

# **EUROPEAN COMMITTEE**

Tuesday 30 October 2001  
(*Morning*)

Session 1

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## EUROPEAN COMMITTEE

### 12<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)

#### WITNESSES

Elspeth Attwooll MEP (European Liberal, Democrat and Reform Party)  
Alain Lamassoure MEP (European People's Party)  
Neil MacCormick MEP (European Free Alliance/Greens)  
David Martin MEP (Party of European Socialists)

#### CLERK TO THE COMMITTEE

Stephen Imrie

#### ASSISTANT CLERK

David Simpson

#### LOCATION

The Chamber



## Scottish Parliament

### European Committee

*Tuesday 30 October 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 10:27*]

**The Convener (Hugh Henry):** Good morning ladies and gentlemen and welcome to the 12<sup>th</sup> meeting in 2001 of the European Committee. The first part of this morning's meeting is devoted to committee business. After that, we will move on to a discussion with members of the European Parliament.

### Convener's Report

**The Convener:** The first item is a report on the common position on the liberalisation of postal services. That has now been agreed in the Council of Ministers. We had expressed some concern about the potential impact of liberalisation, particularly in rural areas. The papers contain my recommendation. Are there any comments? Do we want further briefing on the matter or are we content to allow the issue to progress?

**Colin Campbell (West of Scotland) (SNP):** We should keep an eye on it because we do not want to jeopardise the postal service for people in rural areas. Who knows what other plans the European Community might have in the future?

**The Convener:** Yes. Is it agreed that we keep an eye on the matter, note the developments and, at a suitable time, send to the relevant MEPs a new version of our original letter to the Swedish presidency setting out our concerns about the possible impact on rural communities in Scotland?

**Members indicated agreement.**

**The Convener:** The next item is the response from the Deputy Minister for Environment and Rural Development to the letter on reform of the common fisheries policy. Is it agreed that we note the content of the letter?

**Members indicated agreement.**

**The Convener:** The next item is the response from the Minister for Transport and Planning to the letter on public procurement and the implications for the Glasgow underground system. Is it agreed that we note the content of the letter?

**Members indicated agreement.**

**The Convener:** The final item in this section is the outcome of the vote at second reading in the

European Parliament on the report on the Council's common position for adopting a European Parliament and Council directive on establishing a general framework for improving information and consultation rights of employees in the European Community.

I am pleased that the European Parliament voted largely along the lines recommended by the European Committee, although not all members of the committee agreed with that recommendation. The result is progress and I hope that something will come from it in the conciliation stage.

Yesterday, I met the conveners of the equivalent European committees of the Northern Ireland Assembly and the National Assembly for Wales and learned that they closely examined our report on this issue and used it as the basis of their work. That shows that what we are doing is being scrutinised beyond our own Parliament. Are members all agreed to follow the recommendation on this item?

**Members indicated agreement.**

## Scrutiny

10:30

**The Convener:** The next item on the agenda is scrutiny of documents. Before I continue, I ask Christine Boch whether there is anything that she particularly wishes to bring to our attention this morning.

**Christine Boch (Scottish Parliament Directorate of Legal Services):** No.

**Stephen Imrie (Clerk):** I should inform members that the following two documents on page 1 of the sift recommendation note have been wrongly classified as priority documents:

SP 2295 (EC Ref No 8812/01 COM(2001) 247 final)

SP 2364 (EC Ref No 9874/01 COM(2001) 326 final)

We asked the Executive to confirm whether it would keep us informed about progress and developments on those documents. As we have received that confirmation, I suggest that the recommendation for those documents be changed to no further action.

**The Convener:** Do members agree to that suggestion?

**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 2225 (EC Ref No 7408/1/01 EUROJUST 7 REV 1)

SP 2510 (EC Ref No COM(2001) 309 Volume IV)

SP 2513 (EC Ref No COM(2001) 309 Volume I)

SP 2514 (EC Ref No COM(2001) 309 Volume II)

SP 2516 (EC Ref No COM(2001) 309 Volume VI)

SP 2517 (EC Ref No COM(2001) 309 Volume V)

SP 2518 (EC Ref No COM(2001) 309 Volume III)

SP 2538 (EC Ref No COM(2001) 428)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** The recommendation for the document mentioned on page 2 is for referral to nominated committees. The document is:

SP 2574 (EC Ref No COM(2001) 370 final)

That document will be referred to the Transport and the Environment Committee. Are members all agreed?

**Members indicated agreement.**

**The Convener:** We are still waiting for more information on the documents listed on pages 3

and 4. The recommendation is that decision on the following documents be deferred:

SP 2400 (EC Ref No 10372/01 COM(2001) 259 final)

SP 2496 (EC Ref No COM(2001) 425)

SP 2499 (EC Ref No COM(2001) 433)

SP 2502 (EC Ref No COM(2001) 493)

SP 2507 (EC Ref No COM(2001) 366)

SP 2523 (EC Ref No COM(2001) 182)

SP 2534 (EC Ref No COM(2001) 450)

SP 2546 (EC Ref No COM(2001) 438)

SP 2575 (EC Ref No COM(2001) 506)

SP 2576 (EC Ref No COM(2001) 512)

SP 2577 (EC Ref No COM(2001) 511)

SP 2579 (EC Ref No COM(2001) 415)

SP 2591 (EC Ref No COM(2001) 508)

SP 2594 (EC Ref No COM(2001) 505)

SP 2598 (EC Ref No COM(2001) 438)

SP 2599 (EC Ref No COM(2001) 414)

SP 2606 (EC Ref No SEC(2001) 1398)

SP 2621 (EC Ref No COM(2001) 522 final/2)

SP 2458 (EC Ref No 11161/01 COM(2001) 410 final)

SP 2467 (EC Ref No 10536/01 COR 1 ENFOPOL 71)

SP 2468 (EC Ref No 11088/01 ENFOPOL 82)

SP 2473 (EC Ref No 11199/01 WTO 82)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** The recommendation for the list of documents on page 5 is that we copy them to other committees for their interest. Those documents, one of which will go to the Enterprise and Lifelong Learning Committee and two of which will go to the Equal Opportunities Committee, are:

SP 2508 (EC Ref No COM(2001) 454)

SP 2622 (EC Ref No COM(2001) 529 final)

SP 2487 (EC Ref No PE-CONS 3627/1/1)

Is that recommendation agreed to?

**Members indicated agreement.**

**The Convener:** Pages 6 to 15, as revised, list the documents for which the recommendation is for no further action. The documents are:

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

SP 2295 (EC Ref No 8812/01 COM(2001) 247 final)

SP 2310 (EC Ref No 9044/01 COM(2001) 221 final)

SP 2364 (EC Ref No 9874/01 COM(2001) 326 final)

SP 2489 (EC Ref No COM(2001) 513)

SP 2490 (EC Ref No COM(2001) 408)

SP 2491 (EC Ref No COM(2001) 467)  
SP 2492 (EC Ref No COM(2001) 470)  
SP 2493 (EC Ref No COM(2001) 491)  
SP 2494 (EC Ref No COM(2001) 384)  
SP 2495 (EC Ref No COM(2001) 488)  
SP 2497 (EC Ref No COM(2001) 443)  
SP 2498 (EC Ref No COM(2001) 444)  
SP 2500 (EC Ref No COM(2001) 495)  
SP 2501 (EC Ref No COM(2001) 515)  
SP 2503 (EC Ref No COM(2001) 441)  
SP 2504 (EC Ref No COM(2001) 420)  
SP 2505 (EC Ref No COM(2001) 386)  
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SP 2511 (EC Ref No COM(2001) 522)  
SP 2512 (EC Ref No 10710/01)  
SP 2515 (EC Ref No COM(2001) 222)  
SP 2519 (EC Ref No 11990/01)  
SP 2520 (EC Ref No 10463/01)  
SP 2521 (EC Ref No 10899/01)  
SP 2522 (EC Ref No COM(2001) 422)  
SP 2524 (EC Ref No 9093/4/01)  
SP 2525 (EC Ref No SEC(2001) 1307)  
SP 2528 (EC Ref No COM(2001) 456 final)  
SP 2529 (EC Ref No 11670/01)  
SP 2530 (EC Ref No 9093/2/01)  
SP 2531 (EC Ref No COM(2001) 487)  
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SP 2567 (EC Ref No COM(2001) 462)  
SP 2568 (EC Ref No COM(2001) 477)  
SP 2569 (EC Ref No COM(2001) 455 final)  
SP 2570 (EC Ref No COM(2001) 481 final)  
SP 2571 (EC Ref No COM(2001) 489)  
SP 2572 (EC Ref No COM(2001) 439 final)  
SP 2573 (EC Ref No COM(2001) 475)  
SP 2578 (EC Ref No COM(2001) 480)  
SP 2580 (EC Ref No COM(2001) 440)  
SP 2581 (EC Ref No COM(2001) 524 final)  
SP 2582 (EC Ref No COM(2001) 507)  
SP 2583 (EC Ref No COM(2001) 503)  
SP 2584 (EC Ref No COM(2001) 503)  
SP 2585 (EC Ref No COM(2001) 397)  
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SP 2603 (EC Ref No COM(2001) 418)  
SP 2604 (EC Ref No COM(2001) 442)  
SP 2605 (EC Ref No COM(2001) 508)  
SP 2607 (EC Ref No 11685/2/01)  
SP 2608 (EC Ref No COM(2001) 341)

SP 2609 (EC Ref No COM(2001) 494)  
 SP 2610 (EC Ref No COM(2001) 407)  
 SP 2611 (EC Ref No COM(2001) 421)  
 SP 2612 (EC Ref No COM(2001) 434)  
 SP 2613 (EC Ref No 12022/01)  
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 SP 2615 (EC Ref No COM(2001) 523)  
 SP 2616 (EC Ref No ECOFIN/532/01-EN)  
 SP 2617 (EC Ref No COM(2001) 517)  
 SP 2618 (EC Ref No COM(2001) 518)  
 SP 2619 (EC Ref No 11658/01)  
 SP 2620 (EC Ref No COM(2001) 551)  
 SP 2242 (EC Ref No 6873/01 COM(2001) 166 final)  
 SP 2332 (EC Ref No 8632/01 ADD 1 REV 1)  
 SP 2482 (EC Ref No COM(2001) 387 11007/01)  
 SP 2483 (EC Ref No COM(2001) 451 11256/01)  
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 SP 2486 (EC Ref No COM(2001) 447 11355/01)  
 SP 2207 (EC Ref No 8242/01 DROIPEN 39)  
 SP 2208 (EC Ref No 8115/01 DROIPEN 37)  
 SP 2466 (EC Ref No 10912/01)

Is that recommendation agreed to?

**Members** *indicated agreement.*

**The Convener:** We are slightly ahead of schedule. Although Elspeth Attwooll and Alain Lamassoure are here, I do not know whether Neil MacCormick and David Martin have arrived. We will therefore take a five-minute break.

10:33

*Meeting adjourned.*

10:39

*On resuming—*

## EU Governance and the Future of Europe

**The Convener:** I reconvene the meeting. The next item on the agenda is our inquiry into governance in the European Union and the future of Europe. I am delighted to welcome some of our colleagues from the European Parliament to the committee. Yet again, the European Committee establishes a first in the Scottish Parliament, as this is the first time that members of the European Parliament have presented evidence to a committee of the Parliament. Our MEP colleagues have attended committee meetings and have frequently assisted the Scottish Parliament in a number of ways, and we value their co-operation and support. However, this morning, the MEPs are attending in a formal capacity and we are pleased that they are here.

For the witnesses' information, I should add that last week we took evidence from two members of the House of Commons, which was another first in the Parliament. We have still to take evidence from other MPs, which will happen over the next few weeks. We hope in the near future to have the Scottish Parliament's first opportunity to hear from a UK Government minister, again on this subject.

The future of the EU and the role of national, regional and sub-member state Parliaments are clearly significant not just in Scotland but throughout Europe. Although people keep using the phrase "Europe of the regions", no one seems to be able to identify clearly what it means. There is also a concomitant debate about bringing Europe and decisions in Europe closer to its peoples. I know that European parliamentarians are extremely keen to ensure that decisions are made at the closest possible level to citizens.

Compared with many other Parliaments, the new Scottish Parliament is probably arriving fresh into the debate; we are keen to find out how the debate will impact on our position both in the UK and in Europe. However, we hope equally that some of the lessons from the decentralisation of power in this country can be learned by others in Europe and that the discussion will be a two-way process.

I hope that today's discussion will build on ideas that we have already received from MPs. I propose to take a short presentation from each of the MEPs and then open up the matter for a relatively informal discussion. Alain Lamassoure, who is the rapporteur for the European Parliament Committee on Constitutional Affairs, will lead the



discussion, after which we will hear from our Scottish MEP colleagues Elspeth Attwooll, David Martin and Neil MacCormick. I invite Mr Lamassoure to give his presentation.

**Alain Lamassoure MEP (European People's Party):** Thank you, convener. First, I should say that it is a pleasure and an honour to appear before the European Committee of the Scottish Parliament. I am very impressed by how this young Parliament has tried to tackle important European issues. I hope that other regional or national Parliaments, particularly in my country, will follow suit.

As you say, convener, I am in charge of the Committee of Constitutional Affairs report on the delimitation or distribution of competences between the EU and its member states. I will make three points in this short introduction.

10:45

The first point is that, after 40 years of European integration, we badly need to update the division of competences between the European Union and member states, along the lines of subsidiarity. For historical reasons the European Community has undertaken joint measures in areas that, in the 1950s, were priorities in economic terms and—less controversially—in political terms. The powers of the Community subsequently developed from those foundations and we now have a Union that can envisage tackling matters that are usually considered to be federal matters, such as currency, foreign policy, defence and the fight against terrorism or large-scale organised crime.

However, if those are to become full Community or federal competences, is it necessary to preserve at all costs all the tasks solely out of posthumous respect for the founding fathers? The answer is no. That is all the more relevant since the change in the number of members has altered—and will alter further—the scale of the problem. In 2015, will a Union of, for example, 36 members be able to tackle as many, or even the same, problems as the Community of 12 did 30 years earlier? Moreover, since the principle of subsidiarity was defined in the Maastricht treaty, only lip service has been paid to it, rather than it being a specific benchmark for the institutions in the exercise of their powers. The principle of subsidiarity is still open to interpretation.

The second point is that no European institution is in reality willing to comply with the principle of subsidiarity. Members can accept that I have personal experience of that as a member of the European Parliament and as a former member of the Council of Ministers. My colleagues who are present will state later, perhaps, whether they agree with my analysis. The Commission is not

keen to comply with the principle of subsidiarity—it is a matter of authority and retaining its power. For the same reasons, the European Parliament is not keen on subsidiarity. It is more surprising that the European Court of Justice does not consider itself to be in charge of scrutinising compliance with the subsidiarity principle. The main responsibility of the European Court of Justice is to secure equality of competition throughout Europe. Equality of competition usually means the same, single regulation for the whole of Europe's great single market.

It is even more surprising that even the member states are not in favour of abiding by the subsidiarity principle—at least the members of the Council of Ministers are not. Why is that so? It does not matter to a minister for agriculture, environment or the budget whether the last word is in Brussels rather than in his or her capital city—that minister does not feel that he or she is losing authority or competence. The only difference is that decisions are made in Brussels instead of in the minister's capital city—the minister is always at the table. It is even more convenient for a minister who is a member of the Council of European Ministers to negotiate and decide in Brussels than in his or her capital city, because in Brussels the minister is among fellow ministers who are in charge of the same competence. Such ministers are also more remote from the scrutiny of Prime Ministers, national media and national Parliaments—they have a wider margin for manoeuvre.

In practice, nobody at European level is keen on implementing the principle of subsidiarity. That is why we need not a new definition of the principle in the treaty or in the prospective constitution, but more precise provisions to distribute the powers. We also need a supreme court as an arbiter to check and correct abuses. I am not in favour of a watchdog committee of subsidiarity, but we can take that matter up again later. I favour, rather, ex post facto scrutiny by a supreme court in order to ensure that the principle is fully enacted.

The third point is on the regions. In declaration 23 of the Treaty of Nice, the European Council decided to review the distribution of competences between the Union and the member states, without referring to the regions. However, we know that some important regions in Europe were at the origin of that declaration, particularly some important German Länder.

My conviction—which is shared by the Constitutional Affairs Committee of the European Parliament—is that it is time to take into account in the basic law of the European Union the existence of administrative or political regions. That is because a process of varying amounts of decentralisation has been taking place in the

member states—as the Community and the Union extended their jurisdictions and became more political—that has resulted in different territorial and organisational measures. The federal states of Germany, Austria, and Belgium, the devolved United Kingdom, Italy—we watched a few days ago an interesting referendum there—and Spain all have a federal or highly regionalised structure. The Länder or regions in those countries share legislative power with central Government. Those politically autonomous regions already have direct links with the European Union, starting with the transposition of community directives, and yet those regions are not directly involved in decision making at Community level.

Over and above the specific problems concerning the regions that have legislative powers, there is a wider issue of concern to territorial authorities in general: we are confronted with requirements that are in some respects contradictory. The principle of subsidiarity means that each member state must be left to structure its political and administrative organisation as it sees fit. European intervention on an issue that is so sensitive and specific to each nation would be counter-productive in terms of the impact on public opinion. However, the example of federal or highly regionalised states shows that the rational exercise of certain Union competences requires co-operation, not only with national administrations, but with the regions. With the intention to reconcile those two concerns, I propose to create in the treaty a status that I call “partners of the Union”. That status would include provisions such as the representation of such regions only on the Committee of the Regions, the right to establish direct contacts with the Commission, the right to be consulted before drafting of proposals by the Commission, the right to refer questions to the European Court of Justice in matters that relate to the competence of the regions, and possibly even the right to cross-border co-operation with other territorial authorities in a neighbouring member state.

Basically, in the same way as the status of European citizenship that is enjoyed by individuals does not replace, but complements, national citizenship, European-partner status would give an additional dimension to regions or cities that member states want to single out. If the status is specified in the treaty, it is important that choosing the regions, cities or metropolitan areas that would enjoy that status would be made not by the European Union, but by the member states. Each member state would be free to allow the territorial authorities of its choice to take, or not to take, advantage of the status. For example, the likely territorial authorities in Portugal would be the islands, such as the Azores and the Madeira islands—full stop. In Germany such authorities

would include all the Länder. In the United Kingdom they would surely include Scotland, and perhaps Wales and Northern Ireland—full stop. In France—I really do not know.

The decision would be up to the member states and it would be a way of recognising the importance of the regions of some of our countries and giving them their say in some issues. Also, other countries that remain centralised—too centralised, in my view—would be encouraged to follow suit.

**The Convener:** I thank Alain Lamassoure for that full and detailed presentation, which had some interesting proposals that fitted well with the document that we received from him.

I invite Elspeth Attwooll to give evidence. I am not sure whether our three Scottish colleagues are here representing their European political parties or Scottish political parties, or whether they are here as individuals. It would help if they could clarify at some point whether the parties have had a chance to discuss this matter.

**Elspeth Attwooll MEP (European Liberal, Democrat and Reform Party):** I clarify that the thoughts that I will be putting forward today are my personal thoughts, but that is not to say that they are not shared by some of my colleagues in the Scottish Liberal Democrats and the European Liberal Democrats, although I cannot say that for all of them. However, David Martin has just pointed out to me that I can speak for all Liberal Democrat MEPs in Scotland.

I start by thanking the European Committee for the invitation to speak here. As M Lamassoure said, it is an honour to do so. I also extend my congratulations to the European Committee for the way in which it is trying to extend this debate to the whole of civic society in Scotland. That is precisely the widest possible discussion that the European Parliament was hoping for.

11:00

The first point that I want to make on the substantive issues is that whatever options we consider for the future of the European Union must operate in the context of a much-enlarged Europe. Sometimes when we discuss the existing constitutional regions in Europe we fail to pay enough attention to the internal situation of the communities that will, we hope, join us in the EU.

Secondly, the debate about governance—as dealt with in the Commission white paper on European governance—is largely a debate about administrative matters. That is only one part—although a very important part—of the wider debate about the future of the European Union. That said, the two issues cannot fully be separated

and some aspects of the white paper on governance give me cause for concern, including the idea of co-regulation and its potential for bypassing standard parliamentary processes, to which we should give close attention.

That is not to express any objection to much closer involvement of civic society in the decision-making processes of the EU. There are very strong arguments for providing a proper treaty basis for the involvement of civic society in those processes, provided that we can ensure that the procedures for that are genuinely inclusive and that there is proper funding for the exercise. I want merely to sound a note of caution and to suggest that any developments that we pursue must be directed towards genuinely reducing the democratic deficit. We must ensure that they do not inadvertently increase it.

Thirdly, I want to respond briefly to some of the wider issues that the committee has raised. It has already been made clear that subsidiarity, as strictly defined, is a principle that seeks to limit the extent of EU legislation by reference to proportionality and legal economy. It is usually regarded as a principle that applies between the EU and member states and so far only Germany, Austria and Belgium have committed themselves to applying the principle also within themselves as member states. I believe that we should press for much wider acceptance of that kind of understanding.

I also believe that we need much better mechanisms for scrutinising proposed legislation for subsidiarity. Such mechanisms would not take the form of setting up a third, rather than a second, new legislative chamber in Europe. Instead, we need the Council of Ministers to see itself as a legislative rather than simply a negotiating body and to take its legislative decisions in public. Come the discussion, I may have the opportunity to suggest what other mechanisms might be considered for scrutinising legislation and for improving liaison between the European Parliament and Parliaments within member states.

When we talk today about subsidiarity, we do so in a wider sense than that of the strict legal principle. We are considering how competences should be divided between the different levels of law and policy making in Europe, and how we in Scotland might be best placed to exert influence on laws and policies, particularly those that we are not directly involved in making, but for which we must take responsibility.

As M Lamassoure said, sharing of competences between the EU member states and what tend now to be referred to as the constitutional regions is a difficult issue to tackle because of the uneven degree of devolution that exists and because of the fact that its extent is still regarded as a matter

that is internal to member states. However, arguments of both morality and efficiency suggest that, where responsibilities are accorded to people, they should have the rights that go with those responsibilities. I suggest that we can begin to tackle questions that relate to access to the European Court of Justice, cross-border collaboration, presence at the Council of Ministers, direct consultation with the Commission and so on by considering them in that light.

Today the point has been made that there is a much more general problem to do with the way in which the treaties deal with competences, subsidiarity and objectives, which sometimes come into conflict with one another. One example of that is the conflict between the completion of the internal market and the stimulation of competition, and subsidiarity and the need to preserve public services and the environment and to promote social goods. At the moment, that conflict is being played out in various debates about public procurement. Some, but by no means all, of the disputes might be resolved by simplifying the treaties and devising a hierarchy of laws.

I want to finish on the thought that we should remember all the players who are involved. If it is M Lamassoure's suggestion that the Committee of the Regions should, in effect, become the committee of the constitutional regions, that might be a good idea. I accept that there are arguments for creating an institution of that kind. However, I hope that, when we decide how European structures are developed, we remember that local authorities are very much involved in the implementation of European Community law, and that we ensure that an institution exists that is able to give voice to local authorities' concerns.

**The Convener:** Thank you. I invite Neil MacCormick, who has presented us with a very detailed and extremely interesting submission in advance of the meeting, to elaborate on that.

**Neil MacCormick MEP (European Free Alliance/Greens):** I get the implication that, having been so expansive in my written submission, I can be pretty brief in my oral presentation.

**The Convener:** Not at all.

**Neil MacCormick:** It is a pleasure to be here. The European Committee has given us an excellent opportunity to reflect, in the first place, on governance. It is very clear—M Lamassoure's presence here makes it even clearer—that there is no way in which governance can be discussed in isolation from the constitution of Europe. Following the Laeken European Council, a constitutional convention will be established. Any consideration of the mechanisms and styles of governance in Europe must be set within the framework of the

debate on the constitution of Europe.

We in Scotland must consider that issue in the light of the constitutional options as we perceive them in Scotland. In Scotland there are currently two substantial bodies of opinion about our constitutional position. The current majority position favours devolution within the United Kingdom and—I guess—maximising our influence as a devolved country within the UK in relation to the European Union and other external agencies. The other view, represented by the Scottish National Party, of which I am a member, is that Scotland should aspire to independence as a member state of the Union. In that event, some of the problems that we are considering would be either solved or transformed. However, I concede that for the moment only a minority, albeit a substantial minority, in the country favours that option.

I presented my paper and tried to answer the eight questions that the committee posed with that background in mind. Although I am not a rapporteur to the Constitutional Affairs Committee of the European Parliament, I am the draftsman of an opinion for the Legal Affairs and Internal Market Committee on the matter of the relationship between national Parliaments and the European Parliament. That opinion will be presented to the Parliament's Constitutional Affairs Committee. A substantial section of my written submission to this committee concerns relationships between national Parliaments and the European Parliament because I was able to transpose work that was done for one purpose into another setting. This discussion with the European Committee will help me to make a more nuanced report to the Legal Affairs and Internal Market Committee of the European Parliament.

The introduction to my written submission reminds members of the fact that both nation and region are essentially contested concepts. It needs to be borne in mind that the decision to call Scotland a region involves taking a position on a political issue. The same applies equally to the decision to call Scotland a nation. Those matters are quite contextual. As I sat thinking, it occurred to me that no one has proposed renaming the rugby championship of the six nations the championship of the three regions and three nations. That does not sound sensible, but we would have to do it if our aim was rigorously to use the same vocabulary for all purposes.

The committee set us eight questions, of which I answered five. Bertrand Russell once remarked that the 10 commandments would have been more popular if they had been set in the form of an exam paper and been prefaced with the comment:

“Candidates are advised not to attempt more than five”.

The same applies here.

It is important that we should clarify the meaning of subsidiarity. It is also important, as M Lamassoure said, that we should clarify the extent to which subsidiarity could be operationalised as a legal principle and the extent to which it can function only as a political aspiration. We need to establish whether, if subsidiarity can function only as political aspiration, it can ever really work, given the interests that the agencies involved have in tacitly defying subsidiarity while publicly praising it. In that context, it is important that we consider the ways in which the institutions of the union can represent the various levels of governance.

The committee's second question related to the distribution of powers. I belong to the school of thought that maintains that the existing treaties set out a reasonably clear distribution of powers—or rather, that the treaties contain provisions relating to the distribution of powers that demarcate the powers of the member states, the powers of the Union institutions and the shared powers. However, as is brilliantly demonstrated at length in M Lamassoure's paper, those provisions are not very clearly written, but are written in different styles and are scattered in odd ways throughout the treaties. At the minimum, we need the treaties to be restructured and rewritten to transform them into one treaty that could be read by an intelligent person in a reasonably discursive way and that would leave that person knowing and understanding who does what in the European Union and, roughly, why. At the moment, one almost needs a PhD to be able to answer those questions. That is an unsatisfactory state of affairs that is bound to increase people's sense that there is a democratic deficit, and to give rise to worries about subsidiarity.

We need a treaty that makes the distribution of powers clearer and that is capable of dovetailing with member states' constitutional arrangements. That would allow us to be reasonably clear about who in each member state does what in relation to European legislation and policy implementation, which is critical to this and the other committees of the Scottish Parliament.

The third question that the committee posed related to the democratic deficit and the issue of whether having a so-called second chamber of the European Parliament would solve that problem. Such a second chamber would be a reinvention of the old European Parliamentary Assembly and would be composed of members of member states' Parliaments, or perhaps members of member states' Parliaments and regional Parliaments who had been seconded to serve on it. One of the grave defects of that suggestion is that it ignores the fact that the Union already has a two-chamber legislature. The two chambers are

the Council of Ministers, for all purposes, and the European Parliament, increasingly for most—but not all—purposes. A chamber of the sort that is proposed would be not a second but a third chamber, unless the Council of Ministers were transformed from a legislative and executive body into a purely executive body. In that case, the Union would have an executive that was answerable to no legislature in the world, which would be deeply undemocratic. It would be better to keep the Council as it is—as a partly executive, but substantially legislative, body.

That being the case, we want to avoid the situation that M Lamassoure described, in which the Council has an incentive to defy the principle of subsidiarity because its members reach their decisions in secret.

If there is something that the UK Parliament, Scottish Parliament or French Parliament does not want to have a fight about, that is easy to deal with: we should agree the matter at European level. That could be done on the quiet. The matter could be sent first to the European Parliament for it to deliberate on, which is quite safe, because its debates are never reported in the national press. It would then be passed.

11:15

The critical thing regarding the democratic deficit is the mode of conduct of the Council of Ministers. That affects not just the linkage between member state Parliaments—for example, the UK Parliament—and the Council, but the relationships between the Scottish Parliament or similar Parliaments and the Council, because ministers who are making a case at the Council know that they are doing so in public, and that people back home will read what they say and might comment adversely on it. People might point out that, under the concordat, the minister in question was supposed to have been representing certain points in the interests of Scotland, yet ignored them when it came to the moment of decision. At the moment, nobody knows when that happens. The democratic deficit would not be solved by having a third chamber, although it might be solved by improving the Council's mode of operation.

That partly answers the committee's fourth question, which concerned Scottish input to Council deliberations. The input that the Scottish Parliament can make depends partly on the concordat and on the distribution of functions among UK ministers and partly on the amount of publicity that the Council attracts and with which it conducts its business.

The fifth question was about active involvement, and

"a body such as a 'Convention' deliberating in the run-up to an Intergovernmental Conference".

At present, it is more or less certain that such a convention could not conceivably be so large that Parliaments at the level of the Scottish Parliament could have a foothold in it, except, possibly, through UK Parliament representation. The idea of a convention is for the European Parliament and the member state Parliaments to delegate members to attend, together with representatives of the Governments and of the Commission, and with the participation of candidate countries, to discuss the future constitution of Europe or to attend discussion of the treaty amendments for the Berlin 2004 intergovernmental conference.

It is likely that it will be thought adequate, in order to produce properly deliberative conventions, to have no more than two members per member state Parliament. In Germany, it is possible that the Bundesrat would send one member and the Bundestag another. The Bundesrat member would represent all the Länder and their concerns. As the UK has variable-geometry devolution, to put it mildly, there is no particular way in which the use of the second chamber of the British Parliament would naturally and obviously solve the problem of representation of the regions—or whatever—of the United Kingdom. What is more, the current condition of the House of Lords is such as to deprive its members of any substantial democratic legitimacy. It is not clear that it would be possible to construct a convention in which there would be substantial representation of Scotland as such. Perhaps there should not be such a convention, as Scotland is not a member state. Perhaps the representation of Scotland should come under that of the United Kingdom—although some of us would draw the obvious conclusion that it is high time that that was changed.

A second or third European chamber is not likely to solve the problem of regional rights. The Committee of the Regions suffers acutely—I stress that this is a purely personal view—from the fact that the same principle of degressive proportionality is applied to the membership of the Committee of the Regions as is applied to that of the European Parliament. There is a perfectly good reason why Luxembourg should have six members in the European Parliament, while Wales has only five: the member states have to be represented in such numbers as to accommodate their internal political diversity. There is not, however, the faintest reason why Luxembourg should have six members in the Committee of the Regions, while Scotland has only four. That is obviously absurd, and gives rise to what I call the west Luxembourg question—"What is so different about west and east Luxembourg that makes it necessary for Luxembourg to have six members on the Committee of the Regions?"

We have to make up our minds: is the

Committee of the Regions intended to represent self-governing regions or rather the localities of Europe? The equality argument would suggest that the Committee of the Regions should represent the localities of Europe, whether those localities are organised as regions or as local authorities. If it does not, considerable and unjustifiable inequalities are created. That is a different issue from whether there should be partner regions with special rights of access to the Commission. One can detach the two issues. However, somebody, someday should suggest that the Committee of the Regions should be either abolished or re-established on rational grounds.

Finally, I turn to the European charter of fundamental rights. It is simply silly to have a charter of rights that says that it binds the organs of the Union and the states acting as organs of the Union, but does not do so legally. That is absurd. Those of us who worried that the charter of rights might invade national constitutional law and override the Irish or Italian constitutions, for example, are saved by the fact that the charter of rights expressly restricts itself to dealing only with the organs of the Union. However, to have the organs of the Union not bound by law is just nonsense.

**The Convener:** Thank you very much.

Before I move on, I welcome to the meeting Bill Miller MEP, who has been of tremendous assistance to the committee over the past couple of years. I also welcome to the committee, and to the Scottish Parliament, Dr Wekler, the Deputy Speaker of the Hungarian Parliament, who is in the public gallery. I hope that Dr Wekler finds the proceedings of some interest, and we look forward to Hungary playing a full part in the work of the European Union in the coming years.

The next contribution will be from David Martin. As well as being a Scottish MEP and a member of the Party of European Socialists, David Martin is the First Vice-President of the European Parliament, although he will not be speaking in that capacity today.

**David Martin MEP (Party of European Socialists):** I wish to say how pleased we are that the European Committee is holding this discussion. As the committee knows—although, unfortunately, I do not think that we have yet convinced the people outside this chamber—this is not merely an esoteric discussion. The structure of the European Union and the way in which it is governed affect the political outcomes, so it is important that we get those things right.

Inevitably, my contribution will contain a little reiteration, given that my three colleagues have spoken before me, but I wish to concentrate on

four things. First, and most speedily, I agree with Neil MacCormick on the simplification of treaties. Madeleine Albright once said that you had to be either French or a genius to understand European treaties. I suspect that even a very intelligent Frenchman such as Alain Lamassoure now finds it quite difficult, post-Nice, to understand them. There is clearly a need for simplification in order to produce a document that the average citizen can pick up and read, and that will provide them with at least a reasonable, if not detailed, understanding of what the European Union is about. That is not the present position, but I will not add to the subject because Neil MacCormick dealt with it rather well.

Secondly, there are two substantive proposals for dealing with subsidiarity. The first is that we have a confidence catalogue, as has been mentioned by Alain Lamassoure and others. Frankly, I believe that it is not possible to have a confidence catalogue that delineates member state, European and sub-member state level—I use the expression “sub-member state” to avoid using the word “region”.

On the member state and sub-member state level, I do not think that the European Union should touch the issue of subsidiarity, because the differences between member states are so great. Any attempt to develop such a catalogue would lead us into what Mrs Thatcher used to describe as the nooks and crannies of national life and there would be a revolution. If the EU tried to define what should be dealt with in Germany at the Land level, with the same definition for what should be dealt with inside the UK at sub-nation level, that would not work. I would almost say that such a proposal is already off the agenda.

That leaves us with the question of having a catalogue defining what the member states and the European Union should do. Many competencies overlap. For example, 90 per cent of agriculture is dealt with at EU level and 10 per cent is dealt with by member states; perhaps 95 per cent of education is dealt with by member states, while 5 per cent is dealt with at EU level. How would that be defined in a competence catalogue? Where would we put education and agriculture? We need a more pragmatic way to deal with subsidiarity, which is what I think Alain Lamassoure has suggested.

Basically, it comes down to political judgment. We should be clear that it is sometimes quite difficult to get decisions at the European level and that the fact that a majority is required in the Council of Ministers already makes it quite hard to get legislation through. Although I accept what Neil MacCormick said about openness, I do not think that the real problem is the legislation adopted through the European Parliament and the Council

of Ministers. I think that the real problem comes with comitology, whereby committees of national experts embellish the legislation behind closed doors and without anyone really understanding what is going on. That process is reinforced as the legislation goes on to the member states for transposition. Legislation is often transposed in a way that adds pieces of legislation that the member states were not convinced they could have got through their own Parliaments without the backing of a European law.

I agree with Alain Lamassoure that the answer is probably to give the court a greater role, as well as to ensure that people give a greater political assessment of the relevance of a piece of legislation in terms of subsidiarity.

The second substantive way of dealing with subsidiarity that is currently on the agenda is the idea of having a second European chamber. Some people have suggested that the second chamber could deal with subsidiarity, but there are a number of practical problems with that. First, at what stage would subsidiarity be dealt with? If it was done at the beginning of the process, and if the second chamber was asked whether a certain piece of legislation that was proposed by the Commission fitted in with subsidiarity, frankly, that would not work, because the devil is in the detail. It is not the heading of the proposed legislation that matters but the final outcome, and it is at that stage that it is possible to judge whether the legislation would impact on subsidiarity. The second chamber would either be ineffective or, more likely, it would start to go into the legislation in great detail, which would not be helpful, given that we already have a European Parliament and a Council of Ministers.

The alternative would be to tell that chamber to make its consideration at the end of the process, but that has even greater dangers. The second chamber, as a subsidiarity chamber, would presumably have a similar requirement for a majority as exists in the Council of Ministers, and if it rejected a piece of legislation, that would mean that a national delegation to that chamber would have rejected a position that had been adopted by its Government. A domestic dispute would then have developed at a European level between a national Parliament and a national Government. I do not think that that would be healthy for Europe or for domestic politics.

In theory, the national Governments act in Brussels on a mandate from and with the confidence of their Parliaments, although we know that it does not quite work like that in practice. If we create a system in which that theory is broken, we have some difficulty. In extremis, it could even be argued that, if a national delegation voted down a piece of legislation that had already been

adopted by its national Government, that would be a vote of no confidence in that Government. Europe would become involved in a whole series of domestic issues that I think it would be best kept out of.

The third issue that I want to deal with is the use of consultation, which Elspeth Attwooll raised. I agree with the dangers that she flagged up. Of course we want greater pre-legislative consultation and we welcome the Commission's white paper on governance as far as it goes with regard to consulting a wider group of people. The danger is that some well-funded lobbies exist in Brussels and that, unless the matter is handled carefully, we will only reinforce those consultative bodies instead of engaging a wider group of people in European consultation.

A number of things could be done in that regard. As Elspeth Attwooll hinted, we could even consider financing or giving facilities to, say, charities and voluntary and other organisations that might not otherwise have the funding to make representation, to allow them to compete on an equal basis with commercial organisations. Beyond that, the key thing with wider consultation—which, I repeat, we welcome—is to do it openly. When the legislation is presented, there must be a list of everybody who has been consulted; access must be given to their evidence; we have to know what people have been saying; and we have to know on what basis the Commission has reached its conclusions. That pre-legislative consultation should in no way impact on the normal legislative process, and should not—I mention this because the Commission's white paper is not absolutely clear, although it hints at this—somehow by-pass or curtail the legislative role of the European Parliament. We would have to be extremely careful. I would say yes to consultation, as long as it is balanced and does not impinge on the normal legislative process.

11:30

I want to reiterate Alain Lamassoure's point about the consultation process. There is something to be said for his idea of European status for the regions. That would allow certain regions to have privileged access to consultation because they are legislative bodies that are responsible for transposing European legislation. There is logic in the position that he set out and I hope that the European Committee will examine it.

My fourth point concerns representation. I return to the idea of a second chamber being involved in legislation, as set out by my colleagues. As a number of them said, the name is a misnomer. We have a European Parliament and a Council of Ministers, so the second chamber should be called

the third chamber. As such, it would make the legislative process slower and more complex. It would also make it more difficult for the public to understand what goes on at the European level.

If such a chamber were to have real powers, that would produce other problems. I will not go into those problems in great detail, but I ask members to imagine the situation of a UK general election. As we know, the House of Commons ceases to exist when a general election is declared. If a key vote were to take place in that third chamber, who would represent Britain? What if legislation were passed, or failed, because the Brits were absent? What would be the credibility of such a chamber? That situation could be repeated 15 times across the European Union. After enlargement, we will have a running cycle of national elections. That would mean that such a chamber would not be composed sensibly.

That said, I emphasise that national and regional Parliaments need to be more strongly involved in European decision making. The appropriate forum for national Parliaments is the Conference of Community and European Affairs Committees of Parliaments of the European Union, or COSAC, which brings together the select committees of national Parliaments. The appropriate forum for the regional Parliaments is the Committee of the Regions and the informal networks in which the Scottish Parliament and other regions of Europe are involved. Those networks should be encouraged and beefed up, and should have privileged access to the Commission and the other institutions of the European Union. However, we should stop short of formalising them.

**The Convener:** Thank you.

We have heard four informed and stimulating contributions. I appreciate having the opportunity to hear from members of the European Parliament. I find such opportunities very useful and am sure that my colleagues do as well.

**Helen Eadie (Dunfermline East) (Lab):** All the contributions have been interesting. A lot of common threads are evident from the discussions that we had with MPs last week.

In the past year, we have debated health in the Scottish Parliament. At the recent World Trade Organisation negotiations, I understand that America pushed to have competition introduced to services, in addition to goods. Parliamentarians at our level feel impotent. If competition is introduced at WTO level, where does that leave us? In the WTO negotiations, it seems as if an invisible figure at European level represents the United Kingdom and other member states. How do we begin to impact meaningfully on such discussions, if we do not have input at that level?

From what has been said this morning, I am not

confident that we can have meaningful input. We have talked about Scotland being involved in the convention as a region. That troubles me. I do not want to see health being made the subject of competition; nor do I want to see that happen for water, education and so forth.

**Neil MacCormick:** It is sometimes said that one of the damaging effects of aspects of European decision making, from a democratic point of view, is that domestic powers are internationalised. When health matters come before the Council of Ministers, in effect the Foreign Secretary becomes the arbiter of health policy. I am exaggerating, but that is an example.

When the European Community is represented at the WTO that happens in spades, because there is a gap between the legislators and the decision makers. Some aspects of the WTO treaties are positive. However, risks are involved when deeply political decisions—whether they are right or wrong—are taken away from the democratic assemblies in which they should be deliberated. I do not know the answer, but I agree with Helen Eadie that there is a problem.

**David Martin:** I am also not sure that I know the answer. However, the WTO negotiations are conducted once the European Commission gets a negotiating mandate from its member states. A democratic deficit exists inside the member states, as who knows what the British Government argues for at European level? Are matters debated adequately in the House of Commons? I suspect not. Members have to look one stage back from Europe to find the place where democratic discussions should be taking place.

If lessons are to be drawn from Seattle and elsewhere, the European Commission should be saying to people, "This is the mandate that we have from the member states to negotiate at the WTO." The Commission should be asking what civic society thinks about it. If we are to take seriously the Prodi white paper on governance, those are the sort of issues that should be consulted on more widely. The non-governmental organisations have a massive interest in what is going on at WTO level. Perhaps wider consultation should have been conducted with the NGOs before we went to the WTO to argue the lines that were argued.

In the end, if substantive changes are to come out of the WTO, those changes have to be ratified by the European Parliament. Our problem is that we come into the process at the very end, when we get to say yes or no to those changes. Members of the European Parliament have tried—we continue to try—to exercise influence over the Commission when negotiations take place. In all honesty, I have to say that, in this respect, we are the weaker partner—the member states are



stronger. The Commission has a fair degree of autonomy in trade talks.

**Elsbeth Attwooll:** A recent suggestion is that there should be a WTO parliamentary assembly. I am not sure what the chance is of getting such an assembly up and running, but it is an idea that should be thought about hard.

**Dennis Canavan (Falkirk West):** Earlier this year, the European Committee produced a report on the European charter of fundamental rights. We gave a general welcome to the principle of such a charter, but we were critical of the fact that, because of decisions that were taken at Nice, the charter is not legally binding or justiciable.

I ask our colleagues from the European Parliament whether that issue is still live in the European Parliament? Do you foresee a strengthened charter of fundamental rights emerging at some future intergovernmental conference? Is enlargement likely to facilitate or delay a more comprehensive charter that would be legally binding and justiciable?

**David Martin:** As Dennis Canavan knows, because we have had discussions on the subject, I sat on the convention that drafted the charter. The European Parliament's line is clear: we believe that the charter has to be a legally binding document. There is no view that the charter should be revised. We have gone through the convention process to create the charter and it is not possible to re-open discussion on the content. The debate would be about whether the charter should become legally binding.

At a meeting in Edinburgh, which was also attended by the convener, the Scottish judge David Edwards said that it was inconceivable that courts would not pay attention to a charter that had been endorsed by 15 member states. He said that the charter, as a background document to court decisions, was already legally binding.

The European Parliament would like the charter to become a legally binding document. I repeat Neil MacCormick's point that that would not interfere with member states' internal constitutions. It would simply bring European institutions and the member states, when they acted on European Community matters, under the charter. The distinction is important, because the European convention on human rights applies to member states but not to European institutions. That creates a legal lacuna that needs to be closed. It is because of that that the charter of fundamental rights is important.

Enlargement will speed up the process. Concerns over the weak democratic and human rights records of some of the applicant countries mean that there is pressure for the charter to be legally binding.

**Alain Lamassoure:** The problem with the charter of fundamental rights lies not in the European Parliament, but in the Council of Ministers. We have been told that one delegation opposed the legally binding status of the charter. I do not know which delegation it was—perhaps committee members know?

We will get the legally binding status indirectly. In negotiation with the applicant countries, we insist on them applying the charter of fundamental rights before they join the European Union. In two or three years' time, it would be curious for all the new members to have complied with the charter and for it to be binding on them, and for that not to be the case for current members. We will win that fight in the end.

**Neil MacCormick:** As a constituency member of the European Parliament, one notices that, in so far as we get letters from individuals—most of our correspondence is with organisations and representative bodies—many individuals say that their human rights are being trampled in this or that way. It is extremely difficult to reply and say that human rights belong not in the European Parliament, but across the river in the European Court of Human Rights. That is the kind of thing that makes people totally puzzled about Europe. People complain that MEPs say that they cannot help on that subject. I do not write that sort of letter—I tend to say that I will do what I can. That is another way in which Europe looks like a totally obscure and odd institution.

**Colin Campbell:** I welcome the witnesses—some of whom I have met before—and say "Bienvenue en Ecosse" to M Lamassoure.

To follow on from the point that Neil MacCormick has just made, the public's view of the European Parliament is that it seems opaque. People cannot see what it is about, why it is there and how it works. To what extent do you feel that that is the result of lack of transparency? Some European institutions are not transparent, which means that their business does not get into the public domain. It would be good if those organisations could become more transparent, so that some of that perception could be reversed.

Some of us are committed heavily to subsidiarity. Given that I believe that the Scottish Parliament is half way to its destination, any additional powers that we can acquire for it are to be welcomed. As Alain Lamassoure said, there is a lot of talk but no real will in many places to make subsidiarity work. We understand that the theory of subsidiarity is good, and suggestions have been made about how it might work, but how do we persuade the people who have the power to devolve more of it? We have gone through part of the exercise here, but will it be achieved as easily in some of the other European states? I heard a

hint from Alain Lamassoure that his nation is a little slow in that respect.

11:45

**Alain Lamassoure:** That is not an easy question to answer. Today, no European institution is in favour of implementing subsidiarity. Ten years ago, before the Maastricht treaty, the European Parliament tried to propose a new delimitation of competences between the European Union—the then European Community—and the member states. The report was entrusted to M Giscard d'Estaing, the former president of the French Republic, who was a member of the European Parliament and chaired the Labour group—I was a member of that group at the time. M Giscard d'Estaing tried to list a catalogue of European and member states' competences, but he failed. He decided that the right approach was not to set a list of competences, but to define subsidiarity; he tried to define the subsidiarity principle. That principle was supported by the European Parliament and President Giscard's draft became article 3 of the Maastricht treaty. However, 10 years later, we must recognise that it does not work. How can we apply the principle?

I fully agree with David Martin that a watchdog committee composed of politicians could be the right solution. We need open scrutiny. We should try to specify who does what, taking into account the fact that most competences will have to be shared. I take on board David Martin's comments on that. However, we must also take into account solidarity, which is different. If we interpret strictly the principle of subsidiarity, we must choose the best level, as close to the citizen as possible. The member states and applicant countries do not all interpret the principle in the same way. We must discuss that.

That approach does not take into account the will of solidarity. For some of us, solidarity does not need to be taken into account, but for most of us it does. That has been the case from the very beginning with the establishment of structural funds and the redistribution from so-called rich areas to less favoured areas. It is an important part of European politics and we must take it on board. Solidarity must complement subsidiarity. How can we persuade the powers that be—the current authorities in the European Union? It is very important that we allow all the national and regional Parliaments, civil society and citizens to have their say in the matter.

Annexed to the Nice treaty is declaration 23, which sets out a timetable with three stages. The first stage is public debate all over Europe; the second stage is a convention; and the third stage takes place at an intergovernmental conference.

The public debate is important, which is why I congratulate the Scottish Parliament on organising part of that debate.

All the public opinion polls of the past 10 years have shown that, when asked what competences should be entrusted to the European level, a huge majority of citizens reply differently from their national rulers. For instance, a huge number of our citizens think that foreign policy should be decided at European level and not at national level, but that is not the position. The mood of citizens on the environment, agriculture and regional affairs is different from the current state of affairs.

We hope that the expression of those sentiments through public debate by citizens, civic society, Parliaments such as the Scottish Parliament, and the European Parliament will contribute to influencing national leaders.

**Elspeth Attwooll:** Transparency involves access to information and openness of decision making. Since I became a member of the European Parliament, considerable improvements have been made internally on access to information, but the European Parliament is still not as open as some of us would like it to be.

From the point of view of the European Parliament—but not of the Council—the decision-making processes are pretty open. It is rare that a committee will go into *huis clos*. Most committee meetings and plenary sessions are open. An exception to that situation occurs before a third reading debate on a matter disputed between the Parliament and the Council, when conciliation proceedings are closed and are not transparent even to members of the Parliament who are not present at those proceedings, who sometimes wonder about the outcome.

Improvements could be made internally, but my concern is wider. People with access to the internet can look up the parliamentary debates and see the *Official Journal* of the European Communities, but the bulk of the population does not want to spend much of its time doing that. For most people, Europe is remote. How do we open up channels of communication between the public at large and those who are involved in Europe so that people genuinely understand what is happening there? How can we do that when the press seems to put that matter low in its priorities? Is there another way of showing how the European level of law and policy making directly or indirectly affects people in Scotland? I hope that we can examine closely channels of communication.

**Neil MacCormick:** I agree with the point about transparency, with the glaring exception that I mentioned of legislative debates in the Council of Ministers.

There is no acute problem with transparency in the sense of matters being hidden away in the European Union. The problem relates to whether people look through the glass windows and is not just to do with individual citizens. The internet means that many more people access information than we realise. However, if a citizen relies on television, radio and the newspapers, he will be inadequately informed. The institutions are transparent, but not enough people look through the windows intently enough.

I am less gloomy about the possibility of subsidiarity being made a reality. Two questions arise from what Colin Campbell said. First, what powers should be devolved to what levels? For example, should the Scottish Parliament have full fiscal competence or not? What powers should be legislatively entrusted to the institution in question?

Secondly, given the allocation of powers, in what spirit will those powers be exercised? There was an article by Fraser Nelson in *The Scotsman* yesterday about Sewel motions. Powers have been delegated to the Scottish Parliament and in some cases delegated back to the Parliament at Westminster. Perhaps they have been delegated back wisely—I do not know. The spirit in which power is exercised is important.

Take the current examples of west-coast ferries and water and environmental legislation, which, in a curious way, interact. It was drawn to my attention that nobody can use the ferry between Jura and Islay for large parts of the day as it is full of tanker lorries carrying waste water from the whisky distillery in Jura to Islay. It is taken to Caol Ila and deposited into the fast-flowing tides of the Sound of Islay. There is a crazily over-zealous interpretation and application of the relevant bodies of law. Similarly, I am worried about how the ferries issue will turn out when the Minister for Transport and Planning and Mrs de Palacio eventually fix up a regime for tendering.

In both cases, the problem is that principles established at one level can be insensitively applied at a lower level. The Scottish Executive and the Scottish Parliament might find themselves in dispute with the Commission about the interpretation of the 1992 Council regulation relating to maritime cabotage—that is, about a legitimate system of tendering out. Currently, only the United Kingdom can legally test the issue in the European Court of Justice. The Scottish Executive and the Scottish Parliament have no locus. They would have to take a risk and go ahead with their tendering scheme and wait to see whether the Commission took enforcement proceedings against the United Kingdom on account of a Scottish delict.

The structure is bad and is one reason why the

issue of rights of access to the court for so-called partner regions—or whatever the term is—is important. If one thinks that something is better and more sensitively decided at a Scottish level provided that the Commission does not interfere, there must be a referee other than the Commission that can say what subsidiarity means.

Subsidiarity should be operationalised in time to design a sensible system of ferries. It is not likely that anybody in Brussels has figured out the difficulty of getting whisky lorries between Jura and Islay—and it is not a good idea for them to try. We should ensure that decision making can take place in the legal framework—that relates to the spirit in which subsidiarity is exercised. There is still a chance that we can make better progress than Alain Lamassoure suggested.

**The Convener:** Is your question on transparency, Lloyd Quinan?

**Mr Lloyd Quinan (West of Scotland) (SNP):** No, my question is on human rights.

**The Convener:** Does John Home Robertson want to ask a question on transparency?

**Mr John Home Robertson (East Lothian) (Lab):** No, let us hear from Lloyd.

12:00

**Mr Quinan:** Thank you for coming, gentlemen and Elspeth.

We have wandered away from the concepts of future governance into the reform and administration of the present structures. I was hoping that we would take a more blue-sky approach to matters, particularly with regard to human rights, the charter of fundamental rights and a suggestion that I will make.

If a charter on the collective rights of peoples were combined with the charter of fundamental rights, or at least contained within the preamble if not the body of the future constitution of the European Union, would that not go a long way to addressing people's individual problems of access? I believe that the Europe of the regions is an administrative concept, whereas the Europe of the peoples is a democratic concept. Would such a step not go some way towards addressing the democratic failures that exist?

At what point should the European Parliament intervene in political conflicts within the European Union that manifest themselves in violence? That is a major question, especially in the lead-up to the intergovernmental conference in 2004. To be frank, that question is ignored most of the time. Armed conflict exists within the boundaries of the European Union, in Corsica, Ireland and the Basque country. All those conflicts derive from perceived democratic, political deficits. When we

discuss the future governance of the European Union, it strikes me that we ignore those three substantial conflicts. We also ignore the potential for other conflicts, especially in the acceding nations. For example, internal conflict already exists on three separate fronts in Turkey. Surely we must begin to develop a full appreciation of the fact that the existing political structures of the nation states undermine the concept of the solidarity of the European Union, the solidarity that is expressed in the European Parliament and the collective security of all member states. What are the witnesses' opinions on those matters?

**David Martin:** Those were difficult questions, but one expects that from a Hibs supporter.

On Lloyd Quinan's final point, one must be realistic. Neither the European Parliament nor the European Community will get involved in determining the internal boundaries of the EU. Whether a state is a state is a matter that will be settled internally in the existing member states. If Basque autonomy becomes a reality, that will be a matter for agreement between the people of the Basque country and the Spanish Government. The EU will not touch such issues.

**Mr Quinan:** On that point, which cuts to the heart of my question, articles 3 and 8 of the Spanish constitution deny the political rights of the people of the Basque country and therefore conflict exists. I repeat my question: in such circumstances, at which point does the European Parliament have to develop an opinion or create leverage? Alternatively, are we simply complicit in the perpetuation of violence?

**David Martin:** I take your point, which is valid. Rather than respond with conjecture, I will explain what I think the reality is: we would not get involved in a matter that is internal to Spain. Not all the issues that you raise are to do with deprivation or exclusion, and where a problem that is mainly to do with exclusion arises, the European institutions have a role to play. For example, when the peace process started to gather momentum in Northern Ireland, the European Community came in with a generous amount of money to reinforce the process by encouraging employment, cross-border trade and so on, but it would not get involved in constitutional matters. We will do much through trying to act as a mediator and helping to address social problems with regional fund and social fund money and so on, but we will not engage in the constitutional aspect. Whether that is satisfactory is a different question, but that is the situation.

**Elsbeth Attwooll:** I will consider this more from an academic than a political point of view. The idea of trying to set up a declaration of the collective rights of peoples is fraught with difficulty, especially in defining what a people is, as there is

not much agreement on that. Nonetheless, it would be an interesting enterprise.

We still sometimes consider European integration and notions of subsidiarity too much in old-fashioned terms of nation states versus peoples. I have noticed in the past couple of years that boundaries are not exactly being broken down, but people are crossing them in many different ways. The North Sea Commission is an example of where people from various local authorities have found interests in common and are getting together. We must give more consideration to a multilayered Europe, in which there are different types of co-operation between different types of bodies over different issues. We should not think quite as much as we have in the past of the stereotyped distinction of nation state or not nation state.

**Neil MacCormick:** It is important to bear in mind what I call in the third paragraph of section 7 of my submission "constitutional pluralism" within the union. If you want a fully federal union, put all the rights of its citizens into the constitution of the union and go right down the United States road.

One of the durable interpretations of the principle of subsidiarity has been mentioned: member states remain masters of their own constitutions so far as that is compatible with the necessity of a European constitution of a confederal character. The upshot of that is that, rightly, issues of human rights between citizens of a state and that state should be solved at level 1 through the state constitution and at level 2 through the European convention on human rights and the European Court of Human Rights, rather than through the agencies of the European Union. That goes back to the important point that the charter of fundamental rights binds the organs of the union and the states acting as such, not the states in all their competences. That means that there is an arbiter outside the EU framework, which, if challenged, can say whether the rights of persons as Basques qua Basques are denied by an article of the Spanish constitution. That is the right tribunal to answer that question. It may give the wrong answer, but it is the right tribunal to answer the question. We should not roll that issue into the union, because the confederal constitutional pluralism that we have is right and describes the relationship that I would like Scotland to have with the EU in future. That is the point. Where should which rights be enforceable?

**Alain Lamassoure:** I fully agree with what has been said. I was elected in the French Basque country, so I know a bit about the Basque problem in France and in Spain. It would be a huge mistake if we appealed to European institutions to intervene in the Basque issue, which is a tricky one in Spain, although less so in France. The

Spanish Basque authorities tried last year to appeal to the European Council when it held a meeting in Biarritz, which is in the French Basque country. Members of the Basque Government went into France—close to Biarritz—and issued an appeal to the European Council. That was counter-productive, not only with members of the European Council, but with Spanish and Basque public opinion because the Basque issue is an internal one—even for the Basques. We must be realistic and comply with the subsidiarity principle. Brussels is far from the Basque country. If and when there is a peace process to encourage and support, we can play a role with the agreement of the two parties in the conflict. However, as long as that is not the case, it is better for political and European organisations not to step in.

**Ben Wallace (North-East Scotland) (Con):** First, I welcome the MEPs to the Parliament. I can see Bill Miller MEP at the back of the chamber and I thank him for the help that he gives us when we visit the European Parliament.

I return to the mechanism of the decision-making process that is under review in the governance debate, and specifically to the issue of the second chamber—or the options that are on offer. I noticed that three different options are being developed: a second chamber; an enhancement of the Council of Ministers; and the German view that there should be a greater federalisation of the decision-making processes. What is your general view? I have not heard anyone express the view that there should be a second chamber, except for the Prime Minister in his Warsaw speech, and I think I am right that even the Government is moving away from that position. That is what I pick up at UK level. It seems to me that there is multilateral objection to the idea of a second chamber or that people do not think that it will work in practice. Is that what you pick up? I have not met anyone who is strongly proposing a second chamber. I am interested in your pan-European view of that idea.

**David Martin:** Traditionally, support for a second chamber is a French view. It is not a unanimous French view, but a section of the French National Assembly has long pushed strongly for a second chamber. Ben Wallace is right that there have been variations on that theme. One was that it was to be a pure second chamber to the European Parliament; a second, recent variation is that it should be a subsidiarity chamber; a third version is that it should deal perhaps with justice, home affairs and foreign policy, which have traditionally been more national issues. However, as you said, apart from the British Prime Minister picking up the issue in his Warsaw speech, there has been little backing on a wider plane for a second chamber.

I mentioned that I sit on a body called COSAC, which brings together the select committees of the national Parliaments and the European Parliament. All 15 national Parliaments are represented. We had an extensive discussion approximately a year ago on a second chamber and the idea was overwhelmingly rejected, even by the representatives of each national Parliament—even in the French delegation the vote was four to two against. The House of Commons discussed the matter just after the Prime Minister's Warsaw speech, but it, too, unanimously rejected the idea.

**Ben Wallace:** I will expand on the other option, which is the enhanced Council of Ministers. Is that all right?

**David Martin:** I do not follow your point.

**Ben Wallace:** Last week, Richard Spring, who is an MP from my party, suggested that there should be a permanent delegation of ministers with cabinet rank reporting back to nation-state Parliaments. That suggestion has also been made in France. Do you have a view on that type of mechanism?

**Neil MacCormick:** I think that that suggestion is along the lines of what I said in my earlier remarks. I agree with the proposition that the process should be more political—that is to say that less should be done by civil servants in private. However, there is a great deal of space for that. All legislation is and should be preceded by negotiation, discussion and compromise, but the final moment of decision is a political act and should be undertaken in public by responsible politicians.

12:15

**David Martin:** I agree—I apologise for having misunderstood the original point. It is a matter not so much of enhancing the Council of Ministers, but of having the more permanent presence of individual ministers, who would take responsibility for co-ordinating each Government's activities in relation to Europe. That work is currently done by foreign ministers through the general affairs council. I do not think that that is very satisfactory, because the general affairs council often discusses domestic EU issues rather than foreign policy.

It has been suggested that a deputy prime minister from each member state should have responsibility for the day-to-day management of European activities. I agree with Neil MacCormick that that would give political focus and responsibility to many of the things that are currently being decided by permanent representatives, who are unelected bureaucrats—good people that they are. Those bureaucrats are

often making major political decisions off their own bats. In a democracy, I do not think that that is satisfactory.

**Mr Home Robertson:** I want to continue on how the Council of Ministers operates. I had brief and minor experience of that as Deputy Minister for Rural Affairs, with responsibility for fisheries. For the foreseeable future, power will remain with the Council, will it not? This debate should be about improving accountability and democracy.

I wonder if anybody elsewhere in the European Union has given any thought to the evolution that has taken place with devolution in the United Kingdom. Scottish Executive ministers can, and sometimes do, take up a place in the British delegation at the Council of Ministers, not only in the formal table rounds—which can be bit of a farce—but, crucially, in the bilateral meetings with other members, with the presidency and with the Council. I did that as fisheries minister and had direct input into decisions. I was accountable to this Parliament, as my successor, the Deputy Minister for Environment and Rural Development, is now. On those occasions, I did not see any ministers from other constitutional or devolved regions taking up that option. Could such an evolution be pursued and would it be an attractive idea?

**Alain Lamassoure:** That already applies in the case of German representatives, for example. In Germany, there is no federal minister for education. At the European council of education ministers, Germany is represented by the chairman of one of the Länder. The same now applies to Belgium; even the presidency of the Union is taken up by either a Flemish or a Walloon representative, rather than a federal Belgian member. That is a very interesting development.

In my view, two different functions are confused in the Council of Ministers and there are two different needs. First, there is a need to make law and to express the sentiments of the Governments of the member states. We therefore require to have legislative proceedings with public debate and voting and so on. Secondly, there is a need to co-ordinate the implementation of European decisions by national Administrations and to co-ordinate national policies in areas that continue to come under national competence. It is normal for ministers of member states to gather periodically to compare their experiences, to exchange views and to co-ordinate their actions to implement Community law. We could have two different bodies for those two different functions. However, it would be better to ensure that they were carried out within the same body but using different procedures, to ensure transparency in public debate as far as the legislative process is engaged.

**David Martin:** The federalist countries now take it for granted that Land ministers rather than federal ministers go along. However, Galicia, Catalonia and the Basque country envy the position in Scotland. Those countries ask why, if a Scottish minister can represent the UK, a regional minister cannot represent Spain. The debate continues.

**Mr Home Robertson:** We had an interesting discussion on that issue during a teleconference with the Galician Parliament.

**Irene Oldfather (Cunninghame South) (Lab):** I, too, welcome our colleagues and thank them for their presentation.

I am interested in developing the idea raised about the role of constitutional regions. Is there a role within the decision-making process for such a system? If so, would that role be formal or informal? How would such a presence relate to other organs of the EU—for example, the Committee of the Regions? Neil MacCormick mentioned in his presentation and in his submission that the Committee of the Regions should be representative of localities of Europe. I can see a difficulty with definitions. If we did go down that road, how would the Committee of the Regions relate to the role that we might have within the decision-making process for constitutional regions?

**Elsbeth Attwooll:** There is a clear problem with the Committee of the Regions in that it is lopsided. Some people on it represent local authorities while others represent national Assemblies such as the Scottish Parliament or German Länder. My preference would be to keep the Committee of the Regions, perhaps with some revision of its remit to make it the voice of local authorities, and to look at some other way of dealing with Parliaments within member states—I prefer not to call them constitutional regions. We need to find some kind of forum for operations at that level. I confess that I have not thought that through yet. If it were to go the other way, the Committee of the Regions might become the committee for constitutional regions. The voices of local authorities would then be diminished. Sometimes, we ignore the extent to which local authorities are responsible for coping with what comes out of Europe. I do not have a clear idea of a formal structure unless it is a regular inter-parliamentary or inter-executive meeting of people from Parliaments within member states.

There are also a few mechanisms whereby communications between people in the European Parliament and people in member-state Parliaments and Parliaments within member states could be improved. That would also help.

**David Martin:** I agree with some of what

Elsbeth Attwooll has just said. I do not think that you should be seeking to be part of yet another European institution. That would diminish rather than enhance your influence. I return to what Alain Lamassoure was saying about the white paper on governance and its emphasis on wider consultation, particularly in the pre-legislative phase. I think you should consider insisting that some sort of status is given to constitutional regions in the consultations and that you have privileged access to the Commission.

Once a Commission proposal has been made, that would give you far more influence than you would have if you were simply part of a body that gives an opinion to the European Parliament or the Council of Ministers. Without being disparaging to the Committee of the Regions, its opinions do not weigh heavily on the final piece of legislation. However, having a voice, being able to talk to the Commission officials who are drafting legislation and being assured of access at that level before the Commission publishes the legislation would give you far more influence.

**Alan Lamassoure:** Last week, I was invited by the bureau of the Committee of the Regions to speak on this issue. I was not very popular among that committee's members when I told them that the committee cannot be influential in the system and cannot become a European institution because it is not representative. The committee includes some representatives from the regions, but not all the constitutional regions are represented and there are members from various assorted territories, localities and even villages. It is therefore a panel, not an institution. It would be better for the interests of the regions and the cities if there were two different chambers of the Committee of the Regions or two different organisations. In the Committee of the Regions, the important regions cannot express themselves and be listened to by the European institutions because their image is weakened by the inclusion of the small territories on the committee, which means that we do not listen to them. On the other hand, the cities cannot express themselves and be listened to by the European institutions because they are overshadowed in the Committee of the Regions by the regions. It would be better to have a body that represented all the constitutional regions and another that represented the cities and metropolitan areas.

Today, 80 per cent of European citizens live in the cities. Those who live in urban areas are in charge of all the day-to-day problems of our citizens. If a body that represented the cities set out an opinion to the European Parliament, we would be obliged to take it into account, whereas we would not be obliged to take into account an opinion that was expressed by the Committee of the Regions.

**Neil MacCormick:** I see a problem with that solution, just as I see a problem with all the solutions. European local and city government is diverse and there are different models in different places. Clearly, it would be impossible to have a committee that was literally a committee of the local authorities because there are so many local authorities that the committee would be a colossal enterprise and would not be a deliberative assembly. The unit of representation must be something that one could broadly call a region, even if local authority representatives from within the region speak for it. The problem that arises from that is one of democratic legitimacy.

There is also a problem of equality. It is possible to conduct a thought experiment on this issue, which I did in my paper. If one took 2.5 million people as a rough average for the population of a region and said that, for every 2.5 million people, there would be a certain number of representatives, it could be left to the member state to figure out what it was going to do. For example, although Northern Ireland has a population of only 1.5 million, we would not create a region that combined, say, Northern Ireland and Galloway. To some extent, the states would be governed by geographical and historical realities, but it would be possible to arrive at a solution that allowed much more equal representation.

That would solve one problem at the price of creating a different one. It would allow the possibility of fair regional representation. It would not, however, solve the problem of those regions that are endowed with legislative and executive competence such that they are engaged in the process of transposing and implementing community law, and which therefore ought to have some say in the early stages of law making.

For that purpose, Scotland is in a totally different position from Yorkshire—at the moment anyway—and even from Rhône-Alpes. That would be a reason for giving certain competences to regions that meet that qualification. However, the idea is not necessarily to do with deliberating in a particular assembly; it is to do with ensuring the right of access in the early phases of the legislative process, through regions saying that if they must implement laws we should listen to how they think that they could do it, and at the later stages in the transposition process.

12:30

It is important for bodies of that kind to have access to the European Court of Justice in order to resolve disputes about the subsidiarity issue, such as disputes about whether the local way of doing things sufficiently satisfies the European norms and makes better sense, or whether it is a twisted way of distorting the market by giving local

favours. That is always the issue with the subsidiarity problem.

There are two distinct questions. One is on what shape we should give whatever institution tries to represent the regions and localities. The other is on what powers we should give the bodies that implement European law. A principle of greater equality should govern the representation of the regions and localities. It is very silly and in principle unjustifiable simply to apply parliamentary arithmetic to the composition of the Committee of the Regions.

**The Convener:** My question—I will bring Lloyd Quinan in in a minute—is particularly directed at the Scottish MEPs. Some answers to questions touched on the issues that Alain Lamassoure raised in his contribution, particularly on his idea of a partners-in-union status for regions. What do the Scottish MEPs think of that idea? He talked about issues such as the representation of regions in the Committee of the Regions, the right to direct contact with the European Commission, the right to be consulted by the Commission and the right to referral to the European Court of Justice.

**Elsbeth Attwooll:** My answer to those specific questions was implicit in my saying that if people have certain responsibilities they should have the rights that go with those responsibilities. I answer yes, yes, yes and yes to the questions about whether I agree with what Mr Lamassoure said about the issues that the convener listed. The notion of the partners-in-union status is interesting. I would like something a little more formalised than that, but I am interested to see what comes out of Mr Lamassoure's paper.

The more recognition—in terms of input into Europe—that we can get of the genuine relevance of the so-called constitutional regions, the better. The more influence that can be exerted, the better. The more we can ensure—given the responsibilities that exist for implementing legislation—that the legislation that is passed is subject as far as possible to notions of not just subsidiarity, but suitability to the area for which it is passed, the better. We must move away from the one-size-fits-all approach to legislation in Europe. We must stop having such detailed directives and leave more room for implementation. A strong voice from places such as Scotland, Bavaria and Catalonia can only assist in that.

I would also like to talk—perhaps not now, but at some stage—with members of the European Committee about mechanisms that could be used to ensure closer liaison between the Parliaments. Perhaps the committee would be kind enough to invite us to talk about that on other occasions such as this.

**David Martin:** I give two or three unequivocal

yesses to the convener's questions. I have general sympathy with the first point, but I have reservations. We must consider the matter in the context of wider reform of the Committee of the Regions. The first time the idea of a committee of the regions was adopted by the European Parliament was after a report of mine on the Maastricht treaty and what we wanted to come out of the treaty.

The idea behind the creation of the Committee of the Regions was as my colleagues have said. Local authorities and constitutional regions must implement European law and should therefore influence construction of that law.

To be honest, I am not entirely happy about the way in which the Committee of the Regions has worked out. Every point that has been made about it has some validity, which is the trouble. Neil MacCormick is right to say that its composition is dubious. It deals with different groups of people so why should it have the same basis as the European Parliament? Alain Lamassoure is right to say that the Committee of the Regions mixes different kinds of organisations unsatisfactorily. Elspeth Attwooll is also right to say that local authorities feel a bit overwhelmed by the regions. I do not have an answer to the question; I am not sure how the Committee of the Regions could be reformed. A reformed Committee of the Regions could perhaps involve an enhanced role for the constitutional regions; however, I do not know how that would work.

I have similar but different reservations about the fourth suggestion, which concerned access to the European Court of Justice. The wider role of the Court would have to be considered. I am not in principle against subsidiarity being judicable and I am not against the regions having the right to go to court on the issue of subsidiarity. However, the Court cannot cope with its existing work load; therefore, its ability to cope with subsidiarity cases would have to be considered. Alain Lamassoure hinted at the possible creation of a supreme court. The European Court of Justice is both a supreme court and a wider court at a European level; perhaps a supreme court is needed. It would be to the supreme court that the regions would have the right to go in relation to subsidiarity.

All those ideas are worth examining in detail and they make a major contribution to the debate. I have not settled on my final position yet.

**Neil MacCormick:** I have said most of what I had to say. We must ensure that whatever is done remains compatible with the underlying principle of the equality of citizens of the Union. From time to time, people in Scotland must put themselves in the position of a resident of Yorkshire or the north-east of England. We might ask, "As long as you guys want to stay part of the United Kingdom and



be represented in that way, why are you going on about getting additional representation as well?" Why should the Scots have two voices and the people of Yorkshire have only one? People have a choice—they can have independence or they can stay with the United Kingdom.

A possible reply to that would be that, technically, some bodies in the Union have functions that justify those regions being functionally connected in ways that otherwise similar regions are not. That is the point at which the concept of partner regions can be constructed. Such partner regions would be partly defined by legal criteria relating to whether certain powers are exercisable by institutions in those territories or areas, and partly by reference to a political choice inside a member state; that is, by whether a member state nominates Catalonia, Scotland or wherever as one of those entities, whatever they are. I do not think that that would justify the creation of a separate committee, chamber or group that comprised those regions and no others, because that would conflict with the principle of equal citizenship. There is nothing to stop people from collaborating on joint ideas; ideas on which 10 partner regions agree are more likely to be listened to than ideas that are proposed eccentrically by one region. However, the principle of equality of citizenship matters greatly and the choices that we face in Scotland are framed partly by that.

**The Convener:** I must draw proceedings to a close, as we have run out of time. I ask Alain Lamassoure, as the rapporteur for the Committee on Constitutional Affairs, whether he has any final comments to make about what has been discussed today.

**Alain Lamassoure:** I thank the committee for inviting me here today. It was an interesting discussion. We must give deeper thought to the problem of the future of the regions or nations in Europe. In two or three years, there will be more members of the European Union and more microstates: Slovenia has 2 million inhabitants, Estonia has 1.5 million inhabitants and Malta and Cyprus each has fewer than 400,000 inhabitants. It will be odd if those microstates are represented in the European Commission or the European Council of Ministers and huge regions such as Bavaria, Catalonia and Scotland are not represented and have no say in policy making at European level. That issue is underestimated and the sooner we tackle it, the better it will be for our nations, for our states and for Europe. All contributions that are made by the Scottish Parliament will be especially welcome in the European Parliament; I assure the committee that we will try to relay your proposals.

**The Convener:** Thank you very much. On

behalf of the European Committee, I thank my MEP colleagues for their presence today. Their contributions have been informative and I hope that they will shape our deliberations. I also hope that our conclusions will in turn be listened to carefully in the European Parliament and that, whatever happens, we will evolve a system of government that is more accountable, more open, more democratic and more in touch with the ordinary people of Europe.

I ask committee members to note that the meeting that was originally scheduled for 6 November has been cancelled and replaced by a meeting on the afternoon of Monday 5 November, when we plan to hear from Peter Hain. I remind members that we will meet this afternoon in committee room 4 at 2.30.

*Meeting closed at 12:41.*



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