

# **EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**

Tuesday 29 September 2009

Session 3

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## EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

### 11<sup>th</sup> Meeting 2009, Session 3

#### CONVENER

\*Irene Oldfather (Cunninghame South) (Lab)

#### DEPUTY CONVENER

Michael Matheson (Falkirk West) (SNP)

#### COMMITTEE MEMBERS

\*Ted Brocklebank (Mid Scotland and Fife) (Con)

\*Patricia Ferguson (Glasgow Maryhill) (Lab)

\*Charlie Gordon (Glasgow Cathcart) (Lab)

\*Jamie Hepburn (Central Scotland) (SNP)

\*Jim Hume (South of Scotland) (LD)

\*Sandra White (Glasgow) (SNP)

#### COMMITTEE SUBSTITUTES

Jackson Carlaw (West of Scotland) (Con)

Ken Macintosh (Eastwood) (Lab)

Gil Paterson (West of Scotland) (SNP)

Iain Smith (North East Fife) (LD)

\*attended

#### THE FOLLOWING GAVE EVIDENCE:

Ian Duncan (Scottish Parliament European Officer)

Donald Henderson (Scottish Government Culture, External Affairs and Tourism Directorate)

Michael Russell (Minister for Culture, External Affairs and the Constitution)

#### CLERKS TO THE COMMITTEE

Lynn Tullis

Simon Watkins

#### ASSISTANT CLERK

Lewis McNaughton

#### COMMITTEE ASSISTANT

Kathleen Wallace

#### LOCATION

Committee Room 1



## Scottish Parliament

### European and External Relations Committee

*Tuesday 29 September 2009*

[THE CONVENER *opened the meeting at 10:29*]

### Decision on Taking Business in Private

**The Convener (Irene Oldfather):** Good morning, colleagues, and welcome to the 11<sup>th</sup> meeting in 2009 of the European and External Relations Committee. I have received no apologies.

Agenda item 1 is to decide whether to take in private items 5, 6, 7 and 8. Item 5 is consideration of our approach to invitations to the ambassadors of European Union presidency nations, item 6 is consideration of a draft report on the China plan inquiry, item 7 is consideration of witnesses for the EU budget review inquiry, and item 8 is a discussion of and deliberation on today's oral evidence session on the Scottish Government's European Union priorities with the Minister for Culture, External Affairs and the Constitution. Do members agree to take those items in private?

**Members** *indicated agreement.*

## Scottish Government's European Union Priorities

10:30

**The Convener:** Agenda item 2 is to take evidence on the Scottish Government's EU priorities from the Minister for Culture, External Affairs and the Constitution. The minister is accompanied by Deborah Smith and Donald Henderson from the Scottish Government's Culture, External Affairs and Tourism Directorate.

I understand that the minister would like to make a short opening statement. Over to you, minister. We await with anticipation what you have to say.

**The Minister for Culture, External Affairs and the Constitution (Michael Russell):** Thank you, convener. I am grateful for the opportunity to come back to the committee. I enjoy these occasions and hope that I will have regular opportunities to update the committee on what we are undertaking, and to discuss both the issues of the day and longer-term issues. I would like to place in context where we are, as my doing so might lead to a better-informed questioning session.

Since my previous appearance before the committee there have, of course, been a number of important EU developments: new members of the European Parliament have been elected. I congratulated the newly elected MEPs, on the day of their election, at a small reception that I held for them at Bute house, and I have met them in Brussels since then. On 15 September in Strasbourg, the Scottish Government's EU office held an MEP information day in conjunction with the Welsh Assembly Government and the Northern Ireland Executive, which gave Scottish Government officials the opportunity to engage with a wider group of Celtic MEPs.

Other Scottish Government ministers are aware of the importance of engaging with MEPs, and I am encouraging all my colleagues to ensure that they have regular contact with them. That will be even more necessary if the Lisbon treaty comes into force, because we will have a more cohesive group. We will know whether that will happen after Friday's referendum in Ireland. I discussed matters relating to the constitution and other issues with Martin Fraser, who is the senior adviser to the Taoiseach, earlier this month during his visit to Edinburgh.

Our desire to engage on EU matters with the Scottish Parliament and the European and External Relations Committee is equally important and equally genuine. If the Lisbon treaty comes into force, the subsidiarity provisions will, for the first time, give the Scottish Parliament and other

devolved legislatures treaty-based opportunities to offer views on draft EU legislation. It is important that Scotland does not let those opportunities pass by, which means that all interested parties—the Scottish Parliament and Government, and the United Kingdom Parliament and Government—must work for an outcome that gives everybody's roles due weight in the process. I will continue my efforts with the committee and with my counterpart in London—Baroness Kinnock—to achieve that aim.

I was pleased to be involved in the Swedish ambassador's recent visit to the Parliament, and I have had useful talks with him and others about the Swedish presidency. In particular, I impressed on him the Scottish Government's commitment to the EU agenda on climate change and briefed him on our world-leading Climate Change (Scotland) Act 2009. Scottish ministers will attend the climate change conference in Copenhagen in December, despite UK ministers' regrettable and inexplicable decision.

Scottish ministers remain committed to attending Council of Ministers meetings—since my previous appearance before the committee, ministers have attended 10 such meetings in Brussels. I attended an education, youth and culture council meeting in May, at which I led the United Kingdom delegation. We focused on the creative industries, and I was particularly pleased to ensure that Scotland's distinctive position was reflected in the discussion. That is a good example of the positive contribution that devolved Administrations can make to the EU agenda. We organised a cultural showcase event in Scotland house during the visit, which Fiona Hyslop also attended. That event featured two Scottish performers from the Edinburgh International Festival: Concerto Caledonia and the Celtic singer Alyth McCormack, who, of course, starred in the St Kilda opera. I hope to attend further education, youth and culture council meetings. In particular, I am looking for an opportunity to speak in Gaelic at such a meeting in order to mark the new recognition of the language at EU level, and to parallel the Welsh participation last year.

The Scottish Government has organised a number of policy events in Brussels recently. For example, in June, we hosted a seminar during EU green week, and there was a reception in Scotland house to launch and discuss with Brussels-based stakeholders the policy paper entitled "Europe and Foreign Affairs: Taking forward our National Conversation", which is an important document about our national future. I was very impressed by the attendance and the high level of discussion at that event. Just yesterday, Alex Neil was in Brussels to host a policy seminar and to speak about Scotland's commitment to tackling the prejudice and discrimination that our lesbian, gay,

bisexual and transgender citizens have experienced.

I am happy to tell members that it will now be Scottish ministers' practice to provide the relevant subject committees of the Scottish Parliament with written notes when they have attended council meetings. Those reports will be copied to you, convener. I hope that that approach will increase the information flow and level of engagement.

Importantly, we have revamped the information that comes from Scotland house, and there is a new newsletter, "Scotland from Europe".

We have also published the "Action Plan on European Engagement", which is a significant document that makes clear our more focused approach. We hope to publish an updated version every six months to coincide with each new presidency, which is a practice that is undertaken elsewhere. Those updates will be targeted specifically at the four areas in which Scotland makes a distinctive contribution. I have made those four key priorities clear during the past few months, but I will remind the committee of them. They are renewable energy and climate change, the marine environment, justice, and research and creativity.

The committee has shown a strong interest in transposition. The UK has 42 outstanding directives, which are to be finalised by the scoreboard exercise. The Scottish Government is contributing on 15 of those, 9 of which have already been transposed. The others are due to be finalised soon, and we expect to meet the November deadline. I am sure that the committee agrees that that is a significant undertaking that demonstrates our ability and willingness to meet EU obligations. We published new Scottish Government guidance in June on how policy officials should handle EU obligations, and seminars for officials are running throughout the autumn to reinforce that training.

I will say a concluding word about the wider international framework. The economic downturn has meant that the public policy landscape has changed greatly since the publication of the Scottish Government's international framework in April 2008. Although some of the challenges are new, I believe that the objectives that the document sets out remain the right ones. Those are: to create the conditions for talented people to live, learn, visit, work and remain in Scotland so that Scottish population growth matches the EU average; to bring a sharp economic focus to the promotion of Scotland abroad so that the Scottish gross domestic product rate matches that of the UK by 2011; and to manage Scotland's reputation as having a distinctive global identity and as being an independent-minded and responsible nation at home and abroad that has confidence in its place

in the world. That thinking forms the basis for achieving a normal—I frequently use that word to describe what we are trying to do—set of relations between Scotland and the rest of the world.

When I last spoke to the committee, I talked about my intention to publish a document that covers our engagement with India. The programme for my visit to Delhi and Calcutta in a couple of weeks—with which I will provide the convener—shows how work to strengthen engagement with India on trade, renewable energy, culture and education is moving forward. It would, however, be wrong to focus on India to the exclusion of other parts of south Asia, especially given the strong links that Scotland has with Pakistan in particular, as well as with Sri Lanka and Bangladesh. I therefore want to take a little longer before I publish the full document, which will encompass how we work throughout the whole region.

I gave an undertaking to bring to the committee a new document on North America, and we are well on with that work. However, it is right that we pause to consider what we will do next year, particularly as the high point of our work in the USA and Canada is the work that we do on Scotland week. When I bring that document to the committee, it will focus particularly on the objectives for next year and the following year, and I will be happy to say how that work will go.

We are continuing our work on documentation on the diaspora, and I pay tribute to the clan convention and the North America leadership forum, which took place during the summer at the time of the gathering. Those were transformational events, which renewed our focus on the diaspora, but raised the game considerably with regard to recognising what the diaspora seeks from us and what we can give to it. The diaspora work contributes to the objectives of the international framework and to the aims of the economic strategy. We can all take forward that work together.

In conclusion, a great deal of work is being done and I am happy to discuss any and all of it. I look forward to active engagement from the convener and the committee in promoting that work.

**The Convener:** Thank you. I am sure that you have provoked a number of questions from my colleagues, but before I open up to general questions, I will pick up on a few points that you raised in your introduction and that relate to your previous meeting with the committee.

I acknowledge what you say about the North America refresh plan, but I point out that when you came to the committee previously, you said that you would bring together the USA and Canada—you knew in March that you were intending to do

that—and that the document would be published by the summer. The summer has passed.

**Michael Russell:** Indeed: the summer, such as it was, has passed. I think that there is still some work to be done on the plan. I will be very happy to bring it to the committee and to a wider audience when I think that we have fully scoped the issues that we want to address next year. As I said, I do not think that we are there yet, and I want to ensure that we do things properly. I apologise for keeping the committee hanging on and I hope that the document will be everything you expect it to be, when it appears.

**The Convener:** You also referred to the India plan. I appreciate that you want to widen its scope, but we were promised that it would be published in late spring or early summer. We are running considerably behind on it, as well.

**Michael Russell:** As the poet Burns said;

“The best laid schemes o’ Mice and Men Gang aft agley”.

As I will be in India next week or the week after, I think it only right to take soundings there on the work that I am carrying out before I bring the committee a final plan. I will bring you the final plan when I have done that and am of the view that it is the plan that I want the Government to pursue. I am sorry that, despite the very full account that I have given you of all the positive aspects, you have started your questioning with the two difficulties that I am dealing with. I am sure, however, that you will move on to more positive areas.

**The Convener:** Why don’t we.

I understand from a letter that you have sent me that the memorandum of understanding is being discussed at the joint ministerial committee. At your previous appearance at the committee, you made this very positive statement:

“The matter is progressing well. A draft has been discussed, and ... we will reach a conclusion shortly.”—  
[*Official Report, European and External Relations Committee*, 31 March 2009; c 1094.]

Can you update us on what is happening?

**Michael Russell:** Are you referring to the memorandum of understanding that exists between the Administrations of these islands in terms of the JMC process?

**The Convener:** Pardon?

**Michael Russell:** Are you referring to the memorandum of understanding that exists between the Administrations of these islands through the JMC process?

**The Convener:** Yes.

**Michael Russell:** As I indicated, we have no difficulties with the memorandum of

understanding. However, it remains on the table because not all the Administrations have signed up to it.

I believe that the communiqué from the JMC plenary that was held in London on 16 September mentions that the committee discussed the issue—in particular the dispute resolution procedure. Any delay in the process has come about not as a result of our position. We remain ready to move forward with the memorandum, but other Administrations are not yet ready to do so. That said, I think that the process is positive because of the helpful detailed discussions that we are having on issues such as dispute resolution.

Another interesting issue is the recommendations that the Calman commission made about the JMC structure. Neither we nor Westminster can decide such matters; it requires the participation of the other elements in the process. In correspondence with the First Minister of Northern Ireland, the First Minister of Wales and Peter Hain, who chairs the JMC domestic, the First Minister has introduced these issues into the discussion and they will be discussed at the next meeting of the JMC domestic. I hope that we will continue to progress them. As in all our dealings with these matters, we endeavour to be as positive and supportive as we can be. I think that the JMC structure can be improved—I certainly agree with the Calman commission that it needs to be improved—and I believe that the process is under way.

**The Convener:** In the past, we have asked the Scottish Government to keep us abreast of dates and agendas of JMC meetings. In the spirit of openness and positive engagement, would that be possible?

**Michael Russell:** I have no difficulty with that. However, it is the desire of the rest of the structure, particularly the Westminster side, that meetings should not be minuted and, indeed, that no minutes or agendas should be released. The Calman commission recommended that that be changed and that the process become more transparent. I and the Scottish Government fully support such a move, but it cannot be done unilaterally. If any committee members have—shall we say—influence with the Westminster Government, they might want to persuade it to view the proposal more positively. If that happened, your desire would become reality.

**The Convener:** Thank you very much.

I turn to subject areas in which you have indicated that the process for identifying priorities has changed a little bit from that in the previous action plan. Is there any synergy between the priorities of the Scottish Government and the

European Commission? For example, the committee considers the Commission's annual work programme and legislative plans fully and uses them to inform our work programme. Do you undertake a similar exercise?

10:45

**Michael Russell:** We are fully aware of the European Commission's priorities. We try to keep a useful and positive contact with every part of the overall European structure, and the key priorities that we have identified—renewable energy and climate change, the marine environment, justice, and research and creativity—are all pretty much central to the messages that we are receiving from every part of that structure. 2009 is the year of innovation and creativity. I met the director general for culture during my most recent visit three weeks ago, and we talked specifically about how we might work together on issues related to creativity. There is also an on-going commitment on justice.

There is a range of objectives, including the objectives of the Commission, the objectives of the individual presidency and the objectives of the subject committees. Certain aspects of justice, for example, are priorities of the Swedish presidency. In that regard, Kenny MacAskill met the Swedish Minister of Justice, before the Swedish presidency began, to discuss those issues.

Additionally, there is an annual focus on the marine environment as well as the usual focus through the environmental structures, and climate change remains at the very heart of our concerns at every level. The fact that we have set renewable energy and climate change as a priority chimes perfectly with the messages that we are receiving from Brussels and elsewhere. I think that pretty much constitutes a synergy. You should remember that the reason for doing the work is to focus on the achievable. In identifying what we believe is achievable, we have regard to what others regard as important.

**The Convener:** I have two further points to make. I will then bring in my colleagues.

The Commission has already produced its political guidance for the next commission, and the Committee of the Regions and the European Parliament are considering their priorities. A common theme that runs through all those things—in addition to climate change, which you identified—is the financial crisis. There has been vigorous policy analysis and development in relation to member states, to which sub-states can respond. I am a little surprised that it is not identified as one of your objectives. Perhaps you would care to comment on that.

**Michael Russell:** I am sorry that you are surprised. You should distinguish between the



core objectives that we are trying to achieve and normal discourse about abnormal events, if I might put it in that way. In the financial sector, there is a focus on the difficulties that have occurred, how to right them and how we will move forward. We are also focused on that, and there is keen engagement between ministers and officials about what is taking place in the sector.

It would be even better if we had the opportunity—I make this point for the first time in today's meeting, but perhaps not for the last—to be in there and taking part as full members of the European Union. *[Interruption.]* You may sigh, convener, but it happens to be my conviction that the best way in which to influence policy on those matters is to have a seat at the top table. We believe that that is the best way for Scotland to move forward and I would like to see that happen. Our commitment to financial reform would be all the greater and more influential were it the case.

**The Convener:** But the financial crisis is not in your priorities.

**Michael Russell:** It is very much our focus in what we are trying to achieve. As you know, convener, the list of priorities was overlong, so we are focusing on what we can achieve. I would achieve even more were I able to represent Scotland in the right way as opposed to being one step removed.

**The Convener:** We could go into a debate about constitutional issues, but I would rather concentrate on the subjects.

The EU budget has consistently been one of your priorities; indeed, you have highlighted in previous correspondence to the committee the importance of reform of the EU budget process. However, that has dropped off. I wonder if you would—

**Michael Russell:** It has not dropped off. We had this conversation the last time I was at the committee. I am sorry that I was obviously not clear enough, so let me be crystal clear. I was concerned, in coming into office, that we had a list of many, many priorities. It seemed to me—I thought that there was consensus—that that was not the best approach and that we should pick key topics on which to focus our attention. That did not mean that we would stop doing everything else. Rather, we would have key topics and say, “These are the things we need to achieve.” Of course, unless we were half-witted or in dereliction of our duties, we would be aware that the budget process and its reform is a constant theme that runs through everything.

Under the marine environment, you could ask, “Why are you not specifically using the word ‘fishing?’” I suppose that those who were in any sense making mischief—I am sure that there are

no such people in the room—would ask, “Why is fishing not at the centre of your priorities?”, but of course the marine environment encompasses fishing and we have a regular and continuing day-to-day concern with it. Richard Lochhead was in Brussels yesterday to speak to the Commission about reform of the common fisheries policy.

We have a clear set of objectives that we want to achieve, and there is the constant work on a range of issues that we are following up. Rather than dropping anything off, we are trying to focus our attention, but I assure you that I have a wide perspective and concern for what is taking place.

**The Convener:** Does the minister feel that the EU budget should increase, decrease or remain the same?

**Michael Russell:** If you want to have a full discussion about the EU budget, we will do that, but I do not want to take a position on the budget without you and I having the opportunity to have a fully informed discussion. Unfortunately, I am not here to give my view on the Scottish Government's position on the EU budget. If you would like to invite me back to have a full meeting on the budget, we will have a robust discussion. I can tell you that I expect an independent Scotland to be a net contributor, which will strengthen our position.

**Jamie Hepburn (Central Scotland) (SNP):** I want to explore an area that is set out in the action plan on European engagement, and which the minister mentioned earlier in relation to the treaty of Lisbon—presuming that it comes into force. I am talking about the subsidiarity protocol.

Will the minister set out a little bit more about how he sees the Scottish Government and Parliament interacting to ensure that subsidiarity principles are adhered to? He mentioned the initiative of writing to all the subject committees whenever the Scottish Government attends the Council of Ministers; that is a sensible initiative and it works with the committee's ambition to mainstream EU matters throughout Parliament. Are there other ways in which you see that working?

**Michael Russell:** For the first time, there will be a proper treaty that recognises the role of sub-state legislatures. The method we choose for it to operate will be the key issue. I have corresponded with the Presiding Officer, as the committee is aware, and Bruce Crawford and I have been considering the issue from a governmental perspective. From that perspective, we have to be alert to everything on the horizon and to sift that out so that we can work out what our attitude should be and how we want our MEPs, among others, to operate.

In relation to the committee's role, I say with the greatest respect that that is a parliamentary matter for the committee to resolve within the institutions of Parliament. The Presiding Officer and the Parliamentary Bureau take the view that the European and External Relations Committee's role should be to look in advance at everything that is coming towards us, and to sift and develop it. If it is possible for those two processes to complement each other, and for the expertise that we and the committee have to be part of the same process of scrutiny, or to exchange information, I would be extremely happy. I want to put the procedures and structures in place to allow that to happen. That is what the Government is trying to do.

At Westminster, there is, so far, not a great deal of urgency being applied to the issue, largely because there is still some uncertainty about when and how it will happen. After Friday, a degree of certainty and perhaps speed will enter the situation. I anticipate that, at the next joint ministerial committee on Europe, there will be a fuller discussion of subsidiarity.

**Jamie Hepburn:** Earlier this year, the committee held an event in conjunction with other sub-state entities and their representatives that are the equivalent of this committee. We also met a member of the European Commission whose name escapes me, unfortunately. He made it quite clear that the EU has no way of making sure that subsidiarity principles are adhered to in member states; it is really a matter for each state. I appreciate that the minister has a particular solution for Scotland's position—it is one that I share, although I know that the convener does not want us to discuss that. Clearly, we are not in that position just now. Is there a concern that because the EU is so state-led subsidiarity principles might not be adhered to?

**Michael Russell:** Yes, there is such a concern. Without giving away the contents of the JMC, I have wanted that issue to be addressed at each meeting I have been to. It will be necessary for the United Kingdom Government to focus on that as an issue on which it would like to assist the Parliaments and Assemblies of these islands in getting involved. To be fair, I think that there will be a willingness to do so, which is why I said in my opening statement that I hope to work with Baroness Kinnock and the ministers in the other devolved regions to ensure that that happens.

**Jamie Hepburn:** That sounds positive, and I am glad to hear it. Of course, aside from the Scottish Parliament and the Scottish Government, there are other sub-state entities in Scotland—local authorities. How do you envisage local authorities being included in the process?

**Michael Russell:** That is a very good question. The answer will emerge once we find out what the

United Kingdom Government intends to do with us, how we will have the debate and how we can widen it. You are right to draw attention to that being a stage beyond where we are. First of all, we need to get the state entity engaged and playing. However, I am mindful that we need to include local authorities.

**Sandra White (Glasgow) (SNP):** I return to the four key policy areas in the action plan. My understanding is that the draft plan had about 20 priorities, but we now have four key policy areas. The minister mentioned consultation in his opening statement. Was any consultation carried out in picking the four key areas? How were they chosen?

**Michael Russell:** We focused on areas in which most activity is taking place and where the Scottish Government's priorities dovetailed most closely with the list of priorities in the draft plan, and with the opportunities that we feel exist. No formal consultation around Scotland was carried out, but we carried out what we might call a tour d'horizon of what we were doing, what we felt needed to be done, the priorities in Europe and where most could be achieved.

Let us consider the four areas. Renewable energy and climate change is a strong focus of the Government. We are very concerned with the opportunities from renewable energy and the threats of climate change, otherwise we would not have passed climate change legislation and the Government would not be involved in initiatives such as the saltire prize. On the marine environment, fishing issues are part of a wider issue and the Marine (Scotland) Bill is key in that. The marine environment is an issue on which we interface very strongly with Europe—another is renewable energy.

In choosing justice, we were reflecting a reality in Europe and the priorities of the Swedish presidency. We were also reflecting Scotland's distinctive legal system, which places it in a particular relationship. That has been acknowledged by several UK ministers, to whom I pay tribute: in particular, Jack Straw has been keen to ensure that Scottish law officers and ministers have the opportunity to make representations on Scottish legal issues in European councils.

The focus on research and creativity very much fits with where we see our strengths. We see ourselves as a nation that has a particular contribution to make on that. It also fits with the fact that this is the year of innovation and creativity. To a great extent, the choice reflects the Government's excitement about Scotland's potential. It is fair that we have included all those issues.

I do not dispute that had a different process been gone through, another four issues could have been picked, but the reality is that those are the four key issues for us and for the Government. Also, if I might labour the point that I made when the convener raised the issue, we are not abandoning everything else and saying, for example, that we have no interest in the budget process. We are saying that, in those four areas, we will get the most bangs for our bucks, we will be able to interface most closely and the people of Scotland might be able to see the most impact.

**The Convener:** Those comments are helpful, but Sandra White's point was about engagement with stakeholders. The minister consistently uses the word "we", which I assume to mean the Scottish Government. What—[*Interruption.*]

**Michael Russell:** Sandra White is indicating that that was not her point. I do not want to intrude on a private grief, but I understood the question and I thought that I had answered it. Perhaps Sandra White will tell me whether I have answered it.

**The Convener:** Sandra can continue, but I will perhaps return to the issue.

**Sandra White:** In his opening statement, the minister mentioned consultation—which is what I was getting at—and explained perfectly well that it was consultation regarding how the Government's priorities would fit with the European Union's work. In my opinion, 20 priorities would be too many. It is much better to have homed in on a smaller number—say four or six. The convener might want to intervene and ask about stakeholders. I will not answer for the minister, but he has mentioned consultation.

If you do not mind, convener, I want to expand a little on the four key policy areas.

**The Convener:** Carry on.

**Sandra White:** As the minister said, the Government has chosen policy areas in which we can get more bang for our buck in Europe. First, on energy, I believe that Scotland was going to be part of the carbon capture activity, so I would like an update on that, if possible.

Secondly, on justice, you mentioned our specific legal system. Is the issue to do with trafficking? We do not have control over immigration, but is the issue to do with immigration and the areas that we do have control over, such as health and education? Are we going to expand on what we do when it comes to immigration and trafficking?

11:00

**Michael Russell:** Let me deal with the energy issue first. As part of the European energy

programme for recovery, which was considered at the spring council this year, a number of investment projects were undertaken that were of relevance to Scotland. One of them was the Longannet carbon capture experiment, which is receiving European investment, so it is—

**Donald Henderson (Scottish Government Culture, External Affairs and Tourism Directorate):** It is on the UK list.

**Michael Russell:** It is on the UK list, as is the Aberdeen offshore demonstrator, which is another energy project. There is a close interface between the two. We view European co-operation in such areas as extremely important.

Of course trafficking is an issue. The difficulty with our lack of powers in immigration and migration has both positive and negative aspects—we can look at migration as both positive and negative. Attracting those people whom we believe to be necessary to the growth and development of the Scottish economy is difficult; there have been some well-publicised cases, and I do not need to go into it. It is nevertheless possible, even in the present structure, to have a more constructive dialogue about that. I am seeking to have that dialogue, and I hope that we will have it. There are some negative aspects, including those concerning trafficking. It is important that our law officers are involved in the process, given the particular situation of Scots law—and they are involved in it. There are a variety of positive things in that.

At the most recent meeting of the European elected members information, liaison and exchange network—EMILE—there was a very interesting presentation from Europol, and in particular from a Scot who works there. He gave us a very interesting perspective on how the system works. We should be delighted and proud that we are part of that system, and that a European criminal investigation system has active Scottish plug-in and involvement. There are some positives to talk about there.

**Sandra White:** Thank you; I will perhaps come back on something else.

**The Convener:** I will follow through on Sandra White's point about consultation. Clearly, unemployment is a huge issue for us at the moment. Have you consulted or had any discussions with the Convention of Scottish Local Authorities and the Scottish Trades Union Congress?

**Michael Russell:** I would have such consultations only if I intended not to say anything about or have any involvement with unemployment.

I stress again that the four areas of priority are those where we are focusing resource and activity in order to achieve results. We continue to be engaged in a range of other areas on a daily basis. We make representations, we take part in discussions and ministers attend councils. We do everything in—and sometimes beyond—our power to go the extra mile. We will continue to talk to all stakeholders about our European engagement.

I reject utterly the view that there has been a lack of consultation with stakeholders at any stage in the development of any of our activity on Europe. You may not agree with that, but I place it on the record.

**The Convener:** You have said on a number of occasions that you have four priority areas, but the point about having such priorities is presumably to focus, to bring added value and—as you indicated earlier—to examine what is important to Scotland, from Scotland's perspective. It is important that we discuss how you chose those four areas over and above the other areas that, as you are clearly indicating, are still somewhere on the horizon.

**Michael Russell:** They are more than on the horizon; they are the theme and the subtext of the activity that we undertake. The priority areas are the high points of that activity. I am seeking every possible analogy to help the committee to understand how I see this landscape.

**Charlie Gordon (Glasgow Cathcart) (Lab):** If we take your point that a reduced number of priorities gives you the potential to be more effective, how will you assess, monitor and evaluate the effectiveness of your pursuit of those four priorities? I presume that you will review them.

**Michael Russell:** That is a very good question, and I would welcome the involvement of the committee in monitoring the priorities over a period of time and seeing how we do. The assessment has to be both objective and subjective. Let me draw that point out.

Objectively, we want to ensure that, over a reasonable period of time—the European concept of what is a reasonable period of time might be slightly longer than ours; Mr Gordon seems to agree—Scotland is shown to have made objective progress in the European context on all four issues. Let us take climate change as an example; are we undertaking actions in collaboration with the European Union or a range of European partners that are enhancing our ability to meet our objectives on climate change and assisting others on the issue? I would want to see an objective assessment of that and, if that requires the commissioning of objective research, I would be willing to consider that over an extended period of time. Each of the priorities should be subject to

such assessment. For example, for the marine environment priority, there are clearly some subsets, such as fisheries, where we are able to look at objective progress.

There also has to be a subjective aspect to the relationship. Has Scotland's performance within the European Union improved in respect of achieving its policy objectives, achieving a better interface with Europe and perhaps—this is the holy grail—achieving a better understanding among Scottish citizens of why Europe is important to us, which is also one of the committee's roles? I would not be against undertaking some research, after a reasonable period of time, to discover whether that is the case—perhaps in co-operation with the committee.

**Charlie Gordon:** I am glad that you see the need for objectivity. You will be aware that one of the pitfalls in the European Union is that effectiveness has to be measured in terms that are more significant than the production of documents with warm words in them. There are plenty of people in Europe who will claim all sorts of progress and effectiveness, but we must look at these matters objectively.

**Michael Russell:** I agree. One of my reasons for sharpening my axe—it is a slightly dangerous step to take because, in taking it, I put myself up to be judged on the things that I choose—is that it is better to look for peak performance, so to speak, in a smaller number of areas and to measure that objectively.

I agree with your point, so I am happy to say that we need to take that on board and assess these matters objectively. My only caveat is that we need a reasonable period of time to do so—perhaps going by European time rather than other time.

**Jim Hume (South of Scotland) (LD):** I understand that you have to focus on priorities and I understand why you would focus on arts and creativity. From meeting the Czech and Swedish presidencies, we know that their number 1 focus has been the economic recovery plans and so on. Scotland is of course, unfortunately, suffering and we have rather a lot of financial services in Scotland. Will you assure me that we will remain focused on economic recovery within the EU?

**Michael Russell:** Yes, absolutely. I have tried to make it as clear as I can—I make the point again to you, Mr Hume—that economic recovery is entirely the context in which we are operating at this time. No meeting that I go to does not address that issue; no council meeting that ministers go to does not have that as a text.

Within the priorities, there are certain issues that address the economic situation. The whole issue

of climate change as an economic generator—the so-called green dividend that can come at a time of recession—is being looked at. I mentioned Longannet and the Aberdeen demonstrator. They are part of an economic recovery programme, but they relate to climate change. I therefore give Mr Hume the absolute assurance that he seeks. My colleague Mr Swinney, in particular, is very focused on the issue in the European and Scottish context and some of the discussions that Mr Neil had were related to capital investment. Every minister who is engaged is engaged on those terms.

I am sure that Mr Hume would not in any sense be dismissive of the role of culture and creativity, but one of the issues that arose in my meeting with the DG culture two weeks ago was how, in a downturn, arts and culture can provide a regeneration resource. We talked about how we could collaborate on some of the examples of that that we knew about, so that discussion is also taking place.

**Jim Hume:** On a slightly different note, the action plan mentions that you like to work closely with the other devolved Administrations. How exactly is that process working and how do you see Scotland benefiting from working with other small nations?

**Michael Russell:** Where it is possible to pool our resources and get some mutual advantage, we will do so. Donald Henderson might want to say a word or two about the event in Strasbourg, because he was there and I was not. I hear that it was a great success.

**Donald Henderson:** We can work together constructively in numerous ways. Everyone in Brussels has their own networks and it is not surprising that much is shared between Scotland, Wales and Northern Ireland. Each of us gets to parts of commissioner and institutional machinery that the others do not so there is an opportunity to work together in that way.

As the minister said, there is an opportunity for us to work together in areas where a common picture is to be presented. Because of where we live, we see the differences between Scotland, Wales and Northern Ireland—we are not the same territories—but, seen by the remainder of Europe, there is much more that is common between us. Not only can we share our budgets in areas where there is common interest, we can create a broader front to make shared arguments in areas such as the environment, agriculture, fisheries and many others.

All of us have close relationships with the other two heads of office in Brussels. We are all passionate about maintaining our own profiles and identities in Brussels, but we all see the

opportunities to work together on occasion and get mutual benefit from that.

**Jim Hume:** I suppose that that is almost like the United Kingdom. Are there any other devolved Parliaments or regional Länder with which we have or seek to have such a close relationship?

**Donald Henderson:** There are probably no others with which we have quite the same relationship, for reasons of history and constitutional make-up. However, we have had close relationships with several German Länder offices in Brussels since the office was created 10 years ago, likewise with the Catalan office and the Flemish Administration as a whole, given that it is based in Brussels. We also have some connections with one or two French and Italian regions. We are not looking to make such connections only within English-speaking Europe or the United Kingdom, it is simply that working with Wales and Northern Ireland gives us particular advantages in addition to working with Länder, Catalunya and Flanders.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** One of the key subject areas, to which the minister has referred once or twice already, has been the marine environment. In reference to a previous question, I think you said that there had been “objective progress” in that area. Will you outline to us where there has been progress?

**Michael Russell:** Mr Lochhead knows more about that subject than I do, so I think that you should listen to an expert rather than to an enthusiastic amateur. However, I can point to the way in which the Scottish Government’s arguments about localised management seem to have grown substantially in Europe. The fishing industry’s role in conservation is setting a strong example and is well respected. I know as somebody who was in that department and who has been to the fisheries council how well respected the industry’s role is and that it has created an enormous amount of interest. We are actively engaged with the present process of devising the correct policy for the European Union post-common fisheries policy. In every regard, the Scottish Government’s work with the fishing industry in Europe has been positive and it has worked through the issues in a constructive way. The context for that is that things would be even better if we were able to do that work directly.

**Ted Brocklebank:** That seems to be in direct contradiction to what we hear from the Scottish Fishermen’s Federation, which only last week put out a statement that the past year had been particularly difficult, that the industry’s total allowable catch for every species other than North Sea cod had been cut, that the number of days at sea was inadequate, that fuel prices are soaring

and that the industry is facing an extremely difficult future. That does not sound like progress.

**Michael Russell:** That is not precisely what the federation said, Mr Brocklebank.

**Ted Brocklebank:** I have the statement here. It says:

"With the exception of North Sea cod, TACs for almost all the main Scottish target species were cut this year; the economic situation is further compounded by rising fuel prices and, worst of all, the market has been awful."

That is roughly what it says.

**Michael Russell:** Of course, but that is not what you asked me about. You asked me what progress was being made in the European Union to represent the Scottish fishing industry. I told you about work with the fishing industry to make substantial changes. If you had asked me about the difficulties that the fishing industry in Scotland faces, I would have said that there are considerable difficulties that are recognised by Richard Lochhead and those who work with him. He is doing some very constructive work, and the work that is being done on the future of the fishing industry emerged in the report that was published last week. The annual round of negotiations is also under way.

11:15

A better way to do all this would be, among other things—I would be grateful for your support if you wish to offer it—to have Scotland at the top table, negotiating directly as a sovereign state. Another way in which to deal with these matters would be to abolish the common fisheries policy—we do not want a common fisheries policy—thereby removing the disadvantages.

I yield to no one in my admiration for the work that Richard Lochhead has done and for the constructive dialogue with the fishing industry that he has set up in very difficult times. I commend that example to you.

**Ted Brocklebank:** Progress usually means that things are improving but, to judge by what I have just read out to you and from what fishermen are saying, things are not improving but getting worse.

**Michael Russell:** The fishing industry would acknowledge every piece of work that is being done by Richard Lochhead. Without acknowledging that work, you are not giving the complete story.

**Ted Brocklebank:** Let us change the subject. As you are aware, Iceland has applied for membership of the European Union. It has even more important fisheries connections than Scotland has. In your negotiations with Europe, will you make representations, through the United

Kingdom Government, to find out whether special conditions are being applied to Iceland's application for membership and whether Iceland will receive things that Scotland could also receive?

**Michael Russell:** It would be good if we could be one of the decision makers in that matter instead of having to leave it to someone else to make the decision. Yes, we will engage fully with that process in a positive spirit—indeed, we have already done so. We believe in a wide membership of the European Union although we recognise that that presents issues for the Scottish fishing industry, as well as other issues for Scotland, which we will wish to discuss.

In a normal situation—I know that you are a man for normalcy, Mr Brocklebank—we would engage in the negotiations properly. Be assured that we will make our views known in every possible way. Also, of necessity, we will inform the Icelandic Government and people of our views.

**Ted Brocklebank:** In your opening answers, you stated that you would like to take the lead role in some of the negotiations on behalf of Scotland. However, it is not possible for you to take the lead in the fisheries council, as you would be leading on a situation in which there are interests that conflict with those of Scotland—interests from the west country, from Ireland and so on.

**Michael Russell:** That strikes me as an interesting illustration of why we should be able to put our own case as an independent nation.

It is possible, even in the current restricted circumstances, for Scottish ministers to take the lead in UK delegations. Having done so on one occasion, I think that it is perfectly possible to negotiate a line. It requires a relationship of mutual respect, with all members of the delegation respecting one another and coming to a common mind. It must not be dictation. That is the essence of negotiation.

**The Convener:** I guess that it also means regular attendance at Council of Ministers meetings—is that correct?

**Michael Russell:** As regular as possible, yes.

**The Convener:** You pointed out that there have been 10 opportunities for ministers to attend those meetings, yet the total number of meetings this year has been 41, which leaves 31 meetings that have been unattended.

**Michael Russell:** I do not know what point you are attempting to make—perhaps that ministers are reluctant to attend council meetings. Ministers have attended 10 council meetings in Brussels. Sometimes, they are refused attendance; sometimes, they are not even told what is on the agenda; and, sometimes, council meetings are not

relevant because they deal with non-devolved areas—the issues may be of relevance, but we are not allowed to participate. If you give me a list of those 31 meetings, I will tell you—for every single occasion—who attempted to go to the meeting and the reason why that did not happen.

**The Convener:** I will be happy to provide you with that list. You will be aware that the agendas and dates of council meetings are widely published. My point was that, if you want to raise Scotland's profile as you set out in your introductory statement, your attendance at those meetings is crucial. As Mr Brocklebank has said, if you want to influence the agenda, you must be there.

**Michael Russell:** There is little point in continuing these exchanges but, for the record, I say that your point is not valid. We make every attempt to attend council meetings when we can but, on some important occasions, we do not get to attend. The point that I would make, in countering your point, is that the best way to attend would be to ensure that there was a seat at the table for us.

**The Convener:** We look forward to receiving an explanation. I will provide you with each of the meeting dates.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Could you tell the committee what engagement the Scottish Government has had with regard to the Spanish presidency, and what outcomes you expect to come from that?

**Michael Russell:** There has been limited engagement so far. Donald Henderson might want to talk about what we are endeavouring to do in that regard, as he has the day-to-day responsibility for that area.

**Donald Henderson:** I think that "limited" is probably a good description of the engagement at the moment. However, we are talking to members of the Spanish permanent representation in Brussels, who came along to an event that we held in Scotland House yesterday on water management. We are also talking more broadly to the troika that includes Belgium and Hungary, which will each in turn assume the presidency after the Spanish. Through engagement with that trio, we hope to gain intelligence about people's intentions and, where possible, influence them—however, inevitably, when three countries come together for the presidency in that way, you should expect to explore ideas with people more than you should expect to be able to bring about decisions as a direct result of your having fed in an idea.

We hold an annual event in January, which started off as a Burns supper for whoever holds the presidency, but which we intend to expand to include the current trio—Spain, Belgium and

Hungary. We hope to use that opportunity, and others, to expand their awareness of Scottish views and expertise and of the contribution that we can make.

**Patricia Ferguson:** On that issue of working with others, I notice that the action plan indicates that it is the intention of the Scottish Government to work with others who have similar policy interests and to build relations with those countries. Would you outline what has been done in that regard so far?

**Michael Russell:** The particular target areas that we are talking about, or who we are trying to work with on issues?

**Patricia Ferguson:** I presume that, as the action plan has identified four specific areas, those would be the areas with regard to which you would be working with others.

**Michael Russell:** I indicated that Mr MacAskill had met the Swedish justice minister, and I know that the Solicitor General has attended a number of bilateral events on justice issues.

On research and creativity, I have indicated that I have engaged with the Commission on some of the creativity issues, and the chief scientist was in Brussels three or four weeks ago, engaging with members in a number of bilateral meetings on issues of research and research funding. We have some hopes that we can take that work strongly forward.

Mr Mather has had regular engagements on renewable energy and climate change over the past few months. The European green energy centre plans have come to fruition, and we have the active involvement of a range of stakeholders in that regard.

Probably the widest engagement of all has taken place on the marine environment. As I said, Mr Lochhead was in Brussels yesterday with the commissioner. He has regular bilateral meetings with other ministers who are involved in the issues for which he has responsibility. In all of those areas, some good relationships are building up.

What Donald Henderson said about the countries that will assume the presidency after Spain raises some interesting issues with regard to our longer-term approach. One of the things that we have discovered is that we need to build stronger long-term links if we are to influence events that might develop. That is an interesting note with regard to the issue of sub-state consideration and the Lisbon treaty issues. We must take a long-term approach, and have our antennae tuned to the longer term, in order to produce the desired results.

**Patricia Ferguson:** I am grateful for that information, but I was asking about the section of

the action plan that talks about building relationships with other member states. Other than the bilateral meetings on fishing that Mr Lochhead was engaged in, are there any examples of that approach that you would like to share with us?

**Michael Russell:** My colleagues take regular opportunities to have those visits. Shona Robison has been involved with the Swedish presidency on a number of health issues, which are not in our list of four priorities but are important to the work that she is doing. I would be happy to furnish the member with a list of other examples. Whenever there is a visiting ambassador or representative, I make sure that I meet them. Last week, I met the Lithuanian ambassador. At those meetings, consideration is given to the opportunities that exist in Europe for further discussion between officials or ministers. We are building a network or web, and that process is paying dividends.

**Patricia Ferguson:** Are there any particular outcomes to which you want to draw the committee's attention?

**Michael Russell:** There are none to which I want to draw the committee's attention now, but I hope that Scotland is in the process of normalising its relationships, which is the ultimate outcome.

**Patricia Ferguson:** To date, there have been no particular outcomes that you can think of that have been positive for Scotland.

**Michael Russell:** There are a number of positive indications. There is a meeting today or tomorrow—I think that it is tomorrow—with the Polish ambassador. Out of the Polish relationship, some indications have emerged of possible work on one or two fronts. We discussed some energy issues with the Lithuanian ambassador, which he was interested in taking forward. Through analysis over a period of time, it would be possible to identify some extremely positive outcomes from the process of normalisation.

**Patricia Ferguson:** Would it be worth asking the minister to provide the committee with a list of those outcomes, convener? I sense a little coyness.

**Michael Russell:** I would be the last person to be coy. I am happy to provide the committee with an analysis of those relationships and how they develop, but that would have to be done over a period of time.

**Patricia Ferguson:** I am conscious that the action plan lays out short-term objectives, so I would have thought that the outcomes that would be achieved as a result of those elements of the action plan would be achieved in the shorter term rather than in the longer term.

**Michael Russell:** There is a series of short-term outcomes that are obvious to me, which I am

happy to outline to you. There are also some longer-term advantages. The policy is bearing fruit in the normalisation of our relationships that is taking place.

**The Convener:** We will discuss those matters further in private session, after which we might write to the minister, if that would be agreeable.

**Michael Russell:** I would be happy to respond to you.

**The Convener:** Several members want to ask questions, but Sandra White has a follow-up.

**Sandra White:** I want to follow up on the four main priorities. Are those priorities prioritised? I do not know the inner workings of ministerial processes, but it would seem eminently sensible that, if you are working with the UK Government and the UK Government has the final say on carbon capture, that would be one of your priorities. Are the priorities prioritised depending on what comes through the EU—you mentioned a meeting with the Swedish presidency on justice—or do you just take them as read?

**Michael Russell:** When opportunities arise, we take them, as well as pursuing our own agenda. In other words, we are promoting the four policy priorities and making progress on them, but when we see a particular opportunity, we will take it.

**The Convener:** Just to follow up on that, how flexible are the priorities?

**Michael Russell:** They are very flexible—they can be extended in every direction, as we see fit. I do not think that they are infinitely flexible, but we might be getting into the realms of philosophy.

**The Convener:** I am pleased to hear the minister say that because, in the past, ministers have always indicated a willingness to work with and engage with the committee on issues that become EU priorities that are relevant or important to the committee's work programme.

**Michael Russell:** I would be happy to consider such issues, as long as we do not find ourselves back in the situation of having a list of 21 priorities. The main priorities are at the pinnacle or the tip of a much larger iceberg of activity. If an issue is promoted to the tip, by definition another issue moves off the tip. Work is still done on it, but it moves off the tip. I would be willing to discuss that with the committee.

**The Convener:** I say that because the minister will be aware that the committee has produced a report on the impact of the financial crisis that was widely welcomed. Later on, we will discuss how to take forward the discussion that we have had with you today.

**Michael Russell:** If you were to come to me—I presume that you would approach Mr Swinney, as



well—to say that you would like to discuss with us actions that we are taking and to suggest actions that we might take, I am sure that we would be happy to have that conversation.

**Ted Brocklebank:** The action plan states that the Scottish Government envisages “a deeper engagement” with the European Parliament due to the impact of the Lisbon treaty. Will you explain what that deeper engagement might be? In the event that the Lisbon treaty is not ratified, will there be no deeper engagement?

11:30

**Michael Russell:** If there is no Lisbon treaty, all bets are off. The voters of Ireland have a significant impact on what happens, and I am not going to gainsay them. After the vote on Friday, I think that the Czechs and Poles would need to finish the job of ratification, too.

As I said, the treaty indicates the potential for sub-state Parliaments. How that is taken up depends, first, on the attitude of the UK Government in encouraging that to happen—there has been constructive discussion on which I am sure that we can build—and secondly, on how the Scottish Parliament chooses to take it forward. I am happy to work with the committee on that, because we too want that to happen. Provided that the Lisbon treaty comes into force, the objective of deepening activity is accurate and achievable.

**The Convener:** Although we must await the outcome of the Irish referendum, I know that you are an enthusiastic supporter of Europe. Indeed, on the most recent occasion when you gave evidence to the committee, you said that we should be “evangelical” in communicating European issues to our citizens. Leaving aside subsidiarity, have you analysed other issues in the Lisbon treaty that are of relevance and importance to Scotland?

**Michael Russell:** There are issues of relevance to Scotland and a substantive debate took place in Scotland, but all that seems a long time ago. That is one problem with the Lisbon treaty: we have been waiting for the other shoe to drop for some time. When we know what the situation is after Friday, it will be important for us all to return to the issue and ask, “What’s next for us? How does this work for us?”

We have identified subsidiarity as an issue of particular relevance to the committee, and I would be happy to engage with it in an exercise in which we consider where we go from here. If we assume that things will go a certain way on Friday, the committee might consider holding an event at which we consider what happens next and what

importance there is for Scotland. I would be keen to be part of that process.

**The Convener:** Has your team analysed how proposed new article 2.3, on territorial cohesion, might impact on Scotland? I think that most regions in Europe think that the promotion of territorial as well as economic cohesion would bring substantive added value to our economies.

**Michael Russell:** We agree with you in general that there is potential for improvement, but we need to work out precisely how we will do that best. Work has been and is being done by officials on such matters, which we will share and debate with the committee. However, the first thing to do will be to say, “Right, the other shoe has dropped. Now how do we get the best out of the situation?” I am presuming that the other shoe will drop; if it does not do so, who knows what will happen?

**The Convener:** We will wait with interest. When you last gave evidence to the committee, I think that you said that work was on-going, so I thought that you might be able to provide a more detailed update today. We will write to you on the issue.

Thank you for coming, minister. Later today the committee will discuss how we proceed. We welcome the flexibility in the priorities and your remarks about the budget. Perhaps before you next appear before the committee, there will be further discussion on the matter and you will know whether you are in favour of a budget that increases, decreases or remains the same. As you know, that is one of the committee’s priority areas—

**Michael Russell:** I may know that already—

**The Convener:** But you may not want to tell us—

**Michael Russell:** I just do not think that this is the place to have that discussion.

I always welcome the opportunity to talk to the committee. It is important that two things happen. First, Mr Gordon drew attention to the importance of action, not words. I have tried to give the committee a flavour of the action that the Government is undertaking, which is considerable.

Secondly, we must find a way to emphasise the positive and get more out of the relationship between the committee and the Government. The most effective work on Europe happens when there is a united front. I have started that process by strongly supporting our entire group of MEPs and not just those who share my political persuasion. I have taken the opportunity not just to support them on the day when they were elected but to meet them as a group thereafter, and I want to continue to do that. I hope that we can find the unified front that will allow Scotland to move forward.

**The Convener:** The committee stands by its reputation of constructive engagement with ministers, and we will certainly continue to engage in that way. We also have a role in scrutinising the Government, which I know that you appreciate.

**Michael Russell:** I encourage always—to quote Thomas Hardy.

11:34

*Meeting suspended.*

11:37

*On resuming—*

## **“Brussels Bulletin”**

**The Convener:** I place on record apologies from Michael Matheson, who is unable to attend this morning.

Item 3 concerns the special edition of the “Brussels Bulletin”. I am pleased that we have Ian Duncan with us to discuss any questions that committee members may have. The special edition provided an opportunity for each of our MEPs to outline what they considered to be the key issues for them and for Scotland in the next European parliamentary term. It was an interesting bulletin.

If colleagues have no points to raise with Ian, he is off the hook, as most of the MEPs wrote their contributions themselves. We hope to have some dialogue with MEPs—in fact, we are trying to arrange a videoconference with them—and we will keep members informed of that.

Do we agree to note the contents of the special bulletin?

**Members indicated agreement.**

**The Convener:** That brings us to item 4, which is consideration of our regular “Brussels Bulletin”. This edition keeps us up to date with all the developments that happened over the summer months since the European Parliament elections. I found it interesting. Do colleagues want to raise any points?

**Ted Brocklebank:** Would it be in order for Ian Duncan to give us any final information that he may have about the likely outcome on Friday?

**The Convener:** Do you have any internal intelligence that you want to share, Ian?

**Ted Brocklebank:** Is the gap narrowing or widening?

**Ian Duncan (Scottish Parliament European Officer):** It is probably narrowing and widening at the same time—that is the reality. The situation in Ireland will be instrumental in what unfolds. The various EU institutions have begun to prepare for a positive vote, but there are other aspects that are not solely related to Ireland, most of which are centred on the Czech Republic and whether its President will sign the Lisbon treaty. That is another potential delaying tactic that could still push back the next step of the process. A lot of pressure will be brought to bear on those who have not yet signed to sign quickly, because the EU would like to move on from the issue. The European Parliament is also eager to move on because it gains new powers. That is certain.

Barroso is sighing with relief, as he is secure for another term. That is important. We have still to learn what the next Commission will look like, which is the big issue in Brussels at present. There are a lot of rumours about who will get what, who is staying and who is going, and which countries are pitching for which portfolios. That is interesting, because each commissioner puts a stamp on the way in which policy is developed in their area. Commissioner Mariann Fischer Boel is standing down, so the agriculture brief will be free. Commissioner Borg is likely to return. He is on record as saying that he does not want the fisheries portfolio, but he might have no choice on the matter, so it is possible that he will return to fish.

**Ted Brocklebank:** You have indicated that the Spanish might like to take on fish.

**Ian Duncan:** For the first time in a long time, the fisheries portfolio is more important, given the CFP review. For the first time ever, Spain is thinking much more seriously about that as a possible area to explore. That will be important.

The current Commission is likely to stay in office until the end of the year, and the new Commission is likely to come into being early in the new year. However, uncertainty remains about the two new positions—the higher representative for foreign affairs and security, and the president of the European Union—which depend very much on the full ratification of the Lisbon treaty. That will be interesting. There is a lot of discussion about who will be in the running for the posts. Members will be aware that the treaty is a bit vague on exactly how the posts will function. That will depend on who comes in—he will write his own script. The potential nominee will be important. He could be powerful or powerless, depending on several factors.

On policy, members will have read in the bulletin about Barroso's political mandate note that sets out what he would like the next term to look like. That is a personal mandate and not yet a mandate for the Commission—the Commission's mandate depends on the discussions among commissioners and might be delayed this year. In previous years, it has appeared in October or November, but it is likely that it will not emerge until later this year and possibly into the new year. However, the rotating presidencies will continue and the troika—the trio of presidencies—will almost certainly release some form of document in December. We might have a strange hiatus between the Commission making its statements clear and the presidencies asserting what they would prefer to be the agenda for the next 18 months.

**Charlie Gordon:** I was going to ask Ian Duncan about one of Barroso's objectives but, in view of

what he has just said, maybe I should not bother and instead just wait until next year. Barroso's document contains interesting ideas, some of which are fairly detailed. He does not strike me as the sort of man who would put a lot of effort and energy into something that was not going to see the light of day. That said, it seems to me, having read about the circumstances of his re-election, that he is not necessarily a powerful man any more in the EU.

**Ian Duncan:** You are absolutely right. Barroso wrote the mandate document more or less to get re-elected. The purpose was to send a document to the European Parliament to persuade members who were undecided that he was worth returning. There was a lot of detail on certain issues on which he thought that particular groups might benefit from seeing his thinking written down. It is true that the process was wearisome and difficult for Barroso. The document that he produced was pretty substantial.

11:45

The committee might recall a similar, smaller, three-page document that Barroso produced for the Council in which he set out what he was thinking about. The document he did for the European Parliament was quite different in size—41 pages long. Barroso then met the three political groups in private. I tried to get into some of those meetings—I tried to sneak in round the back—but they would not let me in. The aim in holding the meetings was for Barroso to find exactly what the political groups required to endorse him.

There has also been a lot of discussion on some of Barroso's more off-the-cuff remarks on who should be the next president of the EU. He was very interesting on that. He said that he recognised why it might be sensible for the presidency to go to a Socialist to balance things out. One can also see how that might appeal to the Socialists before they vote—

**Ted Brocklebank:** That lets Tony Blair out then.

**Ian Duncan:** You can say that, but I cannot.

There are many aspects to the document, the aim of which was to appeal to the different groups to get their endorsement—the sort of dog-whistling idea. Now that Barroso has been endorsed, I suspect that the document will metamorphose into something that is a little different from what we see—

**Charlie Gordon:** What about some of the manifesto promises?

**Ian Duncan:** I think that he will be very political about that.

**Charlie Gordon:** I am fed up with this.

**Ian Duncan:** We should get a stronger sense of what the document will look like in the new year. To a certain degree, it will depend on the college of commissioners. The commissioners are powerful figures with ambitions that they may want to incorporate or lead on—especially those who, in pushing to get certain portfolios, are bringing in knowledge, demand, desire and so on.

Barroso is slightly weaker than he was in the past. He had to expend a lot of capital on getting back in. I suspect that it was not a joyful occasion for him in quite the way that it was the first time round.

**The Convener:** I happen to have a copy of the guidelines that Barroso gave to the European Parliament. If Charlie would like a copy, he is more than welcome; I can also circulate it to the committee.

Ian Duncan is right. Many people felt that Barroso had begun to put things on unemployment and so on into his speeches and to take measures that people would have liked him to take in the previous session. I guess that his aim in doing that was to get re-elected, and it certainly seemed to work.

The summary was helpful.

**Charlie Gordon:** We appreciate Ian's candour.

**The Convener:** Yes. Do we agree to note the contents of the *Brussels Bulletin*?

**Members** *indicated agreement.*

**The Convener:** That concludes the public part of our meeting. We will now move into private session—

**Charlie Gordon:** I thought that we were in private session.

**The Convener:** We now move into private session.

11:47

*Meeting continued in private until 12:29.*

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