

# **EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**

Tuesday 6 December 2005

Session 2

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## EUROPEAN AND EXTERNAL RELATIONS COMMITTEE 18<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 4



## Scottish Parliament

### European and External Relations Committee

*Tuesday 6 December 2005*

[THE CONVENER opened the meeting at 14:00]

### European Commission Work Programme 2006

**The Convener (Linda Fabiani):** I welcome everyone to the 18<sup>th</sup> meeting in 2005 of the European and External Relations Committee. We have received apologies from Jim Wallace and Gordon Jackson. Dennis Canavan will be late, as he is attending a meeting of the Enterprise and Culture Committee, which is considering his St Andrew's Day Bank Holiday (Scotland) Bill.

Item 1 concerns the European Commission's work programme. After taking evidence from the Commission at our previous meeting, we agreed to monitor a number of areas and proposals in its work programme that might prove to be of particular interest to us in Scotland. I asked the clerk to produce a paper on one of those issues, which I hope that members find useful. Indeed, I hope that at future meetings similar papers will be produced on other areas of interest in the Commission's work programme.

The letter at annex B in the paper brings to the Executive's attention particular areas of interest that we noted at our previous meeting as worthy of being tracked. Of course, the list is not exhaustive and members will doubtless want to suggest other issues that should be monitored.

With that in mind, today's paper considers the Commission's proposals for the full accomplishment of the internal market in postal services. I thank Iain McIver, our European research specialist, who has put together a research note on the background to the issue and its potential impact on Scotland. Our concerns on the matter centre on rural and sparsely populated areas. The issue was previously discussed by the committee back in 2000 when the Commission engaged with postal service reform. Indeed, I think that Phil Gallie and Irene Oldfather were party to those discussions.

**Phil Gallie (South of Scotland) (Con):** It was just Irene Oldfather.

**The Convener:** So you remember it all in great detail, Irene.

**Irene Oldfather (Cunninghame South) (Lab):**

After reading the paper, I certainly recalled the substantial discussions that we had at the time.

**The Convener:** I will open the item up for discussion. Members will note the recommendation that we write directly to the Commission to reflect the committee's views and to seek its views on how it sees the situation developing, particularly with regard to safeguarding our rural postal services.

**Phil Gallie:** Needless to say, we are discussing a European document. However, does its reference to "universal service" mean service right across the 25 nation states or does it simply mean universal service in Scotland and the United Kingdom?

**The Convener:** I have to ask you to clarify what you mean, Phil.

**Phil Gallie:** I realise that everyone cannot have exactly the same service with regard to mail deliveries, but I have always felt that, no matter whether one lives in the Hebrides or in south-east London, one should pay the same to get first-class and second-class letters delivered. In that light, does the phrase "universal service" in the paper refer to the UK or to the wider Europe?

**The Convener:** I see. You are wondering whether the cost of delivery would be the same across the member states.

**Phil Gallie:** Yes. Is that the aim? Is that what should happen in the internal market?

**The Convener:** It certainly reads that way to me, but, like you, I have serious doubts about whether it could happen. As far as a universal postal service in the UK is concerned, the committee's absolute concern is to ensure that people in the outer Hebrides are not disadvantaged compared with people in central Glasgow, London, Manchester or wherever. That is why we recommend that we write to the Commission to ask how it intends to ensure that we have a universal service and universal prices in our country.

**Mr John Home Robertson (East Lothian) (Lab):** I can hardly see you, convener, you are so dazzling—no, the sun is dazzling.

The paper states:

"At present the UK postal regulator PostComm has granted a license to the Royal Mail which guarantees 'a universal postal service at an affordable flat rate.'"

"Universal" means throughout the UK, which is the status quo—

**The Convener:** Sorry to interrupt, but Iain McIver, our wonderful European researcher, has just quietly confirmed to me that his understanding

is that the provision on universal costs and service will apply within member states.

**Mr Home Robertson:** That is what has been brought into question. The open market invites cherry picking, if I can use that pejorative term, which might mean far cheaper mail collections and deliveries in busy urban areas such as central Scotland or London, while the scope that has existed until now for cross-subsidising the much more expensive services to rural areas and the islands might be put in jeopardy. I presume that that is what we are all bothered about.

**The Convener:** Yes, that is the issue.

**Irene Oldfather:** John Home Robertson has made some of the comments that I was going to make. My understanding is that the principle is the liberalisation of services throughout the European Union. When we discussed the issue previously, weight restrictions were suggested, which would have had implications. Perhaps our expert from the Scottish Parliament information centre or the clerks could advise us on the up-to-date situation in relation to that issue. The cut-off point meant that letters would not fall under the scope of the directive, whereas other items would. I did not notice information on that in the paper, so it would be useful if someone could let us know about it. The issue is all about the internal market. I would have thought that Phil Gallie would be happy with liberalisation of services.

**Phil Gallie:** I am not unhappy. I just asked a genuine question about an issue that I want clarified.

**Irene Oldfather:** I am not sure that I am entirely happy with it—obviously, if Phil Gallie is happy with it, I am probably not happy with it.

**The Convener:** Now, now.

**Irene Oldfather:** It would be useful if we had further information from the clerks about what the up-to-date proposals would mean and whether a weight limitation will be imposed.

**The Convener:** From memory—I hope that Alasdair Rankin will confirm this—my understanding is that restrictions were put on the liberalisation, but that by the final completion date everything, regardless of weight, will be included. Am I right?

**Alasdair Rankin (Clerk):** Yes. I understand that the intention is to have no weight limit in 2009.

**Mr Home Robertson:** Much of the damage has been done already, with parcels and other deliveries. A few years ago, the red vans went to every house in Britain delivering the mail, parcels and packets but, as we now know to our cost from going on the roads, there are the red vans that deliver the letters and a procession of white vans

that deliver on behalf of various companies, which means that our roads are a lot more cluttered. However, we are told that that is more efficient.

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** The critical factor is the cross-subsidisation, which is what makes a stamp the same price anywhere in the UK. The big worry is that, if we break up the area into bite-size chunks, we will destroy the cross-subsidisation. The situation could be a bit like bus deregulation—people will get a service only where the provider can see a profit. However, there is no convincing evidence in the initial paper that that is a real and present danger.

**The Convener:** Frequency of service is another issue—companies could make up for the costs by cutting the frequency of the service.

Do members agree that we should write directly to the Commission to express our concerns?

**Members indicated agreement.**

**Phil Gallie:** I accept that it is important to write to the Commission but, as the issue is reserved, we should ensure that the relevant Government ministers are kept informed of our views. That will do no harm.

**The Convener:** Perhaps we should copy the letter to them.

**Irene Oldfather:** This may be an area in which we would want to work with the UK European Scrutiny Committee. I rather suspect that the committee, which Jimmy Hood chairs, will be on to the matter already or, if not, would want to know that we have some concerns about it, so perhaps we could write to Jimmy Hood.

**Phil Gallie:** At our previous meeting, we saw copies of a letter from the National Assembly for Wales, if I remember rightly, which talked about European committees coming together. Perhaps we should include the Welsh Assembly as well.

**The Convener:** So we will write to the Commission, with copies to the relevant ministers. We will also get in touch with our counterpart European committees in the UK to find out what they are doing and to co-ordinate our efforts.

**Mr Gordon:** Do we know whether the Commission has any memory of what we told it in 2001?

**The Convener:** I do not know.

**Mr Gordon:** Can we ask it whether it remembers?

**The Convener:** We can certainly remind it. When we write to the Commission again, we can append what was previously said, to jog its collective memory.

**Phil Gallie:** Let me just pick up on Charlie Gordon's point. It seems from what I have read that we told the Commission our views but that we never really got a reply. Committee members went to Brussels, but there does not appear to be a report on what they found. We should find out whether we ever got anything back from the Commission and whether the members who went to Brussels reported back to the committee.

**Irene Oldfather:** As is commonly the case when we undertake our annual visit to Brussels, not everyone goes to all the same meetings. I do not recall being at the meeting, but I think that one of the commissioners—Frits Bolkestein, or someone like that—was there. As is often the case, the Commission tends to listen and say that it will reflect on something when it is making decisions, so I do not think that there was any specific outcome from the visit, other than that part of the committee went along to make the case to the Commission.

If I recall correctly—and we are going back five or six years now—the other committees that we were working with across the UK, including Jimmy Hood's committee, the Northern Irish people and the Welsh, were interested in the fact that we were doing that piece of work. They were piggybacking along on what we were doing, but things went into deep storage for a while and then there were changes in the Commission. However, the matter has obviously resurrected itself in the 2006 work programme.

**The Convener:** When we make our annual committee visit to Brussels, we could follow up what we send to the Commission with an appropriate meeting involving a couple of us, to see how things are progressing.

**Irene Oldfather:** I would not have a problem with that, but I think that Phil Gallie has a point when he reminds us that, technically, the matter is reserved. The other side of the question is that the issue will have major implications for Scotland, so it is important to work with our colleagues in the other committees and to follow the matter through if necessary and if work has not already been done. The work may already have been done, of course.

**The Convener:** We must check up on what has been done, with a view to perhaps arranging a meeting—for ourselves or for others, too—when we are out in Brussels.

**Mr Home Robertson:** To add to the confusion, I wonder whether there are other regions in the group of regions with legislative power that would have similar interests to ours. I do not know whether Catalunya has large rural hinterlands where postal services could be jeopardised.

**The Convener:** Perhaps that is something that we can raise with our colleagues in the network of regional parliamentary European committees.

**Mr Home Robertson:** We could see whether we can apply some regional pressure, not just from the UK, but from other parts of Europe, particularly regions where there are islands.

**The Convener:** We will get in touch with the secretariat. Are all those action points agreed?

**Members indicated agreement.**

## Improving Engagement with the European Union

14:14

**The Convener:** Agenda item 2 is on recent Executive initiatives on improving engagement with the European Union. We had a lengthy discussion about the European Commission's plan D for democracy, dialogue and debate at our previous meeting. We still have to work out a definitive approach. I refer members to paper EU/S2/05/18/2, which details the three separate initiatives in related areas—plan D itself, the Commission's white paper on communication and the Scottish Executive's building a bridge between Europe and its citizens project.

Members will have seen the November letter from the First Minister to the Presiding Officer, which is included as an annex to the paper. The letter gives an outline of the Executive's project. Members might also remember that Irene Oldfather has met Commissioner Wallström and discussed plan D in outline. As I found out in Brussels last week, when we met Marta Múgica Inciarte, a representative of the Commission's directorate-general for press and communication, the Commission is taking a close interest in what we are doing in Scotland and has proposed a follow-up meeting on how plan D can be taken forward here. That proposal is down to Elizabeth Holt in some respects, as she has been enthusiastically talking in Brussels about what we are doing in Scotland.

I ask members to consider the recommendations in paragraph 4 of the paper and Douglas Alexander's letter about plan D. In particular, I refer to what he says about the possibility of our being interested in a visit from Commissioner Wallström when she comes to the UK. We should take up that offer.

We must give a steer on the terms of reference for our inquiry. I am keen not to end up simply duplicating what the Executive wants to do in its building a bridge between Europe and its citizens project. I picked up a wee bit of confusion in Brussels with respect to the Parliament and the Executive in that regard.

I am thinking about what people have said previously. Our work must be tight and focused. I therefore have a suggestion to make. We could agree in principle to considering the three initiatives, but perhaps Irene Oldfather and I, as the committee's deputy convener and convener respectively, could get together for a discussion with the clerks before the next meeting, or perhaps before the meeting after that, as our next meeting will be fairly busy—the minister will be discussing

two issues. Irene Oldfather suggested that we could invite academics from the outside to give us a fresh view. We could get together and agree the terms of reference for a submission on plan D, bearing in mind what everyone else is doing.

I see Phil Gallie grinning away at me. He obviously has something big to say.

**Phil Gallie:** I have something extremely negative to say about plan D. Plan D is a communications and propaganda exercise that shows everything that is wrong with Europe. People in Europe do not seem to have taken on board the message that the French and Dutch people have given. The French and the Dutch want to see positive things and successes coming from Europe. The committee's job is to analyse issues such as how the Commission's work programme will affect Scotland. We should by all means emphasise to people in Scotland the benefits that can come from European legislation and regulations, but we should not navel gaze in the way that the paper suggests. I say with the greatest respect that I went through every page of the European Commission's paper and found it to be total waffle. We will waste the committee's time if we engage in nothing more than a propaganda exercise.

**The Convener:** Talking about the proposals for another hour would be counterproductive—navel gazing would be a danger. However, a small group could get together with outside assistance to discuss what would be useful not only as a response to the Commission, but for us. We should aim for that and do something constructive rather than navel gaze.

**Phil Gallie:** I am sorry, but I do not think that considering the paper is worth the time and effort. We could be considering many more important things that are going on in Europe. The letter that we have sent to David Thompson and the letter from Jack McConnell deal with issues that will affect Scotland in the long term. If we want to use our time usefully, we should consider the things that Europe is intent on doing and provide reasonable feedback on them, as was suggested with respect to postal services.

**The Convener:** With respect, Mr Gallie, we have already agreed that we will respond to plan D. The question is how we do it. I have to say that, at our previous meeting, you were the one who wanted to tour the whole of Scotland to find out what people thought of Europe.

**Phil Gallie:** I said that that would be the way to proceed if we wanted to examine the general principles. It is not for us to determine the issues; it is for the people outside to do that. I have brought with me a copy of the *Official Report* of our previous meeting. Never at any time did I agree



that we should take part in a report on plan D. I just took part in the discussions with Elizabeth Holt and others.

**The Convener:** We agreed previously that we should respond to plan D. I am suggesting that a small group of us gets together and decides on the best way of responding to the benefit of the committee and, I hope, of those who are looking for a response.

**Phil Gallie:** Without any commitment to taking the matter forward at this stage.

**The Convener:** We will bring the terms of reference to the committee to agree—

**Phil Gallie:** Without any commitment to taking it forward at this stage.

**The Convener:** As I said, we will bring the terms of reference to the committee to agree. We have already agreed that we will take part and respond.

**Phil Gallie:** I have placed on the record what I wanted to say.

**The Convener:** You are always on the record.

**Mr Home Robertson:** I was up a mountainside in Kashmir during the committee's previous meeting, which, given the circumstances, was probably just as well. We all know where Phil Gallie is coming from, but most of us who live in the real Europe recognise that there is a need to create a better and newer structure to take matters forward. Uncharacteristically, convener, just this once I am with you.

**The Convener:** So you are not setting a precedent.

**Mr Home Robertson:** Let us take a focused approach and come forward with constructive ideas. Notwithstanding what Phil Gallie has said, I hope that the whole committee will agree to go forward on that basis.

**Irene Oldfather:** It would not be helpful if I said anything at this point other than "Agreed".

**The Convener:** Do we agree to do what has been suggested?

**Members** *indicated agreement.*

## Pre and Post-council Scrutiny

14:22

**The Convener:** Item 3 is pre and post-council scrutiny. It is worth noting that our colleagues on the Environment and Rural Development Committee are taking evidence from Mr Finnie on 14 December, ahead of the agriculture and fisheries council from 19 to 21 December. Do members have any comments on paper EU/S2/05/18/3?

**Phil Gallie:** Yes. I note on page 4 of the document that aviation emissions were to be discussed. That is the kind of thing that we should examine carefully. Today, Executive ministers are announcing new flights from Edinburgh to Poland. Irene Oldfather and I have a particular interest in Ryanair and easyJet. The proposals could have a significant effect. I would like to examine them.

**The Convener:** Would you like to comment, Irene?

**Irene Oldfather:** I do not object to Phil Gallie's suggestion. It would be helpful to keep a watching brief on the issue.

I am not sure that this will be discussed in any council meetings, but I am aware that the European Parliament is examining aviation safety. I would be interested in us keeping a watching brief on that, because the issue is important to citizens. I see that John Edward from the European Parliament is in the gallery, and I know that the European Parliament discussed the issue recently. It is meaningful to citizens when they see information coming from Europe on their health and safety, and I am interested to know what is happening on the matter, although I am not sure that it is contained in the pre and post-council papers. Am I right in thinking that some of them have not been received?

**The Convener:** No. Two of them were late, but they are now in. Do you want us to write to the Executive stating your concerns, Mr Gallie?

**Phil Gallie:** That would suit me. We could receive information, consider it, decide whether there is anything we should be concerned about and investigate further.

**Mr Home Robertson:** Hold on—what concerns are you expressing? I am a bit nervous about the committee writing to the Executive to express concern about something unspecified and indeterminate.

**Phil Gallie:** Perhaps there is nothing to be concerned about.

**Mr Home Robertson:** Why not find out before writing the letter? Would that not be wise?

**Phil Gallie:** How do we find that out before writing the letter?

**The Convener:** Is there any reason why we should not write to tell the Executive that we note that the issue is on the pre-council agenda and to ask what input the Executive has had to the discussion?

**Mr Home Robertson:** All right.

**Mr Gordon:** We need to know more about the issue. The paper is cryptic, but it suggests that the carbon trading system will be extended to aviation. Does that mean that aviation enterprises in Scotland will be able to participate in carbon trading with enterprises outside Scotland, or does it mean that route development in Scotland is finite, because of the tension with environmental objectives on carbon emissions? If our clerks or advisers could tell us more, that would help. Failing that, we will have to ask for more information.

**The Convener:** It is our right to ask for information. Following up anything that the Executive sends us should not be a problem.

**Mr Home Robertson:** As long as we are more specific about what we are asking for.

**Phil Gallie:** Charlie Gordon summed up the matter well and went to the nub of the question.

**The Convener:** Okay. Do members have any more comments?

**Phil Gallie:** I have an observation that relates to page 7, on the economic and financial affairs council that is meeting today. Perhaps the situation will be of more interest at our next meeting, once progress has been made on economic reform. There is much uncertainty about the budget, but such matters are particularly important to Scotland, especially with regard to the common agricultural policy.

**The Convener:** You are right: many matters depend on the budget process. Does anyone have any other comments?

**Phil Gallie:** I am embarrassed to speak again, but I genuinely consider the papers and try to find things that would interest us. Page 9 refers to phasing out the opt-outs from the working time directive. That is another subject in which the committee should take an interest. The Scottish Executive has referred to the situation in the national health service and we all know the impact that the directive is having on the NHS. I understand that the UK Government opposes further phasing-out of the opt-outs; I am with it on that. However, I also understand that the European Parliament was not so minded. The European Parliament seems to want to phase out opt-outs, whereas the UK Government does not

and the Council of Ministers has put a hold on matters. It would be to everyone's advantage if the committee took a stance on the matter and perhaps even wrote in support of the UK Government's position.

**The Convener:** On-call working is a particular issue. That affects mainly the NHS, but also other sectors.

The Executive says:

"Scottish Ministers and officials remain in regular contact on this issue with the UK Government and Whitehall Departments"

and

"There are no peculiarly Scottish dimensions on this reserved issue."

**Phil Gallie:** I am a bit surprised at that, because the national health service and our industry will be affected, although I would concentrate on the NHS.

**The Convener:** The paper says:

"The UK Presidency is now taking it forward and looking for Political agreement."

When we receive the post-council report of the employment, social policy, health and consumer affairs council, we will see how that went.

**Phil Gallie:** Will that be too late? The UK Government appears to have its back against the wall again.

**The Convener:** The council will meet on Thursday, so it is too late even to write now.

**Phil Gallie:** Okay.

14:30

**The Convener:** We mentioned the NORPEC meeting earlier. The four members of NORPEC all had concerns about demographic change in Europe and I note that a green paper on the subject—"Confronting demographic change: a new solidarity between the generations"—is one of the major items on the council's agenda.

**Irene Oldfather:** The Committee of the Regions is looking to do a research study on demographic change and plans to link it to the Lisbon agenda. That is yet to be agreed by the full bureau, but if it goes ahead, it might be of some interest to the committee and I will be happy to bring that information back.

**The Convener:** Yes, please do.

**Irene Oldfather:** The difficulty is that almost all the papers that we have before us today are pre-council papers and cover items that might or might not come on to the agenda or might change at the last minute. On page 13, in annex B, I note that the framework convention on tobacco control

might be discussed at the council on 9 December. That item is at the end of the agenda, but if it is discussed, it would be useful to know what information the Commission provides.

We in Scotland are setting the tobacco control agenda. Although the United Kingdom has signed up to the framework convention, some member states have not. There will be a post-council report on the matter and if the issue was on the agenda, it will be interesting for the committee to keep a watching brief.

Our discussions are in the abstract because we do not even know what will be on the agenda as it can change at the last minute and the meetings can be shorter or longer. That is why I have not commented much on the pre-council agendas.

**Phil Gallie:** Irene Oldfather is probably even more concerned than I am about this, but my understanding is that the European Parliament has voted to continue the tobacco subsidies in Italy, Spain and Greece. Given that the Scottish Parliament voted to stop people smoking, it seems strange to me that Scottish taxpayers' money is going to subsidise tobacco growers.

**Mrs Margaret Ewing (Moray) (SNP):** Italy has done the same.

**Irene Oldfather:** I have a strong view on the matter and have raised it since 1999. It is completely inconsistent with our healthy lifestyle agenda to continue to subsidise tobacco. My understanding is that it has now been agreed that subsidies will be withdrawn from 2010, but the clerks might check that date.

The commission for economic and social policy of the Committee of the Regions has just produced a report in which it takes a very strong view, which I echoed at the meeting last week, that it is inconsistent to promote healthier lifestyles and encourage people to exercise more while at the same time giving about 2 per cent of what the European Union gives in tobacco subsidies to European cancer research and monitoring centres.

I agree with Phil Gallie and think that we should keep a close eye on the matter. The date for ending tobacco subsidies has been given as 2010, but I know from the past seven years' experience that when we get nearer to such dates we always do some deal and renegotiate to extend the date by another five years. Let us hope that this time we really will finish by 2010.

**The Convener:** Right. Are you finished?

**Irene Oldfather:** I have finished commenting on the pre-council situation, but I note on page 17 the post-council report of the general affairs and external relations council on 7 November and the statement on the financial perspectives, which has

now been superseded by what has happened in the past few days. We have to keep a close watching brief on that and see what happens at the next council meeting.

**The Convener:** Okay. We will thank the Executive for the information that it provided for pre and post-council scrutiny.

## Sift

14:34

**The Convener:** We move on to the regular sift of European Community and EU documents and draft legislation. As usual, certain items have been flagged up in paper EU/S2/05/18/4 as being of special importance.

First is the communication from the Commission on modernising education and training, which is a draft progress report on the implementation of the education and training 2010 work programme. I recommend that we send that to our colleagues on the Education Committee and the Enterprise and Culture Committee. The second matter is a proposal on the submission of data on the landings of fishery products, which is obviously of interest to our colleagues on the Environment and Rural Development Committee. The third matter is the proposals and key competences for lifelong learning, which should be sent to the Enterprise and Culture Committee. Finally, the communication on the policies for small and medium-sized enterprises on growth and employment will also interest the Enterprise and Culture Committee.

Do members agree to refer those documents to the committees that are indicated in the paper?

**Members indicated agreement.**

**The Convener:** Are there any other comments on that?

**Mr Home Robertson:** It is a good paper.

## Convener's Report

14:36

**The Convener:** Oh gosh, we are on to the final item, which is the convener's report. We may have an opportunity to have a committee debate in the chamber in the near future. As agreed at the last meeting, the clerks e-mailed members about their preferred choice of topic. The choice is for a debate either on the fresh talent inquiry or on the Commission's work programme. There may be another slot, so we will try for two debates. Four members voted for fresh talent as their first preference and three voted for the work programme. If we get one slot, it will be for the fresh talent report.

**Irene Oldfather:** Looking over your shoulder, I see that it looks as though I am down for fresh talent. I thought that I was down for the work programme. Have you counted me in the fresh talent votes?

**Nick Hawthorne (Clerk):** You voted for fresh talent with the work programme if we had two slots, as far as I can remember. I can check.

**Irene Oldfather:** I probably intended to vote for the work programme.

**The Convener:** That would make it three each, and as I did not vote, I will vote for the fresh talent inquiry.

**Mr Home Robertson:** I was not here, so I will vote for fresh talent.

**The Convener:** Okay; I do not need to use my casting vote.

**Phil Gallie:** It is you and I again, Irene. We are on the same side on this, too.

**The Convener:** That is three in a row for you two; I am getting seriously worried.

**Irene Oldfather:** We want to get to grips with the substance of the Commission's work programme and discuss and debate it.

**The Convener:** Let us hope that we get two debates; that would be good.

**Mr Gordon:** Has a provisional date been set yet?

**The Convener:** No; the debate will probably be in February, but we do not have a provisional date as such.

**Phil Gallie:** I know that I did not participate in the discussion about the fresh talent report and was not party to the deliberations in the latter stages because of the Edinburgh Tram (Line One) Bill Committee, but is not such a report usually submitted to the Executive, which then responds?

**The Convener:** It has not done that yet.

**Phil Gallie:** Obviously, it would be better if the Executive responded before we had the debate.

**The Convener:** Absolutely.

**Irene Oldfather:** The convention is that the Executive responds within a certain time—about eight weeks. Because the report was published quite recently, there might not be enough time for the Executive to respond before we have a debate in February.

**The Convener:** There is time, if you work it out. The Executive should respond in early January.

**Irene Oldfather:** Can our fallback position be that if we do not get a response from the Executive we will debate the work programme?

**The Convener:** The Executive should respond well before February. If it has an eight-week window to respond, we should get the response at the beginning of January.

**Irene Oldfather:** When did we publish the report?

**Nick Hawthorne:** It was published on 17 November and the Executive's response is due on 17 January. That should be the eight weeks.

**Irene Oldfather:** That was a good try, Phil.

**Phil Gallie:** I am very trying.

**The Convener:** What a good double act this is.

**Mr Home Robertson:** You should separate the Ayrshire mafia.

**The Convener:** You should sit at the other end of the table at the next meeting, Phil.

The second item concerns a report by the Cabinet Office on the better regulation conference that was held in Edinburgh in September. The whole report of the conference has been appended to the papers. No doubt you have all read it very closely. Would anyone like to say anything about it? If not, we will just note the report and thank the Executive for getting it to us.

The next matter is a letter from Sandy Mewies, who is chair of our sister committee in the National Assembly for Wales. She tells us that her committee has been invited by the Committee of the Regions to participate in a subsidiarity test project. That is a separate channel for subsidiarity from the one that Lord Grenfell mentioned in his letter that we discussed at our last meeting. That channel would operate through the Westminster European committees, and although we are not involved in the European Union Committee of the Regions test, that channel is open to us too.

Perhaps Irene would like to say a few words as a member of the Committee of the Regions about the detail of the subsidiarity process.

**Irene Oldfather:** We thought that the convention had sorted everything out, but we have now had to rethink it all. I meant to ask colleagues from the National Assembly for Wales who were here yesterday about this. The subsidiarity test has not come to the commission for economic and social policy, which is my commission of the Committee of the Regions. I imagine that it will go through the commission for sustainable development. Corrie McChord represents Scotland on that commission.

The Committee of the Regions is looking at early-warning systems, subsidiarity, how regions and local authorities can get involved early in the process and what mechanisms are necessary for us to do that. There are also thoughts about pilot projects. In this case, the pilot project is about one specific theme that has come through the commission for sustainable development. As I say, I am not a member of that commission, but I am happy to find out a little bit more about the matter and to report on it at our next meeting.

The idea is to learn lessons. Once the pilot has been done, the process will be open much more widely. I am sure that any input that we made to the pilot would be welcome.

**The Convener:** We should thank Sandy Mewies for her letter and for keeping us informed. We should also monitor developments on the issue. Are members agreed?

*Members indicated agreement.*

**The Convener:** At our last meeting, we considered a letter from Lord Grenfell about the subsidiarity and proportionality monitoring system. Westminster committees can give their views to the European Commission if they consider that a legislative proposal raises an issue of subsidiarity.

Lord Grenfell's letter asked us whether we would be generally willing to alert the Westminster committees to any European proposals that we thought might have subsidiarity or proportionality issues. He also asked us whether we would like updates from the Westminster committees on their work with other member state European committees on the issue. I suggest that we reply yes to both suggestions so that we keep ourselves informed about the debate.

Perhaps members would like a briefing note. When Alasdair Rankin and I were in Brussels, we had a meeting with Alasdair's equivalents from the House of Commons and the House of Lords.

**Alasdair Rankin:** They were Ian Duncan's equivalents—the representatives of the Lords and Commons in the UK national Parliament office in Brussels.

**The Convener:** A short briefing note on that to supplement Irene Oldfather's information to the committee will probably be useful.

The fourth item concerns an e-mail that followed up points from the previous pre and post-council reports, specifically those raised by Phil Gallie on energy and the pharmaceutical industry. The e-mail went to the Executive and it and the response are in members' papers, at annex C of paper EU/S2/05/18/5. I ask members to note them.

**Phil Gallie:** I am grateful to the clerks and to David Thompson for supplying information that I felt was missing. They have been very helpful. If the Executive has concerns about problems in the pharmaceutical industry, it might want to get in touch with you to raise them. However, we will leave that to the Executive rather than go fishing.

**The Convener:** Talking of fishing, the next item is a letter from the Executive regarding the agriculture and fisheries council of 22 to 24 November. Margaret Ewing asked us to write to the Executive to find out its baseline for the negotiations.

The Executive has sent a response. Do members want to respond?

**Mrs Ewing:** No. We had a debate in the chamber last week, so there is not much point in commenting on it. All the points were made in the chamber.

**The Convener:** The last item is to ask members to note that the letter that the committee agreed to write to the European Commission about its complaints procedure in respect of procurement has been sent.

The issue arose when Ferguson's Shipbuilders tendered for a Scottish Fisheries Protection Agency vessel and lost out to a yard in Poland. The Commission has not yet responded, but I will report to members when it does.

14:45

**Irene Oldfather:** Would it be appropriate for the committee to write to the Executive to ask for an up-to-date organogram? The committee has looked at structures in the Executive because it is our responsibility to hold the Executive to account. There have been a significant number of changes in the personnel of the Europe division of the Executive in Brussels and in Scotland.

Tim Simons used to observe at committee meetings, and the last meeting that he attended was his last in that capacity. I am not sure whether his post has been filled or who fills in for him, so it would be helpful to have an up-to-date organogram of posts in the Executive—the divisions, branches and who works in them.

**The Convener:** We will get that for the next meeting.

That concludes today's meeting. Our next meeting is on Tuesday 20 December, when we will hear from the Deputy Minister for Enterprise and Lifelong Learning, Allan Wilson, on structural funding and the proposed European institute of technology.

I thank everyone for attending.

*Meeting closed at 14:46.*

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