originally item 2. At our meeting on 25 October, the committee agreed to consider the draft terms of reference for an inquiry into the European Commission's plan D for democracy, dialogue and debate, which was launched a couple of weeks before that meeting.

First, I will summarise what we agreed at our previous meeting. We agreed in principle to the reporter-led inquiries that were proposed by Dennis Canavan and Jim Wallace. We considered Dennis Canavan's proposal today and we will consider Mr Wallace's proposal at our next meeting. We have invited the Deputy Minister for Enterprise and Lifelong Learning to give evidence on future structural funds programmes in Scotland and it looks as though that will happen on 6 December. We might want to take further evidence on the subject. We are finalising our report on the fresh talent initiative so the committee has scope to launch a new inquiry.

Paper EU/S2/05/16/1 gives background information on plan D—which I am sure members

have studied closely—and the terms of reference for a proposed inquiry. I know that members will have considered the paper, decided whether they want to amend anything and determined whether they want the committee to undertake an inquiry on the matter.

Do members have comments on the paper?

**Irene Oldfather (Cunninghame South) (Lab):** I welcome the aims that the clerks have set out and I thank the clerks for providing the communication from the European Commission on plan D, which is interesting. In the light of the discussion at our previous meeting about making the inquiry targeted and focused—and in the light of some of our previous inquiries—I have a suggestion.

On occasion, because we have taken evidence from 60 people, it has taken us so long to take evidence that we have ended up producing a report that is a wee bit out of date and is 12 or 14 pages long. Given the timescale, and given the comments that members made at our previous meeting, it might be best if we issued a targeted, focused questionnaire. When we simply issue calls for evidence, we can end up getting 10-page or 20-page submissions from some organisations. We should ask focused questions and request that responses be limited to two or three pages.

The Commission's communication asks,

"What do people expect from Europe"—

what do they want from Europe? It asks about

"the added value that the European Union brings"

and

"the concrete benefits brought ... by the Union".

I suggest that we also ask what difficulties organisations have faced and whether they can give examples of where they feel things could have been done better. What sort of issues should the European Union be focusing on? How can the EU work better for organisations?

If we had a series of six or seven targeted questions, that would avoid getting large volumes of information that we could not process or that would at least take a long time to work through. We could get the questions to reflect the ideas that the Commission has set out in its communication, but focus them on the Scottish agenda.

I will perhaps talk about witnesses later, but that is my suggestion for the general aims of the inquiry.

**The Convener:** We can return to the details later. The committee agreed previously that the inquiry must be focused. It is the kind of inquiry that could potentially go on for ever. We must also bear the timescale in mind. The Commission is looking for submissions by April. Considering the

magnitude of the subject, that seems a ridiculously tight deadline for proper responses to be made from all over the European Union. Irene Oldfather makes a good point when she suggests that we cut down the witness sessions and focus them tightly.

I think that we should seek written evidence from the Minister for Europe about what the United Kingdom is doing. We should get evidence from the Scottish Executive to establish how its building a bridge between Europe and its citizens project ties in. We should also seek evidence from the Commission itself, of course. We could then make some fairly tight decisions about whom we have before the committee to give oral evidence, ensuring that we know what aspects we want witnesses to address.

There is also the idea of holding a convention, which committees have done before. That would include people who might not otherwise be coming to the committee to give evidence. Are there any more thoughts on that? You were nodding away there, John.

**Mr Home Robertson:** I was, but I have an awful sense of foreboding about this, not least as a member of the Communities Committee, which, two weeks ago, devoted a Saturday to listening to representations from community councils from all over Scotland. As far as plan D and matters European are concerned, we might start with the best of intentions, as always, and put together a convention of the usual suspects, but they will say what they always say and it will turn out to be terribly predictable. There is nothing wrong with that—it is legitimate as far as it goes—but it means that we will not necessarily connect with the people of Scotland.

I wish I could think of a way of breaking through the barrier. Could we indulge in a sort of random selection? Could we find a community somewhere, descend on it and ask the people there what their opinions are? I do not know what the answer is.

**The Convener:** We could perhaps seek advice from the Scottish Civic Forum, for example.

**Mrs Margaret Ewing (Moray) (SNP):** I share John Home Robertson's sense of foreboding.

**Mr Home Robertson:** We are doomed.

**Mrs Ewing:** Yes. I have read through all the papers that were given to us by the clerks, whom I congratulate on their work and research. However, we are not being targeted when it comes to the aims of our inquiry. I do not see where we are going. I thought that we were going to tie in specific areas of European policy, establishing how they might impact on Scotland.

I agree with John Home Robertson that a convention could mean ending up with the usual suspects. Such events do not really allow us to get down to the people at the grass roots.

One of the Commission's proposals concerns

"involvement in policy-making ... when one million citizens from a significant number of member states request it".

Are we endorsing the concept of multilingual petitions? It is also suggested that there could be

"a **European citizens' panel** to discuss specific policy areas in order to provide input for a **European panel making recommendations on policy**".

How would such a panel be chosen? Would we have a role in the process? I found the European Commission's plan D full of Eurobabble. I notice that €15 million is to be spent on the concept. Given the poverty that exists in some European countries and beyond, that seems to be an awful lot of expenditure.

I also do not know how the Scottish Parliament fits into the process, as the document refers repeatedly to national Parliaments. Much as I would like this to be a national Parliament, we are not regarded as such by the European Union or by Westminster. Might we be undertaking an inquiry that should come under Westminster's net? It is not like me to advocate handing something over to Westminster, but I am surprised that Irene Oldfather, who likes to call Scotland a region, is willing to bring the issue here. I suspect that we could spend a great deal of time, money and energy producing a paper that will gather dust somewhere at the back of Whitehall's shelves.

I am sorry for sounding so negative, but the more I read about the issue, the more I thought that this is the least attractive inquiry in which I have been asked to be involved on the European and External Relations Committee.

14:15

**The Convener:** Should we take the issue by the horns and decide what the committee thinks Scotland should get out of the plan? Should we ask the UK Government how it intends to make its submission and whom it is consulting? Should we ask the Scottish Executive how it is dealing with the matter? After all, this is supposed to be a nationwide debate about Europe. Should our focus be first on checking what the member state and its components intend to do, seeing whether that will benefit the people of Scotland and then deciding what representation would be most appropriate for us to make in the short timescale that is available to us?

**Derek Brownlee (South of Scotland) (Con):** The more that I read and reread plan D and the paper on the proposed inquiry, the more confused

I became. Neither plan D nor the subject of the inquiry is clear. I do not see how we can engage the public in a discussion about anything if we cannot articulate in a sentence or two what we are discussing. The more that I read the documents, the less I understand what the inquiry would be about. As Margaret Ewing said, the term "Eurobabble" springs to mind. This does not seem to be a particularly attractive option for an inquiry. I am sceptical about it.

**The Convener:** Perhaps we should tell the Commission that. After all, it is consulting.

**Irene Oldfather:** I thought that Derek Brownlee and the Conservatives would be lining up to get into this issue and to tell everyone what is wrong with Europe. Regardless of whether we get involved, there will be a consultation across Europe. I understand that regions in other member states will want to be involved in it, and I am surprised that Margaret Ewing does not. We should recall what we have done before. I believe that we were the first regional Parliament committee in the United Kingdom to produce a report of an inquiry into the future of Europe, and our report strongly influenced the UK's submission to the convention. About 90 per cent of the ideas in the UK's submission came out of the work that the committee did. Jim Wallace will remember that, because he was the minister responsible at the time. We have an opportunity to influence the agenda and to connect with citizens. If we do not pursue the inquiry, that opportunity will be lost.

I agree with colleagues that the inquiry has the potential to grow arms and legs and that we need to keep it tightly focused. That is why I suggest that we start with something like a questionnaire, containing six or seven key questions on which we are trying to focus. The consultation will go ahead, regardless of whether we participate in it. The question is whether we want to have our say. To be honest, I am surprised that Margaret Ewing does not want to have a say on the issue. In the debate on the future of Europe, the committee and the Parliament were clear that they wanted to make our voice heard in the United Kingdom and in Europe. This follows on from that debate, providing us with time for reflection and an opportunity to have our say about what we want from Europe.

**Mr Wallace:** As you suggested, convener, it would be useful to find out what the United Kingdom Government and the Scottish Executive are doing. There is no point in our going off at a tangent. We have a better chance of influencing what the UK Government proposes if we know what it is looking at. I appreciate that time is tight, but I think that we would be better informed about how to go about our deliberations if we had that information. By all means, let us have a

questionnaire with six questions, but let us ensure that the six questions are relevant to the way in which the Government is going. We might have a genuine opportunity to influence what the Government proposes if we know the parameters of its work.

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** I am a bit disconcerted. I thought that we decided at the previous meeting, albeit with reservations, that we would do this, but some of the reservations that are now being expressed are along the lines of, "Should we really be doing this?" I do not relish the prospect of committee decisions being reversed at subsequent committee meetings.

Nevertheless, I agree that the process could be fairly daunting, a bit like eating an elephant. I think that the Commission is calling this a period of reflection. If "reflection" is the word that is used, I am all for that. We need to embrace practical decisions about how we eat this particular elephant. Seeing how the UK Government is tackling the matter is a good suggestion, but I also agree with Irene Oldfather's suggestion that it might be worth starting to think now about what a questionnaire might look like. Otherwise, the discussion could be so open-ended that we would get material that is even more tangential than our information looks at first glance.

**The Convener:** I understand members' reservations and agree with a lot of what has been said. Irene Oldfather is right to say that we must address the matter, and Charlie Gordon is right to say that we made a decision and that we should not reverse decisions. I suggest that we write immediately to the Minister for Europe asking what the UK position is and how the UK Government is engaging in order to be able to make its submission at the appropriate time. I suggest that we also invite the appropriate minister from the Scottish Executive, and perhaps someone from the Commission, to come along to a committee meeting, and I think that the meeting on 6 December is the best one to aim for. At that meeting, we can hear from them and consider the information that we receive from the UK Government. We will also have taken time to think about how we can approach the people from whom we want information. We can then make a decision about how to proceed.

The clerk has just told me that Liz Holt, from the Commission, is likely to be able to come to our next meeting anyway, so perhaps we can tie the discussion in with her evidence.

**Mr Wallace:** When you write to the Minister for Europe, as well as asking generally about how the United Kingdom Government is taking the matter forward, would it also be helpful to ask what the United Kingdom Government would find beneficial as observations from a devolved Parliament?



**Mrs Ewing:** I want to clarify that I was not suggesting that we should not engage with the exercise. I was concerned that it was so wide ranging that we could end up with a paper—this could bring me on to the issue of representatives—that did not have the tight focus that we want. We should not simply say that we want to play a part and submit a paper somewhere. I thought that our original plan, two weeks ago, was that our paper would be based on a specific policy aspect.

**The Convener:** I think that that suggestion was made as part of a separate discussion on Jim Wallace's proposal for an inquiry.

**Mr Wallace:** Yes—it was a separate suggestion.

**The Convener:** However, we certainly said that our inquiry on plan D should be tightly focused and it is important that that remains a central tenet of what we do.

Is everyone content that we should hear from the UK Government, the Executive and the Commission about how they are proceeding and go from there?

**Members indicated agreement.**

**Derek Brownlee:** Would the intention be to refine the aims of the inquiry in the light of what we learn? The nub of my reservation is the lack of meat in the aims of the inquiry.

**The Convener:** That would be a natural progression. Given the short timescale that was available, we were anxious to make progress quickly, but you are right that the aims of the inquiry must be more focused for it to be effective.

We move on to the next item—

**Mrs Ewing:** I am sorry, but I did not think that we had finished our consideration of the plan D inquiry. Section 4.3.3 on page 10 of the Commission communication is about targeted focus groups, which I thought were a very good idea. It says:

"Particular emphasis should be placed on the views of young people."

Perhaps we could engage the Scottish Youth Parliament to find out what young people think about Europe and about what they can do for Europe and vice versa.

**The Convener:** That suggestion is made in the paper we have. All sorts of initiatives are going on. Yesterday I heard about a European youth pact, which I had not been aware of; I do not know whether other members had heard of it. Our Youth Parliament is involved in that. It is important that we engage our young people.

I know that Irene Oldfather has some points to make.

**Irene Oldfather:** If the list of witnesses that is on page 4 of paper EU/S2/05/16/1, in the annex, is a list of people whom we would like to invite to give oral evidence, it is far too big. That is why I suggested sending a targeted questionnaire to the groups in the list and keeping a tight focus when we decide on those from whom to take evidence.

Two academics at the University of Edinburgh have done some work on young people in Europe and how pro-European they are, especially Scottish young people. The academics in question are women, but I cannot remember their names. It would be interesting to have them along, because I agree with Margaret Ewing that young people should be a focus of the inquiry.

**Mrs Ewing:** I suggest that we should issue a direct invitation to give evidence to an EU commissioner of our choice—or any commissioner. In many ways, the trade commissioner might be the most important person to ask because trade is fundamental to the Scottish economy, but I do not know whether Peter Mandelson would want to come to the Scottish Parliament. We should have a mechanism for contacting commissioners directly, as opposed to representatives who work in the Commission office here. Although Liz Holt does an excellent job, it would be good to hear from a commissioner. It would also be worth while to ask Douglas Alexander, the Minister for Europe, whether he would be prepared to give an indication—perhaps in the form of a letter—of what is happening in his department. Many of the people on the list appear at virtually every committee meeting, so it might be better if we invited a commissioner directly.

**The Convener:** The list was intended to provide examples of people who might be able to give evidence or to take part in focus groups, conventions and so on. We have agreed to write to Douglas Alexander, although his schedule might not allow him to come to a meeting in the relevant timescale. We will keep Liz Holt on our list, but will consider the possibility of inviting someone directly from the Commission. You are right that that would give us a different perspective.

**Irene Oldfather:** I agree with Margaret Ewing on that. Section 4 of the Commission document mentions visits by commissioners to member states. I am sure that Margaret Ewing will agree that we would welcome one of the vice-presidents of the Commission or one of the commissioners coming to Scotland as part of a visit to the member state. The Commission communication talks about involving the commissioner from the relevant member state, so perhaps we could invite Mr Mandelson. I see that David Martin MEP is watching from the public gallery; I know that he

has very good relations with Mr Mandelson, so perhaps he could put in a word for us. We might be able to welcome Mr Mandelson along to the committee.

**Mrs Ewing:** We are really quite a nice committee.

14:30

**Derek Brownlee:** In our list of witnesses, it will be important to go beyond the usual suspects. If we are to invite a group of organisations that are likely to offer one perspective, we are not likely to get the debate and dialogue that the European Union considers so important. My colleague Mr Gallie has suggested that the omission of the Bruges Group is obviously a typo—although I suspect that it may not have been. However, the point about engaging people who may offer a different perspective is valid.

Points were made about engaging youth, although it is disappointing that the committee does not consider that I do that already. We must be careful when talking about the views of young people. Those views are not homogeneous; they are spread along the spectrum. We have to be careful not to pigeon-hole young people and say that they offer only one perspective. That would not be appropriate.

**The Convener:** I would never pigeon-hole you, Derek.

**Derek Brownlee:** That is very nice to know.

**Mr Home Robertson:** Margaret Ewing referred to the Scottish Youth Parliament and that made me think back to the convention that we held in our old chamber up the hill. Some of the most interesting contributions were made by school pupils from Denny. I do not know whether somebody had contacted the school, but it would be worth doing such a thing again. We could pick any school in Scotland, at random, and ask some interested young people to come and say what they think of the European Union and where they think it should be going. Hearing from school pupils was one of the most valuable parts of that convention, which was otherwise awfully predictable.

**Nick Hawthorne (Clerk):** That time, we contacted loads of schools, and more people wanted to come than we were able to house in the Parliament. We had a huge response and I imagine that it would be the same again.

**Mr Home Robertson:** It is a rich seam; we should contact schools again.

**The Convener:** Yes, quite right.

All right, have we batted this subject about and done it to death?

**Mrs Ewing:** Yes, I will stay quiet now.

## Pre and Post-council Scrutiny

14:32

**The Convener:** Item 4 on our agenda is pre and post-council scrutiny, which, of course, is scrutiny of Council of the European Union agendas and reports. Do members have any comments on paper EU/S2/05/16/3? It seems pretty straightforward.

**Mrs Ewing:** Having said that I would be quiet, I am starting again. I am sure that John Home Robertson will endorse what I am about to say—it relates to fisheries. On page 12 of the paper, it says:

“The UK Presidency will aim to assist a practical discussion on front-loading and maximum sustainable yield.”

I am not quite sure about the Scottish Parliament's position on quotas and total allowable catches for 2006.

**Mr Home Robertson:** I presume that the Parliament will have the usual debate before the December council.

**Mrs Ewing:** I am sure that there will be a debate. However, the normal procedure is to go through the debate and then have a lot of wailing, gnashing of teeth and rending of garments. I would really like to know the Scottish Executive's baseline for negotiations. I asked for that at a previous meeting. Has the Executive's position been passed to the minister who will represent the United Kingdom at the December council?

**The Convener:** If committee members have no objections, we will find out that information.

**Irene Oldfather:** That is fine.

Also on page 12, under the heading, “Proposed changes to the Sugar regime”, is the comment:

“A contentious issue for several Member States but of limited significance in Scotland.”

That is certainly not the case. Sugar is used as a raw material in the manufacture of a number of pharmaceuticals. In my constituency, 600 jobs depend on the cost of sugar. I would like it to be noted that the comment is not true and the issue is of substantial significance in Scotland.

**The Convener:** Consider it noted.

**Mr Wallace:** On page 12 of the paper, the date given for the council to which Margaret Ewing referred is “22-24 September”. I take it that the date is November.

**The Convener:** Gosh, I did not spot that. I assume that it must be November.

**Mr Wallace:** It is not that it is a post-council report.

**The Convener:** I am told that the council is in November.

## Sift

14:35

**The Convener:** We move on to item 5, which is our regular sift of EC/EU documents and draft legislation. Members will see that certain items have been flagged up as items of special importance for other committees. The first item is the Commission communication to the October meeting of EU heads of state and Government in London on European values in the globalised world. We could have a month-long or week-long discussion on that subject—not just an agenda item.

**Mr Home Robertson:** The paper says that “it relates to ‘Plan D’”.

**The Convener:** I think that it relates to everything. The paper is general enough to be of interest to all the Parliament’s committees that have an EU interest.

The second item is the green paper, “Improving the mental health of the population: Towards a strategy on mental health for the European Union”. We should refer this consultation document to the Health Committee.

The third item is a Commission communication on simplification and better regulation of the common agricultural policy. We should refer the communication to the Environment and Rural Development Committee, but it may also be of interest to Jim Wallace in view of his inquiry.

The final item is a Commission communication on research and innovation. Its two annexes will be of interest to the Enterprise and Culture Committee. Do members agree to refer the documents to the committees, as indicated in the sift paper?

**Members indicated agreement.**

## European Union Legislation (Transposition and Implementation)

14:37

**The Convener:** We move on to item 6. This is the first time that I have come across this item since becoming convener. I understand that the Executive's report on the transposition and implementation of EU legislation comes before us three times a year to give us a snapshot of its progress in transposing European obligations into domestic legislation. Before I ask members for their comments, I have a suggestion to make about something that struck me in the report—I am looking at it fresh; it is the first time that I have seen it.

I was interested to note the Executive's reasons for being late in transposing directives. I also noted that a couple of times it gave no reason—it simply said, "None Given"—and we may well want to know the reason for those delays in transposition. If the phrase, "None Given", is entered in the column, "Explanation for Late Transposition", I suggest that we automatically fire off a letter to the Executive asking for the reason for the lateness. We should keep track of these things.

As no member has any objection to the suggestion, I propose that we do that.

I ask members for their comments on the report.

**Irene Oldfather:** My general comment is that the number of directives for late transposition is fewer than has been the case in the past. I guess that that is to be welcomed. I see that we have again returned to zoonoses; the Executive seems continually to be late when it is doing something about that. I think that John Home Robertson knows more about zoonoses than the rest of us do.

**The Convener:** Would you like to enlighten us, John?

**Mr Home Robertson:** It is an animal health issue that has an implication for human health. It is an important subject; we are talking about tuberculosis and so on.

**The Convener:** Oh, right.

Do members have any other comments?

**Members:** No.

**The Convener:** It is so nice to have a happy committee.

**Mr Home Robertson:** Wait for it.

## Convener's Report

14:39

**The Convener:** We come to the convener's report. This week, I have nine items to draw to the committee's attention. I will go through them one by one, asking for comments as I do so.

The first item concerns the response to the letter that I wrote to the Minister for Environment and Rural Development, Ross Finnie, on the Ferguson Shipbuilders bid for the fisheries protection vessels contract. As members will see from the minister's letter, the Commission has concluded that

"there is no evidence which would justify mounting a formal enquiry."

I have a couple of points on the response. I will run through them and then seek members' comments. The last paragraph on the first page says:

"Given that such a complaint can take a long time to be investigated properly the Commission would not seek to prohibit any yard against whom a complaint has been made from competing for unrelated contracts."

First, that is not a direct quote from the Commission, so I would like confirmation of how the Commission deals with such matters. Secondly, I am interested in how long it takes to resolve complaints. If it takes years and years during which contracts are still being tendered for, it would be a bit messy if the eventual finding is against a firm. I suggest that we write to find out the answer to those two questions.

**Mr Wallace:** Are you suggesting that we write to the Commission or the minister?

**The Convener:** My first thought was to write to the Commission, so that we hear straight from the horse's mouth.

**Irene Oldfather:** I am not averse to doing that, but Ross Finnie's letter states clearly that the Commissioner advised that no complaints have been made. Ross Finnie seems satisfied by the Commission's response.

**The Convener:** The points that I raise are not necessarily about the particular issue at hand; they are more general than that. I would like to know whether complaints take 10 months or 10 years.

**Mr Wallace:** It will vary.

**The Convener:** Yes. We can speculate all we like, but unless we ask and find out, we will not know.

**Mr Home Robertson:** In this case, justice delayed is justice denied, because the damage is

done if the decision is prolonged. Your point is fair and important, convener.

**The Convener:** The next item in my report is on the committee's query to the Executive about whether there is to be a report of the better regulation conference that was held in Edinburgh at the end of September. The Executive has replied that we will be sent a copy of the Cabinet Office report, once it is available. Are members content with that?

**Members indicated agreement.**

**The Convener:** The third item in my report relates to a letter from the Deputy Minister for Environment and Rural Development that informs the committee that the Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005 (SI 2005/2903) will be implemented at UK level. The minister has also informed the Environment and Rural Development Committee of that. Do members have any comments?

**Members:** No.

**The Convener:** The next item is to give members feedback on the third meeting of the network of regional parliamentary European committees—NORPEC—which I was fortunate enough to attend last week with Dennis Canavan and Derek Brownlee. The minutes of the meeting will be circulated in due course. As we heard would happen before we went, the Catalan delegation did not attend. I understand that the president of the Catalan Parliament will write to our Presiding Officer to explain the decision. However, we carried on with our tripartite discussions and agreed on all the main points on the agenda. The meeting was really useful.

The first point that we agreed was that the committees will work together to identify a Commission green paper on which they can put forward an agreed submission following consideration at the next NORPEC meeting. We also agreed to begin joint information gathering and information sharing in Brussels; to keep one another informed about the handling of structural funds and Lisbon strategy issues within our jurisdictions; to compare procedures for handling subsidiarity early-warning issues and to consider them at the next meeting; and to plan for a meeting of our respective MEPs in Brussels once we have made progress on those other matters. Finally, we signed a revised statement of intent.

One item that we agreed to postpone was the consideration of the paper on prospective additional NORPEC members, as we all agreed that the most important issue is to make substantive progress in our joint working to show what the network can achieve before we look for new members.

I will write to the chairman of the European affairs committee of the Saxony-Anhalt Parliament to thank him for the effort that was put in to hosting the NORPEC event and to reiterate Irene Oldfather's apologies for being unable to make it. It was certainly understood that parliamentary business does not always allow us to take part in these things, and that that can happen to everyone.

Dennis Canavan has left the meeting, but Derek Brownlee might like to add something.

14:45

**Derek Brownlee:** The meeting was useful and interesting, particularly because it allowed us to discuss with the Basque and Saxony-Anhalt delegations common difficulties in dealing with certain aspects of the EU. However, I feel that NORPEC now needs to move into a more substantial phase.

**Mr Wallace:** First, would it be improper for us to speculate on the reasons why the Catalan delegation did not attend? Secondly, will the declaration of intent that was signed be circulated?

**The Convener:** Yes, we will append the declaration of intent to the minutes when they come out.

I am not at all sure why the Catalan delegation did not attend. We could speculate on that and discuss various theories, but I think that we should wait until our Presiding Officer hears from their president. I hope that the situation will not be a permanent one.

**Irene Oldfather:** We have had on-going difficulties with the Catalan delegation. At one point, there was a problem with signing the declaration because the president himself likes to sign such documents and did not want the job to be devolved down to committee conveners. As a result, there is a little history in that respect. The same can be said of the Flemish, who also withdrew from NORPEC. However, I hope that we can resolve those difficulties and get things back on track.

**The Convener:** Okay.

The next item in the convener's report is information on this Thursday's visit of the president of the European Parliament. Unfortunately, I cannot attend this event, because I have a constituency engagement that I committed to some time ago. Thankfully, Irene Oldfather is available to run the event.

President Borrell will address MSPs on "The Future of Europe: Conversation not Confrontation Needed" on Thursday 10 November in committee room 2. The event will start at 12:45 and last 40

minutes, with time for questions and answers. I realise that Thursday is a plenary day, but it would be nice if members could support Irene Oldfather by going along and listening to president Borrell. I apologise again for not being able to make it.

The next item in the convener's report is consideration of the Commission's 2006 work programme, which was published on 25 October. I raise the matter now because a Commission representative, William Sleath from the strategic planning and programming unit of the Commission's Secretariat-General, will appear at our next meeting to give evidence. I understand that he has given evidence to the committee before.

I hope that you have been able to look through annex E on page 11 onwards of the report, as it highlights a number of areas of Scottish interest on which we might focus. If members require further briefing on those areas or on other areas in the programme, they should let the clerks know as soon as they can.

**Irene Oldfather:** It is good to have this very important document because, as Margaret Ewing and certain other members will recall, the committee has constantly grappled with the problem of securing early intelligence. Indeed, that is one of the reasons why we identified the need for a European parliamentary officer. It is good to see him at today's meeting. If we work with him and use this legislative work programme, we should be able to secure intelligence on certain matters.

So many matters in the work programme are of interest that it is difficult to single any out, but it would be helpful to put on record one or two issues on which the officer could keep a watching brief and update the committee. Such an approach will be vital as things develop.

The officer has provided us with a paper that identifies the areas that we now know about and on which he will keep an eye. I note on page 14 of the convener's report the communication on defence industries and markets. Technically, some of that matter is reserved, but there would be no harm in knowing a bit more about it as it develops.

Page 17 refers to the Commission communication on the implementation of a dedicated European rail freight network, about which it would be useful to know. A little further down on page 17, future applications of Galileo are mentioned, which are interesting. I note from the information that has been provided that the

"satellite navigation infrastructure will provide initial positioning services as from 2008"

and that it

"will generate by 2020 a global market of some 300 billion euros".

Information about that could be vital for the Scottish business sector and it is important to keep us up to date on that, so that we can relay information to other committees as appropriate, or even directly to the business sector.

Page 19 refers to the green paper on the evolution of labour law and the communication on the demographic future of Europe. We have conducted an inquiry into the fresh talent initiative, so we might want to keep a watching brief on the demographic future of Europe, which is relevant to our work.

It would also be helpful to keep a watching brief on the green paper on a future European Union maritime policy and on the green paper on drugs and civil society in the EU, which is mentioned on page 21.

I have not marked anything in the sections on security or external affairs. The documents that I have identified would provide an ideal way for the committee to employ the early intelligence that it needs by using the Commission's work programme and taking advantage of the full-time officer in Brussels.

**The Convener:** The communication on the demographic future of Europe is interesting, because it came up at the NORPEC meeting. Demographics are an issue throughout the European Union. We agreed at the NORPEC meeting to consider the responses to the communication and the conclusions. Does anyone else have anything to say? As no one wishes to speak, I assume that we are happy to move forward.

I ask the committee to hold on to the work programme and to bring it to the next meeting, with the plan D paper that was circulated. I know that members will want to refresh their memory of the plan D paper every couple of nights, so they will be as well to have it with them at all times. To keep reissuing those papers would involve much photocopying and wasted paper, so I ask members to hold on to them, please.

The next item in my report is a brief update from the Executive on a European institute of technology. At the previous meeting, the committee agreed to support efforts to bring to Scotland one of the five centres under the institute's name. The Executive's answer of 2 November to my parliamentary question on the subject was sent to members. I asked the Executive

"whether it would support a bid from one or more Scottish universities to become a base for a European institute of technology and, if so, what support would be forthcoming."—[*Official Report, Written Answers*, 2 November 2005; S2W-19607.]

I hoped that the Executive would also respond to the committee, because we wrote to it about the subject, as members know.

My first issue with the response to my question is that it does not answer the question that I asked, so I do not know whether the Executive supports a bid from one or more Scottish universities to become a base. I am a bit more concerned that the Executive has not responded to the committee. In fact, I am more than concerned—I am quite annoyed, because the deadline is close. The committee expressed interest and a wish that Scotland be considered for such an initiative, but we have no answer from the Executive. All that we have is what I received, which does not answer the question. I ask for other comments.

**Irene Oldfather:** I appreciate what the convener says, but I understand that the matter will be determined formally at next year's spring European Council meeting. Agreement on whether a European institute of technology will be established will not be reached until then. It would, however, be courteous of the Executive to respond to the committee when we send letters; therefore, I have no objection to our pursuing that. The Executive should give us timely answers. On the other hand, I recognise from the response to your question that this is a proposal at the moment. It is the Commission's idea, but it has still to be approved at the Council. It will be next spring before a decision is made on it.

**The Convener:** Yes, but it is asking for responses from interested parties by 14 November. If the committee or the Executive is making a bid for Scotland to have one of the centres, they will have to do it pretty quickly.

**Mrs Ewing:** PDQ.

**Irene Oldfather:** Is it the Commission that is asking for responses by the 14<sup>th</sup>?

**The Convener:** Yes. My first response is to issue a strong letter from the committee to say that we are very disappointed at not getting a substantive answer and to reiterate the question: is the Scottish Executive, through the United Kingdom, making a bid for Scotland to have one of the centres sited here? There is certainly an interest in it outwith the Parliament among the further education colleges and higher education institutions. That is something that we have to be aware of.

The next item on my report is a draft letter, although it does not say draft on it, that has not been sent. It is in response to the consultation paper from the Subordinate Legislation Committee on its inquiry into the regulatory framework in Scotland. The letter holds open the option of a contribution on procedures for secondary

legislation and offers to submit the views of the European and External Relations Committee on the implementation of the obligations when the Subordinate Legislation Committee considers the matter.

Are members happy with the response and with the wording of the letter or should we discuss it further?

**Irene Oldfather:** I notice that we say "past the formal deadline". I do not know when the formal deadline was.

**Alasdair Rankin (Clerk):** It was the 14<sup>th</sup> of last month.

**The Convener:** The formal deadline has been extended.

**Alasdair Rankin:** I have heard informally that the Subordinate Legislation Committee will have no difficulty in receiving responses now.

**The Convener:** In practice, we do not consider legislation from such a detailed policy perspective as the subject committees. Therefore, until we have seen the views of the subject committees, can we make a valid comment on the forms of parliamentary procedure?

**Irene Oldfather:** I know that the Subordinate Legislation Committee would welcome a submission from us. However, do we feel that we can do that within the timescale, even an extended one? Would whatever was decided have to come back to the committee to be agreed?

Perhaps Alasdair would advise us.

**Alasdair Rankin:** I think that the Subordinate Legislation Committee is looking for a committee view. Of course, given the nature of the inquiry, it is open to individual members to respond as they wish. However, the Subordinate Legislation Committee is primarily looking for a committee view.

**The Convener:** We should give a view, but it should be a useful one. We could sit here and ask the clerks to give their view of what the committee view should be in the light of experience. However, until we have actually seen the views of the subject committees that deal day and daily with these matters, it is very difficult to form a proper response. The Subordinate Legislation Committee has undertaken a massive project.

A member of our committee, Gordon Jackson, is the deputy convener of the Subordinate Legislation Committee. Unfortunately, he has had to give his apologies today. There is a link there.

**Alasdair Rankin:** If this committee is content to wait until it has seen other committees' responses to the Subordinate Legislation Committee, there would be no difficulty in feeding in a view to it at that point in the inquiry.

**Irene Oldfather:** That seems a sensible way to proceed.

**Mr Wallace:** You express in your letter, convener, that much subordinate legislation implements European obligations. Should we provide information to the Subordinate Legislation Committee on how we discharge what we see as our responsibilities, particularly with regard to the sift of documents—which we have just dealt with—draft legislation, transposition and implementation, or should we take it as read that that committee has information on such things? It might find it useful to know how we work.

15:00

**The Convener:** I think that that is the idea and that it wants to know where the overlaps are and how we deal with other committees. From what Sylvia Jackson has said, the consultation is extensive and the Subordinate Legislation Committee recognises that deadlines have passed. Perhaps it is overambitious—like Topsy, it has grown; we have talked about the dangers of that—but we should forward a proper submission at the appropriate time, as every committee should, because the issue is important and will affect us all in the future.

Finally, we have received a copy of the UK's written comments on the Commission's latest draft regional aid guidelines. Do members want to say anything about them?

**Irene Oldfather:** The comments are helpful. I refer to page 30 of the convener's report paper. If I understand correctly, the UK Government is keen for the national average—in other words, the UK average—rather than the EU average to be the baseline with respect to unemployment measures. That would certainly benefit Scotland. A number of points in the paper generally support positions that the committee has taken in the past and it is helpful to have the UK Government's position set out in the light of our on-going watching brief on the matter and with the minister coming to a committee meeting. The position seems to be a little more optimistic than I understood previous positions to be.

**The Convener:** That is interesting. Does any other member who has served on the committee for a while think the same?

**Mrs Ewing:** The response is positive and helpful and I am grateful for it, as we have rigorously pursued the issue for many years. However, much of what is said needs to be fleshed out a wee bit. For example, the response refers to

“a wide degree of discretion”.

What does that mean for national mapping? Many vague terms are used, but the content is generally

useful and the paper will be a good starting point for us if we consider regional aid a bit more next year.

**The Convener:** So there is a generally positive response from members. Good.

Before we proceed to the final agenda item, which will be considered in private, I thank members of the public for attending the meeting. The next meeting will be on 22 November.

15:03

*Meeting continued in private until 15:43.*



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