

# **EUROPEAN COMMITTEE**

Tuesday 11 September 2001  
(*Afternoon*)

Session 1

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## EUROPEAN COMMITTEE

### 9<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

#### THE FOLLOWING ALSO ATTENDED:

Christine Boch (Scottish Parliament Directorate of Legal Services)

#### CLERK TO THE COMMITTEE

Stephen Imrie

#### ASSISTANT CLERK

David Simpson

#### LOCATION

Committee Room 2



## Scottish Parliament

### European Committee

*Tuesday 11 September 2001*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:01*]

**The Convener (Hugh Henry):** Good afternoon, ladies and gentlemen. I welcome members to the ninth meeting of the European Committee in 2001. I hope that you have all had a good break and are suitably refreshed for the work ahead. The only apology that I have received for non-attendance at the meeting is from John Home Robertson.

### Proposal for a Directive (Employees' Rights)

**The Convener:** Item 1 concerns a proposal for a directive of the European Parliament and the Council that establishes a general framework for informing and consulting employees in the European Community.

We seek members' views in response to some of the questions tabled in the report. We will not finalise the report this afternoon, but the clerk will prepare a final draft after we have heard members' comments. We want to be aware of as many views as possible. I wish first to draw observers' attention to my entry in the register of members' interests, which lists my membership of the Transport and General Workers Union and the support that I have received from it. Do any colleagues have a similar declaration to make?

**Irene Oldfather (Cunninghame South) (Lab):** I wish to make a declaration in respect of the Transport and General Workers Union of which I, too, am a member.

**Helen Eadie (Dunfermline East) (Lab):** I wish to make a declaration in respect of the GMB, although I have not received financial support from it.

**Mr Lloyd Quinan (West of Scotland) (SNP):** I am a member of the National Union of Journalists.

**The Convener:** We now come to the substantive issues. I am sure that the committee is aware that, in June, the employment and social affairs council finally agreed a common position on the proposed directive. That means that the European Parliament has about three months in which to agree to the common position or to propose amendments. When the directive was issued, we were keen to comment on it, but for

various reasons we were unable to do so.

We have asked our clerks to approach various organisations, trade unions and employer bodies to find out their views on the matters under discussion. What triggered discussion within the Parliament was probably Motorola's announcement, which gave the whole directive some significant focus. Since then, several other similar closures have taken place elsewhere in Scotland, so the directive is very topical.

Today, we are seeking comments on the paper that is before members. While we will not agree the final text today, we will go through the paper section by section.

As members have no comments on the background introduction on pages 1 and 2—paragraphs 1 to 6—or the following section on "Basis of the Common Position"—paragraphs 7 to 17—I will move on. The next section—paragraphs 18 to 20—is "Common position: key issues". The paper poses a question:

"Does the Committee have a view as to whether the additional time for implementation should be made available in the UK?"

Members will see the comments that we have received. Do members have any views on this section?

**Colin Campbell (West of Scotland) (SNP):** My view is that additional time should not be available to the UK, as that would be detrimental to workers in these islands.

**Dennis Canavan (Falkirk West):** There was some speculation that the UK Government might phase in this measure over a period of years, which seems far too prolonged. We should make a firm recommendation for the measure to be implemented at the earliest opportunity.

**Irene Oldfather:** Dennis Canavan makes a good point. We should put in place mechanisms that will allow us to adopt the proposal that is outlined in the paper. However, we do not want to scupper that important point by imposing a timetable that, in practical terms, we cannot meet. My view is that we should agree the principle and then examine ways of incorporating the measure at the earliest possible opportunity.

**Ben Wallace (North-East Scotland) (Con):** Before we agree to do that, I would be keen to examine the differences in the member states. We are conducting an inquiry into the governance and future of the European Union that will consider how different regions may be suited to different methods of implementation. I would like to know whether we have fewer, or more, small businesses than other member states. Countries that have, on average, much larger businesses might be affected differently. Before we recommend

adoption of the proposal, I would like to know whether there is a statistical difference. If there is not, we should adopt the proposal in the way suggested by Colin Campbell; but if a difference exists, we should leave adoption of the proposal to our own timetable.

**Irene Oldfather:** It is obvious that the United Kingdom and Ireland are in a different position from other member states. It may be appropriate for the UK and Ireland to be given additional time to undertake the implementation measures—that seems reasonable—but we do not want it to go on ad infinitum. It would be reasonable to allow a little additional time for member states that do not have procedures in place to deal with the matter.

**The Convener:** We will not reach a final decision today, but the view has been expressed that the UK should not have additional time, as that would be inappropriate. Irene Oldfather raised the issue of reasonableness and Ben Wallace asked for further information. I do not know whether we will be able to gather that information for our next meeting, but we will try to do so.

**Nora Radcliffe (Gordon) (LD):** I was interested by the statement in paragraph 22, that

“the current provisions would effectively exempt 97% of undertakings in the EU”.

That seems a little strange.

**The Convener:** That is a separate issue that we will deal with when we come to the next section.

**Mr Quinan:** Although Ben Wallace raised his point under this section, it refers more closely to the previous section. Paragraph 9 deals with the threshold for implementation of the directive. That is the key to answering his question about the size of companies. The proposed threshold, which is a compromise between the position held by the Federation of Small Businesses and that held by the trade unions, is the best way in which to make progress. The question that Ben raised would be better dealt with by considering the proposed threshold than by considering the date of implementation.

**The Convener:** We will get as much information as possible on that point.

Before I move on to the next section, I welcome as an observer Neil MacCormick, who is a member of the European Parliament. Neil and his MEP colleagues have been of tremendous assistance to the committee and to the Scottish Parliament as we try to develop our European work. We look forward to Neil's assistance in future.

Do members have comments on the next section—paragraphs 21 to 23—in which the threshold is considered?

**Dennis Canavan:** In respect of the previous declarations of interest, perhaps I should declare that I am a member of Unison and of the Educational Institute of Scotland. I am not sure whether the EIS has submitted firm views on the proposal, but I know that Unison has. I do not always agree with Unison's views, but in this instance I strongly support the views expressed by both Unison and the T&G Scotland. For example, I imagine that most employers in my constituency employ 50 or fewer employees and that there is a similar picture in most other constituencies or regions. It would be unthinkable for the employees of such small and medium companies to be excluded from the terms of the directive. In the same way, I do not understand why seafarers should be excluded from the protection that the directive would offer. I also agree strongly with the technical points made by Unison. I hope that we will take those comments on board in our final report.

**Mr Quinan:** I agree with much of what Dennis Canavan said and, in particular, with his comments on seafarers and the threshold. Quite simply, with the exception of cruise ships and Royal Fleet Auxiliary ships, which are subject to different legal structures as far as employment law is concerned, one would be hard pushed to find any employer in the British merchant navy that has 50 employees in the same work area. I believe that the threshold is defined for a ship as one that has a crew of 50. Except for the cruise sector, that is no longer the reality in the commercial world.

We must seriously consider the issue. There should be no derogation with regard to seafarers and, in light of Dennis Canavan's comments, perhaps we should reconsider and endorse the proposal for a rolling programme to reduce the thresholds in Scotland, especially given the small size of most of our companies.

**The Convener:** As there are no further comments, I will move on to the question in paragraph 24, which is on the means of implementation:

“does the Committee agree that any detailed plans for implementation within the UK should take into account the national culture and practices of labour relations, but with perhaps a view towards developing improvements?”

Do members have any views on that point?

**Helen Eadie:** I support the view that we should try to take account of the United Kingdom's particular national culture and practices in connection with labour relations. If we can do that, it will help to develop improvements in this country.

**The Convener:** Paragraph 25 is entitled “Access to confidential information”. Do members of the committee have any comments or thoughts

about that?

**Mr Quinan:** It is very important that we examine the whole concept of non-disclosure, especially in light of the position in the United Kingdom. The Data Protection Act 1998 is interpreted considerably more liberally than are provisions in other jurisdictions.

**Dennis Canavan:** I agree with Lloyd Quinan. Both the Scottish Parliament and the Scottish Executive have made a commitment to the freedom of information. There should always be a tendency to provide information rather than to withhold it. If information is to be withheld, the reasons for that action should be scrutinised. Reasons should also be given to justify such a practice. I am very much in favour of maximising the flow of information on such an important matter.

14:15

**Ben Wallace:** I understand the aim of such a provision, but when legislating we will have to define the information carefully. What people can or cannot ask should be clearly noted. In cases of rumour or speculation, when questions are not answered, people perceive that there is a conspiracy. We must be careful not to blanket the word "information" and to see that the United Kingdom makes an effort to define exactly what information can and cannot be asked for.

**Colin Campbell:** I worry about the lack of a definition of confidentiality. Business and administrative confidentiality have often become substitutes for the Official Secrets Acts in respect of people receiving the sort of information to which they ought to be entitled. The definition must be precise.

**Mr Quinan:** The paper sets out that the unions are concerned about

"conditions and limits laid down by national legislation".

No legislative provision should undermine the Data Protection Act 1998, which allows confidentiality only when criminal prosecution or criminality is likely to arise. It removes the bizarre concept of commercial confidentiality that directly affects workers on a daily basis. In effect, the information that would be released would concern individuals and collectives of individuals and should be within the bounds of the Data Protection Act 1998. There should be no departure from that in the policy that is under discussion.

**The Convener:** Does any member of the committee have any comments to make about paragraphs 26 and 27?

**Mr Quinan:** I am sure that the general feeling is yes, we support the recommendations. I certainly do.

**Dennis Canavan:** Is that the position of the Scottish Trades Union Congress?

**Mr Quinan:** Yes.

**Dennis Canavan:** I support that.

**Irene Oldfather:** It is important to recognise that employment legislation is not a devolved matter and that much of it will fall within the remit of Westminster. It is important to ensure that we tie in with Westminster's legal limitations.

**The Convener:** When we compile the final report, it will be helpful if we concentrate on issues for which the Executive has responsibility and on which it can comment.

**Irene Oldfather:** It is important for us to play a role in the promotion of good employment practice.

**Mr Quinan:** In as much as we are submitting to a legislature that recognises us in only a second-hand manner, it is within the competence of Parliament and the committee to make recommendations without reference to the settlement under the Scotland Act 1998, but on the basis of the representation of workers and employers in this country. It is our responsibility not to stay within the bounds of the Scotland Act 1998 on each and every matter.

**The Convener:** The point we are making is that when the Executive can act, it should. We can finalise that aspect at a later stage.

**Ben Wallace:** I wish to clarify paragraph 27. Is the Scottish Trades Union Congress referring to the companies funded by the Scottish Executive or is it saying that it wants its representatives to be trained and that all companies should receive funding from the Executive to help with the understanding and implementation of the proposal?

**Stephen Imrie (Clerk):** The STUC submission refers to two points. The first is the possibility of asking the Executive to provide funds for training. Secondly, it asks that the companies that receive funding from the Executive through a variety of different programmes, not all companies in Scotland, be covered.

**Ben Wallace:** You are not referring to all companies?

**Stephen Imrie:** That was not a point raised by the STUC in its submission. It made two specific points.

**Dennis Canavan:** Yes, but even in the case of companies that do not receive industrial assistance from the Scottish Executive, it is still the STUC executive's proposal that resources be offered to all companies and workers for training purposes in respect of the new EU rights.

**The Convener:** Yes, I think that that is the point the STUC is making.

**Ben Wallace:** So the STUC is referring to all companies, not to Executive-funded companies only.

**Stephen Imrie:** Perhaps I can clarify the two points, the first of which is that the STUC is asking for funds to be made available for all companies for training in such matters. The second point it makes is that companies that receive some funding from the Executive or its agencies would be encouraged to develop good practice, disseminate such information and so on.

**The Convener:** We will come back to that matter. Do members have any further thoughts or comments?

**Dennis Canavan:** I refer to paragraph 28, entitled "Action for the Committee". I am not 100 per cent happy about the final draft of the report being completed without there being further discussion by the committee. Instructing the clerk to prepare the draft puts a great onus on him. I am not entirely sure that it would be technically correct to call the paper a report of the committee if the committee had not given it formal approval.

**The Convener:** As I said at the beginning of our proceedings, we shall take on board the comments that we have heard this afternoon. A final draft will be prepared and it will be returned to the committee for discussion and decision.

**Members** *indicated agreement.*

## Common Fisheries Policy

**The Convener:** The next item on the agenda concerns reform of the common fisheries policy. The Executive has commented on our report but, as members will see, not all of our recommendations have been taken up. I regret that a couple of issues have not progressed. I am still concerned that there does not seem to be a way of spreading compensation from decommissioning to crews and workers as a matter of right. I am not entirely sure that leaving such matters to the owners always allows the compensation to filter down.

I am keen for the Executive to do its utmost to secure formal decision-making powers for any zonal management committees that are formed. It has accepted some of the principles that we have put forward, but at present it seems to be hedging its bets. It is still not sure about it. However, we made a clear recommendation, although we understand that the Executive must be careful about what it says ahead of negotiations. Nevertheless, we have put forward two specific points.

Colin Campbell has been lodging questions on the second matter, so it might be helpful if he could monitor the situation on behalf of the committee.

**Colin Campbell:** As you probably know, I have lodged several questions to the Deputy Minister for Environment and Rural Development to see what representations she has made to the United Kingdom Government and to find out how powerful they have been. The answers that I have received do not suggest that she has made the most powerful representations in the world in respect of giving power to the zonal management committees. However, I shall press on with such matters. Obviously, the answers are already in the public domain, but I can make sure that they are filed for our use.

**Ben Wallace:** The Executive's view on trickle down—money being given to crews rather than to owners—is based on the fact that UK schemes have not traditionally included such measures; rather, they have compensated owners for the permanent removal of their vessels. However, that does not mean that crews cannot be compensated. If the Executive has the will, it can do it. The Executive could top-slice funds for an early retirement scheme, for example. I am not swayed by the Executive's defence.

**Mr Quinan:** First, at the heart of many of our discussions in producing the report was regional management and the structure of the zonal management committees. The sentence

"The Executive envisages that the regional bodies should take an advisory role in the first instance but that their functions should be kept under review."

strikes me as a failure to implement zonal management, because if it is to be implemented, the regional committees must have more than an advisory role. In addition, who will review their functions?

Secondly, to follow on from what Ben Wallace said, the information we received during the inquiry suggested that previous compensation systems have not trickled down and that we now have a great opportunity to change the system. It is simply not acceptable for the Government to say, "Traditionally, this has not been done." Traditionally, until 1921, we did not give women the vote. Where does tradition stop and sensible best practice begin? We have to tell the Executive that it has failed to understand what we have said in our report about those two areas.

**Helen Eadie:** It is true that the committee was enthusiastic about zonal management—there is no question about that—but I understand also the Minister for Environment and Rural Development's caution in implementing what we all believe is a good idea. The acid test for zonal management is whether it will work as either a pilot or an advisory board in the first instance. From what the minister has said, I have detected a commitment to make it work. I hope that, ultimately, decision making will be delegated, but before the umbilical cord is released and decision-making powers are granted, it would be fair to take a cautious approach, so I do not disagree with the feedback from the Executive.

**Colin Campbell:** The last sentence in the part of the Executive's response that refers to paying money to crews runs:

"Of course, there is nothing to prevent vessel owners from sharing with crews the proceeds of any decommissioning grant they may receive."

That presupposes that every owner is awash with philanthropy and wants to be fair. Traditionally, that has not always been the case. There is a golden opportunity, on which I am sure we all concur, to take measures to firm up that view for the benefit of crews.

**Ben Wallace:** I say to Lloyd Quinan and Helen Eadie that regional management, which was the thrust of the green paper, is important and I am against watering down our reply. Helen Eadie makes the fair point that regional management could go disastrously wrong, but that should not prevent the Executive using stronger words of support. It could provide a timetable, so that decision making could be delegated after six or seven months.

The point of zonal management is that if you get

it wrong, that is it; fishing stops and you cannot go looking to the Irish sea for your fish. Zonal management committees should be executive, not advisory, so that they have to face up to their responsibilities. The Executive could have supported that more strongly. After all, the Executive will have to lobby Europe for such committees. I expected the Executive to show this committee more of a commitment to zonal management committees, although perhaps with the precautionary measures to which Helen Eadie alluded. It seems that the Executive wants the zonal management committees to be advisory because it does not want to let go its own powers.

**The Convener:** I will write on behalf of the committee to thank the Executive for its response, but I will emphasise that the two important points that we made are still significant. First, there is an opportunity to provide trickle-down compensation to those who work in the industry. Secondly, zonal management is an important principle for the committee. Is that agreed?

**Members indicated agreement.**

## EC Water Framework Directive

14:30

**The Convener:** The third item on the agenda is implementation of the EC water framework directive. The First Minister announced that the directive would be the focus and objective of the proposed water environment bill. Presumably, the Transport and the Environment Committee will be the lead committee on the bill. However, because of this committee's remit and some of the work undertaken by one of our members, Maureen Macmillan, we might be able to contribute to the consideration of the bill.

I suggest that, before any other committee embarks on stage 1 consideration of the bill, we examine some of the broader issues such as flexibility, exemptions, derogations and whether the Executive plans to negotiate with the Commission. The directive will directly affect some industries in Scotland. Although I do not want to undertake—or undermine—the work of another committee, we could add some value to its discussions on the bill by considering the European dimension.

I suggest that we ask the clerk and our legal adviser to prepare a paper that would cover some of the key issues where flexibility might be required and some of the possibilities within the directive. We could also meet representatives of the industries and of areas that would be most directly affected, such as north-east Scotland and Islay, and discuss their concerns. I would obviously want to make our colleagues in the lead committee aware of what we were doing. However, given the pressures that will face that committee, we could undertake some work that might assist it.

Do members have any comments?

**Helen Eadie:** I think that we all agree with your reasonable comments, convener. That is why no one is really saying anything.

**The Convener:** Do members agree to the course of action suggested?

**Members indicated agreement.**

## Petitions

**The Convener:** The next item on the agenda is consideration of petitions. A report containing recommendations has been circulated to members. Four petitions are before the committee, some of them for the first time. I propose that we take each in turn to find out whether members have any comments on the suggestions for recommended action.

Stephen Imrie and Christine Boch will be happy to advise us on petition PE246 and Ross Finnie's letter, if the need arises. The designation referred to in PE246 has been introduced and the committee has been asked about the steps that we wish to take in the light of the minister's decision. As I do not think that the committee can do much more about this petition, I suggest that we simply note it.

**Dennis Canavan:** Why did we not receive the information that we requested? The briefing note on the petitions says that the Executive has chosen

"to proceed with the designation in advance of any views and recommendations"

from this committee or indeed from the Transport and the Environment Committee.

**The Convener:** All that we have received is the minister's letter, which has been circulated to members, indicating that the Executive has chosen to designate the area. We debated whether it was appropriate for the committee to consider the petition. When we could not reach a decision, the Executive, which was presumably not content to wait on us, took action. The issue is no longer the designation itself, but whether we have any comments on the fact that the designation took place.

**Irene Oldfather:** The Public Petitions Committee may want to consider at what point a response should have been received from the Executive. However, it would not be an appropriate use of this committee's time for us to revisit the matter when a decision has already been made.

**The Convener:** The minister's letter gives the Executive's reasons for moving ahead. Irene Oldfather has suggested that we refer the matter back to the Public Petitions Committee, to see whether it wishes to comment on the procedure that has been followed.

**Dennis Canavan:** Leaving aside the merits or otherwise of this issue, I believe that an important principle is at stake. The Executive has taken a decision before committees of the Parliament have had the opportunity to consider a matter in detail.

We were unable to carry out such consideration because there was a delay in the Executive providing us with appropriate information, which presumably the clerk requested. The Executive is taking decisions in such a way and according to such a timetable as to preclude the possibility of those decisions being influenced by a committee or committees of the Parliament.

**The Convener:** That is the point that Irene Oldfather made. The Public Petitions Committee is responsible for commenting on procedure. We were not asked to do that; we were asked to comment on the technicalities of the matter and to assess whether it came within this committee's remit. Both Dennis Canavan and Irene Oldfather have made valid points. If there is concern that committees are not being allowed to make their contribution, that should be expressed by the Public Petitions Committee, rather than by this committee.

**Dennis Canavan:** Can we report our concerns to the Public Petitions Committee?

**The Convener:** Irene Oldfather has suggested that we refer the matter back to the Public Petitions Committee for consideration.

**Helen Eadie:** I have a different point, although I do not disagree with the things that colleagues have said. I am a member of the Public Petitions Committee, but I suspect that other members will also have been lobbied on the issue of special areas of conservation. I believe that a conference on that issue is likely to be organised soon—it may already have been organised—because there is a public perception that we are being over-zealous in establishing special areas of conservation without proper scrutiny of the social and economic consequences. People are saying that consideration is being given only to the environmental issues involved.

I offer that to members as information that has come to me through my mailbag and through my work on the Public Petitions Committee. It is for members to decide how they want to respond to public concerns on this issue, but there may be some merit in examining more closely the correspondence that has been received. Am I the only member who is receiving it? We need to consider whether the allegation that has been made is well founded.

**Irene Oldfather:** I agree with Dennis Canavan that the procedural issue needs to be considered. However, it is for the Public Petitions Committee, rather than for this committee, to do that. I believe that there is a precedent. When the Stobhill petition was before the Parliament, Greater Glasgow Health Board took a decision in advance of reporting to the Public Petitions Committee. As a result, representatives of the board were

required to appear before the committee to answer questions about the procedure that was being followed. We should take the same approach here.

**Mr Quinan:** I want to raise an issue that does come within the remit of this committee. I refer members to the fourth paragraph from the end of page 2 of Ross Finnie's letter. It states:

"It took SNH some time to analyse the complex points made by some consultees, and the Scottish Ministers did not receive SNH's finalised report on the consultation exercise until May 2001."

Did SNH fail to communicate its opinions and the opinions expressed by people in the consultation exercise to the European Commission or to the appropriate minister and then to the European Commission? Is that what has caused this situation?

John Home Robertson—unfortunately he is not with us today—seems to know rather a lot about the matter. If I remember correctly, he has pointed out that there was a failure in the process and that the UK Government was not timeous in its recommendation to the European Parliament. That is why we have ended up with the SAC. If that is the case, the matter is firmly within the remit of the European Committee and not within the remit of the Public Petitions Committee. Could we have some legal advice on that?

**Christine Boch (Scottish Parliament Directorate of Legal Services):** Both the Public Petitions Committee and the European Committee have previously agreed that neither the Scottish Parliament nor Scottish ministers can take the action requested. The Public Petitions Committee made a decision on 27 March and the European Committee made a decision on 19 June.

The reason why the issue is still pending is that the committee wanted to assess the consultation that took place when SNH was proceeding with designation of the area. That letter is currently before the committee and the committee needs to decide whether the further information it has received meets its needs in relation to its proposed assessment of the consultation process and the detail of the correspondence. We have already agreed that we could not competently do what the petitioner is requesting because the Scottish Executive has to designate the area.

The reason why the issue has been submitted to the committee and the reason why the Executive had to proceed with further designation, including designation of that area, is that the Commission has instructed the Executive to review the proposed list of sites, which was thought to be insufficient. The Executive has to proceed and a reasoned opinion has been sent to the UK about its implementation of the habitats directive.

**The Convener:** I recommend that we refer the petition back to the Public Petitions Committee. John McAllion has already received a copy of the letter from Ross Finnie but we should comment that we were unable to do anything because of the time taken to carry out consultation. There seems to be a problem with the process and the Public Petitions Committee might wish to consider that.

**Helen Eadie:** I accept that, convener. I have one question that a committee member might be able to answer. Ross Finnie says in his letter:

"Case-law in the European Court of Justice is clear that Member States can only take account of scientific considerations when considering what sites to propose to the European Commission as candidate Special Areas of Conservation."

I accept what the minister says, but should not we be asking our colleagues in the European Parliament to take account of not just the scientific considerations but the wider economic, cultural and other issues that are at the heart of the concerns that the petitioners have expressed?

**Mr Quinan:** If case law in the European Court of Justice is clear on the issue, it would be a pointless exercise for us to make those suggestions. Under the legislation, only scientific considerations can be taken into account. That is the law.

**The Convener:** Is the recommendation set out in the report agreed to?

*Members indicated agreement.*

**The Convener:** The next petition is PE365. I suggest that the clerk tries to get a response and that we reconsider the petition at a subsequent meeting. Do members agree to that suggestion?

*Members indicated agreement.*

**The Convener:** On petition PE369, it is suggested that the committee discuss and consider what action to take. I am not sure that this is the appropriate committee for the petition. If anything, the Transport and the Environment Committee would be the more appropriate committee. However, I seek your views.

**Dennis Canavan:** The petition was referred to us as well as to the Transport and the Environment Committee because of the development of a European energy policy. We may wish to see what comments the Transport and the Environment Committee makes within that context. I have reservations about, if not absolute opposition to, the petition. In particular, I have reservations about paragraph (b), which recommends

"that opencast coal development is considered within the planning system like any other development proposal".

Members who have had opencast coal

developments in their constituencies will know that there are special considerations, such as health, safety and the effect on the environment.

**The Convener:** I will not go into that debate. At the moment, we want to consider whether it is appropriate that our committee look at the petition. In my view, it is not appropriate, but I seek the views of other committee members.

14:45

**Mr Quinan:** I agree with the convener that it is not appropriate for this committee to consider the petition, except in the context of the development of a European energy policy. Perhaps the UK Government or the Executive could clarify whether they are making a direct contribution to the European energy review and what the review will say about the specifics of opencast or strip mining, so that we have an indication of the European view. I suggest that that would be mainly for our information.

**The Convener:** If another committee is going to consider the petition, it could ask those questions.

**Irene Oldfather:** In brief, the petition is about the way in which local authorities interpret a Scottish planning guidance note. The only course of action that I can see under our remit would be, as Lloyd Quinan said, for us to carry out an investigation of European energy policy. That is not on our agenda and our agenda is pretty full. At this point in time, I recommend that we do not consider the petition.

**Helen Eadie:** I am happy to support the suggestion that the petition should go to the Transport and the Environment Committee. I also support the suggestion that

"the Committee may wish to nominate a reporter to take the action forward on its behalf."

I hope that part of that reporter's remit would include bringing back information about the European dimension to this committee. I understand that, over the years, the lack of a European energy policy has been a problem. I do not know where we are at with that policy but, whatever that policy is, it ought to include some provision for coal. Such a policy is not simply about checking national planning policy and guidelines but about ensuring that, at a strategic, Europe-wide level, we have taken on board opencast and deep-coal mining. I hope that any reporter who may be appointed would take on board the need to identify the strategic position, because that is important to Scotland's economy.

**The Convener:** I think that Helen Eadie is talking about something different from referring the petition to the Transport and the Environment Committee. If we refer it to that committee, it is up

to that committee to determine what it wishes to do. Helen Eadie is talking about our committee undertaking an inquiry by appointing a reporter. That would not be appropriate as a response to the petition. I want to deal only with the specifics of the request. My recommendation is that petition PE369 should go to the Transport and the Environment Committee.

**Members** *indicated agreement.*

**Nora Radcliffe:** Let me add that, if we were considering energy policy within the framework of the EU, it would be more appropriate for us to request the Confederation of UK Coal Producers to give evidence to us.

**The Convener:** The next petition is PE372. This will be the first time that we have considered the petition, which was also referred to the Rural Development Committee. The Public Petitions Committee agreed to seek the Executive's views on the petition. No information has been received yet. What action, if any, is appropriate in advance of a response from the Executive? Members may also wish to consider whether it is more appropriate for the Rural Development Committee to take the lead on the petition.

**Nora Radcliffe:** The issue is sensitive and is the subject of negotiation between Scottish ministers, through Westminster, and the EU. It might be better to wait for the Executive's response before we consider the matter further.

**Helen Eadie:** The issue came up in the Public Petitions Committee this morning when it had a videolink with the Shetlands. That committee referred petition PE372 to the Rural Development Committee. Therefore, we might want to leave it at that.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

## Remit

**The Convener:** Agenda item 5 is the committee's remit. We have had no update on the discussions. The clerk had an urgent meeting with Executive officials and sought information on definitions, which the Executive has not yet provided. The Executive has changed the relevant remit and introduced a new concept, but no one can define that concept. We cannot proceed until we receive that definition.

## Convener's Report

**The Convener:** The convener's report has two items. Members should have a draft report, produced by the clerk, on the state of preparation for the euro in Scotland. John Home Robertson has given the clerking team some comments. I urge anyone else who has comments to make them. That will help us to prepare a final draft. I would like to try to have the report ready by the beginning of October, as that would be three months before the euro is introduced. If members have comments, they should get them to the clerking team as soon as possible.

Members will see the First Minister's positive response to our letter on pre- and post-Council notification and reporting. We need to keep reminding the Executive about that, because there have been a couple of oversights. That also picks up on some of the broader points that Lloyd Quinan has made about contacts with other EU regions and member states. I suggest that we ask Stephen Imrie and the rest of the clerking team to discuss with Executive officials possible procedures, which the committee could consider. I am not sure whether it would be helpful to leave the system informal. I would rather have terms of reference. Is that suggestion agreed to?

**Members** *indicated agreement.*

**Mr Quinan:** That will be important for direct connections with the EU, its member states and acceding states and for the Executive's development of its external affairs approach. One arrangement could become the model for the other, which would be useful for the committee.

**The Convener:** We will obtain views from members and try to have that influence brought to negotiations.

## Scrutiny

**The Convener:** The final agenda item is scrutiny of documents. The process has changed slightly, in that Christine Boch can now sit with the committee and comment, so we can ask her questions during the meeting and she can respond. That is an eminently sensible step forward.

The following documents should not be listed on page 2, under the heading "Routine Scrutiny (by other Committees)", because, as the legal notes say, we still need more information from the Executive on them:

SP 2230 (EC Ref No 6268/01 COM(2001) 87 final)  
 SP 2271 (EC Ref No 8191/01 COM(2001) 234 final)  
 SP 2295 (EC Ref No 8812/01 COM(2001) 247 final)  
 SP 2310 (EC Ref No 9044/01 COM(2001) 221 final)  
 SP 2312 7 (EC Ref No 408/2/01 EUROJUST 7 REV 2)  
 SP 2364 (EC Ref No 9874/01 COM(2001) 326 final)  
 SP 2406 (EC Ref No 7408/3/01 REV 3 EUROJUST 7)

Instead, those documents should be listed on page 1 under the heading "Priority Scrutiny". I apologise for any misunderstanding. Is that change agreed to?

**Members indicated agreement.**

**The Convener:** The recommendation for the list of documents on page 1, as revised, is for priority scrutiny. Those documents are:

SP 2243 (EC Ref No 8370/01 COM(2001) 178 final)  
 SP 2304 (EC Ref No 9305/01 COM(2001) 296 final)  
 SP 2389 (EC Ref No 10511/01 COM(2001) 354 final)  
 SP 2230 (EC Ref No 6268/01 COM(2001) 87 final)  
 SP 2271 (EC Ref No 8191/01 COM(2001) 234 final)  
 SP 2295 (EC Ref No 8812/01 COM(2001) 247 final)  
 SP 2310 (EC Ref No 9044/01 COM(2001) 221 final)  
 SP 2312 7 (EC Ref No 408/2/01 EUROJUST 7 REV 2)  
 SP 2364 (EC Ref No 9874/01 COM(2001) 326 final)  
 SP 2406 (EC Ref No 7408/3/01 REV 3 EUROJUST 7)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** The recommendation for the list of documents on page 2, as revised, is for referral to the nominated committees. The documents are:

SP 2225 (EC Ref No 7408/1/01 EUROJUST 7 REV 1)  
 SP 2265 (EC Ref No 7887/01 COM(2001) 201 final)  
 SP 2385 (EC Ref No 10371/01 ADD1 COM(2001) 337 final Volume II/II)

Is that 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 2400 (EC Ref No 10372/01 COM(2001) 259 final)  
 SP 2218 (EC Ref No 7983/01 COM(2001) 186 final)  
 SP 2219 (EC Ref No 7984/01 COM(2001) 183 final)  
 SP 2232 (EC Ref No 8194/01 SEC(2001) 609)  
 SP 2242 (EC Ref No 6873/01 COM(2001) 166 final)  
 SP 2332 (EC Ref No 8632/01 ADD 1 REV 1)  
 SP 2424 (EC Ref No 10703/01 COM(2001) 274 final)  
 SP 2207 (EC Ref No 8242/01 DROIPEN 39)  
 SP 2208 (EC Ref No 8115/01 DROIPEN 37)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** The recommendation for the list of documents on page 4 is that we copy them to other committees for their interest. Those documents are:

SP 2209 (EC Ref No 8112/01 DROIPEN 35)  
 SP 2210 (EC Ref No 8111/01 DROIPEN 34)  
 SP 2240 (EC Ref No 7611/01 AD COM(2001) 162 final Volume IV)  
 SP 2260 (EC Ref No 8273/01 COM(2001) 216 final)  
 SP 2261 (EC Ref No 8261/01 COM(2001) 224 final)  
 SP 2294 (EC Ref No 9043/01 COM(2001) 263 final)  
 SP 2299 (EC Ref No 9175/01 COM(2001) 264 final)  
 SP 2323 (EC Ref No 9423/01 COM(2001) 276 final)  
 SP 2334 (EC Ref No 9450/01 COM(2001) 271 final)  
 SP 2367 (EC Ref No 10207/01 COM(2001) 301 final)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** Pages 5 to 20 list the documents for which the recommendation is for no further action. Those documents are:

SP 2222 (EC Ref No 7616/01 COR 1)  
 SP 2224 (EC Ref No 7273/01 ENFOPOL 22)  
 SP 2231 (EC Ref No 8089/01 AD COM(2001) 184 final Volume II/II)  
 SP 2284 (EC Ref No 8626/01 COM(2001) 239 final)  
 SP 2303 (EC Ref No 9304/01 COM(2001) 278 final)  
 SP 2322 (EC Ref No 9727/01 COM(2001) 298 final)  
 SP 2366 (EC Ref No 9875/01 COM(2001) 322 final)  
 SP 2382 (EC Ref No 7578/01 CRIMORG 37)

SP 2383 (EC Ref No 0546/01 COM(2001) 318 final Volume I/II)

SP 2384 (EC Ref No 10510/01 COM(2001) 294 final 2001/0133 (COD) 2001/0134 (COD))

SP 2386 (EC Ref No 10557/01 COM(2001) 350 final)

SP 2387 (EC Ref No 10370/01 COM(2001) 304 final)

SP 2223 (EC Ref No Brussels 0 SEC (2000) 1614 final)

SP 2226 (EC Ref No 8116/01 COM(2001) 132 final)

SP 2227 (EC Ref No Brussels 1 COM(2000) 191 final)

SP 2228 (EC Ref No 8145/01 COM(2001) 211 final)

SP 2229 (EC Ref No European C Annual Report)

SP 2233 (EC Ref No 8475/01 COM(2001) 169 final)

SP 2234 (EC Ref No 8193/01 COM(2001) 209 final)

SP 2236 (EC Ref No 8155/01 COM(2001) 198 final)

SP 2237 (EC Ref No 8137/01 COM(2001) 215 final)

SP 2238 (EC Ref No 8089/01 COM(2001) 184 final Volume I/II)

SP 2239 (EC Ref No 8014/01 COM(2001) 188 final)

SP 2241 (EC Ref No 7383/01 COM(2001) 173 final)

SP 2244 (EC Ref No 8483/01 SEC(2001) 663 final)

SP 2245 (EC Ref No 8551/01 COM(2001) 217 final)

SP 2246 (EC Ref No 8500/01 COM(2001) 219 final)

SP 2247 (EC Ref No 8493/01 COM(2001) 244 final)

SP 2248 (EC Ref No 8476/01 COM(2001) 236 final)

SP 2249 (EC Ref No 8459/01 COM(2001) 223 final)

SP 2250 (EC Ref No 8458/01 COM(2001) 238 final)

SP 2251 (EC Ref No 8451/01 COM(2001) 232 final)

SP 2252 (EC Ref No 8436/01 COM(2001) 228 final)

SP 2253 (EC Ref No 8435/01 COM(2001) 227 final)

SP 2254 (EC Ref No 8434/01 COM(2001) 243 final)

SP 2255 (EC Ref No 8401/01 UEM 60)

SP 2256 (EC Ref No 8382/01 COM(2001) 230 final)

SP 2257 (EC Ref No 8366/01 COM(2001) 208 final)

SP 2258 (EC Ref No 8297/01 COM(2001) 213 final)

SP 2259 (EC Ref No 8274/01 COM(2001) 222 final)

SP 2262 (EC Ref No 8221/01 COM(2001) 189 final)

SP 2263 (EC Ref No 8179/01 COM(2001) 207 final)

SP 2264 (EC Ref No 8178/01 COM(2001) 206 final)

SP 2266 (EC Ref No 7218/010 COM(2001) 125 final)

SP 2267 (EC Ref No 8272/01 SEC(2001) 667)

SP 2268 (EC Ref No 8560/01 COM(2001) 231 final)

SP 2269 (EC Ref No 8517/01 COM(2001) 153 final)

SP 2270 (EC Ref No 8501/01 COM (2000) 144 final)

SP 2272 (EC Ref No 8151/01 COM(2001) 240 final)

SP 2273 (EC Ref No 7970/01 COM(2001) 220 final)

SP 2274 (EC Ref No 7704/01 COM(2001) 203 final)

SP 2275 (EC Ref No 7802/01 Ne)

SP 2276 (EC Ref No 8603/01 SEC(2001) 688)

SP 2277 (EC Ref No 8941/01 COM(2001) 241 final)

SP 2278 (EC Ref No 8885/01 COM(2001) 226 final)

SP 2279 (EC Ref No 8792/01 SOC 187)

SP 2280 (EC Ref No 8792/01 AD SOC 187)

SP 2281 (EC Ref No 8768/01 COM(2001) 249 final)

SP 2282 (EC Ref No 8731/01 COM(2001) 250 final)

SP 2283 (EC Ref No 8730/01 COM(2001) 65 final)

SP 2285 (EC Ref No 8602/01 COM(2001) 245 final)

SP 2286 (EC Ref No 8586/01 COM(2001) 246 final)

SP 2287 (EC Ref No 8212/01 COM(2001) 235)

SP 2288 (EC Ref No 9074/01 COM(2001) 181 final 2001)

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SP 2308 (EC Ref No 9317/01 COM(2001) 145 final)

SP 2309 (EC Ref No 9137/01 COM(2001) 258 final)

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SP 2315 (EC Ref No 9678/01 COM(2001) 286 final)

SP 2316 (EC Ref No 9711/01 COM(2001) 292 final)

SP 2317 (EC Ref No 9455/01 ADD 1 COM(2001) 251 final Volume II)

SP 2318 (EC Ref No 9715/01 COM(2001) 287 final)

SP 2319 (EC Ref No 9455/01 COM(2001) 251 final Volume I/II)

SP 2320 (EC Ref No 9763/01 COM(2001) 281 final)

SP 2321 (EC Ref No 9690/01 COM(2000) 248 final)

SP 2324 (EC Ref No 9813/01 COM(2001) 300 final)

SP 2325 (EC Ref No 9583/01 SEC(2001) 793 final)

SP 2326 (EC Ref No 9674/01 COM(2001) 280 final COD 2001/0117)

SP 2328 (EC Ref No 9675/01 COM(2001) 302 final)

SP 2329 (EC Ref No 9543/01 COM(2001) 270 final)

SP 2330 (EC Ref No 8865/01 COM(2001) 310 final)  
 SP 2331 (EC Ref No 9514/01 COM(2001) 290 final)  
 SP 2333 (EC Ref No 8632/01 DROIPEN 44)  
 SP 2335 (EC Ref No 9887/01 COM(2001) 303 final)  
 SP 2336 (EC Ref No 9907/01 COM(2001) 321 final  
 2000/0142 (COD))  
 SP 2337 (EC Ref No 9971/01 COM(2001) 330 final)  
 SP 2338 (EC Ref No 9992/01 COM(2001) 289 final)  
 SP 2339 (EC Ref No 9996/01 COM(2001) 323 final)  
 SP 2340 (EC Ref No 9858/01 COM(2001) 279 final  
 2001/0122, 123, 124, 125, 126)  
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 COMIX 438)  
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 COMIX 439)  
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SP 2444 (EC Ref No 9613/01 COM(2001) 312 final COD 1998/0277)

SP 2445 (EC Ref No 10711/01 COM(2001) 360 final)

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SP 2447 (EC Ref No 10846/01 COM(2000) 193 final)

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SP 2450 (EC Ref No 10864/01 COM(2001) 371 final)

SP 2451 (EC Ref No 10465/01 COM(2001) 382 final)

SP 2235 (EC Ref No 8187/01 COM(2001) 210 final)

SP 2327 (EC Ref No 9086/01 COM(2001) 233 final)

SP 2359 (EC Ref No 10248/01 COM(2001) 306 final)

SP 2361 (EC Ref No 9961/01 CRIMORG 65)

SP 2363 (EC Ref No 10076/01 COPEN 29)

SP 2313 (EC Ref No 8716/1/01 COPEN 21)

SP 2314 (EC Ref No 9400/01 COPEN 24)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** Members should have a letter that was circulated by the Executive containing its response to our questions on the proposed waste electric and electronic equipment directive. Members should perhaps consider which matters it might be worth highlighting. The directive is a draft proposal, but it is never too early to consider how one might want to implement such a directive. We are simply noting the directive at the moment, but we might need to return to it if difficulties arise over the Executive's plans for implementation.

I draw members' attention to the two draft reports outlining decisions that we have taken on European Commission or European Union documents. The reports are largely technical and indicate a significant level of work. Our guiding principle is to make the system as transparent as possible; reports are part of that. That is just for members' information.

I also draw members' attention to document SP 1435, which is referred to on page 134 of the fourth report. The document highlights a potential problem for part of Scotland's transport system. I am sure that members are aware of Glasgow underground's problems and the question whether the required work should be put out to tender. I know that the convener of the Transport and the Environment Committee is concerned about the matter, as are others. When one looks at the document, one understands why scrutiny of European documents is important. Further comment might be needed on what is happening

with the Glasgow underground. I will ask the clerk to do some further work on that and I will notify the committee of further information when I get it.

The next meeting of the European Committee is on the afternoon of Tuesday 25 September. I encourage members of the committee and any members of the public who might be present to attend the conference organised by the Jean Monnet European centre of excellence on the subject of the future of Europe. The conference will take place at the Royal Society of Edinburgh on 24 September.

*Meeting closed at 14:58.*



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