

# **EUROPEAN COMMITTEE**

Tuesday 19 June 2001  
(*Afternoon*)

Session 1

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## EUROPEAN COMMITTEE

8<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

### CLERK TO THE COMMITTEE

Stephen Imrie

### ASSISTANT CLERK

David Simpson

### LOCATION

The Chamber



## Scottish Parliament

### European Committee

*Tuesday 19 June 2001*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:04*]

**The Convener (Hugh Henry):** I welcome members to the eighth meeting of the European Committee in 2001. We have received no apologies.

### Item in Private

**The Convener:** Do members agree to take item 8 in private?

**Members** *indicated agreement.*

## EU Governance

**The Convener:** Item 2 is on our inquiry into Scotland's role in the governance of the European Union. Members will recall that, at our previous meeting, we agreed to ask the clerk to revise the proposed terms of reference for our inquiry. That request centred on two concerns: a reduction in the emphasis on asking the public for their views while remaining inclusive and accessible; and an attempt to incorporate the wider process and debate in the lead-up to the intergovernmental conference in 2004. I hope that those concerns have been addressed. Do members have comments on the terms of reference?

**Dennis Canavan (Falkirk West):** May I comment on the accompanying briefing paper that was prepared by the clerk?

**The Convener:** Yes.

**Dennis Canavan:** The briefing paper says:

"The idea would be to 'shadow' an actual EC draft Directive/Regulation through its various stages to show how the draft legislation is treated and what advantages the Scottish approach has for accessibility, consultation, inclusiveness etc."

That is an excellent idea.

We should make our report as readable, interesting, relevant and meaningful as possible, not just for fellow politicians, academics and others who read our reports but for the citizens of our country and of Europe. We should be selective about the draft directive or regulation that we pick to shadow—we should pick something of relevance to the people of Scotland, to which they can relate. The draft directive or regulation might deal with a devolved matter, but under agenda item 5 we will consider the directive on informing and consulting employees in the EU, which was of great relevance at the time of the Motorola crisis and is still relevant. We should aim to make our report more readable for a wider audience. If we are careful when we pick the directive, our report will be more interesting and worth while.

**The Convener:** Do members agree to take into account Dennis Canavan's comments and consider whether the directive to which he referred is relevant to that process? If it is relevant, we could examine it, but, if not, we could pick something equally relevant.

I also ask members to note that the Jean Monnet European centre of excellence is planning a major conference in September on governance and the future of Europe. I will ask the clerk to keep in contact with Professor Burrows of the University of Glasgow. Once we have received further information, we will return to the issue.

**Ben Wallace (North-East Scotland) (Con):** I apologise for being late, convener. I was held up in the corridor.

On the draft terms of reference, I considered in depth the terms of the Gothenburg declaration and of the Council meeting in Luxembourg on 11 June. I hope that we can consider Scotland's position in relation to referendums and EU policy. Our inquiry is about how the EU relates to the UK and other member states and about the EU's future. Whatever people's views on the Irish referendum are, the attitude taken by the EU after the referendum seemed at odds with some of its proposals. For example, if we are going to talk about governance and how the EU links to member states, surely we should also talk about how the EU respects referendums in member states. That will be an important issue for us in future.

**The Convener:** There should be an opportunity to consider that. If the EU is going to consult and take the views of member states into account, its policies should reflect that approach. There is no doubt that that issue will come up during our deliberations and I do not think that we need to build it into the inquiry.

As there are no further comments, can we agree the revised terms of reference?

**Members indicated agreement.**

## EC/EU Legislation (Implementation)

**The Convener:** Item 3 concerns the implementation of European Community and European Union legislation in Scotland. Members will recall that, at a previous meeting, we asked the clerk to work with the Executive to produce revised procedures, under which the Executive would inform the committee of plans for the implementation of Community obligations. Our concern was that procedures should allow us to be notified well in advance of the Executive's implementation plans, particularly with respect to any proposed use of powers under section 57(1) of the Scotland Act 1998.

Members have before them the revised procedures. I hope that those address our concerns. We have secured the Executive's agreement to review the systems and procedures in the light of experience. Does the committee agree to the proposals?

**Members indicated agreement.**

**The Convener:** I will ask the clerk to implement the new procedures with Executive officials.

**Mr Lloyd Quinan (West of Scotland) (SNP):** Will the procedures inform your proposal that the committee should take on further responsibilities? If the committee expands its responsibilities, will it continue to operate under these procedures?

**The Convener:** The procedures outlined here relate specifically to the Executive's plans for the implementation of Community obligations. Any extension of the committee's remit would not relate to Community obligations. I do not know whether some of the procedures will prove applicable in other areas, but I guess that we will need to deal elsewhere with issues arising from the extension of the minister's portfolio.

## Petitions

**The Convener:** We have two petitions to consider: PE246 and PE365. Petition PE246 was discussed at a previous meeting. We asked the clerk and our legal adviser Christine Boch to provide us with additional information. Our main concern related to whether any consultation on the designation of sites as special areas of conservation had been carried out adequately under the procedures specified in the relevant directive.

I draw members' attention to the conclusions set out in committee paper EU/01/08/3. In essence, procedures seem to have been followed correctly. Moreover, the Executive is obliged to designate a number of sites to meet its obligations under the relevant directive. Are there any comments?

**Mr John Home Robertson (East Lothian) (Lab):** Earlier today, I had a word with Stephen Imrie about this issue, as I was the one who flagged it up. Dennis Canavan spoke about shadowing directives. The petition illustrates the kind of story that could bring European procedures into disrepute.

The designation of the south-east Islay skerries as a special area of conservation for grey seals is absurd. Someone in a committee of environmentalists has said, "Seals are a good thing and there are a lot of seals in Islay, so they need special protection." They have paid no regard to the fact that the seal population in Islay is perfectly secure and that the designation of a special area of conservation could create difficulties for other species, which should also be taken into account. The procedures should be more robust and there should be greater accountability. Whoever has made this decision has not taken into account the wider interests of the people who live in this remote area.

I want to probe this matter further. Stephen Imrie seemed to think that that would be possible. We need to make the people involved in making this decision a little uncomfortable, so that they pay attention to local interests.

**The Convener:** That is a separate issue. The proper procedures for designation have been followed, which is the main issue for us as far as this petition is concerned. You are questioning the procedures themselves.

**Mr Home Robertson:** Technically, the procedures have been followed. However, they have still produced what many people would regard as an absurdity. This is the sort of thing that we and our friends in the European Union should be aware of and guard against.

**Mr Quinan:** I have heard John Home Robertson talk about this before. Until I see some evidence, I take everything that he is telling us as hearsay. I do not know how we can have a debate on his opinion or on what he thinks has happened. Can we obtain the papers to ascertain whether what he thinks happened actually happened? We could then have a debate.

**Mr Home Robertson:** I could probably get access to the papers, as I was the minister when the area was being designated. However, I could not make them available to the committee. I saw what happened. Nobody was happy about it, either in the Scottish Executive or at Whitehall. The United Kingdom was under pressure to designate more special areas of conservation, because of other considerations, so local interests in Islay had to be sacrificed.

14:15

**Helen Eadie (Dunfermline East) (Lab):** I support the point that John Home Robertson is making. In the Public Petitions Committee, I heard representations along the same lines. There is a public view that greater weight is given to the arguments of the professional organisations than to the arguments of the disorganised groups in communities. As politicians, we have a duty to address that and to give adequate weight to the views of groups that are less organised than the professional organisations. That view is supported by people throughout Scotland. If pressed, I could access the documents that were submitted to the Public Petitions Committee.

**Mr Quinan:** I agree up to a point with what Helen Eadie is saying. However, not for the first time, we are having to accept the view of an ex-minister on papers that he cannot show us. That is no way in which to go about the committee's business. If we cannot see the papers, we are working on the basis of hearsay, whether it is from an ex-minister or from the under-represented communities that Helen Eadie has mentioned. This is the second time that previous ministerial experience has been used as an excuse for the fact that we have not been provided with information, which is unacceptable.

**Irene Oldfather (Cunninghame South) (Lab):** From the information that we have received, it seems that the correct procedures have been adhered to, whether or not they have resulted in the desired outcome. That leaves us in some difficulty. If there is a problem in translating procedures into what is happening on the ground in communities, a solution might be to highlight the problem to MEPs and ask them to investigate whether there is sufficient linkage between what is happening on the ground and the legislation, directives and proposals.

**The Convener:** As the correct procedures appear to have been followed, I suggest that we agree to take no further action on the issue and instruct the Public Petitions Committee accordingly. However, if the issue is the principle of the way in which the procedures work, and if John Home Robertson can liaise with the committee clerk, he can consider whether there is sufficient material to constitute a future agenda item. If there is, we can consider it. Otherwise, we will just leave it. Can we agree that, for the moment, no further action will be taken on the matter?

**Members indicated agreement.**

**Mr Home Robertson:** Thank you, convener. I do not want us to get bogged down on this point; I cite it merely as an example of something being handed down from the centre in the European Union that does not make sense at the periphery. It is the sort of thing that brings European institutions into disrepute. I will try to get hold of any papers on the decision to share with the clerks or fellow committee members, because the issue is relevant to us.

**The Convener:** PE365 has been referred to us for information only at this stage. The Public Petitions Committee has written to the Executive for more information. Once that is available, it will be sent to us so that we can see whether there is anything that we have to do. At this stage, I ask that we note the contents of the petition and defer any discussion until we have seen the Executive's response to the Public Petitions Committee's inquiry.

**Colin Campbell (West of Scotland) (SNP):** I am a little bewildered by the expression "the property rights to the Nation's fish".

What does that mean? It is a strange way of putting it. There are fish in Scottish waters and there are Scottish fish, but the phrase "property rights" suggests something firmer than that.

**The Convener:** We will try to get that information for when the rest of the information comes back to us.

**Helen Eadie:** The petition was on the agenda for this morning's meeting of the Public Petitions Committee, when the point was made that it would be helpful if the European Committee's report on the common fisheries policy could be sent to the petitioners. The clerk will receive a representation to that effect in due course.

**The Convener:** I believe that Iain MacSween has already received a copy of the report.

## Convener's Report

**The Convener:** There are a number of matters under item 5, the first of which is the progress of the proposal for a directive of the European Parliament and Council of Ministers establishing a general framework in the European Community for informing and consulting employees. At a previous meeting, we agreed that we should collate views from trade unions and employer bodies on the question of the UK signing up to the proposed directive. We have received a number of submissions, which have been circulated.

Previously, we intended to review the evidence that had been submitted and produce a short report on the merits or otherwise of the directive. At that stage, a number of countries, including the UK, were reported to be against certain elements of the proposed directive. However, the committee will note that at the employment and social affairs council of 11 June, the Swedish presidency achieved a common position. According to press releases and articles, the position that has been adopted allows a concession, enabling a phasing-in of regulations over seven years for companies with 50 staff or more. For companies with staff of 150 or more, the regulations will apply after three years, and for those of 100 or more after a further two years. The UK has secured an opt-out for companies with fewer than 20 employees.

On the decision-making process, the Commission will issue its view on the common position and the European Parliament will consider the matter, which I believe it must do within three months, although we are not sure whether the three-month period covers the recess of the European Parliament. However, we have an opportunity to feed back into the European Parliament's deliberations.

I recommend that we instruct the clerk to analyse the position that has been adopted, brief us on whether any further activity is advisable and seek the views of the various trade unions and employer bodies on the next steps. We must also keep in contact with our MEPs when they are considering this matter.

**Dennis Canavan:** I agree. This matter is worth pursuing. I am pleased to hear that, since the last time we discussed this issue, the British Government has moved its position somewhat and has agreed in principle to certain aspects of the proposed directive. However, I am not happy about the time scale. I imagine that some people, particularly in the trade union movement, may not be happy with a time scale that could be as long as seven years. They may also be unhappy with the reference to opt-outs for companies that have fewer than a certain number of employees.



We should continue to pursue the matter, and I hope that we can fit in with the decision-making timetable. That will allow the committee to submit whatever conclusions it reaches at a European level—whether through the European Parliament or the Council of Ministers—and ensure that our views are taken into account. The issue was of prime importance at the time of the Motorola crisis. However, that was just an illustration of the problem. It is an on-going matter and we should be proactive in pursuing it.

**Ben Wallace:** The Confederation of British Industry's submission points out that UK legislation already exists to address the issue. I ask for clarification and a comparison between that legislation and the current position with EU law. For example, I was not aware of any 90-day consultation period and I ask for substantiation of such a provision in a comparison with the EU directive.

**The Convener:** I am advised that an analysis of legislation on the statute book and forthcoming legislation is available, so we can get an answer to the committee.

**Ben Wallace:** That is brilliant.

**The Convener:** Are members agreed?

**Members indicated agreement.**

**The Convener:** The next matter is progress of a draft committee report on preparation for, and the policy implications of, the single currency in Scotland: a contribution to the euro debate from a Scottish perspective. Bruce Crawford, who has since left the committee, examined the issue on our behalf. We have asked the clerking team to produce a paper on the draft work that had been done. Work on the report is nearly completed and we hope that it will be available after the summer recess. Do members agree to note that?

**Members indicated agreement.**

**The Convener:** The next matter is a proposal to send a letter to the Minister for Education, Europe and External Affairs requesting the establishment of a procedure for notification before and after meetings of the European Council and the Council of Ministers and for reporting to the European Committee. On several occasions, the committee has touched on the necessity of discussion with ministers before they attend meetings of the European Council. It is also important that we establish a procedure for reporting back; that happens in other countries and allows proper scrutiny to take place. At the moment, we do not have a systematic or agreed procedure. We should build on some of our discussions and develop such a procedure. I have circulated a draft letter that I hope the committee will agree to send to the minister.

**Dennis Canavan:** Although I basically agree with the contents of the letter, I wonder whether it can be slightly amended to include other ministerial matters relating to the European Union such as joint ministerial meetings between the representatives of the Scottish Executive and other devolved Administrations. The committee may recall that, two or three weeks ago, I raised as a point of order with Sir David Steel the fact that there had been a report in *The Herald* referring to a joint agreement between the Scottish Executive and other devolved Administrations in the European Union about how to influence European decision making. That is all very well and good, but we were never informed. The first time that many of us heard about it was in *The Herald* report, which contained a disturbing sentence to the effect that the First Minister was acting on behalf of the Scottish Parliament.

The First Minister's spokesperson has since told me that the First Minister denied saying any such thing. I received a letter from Sir David Steel—unfortunately, I do not have it to hand—that suggested that the Executive had agreed to keep the Parliament informed in future. However, timing is of the essence, as is the role of the committee, if we are to influence decision making before decisions take place. Perhaps a slight rewording of the letter to mention meetings between our Executive and representatives of other devolved Administrations, as well as meetings of the full Council of Ministers, would be helpful.

**The Convener:** I have no difficulty with that in principle. I wrote to the First Minister to express my concern about what happened. The Executive apologised and confirmed that the committee should at least have been notified. Notification is one thing, but proper consultation is an entirely different matter. It would do no harm to consider that issue at the same time.

14:30

**Colin Campbell:** When the circumstances that relate to a decision that is being made in Europe are peculiar to Scotland or that decision may impinge more heavily on Scotland than on other places, might there be a case for our ministers—or even observers from the committee—being present during the pre-legislative process and while the process is taking place, as they sometimes are for discussions on fishing, although we debate that occasionally?

**Ben Wallace:** At a summit a year ago, the UK was involved in discussion on the proposals in the document to which the First Minister signed up, and blocked them. I would be interested to know why we were not consulted on, or informed of, the Belgians' proposals. The First Minister is supporting a Belgian idea. I understand that the

proposals are due to return to the agenda. The UK blocked the proposals the first time round. Why were we not informed then? The proposals were significant.

**The Convener:** That is a particular issue that can be addressed separately. We are trying to examine consultation procedures. Dennis Canavan suggested extending them slightly, which would be sensible.

**Ben Wallace:** The matter that I raise is part of those procedures. The procedure began when the idea was first mooted and blocked by the UK. It ended when Mr McLeish signed a framework based on the idea.

**The Convener:** How the decision was made should be covered by a set of procedures. No procedures exist and we have ended up with something that we found out about only after the event. We could ask about the matter that Ben Wallace raised, but Dennis Canavan has suggested widening the scope of the letter to the minister to cover the circumstances that were referred to. I have no problem with that.

**Mr Quinan:** I agree with Dennis Canavan, but we cannot confine the protocol that we are asking for to the meetings that the Minister for Education, Europe and External Affairs attends with representatives from devolved or autonomous Parliaments. If he is the minister who is responsible for Europe and external affairs, I suggest that we must redraft the letter on the basis that he is in charge of Europe and external affairs. We should be notified of any meetings that he holds forth of this place and we should have a role in reporting on them. That strikes me as a sensible suggestion. To confine ourselves to obvious structures of the European Union or autonomous and regional Parliaments of Europe would be to fail in our duty. The events to which Ben Wallace alluded could not arise in those circumstances, because our policy would be based on speaking to, or having a report on, any country or organisation that the Executive met. We would have been aware of the agreement that Mr McLeish entered into.

I do not understand why we have gone into such great detail in the letter and have specified particular sections and structures of the European Union. There should be a straightforward blanket reference to any country in Europe or any country that the minister goes to in connection with his portfolio for external affairs. The issue is straightforward.

**The Convener:** We await the Executive's strategy on external affairs. Once it is in place, we can comment on how we should scrutinise it. The legislative competence of the European Union means that any agreement that the Executive may

make with countries or institutions outwith the European Union will be completely different.

Initially, the suggestion was to consider how the UK Government and the Scottish Executive were acting on our behalf in the European Council of Ministers and the European Union. We can address other issues when we see the extent of the Executive's strategy.

**Mr Quinan:** I appreciate what you are saying, convener, but it does not match your actions in trying to extend the remit of this committee. While you are negotiating on that, I do not understand why you would be in the least concerned about our approaching, on behalf of the Parliament, any and every country or organisation that the Minister for Education, Europe and External Affairs has contacts with. We have no treaty-making powers, so I really do not see the problem. I also do not see where the legal structures that you have thrown into the argument apply.

**The Convener:** I may not have explained myself very well. I do not have a problem with considering covering the Executive's contact with countries and organisations outwith the European Union. However, we first need to see what the Executive proposes. We need to consider what proper scrutiny of the Executive's strategy will involve. That is a consistent position to take.

What we are considering at the moment is very specific to the European Union and to our engagement with countries within it. The next stage will certainly be to consider the Executive's external affairs strategy. I am not saying that that will be regarded differently, but at the moment we are considering a specific proposal relating to the European Union.

**Mr Quinan:** If the protocol is specifically about the European Union and only the European Union, will we not have to develop a separate protocol later? Furthermore, as the European Union develops, we will have to add to the list of countries. Would it not be more sensible—and considerably less time-consuming—if we asked for a straightforward protocol based on the whole remit of the Minister for Education, Europe and External Affairs? If you, convener, have been negotiating to ensure that scrutiny of policies on external affairs will lie with this committee, why have two protocols when we could have one? The minister is the same.

**The Convener:** It may be that things will be merged, but at the moment we do not know what the Executive is proposing. At the same time, we have a responsibility to consider what is happening within the European Union and what the Executive's role in that is. I do not regard that position as inconsistent.

Rather than have a dialogue, I would like to

open the discussion up to other members. Do any members have views similar to Lloyd Quinan's?

**Helen Eadie:** I support your position, convener. We are where we are and we have a proposal to deal with. We can deal with whatever emerges thereafter at that time. We should deal with the present proposal and move on. Otherwise, we could spend a lot of time and energy going round in circles. We want to have a positive outcome right now.

**Colin Campbell:** Transparency is important. I tried to elicit from Jack McConnell what was discussed between UK representatives and Scottish Executive representatives before the intergovernmental conference last year, but I did so in vain. That is hardly in the spirit of the thing. If we cannot get more transparency than I got then, we are in some difficulty. I do not expect you to comment on that, convener.

**Irene Oldfather:** I notice that in the letter we ask for general information about the activities of Scottish Executive ministers. Are we asking the Minister for Education, Europe and External Affairs to report back if the minister responsible for fisheries is involved in discussions? Perhaps the letter should be addressed to the First Minister.

**The Convener:** Any feedback would come from relevant ministers. We will have another look at the letter to ensure that there is no dubiety.

**Dennis Canavan:** I have considerable sympathy with the point that Lloyd Quinan makes, which will be reinforced if and when this committee becomes the committee for Europe and external affairs. At present, we are responsible only for Europe. If our remit is widened so that we can monitor the external affairs portfolio of Jack McConnell or whoever happens to be the relevant minister, there may be a case for saying that the protocol for dealing with European Union matters should be slightly different. We are members of the European Union, from which decisions of a legislative nature emanate. That is not the case for ministerial meetings with representatives of countries in Africa or Asia. Our relations with the European Union are sui generis, so a distinctive protocol may be appropriate, even if the Parliament agrees to extend our remit in future.

**The Convener:** I suggest that the committee approves our sending a letter to the Minister for Education, Europe and External Affairs in the terms indicated, with the addition of Dennis Canavan's suggestion.

**Mr Quinan:** Mr Canavan started off by saying that he agreed with me in part, so to rewrite the letter only with the additions that he proposed would be somewhat disingenuous.

**The Convener:** Dennis Canavan began by making a suggestion that I—

**Mr Quinan:** If you ask him, he will confirm that he said that he had much sympathy with my position.

**Dennis Canavan:** I have considerable sympathy with Mr Quinan's position, but the convener was referring to my earlier point: that our letter should cover joint ministerial meetings between members of the Scottish Executive and members of other devolved Administrations in the European Union. Although I sympathise with the point that Lloyd Quinan made, I think that it would be better to return to it if and when the committee's remit is extended to include external affairs.

**Mr Quinan:** Can I come back on that point?

**The Convener:** This is the last point I will take before moving on.

**Mr Quinan:** Okay. What point have we reached in the discussion? I have canvassed the opinion of a number of members on the—to some people's minds—so-called debate on the extension of the committee's remit and I am not sure where we stand. Frankly, convener, the evidence that you gave to the Procedures Committee was not in keeping with my memory of what we had discussed. I cannot find any written evidence of a debate on the issue.

**The Convener:** The matter is with the Procedures Committee. It has taken a decision and is now working on the issue. That is not the agenda item that we are dealing with and I do not intend to pursue the matter. We will hear from the Procedures Committee in due course.

Do we approve the draft letter to the Minister for Education, Europe and External Affairs, with the amendments suggested by Dennis Canavan?

**Members indicated agreement.**

14:45

**The Convener:** Yesterday, a meeting of the European structural funds forum was held in Glasgow. It was hosted by Angus MacKay and attended also by Peter Peacock. A number of major organisations attended from the Scottish voluntary sector, as well as local authorities and others. The issues that were considered included the annual summary document highlighting progress in the European structural funds programmes. Concerns were raised about the problems that the information technology application procedure has caused for voluntary organisations, the timeousness of payments to the voluntary sector, the volume of applications and the appropriateness of the areas to which the

applications are addressed. It was suggested that we need to consider the progress of the programme management executive steering committees. We also discussed what will happen after 2006. The Executive has agreed to consider several suggestions and there will be a further meeting on 1 October. I have told the Executive that we will want to know how the structural funds are being used and how well the committees are working. We will address the issue in the autumn.

Last Friday, Colin Campbell and I visited St Timothy's Primary School in Glasgow, after Glasgow City Council invited the committee to examine some of the European work that is being carried out in primary and secondary schools in the city. I found the visit very interesting. The primary school, which is in the east end of Glasgow, is hugely involved in a number of projects that are designed not only to develop the language skills of young people, but to create a greater awareness of what young people in other countries believe and how they live. The school has partner schools in Sweden, Finland, France and Donegal, in Ireland. It uses the internet to good effect and exchange visits have been undertaken by pupils and parents. Pupils in primary 1 exchange ideas with pupils in the partner schools through letters; pupils in primaries 2 to 5 are studying folk tales throughout Europe and Easter traditions; and pupils in primaries 6 and 7 are developing language skills in Spanish.

Importantly, as well as developing an awareness of what is going on beyond Scotland, in the rest of Europe, the pupils have not ignored their own history and culture. We were entertained in poetry and song, through the studies that the children are carrying out into the work of Rabbin Burns. I thank Michelle Robinson the head teacher and her staff for arranging the visit. I also thank Edna Paterson, the international officer for Glasgow City Council's education services, who has produced a paper on the European dimension in Scottish education, which I will send to committee members. We can consider its relevance to our future work.

**Colin Campbell:** It was a pleasure to be in a primary school that exudes order, discipline and enthusiasm and in which there is a good rapport between staff and pupils. It was a stimulating experience. The pupils focused not only on their Swedish, Finnish, French and Irish connections, but on their Scottish roots. The most spirited rendering of "A Man's A Man For A' That" that I have ever heard came from Mrs Bogle's class. Poignantly, I noticed that a photograph on the wall showed that the class's partner class in Sweden contains 21 pupils. In that school, if there are difficult pupils, individual minders are available to back up the teachers.

It was a stimulating visit, which indicated the

way ahead for international education. The school's approach is to be thoroughly recommended.

**The Convener:** It would be worth finding out about other schools that are involved in similar programmes. We could send various documents from those schools to our colleagues on the Education, Culture and Sport Committee.

Details of the proposed visit by the Belgian ambassador on 27 June have been circulated. I ask that members let their respective groups know about it and encourage conveners and deputy conveners to participate. The event will be broadcast internally and webcast.

## Scrutiny

**The Convener:** The next item is scrutiny of EC documents. Members have received the papers.

The recommendation for the three documents on page 1 is for priority scrutiny. I suggest that we ask the clerks to assess the documents' contents and relevance once we are clearer about the outcome of today's fisheries council. The documents are:

SP 1919 (EC Ref No 5657/01 COM(2000) 839 final)

SP 2202 (EC Ref No 7378/01 SEC(2001) 418)

SP 1842 (EC Ref No 14795/00 COM(2000) 841 final)

Is that agreed?

**Members indicated agreement.**

**The Convener:** For the following document, the recommendation is that we send it to the Enterprise and Lifelong Learning Committee, that we stress to the committee the importance of developing a local dimension to the European employment strategy and that we ask it to inform us whether it wants to take the issue forward. The document is:

SP 1942 (EC Ref No 5489/01 COM(2000) 894 final)

Is the recommendation agreed to?

**Members indicated agreement.**

**The Convener:** We await further information on the documents on page 3. The recommendation is that the following documents be deferred:

SP 2129 (EC Ref No 7408/01 EUROJUST 7)

SP 2160 (EC Ref No 7059/01 COPEN 10)

SP 2177 (EC Ref No 7989/01 COPEN 15)

SP 2206 (EC Ref No 8113/01 COPEN 16)

SP 2209 (EC Ref No 8112/01 DROIPEN 35)

SP 2210 (EC Ref No 8111/01 DROIPEN 34)

SP 2218 (EC Ref No 7983/01 COM(2001) 186 final)

SP 2219 (EC Ref No 7984/01 COM(2001) 183 final)

Is that agreed?

**Members indicated agreement.**

**The Convener:** The recommendation for the documents on page 4 is that we take no further action, but copy them to another committee for their interest. Those documents are:

SP 1811 (EC Ref No 14373/00 DROIPEN 60)

SP 2154 (EC Ref No 7669/01 COM(2001) 171 final)

SP 2173 (EC Ref No 7358/01 COM(2001) 141 final)

SP 2184 (EC Ref No 7907/01 COM(2001) 161 final)

SP 2188 (EC Ref No 7805/01 COM(2001) 179 final)

SP 1767 (EC Ref No 14245/00 COM(2000) 786 final 2000/0304 (CNS))

SP 1829 (EC Ref No 5134/01 EUROPOL 1)

Is that agreed?

**Members indicated agreement.**

**The Convener:** Pages 5 to 8 list the documents for which no further action is recommended. Those documents are:

SP 2161 (EC Ref No 7277/01 ENFOPOL 23)

SP 2193 (EC Ref No 8122/01 EUROPOL 34)

SP 2197 (EC Ref No 8141/01 EUROPOL 36)

SP 2198 (EC Ref No 8140/01 EUROPOL 35)

SP 2200 (EC Ref No 3710-37r1)

SP 2201 (EC Ref No 3710-32r1)

SP 2211 (EC Ref No 7684/01 COM(2001) 170 final)

SP 2098 (EC Ref No 6921/01 COM(2001) 94 final)

SP 2132 (EC Ref No 7387/01 COM(2001) 144 final)

SP 2140 (EC Ref No 7272/01 COM(2001) 137 final)

SP 2178 (EC Ref No 6976/01 COM(2001) 131 final)

SP 2179 (EC Ref No 7674/01 COM(2001) 172 final)

SP 2180 (EC Ref No 7611/01 ADD 4 COM(2001) 162 final Volume V)

SP 2181 (EC Ref No 7611/01 ADD 2 COM(2001) 162 final Volume III)

SP 2182 (EC Ref No 7880/01 COM(2001) 190 final)

SP 2183 (EC Ref No 7716/01 SEC(2001) 526)

SP 2185 (EC Ref No 7611/01 COM(2001) 162 final Volume I)

SP 2186 (EC Ref No 7759/01 COM(2001) 154 final)

SP 2187 (EC Ref No 7611/01 ADD 1 COM(2001) 162 final Volume II)

SP 2189 (EC Ref No Brussels 27/11/2000 SEC(2000) 2122 final)

SP 2192 (EC Ref No Brussels 20/10/2000 SEC(2000) 1781 final)

SP 2194 (EC Ref No Brussels 10/01/2001 SEC(2001) 54 final)

SP 2195 (EC Ref No Brussels 08/12/2000 SEC(2000) 2213 final)

SP 2196 (EC Ref No Brussels 07/12/2000 SEC(2000) 2132 final)

SP 2199 (EC Ref No Brussels 19/04/2001 COM(2001) 214)

SP 2203 (EC Ref No 7263/01 COR 1 SEC(2001) 420 Volume II of 3/4/2001)

SP 2204 (EC Ref No 7377/01 SEC(2001) 419)

SP 2205 (EC Ref No 7263/01 SEC(2001) 420)

SP 2212 (EC Ref No 7755/01 COM(2001) 176 final)

SP 2213 (EC Ref No 7903/01 COM(2001) 185 final)

SP 2214 (EC Ref No 7904/01 COM(2001) 187 final)

SP 2217 (EC Ref No 7979/01 COM(2001) 134 final)

SP 2220 (EC Ref No 8030/01 SEC(2001) 619)

SP 2221 (EC Ref No 8237/01 COM(2001) 127 final)

SP 2190 (EC Ref No Brussels 30/11/2000 SEC(2000) 2123 final)

SP 2191 (EC Ref No Brussels 03/11/2000 SEC(2000) 1839 final)

SP 2215 (EC Ref No 7969/01 COM(2001) 197 final (Volume I))

SP 2216 (EC Ref No 7969/01 ADD 1 COM(2001) 197 final (Volume II))

Is that agreed?

**Members indicated agreement.**

**Irene Oldfather:** SP 2182, on page 6, is a final report from the European Commission on preparations for the introduction of euro notes and coins. Since we may consider the draft report that the clerks are preparing on the euro after the summer recess, might the report from the Commission be one that the committee should examine to get background information?

**The Convener:** That is a good idea. We will make that document for priority scrutiny.

## Consultative Steering Group Principles

**The Convener:** Item 7 is on the Procedures Committee inquiry into the consultative steering group principles. The conveners group has invited all committees to comment on the Procedures Committee inquiry into adherence to the principles outlined by the CSG on how the Parliament should operate. The terms of reference for the Procedures Committee inquiry have been circulated. Do members have any comments?

**Mr Quinan:** I have a comment about point 4 on the front page of the briefing paper, EU/01/08/8, which states that the remit of the inquiry is

"Whether the key Consultative Steering Group principles as endorsed by the Parliament – sharing power, accountability, accessibility and equal opportunities – are being implemented".

The European Committee has a problem in that we are the only committee in the Parliament that has a convener and deputy convener from the same party. That is at odds with the principles of the CSG report.

**The Convener:** That is a matter for the Parliamentary Bureau.

**Mr Quinan:** It is not a matter for the Parliamentary Bureau. It is in the CSG report.

**The Convener:** It has been agreed by the political parties. A procedure was set up to address the matter and that is how the agreement has panned out. It has been approved by the Parliament and I do not intend to reopen the issue. Other than that, are there any other comments?

**Mr Quinan:** I am sorry, convener—

**The Convener:** I am sorry: we are not addressing that issue. I am the convener of this meeting.

**Mr Quinan:** We are being asked for a report on what we believe the committee is doing correctly or incorrectly in relation to the principles in the CSG report. That has nothing to do with a decision made in the Parliament or by the bureau. We have been asked to refer back to the Procedures Committee our views on whether we are meeting the key recommendations of the CSG report, one of which was that no committee of the Parliament should have a convener and deputy convener from the same party. If you want to claim that that is not in the report, that is fine. Let us dig out the report and debate the matter. What the Procedures Committee wants to know from members of this committee is whether we are meeting the key consultative steering group principles and on one of them we are failing.

**Helen Eadie:** No matter how many times and in how many different ways Lloyd Quinan says what he has to say, his point of view does not have the committee's support. He can go elsewhere and make his submission to the Procedures Committee, which may or may not be persuaded by his arguments, but I am not persuaded by what he says. He cannot impose his view on me. I am happy to accept that the consultative steering group's report is not a bible. It set up recommendations that the Parliamentary Bureau took a view on. It is for the Scottish Parliament and individual parliamentarians to say whether they agree with the recommendations. Lloyd Quinan is entitled to his view, but we do not have to agree with it.

**Ben Wallace:** Lloyd Quinan and Helen Eadie both make valid points. We are being asked for the committee's position, not an individual's. As a back bencher, my only worry is about the Parliamentary Bureau's relationship to Parliament. I am aware that all parties came to a decision at the bureau—well, not all the parties, as they are not all included, which is regrettable—but that does not always serve the best interests of democracy or the principles of the Parliament.

When the committees were being reorganised, I spoke to many back benchers in all parties who felt that the bureau was not representing their views or concerns across the board. If we are being asked for a committee position, members should be allowed to dissent from that position if they want to; if not, I would not be happy for the committee view to go forward.

**The Convener:** We have been asked to comment on sharing power, accountability and equal opportunities, and whether the Parliament and its committees are failing on that.

**Dennis Canavan:** The sharing of power is an important principle, as was enunciated by the consultative steering group. I shall not enter into a discussion of the personalities involved in this committee, but I share Lloyd Quinan's view that no committee of the Parliament should have a convener and deputy convener from the same party, given the pluralist composition of the Parliament as a whole. Although Lloyd Quinan and I may hold that view strongly, I doubt very much that it is the view of the committee. I would therefore be content to make whatever comments I have in my individual submission to the Procedures Committee, unless a majority of committee members agree with the point of view expressed by Lloyd Quinan and me, which I think is unlikely.

**Mr Quinan:** I have simply opened up a debate. That is what I thought this was about. I find it bizarre that Mrs Eadie feels that I am dissenting from something. I thought that there had to be a

debate to begin with before anyone could dissent from it. I have merely presented one position. I believe that the committee needs to debate the matter so that we can return to the Procedures Committee with the committee's view. To my knowledge, we did not have a view before we started talking about the issue; I remember no meetings at which we have dealt with it before. What was the committee's view before we opened up the matter for debate five or 10 minutes ago?

**The Convener:** We must also recognise that the appointment of conveners and deputy conveners was a matter for each of the parties. It could be the case that, when making nominations, some of the parties chose not to nominate anyone for this committee. The way that the numbers worked out was all agreed on the basis of the numbers within Parliament. Other than to open up the whole agreement on committees, which is—

**Mr Quinan:** That is not what I am suggesting. I am suggesting that we have a debate about whether we are meeting the CSG principles. I have said that I do not believe that we are. Whether that debate results in a change is not the issue. The Procedures Committee is asking only that we submit our view as part of its inquiry. That is all. It is not asking us to rerun anything.

15:00

**Helen Eadie:** Lloyd Quinan has expressed a view. I do not agree with his position that the convener and the deputy convener have to belong to different parties. This committee does not often take matters to a vote, but we can test the extent to which Lloyd Quinan's view is shared by committee members by having one.

**Mr Quinan:** Helen—

**Helen Eadie:** Let me finish, Lloyd. You had a chance to say what you wanted to say.

The consultative steering group's views notwithstanding, the Scottish Parliament has evolved. We can proceed on the basis of agreements that we have negotiated and we can arrive at different positions from those of the consultative steering group. I have that opinion, Lloyd Quinan has his opinion and various committee members may have other opinions. Everyone is entitled to their opinion. I am quite happy to call the debate to a halt and to vote on the matter. Lloyd Quinan is saying that things have to be the way that he describes; we are saying that things do not necessarily have to be that way.

**Mr Quinan:** Does anyone else have the impression that Helen Eadie has failed to understand my entire contribution?

**The Convener:** We need to make a decision—

**Mr Home Robertson:** It would be helpful if we could identify whether there is any problem. If there is a technical problem about which party the convener or the deputy convener of a committee is a member of—

**Mr Quinan:** That is not the point.

**Mr Home Robertson:** It is important that I state this, Lloyd. To all intents and purposes, a committee, particularly when exercising its scrutiny role, should be non-political. It should seek to get evidence and to reach conclusions based on that evidence. When a committee examines legislation, it is inevitable that politics will come into it. When we exercise our scrutiny role, which is the bulk of this committee's work, we should check our party political affiliations at the door and work as parliamentarians. In my experience, the best committees work that way, although it is impossible to do so on some subjects.

If Lloyd Quinan believes that the convener and deputy convener are not being impartial, that should be taken seriously. However, if his point is merely a mechanistic one about who does what and who gets which seat, I am not sure that it is worth getting bogged down in.

**Ben Wallace:** If we are to have a committee position, we should be allowed to have a debate first. I know that we have a heavy work load and, being practical, I agree with what John Home Robertson has just said. I trust my colleagues, except, perhaps, in relation to legislative scrutiny. I am not a conspiracy theorist. However, given that we are trying to come to a view as a committee, I think that Helen Eadie is wrong. I have views about the accessibility of information in this committee and I think that elements of that issue go against the principles of the consultative steering group. I think that those principles are not being met in practice.

**Helen Eadie:** I am not against having a committee position. I said that we needed to test whether there is a division of opinion in the committee, which I believe there to be. If members are not happy with the view that we arrive at as a result of the vote, they have the right to make a private submission as well. That is the point about which there might have been a misunderstanding.

**The Convener:** Ben Wallace made the valid point that, if we are to reach agreement, we should have specific terms of reference. At the moment, we are dealing with a general paper. We should ask the Procedures Committee what the deadline is and, if necessary, come back at a future meeting with specific terms of reference.

**Dennis Canavan:** Do we have time to do that?

**The Convener:** I do not know what the deadline is.

**Dennis Canavan:** I am not sure either. Another relevant issue is the accountability of the Scottish Executive to the Scottish Parliament. Earlier, we decided to write to Jack McConnell about a procedure that would allow us to be informed timeously of what the Executive is up to on European Union matters. I cited the example of the Executive's failure to keep us informed of what it is doing in consultation with other devolved Administrations. It may be helpful if we get the Procedures Committee to support our position on this issue. It would strengthen our arm if representations came not only from the European Committee but from the Procedures Committee.

**The Convener:** I do not know what the deadline is for submissions to the inquiry, but we will find out. It would be wrong to make recommendations on one or two matters but not on others. Ben Wallace made the point that we need to have proper terms of reference for the inquiry. We could send our correspondence to the Procedures Committee and draw its attention to that. It would be obvious from the tenor of previous correspondence and agenda items that we are concerned to ensure that the Executive is properly accountable. We do not need to make a decision on our response today.

**Mr Quinan:** I remind the committee of what I started off by saying. The Procedures Committee is inviting us to make a contribution to its inquiry and to set out this committee's view on how the four key principles highlighted by the CSG report are being applied. This is not about anything other than that, Mrs Eadie. It is not about divisions; it is about having a debate. The fact that I said that, in my opinion, our having a convener and deputy convener from the same party does not accord with the CSG principles may have coloured entirely your understanding of the point that I was trying to make. That is your problem, not mine.

**Helen Eadie:** No, it is your problem.

**The Convener:** We have heard enough. We will obtain more information from the Procedures Committee. If necessary, we will draw up terms of reference. In the meantime, it may be helpful if, as Dennis Canavan said, we bring to the attention of the Procedures Committee the points that we have made about Executive accountability, as conclusions can be drawn from those. However, we will not take a position on the paper until we have received more specific terms of reference.

Item 8 is to be discussed in private. I thank the public for their attendance and ask for the galleries to be cleared.

15:07

*Meeting continued in private until 15:21.*



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