

# **EUROPEAN COMMITTEE**

Monday 22 October 2001  
*(Morning)*

Session 1

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## **EUROPEAN COMMITTEE** **11<sup>th</sup> Meeting 2001, Session 1**

### **CONVENER**

\*Hugh Henry (Paisley South) (Lab)

### **DEPUTY CONVENER**

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

### **COMMITTEE MEMBERS**

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

Dennis Canavan (Falkirk West)

\*Helen Eadie (Dunfermline East) (Lab)

\*Irene Oldfather (Cunninghame South) (Lab)

Mr Lloyd Quinan (West of Scotland) (SNP)

\*Nora Radcliffe (Gordon) (LD)

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

\*attended

### **WITNESSES**

Angus Robertson MP (Scottish National Party)

Richard Spring MP (Conservative and Unionist Party)

### **CLERK TO THE COMMITTEE**

Stephen Imrie

### **ASSISTANT CLERK**

David Simpson

### **LOCATION**

Committee Room 1



## Scottish Parliament

### European Committee

*Monday 22 October 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 10:39*]

**The Convener (Hugh Henry):** Ladies and gentlemen, I welcome you to the European Committee's 11<sup>th</sup> meeting in 2001. I apologise for the delay in starting, which was because of the vagaries of ScotRail.

I have received apologies from Dennis Canavan. Lloyd Quinan might be otherwise engaged at the moment, but I do not think that there are any other apologies.

**Colin Campbell (West of Scotland) (SNP):** I understand that Lloyd Quinan gave a kind of apology to the clerk in advance.

**Ben Wallace (North-East Scotland) (Con):** He apologised to the sheriff.

**Mr John Home Robertson (East Lothian) (Lab):** Was he hoping to get arrested?

**Colin Campbell:** I do not know.

**The Convener:** We will say no more about that.

### Items in Private

**The Convener:** The first item on the agenda is to ask the committee to agree to discuss in private at its meeting on 30 October the draft report on the state of preparation for the introduction of the euro and possible changes to the committee's remit.

**Ben Wallace:** I raise a point that relates to our previous discussions on the proposal for a directive that would establish a general framework for informing and consulting employees in the European Community. Although I am conscious that we need often to discuss items in private, especially when discussing the committee's conclusions, we do not always have a means or mechanism to discuss the direction of reports in public. Before we discuss paragraphs and conclusions, I hope that we can have a general discussion on the direction of the draft report. Otherwise, if members do not agree with the draft report, they must vote against it rather than annotate it by setting out the direction in which they think it should go. That is my position on discussing the draft report in private.

**The Convener:** Following Ben Wallace's comments on our previous report, I have had

discussions with the clerks. We will consider the question of how dissent from committee reports is handled. We can have a discussion prior to going into the detail of the draft report. We can also discuss that in private when we meet next week.

**Ben Wallace:** Only one member has contacted me to discuss in private my report on European Union enlargement. That matter will come up soon and I remind other members that there is an opportunity to discuss it. I had a lengthy meeting with John Home Robertson and will include what came out of that meeting in the report.

**The Convener:** Do members agree to discuss the items in private at our meeting on 30 October?

**Members indicated agreement.**

## EU Governance and the Future of Europe

**The Convener:** We come to our main item of business today. I am delighted to welcome two of our colleagues from the House of Commons. This is a first for the Scottish Parliament; although members of the House of Commons have informally addressed the Parliament as a whole, today is the first occasion on which a committee of the Parliament has had the opportunity for discussion with colleagues from Westminster.

It is unfortunate that Menzies Campbell MP cannot join us today. Events at Westminster and beyond are taking up much of his time at the moment and he has written to say that he cannot attend. He has, however, offered to meet us another time or, if that is not possible, to submit a written report. We thank him for that offer.

We also hope to have a meeting with the right hon Peter Hain in his capacity as Minister for Europe at Westminster. However, Richard Spring MP and Angus Robertson MP are with us today to start the process of making history. They will put their views to the committee. I anticipate that because they are party representatives, there will be an opportunity to engage with individuals who hold diverse and opposite views. To some extent, it will be a lively discussion. Given the size of the meeting, we can be relatively informal.

We hope to have the opportunity to have a discussion with Jimmy Hood MP—the chairman of the European Scrutiny Committee in the House of Commons—and Lord Brabazon of Tara, who is chairman of European Union Committee in the House of Lords, when their inquiries on similar subjects are under way. In any case, John Home Robertson and I will meet them next week—as part of our regular liaison—along with the chairs of the Northern Ireland Assembly and the National Assembly for Wales. The clerks will prepare notes from that meeting.

Today we are considering the future of the European Union. The issue of the role of national Parliaments and parliamentarians in shaping the debate is engaging organisations and representatives throughout Europe and it is certainly stimulating a lot of discussion.

We hope to finish our report in time for it to be debated in the chamber of the Scottish Parliament prior to the Laeken summit in mid-December, so there is still a lot of work to do. We have already published our terms of reference, which I hope have been submitted to the witnesses.

Before we address the detail of the discussion, I invite Richard Spring and Angus Robertson to make opening statements.

10:45

**Richard Spring MP (Conservative and Unionist Party):** Thank you very much for inviting me, convener. I have been greatly looking forward to being here this morning.

I am delighted that there are moves in the Scottish Parliament to investigate the views of the Scottish people on Scotland's relationship with the European Union and its role within Europe. I applaud that.

Our view on European Union governance and the future of the European Union is that we are at a crossroads. The European Union has 15 member states and we can assume that within a few years it will have 27 member states. Although difficulties have arisen from the Treaty of Nice—for example, the Irish referendum—there is a strong and almost universal desire for enlargement. The obstacle of the Treaty of Nice and the difficulties that surround it must be overcome. Despite those difficulties, we can assume that enlargement will take place, one way or another. I welcome that.

The Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs and Peter Hain have given important speeches on what is probably the major problem that underlies the European Union at this time, which is the sense of disconnection between the peoples of Europe and the institutions of the European Union. That is reflected in the low turnout at polls and in the sense of alienation not only among member states but—ironically and in spite of their strong desire to become members—in the accession states.

The main challenge for everybody who is engaged in the political process is to find ways to reconnect people with the institutions of the European Union and to make it a viable and sustainable union in the future. In principle, I welcome the European Commission's white paper on EU governance. A lively and absolutely legitimate debate is taking place throughout Europe about what the architecture of the EU should be, especially post-enlargement. I think that we should be guided by the principle that was expressed by Romano Prodi, that the European Union

"wants to do less, but better."

Before the white paper was published, the Commission made one or two preliminary observations on governance without any treaty change. That view was confirmed by Valéry Giscard d'Estaing, president of the Council of European Municipalities and Regions, who talked about setting priorities to improve the operation of existing institutions. I am sure that we wish to explore what came out of that in relation to the relationship of the European Commission to the regions at a sub-national level.

Regions and the people who administer them, with their considerable local knowledge, have an important part to play in the process of reconnecting people with the European Union. However, the constitutional architecture in the United Kingdom is unique in that there are four constituent parts, all with different constitutional arrangements. That perhaps makes it more difficult than in some other countries in Europe, where regional arrangements have more in common.

Earlier I said that we were at a crossroads. It is worth remembering that the evolution of the European Union from the Common Market has provided peace and stability—almost uniquely in the history of Europe—for the past 50 years. There have been many benefits from the creation of a single market and the development of an external trade policy.

In our view, if we enlarge from 15 to 27 member states—I reiterate our strong commitment to that—we will need much more flexible, modern and outward-looking structures. We inhabit a world that is based increasingly on network relationships, but the original thinking behind the European Union—which was more of a one-size-fits-all policy—will become less appropriate and sustainable when enlargement takes place. A key element will be how to put flesh on the bones of subsidiarity. The questions about how we restore powers to national Parliaments and how we connect them to the regions below them are also crucial.

On the United Kingdom as a member state, I hope that we can explore how the Scottish Executive can play a more substantive role in relation to some of the ideas that I hope the committee will discuss this morning. I value the committee's report and will read it with great interest. I look forward to learning about how the concordat between the Scottish Executive and London works and how it might be improved.

There are two key areas of relevance to Scotland. Those are the application of the common agricultural policy and the application of the common fisheries policy. I hope that we will explore those matters this morning, because I believe that they are extremely important, not just as they apply to Scotland but in relation to the whole area of subsidiarity.

The new leader of my party has launched a major policy review and we have already undertaken considerable work on how we think the European Union should evolve. We will do a great deal more on that in the coming months. The intergovernmental conference in 2004 will provide an opportunity to consider the competencies of the constituent elements of the European Union and of the UK and sub-national structures. We want to engage positively in that process and we agree

with the Liberal Democrats that there should be a white paper that looks ahead to the 2004 intergovernmental conference and that reflects on what happened at the Nice summit.

That is the background to our current thinking. I thank the committee again for inviting me. I applaud the initiative that the committee is taking and look forward to our discussions this morning.

**The Convener:** Thank you, Richard. You have touched on a number of important areas for us and I am sure that there will be some comment on the role of regions. That matter has been raised not only by UK Government ministers, but by Scottish Executive ministers.

I now invite Angus Robertson to contribute. Angus has been a frequent attendee at the European Committee of the Scottish Parliament, although his attendance previously involved sitting behind members of the Scottish Parliament's Scottish National Party group, keeping them right. I am delighted that Angus is now able to join our discussions in his own right, as a member of the Westminster Parliament. Welcome, Angus.

**Angus Robertson MP (Scottish National Party):** Thank you. I thank the committee very much for the invitation to attend; it is a great honour for me to come here and contribute to the committee's work and I hope that we will be able to pick up on some of the ideas that Richard Spring and I put to the committee. It is important that the Scottish Parliament and its committees—and, I hope, the Scottish Executive—pick up on those ideas more effectively than perhaps other Parliaments might.

I commend the European Committee of the Scottish Parliament for taking the lead, which sets a good example. I hope genuinely that the deliberations that take place here are duly reported elsewhere. One of the great problems that we face is, as Richard Spring mentioned, disconnection. There is in the public realm a profound lack of information that would allow people to make informed decisions and progress their views on European issues.

All members of the committee will be aware of the Scottish National Party's general position: the SNP is in favour of equal status for Scotland at European level—that is, full national status with the same membership rights and obligations as other member states. The easiest parallels to draw are with countries that have similar populations, such as Denmark and Finland. We would like Scotland to have equal status in a confederal, as opposed to federal, Europe. The most important powers should be operated at member-state level through the Council of Ministers. We can come back to that point—members of the committee are more than aware of the SNP's position.

Stephen Imrie and the clerking team have produced a very useful paper, for which I thank them. I would be happy to pick up on some of the issues that the paper suggests the committee is keen to follow up on—issues such as transparency, subsidiarity and the mechanisms by which the Scottish Executive and the Scottish Parliament interface with the UK and, directly or indirectly, with the European Union. Those issues dovetail with the issues of democratic accountability and whether Scotland should remain in its current constitutional position or progress to the position of a normal nation in a European context.

The main point that I would like to discuss concerns information and disclosure. It seems to me that there is a profound lack of information provided to committees, to the Scottish Parliament and to the Scottish Executive. From my experience of advising a number of members of the European Committee in going through the scrutiny documentation, it seems that, by and large, by the time that the committee—and therefore, by extension, the Scottish Parliament—addresses issues that are clearly devolved and within the remit of the Scottish Parliament, the issues are either at, or past, their sell-by date. The ability of the European Committee, the Parliament and the Scottish Executive to intervene, to change things, to make suggestions for reforms to regulations or to make any other proposals is severely limited, if not hampered.

Secondly, I would like to discuss decision-making structures. There are two key levels—the Council of Ministers and the working groups in the European Union. The latter receive much more attention than the former. For the SNP, the issue of attendance is less to do with the symbolism of equality of national status than it is to do with being part and parcel of the key decision-making body. I know that at least one member of the committee—John Home Robertson—has been a regular attender at past meetings of the Council of Ministers. I am sure that he will concur that many major decisions are made at that level, and that many of those decisions are based on agreements that have already been reached at working-group level. That issue has been pursued by the regular lodging of questions at the Scottish Parliament and Westminster, to which the usual answers are, “Information is not kept centrally”, “We do not have that information”, or suchlike. If the European Committee, the Scottish Parliament or the Scottish Executive wants to make an informed and positive contribution to the decision-making processes of the European Union, the first thing that they will need is information.

I will give members a clear example of the problem—we can come back to it later. As far as I am aware, there has only ever been one

confirmation of the level of attendance at working group meetings at European Union level. That information was given to me by the head of the Scottish Executive office in Brussels. Subsequent questions to the Scottish Executive have received the reply that such information is not collated. I am talking about the time of the Treaty of Nice. I will give members a couple of figures to illustrate my point about the lack of information on involvement at a European level. By the time of the IGC—intergovernmental conference—in Nice, Scottish Executive ministers had attended only 11 of 120 meetings. That is 9 per cent. I hesitate to hazard a guess as to how many meetings of the Council of Ministers discuss devolved matters, but the percentage would certainly be at least two or three times that figure.

11:00

Here is the bombshell figure: of 4,500 working group meetings that were held between the onset of devolution, when the Scottish Parliament assumed its powers, and the Nice IGC only 75, or 1.6 per cent, were attended by Scottish Executive officials. At that time, Jack McConnell, the Scottish Executive minister who had responsibility for Europe, had never attended a meeting of the Council of Ministers. Keith Vaz, the UK Minister for Europe, attended almost all the general affairs council meetings. The Minister for Justice, Jim Wallace, had attended his first Council meeting by that time, although he missed the previous seven meetings. I will draw a salient comparison with another devolved part of Europe: the Minister-President of the Government of Flanders, Patrick Dewael, was present for key meetings at the Nice IGC.

The issues include attendance at meetings, and the information that is held by the Scottish Parliament and the Scottish Executive for the purposes of scrutinising, being involved in and, I hope, influencing the decision-making process.

In order to bring us up to date, today I looked at the website of the Council of Ministers and I concentrated solely on devolved matters. Today, there is a Council of Ministers meeting on transport, tomorrow there will be a meeting on civil protection, on Wednesday there will be a general affairs meeting and next Tuesday there will be an agriculture meeting. I would be interested to learn how informed members feel they are about those meetings and whether the Scottish Executive's position has been outlined to the committee. Has the Scottish Executive reported back on the UK negotiating position? Has the Scottish Executive's position been taken on board? Has the UK Government changed its negotiating position? Will Scottish Executive ministers report back? When will UK Government ministers tell the House of



Commons about the nature of the discussions that take place? We are given no information about those matters.

I have touched on some key issues, but I would be happy to move on to discuss other models, including those that are described as the constitutional regions—as members know, Scotland has signed a declaration with those regions—and other regions and sub-state nations, in order to consider what room exists for improvement. Should the constitutional settlement remain as it is? The comparisons with full member states are clear and obvious.

I will conclude with a comment on Richard Spring's opening point about the context of enlargement. Last week, the House of Commons passed the European Communities (Amendment) Bill, which dealt with the Treaty of Nice and the issue of enlargement. Although there is some difference of opinion over the significance of that bill, it certainly paves the way for enlargement one way or another. That is why SNP MPs and our colleagues in Plaid Cymru voted for the bill. It struck me as somewhat ironic that, at a time when we are preparing the way for a host of countries from central and eastern Europe to take their rightful place at the top table in Europe, we will not sit there with them. It is also relevant to consider that the Treaty of Nice makes provision for the recalibration of membership of various parts of the European Union, including the European Parliament. Under those provisions, it is almost 100 per cent certain that there will be a reduction in the number of Scottish MEPs. I would be interested to learn how involved the European Committee has been in discussing whether such a reduction is appropriate or right, or in discussing how many MEPs should be cut and when that should happen. Has the Scottish Executive been involved in such discussions and whom has it consulted? I do not have the answers, although I have tried to ask the questions. During last Wednesday's debate before the bill was passed at Westminster, I asked the Minister of State for Europe again whether that reduction would happen and when it would happen. I have still not received an answer to those questions.

We very much welcome the prospect of enlargement and, as Richard Spring said, we look forward to powers being restored to national Parliaments. For the SNP, the Scottish Parliament is our national Parliament. We also look forward to subsidiarity, which would allow powers to flow back down to Scotland's regions. Scotland is not a region.

I will leave it at that. There are plenty of other points that I can pick up on later.

**The Convener:** I thank Angus Robertson for his clear exposition of the SNP's policy.

Before opening the discussion for the rest of the committee, I ask for clarification of the point that you made about the forthcoming Council of Ministers meetings. You said that four such meetings will probably take place during the next week. You asked how engaged the Scottish Executive is in that process and how involved committee members are in that. You asked whether we know what the ministers will discuss. How involved in those meetings are the members of the appropriate House of Commons committee? How different is their involvement from ours?

**Angus Robertson:** I must declare that I am in a somewhat difficult position here. The ratification of my membership of the European Scrutiny Committee is on-going, so as I have not yet sat in on a committee meeting, I am not in the best position to say how committee scrutiny works.

When Westminster Government ministers are asked questions about how much they consult with the Scottish Executive and how many meetings take place between them, the answers are usually along the lines of "We hold regular meetings and they are all very satisfactory."

**The Convener:** The point that I was getting at concerns the Council of Ministers meetings that are coming up in the next week. You suggested that we had not been engaged or kept informed. How engaged are members of the House of Commons European Scrutiny Committee with those meetings? Were you suggesting that the European Scrutiny Committee is more involved than we are?

**Angus Robertson:** The information that I have from members of my party who served previously on the European Scrutiny Committee is that its members are not involved very much.

**The Convener:** So is our European Committee in a sense no different from the House of Commons committee?

**Angus Robertson:** In a sense, it is no different.

**Irene Oldfather (Cunninghame South) (Lab):** You mentioned enlargement of the European Union and the reduction in the number of MEPs. Are you in favour of enlargement, but opposed to reducing the number of MEPs throughout Europe? Would a reduction in the number of MEPs cause difficulties? Are you aware of any other member states in Europe that support your point of view?

**Angus Robertson:** The annexe to the Treaty of Nice gives the full breakdown of how many seats countries that are comparable in size to Scotland will have. Scotland has eight seats, but Denmark, which is our closest comparison, has 16.

**Irene Oldfather:** We are part of the United Kingdom, so we need to talk in terms of the UK's membership. Are you in favour of enlargement but

opposed to a reduction in the number of members of the European Parliament throughout Europe?

**Angus Robertson:** We are in favour of such a reduction. It is up to people elsewhere in Europe to make their own cases for what they consider to be appropriate for their countries.

Our position is that, given that Scotland has only half the level of representation of comparative countries, we do not want that proportion to be reduced further. Under the Nice provisions, Scotland would be entitled to 13 seats, yet it is likely that we shall go down from eight seats to about six. That would give Scotland the same level of representation as Luxembourg, whose population is about the same as Edinburgh's. The level of Wales's representation will probably fall to about the same level as that of Malta.

**Irene Oldfather:** We do not negotiate at a Scottish level—we negotiate at a UK level.

**Angus Robertson:** I am sure that Irene Oldfather is aware that the SNP takes the view that Scotland should negotiate directly and should have full representation. Those people who are in favour of Scotland's representation being yet further diminished must answer her question, but I do not support that.

**Ben Wallace:** I welcome Angus Robertson to the committee. I know how hard he worked before behind the scenes, sitting at the back and listening to us say things that he thought were wrong.

I want to expand on Irene Oldfather's question. Will any member states experience an increase in the number of MEPs?

**Angus Robertson:** Not as far as I am aware.

**Ben Wallace:** So everyone will lose MEPs?

**Angus Robertson:** Yes.

**Ben Wallace:** Do you know whether the number of UK MEPs will go down or up after enlargement?

**Angus Robertson:** I have asked that question twice during the passage of the recent European Communities (Amendment) Bill and I have not had an answer from the minister.

**Ben Wallace:** You worked from figures in the Nice treaty and on the assumption that the number of MEPs would reduce proportionately. On that basis, the number of Scottish MEPs would reduce to six, but you will find that the number of United Kingdom MEPs, as a percentage of the total number of MEPs, would go up.

**Angus Robertson:** I do not have the projected figures for elsewhere in the UK.

**Ben Wallace:** Okay.

**Mr Home Robertson:** I am delighted that there

is still a member of the clan Robertson in the imperial Parliament.

**Angus Robertson:** There are four.

**Mr Home Robertson:** I am worried about the logic of your comments. Have you figured out how big the European Parliament would become if everyone got the same representation as Denmark or Luxembourg?

**Angus Robertson:** I go back to the point that Irene Oldfather made: it is up to different parts of Europe to decide in which way they feel most appropriately represented. The SNP takes the view that we should be as appropriately represented as other normal countries. Other people do not share that view. We feel that we should have as appropriate a level as—

**Mr Home Robertson:** Hang on a minute, could you try to answer my question? How big would the Parliament become if everyone had the same representation?

**Angus Robertson:** You would first have to tell me who everyone is.

**Mr Home Robertson:** The number of MEPs would run into thousands, would it not? It would be impossible to administer.

**Angus Robertson:** I am not happy to speculate on something that has not been outlined.

**The Convener:** Does Richard Spring have any general comments about the size of the Parliament and the appropriate level of representation for the UK?

**Richard Spring:** I agree absolutely with Angus Robertson's comments with regard to transparency, scrutiny and feedback. I hope that we will explore those issues in some detail this morning; they are extremely important. Anyone who thinks that the reporting and scrutiny mechanisms are inadequate in Scotland—as the convener pointed out correctly—will see that the situation is parallel to that at Westminster. That is at the heart of our belief in the reconnection process.

The Nice treaty calls for 732 MEPs; the Conservative party would aspire to a Parliament with somewhere in the region of 600 MEPs. John Home Robertson was correct to say that if it operated on the same basis as it does at present, the European Parliament would become unmanageable following enlargement to 27 member countries. That would make people feel that there were far too many politicians in the European theatre.

**The Convener:** Thank you. Perhaps we can start to tease out some of the points that Angus Robertson and Richard Spring have made about transparency and scrutiny.

11:15

**Colin Campbell:** Angus Robertson and I have not co-operated before coming here so we are hearing for the first time what each of us has to say. I would like to concur with Angus Robertson's point about our inability to get the kind of information that we seek. Over a considerable time, I have put a series of questions on the common fisheries policy to the Deputy Minister for Environment and Rural Development, Rhona Brankin, to discover whom she has spoken to about putting Scotland's case to the UK and in Europe. The answers that I have received are just like those that Angus Robertson has received in the UK Parliament. They run along the lines of "On-going meetings take place on a regular basis."

When we ask for names, we get answers that I realise, as a former school teacher, do not answer the questions. The mastery of obfuscation gets to be almost insulting. Until we crack that and until I know to whom the minister has spoken—I am just a member of the European Committee and have been since January—we will not have a satisfactorily transparent system. The kind of answer you get if you persist is, "To tell you whom we spoke to six months ago might make it more difficult for us to have confidential discussions in the future between the Scottish Executive and the UK about matters pertaining to Europe." Frankly, that is mince. It does not stand up in terms of democratic accountability. I am not looking for secrets; I wish to know the history.

**The Convener:** Absolutely. Both our Westminster colleagues have stressed the need for a transparent process, so that not only do ordinary people feel that they are part of the process, but the process is meaningful.

I wish to tease out a point about the decision-making process in Europe and the role of the Parliament vis-à-vis the Commission. When decisions are made, by either the Commission or the Council of Ministers, how does the UK Government report back to the House of Commons? How do ordinary MPs get involved? How, when it is an issue that affects us directly—whether fishing or agriculture—can we become more involved? Angus Robertson made a point about getting involved early in the process. We have come back to that time and again. How do we get involved in the process early enough to make what Richard Spring described as a meaningful contribution that influences the process?

**Helen Eadie (Dunfermline East) (Lab):** I have a related point. The impression that the committee has gained is that the House of Lords and the House of Commons have been particularly effective in scrutinising European issues. We would like to know not so much what the problems

are—we know what they are—but what the vision is.

I apologise to Angus Robertson. I should have congratulated you at the outset, because I too have seen you around the Parliament and at external events.

How can we relate better to the House of Commons, the House of Lords and their European committees to help to set the agenda for the next intergovernmental conference?

**Richard Spring:** I wish to discuss a number of key issues and they all overlap. I will deal with one at the moment, which is the Council of Ministers and the European Commission.

Objectively, if one sits back, one sees that the European Commission has responsibility for initiation, monitoring and compliance. That role is understood. However, the Commission is not democratically elected. The way in which it functions is not open and transparent. Commissioners themselves acknowledge that; there is nothing new in it.

Part of the problem of disconnection has been the European Commission itself. It grew out of Jean Monnet's original idea, which was that it would be an impartial civil service that would implement political decisions made by the Council of Ministers, and has evolved into something else. Now it is part of the problem.

What do we do about it? We have heard a lot of speeches by a lot of European politicians about the problem, but how specifically do we deal with it? Our proposal is that the representative on the Council of Ministers should be a minister of senior rank—either a minister of state or even a Cabinet minister—who spends a substantial amount of time in Brussels leading the UK delegation. That individual would spend, say, half the time in Brussels and would come back and report in a considered way to the House of Commons.

Angus Robertson is right to say that that does not happen at the moment. The individual would appear before the appropriate select committees. There would be oral and written questions and the individual would then report back to the House of Commons on what is going on. That would mean that the Prime Minister's quite legitimate talk about establishing a link to other national Parliaments could be reinforced.

We all know that, in practice, the committee that effectively runs so much of the political business of the EU is the Committee of Permanent Representatives—COREPER. The individual should sit on COREPER and should be a designated minister rather than a distinguished civil servant. The individual would attend weekly meetings in Brussels and it would be an

opportunity to form links between Parliaments. We would have to decide and assess how that would work at a sub-national level. It would be important that a minister from the Scottish Executive supported that individual, particularly where Scottish interests in areas such as fisheries and agriculture were concerned.

That would be one way of bridging the gap between the people and what they perceive to be the unelected body that runs the EU. It would also give further political resonance to the Council of Ministers by linking in to COREPER and back to Parliament.

We would then have to deal with additional scrutiny procedures. I have visited Denmark where there is a system of pre-scrutiny. I do not think that that would work in the House of Commons, as desirable as the theory might appear to be. As John Home Robertson knows, there is a more collegiate atmosphere in Danish politics. It is essentially a coalition.

**Mr Home Robertson:** We have that problem here, too.

**Richard Spring:** There are checks and balances in the system but, in the more confrontational and partisan atmosphere of Westminster, it would not be likely to function.

I hope that together we can explore and then build on the mechanism that the Conservative party is trying to develop. We are keen to explore that as one way of bridging the gap. A link to the national Parliament would enhance substantially the scrutiny procedures. It would then be a matter of working out a system whereby the scrutiny procedures could be translated to help with the governance of Scotland. I support that.

**Angus Robertson:** The committee is looking for ideas of what happens elsewhere and how that might be useful. As some members may know, I spent some time working as a journalist in Austria so perhaps it is the place that I know best.

The constitutional amendment made at the time of Austria's accession to the EU in the mid-1990s brought about a new system that involved the different Bundesländer—the nine federal provinces of Austria. Through what is known as a Verbindungsstelle, the provinces have permanent representation in Vienna. The views of the different Bundesländer on the subjects of the council meetings are fed in regularly—as often as weekly—before the meetings. For example, if a meeting about transport was being held today, there would have been a meeting last Monday involving the ministers or officials of the nine provinces who would put forward the views of the Bundesländer. If the matter was a devolved matter, the agreed line of the federal provinces would bind the Austrian federal Government to

make that case in Europe.

The different German Bundesländer are also pursuing that. They are concerned that their prerogatives are being encroached upon. Germany has a different structure, which is integrated through the second house in the German Parliament. However, the German Bundesländer are also seeking to ensure that they have direct involvement, which is integrated in the administration and decision-making structure of governance. That does not seem to be the case at present.

That is a clear example of how one can make the system work if one wants to have devolved ministers or officials integrating at member-state level, with information given one way that something is coming up and then the devolved Administrations saying what their line or interest would be.

It is difficult to foresee how that might work within the UK structure, which has an asymmetric system of governance, unlike Austria, where the nine provinces have the same powers. However, there is a lot to be said for regular institutionalised meetings at official or ministerial level.

I think that I am right in saying that the joint ministerial committee—which, I believe, under the agreements that were signed at the onset of devolution, is supposed to be the mechanism for integrating the UK Government and the Scottish Executive—has met only once. Perhaps that committee could be the foundation of something. There is probably a lot more to be discussed that would warrant more than one meeting. There is no point in having meetings for meetings' sake but, as we all know, governance involves complicated and often long drawn-out legislative processes and it makes sense that democratically elected governments within a state should meet regularly to discuss them.

On transparency—to pick up on what Richard Spring was saying with regards to the Commission—I leave members with a thought: why does the Council of Ministers meet behind closed doors? It would make a lot of sense for the Council of Ministers to be opened up; that dovetails with the argument about whether there should be an elected second chamber. I apologise for opening up a bit of a can of worms, but it strikes me that if the Council of Ministers were opened up, it would mean that politicians of all persuasions would have to look the issue of horse-trading in the face and would have to talk with great honesty about how governance in Europe works.

I argue that that would probably improve things. One does not always get everything the way one wants, although after a Council meeting, it is

amazing how 15 member states all seem to have got what they wanted. We all know that it does not work that way, but part of being mature about how Europe works is about how politicians and Governments do business. It seems to me that transparency is essential not just for the Commission—although I endorse that—but for the Council, member states and devolved Governments and Parliaments.

**The Convener:** A number of committee members wish to come in, but first I want to clarify Angus Robertson's point about the Austrian model of nine regional layers of government being consulted by central Government ahead of, for example, the Council of Ministers meeting on transport. You suggested that that is a model that we should consider. Is it the case that the devolved Governments would be consulted on issues that affect them ahead of a Council of Ministers meeting that a UK representative would attend, or are you suggesting that they are not consulted?

**Angus Robertson:** We are told that they are. John Home Robertson would be in a much better position to talk about this but I have no reason to disbelieve that officials talk about what is coming up. We cannot assess what we do not know, so I am not going to speculate, because all we can talk about is the system that we have and the outcomes. We cannot talk about the process, because we do not know what it is.

Having talked to people who are involved, it seems to me that there are regular discussions between officials. Occasionally, there are meetings between ministers before Council meetings. I assume that if Scottish ministers are on a delegation, which is often the case in fisheries and, in particular, agriculture, there would be meetings prior to the delegation sitting down at the official meeting. However, I am sure that members are aware that most decisions are made and the line agreed before that stage is reached. The difficulty is that because we do not have transparency, we honestly do not know what is going on.

11:30

**Mr Home Robertson:** The convener may need to shut me up; I am sorry. In my fairly recent experience, much of what Angus Robertson described was happening—certainly in fisheries, on which much discussion takes place. That goes back a long way. The Scottish Office, like the Northern Ireland Office, always had direct access to discussions in the Whitehall system. Since devolution, more political input is made. The procedures are evolving under the concordats. A case may exist for formalising those procedures and making them more transparent. We may want

to consider that.

Both witnesses talked about the key issue of information. I think back to an unhappy occasion when I was an Opposition front-bench spokesman in the House of Commons and had to lead on an agriculture debate. I made the mistake of going to the vote office and asking for the relevant papers on the night of the debate. I took the papers to the post office to be weighed—I have forgotten how many kilograms they were. The papers were not even all in English. The European Union's institutions produce a mass of information, but the devil is in the detail and the timing. Among all those papers, there were probably nuggets of information—or perhaps anthrax or worse; goodness knows what might have been buried in there.

It is important to have the information early enough. We must refine such matters in our approach to governance. We must ensure that the people who back us up can identify the controversial and difficult matters that must be dealt with by political representatives and that we have the information early enough to allow input to be made at every level.

**Angus Robertson:** John Home Robertson's comments perhaps dovetail with what I said about working groups. As members will be aware, most fine-tuning work takes place in such groups. Except under the Swedish presidency of the EU, I have never seen detailed lists of the working groups, what was discussed and what work is continuing. The issue is disclosure not only at a Scottish or UK level, but at an EU level, where the matter often lies with the country that holds the presidency.

There is a structural issue of direct involvement in working groups. The fact that devolved matters relevant to the Scottish Parliament will account for a great amount of the work that is done in those groups and that only 1.6 per cent of those groups are considered worthy of participation backs up my argument.

**Richard Spring:** It is obvious that one can consider the preliminary scrutiny arrangements and the consultation arrangements. I am sure that there is room for improvement, but in our parliamentary democracy, it is crucial that the minister who is essentially responsible for our European relationship is put under the magnifying glass. Then, of their own volition, such matters will come into play.

I agree with Angus Robertson that if much more parliamentary scrutiny and inquiry occurs, transparency about what the Council of Ministers does and what decisions are taken will be important and will force more openness. It will also mean that people who are concerned that

decisions are taken at a level at which they cannot have an impact will feel at least that the national Parliament's reporting mechanism is much enhanced. In that context, we need to address what would flow to the devolved elements of the United Kingdom.

**Ben Wallace:** The matter comes down to what we can reform at home and what the Commission should do. Richard Spring made clear the Conservative party's view of a minister permanently based in Brussels at the level of the Council of Ministers. What is the SNP's position on reform at the European level? Does it support the creation of a second chamber or a permanent delegation?

**Angus Robertson:** I shall build on what Richard Spring has said, rather than repeat some of the suggestions that he made. Two of the great open questions that I am sure the committee is considering and which are built into the issue of governance as we move towards 2004 are the role of a constitution and the Charter of Fundamental Rights. Those two things seem to be essential to how things will evolve and how one will want to be engaged at European level.

The SNP is very much in favour of a European constitution in the context of a confederal Europe. Because the UK is famous for not having a constitution, some people fear that a constitution automatically signals a transfer of powers to European level. We see a constitution much more as an opportunity to simplify the legal basis on which the European Union works. At present, that legal basis is a jumble of different treaties and it can often be hard to see the realities for complicated pieces of legislation. The first thing that we favour is a constitution that would make the workings very clear and would show the delimitation of powers and competencies of the different levels of governance in Europe.

Secondly, we would incorporate the Charter of Fundamental Rights in that constitution. That would hold Governments and the European institutions to account when there is a question about their competencies.

**Ben Wallace:** You say that you are in favour of a constitution. What ideas do you have for that constitution? How do you envisage the day-to-day approval or decision-making processes going on in the Commission? Do you want an extension of simple majority voting across the board? Do you want an upper chamber? I understand that you want a constitution and that certain things must be fitted into that, but how do you see decision making working?

**Angus Robertson:** We are reticent about the suggestion that there should be a second chamber. A number of people have argued that a

second chamber might help to incorporate politicians from member-state or sub-member-state level in the European decision-making structure. Our fear is that a second chamber would lead in effect to sclerosis—to things not progressing at a European level at all.

We already have a two-chamber system in the European Union: the European Parliament, which is made up of democratically elected politicians; and the Council of Ministers, which is made up of representatives from different member states. As we already have a second chamber, we think that having a third one would cause things to come to a halt, particularly in a further enlarged Europe.

On the extension of qualified majority voting, the SNP has two major provisos, which relate to fiscal and constitutional matters and to the right of veto remaining with member states. It is unhelpful to consider issues that may or may not arise in the future for which majority voting may be the most appropriate way of doing things. The SNP does not have a problem with qualified majority voting in itself, but we would be interested to see how the new system incorporated in the Treaty of Nice for blocking minority votes will work. It is argued that the Treaty of Nice enhances the power of member states and their ability to stop things. I foresee that that could be one of the difficulties of not allowing qualified majority voting in certain areas, excluding fiscal and constitutional matters. A second—or, in effect, a third—chamber would not enhance democracy, but would slow down the process of governance in Europe.

**Ben Wallace:** I am sorry to pursue this point, but I want to be clear about it. What is your idea of the mechanism for making those decisions in a new and enlarged Europe? You have ruled out a second chamber, because you have certain problems with that idea. What is your current idea for a decision-making mechanism?

**Angus Robertson:** We endorsed the proposals that make up the Treaty of Nice, which have brought in new rules on blocking minority votes, the balance of voting rights in the Council of Ministers and the extension of qualified majority voting in areas that are incorporated in the treaty. We put a clear block on the progress of qualified majority voting in the areas that I outlined.

**Ben Wallace:** Do you agree with Richard Spring's suggestion about how decisions should be made in Europe or do you seek another way? I know about the changes to voting and the different weightings. Do you envisage the European Parliament having overriding control over decisions when the Commission initiates policies that require a decision by member states? That mechanism will be debated in the next three years and it is relevant to the EU white paper on governance that we have at the moment. I am

trying to pin you down on that point.

**Angus Robertson:** Your question raises a number of different issues. We have not yet touched on the issue of co-decision in the European Parliament. We think that a democratically elected parliament in which everyone has the right to be directly represented, but which does not have the ability to effect change at an institutional level, would be a waste of time. We are in favour of co-decision. The biggest and most important single change in the workings of the institutions, including the Commission, would relate to transparency. There seems to be a profound lack of information on how, when and where proposals develop and on how proposals are influenced: how they are changed and who changes them. The most important question relates to openness and allowing people to discover what happens.

In our own ways, Richard Spring and I have talked about the Commission and the Council of Ministers. I would be delighted if those institutions and their workings were opened up completely; the mechanics can always be improved. However, the new tranche of proposals will affect the way in which the institutions work, so it would be unrealistic to make further major proposals.

**Richard Spring:** I want to discuss one or two points that were made. It is right to simplify the treaties. I am in favour of simplifying treaties and bringing them under one umbrella, as long as their competence is not extended by stealth.

Speaking truthfully and bluntly, I believe that an upper chamber is irrelevant. Such a chamber would in no way address the so-called democratic deficit or how the European Union reconnects, which is its most fundamental underlying problem. Having representatives of national Parliaments in an upper chamber would not address that problem.

At some point I would like to set out our view of how the Council of Ministers or COREPER should operate. When it is convenient for the committee, I would like to talk—again in a practical way—about how the role of national Parliaments can be enhanced and about how the Scottish Parliament can feed into that. The debate is continuing and I believe that we must move from talking about the problem to coming up with specific proposals. If, in its deliberations from a Scottish point of view, the committee produces or endorses practical ideas for addressing some of the problems, it will have done the whole nation a great service.

**The Convener:** I want to come back to the role of regions in the Europe of the future. Angus Robertson's view on that will be different from mine. Nevertheless, practical steps can be taken if there is no change. The committee welcomes

observations from both witnesses on how that role might be shaped.

**Irene Oldfather:** My question is related to that. I intended to ask about a second chamber. One of the advantages of a second chamber that has been mooted is that it would reconnect national Parliaments to Brussels. Given that both witnesses have decided that they are not in favour of a second chamber, I will turn my question round a little.

How can we involve national parliamentarians more in the role of the European Union and use them to promote Europe better in the United Kingdom? Allied to that is the specific role that the Scottish Parliament and devolved Governments could play. It has been mooted that second chambers could contain representation from regional Governments. As you have both ruled out that option, how do you think regional Governments could play a useful role? I understand that you will have different views on that point.

11:45

**Angus Robertson:** I would like to step back from the structural level. It would be foolish to believe that having more or fewer layers of governance is the answer to everything. How can one reconnect with voters when even the decision makers are not remotely interested? Richard Spring and I sat through all the parliamentary stages of the bill dealing with aspects of the Treaty of Nice.

**Richard Spring:** I did not notice that Angus was there all the time.

**Angus Robertson:** I was there all the time. The number of members in the chamber was minuscule; they could have been counted on the fingers of two hands. We were debating the Treaty of Nice, which caused a massive hoo-hah in Ireland in a referendum. We must ask why many people in elected life are not interested in what is going on at a European level.

**Mr Home Robertson:** It is the Bill Cash factor.

**Angus Robertson:** Yes.

A second factor is the level of information that is provided to the public. Members will know that only one Scottish journalist works for a Scottish newspaper in Brussels. None of our major newspapers has a correspondent there and neither of our national broadcasters has a correspondent there. How can one hope to connect with the public if people do not receive adequate information and their elected representatives do not know or care particularly much—with the honourable exception of members who show an interest in work on Europe in

Parliament and outside? I know many members of the committee from other organisations, because they care about what is going on at a European level. We can talk about second or third chambers, the Committee of the Regions and many other things, but the root of the difficulty is that most people are not informed and the people who are supposed to be informed are not especially interested. If those problems are not addressed, everything else is academic.

**Irene Oldfather:** A related problem is that Europe has had a bad press over the past 18 to 20 years. The correspondents in Brussels do not always portray Europe accurately. Angus Robertson has touched on a problem.

What role should national parliamentarians and devolved Governments play?

**Angus Robertson:** It is the role of individual parliamentarians—be they members of the Scottish Parliament or the Westminster Parliament—to be involved and engaged and to travel to see the European institutions. One of the best things that an elected representative can do is be informed about what goes on elsewhere, so that they can say that certain things are done better or worse elsewhere. That is the basis on which to improve things. Perhaps the key role of individual parliamentarians is to scrutinise and hold the Executive or Government to account, using the information that it is essential to have to be able to do that.

**The Convener:** Is it not the case—this comes back to the point that Ben Wallace and Irene Oldfather are driving at—that structural issues need to be addressed? It is okay to say that members of the Scottish Parliament should engage with the issues and meet people. However, given the way in which decisions are made that affect us in Scotland within the current UK constitutional framework, how could a Europe of the regions be developed that would allow regional Governments to have the influence to which you aspire?

**Angus Robertson:** You pointed out that Richard Spring and I would probably take very different approaches on certain issues, and I suspect that this is one of those issues. The SNP feels that the Committee of the Regions is where the regions of Scotland should be represented, and the place for national Governments—

**The Convener:** You clearly stated that that was the SNP's principal view in your opening remarks, and we accept that that is the case. However, if we assume that there is no constitutional change in the UK, we have to come up with a framework before the next IGC that engages the regions of the UK and Europe. Notwithstanding your view about independence, how could the regions be

more involved in the process?

**Angus Robertson:** First, I welcome the Scottish Executive's involvement with other constitutional regions. It has sought out partners not only with similar levels of powers, but with similar agendas for highlighting the changes that are necessary at European level and in the legislation that affects the different constitutional regions. Such changes were outlined in the agreement that was signed in Flanders earlier this year. That agreement includes some valid points and a closer working relationship with other constitutional regions at a European level is a welcome first step.

How does one build on such moves? I attended the meeting at which Jack McConnell, the Minister for Education, Europe and External Affairs, told the committee about how he saw the Scottish Executive's European policy progressing both within the EU and within other enlargement states, particularly the Czech Republic. That is an issue that we can work on. Although I am not certain about where we could go after that, I welcome many elements in the strategy that refer to other constitutional regions working together. Such a course has been pursued by Flanders. We can learn much from that part of Europe about how a region can operate with the Committee of the Regions and the Council of Ministers. For example, from the beginning of next year, the Flemish Government will automatically lead on all fisheries matters on behalf of the Belgian state.

We can also learn from that Government's range of interrelationships. For example, it has a power that the Scottish Parliament does not have: the ability to make bilateral treaties with both independent and devolved Governments. Being ambitious about seeking out partners, learning best practice and pursuing that course with other constitutional regions are all steps that I welcome.

**Richard Spring:** I want to respond to Irene Oldfather's direct question about the role of national parliamentarians, which is a key element in what we need to do in the lead-up to the IGC. I am very grateful that the question has been asked, because the issue must be dealt with at a sub-national level.

Even though I want the EC's role to be reduced for the reasons that I mentioned earlier—as I said, it is a disconnected body—I believe that its annual report and statement should be thoroughly debated and examined in the House of Commons and here in Edinburgh when they are published. There is no reason why that should not happen. Furthermore, the process should also include the ability to give direct feedback—primarily from Westminster but also from the devolved Assemblies and the Scottish Parliament if they wish to make observations—before the EC tries to implement anything. Such a role is currently



lacking and could be usefully fulfilled.

There is a real sense of disconnection because of fraud, which costs the taxpayers of Europe £3 billion. We talked about journalists reporting negatively from Brussels; such stories of fraud resonate with people. How do we deal with that? There should be a national parliamentary committee at Westminster to concentrate on and scrutinise the way in which money is spent in the United Kingdom. That work could be subcontracted without difficulty where there are specific areas of Scottish spending—for example, regarding structural funds. That idea could be considered. It is not simply my suggestion or that of Angus Robertson or anybody here, but what Lord Patten and other commissioners have suggested on many occasions. People want to feel that there is proper scrutiny of spending. I am sure that there is no problem with that idea in this country. I do not know whether the problem is universal in the European Union, but the work of such a committee would substantiate whether Parliament was dealing with taxpayers' money in a specific way.

We also want there to be a scrutiny reserve. We established the Norton commission, which recommended that ministers should not approve an EU proposal until parliamentary scrutiny is complete. There is no reason why that process could not be echoed in Scotland, although the primary function would be at Westminster. We must move away from talking about the way in which national Parliaments' roles should be enhanced; part of the problem is that it is years since any power was returned to a national Parliament—none that I recall has been returned. It is time to think of fresh ways of dealing with the issue and there is clearly an opportunity for that at a sub-national level in Scotland.

I turn to the question of the Committee of the Regions. There are some difficulties, as the constitutional architecture of Belgium, for example, is radically different from that of the United Kingdom. There is nothing comparable to Belgium in the United Kingdom; the national and federal structure there is minuscule compared with that of any other European country. What happens in Scotland may resonate and be of interest in Nordrhein-Westfalen, Salzburg or some part of Spain or Italy, but there is a limit to where the comparisons can be made. Although it is useful to share experience, we ought to embark on the process of re-establishing the central importance of the nation state and the national Parliament. As that links to how people vote and it is what they feel a connection with, the role of the Council of Ministers and COREPER should flow through that.

The value of the regional relationships is a matter for the judgment of the Scottish Parliament

and the Scottish Executive. If they are of value, they can be continued and endorsed, but the mechanisms for the transmission of debate and policy should be along the lines that I have suggested. That would help in the process of reintegrating people in the whole architecture, ambition and aspirations of the European Union.

12:00

**Colin Campbell:** I was delighted to hear Richard Spring say that he thought that restoration of power to national Parliaments was a good thing, although I am sure that what he meant was not what I understood. I am in the same camp as Angus Robertson.

I have not come to the debate with any preconceived notions. However, I think that some of the issues that exercise us in Scotland and which will be passed down to us by the European Union should be scrutinised in some pre-legislative way. Richard Spring said that there was a collegiate quality about what the Danes did and that he did not think that that approach would work at Westminster because of the across-the-front-benches style of the UK Parliament.

However, the committees in the Scottish Parliament have experience of pre-legislative scrutiny—we have done well on that front. By the time that legislation is brought forth to the Parliament, much of the warring is over. In the same way, perhaps, issues might come to sub-national Parliaments—I refuse to call them regional Parliaments—where they could be scrutinised, providing that the timing from Europe was right. Parliaments would thus be re-engaged in the European situation, as would the people. Once the issue, whatever it might be, had been discussed, and once a conclusion had been arrived at and endorsed by our own Parliament, the issue would be reported to the UK Parliament, which could take it forward.

I appreciate that that process could be cumbersome; if it were to be applied universally to every piece of European legislation, we would go completely off our heads. However, it might provide a mechanism by which we could re-engage ourselves in the debate. Also, if the mechanism was transparent, it might re-engage the people out there.

If I cannot get answers to questions, I lose interest and if, as an elected representative, I cannot get answers, how on earth can people get the information that they need? Unless people can get information, and feel that they are being trusted and involved in the process, we will not re-engage people with Europe. People will then be prey to the bad journalists who spend all their time coming up with lunatic European stories to try to

make people hostile to Europe. What we need is a mechanism with appropriate timing.

**Helen Eadie:** I am pleased that there is almost consensus about the First Minister signing the Flanders declaration—we all seem to welcome that.

Following on from that, on 8 October, the EU general affairs council agreed on a convention in which, I believe, MEPs and parliamentarians will be directly involved, along with representatives of the UK Government. Do you see MEPs at a national level being the only direct representatives to be involved, or will MSPs, members of the National Assembly for Wales or representatives from Ireland be directly involved? Given that we have to implement so many EU directives, would direct involvement at regional level be helpful?

**Richard Spring:** I have not seen the convention spelt out in detail. However, if there is to be a Committee of the Regions and if, flowing from that, there is to be a convention, it would be logical to have participation from the regional Parliament or Assembly representatives.

**Helen Eadie:** Would ministers, parliamentarians or only national representatives at Westminster level act as those representatives or would observer status be involved?

**Richard Spring:** That would have to be thrashed out. If the convention is to be drawn up to deal solely with the regions, it could comprise a mixture of parliamentarians and ministers. We would wish to explore that question. I have not seen the remit of the convention, and those remarks are made subject to knowing a little more about it.

**Angus Robertson:** It will not surprise committee members to hear me say that Scotland's representatives should be involved in the governance of Scotland. For us, as a matter of the highest importance, that involvement should include members of the Scottish Parliament. I am not sure whether there is agreement on the size of the delegations and the levels of representation from different member states. However, as a starting point, Scotland's elected representatives should always be able to attend.

**The Convener:** I will return to the issue of engagement in the decision-making process at the earliest opportunity.

How should the decision-making processes of national Parliaments and regional, sub-national Parliaments—or whatever they are to be called—be regulated at the point that decisions come out of Europe? How should the way in which people are involved in that decision-making process be regulated? Is there a single framework that could be developed, or do either of you think that it

should be left to the individual member states?

**Angus Robertson:** Are you asking whether there should be a European standard that operates everywhere?

**The Convener:** Yes.

**Angus Robertson:** If there were to be harmonisation on that, I would be more than happy to take the European standard, because European governance on the issue would be superior to that of the UK. That was a bit of a flippant response, but we can certainly talk about how things would work in the UK. If common European standards on the time scale of information from European institutions and on how that information is transferred were to come out of the convention and the white paper, I would welcome that. It appears that there are diverse ways of dealing with the different proposals, regulations and reports that come out in various places.

For argument's sake, does the paperwork that is being dealt with at today's meeting of the council of transport ministers automatically go to a department at Westminster, which then decides how close to any deadline that paperwork will be forwarded to the Scottish transport minister or the part of the Scottish Executive that is dealing with the issues that are being debated? If, before 2004, we know what the competences are in different parts of Europe, when anything comes out that deals with a particular subject area, it should be a mere technicality that we know exactly where it should go and we send it there as quickly as possible.

There should be minimum standards for the length of time it takes for information to be transferred. Account should be taken of how long the scrutiny process takes in different member states and sub-state legislatures. The scrutiny process should not be rushed and the responses should be fed back, through member states if necessary, to the appropriate layer of governance. I would welcome minimum standards on that because we could then hold institutions to account for not doing it.

**Richard Spring:** I am rather more cautious on this issue. As we expand from 15 to 27 member states, there is a great risk that going down the route of too much harmonisation and enforcement will lead to difficulties. It is for the member states to decide how they wish practically to deal with such matters. It is perfectly in order for recommendations to be made; Angus Robertson correctly made the point about the timing of scrutiny and so on. However, ultimately it will depend on the level of competence.

When the IGC takes place in 2004, the competences will be far more clearly defined. It

therefore depends on where, for example, there is exclusive competence—in external trade policy, for example. It is reasonable that the procedures at a national level would be much more clearly defined. The European Union is acting collectively on behalf of all the member states; that is also true in other respects.

What is important is that we have continuing diversity. One of the things that struck me in the United States presidential election, when there was that curious activity in Florida, was that not only did the constituent parts—the states of the United States—have different voting structures, but the small, almost municipal areas showed considerable diversity. We need to be cautious as we expand that we do not get into a kind of bureaucratised straitjacket of enforcement in areas where the competences do not require it. That is an important consideration. Otherwise, people will feel that this is happening beyond their control. The welling irritation throughout the European Union accession countries will be made worse once the European Union is enlarged. Those are my caveats—I would treat the issue with a little caution.

**The Convener:** Are there any further questions?

**Richard Spring:** I would like to make another comment, if I may. Quite rightly, concern has been expressed about the relation of Scotland to the UK and of the UK to the institutions of the European Union. In that regard, we would like there to be a subsidiarity panel that would be made up of members that were nominated by each country. The word “subsidiarity” emerged after Maastricht but, quite frankly, I am not sure what it has meant in practice. If we are to make people a part of the European process in an enlarged community, there should be a panel that could, at the request of a member state, screen legislation. That would give resonance to the powers that exist at a national and sub-national level. That would have the effect of safeguarding and reinforcing the importance of allowing the devolution of power to a national and sub-national level and would go a long way towards dealing with the concerns that have been implicitly and explicitly expressed today.

**The Convener:** From where would the panel be drawn?

**Richard Spring:** Each country would nominate a member and there would then be a discussion about the exact remit of the panel. If we are to give meaning to subsidiarity, and allow devolution to the national and sub-national Parliaments, the panel would be useful.

**The Convener:** Would it be like a second chamber?

**Richard Spring:** No, it would simply be a panel

that comprised as many members as there are countries in the European Union—perhaps 27, in due course.

**Angus Robertson:** If we are to have a constitution that regulates the level at which governance is to take place in the European Union, another variation that might make things easier would be for that to be interpreted and ruled on by the European Court of Justice. That ties in with one of the points that is part of the agreement that was signed by the Scottish Executive. Regardless of whether there is a panel as Richard Spring suggests there should be, I have no doubt that, following the adoption of a constitution, many of the challenges to the way things work will be conducted through the European Court of Justice. In that case, it would be logical, if not essential, that the devolved Governments be allowed a direct involvement in the process to enable them to challenge the interpretation of laws. That is not currently the case, but the paper that was signed by the Scottish Executive says that it is worthy of consideration. I can see no reason why that should not happen as, after the 2004 process, it would be useful in ensuring that work was being done at the correct level.

**Richard Spring:** Angus Robertson is correct in saying that the European Court of Justice has played a part in the screening process. However, I think that that is wrong and that a subsidiarity panel would do the job much more effectively. There is a concern in this country about judge-led law. If we allow our constitutional arrangements increasingly to be considered by the judiciary, at whatever level, it will promote that feeling of alienation.

An example is fisheries. Our policy is that fisheries policy should return to national control or regional control. I do not know whether you are aware that the common fisheries policy is not a common fisheries policy: it does not apply in the Mediterranean, for example. If the CFP were to return to national or regional control, under a zonal scheme, for example—I know that such a scheme has been advocated widely—it would be important for a minister of the Scottish Executive to be on any zonal board. If it were decided to go further and have more extensive local control—I believe that the CFP is regarded as a considerable failure—control of fisheries could rest almost entirely in Scotland.

If that were to happen, it would make people in Scotland feel much more comfortable with the relationship with the European Union and feel that they had some control in an area that has caused considerable emotional distress and economic hardship in the fishing industry.

Those are areas that we wish to consider practically. Forgive me for taking up the

committee's time to make that point.

12:15

**Mr Home Robertson:** I do not know that we need to forgive you. You may not be aware that the committee and the Scottish Executive are a long way in front of you on those issues and have already staked out claims on fisheries. A lot of work has been done on that.

You have goaded me to press you a little bit further on the theme of subsidiarity. I remember Margaret Thatcher coming back to Westminster and trumpeting the advantages of subsidiarity. Her interpretation was that subsidiarity stopped at Westminster. It meant dragging powers from the EU back to Westminster and Whitehall. She was appalled by the notion of further subsidiarity to the nations, regions or anybody else within the United Kingdom. I am therefore absolutely thrilled to hear a Conservative spokesman moving further on subsidiarity.

We in Scotland are doing our bit on decentralisation and subsidiarity, as are our friends in Wales and Northern Ireland. As we make progress in understanding what the architecture of the EU and the UK will be, it is important to consider the English question. I cannot believe that the good people of East Anglia are entirely happy about the way that they are represented and dealt with by Westminster. There may be a case for decentralisation in such areas. How will that evolve?

**Richard Spring:** That is a difficult problem. One understands perfectly well that there may be a kind of regional sense in parts of England. Those would include the north-east, the north-west and probably the south-west. I can absolutely assure you that nobody in East Anglia has the remotest desire for some kind of regional assembly or government. That is the last thing that people there would consider. If I wish to raise hysteria with mirth at a meeting, I suggest that, on top of parish councils, district councils and county councils, we have some sort of regional government followed by Westminster and Brussels. I do not think that that is what people want.

The context of Scotland is entirely different from that of East Anglia. The history, the traditions, the legal system and the educational system are just not like those in East Anglia. People in East Anglia are interested in less government, not more. That is how they would view the matter and that is a cross-party view.

I hope that that answers the question directly.

**The Convener:** Do you have another point to make? You mentioned two points earlier.

**Richard Spring:** I only wanted to bring in the matter of fisheries, because it is a litmus test. The CFP will be reviewed, starting next year and concluding in 2002. Control should be devolved much more substantially in fisheries. The CFP has discriminated against Scotland and the North sea fishermen in particular. That needs to be sorted out.

I was trying to make the point that, rather than engage in making wonderful speeches, which all us politicians are prone to do, we must try all the way through the process to come up with constructive proposals on how to sort out the problem. That is what the Conservative party will do during its policy review in the next year.

Thank you for your patience, convener.

**The Convener:** I thank Angus Robertson and Richard Spring for taking the time to come to the meeting.

As I said earlier, the exercise is a first for the Scottish Parliament and I hope that other committees will repeat it. I hope that this is the start of a parliamentary relationship between Scotland and Westminster, because we have much to gain from developing a close working relationship. The witnesses' views have been useful and will, I hope, be complemented by views from Menzies Campbell, Peter Hain, Jimmy Hood and Lord Brabazon. They will certainly have an influence on our deliberations.

Once again, I thank the witnesses for coming along. I hope that they have found the meeting a useful experience and we will keep in contact with them as our work on the report develops.

I conclude by reminding members that our meeting that was scheduled for 23 October has been cancelled. Our next meeting will be held in the morning and afternoon of 30 October, when we will hear from a cross-party group of MEPs as part of our inquiry into governance.

*Meeting closed at 12:21.*

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