

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 28 March 2006

Session 2

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CONTENTS

Tuesday 28 March 2006

	Col.
PETITION	1732
Fishing Industry (PE804)	1732
WORK PROGRAMME	1744
PRE AND POST-COUNCIL SCRUTINY	1750
SIFT	1753
CONVENER'S REPORT	1755

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

5th Meeting 2006, Session 2

CONVENER

*Linda Fabiani (Central Scotland) (SNP)

DEPUTY CONVENER

*Irene Oldfather (Cunninghame South) (Lab)

COMMITTEE MEMBERS

*Dennis Canavan (Falkirk West) (Ind)

*Phil Gallie (South of Scotland) (Con)

*Mr Charlie Gordon (Glasgow Cathcart) (Lab)

*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

THE FOLLOWING ALSO ATTENDED:

Stewart Stevenson (Banff and Buchan) (SNP)

CLERK TO THE COMMITTEE

Alasdair Rankin

ASSISTANT CLERKS

Emma Berry

Nick Hawthorne

LOCATION

Committee Room 4

Scottish Parliament

European and External Relations Committee

Tuesday 28 March 2006

[THE CONVENER *opened the meeting at 14:00*]

The Convener (Linda Fabiani): Good afternoon everyone and welcome to the fifth meeting in 2006 of the European and External Relations Committee. I have received no apologies.

I would like to place on the record the committee's shock when we realised last week that Margaret Ewing, a long-standing member, had passed away. I am sure that we would all like to put on the record our appreciation of her contribution over the years and pass on to her family our sadness and our best wishes for the future.

Members indicated agreement.

Petition

Fishing Industry (PE804)

14:01

The Convener: Our first item of business is consideration of petition PE804, in the names of Carol MacDonald and Morag Ritchie, which calls on the Parliament to use its influence to return control over the fishing industry to Scotland. As members will recall, at our previous meeting we considered a scoping paper on the petition and agreed to ask for a paper from the committee's legal adviser setting out whether it would be possible for the United Kingdom to withdraw from the common fisheries policy and what the legal consequences of doing so would be. Members have all received a copy of the legal briefing. Once we have considered it, we can decide whether to proceed to the second and third steps set out in the scoping paper, which are to invite the petitioners and a representative of the UK Government to give evidence.

I open up the meeting to discussion on the matter.

Phil Gallie (South of Scotland) (Con): This is something that I have been pushing for in recent times. I am pleased that the Parliament's directorate of legal services has laid out precisely what the circumstances are; I believe that they fall into line with past arguments about the potential for pulling out of the CFP. As I read the legal briefing, we would break international law if we were to come out of the CFP unilaterally without declaring our intention to withdraw altogether from the European Union. However, the briefing makes it clear that the UK has options for renegotiating the CFP, particularly with respect to articles 32 to 38 of the Treaty establishing the European Community. On that basis, I cannot argue anything other than that such negotiation would be a UK responsibility.

However, the fact remains that Scottish fishermen undertake the major part of fishing activity in the UK these days, so it seems reasonable to me for us to determine that we should at least bring a UK minister here to allow him to talk about the potential for renegotiating articles 32 to 38, without prejudging what he might say or any arguments that could be made against the desirability of renegotiating on that basis. I welcome the legal briefing, which I feel allows us to make a decision on the way forward.

Richard Lochhead (North East Scotland) (SNP): I, too, welcome this legal opinion. It is worthy of note that it says that it would be possible for the UK Government to renegotiate the CFP

and for the UK to withdraw from it. Some of us might think that it is a pity that the powers to take such decisions lie in Westminster and not in this Parliament, but the legal briefing shows that there is a legal way for the UK to withdraw from the CFP while remaining in the European Union. Indeed, in a letter to which reference has probably been made many times in the chamber, the Scottish Executive Environment and Rural Affairs Department told a fisherman in November 2003 that it was correct that, as a matter of UK constitutional law, in theory it would be possible for the UK Parliament to amend or even repeal the European Communities Act 1972. Various private members' bills have been introduced in the House of Commons that show legal ways for the UK to withdraw from the CFP while remaining within the EU.

Given that the argument is not just about legal opinions but about political objectives, the committee should be able to use its influence on the UK Government, as requested by the petitioners. I hope that one of the committee's political objectives is to listen to the quarter of a million Scots who felt that it would be in the interests of the fishing communities around our coasts for Scotland to have control over its waters and fishing policy. Phil Gallie's idea of inviting the UK minister to come to the committee is a good one. The Cod Crusaders should also be invited, to give their response to the legal opinion.

John Home Robertson (East Lothian) (Lab): There are two fundamental points in the discussion, one of which is serious and one of which is extremely silly. The serious point is about the conservation of fish stocks and the future of fishing communities around our coasts. That issue is complicated and I have no doubt that ministers in the Environment and Rural Affairs Department are addressing it day in, day out, in the work that they do in Scotland and in their dealings with UK ministers and their colleagues on the council. The problem is intractable and requires a lot of difficult decisions to be made.

The silly point is the constitutional one, to which there are two extremes, both of which we have heard already in this brief discussion. One group of people would like to break up the European Union or turn it into something completely different, and another group of people would like to break up the United Kingdom and turn it into something completely different. That is a legitimate political discussion but it adds nothing to the big issue of what needs to be done to conserve fish stocks and to secure the future of fishing communities around the coast of Scotland. It would serve no useful purpose whatever to pursue that discussion. While I acknowledge that a tentative option is offered in the paper, discussion of it would amount to posturing. The Parliament

would probably have more credibility if we were to focus on the real issues of fish conservation, environmental protection and the economic future of coastal communities in Scotland than if we were to indulge in rather silly antics about the constitution of the EU or the break-up of the UK.

The Convener: You also seem to have raised an issue about how the common fisheries policy is managed.

John Home Robertson: How decisions are taken about the CFP is a legitimate discussion, which I am sure ministers would be content to address. However, to come out of the CFP would be dotty.

Mr Jim Wallace (Orkney) (LD): When the committee was first presented with the petition, there was some concern about it among committee members. The petition had been signed by a substantial number of people but I think I am right in saying that, at that stage, it was not clear whether the petitioners had had a chance to have their say. We now know that the principal petitioners had an opportunity to give oral evidence to the Public Petitions Committee and that, according to the scoping paper, they gave evidence to the Environment and Rural Development Committee on the management of fishing policy generally. Like John Home Robertson, I think that the issue of the management of fisheries, the implementation of the CFP and the vital December council meetings are legitimate issues for the Parliament to examine, albeit through the Environment and Rural Development Committee.

Having got the legal opinion, the committee's time should not be taken up considering esoteric constitutional points. The opinion indicates that it would be theoretically possible to withdraw from the CFP by negotiation, to which all the other member states would have to agree. As paragraph 4 of the legal briefing states,

"Whilst it might be theoretically possible, in practical and political terms this possibility seems unlikely to come about."

The next item on the agenda is consideration of our work programme, which includes practical and political measures that we might have some chance to bring about or influence. It would be wrong for the committee to spend time constitutional navel gazing.

The Convener: I welcome Stewart Stevenson to the committee.

Stewart Stevenson (Banff and Buchan) (SNP): Thank you for your courtesy in allowing me to visit the committee and contribute to the discussion.

Members will be aware that I represent the most fishing-dependent constituency in this Parliament and that the biggest fishing port in Europe is within my constituency, so this matter goes well beyond esoteric constitutional points, if I might pick up another member's phrase. It is a matter of fundamental importance to people in my constituency. I will however agree with the point that it is fundamentally a matter of conservation.

I will not delay you too long and stretch your patience, convener. The legal briefing that the committee has before it is perfectly adequate in its own way, but I hope that it will not mislead committee members into believing that it is not possible to amend the treaty. Indeed, I have before me quite a long list of amendments that have been made to the treaty over the years. In particular, I point to the *Official Journal of the European Union*, reference L 29, 1.2.1985. The matter of fishing, and jurisdiction over fishing, was the fundamental issue that led to the 13 March 1984 amendment to the treaty in relation to Greenland, where fishing is virtually the only sustainable industry. The issue caused Greenland—an area that is not a member of the European Union but part of a member of the European Union—to seek and gain exit from the European Union because it wished to exit from the common fisheries policy. Therefore, it is beyond peradventure that it is possible to negotiate one's way out. Of course, that does not necessarily imply that that is the right thing to do. That is a different argument. Whether it is the right thing to do is much more a matter of conservation and politics.

It is the right thing to do, in a sense—we need only consider the Faroes, which operates its own conservation policy and its own policy on fishing in its waters. As a result of its very different approach—it is absolutely clear that we cannot follow that approach within the European Union—its fish stocks and fishing industry are healthy.

There is absolute objective evidence that a different approach can be taken that will deliver conservation. The arch-conservationists in all this are the fishermen. If they do not conserve the resource that they exploit and on which they depend for their living, they will have no long-term future.

I conclude by saying simply that there is a choice. We can continue to pursue the conservation of our stocks within the framework of the Council of Ministers and the meeting that takes place in December each year. Successive years have shown that that approach goes nowhere in addressing the needs of the Scottish fishing industry. Alternatively, we can seek to return responsibility for fishing to UK control—I am making no constitutional points of any kind here,

and the petition is quite clear about what it is asking for—take the opportunity to consider the experience of the Faroes and its success in conservation, and apply that to the waters around the UK.

Scotland would be a particular beneficiary of that approach. The petition is signed by 250,000 people—it is the biggest petition that we have ever received—and it merely asks the Parliament to use its influence to return control over the fishing industry to Scotland and the UK. The committee might wish to consider that it could help to deliver that aim rather than seek to punt the issue into the long grass.

14:15

Irene Oldfather (Cunninghame South) (Lab): I hear clearly what Stewart Stevenson says, but unfortunately he has not been party to previous discussions that have brought us to this point today. I recognise the points that he and others have made about conservation and management of stocks, all of which are very legitimate points for members of the Scottish Parliament. However, our discussions were quite clear.

I draw the committee's attention to paragraph 4, under the heading "Background", of the update paper on the petition, which states:

"Members agreed that the petition was essentially a constitutional matter of withdrawal from the Common Fisheries Policy (CFP) and therefore the focus of any engagement ... should concentrate on the constitutional issues".

That is how we have arrived at the point that we have reached today. We now have the advice from our legal adviser, which is impartial. I know that Richard Lochhead is making political points, but we asked the legal adviser to provide us with a legal and non-political opinion. Clearly, we have that now.

We have already agreed that the committee's attention would focus on constitutional matters. There are arguments about the common fisheries policy, conservation and management, all of which we could sign up to. I know that Richard Lochhead is a member of the Environment and Rural Development Committee, which I understand has given significant attention to those matters. It was appropriate for Jim Wallace to make the point that, at the beginning of the process, we were not clear about what attention had been given to the petition. We have now been provided with clear background information on what has happened to it.

The clear legal advice is that the committee does not have a locus in this constitutional matter. Frankly, to consider it would be an inappropriate use of committee time, given that we have clearly

set the parameters, which are constitutional and do not relate to the issues that Stewart Stevenson talked about. That is why we agreed to consider the petition. We are not the Environment and Rural Development Committee. From the paper that has been presented, it is clear that we have brought the matter to a reasonable conclusion.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): Every member who has spoken thus far has accepted the validity and accuracy of the legal briefing that we have received, which is significant. This is an important petition. In their campaign so far, the petitioners have used the Scottish Parliament very effectively and perfectly legitimately. Not only has this committee considered the petition, but the petitioners have spoken directly to the Public Petitions Committee. The issues that they have raised have also been considered by the Environment and Rural Development Committee.

At the previous meeting, we said that once we had seen today's legal briefing, we would consider, among other things, whether to invite the petitioners to respond to the committee or to ask the UK Government to give evidence on the issue. Phil Gallie has suggested that we do the latter. However, if I put myself in the petitioners' shoes, I would see the real significance of the legal briefing that we have received today as the confirmation that the UK Government is perfectly able—theoretically at least—to deal with these matters in the way in which the petitioners would like. It seems logical to me that, if the petition is a practical proposition on the part of the people who signed it—I believe that it is—and is not simply trying to make a point, to no particular effect, the issue must be raised in the Westminster Parliament.

If the European and External Relations Committee expressed a preference for carrying on with its intended work programme and invited the petitioners to raise the matter with the Westminster Parliament, it would not be fair to call that kicking the petition into the long grass, as Mr Stevenson did, given that it has been aired considerably at no fewer than three different committees of the Scottish Parliament. We have taken the petition as far as we reasonably could. The petitioners ought to take a great deal of encouragement from the briefing, but I think that at this stage of their campaign they have exhausted the offices of the Scottish Parliament.

I am not in favour of disrupting our work programme along the lines that Phil Gallie recommended or of bringing back the petitioners, because they have already appeared before a parliamentary committee.

Dennis Canavan (Falkirk West) (Ind): The essence of the legal advice that we have received

is in the last sentence of paragraph 4 of the briefing. On the possibility of withdrawal from the CFP, it says:

"Whilst it might be theoretically possible, in practical and political terms this possibility seems unlikely to come about."

With all due respect to our legal advisers, I say that we asked them for advice not on practicalities or political possibilities, but on the legal possibility. If we are to follow up the matter, we must consider the practicalities and political possibilities. The people who signed the petition are not concerned simply about legal niceties or constitutional matters; they are concerned about jobs in the fishing industry and the important part that it plays in the Scottish economy.

The best person to answer questions on the practicalities and political possibilities might be a UK Government minister. I notice that one possibility that we are asked to consider in paragraph 8 of the update paper is

"Inviting a representative from the UK Government to come and give evidence on this issue."

If we are to take the matter forward, we should consider doing that, although whether a representative from the UK Government would come to our committee is another matter. We owe it to the petitioners at least to try every means at our disposal to obtain answers on their behalf.

Richard Lochhead: I wholly support Dennis Canavan's comments; he covered some of what I was about to say. Politics is the art of the possible; it does not involve shying away from difficult and complex negotiations. The legal briefing says that withdrawing from the CFP is possible.

Irene Oldfather: For the UK Government.

Richard Lochhead: The people who elect the Parliament expect political leadership and expect us to represent their views—that is why we have the Parliament—and the petition was signed by 250,000 Scots.

The petition asks only for the Scottish Parliament to influence the UK, where the power resides; it does not suggest that we have a locus in withdrawing Scotland or the UK from the CFP. It is important to have that discussion. The petition does not ask for something that is illegal or outwith the Parliament's remit.

In the interests of justice, it would be good to give the Cod Crusaders the opportunity to respond to the legal opinion at least.

Stewart Stevenson: I request a little bit of clarification from Irene Oldfather, if that is permitted. I absolutely accept that her view is that the committee has no locus in relation to the matter, but she said that the legal briefing tells us

that the committee has no locus. I do not believe that it says that. Will she point to the part of the briefing that says that?

Irene Oldfather: I would have to look through the briefing again to answer that, but I think that it makes it clear that the responsibility for withdrawal would lie with the UK Government.

I will pick up Richard Lochhead's point. Every petition to the Scottish Parliament could be prefaced with the words "seek to influence the UK Government", so that everything that is reserved could become a devolved matter. I accept that that might be desirable from Richard Lochhead's political perspective but, like other members, I prefer to concentrate on matters that we can influence and do something about, such as structural funds, which are on our agenda. I am not unsympathetic to the points that are being made about the CFP, but we can do nothing about them. Committee members will not even reach an agreed opinion on whether we all wish to withdraw. If we went round the table now, we would not agree on whether to withdraw from the common fisheries policy.

Further work on the petition would take up more committee time. We have examined for a considerable period an issue on which we will not reach agreement and over which we have no authority. To continue to examine it would be an inappropriate use of committee time. I accept that Richard Lochhead sees the issue differently, because, as I said, he would like every petition to the Scottish Parliament to use the phrase "seek to influence the UK Government", which would bring all reserved matters within the competence of the Scottish Parliament. However, I believe that we should stick to dealing with the issues for which we have responsibility.

Other members have made valid comments about conservation and the management of fisheries, which are issues in relation to which we have a legitimate authority. However, the issue that is raised in the petition is not within our remit and I am opposed to taking any further action on it.

Richard Lochhead: Convener, can I clarify one issue?

The Convener: No.

Before we continue, I say that we would all agree that democracy would not be best served if every member of every committee had to agree to everything that the Parliament did.

Phil Gallie: I believe that members have had a constructive debate that has served a purpose. However, the one exception to that has been John Home Robertson, who is a friend in some ways, but who always uses the word "silly" with respect

to any suggestion on European issues with which he disagrees. I wish that he would refrain from doing that. Sincere comments have been made. John Home Robertson talked about the break-up of Europe, but no member has suggested that. I suspect that the remark was aimed at me, but my record shows that I have never at any time, perhaps to my shame in some circles, advocated total withdrawal from Europe—that is not the objective.

In asking for the legal briefing, our objective was a clarification of the legal situation. As I said at the beginning, the legal advice contains nothing that any of us would challenge. Irene Oldfather's comment about constitutional matters is valid, because that is the perspective from which the committee has considered the issue. A plea for UK ministers to give evidence would have the aim of allowing us to examine and challenge constitutional arrangements. We could seek the ministers' advice on what articles 32 to 38 of the Treaty establishing the European Community mean and whether the UK Government could seek to influence the introduction of better management of fishing stocks. I address that point to Jim Wallace. That would not mean pulling out of the CFP altogether. However, the briefing supports renegotiation of articles 32 to 38 of the treaty.

I will not say that we would insult the 250,000 people who signed the petition, but we would do them a disservice if we did not take the petition to the *n*th degree and give it the consideration that it deserves. The *n*th degree would be, as Dennis Canavan suggested, bringing along UK Government ministers to talk to us about articles 32 to 38. The desirability of major changes to those articles might be a political issue that the committee cannot decide—it might be better for the Environment and Rural Development Committee to deal with that issue. We could at least write to that committee with the results of our legal briefing and suggest that it may want to consider the issue again.

I, for one, am totally against abandoning the petition. If we did further work on it, we would not create false aspirations; instead, we would be searching for truth, which, above all, is what the committee is here to do.

The Convener: I will summarise what has been said on the recommendations in the paper, which have been expanded slightly during our discussion. We have various options on the table. One is to do nothing and to close the committee's consideration of the subject. Another is to invite a UK minister to attend. Another option is to invite the Cod Crusaders to attend and respond to the legal advice or to invite both the UK minister and the Cod Crusaders to come. Other members have mentioned inviting the Cod Crusaders and the UK

minister to respond, which might be different from their attending, which is why I have split those suggestions.

I ask for a firm proposal so that we can move the matter forward.

14:30

Irene Oldfather: We have undertaken a considerable amount of work on the petition. That has been worth while and we have provided an opportunity for views to be aired. We have clarified what exposure the information has had within the Parliament. The point that, I think, Jim Wallace made—

The Convener: We have to bring the item to a close. We have had all the arguments and have done the clarification; I now need firm proposals.

Irene Oldfather: Jim Wallace's point that the UK Government is the body to deal with the petition is the persuasive point for me. Therefore, I propose that the committee should not take further action but draw attention to the legal briefing and the fact that, as it says, the UK Government is the appropriate body for any further petitioning or lobbying.

Richard Lochhead: I propose that the committee invite the UK minister and the Cod Crusaders for one short evidence-taking session.

Phil Gallie: My proposal is the same as Richard Lochhead's but it takes on board Irene Oldfather's comments. We should ask the UK minister to come and to address articles 32 to 38 of the Treaty establishing the European Community in particular. I am sure that the Cod Crusaders would also be welcome.

The Convener: Are there any counter-proposals?

Dennis Canavan: I am thinking aloud. I agree that we should invite a UK Government minister—I suggested that previously—but if that minister is simply going to say that there is no way that the UK will withdraw from the common fisheries policy, there might be some merit in broadening out our questioning to try to get the Government's views on amendments to the common fisheries policy, in an attempt to address some of the points that the petitioners raise.

Phil Gallie: That is the point that I was making in suggesting that we concentrate on articles 32 to 38 of the Treaty. To be honest, somewhere along the line, amendment of those articles might prove the UK hand in the annual negotiations on fishing. What Dennis Canavan said is absolutely right.

The Convener: I take it that Mr Gallie and Mr Lochhead are in agreement with that addition from Mr Canavan.

Richard Lochhead: Yes.

The Convener: Does anyone else have anything to say? It looks as though we will have to go to a vote on the matter.

Mr Wallace: Can I clarify what Dennis Canavan is proposing? He says that we might have a renegotiation not to withdraw from the common fisheries policy but to improve or amend it, but I understood that we were being asked solely about withdrawing. To go further into how the common fisheries policy can be improved—and, heaven help us, there is room for improvement—is not this committee's function; it is a matter for the Environment and Rural Development Committee. I would not want us to propose something that does not fall within our remit.

The Convener: Is the reality not that the minister would come along with specific reference to the articles of the treaty that Mr Gallie mentioned—which seem to be the constitutional articles, as far as I can make out—but that, once we have him here at our mercy, committee members would ask questions that were way beyond our remit and why he was invited? After that, we may decide whether some of the points that were raised should be referred elsewhere.

Dennis Canavan: On Jim Wallace's point, amending or improving the CFP clearly falls within the committee's remit. We have previously produced a report on fisheries policy within the European Union. That report, in which we recommended a regional decentralisation of the common fisheries policy, was very well received.

The Convener: The clerk reminds me that we have also previously reported on the EU fisheries control agency.

Two proposals are on the table. We will have to take a vote. The first proposal is that the committee takes no further action on the issue and on the petition. The other proposal is that a UK minister and the Cod Crusaders be invited back to the committee for a short evidence session.

The first question is, that no further action be taken. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Home Robertson, John (East Lothian) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Wallace, Mr Jim (Orkney) (LD)

AGAINST

Canavan, Dennis (Falkirk West) (Ind)
Fabiani, Linda (Central Scotland) (SNP)
Gallie, Phil (South of Scotland) (Con)
Lochhead, Richard (North East Scotland) (SNP)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0. My casting vote is required. I vote against the proposal.

The second question is, that the Cod Crusaders and a UK minister be invited along to a short evidence-taking session at the committee. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Canavan, Dennis (Falkirk West) (Ind)
Fabiani, Linda (Central Scotland) (SNP)
Gallie, Phil (South of Scotland) (Con)
Lochhead, Richard (North East Scotland) (SNP)

AGAINST

Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Home Robertson, John (East Lothian) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Wallace, Mr Jim (Orkney) (LD)

The Convener: The result of the division is: For 4, Against 4, Abstentions 0. The convener's casting vote is again required. I vote for the proposal that we have an evidence session on the matter and that a UK minister and the Cod Crusaders be invited to attend. [*Interruption.*] I know that members are excited by all that voting, but I ask them to be quiet as we must now move on.

Work Programme

14:37

The Convener: Item 2 is the paper on the committee's work programme for 2006, which I thank the committee clerks for pulling together at such short notice after our Brussels trip last week. It summarises areas in which the committee expressed an interest in the past and during the visit to Brussels, when some interesting presentations were made to us. The paper outlines three matters that I recommend the committee takes forward.

The first is the one that Irene Oldfather mentioned earlier—structural funds. Following the appearance before the committee of the minister, Allan Wilson, in December last year, we agreed to seek further information from the Executive and to consider taking evidence from stakeholders.

The UK Government has now published a consultation paper on the national strategic reference framework that outlines its strategy to deliver structural funds in the UK for the period 2007 to 2013. The introduction and the Scottish section are included in the committee papers. The consultation runs until 22 May 2006. I recommend that we undertake a short inquiry into the Executive's plans for structural funds over the period 2007 to 2013 and respond to the consultation.

I ask for members' views.

I think that Irene Oldfather wants to speak.

Irene Oldfather *indicated disagreement.*

The Convener: Sorry, I thought that you were indicating that you wanted to speak. Would someone else like to comment while Irene swallows her banana?

Phil Gallie: I am not offering to speak at this point. I am prepared to listen on this occasion.

The Convener: Gosh. Is there unanimous agreement?

Irene Oldfather: Obviously, the committee has dealt with structural funds over the past six years. They are important to all the people whom we represent. It would be worth while having a short evidence-taking session on the issue and reporting back. The timescale is tight, but as people have been attending the Executive's working groups and so on their opinions are fairly well formed. Collating that information and inputting to the consultation process would be a valid use of the committee's time.

Phil Gallie: I think—

The Convener: I knew that Phil Gallie would not be able to resist the urge to say something.

Phil Gallie: I do not disagree with Irene Oldfather's comments about structural funds, which are important. The paper on the work programme and the information that we were given in Brussels last week indicate that there are other important issues. As we heard recently, the Lisbon strategy and energy are extremely important. We are spoilt for choice for issues, and I want to find a way of injecting all of them into our work programme, if we can. I do not step aside from Irene Oldfather's comments on structural funds, but I do not want to preclude other issues that are just as important.

Irene Oldfather: I agree with Mr Gallie that the Lisbon strategy is important and that it would be useful to carry out some work on it. Because it would not require us to work to the same tight timescale as the consultation, I am happy for it to be programmed in.

The Convener: The next item on the work programme is energy policy. As members will recall from our Brussels visit and from previous discussions, the Commission has issued a green paper on sustainable, competitive and secure energy. As the paper covers some significant devolved areas that the committee can address, such as energy efficiency, renewables and climate change, I recommend that we ask the Executive whether it proposes to respond to the paper, take evidence from stakeholders and respond to the green paper ourselves.

Irene Oldfather: We should also write to the convener of the Environment and Rural Development Committee to find out whether it has done any work in this area. After all, we do not want to duplicate any work that might already have been carried out.

The Convener: I can confirm that we have already checked with the committee and that it is not carrying out work on the matter.

John Home Robertson: You could just have asked Richard Lochhead.

Irene Oldfather: He has left the meeting.

Mr Wallace: This important green paper came up a couple of times during our Brussels visit, and no doubt my colleague John Home Robertson hopes that we can at least look at some of its nuclear energy aspects. The committee should not ignore it, although given our previous discussion there are limits to the response that we can make. Perhaps members should simply encourage the UK Government to do nothing—or, depending on one's standpoint, to do something—about nuclear energy. The green paper is important. It has implications for our devolved responsibilities and,

as our discussions in Brussels made clear, it is drawing a lot of interest and attention in Europe. We should ask for an update on the summit that will take place at the end of the week, because the suggestion was that it would be a key issue on the agenda.

Phil Gallie: Given that we are talking about our work programme, I should point out that the paper on it does not mention the maritime strategy.

The Convener: Yes it does.

Phil Gallie: But not as a recommendation for future work. As a part of a major island, Scotland will be tremendously affected by this massive strategy. If we are being asked to settle on a couple of issues for consideration, we should keep the subject in the bank and revisit it at the earliest possible opportunity. After all, we learned last week in Brussels that the strategy is coming up for consideration, and we ignore it at our peril.

The Convener: I know that great interest was expressed in Brussels in that matter and in other items for future programming, but I suggest that we focus first on the main issues for our work programme up to the summer recess, and then discuss issues such as the maritime strategy.

The Lisbon strategy for growth and jobs to 2010 keeps coming up again and again. When we met the appropriate people last week, research and development was strongly highlighted. Members expressed a particular interest in the seventh framework programme for research and development, which is an important source of funding across the EU and could be valuable in improving our research and development performance. As a result, I recommend that, as a complement to the Enterprise and Culture Committee's report on its business growth inquiry, we launch an inquiry into the growth and jobs strategy and investigate the areas in which further work might be required. The framework for such an inquiry will be available for the next meeting and it should ensure that we do not duplicate the Enterprise and Culture Committee's work.

Mr Wallace: The paper talks about the seventh framework programme and using the work of the committee to raise its profile in Scotland. I hope that that will feature prominently.

14:45

The Convener: Is everyone content with that?

John Home Robertson: What are we agreeing to?

The Convener: I am asking whether members are content with our proposed work on the Lisbon strategy, the energy policy and structural funds. Annex A of paper EU/S2/06/5/2 sets out our

meetings until the end of June. We also have to slot in the fisheries petition, so we will be busy.

Irene Oldfather: The paper includes a slot for the petition, but we do not seem to have a slot for our work on structural funds.

The Convener: I thank Nick Hawthorne for telling me that the paper sets out the work programme as it stands; we have to slot in the other work. We have already agreed our work on the communications policy. Patricia Ferguson is coming to give evidence on international development and we will hear from the British Council. We will also consider the Legislative and Regulatory Reform Bill on 25 April.

Irene Oldfather: What is the British Council coming along to talk about?

The Convener: I understand—someone will have to correct me if am wrong—that it was agreed previously that the British Council would visit the committee annually to discuss its work. It now looks as though it could come along the same day as Ms Ferguson is coming to talk about the international development strategy.

Mr Wallace: Could we not slot in the British Council with the Cod Crusaders?

The Convener: Do you want us to do everything on one day, Mr Wallace? We could set aside a whole day for the committee meeting. How about that?

Mr Wallace: Slotting in the British Council with the Cod Crusaders might mean that we can get on with work on the structural funds. Knocking off two things in one day would leave a gap to do some of the more substantive work.

The Convener: The clerks will consider all the possibilities for slotting in work. We might require an extra meeting. How do members feel about that?

John Home Robertson: Having spent all morning at an extra meeting of the Communities Committee, I am nearly cross-eyed, thank you very much.

Irene Oldfather: Members tend to plan their agendas well in advance. I know that my—

The Convener: You do not need to panic; I was being fairly light-hearted.

Phil Gallie: When I looked at the committee schedule, I saw that the European and External Relations Committee has been fairly rigid in meeting once a fortnight, while other committees are meeting weekly. I acknowledge the strain that that puts members under, but a little bit of give would not be a bad thing. I am prepared to accept an additional meeting if it means that we can

accommodate some of the important matters that we have discussed.

John Home Robertson: It depends what you call important.

The Convener: That is a whole other debate for this non-agreeing committee. We have agreed to monitor the Commission work programme items that are mentioned in paragraph 4 of paper EU/S2/06/5/2. Do members wish to incorporate any of the items mentioned in paragraph 9, which we discussed in Brussels last week? They are: the services directive; joint European support for sustainable investment in city areas and joint European resources for micro to medium enterprises—JESSICA and JEREMIE—

Mr Wallace: The terrible twins.

The Convener: The other items are the environmental thematic strategies and the maritime strategy, which I know Mr Gallie feels strongly about. I am happy to consider proposals for how we deal with any of those items.

Irene Oldfather: We have set ourselves quite an agenda for between now and the summer recess. Phil Gallie said that he wanted us to keep the maritime strategy on the back burner, which I am happy with. Normally during the summer recess we have an away day to consider our future work programme. At that point, we might timetable the maritime strategy for the autumn.

The Convener: The green papers relating to the maritime strategy are not yet published, so there is time to monitor it and perhaps slot it in when we discuss our work programme. The JEREMIE programme might tie in with some of the work that we are doing on structural funds, so we might consider it as part of our discussion on them. Are members content with that?

Members indicated agreement.

The Convener: Are there any other matters that members wish to raise?

Phil Gallie: We could examine environmental issues and invite Mr Whitecross to respond to our questions.

The Convener: Look at John Home Robertson's face.

John Home Robertson: It was Francis Whyte.

The Convener: That was John's favourite presentation last week, and I remember it well—even not having been there.

John Home Robertson: You can answer questions on it in that case.

The Convener: I invite members to agree that we will monitor the Executive's progress against its EU priorities, and to agree in principle to invite

the Minister for Finance and Public Service Reform to give evidence to the committee again in six months' time. You will remember that the minister said that that is what he wishes to do.

Members *indicated agreement.*

Pre and Post-council Scrutiny

14:50

The Convener: The next item is our regular scrutiny of the agenda and reports of Council of the European Union meetings.

Irene Oldfather: I have a comment on the education, youth and culture council of 23 February. The report on that was interesting, and I note the considerable time that the council devoted to the subject of modern language learning. The Barcelona European Council of 2002 set certain targets for member states to achieve in relation to modern language learning, and an assessment has now been made of exactly where we have reached. Could we write to the Scottish Executive asking how Scotland is performing against some of those modern language learning targets? With reference to the Lisbon strategy, language skills will be important if we want to take part in the knowledge economy and compete in the future. It would be useful to know how we in the United Kingdom, and in Scotland in particular, are performing in relation to other member states.

The Convener: Is there general agreement on that?

Phil Gallie: We discussed the matter in Brussels last week. It was pointed out that we are in a favoured position with respect to language. English is accepted as the language of industry, construction and aviation worldwide.

There was some debate about what we mean when we talk about modern languages nowadays. Are we talking about French, German, Italian and other European languages? The great bulk of our trade is going to be with China, and Japan is also important. India and Pakistan are among the other major trading nations.

It is hard to pick up on specific areas where we should be concentrating and trying to hone Scotland's language skills. We suggested that perhaps the Executive should seek to create expertise in specific areas. That could cover a wide range of languages. When we talk about languages, I wonder what we should be aiming at with respect to the Scottish Executive's role.

Irene Oldfather: There is no doubt that we are in a changing environment. Phil Gallie's comments about the use of English are quite right in relation to many of the new markets that he mentioned, for example China. English does tend to be prevalent in discussions. However, there is a growing trend for people in this country to develop their own language skills, for example in Russian. We would need to consult the universities to verify that.

The Barcelona council of March 2002 recommended that each member state should encourage young people in schools and further education establishments to have their native tongue plus two other languages. It did not, however, specify that those should be French and German, for instance. I wonder how Scotland is performing against that target. My experience is that in mainland Europe children tend to speak two languages other than their mother tongue. They start language learning early. We are doing more of that in Scotland, but it would be interesting to write to the Executive to find out how we are performing against the targets that were agreed in 2002.

The Convener: The report says further on that most member states agreed with the

“suggestion of testing only those official languages of the Union most widely taught in the first survey round”,

then moving up. If we write to the Executive, does the committee want to ask about all languages rather than just those in the first survey round?

Irene Oldfather: I am interested in the recommendation that students learn two languages other than their mother tongue and in assessing how we perform against that target. I am not too worried about whether the two languages are Italian and German or French and German.

John Home Robertson: Or Gaelic.

Irene Oldfather: Or Gaelic, of course. Any further information would be welcome.

Phil Gallie: I have no difficulties with that, but I wonder how much encouragement should be given to ensuring that each individual speaks two languages other than their mother tongue, given that industry and other sectors are crying out about education standards in maths and English language. It concerns me a little that we are spending too much time on languages, but I would not be concerned if people were encouraged to pick up other languages. That would not be a bad thing, but I would not like an over concentration on it, irrespective of the intentions of European directives.

The Convener: Perhaps the question of languages is more of an issue for the Education Committee than for this committee. We just want to ask the Executive for general information, because figures will come out showing where the UK fits into the league table, although it is denied that the purpose is to produce a league table. I think that the deputy convener wants to know where Scotland lies.

Irene Oldfather: It would be helpful to know that.

John Home Robertson: It is not often we hear Phil Gallie sitting on the fence, but we almost did there.

The item that caught my eye was on the agriculture and fisheries council report on biofuels, to which I have referred previously. The paper states:

“The Agriculture Commissioner presented the Commission’s strategy on Biofuels. The strategy sets out how the EU plans to increase the use of Biofuels”

and so on. I understand that the chancellor touched on biofuels in the budget. There must be opportunities in Scotland for the manufacture of biofuels, the growing of biofuel crops and the use of biofuels in vehicles. I know that Executive ministers have taken an interest in biofuels. It would be worth the committee taking an active interest in the issue to ensure that any opportunities are exploited to the full.

Mr Wallace: Given that under the previous item we agreed to consider energy, can we include the biofuels issue and ensure that it is given a specific slot?

The Convener: I think so. I read something somewhere recently that indicated that grants for small biomass applications had been scrubbed or cancelled, or had run out of money or something. Has anybody else heard anything like that?

Mr Wallace: I do not think that such grants were even introduced.

The Convener: Can we check that out? Maybe I dreamed it, but I seem to have a memory of something.

Phil Gallie: Under agriculture and fisheries, I want to pick up on vodka production, which is a major industry for Scotland’s distillers. They use the grape method as opposed to the potato or cereals methods. It might be worth our while asking the Executive what representations it has made in this area. I know that Markinch, for example, is a major centre of vodka production that does not use potatoes or cereals. It would be a serious blow to the Markinch distillers and to Scotland if they lost the right to market their product as vodka.

The Convener: Can we check out the vodka from Fife, please?

Phil Gallie: I might say that I do not like vodka.

The Convener: So you are not declaring an interest in this item.

Phil Gallie: No.

Sift

15:00

The Convener: Item 4 is the sift of European Community and European Union documents and draft legislation. The first item is a Commission communication that sets out a more developed version of the proposal for a European institute of technology following a public consultation. The committee took a particular interest in the matter early on and brought it to the Parliament's attention. I commend the communication to members of this and the other committees that are listed in the sift paper.

Secondly, we have the Commission's energy green paper, which I mentioned in our discussion on our work programme. I suggest that we refer it to the three committees that are listed in the sift paper.

The third item is a Commission communication on improving the economic situation of the fishing industry. That is appropriate, given that we have just considered a petition on fishing. The document gives an analysis of the sector's economic difficulties and suggests ways of addressing the challenges. I suggest that we bring the paper to the attention of the Environment and Rural Development Committee.

The fourth and fifth items are for our interest. They have been mentioned before, particularly by Irene Oldfather. The fourth item is a proposal that money be spent from the EU solidarity fund following applications for assistance from Bulgaria, Romania and Austria after floods last year. That is a good example of what the solidarity fund is used for. The fifth and final item is a proposal for a regulation to establish a European globalisation adjustment fund with an impact assessment and rationale for intervention. We recorded an interest in that because Irene Oldfather mentioned the matter when she reported back from the Committee of the Regions, which discussed it in some depth. I imagine that the committee will want to maintain an interest in it.

Does the committee agree to refer the documents to the committees that are listed in the sift document?

Members *indicated agreement.*

Phil Gallie: What are we going to do with the fourth and fifth items? Given our previous discussions, where do the solidarity fund and the proposed globalisation adjustment fund fit into our work programme?

The Convener: The committee keeps a watching brief on things in which it has expressed an interest. The funds are part of the European

Commission's programme, part of the Executive's programme and part of the general things that are going on. I think our discussion arose from a report back from the Committee of the Regions.

Irene Oldfather: I certainly reported back from the Committee of the Regions on structural funds. The Committee of the Regions supported the recommendation that a globalisation adjustment fund be established. The matter has been on and off the agenda several times in the past few years, but regions and Parliaments throughout Europe welcome the fact that it is back on the agenda. It will deal with situations such as those that we have faced in Scotland when there have been massive redundancies and 500, 600 or 700 workers have been put out of work overnight. The fund will deal with asymmetric shocks to regional economies.

The idea was that, rather than the Council of Ministers sitting until 3 or 4 o'clock in the morning trying to deal with a situation and to work out where money might become available in the European Union, a fund would be set up. That is the principle behind the globalisation adjustment fund, but we will get more detail as the papers come in. To date, we have discussed the principles, but we have not decided on the criteria and so on. When further information comes into the public domain, that will be helpful.

The Convener: That will add to our understanding of why such things are set up initially.

Convener's Report

15:04

The Convener: Our final agenda item is my report. The first item in that is a short minute of our meetings in Brussels last week. The paper gives a reminder of the main points, but the clerks can provide a fuller report on any of the briefings if members wish. Again, I thank the clerks for turning the information around so quickly.

Do members have any comments? Generally speaking, it was a successful visit and we packed in a lot. I certainly learned a lot and found the visit worth while.

Phil Gallie: As I said at the time, I think that it was the best programme that we have had for such a visit. It was full from beginning to end and there was nothing that failed to catch our attention and interest. Perhaps the environmental session was an exception for John Home Robertson, but that was nobody's fault. If anything, it was due to the session itself. Everything else was great and the visit gave us a lot to think about, as today's discussion on our work programme has demonstrated.

The Convener: It was a mark of how hard John Home Robertson had been working throughout the previous day that he was getting a wee bit weary by the time we came to the environment session. Is that right, John?

John Home Robertson: Wait a minute; I followed every word of that presentation.

The Convener: I am sad that I missed it, but I had to be elsewhere.

John Home Robertson: I am sure that we could arrange a rerun for you, convener.

The Convener: The second item in the convener's report is the exchange of correspondence between the committee and the Executive following the committee's consideration of a legislative consent memorandum at our previous meeting. In the circumstances, I have agreed to George Lyon's suggestion that he appear before the committee again on 25 April.

Mr Wallace: He says in his letter that he will write to the committee in advance of that appearance.

The Convener: That will be good. It will give members time to come up with counter-arguments before he appears.

The third item in the report is an opportunity for Dennis Canavan to update the committee on the latest developments in his inquiry into possible co-operation programmes between Scotland and

Ireland. Dennis also had some useful meetings in Brussels last week. I give you the floor, Dennis.

Dennis Canavan: Thank you, convener. I thank Emma Berry, the assistant clerk, for helping me to draft the interim report, which has been circulated to members. I also thank her for accompanying me on my visits to Dublin and the Western Isles.

I will go through the interim report and explain why I believe that an interim report is necessary. The first two paragraphs contain background information that has already been given to the committee. Paragraph 3 refers to visits that I have already made to Dublin and the Western Isles—I was in the Western Isles last Friday—and I hope to visit Northern Ireland and Donegal during the Easter recess to meet Government representatives and other officials, and to visit some existing and potential projects.

Paragraph 4 refers to urgent recommendations that I think merit production of the interim report. It is very important that we do not miss the deadline that has been set for inclusion in programmes and the possibilities of funding. I will deal later with the information that I got from the European Commission representative in Brussels last week that has necessitated the interim report.

Paragraph 5 contains information that I have already given to the committee about the 150km rule, whereby there must be a maximum distance of 150km between the borders of member states with maritime borders if they are to qualify for possible assistance under the new cross-border co-operation programme.

Paragraph 6 refers to the areas in Scotland that would qualify under the existing European Commission proposals. There are basically three NUTS—nomenclature of territorial units for statistics—III regions: Dumfries and Galloway, south Ayrshire, and the huge NUTS III region that covers Lochaber, Skye and Lochalsh and Argyll and the islands.

Paragraph 7 refers to a Commission recommendation that Scotland should join the same co-operation programme as the one between Ireland and Northern Ireland rather than set up a separate programme between Scotland and Ireland. That makes good sense if we bear in mind the fact that Northern Ireland and the Republic of Ireland have a huge amount of experience of co-operation programmes and of tapping into European funding for such programmes.

Paragraph 8 refers to the meeting that I had in Brussels last week with a representative of the regional policy directorate-general. He indicated that the Commission will consider draft operational programmes for projects to operate under the cross-border strand in June or July of this year,

which is just a few weeks away. That confirmed information that I had received from Irish Government representatives in Dublin, who also indicated that the Irish Government and Northern Ireland Administration representatives are currently in discussions regarding such a programme and applications for funding.

We come to the most important bits of the report, which are paragraphs 9 and 10, where I make recommendations. I detect that the Scottish Executive and/or the UK Government are not moving forward urgently enough, if they are not going to miss the boat. Therefore, in paragraph 9, I recommend that

“the Scottish Executive pursues with the UK Government and European Commission as a matter of urgency the possibility of Scotland’s participation in a tri-partite agreement with Ireland and Northern Ireland and access to the cross-border strand of funding.”

We should first of all draw the June or July date to the Executive’s attention to ensure that it moves quickly before then to ensure that we are included.

The final recommendation, which is in paragraph 10, is to ask the Scottish Executive to pursue

“with the UK Government and European Commission the possibility of the eligible areas being extended to include North and East Ayrshire and the Western Isles.”

Committee members may ask why I have singled out those three areas. As I understand it from a seminar that the Scottish Executive ran in Glasgow a couple of weeks ago, which I attended, provisional consideration is already being given to the possible inclusion of North and East Ayrshire. Moreover, when I visited the Western Isles last Friday, I met the chief executive, convener and other representatives of Western Isles Council. They expressed surprise and extreme disappointment that the Western Isles will not be included, because they are in a different NUTS III region from Skye and Lochalsh. We have a geographical anomaly whereby the southernmost islands of the Western Isles Council area are nearer to Donegal than most of Skye and much nearer than Fort William, which is included. The Commission and the UK Government ought to consider that geographical anomaly. Apart from that, Western Isles Council is in the forefront of co-operation with Northern Ireland and the Republic of Ireland. Most of the projects in that co-operation are Gaelic language and culture oriented, but there is also scope for tourism and for educational and cultural exchanges, so it would be a great pity if the Western Isles were to miss out.

I put those recommendations to the committee for it to consider.

The Convener: Do you want the committee to accept your report and agree that it be forwarded to the Executive as an interim report?

Dennis Canavan: Yes.

Phil Gallie: Once again, I congratulate you, Dennis. I have no problem at all with the recommendation in paragraph 9, which should be followed through urgently. My only query is on paragraph 10. This is not a criticism in any way, but I am not quite clear whether the areas that you mention break the 150km rule. If they do, would asking that they be considered cause a delay in the principal recommendation in paragraph 9? In addition, where does Arran stand with respect to the 150km rule?

Dennis Canavan: North and East Ayrshire and the Western Isles would, strictly speaking, not fulfil the 150km rule, but the Commission has already indicated the possibility of 20 per cent funding for areas that are adjacent to eligible areas. If the worst comes to the worst and the Western Isles and North and East Ayrshire are excluded, they could still be included under the 20 per cent rule.

15:15

Phil Gallie: That sounds fine to me. Would it be worth our while to refer to the 20 per cent issue in the recommendation in paragraph 10? I had not picked up on that issue.

Dennis Canavan: We could certainly introduce the matter, although I am not sure that it would fit in the recommendation in paragraph 10. However, it might fit in the lead-up to the recommendation—I included it in the first draft of the report. We will mention the 20 per cent rule at some point.

The Convener: Perhaps we can get together and discuss that after the meeting.

Phil Gallie: Why not let Dennis carry on with the issue right away, unless members have an objection? The urgency is underlined.

The Convener: You misunderstand me, Phil. I am saying that we can discuss the details and redrafting changes after the meeting so that the report can go immediately to the Executive.

Phil Gallie: Absolutely.

Dennis Canavan: We do not want to delay the process and we have to consider the report again at a future meeting, because the next meeting will be after the Easter recess. Time is of the essence.

The Convener: It is crucial that the report go to the Executive soon. Dennis Canavan can work out the wording with the clerks.

Irene Oldfather: I thank Dennis Canavan for the work that he has put into the draft interim report. I forwarded to him a communication from North Ayrshire Council—although I am not sure whether he received it—which said that the council would like to be involved in the programme. The council

is producing papers with suggestions on the matter. I am happy to endorse the recommendations. Perhaps I could get the appropriate officers to let Dennis Canavan know just how far the papers have gone. If we get agreement on the programme, the council would be ready to go. I do not know what happened with the communication, because I passed it on to Dennis last week, via the clerks. The council contacted me about the committee's inquiry; it would like to be kept informed and in the loop. If evidence is needed later, the council would be happy to send representatives to the committee to be involved in the discussions.

Dennis Canavan: Sure.

The Convener: As there are no more comments, we will formalise our agreement. Do members agree that the interim report should go to the Executive without delay?

Dennis Canavan: Convener, John Home Robertson has drawn to my attention a misprint in paragraph 9. At present, it states:

"significant progress may not been made",

but it should say, "may not have been made".

The Convener: He is such a pedant.

Dennis Canavan: We will need to do some final drafting anyway in view of Phil Gallie's point about the 20 per cent arrangement. We will tidy up the report before it goes to the Executive.

The Convener: Subject to amendments, as discussed, do members agree that the report should go to the Executive without delay?

Members indicated agreement.

The Convener: We will definitely correct the grammar, because we want to look like a clever committee.

Irene Oldfather: We are a clever committee.

The Convener: The fourth item under the convener's report is a subject that we have already mentioned: the national strategic reference framework for structural funds. We have a Scottish Parliament information centre briefing, which gives the background on the issue, including the Scottish priorities and information from the Department of Trade and Industry website—I thank SPICe for that. I nearly said that it is from our SPICe boy, Iain McIver. As members have no questions, I assume that you have all studied it carefully.

The penultimate item under the convener's report is a reminder that the next meeting of the European members information and liaison exchange—EMILE—network is on Thursday, from 6.30 pm, in the Museum of Scotland in Chambers Street. All members have received invitations and

programmes. The guest speaker is Fred Dinning, who is a former energy and environment director at Scottish Power. I see from the list that Phil Gallie, John Home Robertson, Richard Lochhead and Irene Oldfather will attend.

Irene Oldfather: I will look in briefly.

The Convener: The final item under the convener's report is a letter from Tom McCabe, which is a response to a request for information that the committee made at its meeting on 28 February. It confirms the understanding of the situation on the burning of waste that we had gained from Ross Finnie's letter of last year. Is everyone content with Mr McCabe's reply or do members have comments or questions?

Phil Gallie: Although I do not like the results, the minister has laid down the facts as they are. I still have reservations, but I do not know what we can do. The situation is not sensible.

John Home Robertson: It is silly.

Phil Gallie: I will make my political point—many European developments are not sensible.

Irene Oldfather: We will let that go.

The Convener: We will simply note the letter on the thematic strategy on waste and the burning thereof as it relates to Longannet power station.

John Home Robertson: I want to raise a different matter entirely. Today, many of our citizens are on strike because they are concerned about their pensions, and many other people are suffering inconvenience as a result. The strike appears to be a consequence of differing interpretations of the European legislation on pensions. Can anyone provide definitive guidance on what the European legislation on pensions says? I have the impression that no one wants to be on strike—the Executive certainly does not want people to be on strike any more than local authorities do. There must be something far amiss if we can get into such a situation because of misunderstandings. Can our officials help to clarify the point?

The Convener: Are you asking that the committee consider the matter?

John Home Robertson: No—that would take too long, but it would be useful if we could obtain definitive advice on what the European legislation on pensions says and means.

The Convener: We will ask our wonderful representative from SPICe to look into the relevant European directive and get the clerks to write to the Executive to seek its legal opinion and the basis on which it made its decision.

John Home Robertson: We want to know how to resolve the situation.

Phil Gallie: John Home Robertson is right, but I think that what he has referred to as legislation is only a proposal and has not yet become a directive. We are talking about a proposed directive that could well be changed, so it might be worth our while to ask about timescales.

The Convener: We can certainly ask about timescales, because it is true that the directive has not been finalised. We seem to be getting conflicting legal advice from the Executive, the UK Government and the EU.

John Home Robertson: And from the trade unions.

The Convener: Is everyone happy that we investigate the issue in that way and bring back the results at the next meeting, if we have received responses by then?

Members *indicated agreement.*

The Convener: That concludes the meeting. Our next meeting will be on Tuesday 25 April. Have a good Easter recess.

Meeting closed at 15:23.

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