

# **EUROPEAN COMMITTEE**

Tuesday 22 May 2001  
(*Afternoon*)

Session 1

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## EUROPEAN COMMITTEE

### 7<sup>th</sup> Meeting 2001, Session 1

#### CONVENER

\*Hugh Henry (Paisley South) (Lab)

#### DEPUTY CONVENER

\*Mr John Home Robertson (East Lothian) (Lab)

#### COMMITTEE MEMBERS

\*Colin Campbell (West of Scotland) (SNP)

\*Dennis Canavan (Falkirk West)

\*Helen Eadie (Dunfermline East) (Lab)

\*Irene Oldfather (Cunninghame South) (Lab)

\*Mr Lloyd Quinan (West of Scotland) (SNP)

\*Nora Radcliffe (Gordon) (LD)

\*Ben Wallace (North-East Scotland) (Con)

\*attended

#### WITNESSES

Mr Albert Bore (Committee of the Regions)

Mr Luc van den Brande (Committee of the Regions)

Mr Manfred Dammeyer (Committee of the Regions)

Mr Michel Delebarre (Committee of the Regions)

Mr José María Muñoa Ganuza (Committee of the Regions)

Mrs Claude du Granrut (Committee of the Regions)

Mr Roger Kallif (Committee of the Regions)

Mrs Christine May (Convention of Scottish Local Authorities)

Mr Stefaan de Rynck (European Commission)

Mr Erwin Schranz (Committee of the Regions)

Lord Graham Tope (Committee of the Regions)

Mr Jean-Jacques Weber (Committee of the Regions)

Mr Milner Whiteman (Committee of the Regions)

#### CLERK TO THE COMMITTEE

Stephen Imrie

#### ASSISTANT CLERK

David Simpson

#### LOCATION

The Chamber



## Scottish Parliament

### European Committee

*Tuesday 22 May 2001*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:02*]

### EU Governance

**The Convener (Hugh Henry):** I welcome colleagues to the seventh meeting in 2001 of the European Committee of the Scottish Parliament. This is a unique meeting for us—it is a joint meeting with a delegation of our colleagues from the Committee of the Regions led by Manfred Dammeyer.

We have had contacts with our colleagues in Europe for many years and, since the Scottish Parliament was established, we have had many visitors from Europe. Before I go on to the broader aspects, I shall refer to some of the organisational requirements for this afternoon. We have—again, it is an unusual event for us—access to interpreting services. We have what has been described as active interpretation in French, English and German and passive interpretation in Spanish, Italian and Swedish. We hope that, with that combination, we are able to allow everyone to participate in the proceedings. I apologise to those whose requirements have not been fully met.

In order to speak, you are required to press a button on the system in front of you. However, I ask you to indicate as early in the meeting as possible that you wish to speak; the secretariat will note that and we will try to bring people in. To extend the co-operation as much as possible, I will, after the introductory speakers, try to balance the contributions between members of the Scottish Parliament's European Committee and members of the Committee of the Regions. After the welcome, we will have a contribution from Manfred Dammeyer. Stefaan de Rynck will then make a short contribution on behalf of the European Commission. Christine May will contribute on behalf of the Convention of Scottish Local Authorities and Lord Tope and Michel Delebarre, as the COR rapporteurs, will make short contributions. We will then open the discussion to the floor.

We have circulated in advance some papers, including the joint discussion paper by the Scottish Executive and COSLA on European governance, which was referred to earlier today by Jack McConnell, the Minister for Education, Europe and

External Affairs. Essentially, what we want to do today is to consider how to improve consultation and engagement with stakeholders and citizens in the nations and regions of Europe. We want to consider the roles of national Parliaments in a reformed European Union and the role of regions and localities. It would be interesting for us in Scotland to hear more about the role that the Committee of the Regions sees itself playing.

To enable me to accommodate everybody, I encourage speakers to keep their contributions as short as possible. A number of my colleagues have to leave early due to travel arrangements. We will try to accommodate that. On a practical note, I have been asked by the staff to remind you to turn off mobile phones and pagers for the duration of the meeting and that no photography is permitted during the meeting. In the event of a fire alarm sounding, I ask you, on leaving the chamber, to follow the instructions from the secretariat.

For those of you who are staying over, I remind you that an evening reception is being hosted by the Scottish Executive in Edinburgh Castle this evening. We should meet in the car park on the esplanade outside the castle at 18:30. I ask anyone who has to leave early and would like a taxi to the airport to notify a member of the secretariat, who will make arrangements for you.

Colleagues, it is my pleasure, on behalf of the European Committee of the Scottish Parliament, formally to begin our discussions on the reform of the European Union and its future. The Parliament in which you sit is our temporary home; we will move to our new building in the near future. The Parliament is among both the oldest and the youngest Parliaments in Europe. The devolution of power to Scotland, Northern Ireland and Wales has been an unusual experiment for a country such as the United Kingdom. It has been done quickly, since the Government was elected in 1997. Legislation was passed and the Parliament was created within a short space of time.

To some extent, as a young Parliament we are learning as we develop. However, we have also drawn from the European experience in the construction of the Parliament. We have considered the European model of governance and have introduced, for the first time in a country such as Scotland, many aspects of European democracy in relation to the membership and presidency of the committees and the membership of the Parliament itself.

Scotland has always taken an outward-looking approach towards Europe. Historically, we have had many links with Europe, from the auld alliance with France to links with Flanders over many years. In recent years, the former Strathclyde region was one of the first regions of Europe to

establish a presence in Brussels. Many of you will know Charles Gray, of the former Strathclyde Regional Council, who played an active role in the Committee of the Regions. Following the creation of our Parliament, we have a presence in Brussels—the Executive has opened Scotland House—and we are seeking to play a full part in the representation of Scotland in Europe.

As I said, we have welcomed many visitors to our new Parliament since its opening on 1 July 1999, including delegates from Germany, France, Sweden, the Basque country, the Netherlands and many other countries. The committee recently held a videoconference on fisheries issues with the president of the Fisheries Committee in the Galician Parliament, which was very productive and interesting. We have been seeking to make contact with our colleagues throughout Europe. We want to learn from their experiences and we hope that our experiences may be of use to them in their own areas, regions and nations as they develop democracy.

It is vital that exchanges continue within Europe and its institutions. The Commission's forthcoming white paper on governance and the wider debate on the future of Europe will make it clear that the European Union is at a crossroads. We in Scotland want to make a contribution to the debate and the future direction of Europe. Unwarranted criticism is sometimes levelled at European institutions and people talk about their remoteness from the citizen, but distancing can also occur within the nations and regions of Europe. We must ensure that democracy is brought as close to the citizen as possible. The Committee of the Regions was formed to encourage the regions of Europe to play a greater role in the development of Europe's policies and affairs.

There is much to be done, we have much to learn and there is much to discuss. I hope that today's meeting will make a contribution both to the Scottish Parliament's considerations of governance and to the debate that is taking place in the Committee of the Regions. Our new Parliament, which was established at the end of the 20<sup>th</sup> century in anticipation of the 21<sup>st</sup> century, can provide a model for new forms of governance, although we are learning as we go along. The Parliament has four guiding principles: that power should be shared between the people and the legislature; that government should be accountable; that the Parliament should be accessible, open and responsible; and that the Parliament should promote equal opportunities. Today and in future discussion, I would like us to consider how we can put those principles into practice as we debate the future of Europe and its governance.

Colleagues, I thank you for taking the time to come to our Parliament and I hope that you enjoy your stay in Edinburgh. Those of you who have come from southern Europe have brought your good weather with you—Edinburgh is a beautiful city anyway, but it looks its best in weather such as we have today. We hope that we will see some of you this evening, at the dinner, and we will continue to co-operate with you in future years. Thank you.

14:15

**Mr Manfred Dammeyer (Committee of the Regions):** (*simultaneous interpretation*) First of all, I thank our Scottish colleagues for the invitation to come here, for the wonderful facilities and for the good weather that we are enjoying.

We have come here to discuss governance. That concept, along with a number of matters related to it, has developed in an idiosyncratic way over as short a period as six months. In my introductory remarks, I shall concentrate on the matters that have been of interest to the Committee of the Regions.

A great deal has been said about the discussion on governance. There must be civic participation in government negotiations. Governance is not a matter just for Governments and Parliaments; differently organised and non-organised interests must also be involved in the decision-making process. That is important. Bringing Europe closer to its citizens is only a part of what needs to be done.

We must also talk about responsibility—the responsibility of elected representatives, who can leave office, to behave in a responsible way. I believe that that is important to the Scottish Executive and to the Convention of Scottish Local Authorities. It is important to all of us in Europe that we include all the different strands of society in identifying problems and making decisions responsibly. That lesson has been well learned in Scotland, as evidenced by the setting up of the Scottish Parliament and the establishment of a system of governance with its own responsibilities, separate from London.

President Prodi suggested that a white paper should be produced that would set out the overall concept of governance in Europe. He did so at a time when he assumed that we, in the European Union, had reached the end of our discussion on governance in relation to European matters. Following the Nice conference, he said that any discussion of institutional matters in the European Union was over. He said that in the context of a second consideration—the concept of proximity. In the Committee of the Regions, Prodi said that the debate on proximity would displace the debate on

subsidiarity. He said that the principle of proximity—bringing the administrative behaviour of the European Union, member states and the regions closer to the citizens—would replace the principle of subsidiarity in the treaties. We were sceptical about that. The most important outcome of the Nice conference is that there is now a new discussion on both those ideas—governance and subsidiarity—contrary to what Prodi expected, and we are taking that discussion seriously.

It was decided at the Nice conference that there would be another intergovernmental conference in 2004, at which two important matters would be discussed. The first relates to competence in the European Union and making decisions on that. The second is a newly defined architecture for the European institutions. Those two issues are extremely important for the Committee of the Regions in considering governance. I have no objection to being called an organisational freak, because I want the best possible conditions for my organisation. We have good preconditions and there is a window of opportunity for such a discussion. It is true that the answers to the questions will be available only at the IGC in 2004, but we must be ready to participate in the discussion and we must take it seriously. Many other partners are discussing the same subject, which is why it is important for the Committee of the Regions to be involved.

The Commission fought tooth and nail to define the approach to governance that is taken in the white paper. We were told that there might be a white paper and that we would have to wait to see what was in it and what we wanted to do with it. Many things are controversial. There has been a great deal of change and much needs to be discussed again. It is my personal conviction—in accordance with the opinion produced by the Committee of the Regions—that we must continue to examine how to organise society so that Administrations and Parliaments shoulder the appropriate burden of responsibility.

That question is far from resolved. We must ensure that all interests are given an opportunity to participate. How do we involve non-organised interests or those interests that find it difficult to articulate their views? That is an important question for any Government or Parliament. For that reason there is still a need to talk comprehensively about governance.

There is a window of opportunity for that discussion. The Committee of the Regions is involved in that, particularly when it comes to debating the distribution of competences at European and member state level. We also need to consider which competences at member state level should be devolved to the regions. That is of paramount importance. The second major issue

concerns the architecture of the European Union. We need to consider how in future the regions will be involved in the European decision-making process.

When the Committee of the Regions started its work, it had no models on which to base itself. Never before had a parliamentary body been developed in such a short time to cover the 15 member states of the European Union. Everything had to be done between 1990 and 1992. We had to meet a large number of requirements, but the real discussion time was short. To complicate matters, the committee's competences were extended during its first term. We gained influence by ensuring that our opinions were taken seriously. We had to ensure that the Council of Ministers took account of the committee's opinions. That is unprecedented for a parliamentary body.

Two initial mistakes were made. The first related to the composition of the Committee of the Regions. Too much attention was paid to ensuring that its structure mirrored that of the Economic and Social Committee. That caused us a great deal of work. The second mistake was to create the Committee of the Regions as an advisory body. From the outset some regions wanted more than that. The discussion on that issue now needs to be repeated and broadened. The regions with constitutional and legislative competence have begun that discussion. To some extent, that has highlighted the problems we have faced.

I want to focus on a couple of the most important decisions that were made at the Barcelona conference. I quote:

*The witness continued in English.*

"The constitutional regions are not satisfied with the current institutional framework, in which the Committee of the Regions is the body representing the interests of local and regional authorities. The constitutional regions have reservations about whether the Committee of the Regions in its current shape and with its current institutional status can meet the needs and wishes of the regions."

*The witness continued in German (simultaneous interpretation).* We must ask what our current shape and institutional status are. I quote another decision:

*The witness continued in English.*

"The role of the Committee of the Regions in the decision-making process could clearly be strengthened. The Committee of the Regions should be given the status of a fully-fledged EU institution with political powers that go beyond a purely consultative role and with the right to institute proceedings in the European Court of Justice."

*The witness continued in German (simultaneous interpretation).* That is the proposal that has been made—the only one. It is not very broad, but it is a proposal. I believe that it is important. After the intergovernmental conference in Nice, the

Committee of the Regions decided, first, that it wanted competences that are more than consultative or advisory. We want the power to take decisions. Secondly, we want any second chamber in the European Parliament to arise from the Committee of the Regions.

A number of questions must be addressed to all the regions in Europe—both the constitutional and the non-constitutional ones. Member states that do not have a constitution for the regions must decide how best to include their regions. The regions must also decide how they want to be involved. That is our task. We must ensure that there is not too much disparity.

The first question that we must ask ourselves is, "What do the regions want at European level?" How do they want to be involved in decision making? How do they want to be involved in the legislative process? How do they see their relationship with Europe as determined by the principle of subsidiarity? The regions, of course, want to have maximum decision-making powers.

Secondly, how do we organise those powers into a body that covers all EU member states? Should such a body include only constitutional regions, such as Scotland, the German and Austrian Länder and the Belgian regions or perhaps also the Spanish, French and Italian regions? Would they decide what regional policy in Finland should look like? If not, what is the alternative?

In my view, we need a body that covers all the member states. What would that look like for Greece, Denmark, Finland and Sweden, with their particular histories and their specific current constitutional arrangements? What about Ireland and the Netherlands? They all have their peculiarities. In many countries there are no constitutional regions with legislative powers. We need to ask ourselves how we can organise a system so that it covers all examples. The constitutional regions must ask themselves that if they are to ensure that they have appropriate influence at European level on decision making.

I am not talking just about co-operation with other regions. There are many bodies through which the constitutional regions can address that. There are all sorts of bilateral and multilateral opportunities. That is not the problem. We must ensure that the European regions have treaty-based competences. That means addressing the question of the status of the non-constitutional regions—at communal, local and municipal level—in countries such as Denmark, the Netherlands and Greece.

We are right at the beginning of the political process. It is likely that the decision will be taken in 2004, so we must start now to consider different

proposals and how we can be involved. We have a panorama of possibilities to consider. In October last year, in Warsaw, Prime Minister Blair suggested that the European Parliament form a second chamber made up of representatives of national Parliaments. That is his view. The German Foreign Minister, Joschka Fischer, has proposed that there be a parliamentary chamber. The German President has proposed that, in addition to the European Parliament, there should be a chamber of the states, but we do not know who he proposes would sit in that chamber and whether its members would be representatives of the regions or of national Governments or national Parliaments. That is still all undecided.

We need to say that we, the regions, want to be involved in whatever arrangement finally comes to pass. I am not proposing how such a chamber should be organised—do not get me wrong. I am merely saying that we must ensure that our view is taken into account now, at the beginning of the discussion, when all sorts of proposals are being made. We need to question proposals on which we do not have a view and we need to question any attempt to sideline us.

14:30

We need to follow a two-track approach—a double strategy. We must ensure that we discuss with the citizens of Europe what the appropriate structure of the European Union's decision-making process for the regions should be. We must also bring influence to bear on those who take the decisions. The Committee of the Regions must consider all those things.

The decisions will not be made by the Committee of the Regions or by the European Parliament but by an intergovernmental conference. We must ensure that all the national Parliaments agree with our view—along the same lines as we did before the Maastricht treaty. That will require good co-ordination.

We need to concentrate not solely on institutional competences but on appropriate economic development, which is also part of governance. Regions have been the motor behind the process of European unification. They compete with one another and develop regardless of national borders. National borders are of decreasing importance. Economic developments take place at the level of the regions and are of paramount political significance for exercising influence on the European process in future.

We have a great deal to contribute from our practice thus far, but we also need to ensure that there is broad understanding of our expectations. Hugh Henry said—quite appropriately—that we must look at the content of the white paper and at

how that content can be interpreted. We must ensure that the regions continue to have influence. That needs to be considered in the context of the Committee of the Regions.

Nowadays, when people talk about the regions, no one talks about setting up a new body to replace the Committee of the Regions. Rather, people tend to say that the Committee of the Regions needs to be strengthened. I am happy to seize that opportunity. We need to ensure that we can continue to perform.

In that context, the Scottish experience of devolution is extremely important. We can use it as an example to create something else. We need to ensure that the discussions about governance properly take into account the need for parliamentary representation, economic development and political responsibility. Those three different responsibilities are important factors for the involvement of the regions at European level.

We were well advised to come and discuss such matters in Edinburgh. I hope that that encouraging note will imbue our future discussions. I hope that I have given the committee one or two ideas about the shape of discussion in the Committee of the Regions.

**The Convener:** Thank you very much, Manfred. That was an extremely useful introduction.

I ask Stefaan de Rynck to speak on behalf of the European Commission.

**Mr Stefaan de Rynck (European Commission):** I thank the Committee of the Regions and the Scottish Parliament for having invited the Commission and the governance team to make a short contribution to the debate. I will keep it short, because I am available all afternoon to answer questions.

I will give a brief introduction on the stage that we have reached in the Commission in drafting the white paper. As Mr Dammeyer said, it is one of the building-blocks for the future of the European Union. It is only one building-block among others, but it is an important building-block in the view of the Commission president and the Commission. We would like the debate on the future of the Union to consider, along with institutional issues, how governance and the process of policy making operate within the institutional context. There must be a debate not only on the need for institutional change, which is important, but on how the institutions operate and how the daily process of policy preparation, decision making and implementation operates. We would like to add that important element to debates on the future of the Union.

I have spoken to most people in the room on

different occasions, so I will keep the introduction brief. The goals of the governance exercise are clear. It is about involvement, participation and increasing the possibilities to feed into the European policy-making process; it is about effectiveness and implementation. Those important goals are at the heart of the governance exercise.

We have been pleased that, over the past six months, many substate Governments, nations, regions and local government have been keen to get involved. The Scottish Executive and COSLA have made an important contribution to the debate. Jack McConnell, the Minister for Education, Europe and External Affairs, came to Brussels in March to make an important contribution to a hearing on the issue of governance. We are very pleased that starting the debate has led to the emergence of increasing interest from substate Governments. Many regions and local authorities have sent us their views informally. We have received about 50 informal written contributions from regions, local authorities and substate Governments in Europe.

I will summarise five of the main points in the diagnosis that we have drawn from the exercise. First, the clear message is that, increasingly, substate Governments, regions and localities are affected by EU legislation on agriculture, fisheries and the environment. They complain about excessive detail in many pieces of EU legislation.

A second element in the diagnosis is that the linkages between the various levels are too weak. The linkages from Europe to the member state to all the authorities at the substate level are weakly developed and are not strong enough to cope with the challenges of sustainable development. There is a clear awareness in many of the contributions that it is not possible to allocate competences on policy issues in a rigid manner at one specific scale. The challenge is to make different levels co-operate in a dynamic way. It is recognised that that is currently too weakly organised.

A third element of diagnosis would be that the EU is perceived as being too fragmented across policy sectoral lines, in the sense that the EU has an environment policy, a transport policy and an energy policy. There is a specific sectorally organised council on all those issues, but there is no clear mechanism to establish stronger coherence and inter-sectoral integration among the various policy sectors.

The fourth element of diagnosis is that there is an increasing capacity at substate level for bodies to organise themselves transnationally and to co-operate and network across national boundaries, regions, bigger cities and substate Governments. It is also recognised that there are legal and administrative obstacles to such co-operation,

which stem from national traditions and national laws.

Finally, there was a clear warning that the situation of substate Governments, regions and localities is very different in the various member states. We are dealing with a heterogeneous group, which should be treated in a differentiated manner. Mr Dammeyer alluded to that in his introductory remarks.

We are currently drafting a white paper that should give a partial reply to some of those concerns. At this stage, I can only give the committee informal insights into our thinking, which is subject to debate on the draft of the white paper that we intend to submit at the college that the commissioners will have in July.

Three elements of reform for the future might provide an answer to some of the diagnostic points that I have mentioned. The first is in the context of the Commission's exclusive right of initiative on what are called first pillar issues: social cohesion, environment, energy, agriculture and anything related to social, environmental and economic development. Under that specific responsibility of the Commission, there should be a stronger organisation of early consultation of stakeholders, which includes substate Governments as well as civil society actors.

Jack McConnell, when he came to Brussels in March, and the COSLA and Scottish Executive submission mentioned a code of consultation. We are paying close attention to the development of such codes, so that the way in which the Commission organises its consultation is not a discretionary process, but is laid down in administrative rules and practices. That is important, so that we feed in more knowledge about local and regional situations at an early stage in the development of EU policy. It is also important to introduce a stronger acceptance of EU policies by engaging in a process whereby new policy problems are identified and policy solutions are constructed along with a wider range of actors.

A second line of reform concerns implementation. I mentioned that some people indicate that analysis shows that there is excessive detail in some pieces of EU legislation. That is perhaps inherent in the way in which the institutions currently operate in the bargaining process between the Parliament and the Council in the joint decision-making procedure, to name only one of the factors behind this. Within that context, the EU should reach out to regions in member states, and to nations and localities in member states, to organise implementation in a different fashion to give more flexibility within the context of clearly defined EU objectives.

A contractual arrangement, perhaps not in the legal sense but in the sense of covenants between different levels of Government, is one of the important ways in which we could achieve flexibility in implementation. This should all happen with the consent of the member state. The Commission does not have any desire to go beyond what is called the outer shell of the member state and start organising the competences within member states. At the same time, we must recognise the important new fact of regional devolution. Substate Governments play an increasingly important role in executing EU policies.

Finally, a third line of reform is that we feel that, in the context of obstacles to transnational and cross-border co-operation, there may be a need to develop a new legal instrument that would facilitate substate actors that want to co-operate transnationally in their efforts to do so, in order to realise the full potential of such co-operation. The geography of Europe is changing. Scandinavian countries are turning towards the Baltic sea area and increasingly organise co-operation there. Important impediments to such co-operation stem from the current laws on financial control and administrative practices within the member states. Those impediments should be overcome.

I will finish with two warnings. One is that none of what I have proposed—and the Commission has been very clear about this—is meant to erode elected democracies and representative democracy. There is a clear concern on the part of some members of the European Parliament that the Commission engaging in consulting stakeholders at an early stage in its thinking would be a threat to the influence of the Parliament at a later stage in the process. We think that that is a wrong presentation of the issue. It is a win-win situation, whereby a better-informed Commission would be able to introduce better proposals and bring them to the attention of the decision makers and legislators in the European Union, which are the Council and the European Parliament.

A second warning is that there is a clear concern that when we in the governance team and the Commission start speaking about reaching out to substate Governments for closer contacts in the context of the execution of EU policies, people in central Governments tend to become a bit nervous. Once again, there is no intention on the part of the governance team or the Commission to do that without the consent of member states. The clear caveat to what we are writing is that change has to happen in a way that respects the constitutional arrangements of each member state. I will leave it there, and I am open to answering your questions.

14:45

**The Convener:** Thank you, Stefaan. I know that the members of the European Committee who met you some months ago were very appreciative of your contribution, and we look forward to a continuing dialogue with the Commission on these matters.

I invite Christine May, who as well as being a member of the Committee of the Regions is also the spokesperson for the Convention of Scottish Local Authorities on European matters, to address us.

**Mrs Christine May (Convention of Scottish Local Authorities):** Thank you, convener. On behalf of COSLA and Scottish local government I welcome colleagues from the Committee of the Regions to Edinburgh.

New governance is an issue that we have been examining in Scotland for some time under the heading of democratic renewal and the modernisation of government. In local government elections we have had turnouts as low as 30 per cent, and in the last European elections—as I am sure many of my Scottish colleagues will recall—the turnout was even lower. In COSLA's view, that points to an even greater need to make politics and policy making relevant to people, and to involve them more, as other speakers have said, in the decisions that affect their daily lives. To a large extent, it is not important whether decisions are taken at local, regional, national or European level. The main point is that people should be connected with the decision-making process.

In the run-up to the creation of the Scottish Parliament, we studied examples of community planning, participative democracy and partnership working across the European Union, and Scottish local authorities borrowed a number of policy initiatives to increase the involvement of local communities in decision making. An example is the creation of local development committees in Edinburgh and other places to allow communities to contribute to the overall framing of plans for their areas.

Similar partnerships have been established in all Scottish local authority areas. In Fife, which is my council area, the health board, the enterprise agency and the national housing agency, together with the voluntary sector and the police, have published a 10-year plan for the region. I know that other areas have done the same. The aim of those partnerships is to establish a shared vision between public authorities, agencies, community groups and other interests to promote the well-being of their areas. Those partnerships will be written into legislation at the end of this year by the Scottish Parliament. That is one concrete way in which the Scottish Parliament has clearly said that

such partnerships are a competence of local authorities.

Other experiments that have contributed to good partnership building have involved the negotiation of European structural fund regulations. COSLA and the regional government administration co-chaired a steering group, which included the national development agency, the voluntary sector and environmental groups. That approach has been extended to other areas, and will continue for the post-2007 cohesion strategy.

Another small, but nonetheless significant, thing that the Scottish Parliament has done is to ensure that the links between the policy documents and statements, as Stefaan de Rynck said and Manfred Dammeyer alluded to, are made so that there is cross-fertilisation of ideas and there are interrelationships in policy planning. However, the task for us in local government is to increase community involvement in decisions that are perceived by our electorates as distant or irrelevant or are seen as being imposed by bureaucrats in Brussels, which is a favourite tabloid term.

It has already been pointed out that the European Union affects a broad range of the competences of local and regional government; for example, 60 per cent of the legislation that is implemented in Scotland originates from the European Union. Employment legislation, environmental directives, internal market regulations, public procurement and consumer policy all have direct implications for local government, because frequently we implement them. We are all familiar with the problem that decision making in the EU often is removed from the implementation level. Efforts were made to address that situation with the creation of the Committee of the Regions and with increased consultation with local government associations. Despite that, there is a long way to go.

Stefaan de Rynck and Manfred Dammeyer made the point that there will be slightly different solutions, as there are different issues, for different member states. I hope that Manfred Dammeyer will forgive me for my next comments, but in COSLA we do not wholly subscribe to the view that competences have to be more clearly circumscribed or delineated between levels or spheres of government and the EU. For us in Scotland it is more important that it is agreed that competences are shared, that more of them belong to one sphere than another and that there is genuine agreement that the work is for all levels of government to take forward.

More important, the citizen should be put firmly at centre stage in all aspects of the debate. For example, in my recent electioneering work not a single resident of Fife has raised with me the

competence of local government. However, they have raised the issues of education, health, care of elderly citizens, and all the other matters that are competences of us all. We must find a way of working together to make sure that the citizen has an input into the level of competence at each level of government.

It is unfortunate that the debate on the governance of Europe has become entangled in the general debate about the future of Europe. As a matter of urgency, we must try to disentangle those arguments. They require separate solutions, although the general problem may be the involvement of citizens. I suggest that there are four fundamental points to be considered when tackling these issues. A new and modern society requires new models of decision making, which involve civil society and groups outwith traditional government decision-making structures. Complex policy issues, as Stefaan de Rynck said, cut across traditional governmental boundaries. There is a need, as I have said before, better to integrate policy implementation between different spheres of government. I suggest that the best approach is a flexible partnership based on the principle of negotiated governance, rather than a rigid set of rules.

In Scotland, we are testing that approach through concordats or contracts between local and regional government to govern joint working. In our contribution—which has already been referred to—to the Commission consultation, we had a small experiment to attempt to define a set of broad principles that could be agreed by local, regional and central Government. To do that, we had broad consultation with other agencies and, somewhat to our surprise, the result was a paper that was broadly acceptable to all levels. That was the spheres of government acting on behalf of citizens by getting the business done and getting agreement.

That process highlighted a number of problems. We have a great deal of duplication in our strategies toward Europe. We are looking for better ways of involving people. I hope that the Parliament's inquiry will include a broad range of views. However, with the greatest respect, just because the Scottish Parliament has an inquiry will not mean that people will suddenly become interested. This is a lengthy process, which will take much longer than the consultation process on the Commission's white paper on local governance. We must involve citizens, and we must bring the debate constantly back to that theme.

The issue is linked to President Prodi's original motivation in launching the governance consultation—to start a debate on the legitimacy of the Union. Without the support of citizens, the EU

will only go so far. The last reminder of that was the Danish referendum on the euro. There will be more opportunities for citizens to make their discontent or content known. We have to ensure that there is an outlet for those opinions, in a way in which citizens feel that their arguments are being made at the correct level. Local government is the level that has most daily contact with people. If the governance exercise has one aim, it should be to ensure that the institutions of the European Union connect with the everyday concerns of citizens, so that citizens are at the heart of all forms of governance, whether it is at European, national, regional or local level.

**The Convener:** Thank you, Christine. COSLA has made a significant contribution to European policy development, and has been supportive of the Scottish Parliament as it seeks to play its role in Europe. We look forward to that continued co-operation.

I invite short contributions from the COR rapporteurs, Lord Tope and Michel Delebarre.

**Lord Graham Tope (Committee of the Regions):** I start on a personal note by saying that, as a member of the UK Parliament, I am absolutely delighted to be sitting in the Scottish assembly.

**The Convener:** The Scottish Parliament.

**Lord Tope:** Sorry. I will be calling Scotland a region in a minute, if I am not careful, although I have lectured Manfred Dammeyer about the need not to call Scotland a region, because Scotland is a nation. I said "assembly" because I am also a member of the Greater London Assembly. That is why I got my words muddled up. As members of what might loosely be called the Government of London, we envy the independence from Westminster that you now have in Scotland—we wish we had the same in London.

There is no doubt that, after the general election in a couple of weeks' time, the debate on regional government in England will be a major topic over the months and years to come. Regionalism in England will develop, although it remains to be seen how. That is not the subject for debate today, although the subject of today's debate probably has much relevance to how regionalism in England develops.

Not for the first time, I agreed very much with almost everything that Christine May said, which was very much in tune with the opinion adopted by the Committee of the Regions, for which I was rapporteur. As Manfred Dammeyer said, the debate has moved on in the past year or so, or, as Christine May more accurately said, it has become a little more confused. I want to take us back to the origins of the opinion that the Committee of the Regions adopted on governance.

The process began when Mr Prodi addressed our plenary session in February 2000. He said that one of the four strategic objectives of the Commission should be new forms of governance. He made it clear to us that he was talking not only about the relationship between the various EU institutions, but very much more about the wider aspect of the relationship between government and citizen in the whole of the European Union. If I remember correctly, he said that that was a challenge for the Committee of the Regions.

We felt that that was an opportunity for the Committee of the Regions. If we are to give any meaning at all to the over-used phrase of bringing Europe closer to the citizens, that is something that the Committee of the Regions—especially the regional and local bodies that we represent—ought to be playing a leading part in. We therefore decided to take the initiative and produce an opinion, in the hope that it might have some influence on the Commission's thinking when it produced its white paper.

We started with our concern about the gap between government and governed. All over Europe, with the United Kingdom leading the way, turnout at elections is falling. That is only one measure, but it is a measure nevertheless, of the apathy and lack of interest of citizens, or perhaps of the increasing antipathy—rather more active than apathy—of citizens towards the various institutions of government, not least those of the European Union. The first thing that we called for was a much wider debate than simply one between the various institutions within the European Union.

We said that that debate ought to take place in a language that people understand. By that, I do not mean the languages of the member states. I mean that it should not take place in the language that I call Eurospeak. There are words that we all know to be English words, but which no English-speaking person would necessarily understand in the context in which they are used in Eurospeak. "Proximity" is an example of such a word. It is a perfectly normal English word and most people know what it means, but not many would understand what it means in the context in which it is used in the European Union. My opinion is that using such words in that sort of context is one of the first turn-offs to citizens being involved in a debate about the future of the European Union and about the whole issue of governance.

15:00

The Committee of the Regions took the view, which is shared by Mr Prodi, that we should not be talking about vertical tiers of government as if there was a sort of hierarchy, with the European Union at the top, local government lower and the

citizen right at the bottom. Instead, we should be talking about spheres of governance and their specific interests and responsibility, which link and overlap with one another and work on a horizontal basis. Incidentally, but most importantly, such a structure offers a much better opportunity for ordinary citizens to become involved.

Other speakers have mentioned that horizontal arrangement, whereby we are not placed in a hierarchy in which we are more or less important than those at other levels; we are equally important, with different competencies and, sometimes, with interests in the same cross-cutting issues. A number of those issues are obvious. Within that structure, we could also create a framework for more effective civil participation. We want a much greater and more accountable involvement of civic society.

The convener asked for short contributions, so I shall draw my remarks to a close. However, I was pleased to hear him stress in relation to the Scottish Parliament the importance of more openness and transparency, as that is one of the things that we wanted most. The European Union is not known for its openness and transparency.

In short, we have been calling for a new political culture. I am sometimes a little discouraged in my outlook on the future, as the debate seems to centre on the relationship between institutions and between different spheres of governance. Those are important issues, which I am sure we shall be debating this afternoon, but we must not lose sight of what I think is the most important and fundamental issue: the relationship between different spheres of government, the European Union and our citizens. That is the key to the governance debate but, when we sit in our different organisations and institutions, it can be all too easy to forget that.

**Mr Michel Delebarre (Committee of the Regions):** (*simultaneous interpretation*) I hope that, at this stage, you will allow me to confine myself to some basic comments, as we do not have the white paper yet.

My first point is that we should welcome the debate on governance, which President Prodi was right to promote. Europe has become more complex over the years. Stefaan de Rynck said that there is sometimes a lack of coherence between the different policies. The people of our countries are losing their understanding of what is going on as things become more complex, particularly as there are different competencies in different parts of the territory. That has consequences for management at all the territorial levels. It is high time that we offered clarity on enlargement. The new Scottish Parliament alone justifies our reflecting on European governance.

The second point—which is important for the Committee of the Regions—is that we should try to see things from the point of view of the European citizen. The elected representatives need to think about the people of the countries that they represent. In the COR and in the Committee on Constitutional Affairs, debate continues on constitutional aspects. I would not like us to forget that the COR represents not only regions but several tiers of administration in cities and districts. The prime reason for the existence of the COR is to represent citizens in those local and regional authorities.

The third point is that, if we are to move towards new European governance, we will need principles that we agree on and share. The European Commission and the European Parliament need to share those principles and those principles need to say something to our citizens. There is no point in having principles for the foundation of new governance if they mean nothing to the people. The Council of European Municipalities and Regions has done some work on that. It has come up with seven principles; we should discuss whether we agree with them or whether we should perhaps focus on the ones that we feel to be more important.

One of the principles is subsidiarity, which has been debated in the COR. The other principles are proportionality, partnership, consultation, participation, transparency and democracy. The question is whether we agree with all those principles or whether we would wish to strengthen one or more of them as the basis of our new definition of European governance.

My next point—which is important in the context of the European Commission's white paper on governance—concerns the role of the Committee of the Regions. We should ask what the purpose of the COR is if it is not seen by the European Commission, the Council of Ministers or the European Parliament as being a way of enriching European democratic processes. We can enrich those processes by being part of the upstream consultation within the decision-making process. During the downstream implementation, we can examine whether principles such as subsidiarity and partnership are being complied with. We should have some right to monitor that. We can also be a forum for a democratic assessment of a number of European policies that directly concern our territories and the citizens within them. That could be the first thrust of our proposals to strengthen the COR.

We can deepen democracy within the territories and regions that are represented in the COR. We are all concerned with that. We are elected in our individual territories, but a different European governance means that European issues should

not be confined to a debate among the elected. There is increasing demand for a partnership with civic society. That will be increasingly necessary to enhance the effectiveness, efficiency and transparency of European policies and choices. The COR has a lot to offer. We can contribute to a better understanding of European issues.

I am most familiar with the French context. France is certainly not top of the class in subsidiarity, nor is she top of the class in decentralisation. However, we are getting closer to 2002 and a number of our national representatives, at least in their speeches, are becoming increasingly in favour of decentralisation. That is what they say; we will see what happens in reality. We do not yet have any regions like Scotland, but in France more and more of the elected units in the different territories are setting up advisory assemblies and cultural assemblies. They are demanding much more transparency in the different procedures and what I see happening in France already exists in many other European regions.

I have expressed some of my concerns, based on views that were submitted at the end of 2000 concerning Lord Tope's proposals. The idea was to propose to the COR some clear guidance and to invite it to contribute to the debate and to reflect on its strengthened role in future European governance.

**The Convener:** I thank the rapporteurs from the COR. Before we hear more contributions from our friends from the COR, I invite contributions from members of the European Committee of the Scottish Parliament.

**Colin Campbell (West of Scotland) (SNP):** On behalf of us all, I again welcome everyone. It has been great having you here and interesting to hear what you have to say. It is difficult to focus on just one or two items, but Christine May made the important point that we must put the citizen at centre stage. Herr Dammeyer said that one of the problems was getting not to the organised citizens but to the citizens who are unclubbable and who do not join political parties or councils. It is a major problem getting through to the person whom in Scotland we call Jock Tamson's bairn—the person in the street.

On the basis of our little experience—about which we are too modest—in our new or revived Scottish Parliament, we undertake a lot of pre-legislative consultation through the committees. Interested parties—organised groups and those who simply have opinions—are invited to discuss pre-legislative proposals. Such a system works well in our small nation.

We have a Public Petitions Committee, but the key factor is not what could be described as an

esoteric discussion about the different levels of government and how those who are interested in politics can cope with that, but how such matters are explained to the person in the street, town or village who is not interested in politics. That is a major challenge; only when we have resolved that will we have successfully associated all our people in Europe with the governance of Europe.

15:15

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

It is a privilege and a pleasure to welcome to my home country colleagues with whom I have worked over the past few years. I thank them for taking the time to come to the meeting and assist us in our debate on governance. Many important points have been raised about the role of the regions in tomorrow's Europe. We are all agreed on the role of citizens. There is a real challenge ahead of us. We must make politics and policy relevant to our citizens.

The fact that the treaties are complex poses a difficulty. We should consider simplification, a matter that we have talked about for many years, but on which we have not acted. We must ask ourselves whether Community legislation should be understood by those for whom it is intended. Mr de Rynck, the Commission's representative, spoke about knowledge and understanding. Mrs May spoke about apathy. I believe that relevance is the key to unlocking the apathy or alienation of our citizens. We have to make Europe relevant to people. The problems of unemployment and social exclusion will be tackled only by levels of government working in partnership and by getting the message over to the citizens of Europe that we are acting in their best interests.

We must educate and involve our young people. That is crucial when looking ahead at tomorrow's Europe and our vision for the way forward. Mr Dammeyer referred to subsidiarity and that is the basic guiding principle in the governance debate. Local and regional governments throughout Europe are the tiers of government closest to the citizen and are well placed to lead in the debate.

As for simplification and transparency, citizens must be assured that Europe is not a gray train for bureaucrats, but that it works for their benefit. We must assure people that we are here to deal with the real problems that face them in their everyday lives. We must have a clearer vision about how to operate between levels of government. We shall not have all the answers today, but if we can deal with some of the questions, that will take matters forward.

**Ben Wallace (North-East Scotland) (Con):**

Manfred Dammeyer talked about constitutional regions. Will he define them?

**Mr Dammeyer: (simultaneous interpretation)**

Constitutional regions is a summary term. It means regions that are founded in the constitution of the state and which have legislative power. In other words, they exercise influence on the decisions taken at state level and they have competence to make decisions themselves. They call themselves constitutional regions. They are differentiated from regions that have administrative authority.

That question reminds me that often, when we talk about Europe nowadays, we talk in academic terms about how to define a region. One cannot define a region because it differs from one member state to another. I represent North Rhine-Westphalia, which is one of the biggest regions in the whole of Europe. It has 18 million inhabitants, which is as many as Finland, Sweden and Denmark combined. By comparison, Luxembourg has 640,000 inhabitants and six members of the Committee of the Regions.

If we start asking what a region is, how it can be delimited from other entities and what it excludes, we could have a long academic discussion. That may satisfy some people, but it will never reach a definitive conclusion. We must take account of the fact that, below member state level, there are institutions comprising responsible political entities that participate in national decision making. However, they must also have an influence on decisions taken at European level via their citizenships on the future of Europe. They are calling for involvement in the European decision-making process, not only in the regional or national decision-making process.

Some regions have constitutional competence that is anchored in the constitutions of their member states. Others are organised differently. For example, some regions can press—even compel—their national Governments to act in particular ways, but politics is all about power. As for the Committee of the Regions, there would be no point in continuing if the German Länder, for example, called on the French or Belgian regions and said, "We want the Committee of the Regions to be anchored in the Maastricht treaty." We would have had to work with an instrument that is perhaps not ratified as part of the treaty.

The German Länder, the Belgian provinces and possibly their Austrian and Italian counterparts are involved in decisions at national level. To that extent, they have their own specific quality. Scotland has now joined that group and Spanish autonomous provinces are members of it. That is a good development. All member states have a tendency to say that regions should have more powers and influence because that is the opposite of centralisation. That is happening at different levels, from different points of departure and via

different processes. We must respect the differences in Europe, but constitutional regions have a particular definition. That is different from trying to define a region. I hope that my answer was long and general enough to be more or less comprehensible.

**Ben Wallace:** Thank you—your answer was clear. We are aware, especially within our devolved national Parliament, that we have different political agendas. My colleagues in the Scottish National Party would like to have greater influence above the national level and directly into Europe. As a member of a unionist party, I favour a different method. I was interested to know how constitutional regions fitted in at a national level and Mr Dammeyer has answered my question.

**Mr Dammeyer:** (*simultaneous interpretation*) We have to respect that Scotland is a nation but, at the European level and in the European discussion, Scotland is like a region.

**Colin Campbell:** In size, but not in spirit.

**Mr Lloyd Quinan (West of Scotland) (SNP):** I, too, would like to thank everyone for being here today.

I want to make some observations on the basis of the charter of fundamental rights. Some of us believe that, in 2004, the charter will inform the IGC greatly about the future governance of the European Union. I am a member of a party that believes that Scotland, which is a nation, but not a nation state, may well, if the people so desire, become a nation state. What exercises us, as it exercises people in many of the national regions of Europe, is the extent to which the European Union will take on board the concept of emergence from within the union, rather than enlargement from outside it. What also exercises us is whether, in 2004, the IGC will effectively block such initiatives.

I believe that politics is fluid. I say to the witnesses from Germany that, as a child in this country, I grew up with two certainties: that there would never be a united Germany; and that the Soviet Union would never break up. It would do well for many of us to remember that the European Union moves and changes. We must take our part in shaping the future.

There is an on-going political debate between those who support the centralised nation state, as do many parties in Spain and the United Kingdom, and those in a number of other countries where there is a strong, developing movement for self-determination. That is the case in the Basque country, in Wales and in the full—not the divided—context of Ireland. Where does the Committee of the Regions stand on the question of emergence from within? Where does it stand on the recognition that the charter of fundamental rights

was an initial step forward, but one that has to be accompanied by a declaration of the collective rights of the peoples so that the level of democracy to which many people have referred today is guaranteed?

I will be moderately controversial for a second. None of us is here because of political apathy or because the citizens are not engaged. I say that because more than 12,500 people voted for me.

**Ben Wallace:** Surely not.

**Mr Quinan:** It was not quite sufficient.

The problem of voter engagement is a problem for the individual political parties. They need to look to themselves, as it is not an institutional, structural problem. The European Union does not cause apathy. It is caused by the approach of the political parties, particularly to the most recent European Parliament election in this country, referred to earlier, which was held one month after the election to the Scottish Parliament.

Given the circumstances of that election, anyone who genuinely believed that the turnout would be high was being a shade foolish. If anyone attempts to suggest that the occasional tabloid nonsense about the European Union is what stops people voting, they are abdicating their responsibilities. Political parties are simply no longer correctly engaging the electorate; hence the drop in the number of people who exercise their right to vote.

Another key issue is the debate that the witnesses have had among themselves about how they refer to my country—Scotland. Is it a region? Is a nation? Is it a sub-nation state? Is it a sub-regional sub-nation state? What is it? The answer to those questions is quite straightforward. Scotland is a country that is currently in a political union that serves some, but not all. We will become a nation state. That is what happened to Slovenia, the Czech Republic and the Slovak Republic.

As all the witnesses know, in their own countries things are moving and changing. It is unbelievable, but the French have moved to a position where they are prepared to recognise regional assemblies. However, it was interesting that the French President waited for everyone to go on holiday before he announced the extension of powers to Corsica. Those powers will come for Brittany and for other areas.

The simple fact is that there are desires in Europe for the entry of nation states from within the current member states. If we are to proceed to 2004 with a genuine desire and belief in democracy, that desire has to be recognised as fundamental. I would like to know what the witnesses see as the issues around a declaration of collective rights of the peoples—not of the

nations, or of the states—of Europe.

**The Convener:** I call Mr José María Muñoa Ganuza, the Basque country member of the Committee of the Regions.

15:30

**Mr José María Muñoa Ganuza (Committee of the Regions):** (*simultaneous interpretation*) First, I thank the Scottish Parliament and say that I am moved and proud to speak in the Scottish Parliament. I congratulate Scotland and the Scottish Parliament on winning back their competences and achieving devolution. The people of Scotland are an example and a symbol of democracy for the rest of Europe. It is not often that 300 years later a people wins back its rights. In saying that, I am speaking not just from the point of view of the Basque country.

Governance is a fashionable word. It is also a fine word, but we do not always fully grasp its meaning. Sometimes we mix many different aspects under the heading of governance. Perhaps, governance means common sense.

Today, we are not discussing a text. I will therefore take the liberty of making some points that are rather more political. It is true that at the moment, regionalisation or regionalism—they are not necessarily the same thing—are advancing in many countries in Europe. Scotland is an example of that, as are Italy and France. Parties in opposition tend to support regionalism but when they come into power, in some countries—please do not think that I am speaking about France—there is a general tendency to forget regionalism.

The nation states see themselves emptied of their powers—I am not speaking negatively. They see their powers shifted downwards to the regions and they feel emptied as a result, although they took a democratic decision to form the European Union. We are faced with the entity of the nation state that was in the main created in the 19<sup>th</sup> century, and which has now been emptied of its competences. I am not saying that the nation state has disappeared, but the reality is that the nation state in Europe today is nothing like the nation state of 50 years ago.

Governance is important, but we are not attacking the true problem, which is that we are trying to achieve a European Union that encompasses 20, 25 or 30 states by starting with the state and without wanting even to think about the level of entities below the state, where I include nations and regions. I disagree with Mr Dammeyer about that. Membership of the Committee of the Regions does not mean that Scotland will become a region rather than a nation or that Birmingham will become a region. I will talk about that later. In the Committee of the Regions,

we maintain our specificities. For example, some units are regions, some are districts and some are provinces.

I will return to governance. It is as if a single business decided to enter an association with 25 other businesses to form one whole business, without making any changes. That will never work—hence the difficulties that Mr Dammeyer described. I fully agree with him. As long as the European Union does not accept that it must confront those challenges, we will continue to meet and talk about governance, and we will invent a new word for it, but we will find no solutions.

It is high time that we took the bull by the horns and said, “We want to build the European Union.” If we do not do that, the whole European Union could become disentangled when confronted with the slightest difficulty. We will end up with another war, just like those that we had in previous centuries. We must remember that the European Union was created to preserve peace. That peace is precarious, and I am in a good position to know that. Please do not think that I am Eurosceptic. I want to be optimistic for Europe, but when a problem exists, we must attack it as a problem. We must recognise the problem, diagnose it and find a solution.

I will make similar comments about the Committee of the Regions. We must admit that the COR is not effective at present. We members believe in it the most and work the most, but we must admit that when the efforts that the COR has made are compared with the results that it has obtained, the COR is not effective. Please do not think that I am being pessimistic or sceptical. I am not. I am just stating the facts. In particular, I ask the people from Scotland who are listening in the galleries today not to think that my view is that of the COR. However, as I said, we must take things as they are and confront the difficulties.

Vice-president Dammeyer talked about a particular difficulty. The COR has members who are councillors in, or mayors of, small towns of 2,000 or 3,000 inhabitants. We also have presidents of regions who represent 15 million or 17 million inhabitants. Those regions have different powers and competences. We cannot work efficiently and effectively without thinking in depth about those problems. We must think about the problems and admit to the situation, without being afraid of saying, “I am the mayor of a small town” or “I am the president of a large region.” I am not saying that one is more important than the other; I am just saying that they are different. As long as we do not accept that we must confront that problem, the COR will have difficulties working properly and making progress. The COR can claim that it is an institution or whatever one

likes, but for people to take us seriously, we must solve that problem first.

I will answer Mr Quinan's question on collective rights. The COR requested that collective rights be considered at least for the preamble to the charter of fundamental rights. We will see whether the European Council accepts that request.

Thank you very much. I apologise for going on so long.

**Dennis Canavan (Falkirk West):** Several speakers have referred to the importance of bringing Europe closer to the citizens. That may be a problem or a challenge, but it is not confined to those who work in the European Union. All politicians must try to bring political decision making closer to the citizens whom they represent.

Several speakers also referred to the low turnout in some elections, including those in this country. Christine May mentioned that the turnout for elections to the European Parliament is frequently less than 30 per cent. That is worse than the figure for local government elections. At the previous UK general election, the turnout was the lowest since the 1930s. There are signs in the current campaign that turnout in this general election may be even lower. Evidence shows that people are increasingly turned off by politicians and feel increasingly alienated from the Government. That is bad for democracy.

We must all face up to the problem, whether we are in national or international politics, but in this country, the problem is probably even greater in relation to European Union decision making. There is a perception in the UK—even in Scotland, which is possibly more pro-European than some other parts of the UK—that the European Union is increasingly becoming an over-centralised bureaucracy and that an agenda exists to transform that increasingly bureaucratic machinery into some kind of superstate. If we are to change that perception, we must consider the structures in the European Union and find out how we can make them more accountable to the people and more responsive to their needs.

There is no easy, instant solution. Irene Oldfather mentioned the importance of encouraging more young people to participate in the democratic process. Teachers in our schools are involved in that. The school curriculum has been changed over the years to try to put more emphasis on participatory democracy, the machinery of government and the importance of taking part in the democratic process, but despite all the efforts that have been made by schools and teachers and in the national curriculum and the examination system, the indications are that most young people under 25 will not vote in the UK general election that is to be held in a few weeks'

time. That is worrying.

Although there is no easy or instant solution, we should consider the structures of decision making, both nationally and within the European Union. We should also consider the interface between those structures, to try to encourage more participation by ordinary citizens, to make the structures more accountable to citizens and to implement more fully the principle of subsidiarity.

15:45

The Scottish Parliament is an example of subsidiarity in practice. We had to campaign for many years to restore the Scottish Parliament. During that time, we were up against people at Westminster who believed that the United Kingdom should be a centralised, British state. Those people did not recognise the diversity of the nations and cultures that make up the United Kingdom. After many years, we won the campaign to restore our Parliament. It is still a fledgling Parliament, and both it and our European Committee have a lot to learn so that we can feed into the European Union's decision-making process before the decisions are taken. Sadly, politicians in this country, never mind ordinary citizens, are often at the receiving end of decisions. We comment on and react to them after they have been taken in Brussels or wherever, instead of being able to feed into them at an earlier stage, through our committees and through the Parliament. If we were able to feed in, we would feel, at the end of the day, that we had played a part in making the decisions.

In conclusion, I hope that the white paper, the ensuing debate and the new structures of governance that emerge will help to achieve such aims. I am grateful to Manfred Dammeyer for his clarification of the definition of constitutional regions. Several speakers made the point that Scotland is not a region or a province but a country, and that the people of Scotland make up a nation. Perhaps the Committee of the Regions should change its name to one that reflects more accurately the diversity of nation states and multinational states that exist within the European Union and the diversities that exist within each nation state.

**The Convener:** Thank you, Dennis.

I call Milner Whiteman.

**Mr Milner Whiteman (Committee of the Regions):** I am pleased that you called me now, convener. I notice that Mr Canavan's shirt is the same colour as mine. That is perhaps a coincidence, but I believe that he is an independent member of the Scottish Parliament and I am the only independent UK member of the Committee of the Regions, so there is perhaps a

connection.

As I sit in the chamber of the Scottish Parliament, I am reminded of the history of our two countries. I suppose that it is a few hundred years since we were at war. It is only about 60 years—in fact, fewer than 60 years—since the countries of Europe were at war. We must remind ourselves what we are about. The first rule of Europe is that we want peace in Europe for ever and a day. It is so important for us to work together.

People say that we fall out, and of course we do, but it is far better to fall out when we meet one another or when we talk to one another than it is to shoot one another. That is the important point to note about the Europe of today. I suppose that most of the current members of the EU were involved in the war. Many of the EU's future members were not only involved in the war but suffered under communist rule for many years. It is good—in fact, it is excellent—that all of us, from all political parties, favour enlargement. It is important that we achieve enlargement so that the whole of Europe can speak with one voice. We may fall out, but at least we are working together for the good of all our citizens.

Whether one has a Parliament, a regional Government or whatever, the debate is all about subsidiarity. People ask, "How should we set the rules?" We say that we did not have any input into some of the rules that have come out of Brussels, but we did have an input—our Government had it, as did the other EU Governments, although we did not know anything about that until the rules came out. The problem with the UK is that we always follow the rules rather than disobey them. Some of the other countries in Europe have a way of saying, "Yes, we'll set the rules, but we don't necessarily have to follow them." That is one of Europe's problems.

Subsidiarity is important—it does not matter whether one is talking about a Parliament, a regional government or a district council, as I am. Scotland has its Parliament and Wales and London have their assemblies, but the debate has yet to take place in England. What will the regions in the rest of England have? I come from the west midlands. The region has the Government Office for the west midlands and an unelected regional chamber to which people from councils, industry and the trade unions are seconded. We will have regional government in England, although it will take time; I do not think it will happen during the next Westminster Parliament.

There is a proposal to give the English regions an opportunity to hold a referendum on whether we should have regional councils or government. If we held such a referendum, the English regions—with the possible exception of the north-east—would vote no. Personally, I would probably

vote yes; I can say that here, but I would not say it at home because no one would agree with me. That does not really matter. The point I want to make is that we should work together, whatever our sphere of government. I am not sure whether Lord Tope—who has left, I think—invented the term "spheres of government", but he used it rather than the term "stratas of government" in his excellent paper, which I supported at the Committee of the Regions.

It is important that our people are governed at the lowest possible level. In England, we have parish councils, which I believe also exist in Scotland. If they can manage to look after the job at parish level, so be it. If you need governance at district level, so be it—dustbins and housing, for example, can be looked after at district level. That is the right way ahead. I am not sure that the English counties will last much longer, although I say that only because Lord Hanningfield, who was sitting next to me and who is a county councillor, has left to speak on the telephone. There is a bit of a debate in England about whether we should retain so many spheres of local government if we are to have regional government. It is unlikely that we will have as many spheres in future.

Whatever we call ourselves and whatever sphere of government we are involved in, it is important for us to work together for the good of the citizens whom we administer, whether they are in Scotland, the west midlands, Germany, France or wherever. Europe is what we are about and we do not want to go to war ever again.

**Mrs Claude du Granrut (Committee of the Regions):** (*simultaneous interpretation*) I congratulate all the previous speakers because our discussion has been of a high quality and at a high level. I also want to congratulate Herr Dammeyer for striking the keynote.

I will make two points only: my first is on civic society and my second is about the principle of subsidiarity.

Under the heading of governance, we have talked about civic society and about its importance in the decision-making process, or at least in the process of consultation that takes place before decisions are made. I would like to draw the attention of those who have local or regional responsibility to the importance of seeking the opinion of civic society. It is important that we consult new players in that arena. Civic society is more mature and rather better educated than it was a few decades ago. It needs to feel that it is involved and that it can monitor or evaluate the decisions that we take.

At the same time, we must not let civic society take over our legitimacy, which comes from the fact that we are democratically elected. It is

important that we evaluate the white paper on governance in such a way that we ensure that civic society is consulted but does not replace our legitimacy. That is a fairly subtle job. Civic society has its own legitimacy, but it must not trespass on the legitimate authority of local and regional elected representatives such as us.

On subsidiarity, we in the contact group that liaises with candidate countries have had opportunities to note that the candidate countries have some reservations about what I call regionalisation. They have reservations because the communes and districts in those countries enjoy a number of powers, which are granted to them by the state and are recognised by the state, which they fear will be taken over by the regions. Regions are a new concept to them. There is a challenge for us to show the local authorities that their powers will not be taken over by the regions. Indeed, quite the opposite will happen. We will be able to help them to mature and to achieve much higher quality in what they do.

We want the principle of subsidiarity also to be applied to the regions and the substate level—I apologise to members of the Scottish Parliament for using such a term, but I am speaking about the substate level of all member states or candidate members of the European Union. The definition of subsidiarity is that power should be applied at the lowest substate level. It is important that people below the regional level also benefit from the principle of subsidiarity. It is important that we involve the local level in our decisions and allow it to have an input. By local level, I mean the level that is below the regional level. I do not use “below” in a pejorative sense—quite the opposite.

When we participate in the decision-making process at European level, it is vital that we say to local authorities that they will have a say in what we are trying to achieve in Europe because, to an extent, we need assistance from them.

**The Convener:** Thank you, Madame du Granrut. I know that you have to leave now to catch a taxi.

16:00

**Helen Eadie (Dunfermline East) (Lab):** I echo the welcome that was given to colleagues from other parts of the United Kingdom and other parts of Europe. It is a real privilege and a pleasure to meet you today. I am sorry that I was not able to join you at lunch time; I was at this morning's meeting of the Public Petitions Committee.

I want to pick up on the point that Christine May, Dennis Canavan and Irene Oldfather made about apathy. In the previous elections for the European Parliament, the turnout was only about 20 per cent. Although there are many reasons for that, in

my estimation one reason was the form of election—for the first time in the United Kingdom, the elections used proportional representation, but that is another debate for another day. I will hold on to that for future discussions.

I have more empathy with Lord Tope's vision of our partnership in Europe, which he likened to overlapping circles, than with the hierarchical approach that Lloyd Quinan seemed to suggest. If we go down the route of a hierarchical approach, we are not really engaging in the notion of partnership, which is about equals sitting around a table—spheres of governance—where equal weight is given to what people say. I feel quite strongly about that.

A number of people have mentioned consultation. Only this morning, the Parliament's Public Petitions Committee highlighted how we talk time and again about consultation, but every one of us probably has a different notion of what we mean by that. What I liked about COSLA's paper is that it suggested that consultation should be defined in some sort of code. The many public agencies and public bodies that exist need to think about how to make consultation relevant—which is a point that was made by Irene Oldfather. If we get that right, we will start to get the consultation procedure right, which will be critical when we are working on the governance of the European Union.

I do not know what the practice in other member states is, but the new Scottish Executive has been absolutely spot on in setting out a programme of action that it has then published. That gives everybody in Scotland and the United Kingdom—and, indeed, all over the world—a way of understanding what the Government's priorities are. Citizens can then make up their own minds about how they can plan their agenda to fit in with that programme.

The Executive has also published all its consultation papers on the web. Using information technology in that way facilitates public engagement. Only last night I was on the Scottish Executive's website and downloaded a consultation paper on fir trees, on which the Executive has proposals for legislation. Fir trees are a big issue in England. The Executive has the perception that the issue is not as big in Scotland, but the consultation process allows the public nevertheless to have their say.

The consultation paper makes the important point that often people in the European Commission will—with the best intention in the world—say that there should be a directive on X, Y and Z, but will not take responsibility for costing what such a programme would mean or what implications it might have for individuals, businesses and communities. Everything that we

do must be costed, so that people can prioritise. We all know that politics is the language of priorities. More money will always be given to what is perceived as the greater public priority.

I want to comment on the Committee of the Regions. Like all such things, if the Committee of the Regions were not in existence, it would need to be invented. Sometimes when people are involved in something, they cannot see the worth of what they are doing. I am sure that you will have made your views felt, sometimes in a quiet, subtle way, sometimes in a louder and more acclaimed fashion, and that you will have made a difference. That is what being a politician is all about—making a difference. Sometimes we do that loudly, but sometimes we do it in a quiet, discreet, behind-the-scenes manner. At the end of the day, it does not matter how we do it. The bottom line for our people is whether we make a difference.

On Scotland engaging in other organisations—we are talking today about Scotland's role—I hope that we will liaise and work well, not only with the Committee of the Regions, although we need to develop our thinking on working with it, but with the Conference of Peripheral Maritime Regions of Europe and the North Sea Commission. The CPMR was born because some regions felt that they were on the periphery of Europe. They had a rationale for creating the conference. They came together because they were being ignored. Scotland may or may not be perceived as being on the periphery of Europe, but if we are, we will—I hope—engage more with such organisations.

**Mr Luc van den Brande (Committee of the Regions):** I am pleased to be in Scotland again. So many times we have had the opportunity to meet each other. I was also pleased when the European Committee visited the Flanders Parliament. Our regions, or nations, are searching for an appropriate place in the Europe of tomorrow.

First, our exercise is about better and good governance. It is important to know that it is not only through institutional and instrumental measures that we will be able to arrive at and have good governance. We have to determine what the democratic deficit is, not only all over Europe and against Europe, but in many of our member states. We are proud, or more than that, when we speak to the new member states in the accession proceedings and ask whether they are able to meet the 40 conditions for membership of the EU. It is important to know what our conditions in the EU are for better or the best governance.

Secondly, building a state is a concept of the 19<sup>th</sup> century. It is important to know what our concept is for the next century. Europe is a concept of the second part of the 20<sup>th</sup> century. The

question is whether we are able, in a double move, to move to a federated Europe. I know that it is not always possible to articulate the F-word in this part of Europe, but the F-word is more than a word: it is a concept. It is, in fact, the corollary of more autonomy and more self-determination for what are called regions.

For me, it is important that in our exercise we think about the self-determination of cultures, peoples and nations. I am not in favour of a single model for Europe. We must take account of our own history and traditions. Our friend Michel Delebarre is no longer here, but we can speak of the terrible Jacobin situation in France as evidently part of the tradition and culture of France.

Should we say to the Scots that they can be only a region in Europe? I do not know whether that is the right approach. When we are speaking about different types of regions, it is difficult to make a common analysis and to give the right definition. There are at least three elements that allow us to speak of a region as a full democratic region. First, the region has direct elections to a body from which a Government is formed. Secondly, there is a social and economic basis to answer the questions of the society for which we are responsible. Thirdly, some degree of open identity can also be an element of what we call a democratic region of the new orientation.

We have to think about principles. We are speaking about subsidiarity, which is fine. Subsidiarity is good, but it must not be a symbol. There are two forms of subsidiarity. First, there is the vertical form, in which responsibility must be shared in the partnership between local, regional, federated-state and EU levels. Secondly, there is what we can call horizontal subsidiarity, which is the place that we should give to the entrepreneurs in our society—not only economic entrepreneurs, but educational, cultural, social and welfare entrepreneurs. That is the essential point about good and better governance.

Of course, we also need to think about structures. I believe—I know that we may disagree on this—that the Committee of the Regions has a role to play in future. The Committee of the Regions must not have a reductionist influence on the self-determination of regions and nations in Europe. That would be the worst scenario. The Committee of the Regions must be instrumental in supporting the concept of democratic regions.

It is of the utmost importance to know what the place of different types of regions in Europe is. We must not only know how to have direct links to the European institutions and what our codecision situation is as a region or nation. There are some practical ways to do that. Under article 14(6) of the Maastricht treaty, it was—and still is—possible for regions to be directly involved in meetings of the

European Council. That is the position of the Belgian regions. In relation to our own competencies and responsibilities, we are in codecision with national delegations of national member states.

It is of great importance that we reflect on the legitimisation of some bodies, cultures and entities in Europe. What are the democratic content and the output of our actions? That is the point of efficiency. We will have the opportunity next month and in 2004 to reflect on that. I am in favour not only of having the debate, but of the orientations, of working on a concept for the next decades and of not being fixed to a 19<sup>th</sup> century concept. It is important to trust one another and to spread responsibility between different bodies.

I repeat the criticism that we have made many times in relation to subsidiarity. We say that subsidiarity is the most important base of our political action, but subsidiarity must not stop in London, Paris, Brussels or The Hague. We have to work on a federated system. As well as giving responsibility to the federation of Europe, we have to give more responsibility to regions and nation states.

Flanders, like Scotland, probably has the assets to be an independent state, but in my opinion it is no longer fruitful to think in that way. You can try to have as much autonomy or self-determination as possible, but that should be within a European federated context. That is what we can do for the great and rich variety of regions all over Europe. Let us not think about what I call reductionism. The Committee of the Regions is an instrumental body, which is the right place for the regions and local communities in Europe.

16:15

**Mr Roger Kallif (Committee of the Regions):** If I may, I would like to speak in my own language, Swedish.

*The witness continued in Swedish (simultaneous interpretation).* First, I would like to thank colleagues in the Scottish Parliament and the Committee of the Regions for this opportunity to exchange our experiences of democracy. Our experiences can be the foundation for our work in the European Union and at home.

We have discussed many problems and we have talked about how to engage the people in our political work. We are confronted with the issue of new governance and, as Mr van den Brande said, good governance, of which I am very much in favour. That is one of the important issues, but we must also consider the European constitution and our own roles as local and regional representatives, including our roles in the COR.

Throughout Europe, there are different democratic models. We have talked a lot about constitutional regions and regions with legislative powers, but there are other regions in Europe and, for the people in those regions, they are just as important as the ones with legislative powers. The regions have great responsibility for community services. Across Europe, local authorities have very different responsibilities and often have an important role in providing citizens with basic services. I would not like to distinguish between the various models—neither in the present member states, nor in the candidate states. They all stem from elected representatives with a political mandate.

I am happy about what Mr de Rynck of the European Commission said about the EU being based on representative democracy and about that being an important element in new or good governance. Local and regional elected representatives, and members of national Parliaments and the European Parliament, are directly elected by the people. We need to bear that in mind. We must ensure that we can take on the responsibility at European level as well. That is why it is important for us to stick together in the Committee of the Regions at the same time as taking account of our differences. There are differences: listening to our colleagues in the Scottish Parliament and the Committee of the Regions, we hear that a model is being developed in Scotland that is not the same as the model we use in Sweden.

The candidate countries have an important role to play in the work of the Committee of the Regions. Lloyd Quinan mentioned Slovakia. Those of us who are working with the candidate countries were in Bratislava last week and listened to our colleagues talk about the ways in which they are developing local and regional democracy. They need all the support that they can get in that work, not only to build up their democracies, but to ensure that there are good relationships to foster good economic and social development. They also need support in their application for European membership. The people in those countries think that the process is taking too long, and I hope that it will be accelerated.

In our discussion on governance and constitutional matters, our colleagues from candidate countries should have some scope to contribute so that democracy can be entrenched in Europe. I welcome today's meeting as part of that process. I look forward to reading Mr Prodi's white paper on new governance, whether that is produced in the summer or later in the year.

**Mr Albert Bore (Committee of the Regions):** When I was learning my politics, many years ago, I was told quite forcefully never to define the

boundary of the problem because one will always be arguing about the boundary and never get round to discussing the issue. I begin to get a sense of *déjà vu* when we focus downwards on issues of boundaries. What is a region? What is a constitutional region? What is a nation state? In a sense, such questions throw up the issue of the boundary, which, in itself, has no particular relevance to the discussion that we are engaging in this afternoon.

There are historical characteristics—languages and cultures—that we take forward and that we need to protect, but there are ways of doing that. Europe is in the process of discovering new forms through which it might protect those characteristics. I am reminded of an initiative in northern Italy—the slow food movement—which, ironically, is developing fast. The initiative is about preserving the way of life—culinary and other characteristics—of a specific area of northern Italy and it is developing because people want to hold on to their culture and those historical experiences. That is a way that they have found of trying to ensure that they bequeath a bit of history to the future.

This afternoon, we are discussing governance. I am extremely pleased to be having that discussion, as it is not one that happens in the Committee of Regions. Perhaps we have something to learn from the way in which the discussion has progressed this afternoon.

Governance is about decision making and decision-making processes. Therefore, it is about the relevance of the decision-making institution to the people on whose behalf those decisions are being made. The Scottish Parliament exists because it has relevance to the people of Scotland. Without that relevance, it would not be here, and we would not want it to be here.

We will have a multitiered or, as Graham Tope would have it, an interlocking set of spheres of influence. We will have a multitude of institutions, all of which will have relevance because the decision making with which they are connected is important to the people whom they serve. The issue for us is how we connect the institutions. An added problem is that the characteristics of the forms of governance will not be the same across Europe. I lead the biggest local authority in the UK—Birmingham City Council. The council has relevance to the people of Birmingham, although you would not think so at election time: only 20-plus per cent of the electorate in my ward regularly turns out to vote. The relevance of the council would be enhanced if my authority operated in the way in which similar authorities operate in Europe. On a recent visit to Stockholm, I engaged in deep conversation with people from cities across Sweden. What is interesting is that they have a

power of general competence, which means that they can do things that they feel would be relevant to the people whom they serve. My authority, however, is constrained by Westminster regulations and is unable to do things that the people of my city think that it would be relevant for the local authority to do.

Governance is about the relevance of the institution to the people whom it serves. That relates to effectiveness, as the institution cannot be effective without being relevant and cannot be relevant without being effective.

When Luc van den Brande spoke about the historical issues of Europe, he introduced a notion that we should dwell on. He posed a relevant question—that word keeps cropping up—about what the future structures of Europe might be. Within that question, there is a suggestion that, while the structures that are evolving may be relevant to the early part of the 21<sup>st</sup> century, they might not be relevant for much longer. We are in a shrinking world, are we not? The idea of globalisation has lots of different meanings. We are in a shrinking world and a shrinking Europe.

The forms of governance that we need for Europe—that multitiered or interlocking set of spheres of governance—will be different from those that emerged post-first world war, post-second world war and back in the 18<sup>th</sup> and 19<sup>th</sup> centuries. They will need to have relevance to the individual.

16:30

One final point drives that issue home for me. One of the key opinions of the Committee of the Regions in the past few years was on the charter of fundamental rights. Politicians from local and regional government in the 15 member states were engaged in a debate not only about what should be included in the charter, but about the charter's relevance and whether it should have legal force and be part of the treaties of the European Union. If we are entering a period in the 21<sup>st</sup> century in which we can define the rights of the individual, and if those rights are determined on a European rather than a nation state basis—which is what many of us have been arguing—it is appropriate to believe that the governance of Europe will change. We will have given individuals in that European context access to the fundamental rights that they should enjoy as citizens of Europe and we will have given citizenship of Europe greater meaning by adopting that charter and making it legally enforceable. We will also have shifted the forms of governance that the people of Europe will want in the middle and latter parts of the 21<sup>st</sup> century.

It is nice to be here in this new institution. I

wonder—this is just a private thought—how long the Scottish assembly will be relevant to the people of Scotland. Perhaps I should not have uttered that last sentence but, as a born and bred Scot, I think I can safely say that.

**The Convener:** Our proceedings are broadcast on the worldwide web and a substantially verbatim report of the proceedings will be published in the next couple of weeks. The world and its auntie will be able to read what you have said.

**Mr Erwin Schranz (Committee of the Regions):** (*simultaneous interpretation*) I am pleased that we are able to have this meeting in Scotland to study the encouraging developments here. Decentralisation has recently taken great strides forward in Scotland and it is good to see a legislative body here—legislative bodies are the strongest expression of the principle of self-determination. The Parliament is significant for other regions—including accession countries—that do not have a similar legislative architecture.

No matter whether things come from above or below—that is, whether they come from the European Union or the state—it is important that there is simultaneous growth from beneath, rather than simply an imposition from above. If one is building a house, the first thing that one does is lay the foundations. There is no point in starting at the other end. Historical developments are an interesting source of knowledge about how the future ought to be ordered.

If I may, I will give an example from my country. People tend to be unaware that the Austrian Länder merged in 1918 and 1945. The Länder said, “We are ready to give certain powers to the state, but we wish to keep other powers for ourselves.” That is an interesting lesson for the European Union. The Länder are saying now that they will transfer certain powers to the larger unit of the European Union but, of course, it must be clarified which powers will remain and which will be retrenched.

If we look at the current situation—remember that we are talking about 317 million people—we must address the question of what should be organised centrally and what should be within the remit of smaller units. Clearly, all those millions of people cannot individually be in charge of what happens to them. There is an important space for input from smaller units, hence the importance of the principle of subsidiarity.

In practical terms, there are often problems in implementing subsidiarity. We must strike a balance between centralised and decentralised decision making. It is not enough to say that we can get close to the citizen, and that we are acting via subsidiarity. Subsidiarity is important, but one can take the other view that, although it is possible

to come closer to the citizen, that might not always be the best solution. That is reflected in the set up between the Austrian Länder, regions and the central state.

There is also the important question of how that is monitored. Political units exist, in Scotland as elsewhere, which have responsibility for monitoring, but it is important that the laws are checked and monitored from the point of view of whether subsidiarity is being properly applied. One can talk about gentlemen's agreements and things of that kind, but there must be an opportunity to go to court if necessary to determine the legal basis of delimitation of competences. When we achieve that development, it will be an important milestone in the development of Europe.

Smaller units are, to some extent, suffering a creeping loss of competence. There is a great deal that is dealt with in Brussels that does not have to be dealt with in Brussels. That means that the competence of the smaller units is being gradually reduced. Decision making in Brussels often amounts to the opposite of decisions being made as close as possible to the citizen. We have to avoid powers being sucked into Brussels and the consequent proliferation of red tape because, as our paper shows, it is far more expensive. If a new law is being contemplated, one must examine how much it will cost to implement it from Portugal to Finland.

We want a clear, factual delimitation of powers to be written down, which would mean that the central authority—Brussels—could not simply override local authorities. We must examine our citizens' views on that. When new laws are at the draft stage, we must determine what citizens think about them, because citizens must determine on what basis laws are built. That means that the laws have to be manifestly transparent.

It will also be important in future for local authorities to be trusted more. They have significant abilities, and there is no need to be too gung-ho in monitoring the detail of their activities. We should place confidence in our regions and local authorities to do the job that they have been given, rather than say constantly, “No, this is too difficult for you. We will have to take it to Brussels.” On the contrary, there are all sorts of things that need not be known about in detail. There is always the possibility of going to law if necessary, but people are too ready to say that something contravenes the rules of the treaty. Let us not have a development that would lead to a legislative authority constantly beating a path to the door of the European Court of Justice.

We are in favour of clear and simple rules. The foundations of a building—including the European edifice—must be built on solid rock, and the solid rock is the regions of Europe. We must ensure

that they are properly organised, so that people who come to that house feel comfortable and safe there.

**The Convener:** Thank you. Our final speaker is Jean-Jacques Weber.

**Mr Jean-Jacques Weber (Committee of the Regions):** (*simultaneous interpretation*) I shall be brief, as I know that time is short. I congratulate Scotland on its admirable achievement, and I say to our hosts that you have a beautiful country. The Scots are courageous and stout-hearted. In France, we learn the history of Mary Stuart. She lived a long time ago, and she is perhaps turning in her grave today.

Mr Quinan asked whether Scotland is a nation. The Committee of the Regions is not going to answer that question. Colleagues have said this previously, perhaps better than I can, but you need to know what you are—whether you are a nation, a state or a local collective. It is not up to the Committee of the Regions to tell you that; it is up to you to say where your utopia is. Europe is a utopia, as is the Committee of the Regions—I was at the first meeting, which was held a few years ago. The Committee of the Regions exists to offer responses to questions other than that—for example, responses on citizenship and the role of politics.

I am not saying that a politician should be an administrator or manager. A politician must be an inventor first and foremost, and must push his ideas towards the citizens. We must ask politicians to invent new reasons for hope. Europe is an excellent form of hope and reality. We are always saying, "Europe, Europe, Europe" and talking about Brussels. However, the technocrats in Brussels have achieved some fantastic things. Twenty years ago, who would have thought that one day we would meet here to discuss such important issues and to exchange the ideas and views that we have heard today about the Jacobins? In France, the Jacobins are now becoming Liberals and the Liberals are becoming Jacobins. How can that process be corrected? Have we got ready-made, regulation answers to such questions? No, we have not.

16:45

Day-to-day problems will give rise to our interpretations. The founders of Europe believed in utopia; we, too, must believe in it. The problem of governance today is about putting a crown on Europe. The first crown was the association of nations. Then there was universal suffrage in the Parliament. The third element is what we represent: an interpretation of the grass roots. We all hope that the Committee of the Regions will become a European institution—a kind of

European senate—which will express the voice of the grass roots, which is the voice of the places where the problems exist, and that it will not merely allocate the European subsidies, although they are an encouragement. We need to know how we will be able to live in future and how our children—the next generation—will be able to live together and guarantee peace, regardless of beliefs. That is what the matter boils down to; we must live together in harmony and peace.

We must recognise each other as being representatives of a whole. It does not really matter whether somebody is a representative of a local authority or a region, or the mayor of a town. What matters is that we have a common idea. You have done that in Scotland: if you had not, we would not be in this room today. We must all live by our idea of utopia.

I have been on the Committee of the Regions for almost seven years; others have been on it for as long as me. Perhaps at first we did not believe in this utopia, but if we did not have such beliefs now we would not be here today. The Europe of the future needs to balance its powers. That is obvious. The basic message from the Committee of the Regions is that the people at the grass roots must be able to express their views.

**The Convener:** Thank you, Mr Weber.

I hesitate to allow this, but I know that Ben Wallace has waited patiently. Does Ben still want to ask a question?

**Ben Wallace:** I am aware of the time. If my question is short and the answers are brief, I will not annoy my colleagues.

I want to go back to comments that were made by José María Muñoa Ganuza from the Basque region, and to get a view from the members of Commission.

Mr Bore said that the matter is not about boundaries. However, before we start the debate about governance, it must be said that there is a feeling that utopia does not exist throughout Europe. People in some regions strive for a different agenda. In some parts of some countries, some people aspire—I do not agree with them—to separation.

What is José María Muñoa Ganuza's view? Is the reform of the Committee of the Regions and the change in governance a way of watering down aspirations? Will it set regions in stone in a mediocre setting, so that they are either not empowered enough to aspire to a separatist agenda or not powerful enough to annoy the unionist—the nation state—agenda? There is no separatist agenda in regions in some countries, but there are people throughout Europe who are not happy with their lot. It is important, before we

set a foundation in stone, that that matter is properly addressed. If it is not, that will not be a good foundation for the future.

**The Convener:** I am not sure how to proceed; we could be here for another two hours.

**Mr Ganuza:** (*simultaneous interpretation*) Convener, I think that you are optimistic. We could stay here all night. The matter is clear. When I raised the problem of governance, it had nothing to do with independence or self-determination of a country, region or nation. The Basque country is a nation because the Spanish constitution defines it as such. It is difficult to imagine a building with 28, 25 or 20 states, when we are using a room configuration within a building that is conceived for one state alone. That is what I meant. I am not talking about a juxtaposition of 25 states becoming a European Union that will be an effective political union.

Another point is important. Given that we want to simplify the problem, we should find a homogeneous solution. It will not be possible to find such a solution, however, if the problem is not homogeneous. Imposed uniformity is a divisive factor. Diversity is more likely to lead to unity or, at least, to a level of unity, but such an assumption is often not made. If we do not make that assumption, we end up blaming the person at the bottom. The authority at the top never asks whether the problem might be its fault.

If self-determination were applied democratically, that would be the solution; that should be accepted on both sides. I remember coming here a few years ago and talking to a Scot who was not in favour of Scottish independence, but who said that Scotland would certainly be independent in a few years' time. He assumed that it would happen. I asked him what he thought that London would say. He replied, "What do you want it to say?" I said, "Well, will it not send in tanks?" He said, "No, we cannot have that." I told him he was lucky because tanks would certainly be in the street in other states.

I agree that complexity is valuable within a state. For example, under the constitution, we have regions and nations in Spain. Complexity must exist also to take account of other differences in Europe. It is important that the Commission makes that assumption and requires complexity to be recognised, so that the model that is adopted by Brussels reflects the complexity of each country. Brussels should require that those who make decisions in the Council of Ministers are the people who have the power in their own state. Let us consider Spain. Fisheries power is an autonomous power in the Basque country, Galicia and Andalusia. What right has Madrid to discuss in Brussels a matter in which it has no competence?

In that respect, Brussels is hypocritical because Brussels cannot define the Spanish model. Once that model exists, there must be a requirement that people who are sent to Brussels have power, otherwise there will simply be discussions between people who have no power to take decisions. That is what I mean by complexity. One must be careful about complexity; complexity is wealth if it reflects reality. If there are several children in a family, for example, they will all be different. If they are all treated in the same way, that is unfair and one will never get the right answers.

**Mr Quinan:** To follow on from what José María Muñoa Ganuza said, complexity is the issue.

I want to leave the inquiry with two thoughts. I referred to the requirement that, prior to the 2004 intergovernmental conference, all institutions and structures of the European Parliament and the European Union and its member states must address the issue of the collective rights of the people. They must recognise the diversity within regions and nation states or sub-member states. That would prevent conflicts that could happen if we fail to recognise the fundamental collective rights of peoples who recognise themselves as peoples.

The second thought is from Padraic Pearse, who was an Irish nationalist, and is addressed to Mr Bore. Padraic Pearse said that no man can put a boundary on a nation.

**The Convener:** Proceedings must now be drawn to a close. As I said, the meeting has been a unique experiment for the Scottish Parliament, not just because of the technical issues that are involved in organising a meeting with our COR colleagues, but because it enabled a committee of Parliament to engage directly for the first time with representatives from throughout Europe in the COR. I hope that MSPs who have participated have benefited from listening to our friends from Europe. Equally, I hope that those friends have benefited from listening to what we have said this afternoon in the meeting and in the prior informal discussion. I hope also that they will benefit from a discussion after the meeting.

We have expressed the desire to play our full role as a Parliament not just in the COR, but the wider workings of Europe. We hope that our debates in this Parliament and in the European Committee will have an influence on how the Europe of the future is governed, and that they will influence not just our elected representatives in the European Parliament, but you in your thinking in your regions and nations. We hope not merely to make direct representations to the commission.

I thank everybody for taking the time to be with the European Committee this afternoon and I

thank those who made the meeting possible. Putting the meeting together has not been easy. There have been difficulties because of Parliament's rules and in accommodating what we asked for. I appreciate the work of the interpreters and the COR technical staff in helping us, and the work that Beatrice Taulegne and her COR team have done in negotiating with my colleagues in the Scottish Parliament to make the meeting possible. I also thank my team in the European Committee of the Scottish Parliament for their efforts.

We will gather at the car park at Edinburgh castle at 18:30 for dinner. Unfortunately, for technical reasons, the visit to the site of the new Parliament building has been cancelled. I regret that we cannot make that visit, but there should be some time to visit our beautiful city before dinner.

We are pleased to have had you here today, that the weather has been in your favour and that the discussion has been good. We hope that you leave Edinburgh not only with fond memories, but with thoughts that will help to shape the debates of tomorrow. On behalf of the European Committee of the Scottish Parliament, I present to Manfred Dammeyer a bottle of the Parliament's own whisky. I was going to say that I was presenting it as a lasting reminder, but if you drink too much of it you might not remember anything, so drink slowly and appreciate. Thank you, Manfred. *[Applause.]*

17:00

**Mr Dammeyer:** Thank you very much. There are two important Parliaments in Europe—the Scottish Parliament, which has its own whisky, and the Danish Parliament, which calls its meeting room Snapstinget. Parliaments that are open to their citizens in that way are very important and have a great future.

I thank you, convener, because it has been a good experience to have this discussion between representatives of different levels of government. We have seen how we can discuss the same problem with representatives of one nation on one side of the chamber and representatives of different regions of Europe with different views on the other.

It is not easy to draw a simple conclusion, but one point was really obvious: nothing comes from itself; we must work for it. On the specific issues that we have discussed, we think that our efforts will be successful. When we spoke about the efforts of the Committee of the Regions, and the success that we have had, we were telling the truth. However, we cannot be sure that we will be equally successful in future if we do not work for it.

We have to recognise that it is not the European Union that gives competences to the member

states or to the regions; rather, the member states give competences to the European Union. The European Union has no competences that it did not get from the member states—but that is only our opinion. In the Commission and in the Council, there are many people who think that they could do more than is written in the treaties, or who have practices that they think are in accordance with the treaties. Nothing comes from itself; we have to work for our own interests. We should therefore continue contacts such as this meeting. We should work for the important activities that we must undertake in the coming years, so that we can have a good intergovernmental conference in 2004 and so that we can speak about important regions in Europe, such as in France, Greece and elsewhere. There are important regions that have their own strengths and which can have influence at European level.

I thank the interpreters who have worked at today's meeting. I also thank Beatrice Taulegne and other staff who have been involved. I thank you, convener, for your kind hospitality. If we want to enjoy a little of the good weather that you have arranged for us today, we should start to go outside. I also have a present for you, a clock, so that you know what time it is in Europe. *[Applause.]*

**The Convener:** Thank you very much, Manfred. I now declare this meeting of the European Committee of the Scottish Parliament closed.

*Meeting closed at 17:03.*



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