

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 17 January 2006

Session 2

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EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

1st Meeting 2006, 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 CLERK

Nick Hawthorne

LOCATION

Committee Room 5

Scottish Parliament

European and External Relations Committee

Tuesday 17 January 2006

[THE CONVENER *opened the meeting at 14:01*]

European Commission Work Programme 2006

The Convener (Linda Fabiani): Good afternoon and welcome to the first meeting of the European and External Relations Committee in 2006. I have not received any apologies.

Our first agenda item is the regular tracking of the priority issues that the committee identified in the European Commission's work programme. There are two items in paper EU/S2/06/1/1 to bring to members' attention. The first is annex B, which is the Executive's response to our letter of 20 November, in which it gives its initial views on the various priority areas that we identified. Can I have comments on that, please?

Irene Oldfather (Cunninghame South) (Lab): The only thing that I want to mention is the note on the globalisation adjustment fund, which I raised when we had the witness from the European Commission. It is good news indeed that, according to the Executive, the fund was agreed in December at the European Council, as part of the budget package. The fund is a significant amount of money that is specifically set aside for industrial restructuring. We should keep a watching brief on that. There will not be many of us around the table who have not had personal experience in our constituencies of substantial job losses. We could make significant use of the fund in Scotland, if we keep a close eye on it.

The Convener: Okay. Members asked for particular items to be tracked. I think that Phil Gallie was particularly interested in the European qualifications framework.

Phil Gallie (South of Scotland) (Con): Certainly, I am interested in that overall area, taking in not just university qualifications but trade and professional qualifications and so on. The only point that I would pick up on in the Executive's comments is that it claims success in how it has managed things, but no comment is made about the Scottish Qualifications Authority. There was a degree of shambles surrounding the SQA not so long ago. However, there is nothing in the Executive's comments that I really take exception to at this point.

The public procurement aspect always worries me just a little bit, particularly after the shambles around the lighthouse ship on the Clyde. Another worry is the Royal Mail, which I have raised previously. I attended a presentation by the Postal Services Commission today that alleviated my concerns a little. However, on the Executive's comment in the paper that

"If commercial competitors expand through their ability to deliver—"

and so on, we could say that that would be a case of locking the stable door after the horse has bolted. Perhaps that aspect should be considered.

The Convener: Are there any other comments on the internal market for postal services, which the committee has discussed previously?

Mr John Home Robertson (East Lothian) (Lab): There are obviously risks, particularly for a largely rural country such as Scotland. We would need an early warning if there were to be moves by anyone from other parts of the United Kingdom or from outside the UK to cherry pick postal services across the UK, but particularly in Scotland. If circumstances arose that could undermine the ability of the Post Office to collect and deliver mail in remote areas, such as the islands, that would be catastrophic.

I am sure that we all agree that we are in a worrying situation. Assurances have been given that things are all right as far as we can see, but the situation is fluid and people will be sizing up business opportunities. Something far bigger might evolve that would have serious implications for large parts of Scotland, so it is important that the Executive and the UK Government keep a close eye on the matter and are ready to react.

The Convener: So you think that we are right to track the matter.

Mr Home Robertson: Yes.

The Convener: Do members have any other comments on the Executive's response?

Mr Jim Wallace (Orkney) (LD): Will we get further clarification of the outstanding points on public procurement contracts?

The Convener: Do you mean in relation to the Ferguson yard?

Mr Wallace: No. I mean in relation to the Alcatel ruling.

The Convener: That is mentioned in the Executive's letter but we were unable to get clarification before the meeting.

Mr Wallace: I was not going to admit that. I was just asking whether we will get further clarification.

The Convener: We will. I can assure you that a detailed précis of the Alcatel ruling will be forthcoming.

I ask members to turn to annex A, which is my note on the European Commission's plan D proposal. We seem to have been discussing that proposal for an awfully long time without making any real progress. We have discussed it at various meetings so we do not need to go into too much detail on what plan D is and what it is for. Given that the Commission is seeking responses by April, I think that it is time to grasp the nettle.

I will give a quick update on the note. In paragraph 5 I express concern that Liz Holt's former position has not been advertised. However, since I wrote the note an advertisement has been placed, so that is fine. We can disregard the recommendation on that point.

My note also mentions the Executive's building a bridge project. We have not heard from the Executive about exactly what it is doing, so I recommend that we write to ask for further information on the project and on how the Executive intends to involve the Parliament. In December, Irene Oldfather and I had a chat about how we should proceed. I put together the paper on the basis of that chat and with a view to not duplicating the work that the Executive is doing with that project.

I recommend that we consider the ways in which the Parliament tries to communicate with people and encourage participation. I suggest that we write to all the committees. I do not propose that we ask them to do a lot of work on the matter, but we could ask the committee clerks for a brief summary of the ways in which they engage with the public. We could also consider the Parliament's outreach service and Gaelic service. When we get the responses, we can collate them along with details of the various ways in which the European and External Relations Committee engages with the public, including Europe day, ambassadorial addresses and so on. I suggest that we collate that information and send it to Westminster, to the Executive and direct to the European Commission, because it asked for direct representation from regional Parliaments.

I would like to hear members' thoughts on my recommendations and any additional ideas that they have on what we should do.

Irene Oldfather: I am content with the recommendations in the paper. We agreed that we would find out what the Scottish Executive is doing so that we did not duplicate its work. The committee discussed whether we should consult stakeholders, but I understand that that is being done as part of the Executive's project. Until we hear from the Executive, it is difficult to do much

more. When we have its response, there might be ways in which we can link into or dovetail with the project. Under agenda item 5, we will discuss a call for evidence from the House of Lords, which is considering the matter. It occurs to me that it would be helpful to find out whether the National Assembly for Wales and Jimmy Hood's European Scrutiny Committee at the House of Commons are doing any work on the matter. Perhaps we should write to them to find out.

I have received a letter from Margot Wallström saying that she is delighted that the committee is interested in the matter and that she is coming to Scotland early this year. The dates are to be finalised, but that may be an opportunity to link in with her.

The Commission is holding a conference on the issue in Brussels next week, to which I have been invited. Unfortunately, I cannot attend, but I wonder whether we could ask our parliamentary officer in Brussels to attend it and to report back on what approaches are being taken in the regions throughout Europe. My understanding is that, although the Commission is asking for indicative responses in April, the conference will allow the regions to say what they are thinking of doing. The Scottish Executive project is intended to run until at least September, so the April deadline is not particularly fixed—there will be opportunities to continue to develop the project after that. I would be happy with a bit more information gathering about what people are doing and how we can link into that work.

Phil Gallie: I am surprised that the Scottish Executive is not taking the issue more seriously. Plan D came about because of the failure of the all-important constitution. When it went down the tubes, that brought about the idea of an urgent need for plan D, but the urgency is not evident. It is of merit that the committee has agreed to try to respond on the issue, although that perhaps just demonstrates the stupidity of the European Union's original timescale for responses to plan D.

The paper contains a recommendation that we contact other committees. If we do so, it will be important to ask how they measure success. We all have our ideas about how good we are at communicating, but the secret is in achieving real success. If we are to ask the committees how they engage, I would like to ask them how they measure the success of their engagement. That applies to the European and External Relations Committee, too. The convener referred to Europe day, but if I ask people in the local pub or women's guild about Europe day, few know about it, which makes me wonder whether there is any engagement with the wider public. If we are to consider the issue, we should try to identify the steps that we can take to get through to ordinary

members of the public who do not get involved in normal political exchanges.

The Convener: We have certainly discussed that issue before. It is all very well our feeling that the Parliament does a great job but, until we measure success, we will not know whether we are reaching folk. If, as Irene Oldfather says, the April deadline is only for the first part of the process, which will continue incrementally after that, we could start doing the sort of work that Phil Gallie suggests.

Phil Gallie: In that case, we should write to whomever is seeking the information in the EU to say that we find the timescale to be somewhat impractical and to lay out what we intend to do, within a more rational timescale.

The Convener: When we met the commissioner's representative in Brussels, she took on board completely that the April deadline is not one by which all discussion must be finished and that dialogue will be on-going. However, there is no harm in reconfirming that that is the case.

14:15

Dennis Canavan (Falkirk West) (Ind): I go along with the recommendations at the end of annex A, but I wonder whether they go far enough. Paragraph 2 of annex A states:

"The Committee has considered various responses that it might make to Plan D, such as hosting discussion events involving civil society or schools".

However, the recommendations seem to emphasise collating responses from the other parliamentary committees and, I presume, including in the resultant paper information on our mechanisms for engaging with the public.

Will we not, at some stage, try to assess the opinions that have been expressed at such events and in communications? If members of the public have made any major criticisms or suggestions, we should try to feed them into our response to the Commission on plan D. Instead of simply thinking of mechanisms for consultation, we should set out the substance of what we are consulting on. If any salient points emerge from our consultation, we should try to pinpoint them and convey public concerns and suggestions to the Commission.

The Convener: There are two strands to the matter. First, we should bear it in mind that, although the committee has been discussing the matter for three or four months, it has not reached agreement on anything. Secondly, we must also bear it in mind that we do not know what the Executive is doing in its building a bridge project, because it has not yet responded to our request for information. I am picking up from members a

feeling that we should do something now that might act as a starting point for the committee to submit something by April, when the first stab will be made. However, when we know exactly what the Executive is doing and examine the information that we get back, we will be able to consider mechanisms for measuring success and, indeed, for going further to ensure that we complement—not duplicate—the Executive's work and come up with something that benefits everyone.

Irene Oldfather: I am sympathetic to the points that Phil Gallie and Dennis Canavan made. As members know, I was very keen to do some work on this area; indeed, I still am keen to do so. The problem is that consulting stakeholders forms part of the Executive's project. That should not rule out our holding a conference in the chamber, as we discussed at previous meetings. However, to ensure that we are not talking to the same people about the same things, we should wait for the Executive's response before we make any firm decision on such an event. I am very open-minded and would welcome the opportunity to hold an event in the chamber.

Mrs Margaret Ewing (Moray) (SNP): I am aware that I missed the meeting just before Christmas, but I am slightly concerned that the timetable has slipped a bit. I fully appreciate the point that we should not duplicate the Executive's efforts in its building a bridge project. However, one of the committee's purposes is to scrutinise the Executive and I feel that we should start to get a bit firm with it. After all, we are now in mid-January; we have a week's recess next month; and then we will be heading towards Easter. As the convener said, the first stab will be in April. Instead of waiting and hoping that the Executive will respond in due course, the committee should tell it firmly that we want to receive more detailed information as soon as possible. Otherwise, it will become absolutely impossible to meet the timescale.

Mr Wallace: I note the recommendation that we should write to Scottish Executive for further information. If we are doing a number of other things, it might be useful to ask a minister to give us a presentation on the building a bridge proposals, following which we can cross-examine him.

The Convener: Before I summarise members' comments, I ask everyone to bear it in mind that this discussion has been very similar to our previous two discussions on the matter. We have now reached the point at which we must do something if we are serious about it.

I wonder whether we can agree the recommendations. First, it is recommended that we ask all the Scottish Parliament committees to

provide a summary of how they engage with the public with a view to finding out how they measure success. We could ask a question on that matter in our initial letter to them. After all, some committees might already have established such mechanisms.

It is then recommended that we co-ordinate those responses with information on how we feel that we engage with the public. I am being careful to say "feel that we engage with the public" because we might be under a bit of an illusion about that when it comes to measuring our success.

We would send copies of our collated paper to the Executive, the UK Government and the European Commission as our contribution to plan D, which is to be considered in April. That would not preclude us from going further. We would also write to the Scottish Executive again and suggest that someone come along to discuss with the committee how the Executive is progressing its work. The final recommendation is to be disregarded because we have received further information since the paper was written.

Irene Oldfather: Given that you are summarising our discussion, I add that we should ask Ian Duncan to go to the plan D conference in Brussels next week and to report back to us. We should also seek further information from the Welsh Assembly and the House of Commons European Scrutiny Committee on whether they are doing anything and, if so, what.

I agree with everything that you said, but I would like to see the responses from the committees and hear what the minister has to say before we agree to send the paper on. We might want to add to the paper before we send it to the Commission. In the interim, we might be able to get Margot Wallström to come for a discussion. I do not know whether the April target is that important, but at least we are agreeing to the steps that we are going to take to get the project moving. That is good.

Phil Gallie: It is one thing for us to send our representative in Brussels to the conference, but if it is so important, I would have thought that the Scottish Executive would have people there. It might therefore be worth while to inquire who the Executive is sending.

The Convener: Yes. Are we agreed on how to move forward on plan D?

Members *indicated agreement.*

The Convener: Gosh. Well done.

Petition

Fishing Industry (PE804)

14:22

The Convener: The next item is a petition that has been referred to the committee by our colleagues on the Public Petitions Committee. It is from Carol MacDonald and Morag Ritchie and it calls for the Scottish Parliament to use its influence to return control over its fishing industry to Scotland. There is a copy of the petition at annex A of members' papers. At annex B is the *Official Report* of the Public Petitions Committee meeting of 7 December 2005 at which it was agreed that the petition should be passed to us.

We have four options: we can agree to take no further action; we can refer the matter to the Environment and Rural Development Committee; we can invite the petitioners to give evidence to the committee; or we can agree with the petitioners and write to the Executive accordingly.

For information, I point out that in the sift document, which we will consider later, one of the items of special importance that is highlighted for passing on to the Environment and Rural Development Committee is a proposal from the European Commission to simplify and improve the common fisheries policy. That is pertinent to the issue.

Dennis Canavan: The members of the Environment and Rural Development Committee might feel a bit miffed if we do not consult them on their views. In fact, I am surprised that the Public Petitions Committee forwarded the petition to us. I would have thought that it would have been more relevant to inform us and the Environment and Rural Development Committee. I certainly think that we should consult the Environment and Rural Development Committee before coming to a conclusion.

Phil Gallie: I think that the Public Petitions Committee sent the petition to us because it deals with a constitutional rather than a fishing issue. That would be a good reason for sending it to the European and External Relations Committee.

We have just been talking about engaging with citizens. Here we have a chance to engage with the 750,000 of them who signed the petition. These are the real issues that people get uptight about in Europe. If the Public Petitions Committee believes that this is the right committee to deal with the petition and we take it on board, it would be right to give the petitioners a chance to air their views. It would be unfair if we took a one-sided view, so we would have to consider hearing from other witnesses as well, but I am certainly in

favour of giving the petitioners a chance to engage with the committee in a real way on a European issue.

Irene Oldfather: I have looked at the petition and the petitioners clearly say that they would like withdrawal from the common fisheries policy. If the petition had said that the petitioners would like the Scottish Parliament to consider a simplification of the CFP or to do something about our fishing communities, there would be a strong case for hearing from the petitioners. The problem is that, as I read it, the petition asks for withdrawal from the CFP, which I think is a matter reserved to the UK. If the petition was about discussion, regional management committees or fishing communities, we would have a locus in it, but it is about withdrawal from the CFP and I do not think that the committee has a locus in that. I believe that our position is clear cut and that it would be wrong to raise expectations that the committee cannot meet. However, I am interested to hear the views of Jim Wallace and Gordon Jackson, who have much more technical and legal expertise than I do.

The Convener: Just before I bring in Gordon Jackson, I point out that when a petition goes to the Public Petitions Committee, it rules on whether it is competent to come to the Parliament. I presume that that committee has been through that process for this petition and deemed it competent.

Gordon Jackson (Glasgow Govan) (Lab): I did not see much sign of that in the Public Petitions Committee's deliberations. People do not always apply their minds to everything. I noticed that the petition is being, or has been, presented to Westminster. It actually says that. Therefore, I do not think that we should get into a double-whammy situation. The petition is going to Westminster and addresses a Westminster issue.

I understand Phil Gallie's point about engaging, but we could engage with the petitioners and bring people along to engage with them, knowing that we would then say, "Well, thanks very much for engaging with us, but you do of course know that there's nothing we can do about this." It seems to me that it would be better for the committee not to engage at all than to engage when we know that there is nothing that we can do at the end of the road—unless someone wants to make a political point and engage in political posturing, which I am not into. I do not think that the petition is our responsibility.

The Convener: The petition went to the Westminster Parliament for information only, from what I gather.

Gordon Jackson: Perhaps so, but it says at the bottom of the Cod Crusaders' letter that accompanies the petition:

"This petition will also be presented to European Parliament on the 20th December 2004 and Westminster in January 2005."

It was not the Public Petitions Committee, convener, but the Cod Crusaders who sent, or presented, the petition to Westminster.

The Convener: Yes, but you must also bear in mind the fact that the Public Petitions Committee deemed the petition to be competent. It took evidence on it, agreed its competency and passed it on to another parliamentary committee.

Mr Wallace: If we look at what the petition actually says, we can see that the petitioners are

"calling for the Scottish Parliament to use its influence to return control over its Fishing Industry to Scotland".

I suspect that that is how the petition becomes technically competent. In her letter, Mrs MacDonald talks about what would happen

"if the Committee was to agree with 250,000 people who backed the petition's request to apply pressure on Westminster".

That makes the petition competent, but it begs the question why this committee is dealing with the petition. I would be surprised if the Environment and Rural Development Committee had not considered the issue of the CFP. I do not think that we can divorce the constitutional issue from the merits of the CFP. After all, a change in the constitution will not make our seas suddenly teem with fish.

Mr Home Robertson: Oh, it will. It is bound to.

Mr Wallace: I think that Dennis Canavan's point is right and that we should hear what the Environment and Rural Development Committee has to say on the petition.

The Convener: Just to recap, Dennis Canavan's point was that, given that the Environment and Rural Development Committee is getting the other stuff about the CFP, we should write to it about the petition to get its views on how the petition should be dealt with. Does that summarise what you said, Dennis?

Dennis Canavan: Yes.

Mr Home Robertson: Gordon Jackson's point about the petition having gone to Westminster, which is the most appropriate place for it, is obviously right. However, the trouble is that those of us who have been at Westminster know that petitions there go into a bag behind Mr Speaker's chair, are emptied out by somebody and are never seen again. There is no procedure for the proper consideration of petitions at Westminster—the system is flawed. I understand why people send petitions here: they know that they will be read and responded to.

As a former fisheries minister, I would quite enjoy getting stuck into the issue again, in some respects. However, I doubt that this is the most appropriate committee to deal with the petition. It would best be referred to the Environment and Rural Development Committee initially. Talk of Scotland opting out of the European treaties is a bit far-fetched; still, if citizens want to engage with the Parliament on the matter, they should probably get their day before a committee, whichever committee it may be.

14:30

Mrs Ewing: This is a complex issue. I know both Carol MacDonald and Morag Ritchie. Many of us have probably met them, as they have been regular visitors to the Parliament. I am concerned that the views of 250,000 people may somehow get lost in the mists of time or the fog of procedures in the Scottish Parliament. As Phil Gallie said, it is important that we engage directly with the people. The women of the fishing communities are the people who have to deal with the stark realities at home, and—leaving aside the common fisheries policy, which we could debate at length—I think that what they seek more than anything is to have their voices heard.

The petition was referred to the Department for Environment, Food and Rural Affairs for information only. I suspect that it gathered dust somewhere in a corner of DEFRA and was not considered. I agree with Dennis Canavan that the petition should probably go to the Environment and Rural Development Committee, and I agree that we should probably hear from Carol MacDonald and Morag Ritchie again. However, at this stage, we should be looking forward. The petition is from a year or more past. We should submit the information that the petitioners have given to DEFRA for it to incorporate in its preparations for future fisheries council meetings. The petition should also be referred to the Committee on Fisheries of the European Parliament, for its consideration, and to the directorate-general for fisheries. You could also work discussion of the common fisheries policy into your programme for when you are in Brussels, convener.

Carol MacDonald and Morag Ritchie just want the situation to move forward and to ensure that their views are not lost. I could make an emotional speech about what happens to fishing communities. Jim Wallace, John Home Robertson, Phil Gallie and others among us who represent fishing communities know exactly what it is like. We must ensure that the issue is not lost. It is quite phenomenal that the petitioners have collected 250,000 signatures across Scotland.

The Convener: Are you suggesting that the committee pass on the petition to the other bodies that you have mentioned?

Mrs Ewing: Yes, for action.

Dennis Canavan: The *Official Report* of the Public Petitions Committee meeting on 7 December refers to a response from Ross Finnie. The convener stated:

“That response has now been received and I am happy to hear what members think of it.”—[*Official Report, Public Petitions Committee, 7 December 2005; c 2141.*]

I do not see that response in our committee papers. I see the letter to Ross Finnie, but I do not see the reply from him. I wonder whether we could get that, please, to find out what response the Executive sent to the Public Petitions Committee. That would help to inform us when we discuss the matter in the future.

The Convener: I have a note of that and will summarise it later.

Irene Oldfather: I do not honestly think that this discussion is about whether we feel sympathetic or otherwise towards the fishing communities. We all appreciate the importance of fishing and the fishing communities to Scotland, but the petition is about something more technical than that.

On page 8 of the documentation accompanying the petition, there is a letter from the Cod Crusaders to Michael McMahon, which states:

“Thank you once again for giving the fishing communities of Scotland an opportunity to put their case in front of the Committee to defend an industry which they rely on in order to function.”

The issue has already been before committees of the Parliament, and the Cod Crusaders have had an opportunity to put their case to us. Margaret Ewing suggested that we refer the matter to the European Parliament, but that is not our job. The Cod Crusaders said that they have presented their petition to the European Parliament, and there are Scottish members of the European Parliament who will play an active role in ensuring that the petition gets to the right places.

Jim Wallace and John Home Robertson mentioned Westminster, but are we to take action because of the failings of another Government's system? Is that the right thing to do? Westminster should have a better system for dealing appropriately with matters over which it has control.

The question is not whether we have sympathy with the fishing communities—we are discussing fishing, but in my area we could be discussing job losses in manufacturing, and we all have a role to play in ensuring that a voice is given to the manufacturing and fishing industries in which there are significant job losses. However, Gordon

Jackson said that the petition is about making political points. If the committee wants to become involved in that, that is fair enough, but we should acknowledge that the petition is about the politics of the common fisheries policy. I do not think that the committee should do what the petition proposes.

The Convener: We should recognise that the petition went to the Public Petitions Committee of the Scottish Parliament and was deemed competent by—

Irene Oldfather: It was not really. If you read the *Official Report*—

The Convener: The fact that the Public Petitions Committee took evidence on the petition means that the committee ruled it competent. Under our parliamentary system, the Public Petitions Committee referred the petition to us; therefore, the European and External Relations Committee must now deal with the petition and decide what to do.

We have the option of saying that we will do nothing but, as a non-lawyer, I would not say that we have the option of saying that the petition is not competent. It has been ruled competent by its being allowed into our parliamentary system.

Gordon Jackson: Let us assume that the petition is competent on the basis of Jim Wallace's interesting idea—that the petitioners are only asking us to use our influence. Let us move on. The petitioners wanted the Public Petitions Committee to agree with them; now they want this committee to pass a resolution calling on Westminster to withdraw from the common fisheries policy.

The Parliament deals with European matters and with fishing, and there is a crossover between the two. However, there is no conceivable way—short of a full, year-long inquiry—that the European and External Relations Committee could reach a decision on withdrawing from the common fisheries policy. We would have to have huge expertise on fisheries to reach a decision on such a withdrawal. How much evidence would we need to lead in order to give the petitioners what they want? We would have to hear the petitioners' side of the argument as well as Ross Finnie's. We would be sitting as experts on a fisheries matter, which this committee cannot do.

We may want to do something with the petition but, as Dennis Canavan says, dealing with membership of the common fisheries policy is not our role: we deal with European issues. The petition is a matter for the fisheries experts, and I have no problem in passing it to them. However, the idea that we, as a constitutional committee as opposed to a fisheries committee, could ever reach a decision on the petition is not on at all.

The Convener: Before I bring in Phil Gallie, I want to summarise the three recommendations that are on the table so that everyone is aware of them. First, we can write to the Environment and Rural Development Committee asking for its views. Dennis, I take it that you meant that we would get that committee's view on its capacity to take the petition on board and on whether it would wish to consider the matter.

Dennis Canavan: Yes. Even if the Environment and Rural Development Committee does not wish to take the petition on board, I would still be interested in its response. I listened carefully to Gordon Jackson, but there was a precedent in the last session: this committee made a report on the common fisheries policy. We may not all be experts on fish—far from it—but if the Environment and Rural Development Committee does not want to take the matter forward, we may wish to consider doing so at some future date.

The Convener: The second suggestion was that the committee should obtain Ross Finnie's reply to the Public Petitions Committee's letter.

The third was Margaret Ewing's suggestion that we pass the petition and accompanying information to other appropriate committees in the European Parliament and at Westminster.

Phil Gallie: It appears that the petition has been sent to the European Parliament's Committee on Petitions, which is fairly thorough—I will give it credit for that—so we would be better to make contact with its officials and to find out what happened to the petition.

I return to what this committee should do with the petition. I emphasise again that we are talking about a constitutional matter. There is no doubt that it is a highly political one, because parties have established political lines on the matter. Perhaps we could do a real service by considering the constitutional realities of withdrawal from the common fisheries policy. It is not beyond our ability to consider that matter. We do all kinds of things like that and it should be within our capabilities, particularly with eminent people such as Gordon Jackson and Jim Wallace in our ranks. If we were to analyse the possibility of withdrawal, as the petitioners want us to do, and to consider the realities, we might come to a judgment that cuts across everything that I hope for, but such analysis is what the petitioners seek. I would like us to pull out of the CFP, but we might decide that it is simply not practical and that everything that we have seen shows that it is not possible. I would like to progress the petition in that way.

The Convener: The lawyers on the committee are jumping up and down. I think that Gordon jumped first.

Gordon Jackson: Call a spade a spade, Phil: your agenda is not the fish or the fishing; it is the constant constitutional argument.

Phil Gallie: Of course it is.

Gordon Jackson: The petitioners are interested in the fish and the fishing; they are not interested in your agenda of trying to pull out of Europe at every opportunity. The petition is about fishing and I am still of the view that we should send it to the committee that deals with fishing more than we do. If it wants to do anything with the petition, it can. You are using what the petitioners want for your own agenda, and we cannot play that game.

Phil Gallie: I am disappointed that you feel that way, Gordon, because it is not the case. When I read the petition, I read that what the petitioners want is for us to pull out. If it is not possible to pull out, it would be unkind to leave them believing that withdrawal would solve all their problems. The fishing issues are another matter altogether, which is why the Public Petitions Committee sent the petition to this committee rather than to the Environment and Rural Development Committee.

Mr Wallace: I have looked through the *Official Report* of the Public Petitions Committee's discussion on the petition and I cannot see any reason why it was sent to us other than the fact that someone thought that it was a good idea.

I do not think that we should remit the petition to the Environment and Rural Development Committee—I am not even sure whether we can—but we should take that committee's view on it. I had lost sight of the fact—if I was aware of it—that the predecessor of this committee in the first parliamentary session had done a report on the common fisheries policy. The petition has been signed by a substantial number of people, whether it is 160,000 as mentioned in the *Official Report* or 250,000 people. Phil Gallie's initial point about engagement is right. If the Environment and Rural Development Committee is not actively considering the common fisheries policy and is not minded to do so on the back of our highlighting the petition to it, there would be a case for us to consider whether we should consider it.

I make it clear that I do not support withdrawal from the common fisheries policy—it is a misguided policy—but people who have gathered such a number of signatures deserve to have their case heard and examined and if ours is the only committee that is liable to do that, so be it. I do not support Margaret Ewing's idea of sending the petition on to other bodies, because it implies that we support what it and some of the accompanying documentation says. Without an investigation and an inquiry, we are not in a position to do that.

14:45

Mrs Ewing: The point is not whether or not we endorse the CFP. When people who are involved in industries lodge a petition—whether they are in manufacturing, which Irene Oldfather mentioned, or in fishing—they feel that their voices are being heard. Whether we agree or disagree is a political decision that we have to take, but the important thing is that the petitioners' voices are heard. I do not want the petition to get lost by being circulated around the Parliament.

The Convener: I remind the committee of what I said at the start. Under agenda item 4, we will consider whether to refer to the Environment and Rural Development Committee the European Commission's action plan for simplifying and improving the common fisheries policy. With that in mind, I return to the recommendations. The first recommendation is that we write to the Environment and Rural Development Committee to ask for its views on its willingness and ability to take on the petition.

Irene Oldfather: I listened to what Gordon Jackson and Jim Wallace said and, on that basis, I am willing to remit the petition to the Environment and Rural Development Committee. I think that we should do that, because they are the experts. We did a report on the matter in the first session of Parliament, but that was simply because of the timing of what was happening with zonal management committees. We wanted the Parliament to have an input to that and the Rural Development Committee did not have the capacity to undertake the work at the time. If we had not done it, we would have missed an opportunity to express the strong view of the Parliament—the view that all the political parties held—on regional management and zonal management committees. That said, the report took up 10 months to a year of the committee's time. Gordon Jackson is quite right; an inquiry on fishing would be a hugely onerous task for us and there is another committee that has expertise in the matter.

The Convener: So you are saying that we should remit the petition to the Environment and Rural Development Committee rather than write to ask whether that committee has the capacity to consider it.

Irene Oldfather: Yes. The petitioners have been to the Public Petitions Committee and they have had their voice heard there. The members of the Environment and Rural Development Committee are the experts. If they want to do something about it, that is where it should be done.

Mr Home Robertson: There is a slight risk of pass the parcel here. There is a consensus that the petitioners are a serious group of people with serious opinions and concerns. Whether we agree

with them or not, they attracted a lot of signatures and they want to be heard by the Parliament. I gather that they have already had a session with the Public Petitions Committee.

Irene Oldfather: They have.

Mr Home Robertson: I suggest that the convener has an informal word with the convener of the Environment and Rural Development Committee. If there is a need to give the petitioners an opportunity to say a bit more, either we or the Environment and Rural Development Committee can invite them to do so, although Gordon Jackson is right to say that, if we listen to the petitioners, we will also have to get in the fisheries scientists and goodness knows who else. It would become quite complicated. I suggest that the convener has an informal discussion with Sarah Boyack.

The Convener: Something as important as the petition is worth more than an informal discussion between two conveners. We should write to the Environment and Rural Development Committee. Before I bring Irene Oldfather back in, I invite other members to give their views. It seems to me that John Home Robertson is suggesting that we should—

Irene Oldfather: Remit it.

The Convener: Well, no. John did not say that we should remit it. He suggested that we should find out how the Environment and Rural Development Committee is placed. Do other members have views on whether we should write for information or remit the petition? There is a clear difference.

Irene Oldfather: Before you take views on that, may I add something that is relevant? In the petitioners' letter to Michael McMahon of 14 November, they clearly state:

"There are vital negotiations taking place in Brussels next month. These are of the utmost importance to the Fishing Industry's survival".

The process has gone on so long that the negotiations have taken place and the agreements have been made for this year. In a sense, much of what the petitioners are concerned about has been overtaken.

The Convener: The petition is still live and we have to deal with it.

Gordon Jackson: I have to be a realist about this. We must look at the context. Sometimes, petitioners bring us a petition and we say, "Oh, that's interesting. I never thought of that before." People come along and say, "Here's a mischief that should be corrected," and everybody says, "We should look into that." Whether or not the UK is in the common fisheries policy is on the table for

discussion all the time. For the main players in making such a decision at Westminster—and, to some degree, for our Minister for Environment and Rural Development—it is a constant, live issue, not a new idea. Is the European and External Relations Committee prepared to spend the next year reaching a decision—whatever good that would do—on whether to withdraw from the common fisheries policy, so that the petitioners can have a public platform?

The petitioners want a committee to make a decision. We can never make that decision. If the Environment and Rural Development Committee thinks that it can take on the issue, good luck to it, but I think that we should say that we cannot deal with the petition in the way that the petitioners want—in a way that would allow us to make the decision that they want us to make. However, if the Environment and Rural Development Committee feels that it can do it, we should remit the matter to that committee and it can decide what it wants to do.

The Convener: So you are saying that we should remit the petition to it.

Gordon Jackson: I am. I do not think that we should pretend to the petitioners that we can do what they want, because we cannot.

Mr Wallace: I seek clarification on two technical issues. First, can we remit to the other committee?

The Convener: Yes, we can.

Mr Wallace: Secondly, Gordon Jackson's point is that we should hear petitions only if, at the end of the day, we are going to concur with what they say.

Gordon Jackson: No.

Mr Wallace: Perhaps there is merit in hearing a petition even if we conclude the opposite.

Gordon Jackson: No. I meant that we should reach a decision; I did not mean that we should concur with the petitioners. I was talking about our ability to reach an informed decision.

The Convener: Everything else we do hinges on the decision that we must take on whether we remit the petition to the Environment and Rural Development Committee or write to the Environment and Rural Development Committee about it and ask it for its views. Two members have expressed quite firm views in favour of remitting the petition.

Phil Gallie: I am quite happy to go along with taking the Environment and Rural Development Committee's views on the petition. I am totally against remitting it at this point. Once again, I point out that the petition deals with a constitutional issue and we must consider the reality or non-reality of that constitutional issue. To my mind, the

committee should have the bottle to stand up and be prepared to examine the issue. Gordon Jackson said that that could involve a year-long inquiry. Perhaps that is so, but what inquiries do we have at the moment? We are concentrating on examining our own navels on plan D, as we call it. Where is that going and what is it going to achieve? There is perhaps nothing more important right now in Scotland than the issue of fishing, and I think that we would do a grave injustice if we were to turn our backs on the petitioners. However, I accept that it would be helpful if the Environment and Rural Development Committee were to take a view on the petition.

The Convener: It looks to me as if there are quite entrenched views on the matter, so we will have to take a vote on whether to remit the petition to the Environment and Rural Development Committee or write to the Environment and Rural Development Committee. We will vote by show of hands. The first proposal is that we write to the Environment and Rural Development Committee to ask for its views on the petition and on taking the petition on board in conjunction with the other information that it is being given about the review and simplification of the common fisheries policy.

Dennis Canavan: Are we seeking that committee's views, first, on the contents of the petition and, secondly, on its willingness to take the matter on board for further investigation?

The Convener: My view is that we are asking that committee about its willingness to take the petition on board. First, I would like to see a show of hands from those who believe that that is what we should do. The other proposal is to remit the petition straight to the Environment and Rural Development Committee.

Irene Oldfather: That is option B in the paper, I think.

The Convener: The question is, that the committee agrees to write to the Environment and Rural Development Committee inviting it to consider the petition. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Dennis Canavan (Falkirk West) (Ind)
Mrs Margaret Ewing (Moray) (SNP)
Phil Gallie (South of Scotland) (Con)
Mr Jim Wallace (Orkney) (LD)

AGAINST

Mr Charlie Gordon (Glasgow Cathcart) (Lab)
Mr John Home Robertson (East Lothian) (Lab)
Gordon Jackson (Glasgow Govan) (Lab)
Irene Oldfather (Cunninghame South) (Lab)

The Convener: There are four votes for and four votes against, so I will have to use my casting vote.

Alasdair Rankin (Clerk): You must vote first.

The Convener: I understand what you are saying. I get to use my casting vote only in the event of a tie. I was trying to be an impartial convener.

Dennis Canavan: Vote early, vote often.

The Convener: I vote for the first option. The result of the division is: For 5, Against 4, Abstentions 0.

We will write to the Environment and Rural Development Committee on the matter.

The second suggestion was that we obtain Ross Finnie's reply to the Public Petitions Committee.

Gordon Jackson: If we get one, we may as well get the other.

The Convener: We will get the minister's reply at the same time as we get a response from the Environment and Rural Development Committee.

The third suggestion moves us on from the position that Margaret Ewing took earlier. It is that we find out what the European Parliament's Committee on Petitions is doing with the petition. Are members happy for us to do that?

Irene Oldfather: I am not really happy about the suggestion. I voted to refer the petition on. The Environment and Rural Development Committee, rather than this committee, should decide what is done with it. Members of the European Parliament will and should be actively involved in the European Parliament's Committee on Petitions.

Phil Gallie: We are only seeking information. Surely this is not a major issue. We are saying that the two sets of clerks should get together and that there should be communication and co-operation in Europe. We should ask the European Parliament's Committee on Petitions what the hell it is doing about the issue. It will tell us.

Irene Oldfather: I will not push the issue to a vote, if the committee wishes to proceed in that way. However, in my view we have MEPs who can argue the case for us in Europe very competently.

The Convener: Do we want to know what the European Parliament's Committee on Petitions is doing with the petition?

Members indicated agreement.

Mrs Ewing: I want to pick up one suggestion that may not have been picked up. During the Brussels visit, could you meet the director general for fisheries and maritime affairs, to fill in some of the blank spaces?

The Convener: Are you not coming on the visit?

Mrs Ewing: No, even though it is warmer in March than it is in February.

Pre and Post-council Scrutiny

14:57

The Convener: Item 3 on the agenda is our regular scrutiny of Council of the European Union meeting agendas and reports. Members will notice that there is one late report from the Executive, which is the report back from the agriculture and fisheries council. Do we want to vote on it? [*Laughter.*] Do members have any comments on the reports? Do members agree with the recommendations that are set out in annex A?

Phil Gallie: I would like to comment on a couple of the reports. My first point concerns the report on the agriculture and fisheries council and relates not to fisheries, but to agriculture. When we talk about biomass, we are to a degree talking about—

The Convener: To what page of the document are you referring?

Phil Gallie: I am referring to annex B. Currently, there is a particular problem in rural communities in respect of burning of waste oils and tallow to generate heat for community use. That is not quite the same as production of energy from biomass, but it is equivalent to it. A problem has arisen in Scotland because sewage burning has been stopped at Longannet, for instance. Someone should be talking about the issue somewhere.

The Convener: Would you like us to write for more information?

Phil Gallie: It might be worth our while to draw the Scottish Executive's attention to the matter and to ask whether it is doing anything about it.

Mr Home Robertson: What on earth does that have to do with biomass?

Phil Gallie: Biomass is a renewable fuel. The subject is all to do with preventing resources from being wasted. The agricultural and rural community may have waste oils that will have to be dumped—some will be dumped illegally—if we are not careful and those oils can be used as a source of heat. I see a relationship, but I agree that it is not direct. That just came to my mind when I read through the paper.

15:00

The Convener: Is the clerk clear about what we are writing?

Alasdair Rankin: I will confer with Mr Gallie.

The Convener: Mr Gallie had another point.

Phil Gallie: The Scottish Executive's framework for security of the electricity supply was referred to.

The Convener: Do you have a page number?

Phil Gallie: The reference is EU/S2/06/1/3.

The Convener: That is the reference for the whole document.

Phil Gallie: I am sorry. The page is headed "Transport, Telecommunications and Energy Council 1 and 5 December".

The Convener: It is page 19.

Phil Gallie: My document has no page numbers.

Irene Oldfather: I have no page numbers.

The Convener: My pages must be numbered because I am the convener.

Phil Gallie: It is not page 19; it is actually 19 minus two.

The Convener: That is page 17, which is not marked.

Phil Gallie: Okay—I hesitated to give a number in case I got it wrong.

We have talked about security of the electricity supply and about infrastructure investment. It would be interesting to find out what the Executive sees as being the supply and infrastructure requirements down the line. We know that 50 per cent of our supply is from nuclear power. When we talk about security of supply, we look way into the future. Hunterston B is meant to be decommissioned in five years. Given that there is no replacement, what structure do we have in place to combat that?

Irene Oldfather: What do you want us to do?

Phil Gallie: I want an insight.

The Convener: Do you want us to write to the Executive again?

Phil Gallie: Yes—I want to ask about the infrastructure and the Executive's plans for longer-term security of supply and I want to hear how the Executive expects demand to be met.

Mr Wallace: I am not sure whether asking that is the committee's function—that goes back to the previous discussion. The question is interesting—

The Convener: It always is.

Mr Wallace: Can we link the question to a European directive?

Phil Gallie: Yes. The Lisbon agreement says that security of electricity supplies and energy is all-important. We are merely complying with European requirements.

Irene Oldfather: Is not that a reserved matter?

The Convener: Not entirely.

Irene Oldfather: I would have thought that Phil Gallie's party would view that matter as being reserved.

Phil Gallie: The issue cannot be reserved—the Scottish Executive sets targets for energy production.

The Convener: Does anyone have a problem with writing to the Executive along the lines that Phil Gallie suggests? No one says that they have a problem, so it shall be done.

Phil Gallie: Thank you.

Sift

15:03

The Convener: We move on to the regular sift of European Community and European Union documents and draft legislation. A couple of items have been flagged up as being of special importance. The first is for the Enterprise and Culture Committee and the Environment and Rural Development Committee and is on the review of the sustainable development strategy. We touched on the second document, which concerns a review of, proposed simplification of and improvements to the common fisheries policy. That will go to the Environment and Rural Development Committee. The final document that is highlighted is the green paper on promoting healthy diets and physical activity, which will—of course—go to the Health Committee. Do members agree to refer those documents as suggested?

Members *indicated agreement.*

Convener's Report

15:04

The Convener: The last agenda item is the convener's report, which is paper EU/S2/06/1/5. Margaret Ewing referred to item 1 on the report, which is the proposed committee visit to Brussels on 20 and 21 March.

I reiterate that the earlier we can sort out the visit, the better will be the meetings that we arrange and the less the visit is likely to cost. On the practical side, the clerks have written to members to ask whether they will come on the visit. I understand that apart from me only Dennis Canavan and Charlie Gordon have answered so far, although Margaret Ewing has told us that she is not able to come. I ask members as a matter of urgency to check their diaries and to let the clerks know very soon whether they intend to come. We can make considerable cost savings if we book early.

On the programme for the visit, there is an opportunity for members to suggest subjects on which we should arrange meetings. Margaret Ewing has already made a suggestion.

Mr Home Robertson: She will not be there.

Mrs Ewing: Plenty of folk ken about fish—especially in Brussels. You get the best sole in the world there.

The Convener: There is an outline programme, but obviously it is not set in stone. [*Interruption.*] Can I have a bit of peace? I suggest that we should have most of our meetings in Scotland House to save people having to run about all over the city and being late for meetings and so on. We should try to have as many meetings as possible in Scotland House and bring people to us. That would allow us to get more meetings in.

Irene Oldfather: That sounds good for committee members, but if you want to meet some of the directors general in the Commission, I have to say that I do not think that they will come to Scotland House.

The Convener: We have to be pragmatic.

Irene Oldfather: In all fairness, we would have to build in a bit of flexibility.

On suggestions for meetings, it occurs to me that structural funds will be very important. Graham Meadows has always been good at meeting the committee in the past and he knows structural funds inside out. I am sure that he would be able to give us an update on developments. All committee members would welcome further information on structural funds.

Another important and topical issue is industrial restructuring, which is linked to the discussion that we had earlier on the globalisation adjustment fund. It would be helpful to speak to someone in the Commission about the criteria that might be set for access to that fund. There will be opportunities there for Scotland.

Different members may have different interests, so perhaps we should split into groups. For example, if members have a particular interest in fishing they might want to meet people in the fisheries directorate. Manufacturing and industrial restructuring is of interest to me. I am sure that there is no difficulty about us having separate meetings and meeting where appropriate.

The Convener: We must try to get the most out of the fairly short time that we will be in Brussels. There is no reason why different people cannot go to different events. It would be useful for members to let Alasdair Rankin, Nick Hawthorne and Kathleen Wallace know whether there is a particular subject that they would like to tap into. Members have interests in various items on the Commission's work programme, so it is important that members try to meet people who relate to those interests and to matters that they want to progress.

Would anyone else like to comment? Would anyone else like to confirm whether they can attend?

Phil Gallie: I intend to go—I thought that I had given notification of that.

I spoke earlier about energy and the Lisbon agenda. I would like to have an up-to-date briefing on where we are with that.

Mr Home Robertson: I thought that I had replied—the trip is certainly in my diary. I am also interested in energy, biofuels and stuff like that.

The Convener: Are there any other takers?

Mr Wallace: My attendance would mean that I would have to leave home at 1 o'clock on Sunday.

The Convener: That will be nice.

Mrs Ewing: You will miss Sunday lunch.

The Convener: Is that the only way that you can get down here to get the flight?

Mr Wallace: If it comes to that, I will do it.

The Convener: Could you take a later flight?

Mr Wallace: There is no point in missing out on things.

The Convener: Perhaps there is a flight that would get you to Brussels at teatime on Monday.

Nick Hawthorne (Clerk): We gather that the Glasgow flight is to be withdrawn on about 6

March, so unfortunately Edinburgh is the only option. It will have to be a 7 o'clock flight from Edinburgh.

Irene Oldfather: I do not know whether the clerks are aware that the visit may be during a European Parliament plenary week in Strasbourg. Plenary sessions are sometimes—although not often—held in Brussels. The clerks might want to check the dates.

The Convener: According to the information that Nick Hawthorne has, that is not the case, but we will double check. We seem to have conflicting information.

The second item in my report relates to the Committee of the Regions subsidiarity test project, in which our colleagues in the National Assembly for Wales are taking part. Irene Oldfather kindly agreed to provide information on the project to us and to report back today.

Irene Oldfather: I have a paper with the appropriate information that I can circulate to members.

The Committee of the Regions has undertaken a two-month pilot project on subsidiarity, in which the Conference of European Regional Legislative Assemblies—the CALRE—of which I think Mr Gallie is a representative, volunteered the National Assembly for Wales to take part.

Phil Gallie: I am a member of the CLRAE—the Congress of Local and Regional Authorities of the Council of Europe.

Irene Oldfather: Oh, you are on the CLRAE.

The Convener: The CALRE is for Presiding Officers or Speakers of Parliaments.

Irene Oldfather: Right.

The CALRE nominated the Welsh Assembly to participate in the project, which it has done. The exercise has been completed based on the Treaty of Amsterdam and the subsidiarity protocol, but did not take into account the arrangements under the proposed new constitution. Apparently, there is in the Treaty of Amsterdam a fallback that allows regions to become involved in the project.

The Committee of the Regions sent out to the regions that had volunteered to participate a two-page questionnaire on issues relating to the thematic strategy on climate change, or something like that. The regions were asked to respond to the questionnaire.

The Convener: I must leave the meeting for a few minutes. Irene Oldfather will convene the meeting until I return.

The Deputy Convener (Irene Oldfather): Thank you, convener.

I have the Welsh Assembly's response to the Committee of the Regions, which I can circulate to members.

It has been suggested that all the responses should be put on the internet. The feasibility of having a permanent internet site to which regions in the European Union could submit comments when the European Commission asks a question or issues a consultation document or directive will be considered. Such a site would give regions a way of getting together without their representatives having to be physically present in one place. Regions could share information and concerns about European Commission proposals. There may be an opportunity to develop an initiative from the pilot project that would link up the legislative regions throughout Europe.

The project is not only for regions—it is also for local authorities. If they see a difficulty with a Commission regulation, they should be able to highlight concerns at an early stage on the Committee of the Regions website. Local authorities or regions in Europe may have similar concerns. There would be an opportunity to bring together concerns and for the site to act as an early warning system, which I think we have all asked for. New technology and the internet could be used.

I am happy to get the clerks to circulate to members all the information that I have received from the Committee of the Regions and the Welsh Assembly, which shows how the proposals may be taken forward. There is also information about keeping members up to date on progress and developments.

Do members agree to that proposal?

Members *indicated agreement.*

The Deputy Convener: Good. That takes us to the next item in the convener's report.

The Convener: I thank Irene Oldfather.

Item 3 in the convener's report is a letter from the House of Lords European Union Committee on its forthcoming inquiry into different parliamentary models for presenting and explaining the EU to citizens. That sounds familiar. We have only until 6 February to respond to the letter, if we want to do so.

Mrs Ewing: Can the House of Lords European Union Committee explain how the House of Lords operates on behalf of the public?

The Convener: Members' enthusiasm is overwhelming.

Phil Gallie: That inquiry is parallel to the one that we are undertaking. Just to be polite, it might be worth our while to respond; we could say that this is something that we are also doing in our own

way, that we will let the House of Lords European Union Committee know when we have completed it and that we thank that committee for asking us.

15:15

Gordon Jackson: It is nice to be nice.

Dennis Canavan: It might also be useful to ask the minister to forward to us a copy of the report when it is finalised. Although I am not a great admirer of the House of Lords as an institution, it has been known to come out with one or two good reports.

The Convener: Yes. Is that agreed?

Members *indicated agreement.*

Mr Wallace: We are building an ermine bridge.

The Convener: The next item in the report has particular relevance for John Home Robertson. It is a response from the Executive about the European small claims procedure, which John raised at our previous meeting. Do members—John in particular—have any comments?

Mr Home Robertson: I am grateful for the full reply from the Justice Department. However, the point that worries me is in the final sentence of the penultimate paragraph, which states:

"The Executive is also alert to the issues that might arise through the difference between the proposed European Small Claims Procedure limit of €2,000 compared to the current domestic threshold of £750 which, as the Committee is aware from earlier discussions, has been under consideration for some time now."

I imagine that Jim Wallace can confirm what that is all about.

Mr Wallace: Six years, I think.

Mr Home Robertson: We are in a bind. If the Scottish Executive, for reasons of which some members will be aware, cannot proceed with adjusting the thresholds, we will be in an embarrassing position in which the thresholds for small claims for citizens in Scotland are different to those that apply in other parts of the European Union. I know that ministers in the Justice Department want to deal with the situation—they have said so for a long time—but this could be an opportunity to bring the matter to a head, which might be no bad thing.

The Convener: Would you like the committee to take further action or are you dealing with the matter?

Mr Home Robertson: I will be asking another oral question about small claims this week, so I am still on the case.

The Convener: That is fine. Item 5 in the report is a letter from Mr McCabe about the costs and benefits of bringing the G8 summit to Scotland last

year. We discussed inviting Mr McCabe to discuss the matter in greater depth at our next meeting, I think. Do members have comments or is the committee content to wait until Mr McCabe, who has already agreed to come and discuss the matter at a future meeting, is here?

Dennis Canavan: Do the clerks have time to prepare a paper for us before that meeting so that we can see how the figures in the report compare with the estimates that have been given in earlier evidence by the minister?

The Convener: Yes—that will be fine.

Item 6 is a response to our inquiry into the Commission's complaints procedure in relation to the Ferguson Shipbuilders Ltd tender. Members have no comments on the letter that is dated 21 November, so are members content to note its contents?

Members indicated agreement.

The Convener: I advise members and the public that the Austrian ambassador to the UK is giving a public address in committee room 2 on the plans and priorities for the Austrian presidency of the EU. The meeting will be at 2.15 pm on Thursday 26 January, which is a week on Thursday, and should last about 45 minutes. I ask that as many committee members as possible attend.

The final item is a letter from the Executive about energy issues. Do members have any comments on that?

Phil Gallie: My earlier point under agenda item 3 supplements the interesting comments that are made in the Executive's response.

Mr Home Robertson: Again, it is a good reply from the Executive that sums up an evolving issue that should worry everyone in Scotland. With the loss of Hunterston B when it reaches the end of its design life, and given that Cockenzie power station on my patch and other older generating plants are in the same position, the security of electricity supply in Scotland will be problematic. It is time we all applied ourselves to the need to take strategic decisions about future generation, unless we are content to become dependent on imports from other parts of the UK or, indeed, from further afield in Europe. We should be worried about that.

The Convener: Charlie Gordon has been very quiet for the whole meeting.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): I will not tell you why. The Executive's response says that it supports the development of clean-coal technology, but that that is a commercial matter for the companies concerned. I have spoken to at least one of the companies concerned and it is looking askance at the

prospect of there being up to £1 billion of available subsidy for the commercial development of, for example, wind energy. Many development costs are associated with clean-coal technology, so it seems to me that there is a danger that an unlevel playing field is developing in the context of other concerns, including John Home Robertson's, about the Scottish dimension of UK energy policy. I do not have a clear view on what we should say about the situation, but it is dangerous to take an inconsistent approach to the development of energy technologies that could contribute to our tackling climate change.

The Convener: We have already agreed to write to the Executive about energy policy, as Phil Gallie suggested. Would you be content to add something to that letter about clean-coal technologies?

Mr Gordon: Yes.

The Convener: Is everyone happy to expand that letter to include that matter?

Members indicated agreement.

The Convener: There are no other comments. That brings us to the end of the meeting. Before members dash off, I ask them to remain for two minutes for a quick chat.

Meeting closed at 15:21.

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