

# **EUROPEAN COMMITTEE**

Tuesday 12 December 2000  
(*Afternoon*)

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## **EUROPEAN COMMITTEE**

### **21<sup>st</sup> Meeting 2000, Session 1**

#### **CONVENER**

\*Hugh Henry (Paisley South) (Lab)

#### **DEPUTY CONVENER**

\*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

#### **COMMITTEE MEMBERS**

\*Dennis Canavan (Falkirk West)  
Dr Sylvia Jackson (Stirling) (Lab)  
Richard Lochhead (North-East Scotland) (SNP)  
\*Ms Margo MacDonald (Lothians) (SNP)  
\*Maureen Macmillan (Highlands and Islands) (Lab)  
David Mundell (South of Scotland) (Con)  
\*Irene Oldfather (Cunninghame South) (Lab)  
\*Lloyd Quinan (West of Scotland) (SNP)  
\*Ben Wallace (North-East Scotland) (Con)

\*attended

#### **THE FOLLOWING ALSO ATTENDED :**

Roseanna Cunningham (Perth) (SNP)

#### **WITNESS**

Mr Jack McConnell (Minister for Education, Europe and External Relations)

#### **CLERK TO THE COMMITTEE**

Stephen Imrie

#### **ASSISTANT CLERK**

David Simpson

#### **LOCATION**

Committee Room 1



## Scottish Parliament

### European Committee

*Tuesday 12 December 2000*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:05*]

**The Convener (Hugh Henry):** Good afternoon, ladies and gentlemen. Welcome to the European Committee's 21<sup>st</sup> meeting in 2000.

Before we move on to the main agenda items, can we agree that item 5 be taken in private?

**Members** *indicated agreement.*

### Relations with the European Union

**The Convener:** Jack McConnell is with us this afternoon. He appeared before the committee previously, in his capacity as Minister for Finance, but now has a new and expanded title: Minister for Education, Europe and External Affairs. He no longer has responsibility for European structural funds. I do not know whether that has put a new spring in his step.

We are delighted, minister, to have you back. Your new title reflects some of the aspirations that the committee has expressed for the Parliament's role in European matters. We welcome that.

The committee will, I am sure, want to explore the external relations aspect of your portfolio. We have a full list of questions for you. I suggest that we send to you in writing those questions that we are unable to cover this afternoon, to give you the opportunity to reply in due course.

Without any further ado, I invite the minister to address the committee.

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** I thank the committee for the many enthralling sessions we had on European structural funds. I hope others will enjoy such sessions in future. The work that we did last year on structural funds is a mark of how well the relationship between the committee and the ministerial team worked. That relationship helped the plans to be better than they might otherwise have been and eased the process of moving into the new programmes. I wanted to put that on record. I hope that the new membership of the committee and the new ministerial team will continue the hard work.

Although members will be aware from informal

discussions that I took some ministerial interest in European matters over the past 18 months, there is, obviously, a new job to be done. The new ministerial title, along with the profile and activity that the Executive intends, shows that the new First Minister was keen that, as an emerging legislature within the European framework, we should take on that challenge. We take the challenge very seriously indeed, not just because we have a political duty to do so as representatives, but because it is vital to our economy and society that Scotland is engaged with Europe.

It is also important that we recognise that our external relationships, as a Parliament and as an Executive, are not just with the European Union. We have a relationship with the EU, its member states and the regions in them, but we also have relationships with other external bodies. The inclusion of Europe and external affairs in my ministerial title makes it clear that we have relationships with Westminster, with Ireland and with the other devolved Administrations. Occasional relationships may also be required in the Commonwealth. Those relationships are clearly linked to our devolved responsibilities. They are not an attempt to develop some sort of alternative foreign policy, but are a clear indication that it is not possible to carry on government in Scotland without having some links with colleagues in the rest of the world. That is what we seek to do.

I have already had the privilege, partly with my education hat on, of representing the United Kingdom at the Conference of Commonwealth Education Ministers, which takes place every three years. I hope that Scottish ministers will have opportunities to do that sort of thing again in the future. We can play a role in bodies other than the EU.

The EU is the main focus of the committee's activities and members will be aware that, last week, I tried to outline the Executive's emerging strategy on EU links. They are with the EU itself, with the European Commission and various other bodies of the EU, and with the smaller member states and the larger regions, not all of which I like to call regions because there are many that regard themselves—as Scotland does—as nations. We need to be flexible in our use of language, although for today's purposes I will refer to that tier of government as the regions.

In the EU, we see a momentum for enlargement that will take a boost from the weekend's agreements at the Nice intergovernmental conference. As enlargement takes place, the member states may retain their identity and their sovereignty in many areas and pool their strengths in other ways, but I think that we will also see an

increasing demand for regional identity, regional networks and regional representation within the European framework.

We want to be part of that for two reasons, using the following criteria for the links that we develop and the activities that we get involved in. We cannot stand on the economic sidelines of north-west Europe and not develop the sort of trading and political links that will help the Scottish economy. That means working closely with those regions with which we have always had a close connection, such as the Scandinavian or Nordic countries, Spain, Germany, Belgium and elsewhere.

We also need to ensure that we have an emerging profile in the regions that as yet have no legislative bodies. For example, in export terms France is our major trading partner in the world. We need to be clear that we must develop links there even though we do not at this point have some sort of empathy with a tier of regional government.

Important economic links such as those will be part of our criteria. We are also clear that we need to build political networks. Political influence will need to be brought to bear on the future planning of the EU. For example, the next round of structural funds in six years' time will, as I have discussed with the committee on a number of occasions, be difficult for Scotland and the UK if the economic shape of the EU to the east has changed. The networks that we can build up before then will help us to shape those programmes and the strategy of the Commission and the European Council. That is just one example. There will be many other areas where, if we have contacts across Europe that we can develop and build upon, we can exert more influence than we can alone or simply through the UK.

We benefit greatly, as I have said on numerous occasions, from our participation in the UK—the events of the weekend showed that. We benefit from the strength of the UK's representation in the European Union. At the same time, the emerging regional networks create a matrix of influence in the European Union that means that, although a region has to have the power of the member state to argue its case, it must also have its own contacts so that, well in advance of decision-making councils, it can influence the working groups, preparatory work and all the papers and consultations that go on beforehand. That is where we want to be. We want to be in there with our sleeves rolled up, involved and engaged with our European partners at both regional and national level.

That is how I see my role developing. I am particularly keen to leave the specialisms of the

individual policy areas to the ministers who are responsible for them, but there is a job to be done in co-ordinating our representation and in promoting those links internally and externally to ensure that they are running smoothly and to the best effect for the Scottish Administration, Parliament and Scotland as a whole. I hope that as the job develops, the committee and the ministerial team will have the opportunity to discuss that regularly.

**The Convener:** Thank you, minister. I know that some members will want to question the minister on the issue he raised about the conference at Nice, but let us start off by looking at his description of the external affairs portfolio.

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

The minister has answered some of the questions I was going to ask, but I invite him to expand on what he said. His new portfolio covers external affairs. In Europe, those words are sometimes a euphemism for trade. Does he expect to have particular involvement with Scottish Trade International and with trade between Scotland and Europe? Will that fit in well with Westminster functions? Following on from that, how will the Scottish Parliament committee structure shadow or scrutinise the minister's external affairs remit?

14:15

**Mr McConnell:** The main responsibility for economic matters lies with the Minister for Enterprise and Lifelong Learning. Wendy Alexander would therefore be the Scottish Executive point of contact with the bodies that are involved in external trade.

It is important, though, that our political links with Europe are tied in closely with trade. There have been discussions about ensuring that Scottish Enterprise's new international business strategy is linked more closely with what we are doing with the political links. Discussions are taking place between officials to co-ordinate the European activities of the various enterprise bodies in Scotland to ensure that those bodies are more closely tied in with what is happening at Scotland House and Scotland Europa. An official link is also provided by the Scottish Executive's presence next door. Increasing our profile and activity in external relations can help our economic relationships with other nations and regions in Europe. That has to be a central part of the strategy and I hope that it will be.

Irene Oldfather asked about committee scrutiny. I am happy to discuss with the committee, or whatever committee the Parliamentary Bureau thinks most appropriate, general matters of strategy and direction in European and external affairs. The scrutiny of the specifics of external

relations—for example, on economic policy or agriculture policy—should, I think, be conducted by the relevant parliamentary committee taking evidence from the relevant minister rather than from me. We should be quite clear about scrutiny and accountability in that regard.

**Irene Oldfather:** Since a process such as enlargement involves constitutional, social, political and trading issues, does the minister see himself reporting to the Enterprise and Lifelong Learning Committee, for example, or to any other committee?

**Mr McConnell:** No. The Minister for Rural Development and his deputy report to the appropriate committee on European agriculture and fisheries matters. In the same way, I expect that, where EU-level decisions or developments impact on other ministers' portfolios and immediate interests, those ministers will engage with such matters and deal with the appropriate parliamentary committees. I do not expect to speak about the European side of particular portfolio interests to particular portfolio-related committees, although I would be happy to do so if I were asked. I do not think that committees would expect me to do so either.

**Irene Oldfather:** Do you feel confident that the structures are in place to allow that co-ordination between the ministers and the committees, or does your new role include developing those structures?

**Mr McConnell:** The structures have worked well in the first 18 months of Parliament but I think that we could seek improvements in co-ordination.

I do not think that ministers have been involved in individual initiatives within Europe of which other relevant ministers have not been aware. That is partly because such matters tended to go through the First Minister or his office for the first 18 months. I have been delegated that responsibility to some extent, and it is important that I am able to perform the same co-ordinating role. Certainly, the external relations division of the Scottish Executive performs the same co-ordinating role as the Cabinet Office in London.

In the new year, we will seek to improve how we fulfil that role to ensure that we have the right co-ordination to enable us to anticipate events and prioritise what is most important and to ensure that we have the relevant parliamentary—and external—connections in Scotland to allow us to maximise those opportunities. We set up the European members information, liaison and exchange group because of the many different interests among elected members and others who are speaking to people on the European mainland about policy issues in Scotland. We want to ensure that such discussions are all properly co-

ordinated and focused.

**The Convener:** Where does a group such as Scottish Trade International fall into your general description?

**Mr McConnell:** Any link between Scottish Trade International and the Scottish Executive happens through the enterprise and lifelong learning department, instead of me. However, the group obviously has other links elsewhere.

**Maureen Macmillan (Highlands and Islands (Lab):** How can other committees link into Europe? Although you have mentioned that such links can be made through the minister responsible for a particular subject department, perhaps it also raises a question for the Executive and the Parliament. Some committees feel frustrated that they cannot feed directly into Europe. The Justice and Home Affairs Committee, of which I am a member, has recently been discussing European directives that affect the Scottish legal system and there does not seem to be any easy route to the information we need. I am sure that the same can be said about the Transport and the Environment Committee, the Rural Affairs Committee and so on. Can individual committees access such information through you or the European Committee so they feel that they are not hearing about things at three or four removes?

**Mr McConnell:** I am not sure that I can comment on whether committees can access that information directly or through other committees. That is a matter for the Parliamentary Bureau and the business managers. However, it is important for ministers to alert committees as early as possible to ensure that there is involvement—it does not matter whether I alert this committee or individual portfolio ministers alert individual committees. Although that is not always easy to do, it should be done where possible.

We must create a political engagement with Europe that allows committees to think about the European dimension when they discuss their forward work programmes. For example, a committee planning a work programme for the first half of next year should consider not only what is happening in Scottish local authorities, the Scottish Parliament or the Scottish ministerial team, but what is happening in Europe. In doing so, committee members should be able to anticipate such matters and have some back-up for providing advice.

Perhaps a two-pronged strategy is required. First, the Executive has already received correspondence about improving the flow of communication, and we should do so to give earlier notification of developments. Secondly, committees and MSPs should in time become

more aware of the European dimension and therefore become more proactive, perhaps in highlighting issues that might be raised during the Belgian presidency in the second half of next year. It would be good for committees to discuss such issues in the first half of the year instead of in October when it is too late to influence events.

**Maureen Macmillan:** Your answer highlights some interesting possibilities. Perhaps raising the profile of Europe in other committees might be part of the remit of this committee. However, I am not sure how we would do so—the more we consider the matter, the more we realise that the necessary structures are not in place.

**The Convener:** Although that is a valid point, that is something that the committee and the Parliament must decide, instead of ministers.

Roseanna Cunningham, did you want to pursue some of these issues?

**Roseanna Cunningham (Perth) (SNP):** I think that I misunderstood Maureen Macmillan's tack with her questions, so mine do not follow quite as seamlessly as I had hoped. That said, the minister has given me a small in by raising next year's Belgian presidency. Do you want me to pursue that point?

**The Convener:** If you will hold those questions for now, we will return to that issue.

**Ben Wallace (North-East Scotland) (Con):** I want to discuss the flow of information from the UK Government to the Executive and the Parliament on EU-level negotiations on enlargement and so on or during treaty summits, and whether you are informed or involved enough to be able to form your position.

The concordat on co-ordination of European Union policy issues says that the UK Government will provide the Executive with as much information as it wants on EU-level issues and that the Executive should be able to respond through the Scotland Office. Although that is the situation, officials and civil servants are not in the position—nor are there the resources—to reach such a considered response and therefore to have an influence on those wider negotiations. Perhaps your external affairs remit will mean a larger department and more resources. Do you have enough resources to get to grips with the changes in Europe at that level?

**Mr McConnell:** There has been a constant development of resources in different parts of the Executive both as particular pressures have been identified and to anticipate interest and activity or to pre-empt problems in certain areas. The level of resource for the external affairs division has increased over the past 18 months because the level of interest in what is happening in Scotland

has increased and the need to develop such contacts has been recognised and is generating work.

As for our input into the development of the UK's position, the arrangements over the past 18 months have worked very well. Not only are we engaged in discussions about the line that will be taken at a Council of Ministers meeting or on what has been said before or after such meetings, we have direct contact all year round with UK Government departments on developmental policy.

The on-going relationship between a Scottish Executive department and a UK Government department on, for example, a particular environmental policy issue means that the interests of the devolved Scottish Administration are integrated into what is going on every month and not just raised two weeks before a council meeting when we might want to comment on a draft British position for a Council of Ministers debate.

The best way to influence matters is to be constantly involved at an early stage—which I suppose is a bit of a European tradition. To my knowledge, at no time in the past 18 months has a request for information been refused or Scottish input on a particular line been ignored. That is a very important way in which devolution has been working in the UK; our interests are being taken into account to reach a common UK position that can be argued through in the Council of Ministers and the other existing bodies.

**Ben Wallace:** Is your contact more with the Foreign Office or with subject departments?

**Mr McConnell:** I have regular contact with Keith Vaz, the Minister for Europe; our officials have the same contact with Foreign Office officials; Scotland Office officials have very good contact with the United Kingdom permanent representation to the EU in Brussels; and individual subject ministers have direct contact with relevant Whitehall departments. Those contacts are pretty extensive.

For example, in an average week, I receive as much Foreign Office-related paperwork for my information as I get from many divisions in the education department. Although it is not always as readable, it is always very interesting. We were very well informed in the run-up to the Nice summit; we have also been very well informed over the past 24 hours about the outcome from Nice.

14:30

**Ben Wallace:** This committee has sometimes found it hard over the past 18 months to get the



information from the European Commission, the European Parliament or indeed the Westminster Government that would be necessary for us to be on the right time scale. With the external affairs part of your new title, would you be able to assist this committee in future by improving the links to those institutions?

The German Länder are protected by a constitutional relationship and have a good flow of information. Their Executives are effectively obliged to pass on information from the German Foreign Office—although not confidential information. With similar arrangements, we in the committees would be informed, for example, about negotiation positions or offers on European Union enlargement or about changes in treaties. We could then try to influence the process.

**Mr McConnell:** Ben Wallace will be aware from previous discussions that I am keen to have as transparent and helpful a relationship as possible. I would apply only one caveat to that: the Länder are involved in the workings of the German federal Government as a result of how the second chamber functions. They have a direct relationship with the federal Government; it is different from our relationship with Westminster.

We will receive confidential information that we will not be able to pass on. Where we can assist with the provision of information, however, I will be delighted to do that. I have no problem with that. I would like it to be possible for us always to volunteer that information without having to be asked for it.

Ben Wallace and I have previously discussed the relative secrecy, compared with those in most parts of the European mainland, of negotiating positions in the United Kingdom. The weekend might show that it is sometimes helpful to have some secrecy around negotiating positions, although—ironically, following my discussions with Ben Wallace on the position on enlargement—the British Government has been more open this year about its position for the Nice summit. It has issued more information in advance and there has been more public debate in the UK than ever before.

The white paper that was published earlier this year clearly set out the bottom line and has been helpful for our understanding. I am committed to trying to promote more understanding in Scotland of what is happening at a European level. If more transparency helps such understanding, we should be part of that.

**The Convener:** Are you satisfied with the relationship between your officials in Scotland House and UKRep with regard to the flow of information and to background briefings? Are you satisfied with the role of Scotland House? Will you

review that, in consultation with the various partners that operate from that facility, and with the Scottish Parliament? One of the frustrations to which Ben Wallace has alluded is that we could probably get information earlier than we do. If we did, that would help everyone.

There is also recognition of the valuable resource offered by Scotland House. We do not want other key partners in Scotland duplicating that facility. There needs to be some flexibility between what the various players in Brussels are doing for resources to be pooled to maximum benefit. Will you openly review, at some point, the operation of Scotland House?

**Mr McConnell:** The relationship with UKRep has been good for the first 18 months of Scotland House's work, but these things can always be improved and I believe that they will get better as time goes on. It is in Britain's interest as well as in Scotland's interest that that is the case.

I am conscious that the only questions that I have been asked by members of the Scottish Parliament on Scotland House over the past 18 months have been on its cost. In the early months, we were conscious that we had set up a facility at a level and a cost that were appropriate for that time. If there is to be any change to that, in response to a serious discussion about Scotland House's role, we would need to carry it out carefully and, I agree, openly. I am keen to review continually the success or otherwise of the various parts of our operation in Brussels.

We have been through the initial 18-month period and are moving to a new phase, in which we will try to develop and improve the links that we have established. Scotland House will play a big role in that. I do not think that there will be a one-off, big review of Scotland House. However, there will be a constant review of whether it is performing the tasks that we want to be undertaken, whether it is doing so well enough, whether it needs more resources and whether it needs better links with the other bodies that operate in that office or elsewhere.

**The Convener:** We will bring you to other matters relating to the Nice summit and concordats, minister, and will then return to the relationships within the United Kingdom.

**Ms Margo MacDonald (Lothians) (SNP):** I have two issues to raise, minister. First, you have said that the concordat has been working pretty well and that the contacts are good. I think that you said that, in the run-up to the Nice summit and afterwards, the information that you have been getting has been excellent. Could you describe how the concordat has operated in relation to Nice? What proactive part did the Scottish Executive or the Scottish Parliament play with

regard to the philosophical development of Europe—as that was what emerged from Nice?

Secondly, Hugh Henry talked about links. How did you pick the regions with which we will have links? If we just go for Catalonia and Lombardy, for example, where a large proportion of people have a high disposable income, we might understand why we want to send more of our excellent shortbread there. However, are there any other regions with which you think we should build links? If so, why?

**Mr McConnell:** On the concordat, much of the process that leads to the shaping of negotiating positions involves discussion on an informal level as well as on a formal level. One of the strengths of the concordat was that it set the tone of a constant exchange of information and dialogue. That results in our helping to shape the development of the UK's line. It also provides for a key role for the Scotland Office and for Scottish members of the Westminster Parliament.

The Scottish Executive was very comfortable with the UK's negotiating position and with its general philosophical approach at the Nice summit. In recent months, we have done what we could in meetings with European partners at a regional level to promote the approach that the British Government took to Nice. I hope that we contributed to the success that the Government had at the weekend.

**Ms MacDonald:** Can I press you on that? Do you support the idea of the big four countries in the EU putting the smaller countries into a position that the Belgian Prime Minister described as impossible?

**Mr McConnell:** I support securing our national interest. The more influence that we have in the European Union the better; I think that the outcome of the summit was very good in that respect. In those areas where Scots and other people who live in the British isles would not want qualified majority voting, we share that desire. That is as good for Scotland as it is for the rest of the United Kingdom. I am therefore comfortable with the outcome of the weekend's negotiations; the delivery of that outcome has been in our national interest. There is still a recognition that the smaller members states have particular representative needs, but I think that the representation in qualified votes at the level of the European Council is now much fairer in relation to the populations of the EU member states.

On the other issue that Margo MacDonald raises, we need to be cautious in deciding what regions or nations within member states we choose to do political and economic business with. It is possible to have a network of policy contacts, in which our policy civil servants are linked with

those regions or smaller member states that have an interest or expertise in particular policy areas. At that level, different kinds of links can work. At political and economic level, there will be regions with which, for historical reasons, we will have almost constant arrangements, but there will be other relationships that will ebb and flow over time. Germany offers a good example; there is a strong historical link with Bavaria.

**Ms MacDonald:** The link with Hamburg is even stronger—they speak Scots there.

**Mr McConnell:** The link with Bavaria is strong and important, but another region in west Germany, North Rhine-Westphalia, is similar to Scotland economically, environmentally and even, to some extent, politically. The links that we have developed with North Rhine-Westphalia, which will result in close links with a Polish region and with the Czech Republic—we can discuss joint economic developments and help them to make good use of structural funds, for example—can be introduced at a national political level for the first time. We need to be flexible in our approach. We should find out which links work and see how the political dimension of Europe develops. Over the next few years, we will have more in common politically with some regions than with others.

**Ms MacDonald:** I will forgive you for that answer, minister, because things are moving along. Perhaps we will have further discussion in the committee and with you about the various regional Governments and about whether it is in our interests to expend a great deal of energy working up contacts with some of them.

As we are talking about expending energy, would you confirm or deny the press report that was attributed to you that some members of the Scottish Parliament could sit on the Committee of the Regions?

**Mr McConnell:** On the first point, I do not think that the limited energy that we expend in developing European links is wasted. It is not out of proportion and is helpful to Scotland's national interests.

It is important that the Parliament and the Executive are represented on the Committee of the Regions and on other European bodies. We need to be sensible about this. We did not know until the weekend whether the Committee of the Regions would retain the same membership. I understand that the outcome of the Nice summit is that the number of UK members on that committee will remain the same. That knowledge helps us to work out the process of selecting the Scottish delegation. Issues would have arisen if the Scottish delegation had been reduced from four to three or two, but if it remains at four we can discuss with the Convention of Scottish Local

Authorities the balance of representation in the delegation between local government and the Scottish Parliament and Executive.

I do not want to pre-empt those discussions, but I think that it would be sensible for representation to be mixed. We need to discuss among ourselves whether that would be appropriate and then we need to discuss it with the local authorities and resolve how we choose our representatives. Some of the more powerful regions or nations within member states choose their First Minister or head of Government to be a member of the Committee of Regions, although that person does not always attend. We need to consider all the issues and decide whether we should have permanent representatives or put someone senior in position who will attend only the most important meetings and will allow a substitute to attend the other meetings. We have time to examine such issues; I would like to do so openly and with the involvement of the committee.

**Ms MacDonald:** Well, I am not going.

14:45

**The Convener:** I will pursue two points that Margo MacDonald has raised. First, can we have a briefing and a discussion on the view of the Scottish Executive and the UK Government on the outcome of the Nice summit? It is important that, as well as trying to influence what goes on, we should analyse what has happened. We would welcome a more detailed discussion on that important event.

Secondly, Margo MacDonald wanted to know how we determine which regions and nations we will make links with and why. If we are to hold the Executive to account, we need to be comfortable that there is a purpose to and a benefit from establishing links. For example, you mentioned links with North Rhine-Westphalia and the Czech Republic. The Parliament should ask to see the strategy that is developed when you promote such links, to know what the Executive's targets are and to analyse what the Executive achieves as a result of the links. There is no point in establishing partnerships all over Europe of which no one is aware and which have little impact. I share your view that there is much potential, but links must be established in a structured way. At some point, we should discuss your strategy with you and ask whether we are comfortable with the areas that you identify and with the proposed links.

**Mr McConnell:** I am happy to do that; we should probably do it relatively regularly. The committee decides its own work programme, but I would welcome a chance to talk to you, convener, about how often such a discussion could take place. This is an emerging strategy as much as it is one that can be outlined in speeches. I hope

that we will publish an outline of the direction of the strategy early in the new year but, as the meat is put on the bones, continuing discussions with the committee will be important.

I will place a formal report on the implications of the Nice summit for Scotland, through the committee or other channels, in the Scottish Parliament information centre. It is not for me to decide whether the committee wishes to hold a proper discussion on that. It would be useful to make that record of our interpretation of events available to all members.

**The Convener:** We will certainly let you know how we will pursue the issue.

I understand that Dennis Canavan wishes to examine some of the structural issues within the United Kingdom.

**Dennis Canavan (Falkirk West):** Minister, in a previous speech, you said that Scottish Executive ministers had made 32 official visits to Brussels. How many of those visits involved attendance at formal meetings of the Council of Ministers?

**Mr McConnell:** By the end of this week, the number of such visits will be 15.

**Dennis Canavan:** At how many of those meetings did Scottish ministers participate in the discussion?

**Mr McConnell:** I am not sure how many of the visits involved participation in discussion during meetings or immediately before them—as members will know, at European forums much of the discussion takes place away from the table. On at least three occasions, the Scottish minister took the lead or was the sole UK representative at the council meeting. Nicol Stephen has told me of an occasion on which he represented the UK as a whole at an education council meeting, and we have had a prominent role on the fisheries council during the year. I will be happy to provide detailed information on that. I think that it may have been provided in answer to parliamentary questions, but I will ensure that it is provided to the committee.

**Dennis Canavan:** Were there any occasions on which a UK minister refused to allow a Scottish Executive minister to attend or take part?

**Mr McConnell:** There has been no occasion on which there has been strong enough disagreement—on either side—to merit our initiating internal proceedings leading to the resolution of a dispute. There is a regular discussion on the topics that are coming up on the councils' agendas and on which councils it would be appropriate for us to attend. Sometimes we are alerted to the importance of attending; sometimes we request attendance; sometimes the matter is sorted out in advance; and sometimes, if the issue has been resolved and there are pressing

engagements here in Edinburgh, Scottish ministers do not necessarily have to attend. There have been no occasions in the past 18 months when there has been a dispute between Scottish Executive ministers and the UK Government about whether we could attend.

**Dennis Canavan:** You said on a previous occasion that Scottish Executive ministers do not take part in councils that cover reserved matters. Why is that? On social policy, for example, is there not a Scottish dimension that should be fed into the Council of Ministers?

**Mr McConnell:** There is—it is fed in by the Scotland Office and by Scottish MPs. That is the right way for that to happen.

Where such a council might have an impact on a devolved responsibility—which is our remit, rather than that of our colleagues at Westminster—we would be consulted in advance. We would have been involved in the preparation of the UK position and we would even sometimes have been involved in official working groups. One of the functions of staff in Scotland House is to take part in working groups across a wide range of responsibilities and specialisms and to participate, on behalf of the UK, in the development of the overall position within the EU.

There are sometimes other areas—for example, the education council meetings—where the Scottish minister represents colleagues in England and Wales and there is nobody there from Westminster. When that happens, the links will have been sorted out in advance. It is important to stress that a common position is well developed and is part of a constant link. These are not meetings where everybody turns up, puts their position on the table, votes and that is it. A lot of development work is carried out in advance. Scotland House and our engagement with the Whitehall departments are important because they give us a chance to influence things early on.

**Dennis Canavan:** How do you envisage your relationship with this committee, in terms not only of reporting back on decisions, but of giving us advance information on the agenda of Council of Ministers meetings, for example, so that the committee can discuss those matters and feed into the decision-making process before meetings are held at which decisions are taken?

**Mr McConnell:** There may be times when that can happen; there will be other times when it is impossible or when discussion has to take place at a much earlier stage. To come back to my answer to Maureen Macmillan, what we need to do in Scotland—this is part of the Parliament's emergence 18 months on and the development of its input into decision-making structures—is to get to the stage where we can identify well in advance

what will come up at council meetings. We have known all year that the fisheries council meetings—the previous one and the one this week—would be important. There has been much discussion of them in Scotland over the past few months.

The Executive and the committees of the Parliament should be identifying what the issues will be, not only in January, February, March, April, May and June in Sweden, but what will happen during the Belgian presidency in the second half of the year. In three or four months' time, we should start to think about what will happen in the first six months of the following year. We should anticipate the issues that will arise and start to influence them six months ahead of the meeting of the European Council, rather than coming in at a later stage and intervening when it is too late—in European terms—to exert any influence.

That is the strategy that I am trying to develop. It is not easy to do that overnight. There will be times when communications break down and when the right people have not been notified at the right time. If we take a longer-term approach, we will get this right consistently in a year to 18 months' time, rather than trying to catch up with where we might have been.

**Dennis Canavan:** Surely it is not asking too much for the European Committee to be informed of council meetings at which Scottish Executive ministers will be present and what the agenda for those meetings will be. The committee can then discuss the matter and feed into the decision-making process before the meeting.

**Mr McConnell:** I am happy to provide whatever information is appropriate, but I am not keen, as a minister, to cut across the internal workings of the Parliament and the relationship between the committees and the Parliamentary Bureau. The information that committees receive is ultimately a matter for the bureau. I would be keen to stick to that. I am happy to provide as much appropriate information as I can, given the way in which the Parliament and its committees operate. You have a firm commitment from me on that—I have done it in the past and I will do it again. However, I do not want to cut across internal arrangements. The Parliamentary Bureau may have a view on which committee should receive what information at which stage.

The bigger point that I am trying to make is that, in European terms, truly to influence the Council of Ministers, things must be done not two weeks in advance of the council, once decisions have been set in train—that is too late. We have to get into the psychology of thinking six months in advance. The British Government had so much success last weekend because it had been planning its input into the Nice summit 12 or 15 months ago—long

before the white paper had even been published. The contact between the Scottish Parliament, the Welsh Assembly and the other regions, and how we should press our case, had already been discussed. If we want to maximise our influence, within the UK and with the other regions, we have to get our heads round that level of preparation in Scotland.

**The Convener:** The committee could write to the First Minister and the Minister for Parliament, to ask how committees of the Parliament will be engaged ahead of council meetings, as appropriate. We could raise the general issue that way.

**Mr Lloyd Quinan (West of Scotland) (SNP):** Good afternoon, minister.

**Mr McConnell:** Good afternoon.

**Mr Quinan:** You said a lot about developing our relations with the nations and regions, on the basis of historical links. However, most of what you have said so far has been about developing links with the east of Europe—eastwards of Germany. My understanding is that our connections are with the Atlantic coast countries, specifically in light of the likely conservation plans for cod. Surely at this stage Scottish industry has considerably more to learn from the Atlantic countries than from acceding countries such as the Czech Republic.

**Mr McConnell:** In general, I agree with that, but there must be a full network of possibilities. That is the stage that we are at—we are not at the stage of closing down or firming up options. The link with the Czech Republic is important because it has given us an in to the accession countries, which are very much on the agenda. By helping them to prepare, we were performing an important task. Europe is not just about what we can get out of it, but about what we can put in. That is a principle to which I want to stick firmly.

We need contacts in the east—especially Poland—because of the economic importance that those countries will have. However, our historical links are strongest in the west, because of the different relationships that we have had with the west and the east in the past few decades. We have strong links not only with the Spanish regions or the German Länder, but with Wallonia and Flanders. We could develop stronger links with the regional administrations in France—to our mutual benefit—because of all the obvious historical connections there.

Different regional networks will be important for us in different policy areas to maximise our influence. We have to seize economic opportunities as they arise. Sometimes they will arise because we have expertise in structural funds, as was the case with the Czech Republic; at other times, opportunities will arise because of a

common interest in particular digital technologies, for example. I discussed that with the French consul general last week. There is real interest in closer economic co-operation.

This morning, I attended a modern languages event at Drummond Community High School in Edinburgh. A range of strong language teaching links are being developed between Scottish local authorities and French schools, all of which build on the networks and make Scots feel more at ease as Europeans. The networks ensure that our European partners know that we are around and give people contacts that they can use in the future.

15:00

**Mr Quinan:** Do you have any specific plans to take up membership of the Atlantic regional conference, which includes the Spanish, representatives from the Atlantic coast of France, the Portuguese and the Moroccans who have access to EU fishing grounds?

**Mr McConnell:** We have not committed ourselves to membership of any of the organisations yet. We have mentioned the Committee of the Regions, the Atlantic organisation and the Assembly of European Regions. There are networks and organisations among the Nordic countries; the Conference of Peripheral Maritime Regions is a body that Scots have traditionally been involved in at a high level. We need to assess all the organisations and consider Scotland's national interest. We must ask whether there is a political or an economic purpose in our being involved in a particular organisation. If there is, we should get involved; if not, we should not bother.

**Mr Quinan:** What is the specific relationship between the minister responsible for Europe and external affairs and the Judicial Committee of the Privy Council?

**Mr McConnell:** I could not tell you the specific legal relationship—if there is one—off the top of my head. I would be happy to write to Mr Quinan on that, if the subject fascinates him.

**Mr Quinan:** It is a subject that should fascinate all of us, in light of what Lord Hope said last week after making a crucial decision on an ECHR question in relation to Scots law.

**The Convener:** The minister has said that he is not aware of that.

**Mr Quinan:** I am, as is half the country.

**The Convener:** You are. The minister has said that he will reply to your question in writing.

**Roseanna Cunningham:** Thank you for letting me participate in the meeting, convener. I have

questions on Scotland's direct relationship with Europe. The minister has twice mentioned future presidencies, including the Belgian presidency. There has been some indication of the issues that that presidency might want to address. The clerk is issuing a paper made by the Belgian delegation to Nice on allowing bodies such as the Scottish Parliament direct access to the European Court of Justice in relation to matters in which such bodies are competent.

**The Convener:** I should say in advance that we are not going to have any discussion of the paper because no one has had time to read it.

**Roseanna Cunningham:** With respect, convener, the clerk was given the paper at the beginning. It is a model of brevity and clarity and I have just summarised its content in one sentence.

**The Convener:** That may well be, but we are running over time and we are not going to have a discussion on the paper. If there is some benefit in discussing it, the committee will return to it.

**Roseanna Cunningham:** That is an extraordinary decision. The paper has been given to the clerk, it is extremely brief and the minister is well aware of the issues that it raises.

**The Convener:** It is not just a question of courtesy to the minister, but a question of courtesy to members of the committee. The minister indicated that he would be here until 3 o'clock and I am trying to squeeze all the questions in. You may ask the minister a brief question, but we are not discussing the document.

**Roseanna Cunningham:** In those circumstances, there is little point in my continuing. However, I wish to protest the decision, given that the paper was with the clerk.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I want to pick up on a couple of issues to round off the discussion. The minister mentioned the issue of geographical links and touched on the thematic links between different parts of the UK and some other member states. How will the Scottish Executive and other Scottish agencies co-ordinate such work, in line with what happens at UK level?

It is clear, given all the issues that have been discussed today, that there is a huge amount going on and that there is potential for work to run off at a tangent if it is not clearly co-ordinated. Is there a proposal to set up a ministerial committee to bring together ministers with different areas of responsibility, to ensure that we can prioritise and keep a grip on our work? That would perhaps strengthen our links with other countries.

**Mr McConnell:** First, if Ms Cunningham writes to me about the issue that she was going to raise, I will be happy to answer her questions.

Links with other agencies will be handled mainly by individual departments and ministers, as appropriate for their particular areas. I hope that we can play a co-ordinating role. Like parliamentary committees, ministers can sometimes overload the organisations that conduct liaison and consultation and promote partnership working if they go off into different work areas. We must co-ordinate carefully. We must not cut across one another in our external links. If we pursue links with colleagues on the European mainland, we must ensure that we do so appropriately. There have been times in the past 18 months when we have only just avoided having two ministers in the same place on the same day doing two different things. That is not an effective use of anyone's time.

We need to wait and see how the new ministerial portfolio works before initiating a new mechanism for ministerial co-operation. No one would count out formal or informal co-ordination structures between ministers. In the immediate future, we will do that on an informal basis. The First Minister and I will discuss how to improve on that if so required.

Cathy Jamieson mentioned that there is a range of activities and interests. I leave the committee with a thought—which I could discuss with the convener and the deputy convener at some stage in the future—which is that there may be a need for us to supply information to the Scottish Parliament information centre. The department receives a large amount of information and we deal with many different issues. Perhaps making a regular information sheet on European matters available in SPICe might clear up some of the question marks in people's minds. We can talk about that early in the new year, with a mind to developing a system during 2001.

**The Convener:** There are several more questions that we will not be able to address because of the shortage of time. We will put those questions to you in writing, minister. You have already indicated that you will reply to Roseanna Cunningham if she writes to you about the points that she wanted to pursue.

Thank you for your time, minister. We will need to have another discussion in the near future on some of the issues that have been identified, particularly on some of the implications of Nice. We look forward to reading the document to be placed in SPICe. Judging from the comments made by committee members, there will be an interest in having a debate on that.

**Mr McConnell:** Thank you.

**Ms MacDonald:** Or, as we say in the EU, au revoir.

**Mr McConnell:** Merci, madame.

## Convener's Report

**The Convener:** The first item is the issue of objective 3 funding in the voluntary sector. A letter to the minister on concerns that have been expressed by voluntary organisations has been circulated. Many of the organisations are worried and not just about the technical problems that have arisen in the way in which the bids are developed. I know that that has been addressed, but we must consider the issue.

There are also concerns about the way in which the funding has been profiled and where the priorities have been identified. Many organisations are seriously concerned about their future if those concerns are not addressed. What does the committee think that we should do? It would be helpful to seek some information from some of the worst-affected organisations and feed that into a structured report to the Scottish Executive. I do not know whether the issue will allow us to run for long as it is starting to have an impact now. The sooner we comment, the better.

**Ben Wallace:** There is a lack of information about when the whole structural fund—not only objective 3 issues—will come into play. Many hoops had to be jumped through in relation to objective 2 and a lot of organisations are uncertain about when they can apply and when they will get their money. We should be direct and ask the Executive to give a proper timetable of when it expects some of the structural funds to be agreed to. We must remember the fact that, although the EU envisaged that 1 January 2000 would be the kick off, many states have not kicked off. On the LEADER + initiatives, the Executive is nine months behind England in consulting. That should not go unnoticed—we should pursue the Executive on that.

**The Convener:** There are two aspects. We can ask the clerk to come back to us with a timetable for our scrutiny and review of all structural funds issues. We need to consider that early in the new year. The specific issue that affects many voluntary organisations needs to be examined and I know that a number of those organisations have written to the Executive. Would it help if the committee undertook a short inquiry into the matter, taking evidence and eliciting information from the organisations, which could be brought together in a report?

**Irene Oldfather:** We are talking about a perennial problem for the voluntary sector. If the problem is not late applications, it is late payments. They are always left with a question mark over funding. We need to get to the bottom of the matter. However, time is short. Do we have any written information that we could use in a

letter to the Executive? It would be useful to get a reply to such a letter to find out what might be happening.

**The Convener:** I have already written such a letter, which I copied to committee members. However, there does not appear to be any movement at the moment. More and more organisations are expressing concern and we need to get to the bottom of the matter.

**Mr Quinan:** To which minister did you write?

**The Convener:** I wrote the letter at about the time of the changes to ministerial portfolios. I wrote to Jack McConnell, but the letter has been passed to Angus MacKay. Peter Peacock is aware of the issues and I have told him that I expect a reply. Are we content to wait for that reply? I received a response, but it did not go into the significant issues.

**Mr Quinan:** Further to that, I must say that I agree with what Jack McConnell said. The committee has certain responsibilities, but we must also pass information to other people. The voluntary sector is very much in the area that is covered by the Minister for Social Justice's portfolio. The voluntary sector is under pressure in a number of ways, not only in relation to structural funds, but in relation to the Scottish Charity Law Review Commission, the Scottish Criminal Record Office checks and so on. There appears to be a need for the committee to communicate directly with Jackie Baillie, but I do not know whether we have time to do anything other than write letters.

**The Convener:** The matter relates specifically to Angus MacKay and Peter Peacock. It is not within Jackie Baillie's remit.

**Cathy Jamieson:** I want simply to back up that point. I do not think that Jackie Baillie is responsible for sorting out the problem. However, if it is not sorted out and the voluntary organisations do not receive their funding, MSPs and ministers will have to deal with demands from those organisations for a temporary solution to be put in place. We should do whatever we can to speed up matters and to get an answer.

**The Convener:** At least two local authorities have already indicated their concerns to us. I suggest that we write to the Convention of Scottish Local Authorities, the Scottish Council for Voluntary Organisations and some of the main voluntary sector organisations to get some information. Once we have that, I will seek—in consultation with the clerk—to come up with proposals on where we go from here.

**Ms MacDonald:** We could put a straight question to Angus MacKay and Peter Peacock. We could ask them where the issue comes on their priority list, given the resources that their

department can call on.

15:15

**The Convener:** I have circulated the response that we have received from the European Commission to the report on our inquiry into football transfer fees. We are still waiting for a formal response from the Scottish Executive. However, our report seems to be consistent with what is being considered elsewhere. Does the committee agree to note the Commission's response?

**Members indicated agreement.**

**Dennis Canavan:** Would not it be a good idea to let the people who gave evidence to the committee on the matter know about the Commission's response? This is very important—the Commission is saying that it is possible to have a transfer system that meets the needs of football, but which does not fall foul of the basic principles of European Union law.

**The Convener:** I have already spoken to the clerk about circulating all the correspondence that we have received to those who gave evidence to us.

## Scrutiny

**The Convener:** I have an announcement to make. We have taken forward our concerns about document SP1406, on electrical waste. I ask members to note the contents of our letter. We will return to the matter when we receive a reply from the Minister for Environment, Sport and Culture. Catherine Stihler MEP has recorded her thanks for the initiative that we have taken. She says that it will be useful to her in her role as a member of the European Parliament's Committee on the Environment, Public Health and Consumer Policy, which will deal with that document shortly. Like the initiative that we took on the postal services, this is a good example of how our scrutiny work can have a practical application.

Page 1 of the note lists six documents that we are recommending for priority scrutiny and that should be included in our consideration of the common fisheries policy. They are:

SP 1523 (EC Ref No COM(2000) 545 final)  
 SP 1611 (EC Ref No 12504/00 COM(2000) 684 final)  
 SP 1612 (EC Ref No 12754/00 COM(2000) 686 final)  
 SP 1613 (EC Ref No 12758/00 COM(2000) 681 final)  
 SP 1454 (EC Ref No 11840/00 COM(2000) 547 final)  
 SP 1514 (EC Ref No 12074/00 COM(2000) 619 final)

Is that agreed?

**Members indicated agreement.**

**The Convener:** On page 2 there are no documents to be referred formally to other committees.

Page 3 lists documents on which we are still awaiting information. The suggestion is that consideration of the following documents be deferred:

SP 1586 (EC Ref No 12646/00 COM(2000) 573 final)  
 SP 1550 (EC Ref No 12349/00 COM(2000) 631 final)  
 SP 1582 (EC Ref No 12648/00 COM(2000) 574 final)  
 SP 1622 (EC Ref No 13075/00 COM(2000) 627 final)

Is that agreed?

**Members indicated agreement.**

**Ms MacDonald:** I am interested in document SP1550, which relates to oil. If we had had time, I would have asked Jack McConnell to keep us informed about the future development of energy policy.

**The Convener:** We are trying to obtain more information on that. Once we have received it, we will pass it on to members.

Page 4 of the note lists documents for which no



further action is recommended, other than that they be copied to the relevant committees for information. The documents are:

SP 1630 (EC Ref No SN 5096/00)  
 SP 1633 (EC Ref No 13046/00 SEC(2000) 1841)  
 SP 1634 (EC Ref No 13002/00 ADD 2 SEC(2000) 1825 Volume II)  
 SP 1606 (EC Ref No 1999/0154(CNS) COM(2000) yyy final)  
 SP 1629 (EC Ref No 13002/00 ADD 1 SEC(2000) 1825 Volume I)  
 SP 1632 (EC Ref No 13054/00 ECOFIN 319)  
 SP 1635 (EC Ref No 13003/00 SEC(2000) 1823)  
 SP 1639 (EC Ref No 13386/00 SEC(2000) 1942)  
 SP 1603 (EC Ref No 9737/5/00 REV 5)  
 SP 1624 (EC Ref No 9737/4/00 REV 4)  
 SP 1434 (EC Ref No 11305/00 DROIPEN 39)  
 SP 1451 (EC Ref No 11547/00 COM(2000) 592 final)

Is that agreed?

**Members indicated agreement.**

**The Convener:** For the following documents, listed on pages 5 and 6 of the scrutiny note, the recommendation is for no further action:

SP 1604 (EC Ref No COM(2000) 507 provisional)  
 SP 1608 (EC Ref No 2857/1/00(RECH) REV 1)  
 SP 1609 (EC Ref No 11622/00 COM(2000) 578 final 2000/0238 (CNS))  
 SP 1617 (EC Ref No 12848/00 COM(2000) 643 final)  
 SP 1623 (EC Ref No 13134/00)  
 SP 1625 (EC Ref No 13170/00 ECOFIN 328)  
 SP 1626 (EC Ref No 13055/00 ECOFIN 320)  
 SP 1628 (EC Ref No CONFER 4790/00)  
 SP 1638 (EC Ref No Brussels 17/05/00 PRG(2000) doc 6)  
 SP 1602 (EC Ref No 13041/00 SOC 413 ECOFIN 318)  
 SP 1607 (EC Ref No Brussels 17.07.2000 SEC(2000) 1231 final)  
 SP 1610 (EC Ref No 11689/00 COM(2000) 579 final COD 1999/0275)  
 SP 1614 (EC Ref No 12761/00 COM(2000) 688 final)  
 SP 1615 (EC Ref No 12762/00 COM(2000) 691 final)  
 SP 1616 (EC Ref No 12763/00 COM(2000) 690 final)  
 SP 1618 (EC Ref No 12994/00 COM(2000) 682 final)  
 SP 1619 (EC Ref No 13027/00 COM(2000) 657 final 1999/0180)  
 SP 1620 (EC Ref No 13032/00 COM(2000) 634 final COD 2000/0251)  
 SP 1621 (EC Ref No 13048/00 COM(2000) 685 final)  
 SP 1627 (EC Ref No 9651/00 COM(2000) 405 final)

SP 1631 (EC Ref No Brussels 08/11/2000 COM(2000) 692/2 final)

SP 1636 (EC Ref No 13104/00 COM(2000) 558 final)

SP 1637 (EC Ref No SEC(2000) 404 final)

SP 1605 (EC Ref No 12798/00 ENFOPOL 70)

SP 1601 (EC Ref No 2530-58r2 The Hague 30 October 2000)

Is that agreed?

**Members indicated agreement.**

**The Convener:** I invite members to note the contents of the public document headed "Correspondence Report: exchange of letters with the Scottish Executive on proposals for EC/EU legislation", which summarises our discussions with the Scottish Executive and its view on items of EC legislation.

I do not want to pre-empt the debate on committee restructuring that will take place later this week in Parliament, but it is possible that a number of members of the committee will leave it shortly. I thank those members who may be affected for the contribution that they have made to the committee.

I cannot prejudge the view of Parliament or of individual groups on who should be a member of the committee, but a number of members who may be affected by restructuring have made a good contribution to the committee's work. We will be sorry to see them go. I hope that their experience on the committee will benefit them in their work on other committees.

This is our last meeting before the festive period. I hope that all members have a good break, a happy new year and a merry Christmas—in whichever order those may come.

15:20

*Meeting continued in private until 16:55.*



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