

EUROPEAN COMMITTEE

Monday 5 November 2001
(Afternoon)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2001.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Monday 5 November 2001

	Col.
ITEM IN PRIVATE	1243
CONVENER'S REPORT	1244
SCOTTISH EUROPEAN STRUCTURAL FUNDS FORUM	1246
EU GOVERNANCE AND THE FUTURE OF EUROPE	1248

EUROPEAN COMMITTEE

† 14th 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:

Ms Margo MacDonald (Lothians) (MSP)
Dr Amanda Sloat

WITNESS

Peter Hain MP (UK Minister for Europe)

CLERK TO THE COMMITTEE

Stephen Imrie

ASSISTANT CLERK

David Simpson

LOCATION

Committee Room 2

† 13th Meeting 2001, Session 1—held in private.

Scottish Parliament

European Committee

Monday 5 November 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:03*]

The Convener (Hugh Henry): Good afternoon and welcome to the 14th meeting in 2001 of the European Committee. I have received apologies from Dennis Canavan, who has a previously arranged constituency engagement.

Item in Private

The Convener: The first item on today's agenda is a request to discuss item 6 in private, which is consideration of our draft report on the state of preparation for introduction of the euro. Is it agreed that we should discuss item 6 in private?

Members *indicated agreement.*

Convener's Report

The Convener: Item 2 is the convener's report. I received a letter from John Home Robertson, which has been circulated to members, about the recent decision of the European Commission's Standing Veterinary Committee to reject proposals to recommend lamb exports from Scotland. I understand that that committee might meet later this week. However, we do not know what the likely outcome of that meeting will be or what might happen if there is a second decision against exporting Scottish lamb. Before I give the floor to John Home Robertson, I invite him to declare any relevant interests. Other members should also feel free to do so.

Mr John Home Robertson (East Lothian) (Lab): I refer to my declaration of interests in the register of members' interests.

The Convener: I invite you to speak on the lamb export issue.

Mr Home Robertson: I will speak briefly. Regarding the declaration of interests, I referred to that matter in the postscript of my letter.

We have all seen recent press comment about the ban on exports. Those of us who have rural or semi-rural constituencies will have heard complaints about the matter. There is the continuing problem of the illegal ban on beef exports from Britain to France, which is the subject of legal action by the European Commission. That action will take a long time—which is intolerable—but it is purely political. Now, after the foot-and-mouth outbreak, we have a ban on sheep exports. The veterinary advice is that Scottish lamb should be available to export. However, it seems that one or more European Governments are using their political muscle in the Standing Veterinary Committee simply to play the matter to the advantage of their producers. That sort of thing brings the European Union into disrepute in all sorts of sectors. I wonder whether there is any way in which the European Committee can address the matter.

The Convener: Do members have any comments?

Colin Campbell (West of Scotland) (SNP): Is it legitimate for us to make an appeal to the Standing Veterinary Committee, or can we do so only through the United Kingdom representatives?

The Convener: We can make our concerns clear to UK Government ministers, who are already aware of the matter.

Mr Home Robertson: Ross Finnie, the Minister for Environment and Rural Development, is also aware of the matter.

The Convener: The crunch will come later this week if there is no movement on the matter. It is important that the Parliament registers its support for the minister's stance.

Mr Home Robertson: The Commission has taken a similar stance.

Colin Campbell: We should register our support.

The Convener: We will keep our eyes on the situation and, based on the outcome later this week, draft appropriate letters. I thank John Home Robertson for raising the matter.

Scottish European Structural Funds Forum

The Convener: The next item on the agenda is the Scottish European structural funds forum. The papers have been circulated to members, whose comments would be helpful. Before we discuss the item, I notify members that one or two problems are still kicking about regarding structural funds payments.

One is the report of continuing problems with payments to the voluntary sector. Objective 3 payments are being particularly affected. Some voluntary organisations have reported significant delays in receiving their money and many of those organisations suffer genuinely from cash-flow problems. Organisations might have to lay off people and the viability of some organisations might be threatened. We have raised the payments issue on a number of occasions with objective 3 management and with ministers, but it still appears to be a problem. I hope that we can discuss the issue.

The review of structural funds is the other matter that we will have to return to—generally—following our previous work in examining the plans. We must consider how effective the structural funds are and how well they work. We are already examining some specific matters. We have visits planned to European Community-funded projects in north-east Scotland and, I think, Islay. I am sure that members will find those visits informative. I thank the Highlands and Islands partnership programme and the east of Scotland European partnership for their help in arranging the visits. I also thank the Scotch Whisky Association for its help on the water framework directive.

I open the meeting to comments and questions.

Irene Oldfather (Cunninghame South) (Lab): I agree with the convener's comments on the voluntary sector. I find the situation rather frustrating. We have been given assurances in the past and have gone back to the voluntary sector organisations in our constituencies and relayed those assurances. It is very frustrating to find that difficulties are emerging once again. I do not know whether we can take any further action. Will the committee be represented at the forum?

The Convener: John Home Robertson will be there.

Irene Oldfather: It is important that those points are made at the meeting.

Mr Home Robertson: Any ammunition would be helpful.

The Convener: I have written several letters to the objective 3 partnership and to the minister. If there is still a problem, I suggest that we ask the Executive to come before the committee to discuss why those problems persist.

EU Governance and the Future of Europe

The Convener: Members have received a draft report by Dr Amanda Sloat, whom I welcome to today's meeting. Dr Sloat has been working on our behalf for the past few months, conducting interviews with officials of the Executive and the Parliament to build up a picture of how we handle European legislation. It would be helpful for us to discuss the draft report before we gauge developments and the information that the work is uncovering.

Before I invite Amanda Sloat to take us through her report, I ask Stephen Imrie to put the research into context.

Stephen Imrie (Clerk): It might be helpful if I make some points to remind members why we began this part of the inquiry. Members will recall a previous agreement to analyse the means by which draft European legislation is handled in the new Scottish decision-making process. In order to help the committee we appointed an adviser, Dr Sloat, to undertake the bulk of our work.

The draft report is very much a work in progress. We should put on record our thanks to our colleagues in the Scottish Executive for their help in providing some of the basic information, for making themselves available at fairly short notice for the case studies and for their assistance in defining how the work might be undertaken. However, it is fair to say that the report reflects the views of our adviser, rather than those of the Executive officials.

Five case studies were selected. They range across a variety of policy areas and were chosen deliberately because they show where the Scottish Executive and/or the Parliament have had some influence in effecting change. They are examples of successful engagement with European legislation. There might be other examples of less successful engagements. However, the intention was to highlight areas where there had been some engagement that had effected change. I hope that the case studies will provide the committee with a useful insight into governance.

The intention was to publish the report as a separate volume from the committee's main report on governance and the future of the EU. The committee must approve any document that is published.

The Convener: Thank you. I invite Amanda Sloat to comment on the work that she has been doing.

14:15

Dr Amanda Sloat: Thank you for inviting me; it is a pleasure to be here today. I met some members of the committee during their visit to the European Commission in March and it is a pleasure to be back with the committee today.

As members have a copy of the report and some of the directives are quite detailed, I will not address the provisions of the case studies that I examined. However, I am happy to hear questions on those. Instead, I will present six areas in which I think Scotland acted quite successfully and I will highlight seven areas in which I think some improvements could be made.

I echo what Stephen Imrie said; the report is still very much a draft report and I welcome the committee's thoughts on some of the preliminary conclusions that I have reached. I stress that the report is not by any means a thorough or exhaustive academic study; it is, rather, a snapshot of several case studies in which we identified good practice on Scotland's part.

I come first to the strengths. Scotland has obtained a much higher profile in Brussels through the novelty of having a new Parliament. Scotland's ability to speak with a democratic mandate has enabled the EU to acquire a much more thorough and informed understanding of Scottish issues. Some officials suggested that Scotland might have gained more clout in Whitehall now that it has a Parliament. They said that they welcomed being able to focus on Scottish issues, rather than losing those within larger UK issues. That said, some officials suggested that similar results would have occurred pre-devolution anyway in the case studies in the report. I will talk later about the difference that I think the Parliament has made.

Secondly, the Scottish Executive EU office has played an important role in gathering information, developing useful tactics and lobbying the EU on behalf of Scotland. That is particularly clear in relation to the animal waste directive and Scotland's battle to retain disposal options. For example, officials in the Executive office were good at briefing MEPs. They attended working groups with the Ministry of Agriculture, Fisheries and Food and they encouraged Edinburgh-based officials to develop papers with supporting evidence that were quite useful to the Commission in its deliberations.

Thirdly, one of the greatest strengths of the Parliament has been scrutiny by its committees and, in particular, the closer involvement of civic organisations in the legislative process as well as the active attempts by officials and politicians to consult more widely. That point would be part of my response to people who say that some of the results might have occurred without devolution.

Such results might have happened but, on the other hand, civic society is much more involved and officials can consider issues much more closely from a Scottish perspective.

Fourthly, Executive officials have suggested that devolution has made them much more accountable and transparent. They say that they have learned to co-operate with other agencies. For example, they worked closely on the water framework directive with the Scottish Environment Protection Agency and non-governmental organisations. They have also begun to look outside the Executive for assistance.

Fifthly, good relations between officials at UK level and with European Commission officials have been particularly important determinants of Scottish success. In all the case studies that I considered, officials reported good working relations with their Whitehall counterparts, although they were all aware of some departments that might have had more difficulty with counterparts in London.

Scottish officials stressed to me that they have worked hard before and since devolution to develop good relations with Commission officials. The results of that are quite clear and that work seems to have paid off, given their success in arranging Brussels meetings, in having Commission officials participate in committee meetings—I know that somebody from the governance team was involved in one of the committee's meetings several months ago—and in obtaining recognition of Scotland's distinct needs.

Finally, the European Committee and the Executive seem to have taken a pragmatic approach to transposing EC directives by accepting UK-wide legislation when there are no issues of distinctly Scottish interest, but pro-actively pursuing Scottish solutions when they are identified.

Scotland has been most effective when it has used a joined-up and co-ordinated approach, using all its different resources, including the Executive office, MEPs and the European Committee to take a co-ordinated approach to effecting change at European level. Scotland has also been most effective when it has acted early. For example, on the water framework directive, Scottish concerns were identified early and action was taken accordingly.

I now move on to areas in which I think improvements could be made. First, Scotland got its own way in the case studies partly because the UK Government supported, if not necessarily prioritised, the Scottish arguments. Scottish concerns with the animal disposal directive affected the UK, given the financial benefits of promoting the new disposal methods that were

being developed in Scotland. That was of distinct interest to Scotland, but it also had wider UK financial and economic implications. It is also worth noting that MAFF seems to have wavered a bit on the issue, because it did not want to use up all its negotiating power on something that might have been primarily a Scottish interest. It is unclear how Scotland will respond or fare when the UK opposes arguments that Scotland makes.

As I said, the studies also tend to show that there were good relations between Scottish and Whitehall officials, but that the outcomes could have been different if the officials who were based in London had been less helpful. Concordats seem to be used quite infrequently. They are used primarily when a problem arises and some people have suggested that there is at junior level in Whitehall little awareness of concordats—which is a potential problem. The situation will become more complicated when there are Governments of different political parties in Edinburgh and London.

Secondly, MSPs should better utilise their political counterparts at national and European levels. There was no mention of Westminster MPs in any of the cases studies that I examined, although it is clear that the MPs who appeared before the committee a couple of weeks ago are quite active. Pre-devolution, much was made of the fact that Jimmy Hood, a Scottish MP, was chairman of the European Scrutiny Committee in the House of Commons.

Scottish MEPs should also be utilised more widely. They can provide early information on issues that arise; they can lobby in Brussels; and they are well placed to push the Scottish line, which is of particular importance. Executive officials stressed that they must stay much more closely aligned with the UK perspective. Both MEPs and the European Committee are much better placed to push a distinctly Scottish line.

Thirdly, a recurring and significant complaint among Scottish Executive officials was the lack of financial and staff resources. In some ways, that lack of resources seems to hinder their ability to seek Scottish solutions to Scottish problems. The staff shortage requires Scottish Executive officials to obtain a broad overview of European issues, which makes them dependent on their Whitehall colleagues who, because there are more of them, are able to specialise in detailed areas. Scottish Executive officials also suggested that sometimes they follow UK legislation because they lack the staff and expertise to draft original Scottish legal instruments. In the post-devolution era—during which, it was suggested to me, some Whitehall officials think that Scotland should get on with it—the lack of resources seems to keep Scotland somewhat dependent on the UK for legal and scientific information on some detailed directives.

Fourthly, the European Committee does not always benefit from the work of the Executive's EU office, particularly in relation to information gathering. Instead, the committee seems to rely on Scotland Europa to get advance information about directives. Although the Executive's EU office has the right to provide the bulk of its information to ministers and officials, that could hinder the development of a more co-ordinated, joined-up approach in Scotland. Perhaps the committee would like to consider whether the Scottish Parliament should set up an office that has responsibility for passing information back to the non-Executive element of the Parliament.

Fifthly, and following on from that point, I suggest that advance warning of EU legislation is essential. Some Executive officials wish that they had more time to prepare responses and it seems that, to be effective, the European Committee must act early in the legislative process. For example, Executive officials welcomed the committee's work on behalf of the whisky industry in the context of the water framework directive, but they suggested that that work was too little, too late. Scotland won because things were heading in that direction already, but MEPs should have received information at a much earlier stage when they would have been able to do something.

Sixthly, one of the questions that the committee asks in its inquiry is about Scottish involvement in the UK development of EC policy. For me, it is striking that only once in the lifetime of the Parliament has the joint ministerial committee met to discuss European issues. The joint ministerial committee would be a good means of bringing together the UK Government and the devolved Administrations to discuss European matters.

Finally, the case studies showed that support by the member state can be an effective weapon, because it adds clout and manpower. It is worth persuading the UK Government of Scotland's needs, but it is also worth pursuing a two-tier approach that involves both domestic lobbying and the use of Scotland's European resources through the Executive's EU office, MEPs and Scotland Europa. I know that members have been examining the Committee of the Regions, but there has been little discussion so far about the Economic and Social Committee and the extent to which there might be scope for reforming it and for more effective involvement of civil society's organisations in it.

I welcome members' questions and comments.

The Convener: Thank you for the work that you have undertaken to date. Before I open up the discussion to the rest of the committee, could you clarify what staff resourcing problems you identified in the Executive? Do those problems exist in Edinburgh, Brussels or both?

Dr Sloat: The problem was pointed out to me in Edinburgh. It was striking that every official to whom I talked mentioned it. No comment was made about staff resources in Brussels. A year ago, I did a series of interviews on a related topic and the issue also arose at that time.

Ben Wallace (North-East Scotland) (Con): When I was working on my report on EU enlargement, that issue was raised with me in Brussels, but not in Edinburgh.

The Convener: My other point has been commented on previously in the committee. We have not drawn a conclusion about whether there should be a parliamentary presence in Brussels, but we have discussed the need to examine how well we use resources in Brussels and how we can all co-operate better. You hinted that there is a need for a range of organisations to consider whether we can share and co-operate. However, you also touched on the role of the Executive office and how well it is able to support organisations like the Parliament, and the kind of constraints that such offices operate under. We will have to consider those issues because there exists a significant resource; however, I am not sure that we always get access to it—not because the Executive does not want to give us access to it, but because it works under a different set of strictures.

Helen Eadie (Dunfermline East) (Lab): I presume that you meant the Westminster Parliament's European Scrutiny Committee when you talked about co-operation between the Scottish and UK committees. Would you expand on the possible practical ways for us to co-operate?

Dr Sloat: Are you talking about the relationships between the committees?

Helen Eadie: Yes.

Dr Sloat: Some of my remarks were based on work I did during my PhD, which considered the expectations that politicians and officials in civil society have of the relationship between Scotland and the European Union. There was an expectation that the Scottish Parliament's European Committee would work with the House of Commons European Scrutiny Committee as another tool in Scotland's lobbying strategy. It seems that there is a lot of negotiation between officials in Edinburgh and in London. There is also work going on between Edinburgh and Brussels.

At that stage in my research, it was suggested that there would be capacity for more work at a parliamentary level; for example, between the Parliament and committees or between MSPs and MPs. I do not know whether that would take the form of a forum that included politicians, or whether it would be done through more informal

party links between party members of the committee and party members in the House of Commons.

Pre-devolution, much was made of the fact that Jimmy Hood, a Scottish MP, is chairman of the House of Commons European Scrutiny Committee and that that would be beneficial for Scotland in some way. As far as I can see, that has not been exploited in any way. There are also Scottish MPs sitting in the House of Commons and they would be well placed to lobby on behalf of Scotland on European issues.

Ben Wallace: The report was very good and easy to read. People who do not understand how we feed in our legislation and take part in Europe will be able to use the report in future.

One thing is missing from the report, although it might come under the wider remit of the committee. Which do you think is the best decision-making forum or vehicle for Scotland to use for lobbying? Would it be a second chamber, the European Parliament or the Council of Ministers? Which system would give a region, or nation state, the best route into lobbying in future? That did not come out in the report.

Dr Sloat: Given the EU's structure, to which the member states remain vital, the first channel must be through the member state—to convince the UK to an extent of Scotland's perspective and to ensure that that is fed into council working groups and the Council of Ministers. Scotland needs to be in contact with the Commission early, when legislation is being drafted, because after the legislation is drafted, a limited amount can be done at the Council. Those are my two main suggestions. I also suggest going through MEPs, who have the next legislative role after the Commission's role.

Ben Wallace: Is the best way for the committee or Scotland to have its view considered to use a method that puts the Council of Ministers at the forefront?

14:30

Dr Sloat: The way in which the EU is set up puts the Council of Ministers at the forefront, to an extent.

Ben Wallace: I am talking only about the EU reforms that we are examining, which include options that do not involve the Council of Ministers. Would those other options limit or enhance our ability to achieve changes in EU legislation?

Dr Sloat: To which other options do you refer?

Ben Wallace: The two other mainstream options are a second chamber of the European

Parliament and a permanent delegation to the Council of Ministers with a Cabinet-ranked minister responsible for Europe at Westminster. Which of those would enhance Scotland's ability to lobby?

The Convener: That is a slightly unfair question, because it assumes that those are the only two other options.

Ben Wallace: I gave examples of two options that are afoot.

The Convener: It is unfair to ask Amanda Sloat which of those two options is the best. Last week, we heard from MEPs that the second chamber issue seems to be going nowhere.

Ben Wallace: We must take a view on which of the Commission's proposed reforms will serve Scotland best. That is part of our inquiry. Is there a view on which reform on offer will benefit us and give us access?

Dr Sloat: I am not in favour of a second chamber of the European Parliament, for some of the reasons that previous witnesses have given. An implication of that is my view that better relationships between the European Parliament and national Parliaments must be developed. That returns to the point that I made about the lack of links between the committee and the House of Commons European Scrutiny Committee.

Issues with the Council of Ministers include comitology and the extent to which the process is dominated by civil servants. Reform of that could be considered. However, for the committee and Scotland, it is important to convince member state representatives of the importance of Scotland's position, so that that is fed into those committees.

Scotland must reach the Commission early to influence the drafting of legislation. It should also take advantage of MEPs to obtain advance information and for lobbying at committee and plenary stages.

Mr Lloyd Quinan (West of Scotland) (SNP): I will follow Ben Wallace's point, but I have a radically different perspective. We are losing sight of the concept of future governance and have bogged ourselves down in the present structures again. I thought that the inquiry was to consider the potentials for the future governance of the European Union rather than to conduct a mapping exercise of the present position and how we can exploit that, when we fully appreciate that the structure is changing more or less daily.

We must focus slightly more on the potentialities of some of the arguments that are going on about access in Europe and the new structures for Europe, rather than discuss what exists, which could change by this afternoon. We discussed that at the beginning of the inquiry. We must start

taking a more blue-sky approach rather than the present mechanistic approach.

The Convener: Dr Sloat, do you want to comment on that?

Dr Sloat: No.

The Convener: Mr Quinan is right to an extent, but we must examine how well the present system works to draw conclusions about where we might go in the future. However, he is right that there is a need to consider some of the broader issues—for example, the issue of where Parliaments with legislative competence might fit in, not only with decisions in the Council of Ministers, but with the other decision-making bodies and processes in the European Union. At the moment, that debate has no sense of coherence. All sorts of ideas are swirling about and it is generally recognised that the issue must be reflected, but no one is clear about how it should be done.

Mr Home Robertson: I want to follow on from what Lloyd Quinan said. I see the attraction of the idea of a European revolution and a declaration of a new constitution, but it is not going to happen, I am afraid. Dr Sloat has given an analysis of where we are at present. As Scottish parliamentarians, we must find ways of making the present system work better.

Whether we like it or not, the bulk of power is likely to remain in the Council of Ministers. That term is inaccurate; it is called the Council of Ministers, but it might more appropriately be described as the council of civil servants. To all intents and purposes, the system works through departmental civil servants—mainly from Whitehall—with input from Scotland, Wales, Northern Ireland and the United Kingdom permanent representation to the EU. They scurry around talking to other delegations to reach consensus.

We should try to find ways of getting politics—better still, Scottish politics—into the process. How can we do that? How much resistance does Dr Sloat perceive in the Whitehall system? That is the first stage of the battle. If we want the UK delegation to use its votes and muscle to help Scotland, we must overcome the institutional resistance to devolution that exists in Whitehall. Is Dr Sloat aware of that and what can we do about it?

Dr Sloat: We should inject more democratic accountability, but I do not know whether that necessarily means more politics.

Mr Home Robertson: Sorry, I was speaking in shorthand.

Dr Sloat: I did not specifically examine Whitehall, so to an extent my perceptions of what is happening in Whitehall are coloured by the

perceptions of the officials who work up here. The perception I get from them is that some departments in Whitehall do not have a high degree of understanding of devolution and its implications. Some people believe that Scotland has more clout as a result of devolution and others suggest that that realisation has not sunk in at junior level at Whitehall.

In the case studies, officials were quick to say that they have good relations with their colleagues in Whitehall and that that is part of the reason for their success. They are able to work with and get papers from their colleagues in Whitehall, who are co-operative and sympathetic. However, in other departments, Whitehall wants to retain a fairly large amount of control over what happens and it is expected that Scotland will have to fit into that. I am not sure how that can be changed. Part of it would be a cultural change in Whitehall. People there must begin to come to terms with the reality of devolution.

Greater use of the joint ministerial committee might inject an element of that cultural change and take some of the dominance out of the hands of civil servants. The committee brings together politicians from the devolved Administrations in a forum in which they can discuss the UK Government's position and that of Scotland, Wales and Northern Ireland. It seems to me that the process is dominated by civil servants in London and, to an extent, in Edinburgh. As Mr Home Robertson said, politicians do not seem to be very involved in some matters. The JMC might be a way to involve politicians domestically in the UK. Although wider discussions are going on in the EU about whether to involve politicians more in the comitology surrounding the Council of Ministers, the JMC would be a good place to start involving politicians more.

There have been discussions about having meetings between members of the European Parliament, the UK Parliament and the Scottish Parliament. If such meetings were set up on an institutionalised or regular basis, that would bring politicians together to discuss matters.

The Convener: Is the domination by civil servants and the lack of democratic accountability a feature of other countries as well as of the United Kingdom?

Dr Sloat: I have not considered other countries in depth. I am not entirely sure, but I assume that those things are a feature to a large extent. However, I do not know how many structures there are in Germany to bring together politicians from the Länder and federal Government.

Ben Wallace: The report on enlargement is a separate issue, but I wanted to share my experiences in working on that report. The Foreign

and Commonwealth Office made a lot of documentation available to the Scottish Executive; it did not hide that information or prevent its being made available. However, the problem that we came up against was that there were not enough people to go through all that information and raise issues. There were not enough resources for staff to be able to find what was interesting from our point of view and what was not. Staff here had to rely on a Whitehall department to raise such issues. Inevitably, a Whitehall department's interests may not be the same as the Scottish Executive's. Here, things seem confidential and secretive, unlike in the Länder, where it is much easier to gain access to documentation. That is what implied a lack of accountability here: no one could check what was up for discussion and, for example, I as a representative could not ask, "Why did you not discuss this? Why did you not discuss the matter with the National Farmers Union of Scotland?" The Foreign and Commonwealth Office was certainly open to giving the information; it is just that the Executive did not have the resources to review it.

Helen Eadie: Lloyd Quinan spoke about the revolution, and it would be a revolution—

Mr Quinan: No I did not.

Mr Home Robertson: I am the revolutionary on this committee.

Colin Campbell: There is not much hope then.

Helen Eadie: If we got the Council of Ministers to open up and be transparent, and to allow much closer public scrutiny of all its work, that would be the revolution. I tend to agree with what was said about blue sky—sometimes we cannot see the wood for the trees and we need to stand back to get a clear view.

I wanted to ask Amanda Sloat about the contrast between the role of the Executive when it goes to the Council of Ministers and the role of parliamentarians, both here and at Westminster. Both our convener and deputy convener have meetings with other parliamentarians across the UK, but were you suggesting that people other than the convener and deputy convener should have intensive collaboration with other parliamentarians?

You spoke about a lack of resources among officials. Would there be a case for examining the way in which the European officers in local authorities do their work? Obviously, local authorities are responsible for implementation, but they are also a good resource, in that they can consider future planning and the way in which it will impact on Scotland.

People have wondered whether things will change dramatically, but I think that John Home

Robertson is absolutely right: from what we have heard so far in our inquiry—or indeed, at the conference on Friday and Saturday of the European Movement, the cross-party campaigning organisation—I do not get a sense that there will be any dramatic changes in the way that we govern in Europe. However, in the Committee of the Regions there seems to be sympathy for the idea that we should consider local authorities as partners of the constitutional regions. I wondered whether you would like to comment on some of my points.

The Convener: Okay. Do you want to have a stab at that, Amanda?

14:45

Dr Sloat: I hope that I remember all those questions. You may have to come back to me with some of them.

At times, too much emphasis is placed on the Council of Ministers and, in particular, on Scotland's role. Most decisions end up being made in civil service working groups long before matters get to the Council of Ministers. It may be symbolically important if Scotland can say, "We had a minister there," but at the end of the day, you are sitting round the table with all the other member states, and it really comes down to political negotiations. It comes back to getting involved at an earlier stage when you can affect the drafting of legislation, because once it is written down, it is almost written in stone, and it is difficult to tweak. Then you get into a situation where you have to seek derogations, and all the politics around that.

On the roles that can be played by the Executive, the Parliament and the European Committee, the Executive is much more bound to stick with the UK line, and is politically obligated, to an extent, to promote that line. Executive officials even suggested to me that the Parliament and the European Committee are much better placed to promote a distinctly Scottish perspective in Brussels. This committee could take advantage of that and focus on Scotland's interests, and let some of the Executive's officials worry about sticking to the UK line.

On greater collaboration, I am not aware of some of the meetings or what is happening between conveners. I do not know what is happening within parties. Members may feel that they would benefit from meeting people in the House of Commons to exchange information and that that would be an effective way of lobbying, or they may be satisfied that the meetings between committee conveners are sufficient right now.

On local authorities and implementation, I was not sure whether you wanted a case study to see

how local authorities get information from the Executive or how they lobby.

Helen Eadie: I just wondered whether there could be better co-ordination throughout Scotland, given that European officers already exist. If there are staff shortages at the Scottish Executive, it may not be a case of drafting in additional officers, but of rejigging our existing officials and professionals in Scotland.

Dr Sloat: A case could be made for taking advantage of the expertise in local government and the work that the European officers are doing, and the work of the Convention of Scottish Local Authorities. The point that Ben Wallace made was also made by Scottish Executive officials, some of whom pointed out that there is one of them for every 10 or 12 down in Whitehall. One advantage in Scotland is that officials get a broad overview, but in terms of scientific or legal expertise, they cannot specialise sufficiently. They may not be able to highlight things that are of concern to Scotland, because they do not have the time and there are not enough of them to be able to examine the smaller issues.

The Convener: On the relationship with the House of Commons European Scrutiny Committee, which Amanda Sloat touched upon, we are aware that sometimes we do not get into the process early enough. I have raised that with the chairman of that committee. Indeed, representatives from the National Assembly for Wales and the Northern Ireland Assembly—who I admit have a different function from us—have also talked about how they can influence the process. We are seeking a joint meeting with UK Government ministers to tell them that they need to reflect on this issue. It is not just that they are obliged to go before the European Scrutiny Committee and report—they need to remember that others have a legitimate interest in the process and that they have to try to find a way of reflecting those interests.

One of our problems, which we will come back to later, is that there is not a huge amount of time to make our views known to the House of Commons before decisions are taken, because we get the information from the Cabinet Office at the same time as the House of Commons European Scrutiny Committee. There is an issue about how the system works. Perhaps we should examine that again.

Colin Campbell: Dr Sloat, you smiled a little when you saw Lloyd Quinan smile, but I think that that is because he and I are in tune with the notion of a Scottish representative at the Council of Ministers. Obviously, there are many vested interests in the system, which perhaps want to look after their own interests and do not particularly want to share power. The endgame,

apart from making the whole system more efficient, is to engage the people of Europe in the process, so that they feel they have a stake in it.

I believe that transparency is part of that. What do you feel about the transparency in the current process of government, between the people and Europe? Are you aware of any notable blockages in the flow of important information and decisions between the Scottish Executive and Westminster?

Dr Sloat: The Commission's work is relatively transparent, assuming that you can find your way around its website and find out which Commission official is responsible for the area on which you are working. It is relatively easy to find information on the Commission. The transparency of the Council of Ministers could be a problem, particularly if there is no Scottish involvement in the Council. It depends on how the UK minister is held to account. The minister could say that he was fighting Scotland's case on something, but if a transcript is not published, and if it is not known what was said, it is difficult to judge the extent to which that is the case.

From talking to officials, my perspective on information blockages between Scotland and Whitehall is that some departments are worse than others are. The officials were all being politically correct and did not want to tell me which the problematic departments were.

Colin Campbell: What a surprise.

Dr Sloat: In the case studies that I looked up, departments all claimed to have good relations with their Whitehall colleagues, so we could rule out some departments, which are not problematic. However, in some departments, things are a bit more difficult. The concordats can be used to try to get information. The departments in the case studies that I mentioned claimed to have fairly free provision of information, as well as good relations with their Whitehall colleagues.

The point about getting some of the information that comes from the Cabinet Office is that we might not want to have to rely on that office as the source. As a result, it is important to have a presence in Brussels, whether that is through the Executive, Scotland Europa, the Parliament or MEPs, so that members here are not just waiting for papers to arrive, but have a hint of what is coming down the pipeline and can start to prepare their reaction.

Colin Campbell: I will understand it if you do not wish to name the sticky departments—but would you?

Dr Sloat: I was not told the sticky departments. They all suggested that they knew of more problematic departments, however.

Mr Home Robertson: It is a catch-22 situation: nobody dares name them, because they would then get even less information out of them.

Colin Campbell: It does not make for accountable democracy, does it?

Nora Radcliffe (Gordon) (LD): I was interested in what you said about the limiting factor of manpower at the Scottish end and the difficulty of getting technical and scientific information. Is there scope for us in Scotland to make more use of our external sources, including existing scientific and technical information from academic institutions and so on, to counteract the difficulty of accessing the information through Whitehall?

Dr Sloat: That could certainly be a way of going about it. For example, Executive officials were making much more use of the Scottish Environment Protection Agency, outside agencies and non-governmental organisations when it came to the water framework directive. It seems that, although officials can get the information from Whitehall to an extent, the problem is their dependency on Whitehall for the information. If relations between departments are not so good, Executive officials may not be able to get as much information as they need.

If there are groups of 10 people in Whitehall specialising in small areas, and one person in Scotland wants to get a broad overview of that area, it seems from the case studies that that person has been able to get the information. I would be concerned about the departments where relations are not as good, and would want to ask whether officials are able to get the information in those circumstances. Depending on where you wanted to find or provide resources, I would think, as Nora Radcliffe suggested, that using outside expertise—academics, NGOs or agencies—would be a way of getting round the problem. That would open up the process and involve more people in the deliberations.

Mr Quinan: The Parliament, at barely two years of age, is clearly at an early stage, so there will be issues of territoriality within the civil service, both at Whitehall and in Scotland.

To some extent, territoriality also creates tension between the parties. My impression—and I would like to know whether your impression is similar—is that a territorial Westminster views the UK as the member state and thinks that the National Assembly for Wales, the Northern Ireland Assembly and the Scottish Parliament should be grateful for whatever they get.

Your insight about the need for parliamentary representation has not been recognised. Committee members in this room—indeed, all members of the Scottish Parliament in the big room up the hill—have not quite got to grips with

the need for the Parliament to have representation. We are too caught up in the structure of the Executive and Opposition within the Parliament as it stands and are failing to see where we need to be in 10 years' time. We need to consider the possibility of the Scottish Parliament having representation in Brussels, as you have suggested.

Have you come across any of the issues that I have mentioned? We need to keep reminding people that we are at an early stage in the process. To make the process better, we need to put aside that territoriality, the tensions between the various parties and the tensions between Westminster and Holyrood. We need to consider the process from a more dispassionate point of view.

At the moment, the real issue for us is to establish the structures that will assist the Scottish Parliament and the UK Parliament to do a better job for the people. That might require the setting up of a parliamentary office in Brussels. A major campaign might be needed to remind MSPs that such an office would be a parliamentary office, not a party-political or Executive office. We require a means of receiving information that is separate from the Executive. We need a slightly more—dare I use the word—*independent structure*.

Colleagues from all parties in the National Assembly for Wales have the greatest difficulty in getting the information that they want because their parliamentary staff are not independent. Assembly members have to use what are, in effect, civil servants of the Welsh Executive.

Is there merit in anything that I have said? Have you come across any of that?

Dr Sloat: Yes, absolutely. All the people and officials of the Assemblies in Wales and Northern Ireland to whom I have spoken have been quite envious of Scotland. They think that Scotland has its act together and is doing a good job on the European level.

The case studies show that Scotland was most successful when it had a joined-up collaborative approach, which was when the Executive office in Brussels and the Scottish MEPs were working together and negotiations were going on between Edinburgh and London. Many of those things can be seen as distinctively Scottish issues. To an extent, party politics should not come into some of them.

Using all the tools in the toolbox, using as many resources as are available and coming at Europe with a multifaceted approach is likely to be much more successful. As I said at the beginning, working through the member states and trying to persuade the UK of Scotland's case is one way to start. However, there also needs to be the direct

approach to the Commission in Brussels. Scotland should also make representations through its MEPs. Through Scotland Europa, the Executive can lobby other regions and organisations that have similar concerns.

The more that you can move beyond the party politics and—using all the resources that are available—focus on Scotland's distinct issues, the more successful you are likely to be.

The Convener: When we make comparisons with Wales, we need to bear in mind the fact that Wales has an Assembly, not a Parliament. The National Assembly for Wales has a curious structure. For example, at the joint meeting of the chairs of the committees that deal with European matters—which includes representatives from Northern Ireland, Wales and Scotland as well as from the House of Commons and the House of Lords—the National Assembly for Wales is represented by its First Minister, Rhodri Morgan. In Wales, the roles of Executive and Parliament are confused. Welsh Assembly members have indicated to me that they are now considering whether they should fall into the more traditional roles.

15:00

Irene Oldfather: Before I ask my question, let me say that I understand that the National Assembly for Wales is formally a member of the equivalent to Scotland Europa—the assembly has established a partnership and invested in an organisation that already exists. A policy officer is attached to the assembly through that mechanism. The assembly is attempting to establish itself, which is certainly a good thing.

I want to pick up on a couple of things that Amanda Sloat said in her report about lessons for the Scottish Parliament. The report said that we could benefit from better co-ordination and less duplication of effort. Has she found much evidence of duplication of effort? Were her comments made in relation to the committees of the Parliament?

Dr Sloat also said that we should be selective about our battles. Does she have any advice to offer us? We have tried to grapple with the problem and to set criteria for selecting issues. We try to select issues that have a specific Scottish dimension, but so many of the regulations and directives that come from Europe have a Scottish dimension that it has been difficult for us to find issues that we can home in on and on which we can have an impact. Has she any suggestions?

Dr Sloat: Some of the duplication of effort happens in the Parliament's committees. I am not clear about your perspective on co-ordination between the committees and how the filtering system works. My understanding is that the

European Committee was initially set up to identify issues and pass them to the subject committees to take a more detailed look. I do not know how well the committee feels that has worked or whether it has successfully passed issues to other committees for them to study and report back. It appears that several committees have considered the same issues, and we should ask whether that represents the best use of resources.

Whether the European Committee should be selective about battles is a good question. I would have to go away and think more carefully about some of the criteria. It seems that the committee has done a fairly good job of identifying some of the issues. As I said in the report and in my opening comments, both the committee and the Executive seem to be quite pragmatic in picking their battles and to accept wider Great Britain legislation on subjects where there is not a distinctively Scottish interest. They have focused on areas where Scotland really does have a distinct interest and have tried to get the best case out of it for Scotland. That is important.

Ben Wallace: A lot of today's discussion has centred on the availability and scrutiny of information that comes out of Europe. Is it worth considering a recommendation to strengthen the concordats that say which information Whitehall should by right give the Scottish Parliament so that, if relationships strain in the future or if there are different Administrations, the information that we are given is protected?

It may go beyond the remit that we gave you, but I wonder whether we could examine how other member states or regions with devolved Administrations access the EU before legislation is drafted. I know how some of them do it further down the line, but knowing how they get in at the early stage could give us some ideas.

The Convener: I shall deal with the second point and leave the first question to Amanda Sloat. We will consider how other states access the EU and we have someone to assist us with that work.

Dr Sloat: At the end of the day, concordats are not legally binding. I do not know whether Ben Wallace means making them legally binding when he talks of strengthening them, or whether he means making them more specific than they are at present.

Ben Wallace: I meant making them more specific.

Dr Sloat: The first thing that needs to happen is that there needs to be greater cultural awareness in Whitehall of the fact that the concordats exist and of what is in them. That is probably the first battle, and the committee should see how that goes. One person said that they were not sure whether Whitehall was aware of the concordats

beyond the fact that a memo went round stating their existence. If people are not even sure what is in the concordats, the first step should be to make them aware of that. Once people are aware of them, you can take the next step.

My understanding is that people describe the concordats as a necessary part of the process—they are on the shelf and can be referred to if there is a problem. They are not used on a day-to-day basis. They are pulled out if, for example, information that the concordats say should be given is not given.

Helen Eadie: You made a point about the Economic and Social Committee and the possibility of civic Scotland being more involved. Will you expand on that?

Dr Sloat: I have read through the evidence that previous witnesses have given to the committee and I notice that that element is absent. I do not have strong opinions on the matter but I wanted to flag it up. In Brussels, there are discussions in the context of the governance white paper about whether the Economic and Social Committee should be restructured in some way. As the Committee of the Regions focuses on sub-national and local government, perhaps there is scope for reconfiguring the Economic and Social Committee to allow more civic organisations to be brought in. I do not know how that would be institutionalised or who would sort out which organisations would join but I wanted to let the committee know that such discussions are taking place. As Scotland has placed so much emphasis on involving civil society, I thought that the Scottish Parliament might want to consider using it as part of its Brussels strategy.

The Convener: I will draw the discussion to a close. I believe that Dr Sloat will be around for an hour or two this afternoon. If anyone has any specific points, they can follow them up with her.

Some of Lloyd Quinan's points were relevant. We need to comment on how effectively the current mechanisms are working, how we can use them in the future and what our influence on them should be. We also have to comment on the bigger issues of governance and work to find ways of bringing Europe closer to people as well as having it reflect regional and sub-national issues. We will have to examine the bigger picture at some point.

I thank Dr Sloat for attending and for submitting her useful report. I know that it is a work in progress but it has been helpful nevertheless.

We will take a break until quarter past three.

15:07

Meeting adjourned.

15:14

On resuming—

The Convener: The next item continues our discussion on the future of Europe. I welcome the right hon Peter Hain MP, the UK Government Minister for Europe.

Today sees the next in a series of firsts for the European Committee and the Scottish Parliament. The European Committee was the first committee to welcome members of the House of Commons to give evidence. At our meeting last week, four members of the European Parliament gave evidence. Today is the first time that a committee of the Scottish Parliament has been able to welcome a UK Government minister. We are delighted that Peter Hain is able to join us. We hope that his visit is the first of many from our colleagues at Westminster to the Scottish Parliament.

Our time today is limited. We will have to have a relatively short discussion with focused questions, but I will try to bring in as many committee members as possible. I start by inviting the minister to make a contribution, following which we will proceed to questions.

15:15

Peter Hain MP (UK Minister for Europe): Thank you very much. I am delighted to be here. It is a special privilege to be the first UK Minister to be here. My presence signifies our desire, as a Government in London, to co-operate closely with the Scottish Parliament's European Committee on an agenda for partnership in Europe. I, for one, look forward to receiving a copy of the report that results from the European Committee's deliberations on the future of Europe debate. That will help us form a position, at a UK level, and to take forward a British agenda that has a direct Scottish input. That is an example of the principles of partnership that I want to make work.

As Minister for Europe and a Welsh member of Parliament, I am enthusiastic about that. I understand the importance of devolution and of the Scottish Parliament. We have already seen a practical example of partnership in the European Committee's report on fisheries. As a result of that work, Rhona Brankin discussed the report's conclusions with Elliot Morley, the UK minister with responsibility for fisheries. The European Committee's report was able to influence the negotiating line that was taken at the Council of Ministers. We welcome that kind of input.

I will say briefly that a number of important agenda items are about to come before the European Union, on which input from the Scottish Parliament and the European Committee will be very valuable. One item is the future of Europe

debate—exactly what shape do we want for the new European Union? Another is enlargement, which is due to start early in 2004. We are strong supporters of enlargement—or of reunifying Europe politically. We want to bring in countries, including the Czech Republic, Hungary, Poland and Cyprus, that have been divided from western Europe, in part because of the second world war and the cold war. Enlargement is an important prize—an enlarged democracy will bring peace and stability—and we would like the European Committee's input on that. Euro coins will start circulating in the 12 euro zone countries from 1 January. That will have a significant impact on the debate in Scotland and we welcome the European Committee's input.

We also welcome the committee's input on working to close the gap between the citizens and the leaders of Europe. At present, a big communication gap exists. That means that the practical benefits of European Union membership need to be stressed constantly. EU membership is good for Scottish jobs—286,000 jobs in Scotland depend on our membership of the European Union. EU membership is also good for protecting the environment—we can work together on cleaner skies, beaches and purer water.

Furthermore, European co-operation has enabled us to introduce security, anti-crime and anti-drugs trafficking measures in the aftermath of the terrorist attack on 11 September. Those aspects illustrate the practical daily life benefits of being in Europe. We need to bring things down to that level and not get too engrossed in the minutiae of the expert's view of Europe. We ought constantly to project a people's Europe and work towards daily objectives such as full employment, social justice, a cleaner environment and more security. I look forward to working with the Scottish Parliament and the European Committee in the coming period.

Colin Campbell: Transparency is important if we are to get the people of Europe in touch with the government of Europe. At the moment, it is often the case that the Scottish Parliament can neither input to nor have knowledge of what the Scottish Executive says to the Westminster Government before meetings of the Council of Ministers. Equally, it is sometimes difficult to find out what was said after the meetings have taken place. Can anything be done to increase transparency at that level without prejudicing the necessary confidentiality in government?

Peter Hain: That is an important issue in our minds. I am strongly committed to maximum transparency in the Council of Ministers, which I am told is the only legislative body—with the possible exception of the one in North Korea—that is not fully transparent. Clearly, that is a big

disadvantage when it comes to closing the gap between the citizens and the institutions of Europe and as far as democratic legitimacy is concerned, as big decisions are taken there. As a result, I would like the Council of Ministers to be reformed in a way that allows the necessary negotiations to take place in private, as they always will, but which means that when the Council legislates and countries declare their positions and when there are votes—if there are—all that takes place in front of the cameras with the media and members of the public present. By doing that, Europe will start to mean something more concrete to the ordinary citizen in Scotland and elsewhere.

Colin Campbell: Although we would all agree with those comments, the nub of my question is that there seems to be a lack of transparency in what we can discover here about negotiations between the Scottish Executive and Westminster in meetings leading up to Council of Ministers meetings. I would like that to be corrected, if possible.

Peter Hain: Clearly, that is a matter for discussion between the committee and Scottish ministers and I will read your conclusions with interest. However, I should point out that in a sensitive situation, when we are negotiating complex issues with our European partners, full transparency is not necessarily to our advantage. As a result, we need to construct a way of working that allows the Parliament to be as informed as possible but which also protects our negotiating position.

Colin Campbell: I am with you up to that point, but what about the history of such events? We have great difficulty in getting any idea of what took place between the Scottish Executive and Westminster after the event.

Peter Hain: Again, I think that you should take that matter up with the Scottish Executive. We will provide any help that we can. By that, I do not mean help with your relationship with the Scottish Executive, but with the process of accountability on European matters.

Irene Oldfather: You have already answered my question, which was about the fact that the Council of Ministers is the only legislator in Europe that meets behind closed doors, so perhaps I could turn to another issue.

Some of the evidence that the committee has taken indicates that there are difficulties with the Council of Ministers and there is general agreement that those difficulties should be addressed. However, a far more important problem is comitology, whereby committees of national experts embellish the legislation of the Council of Ministers behind closed doors. How can we address that problem and reform the situation?

Peter Hain: We need to consider that issue in the context of the debate on the future of Europe, because the problem must be examined on a Europe-wide basis. If the committee's report addressed that issue and made practical suggestions, I would consider them as sympathetically as I could.

Irene Oldfather: Do you feel that having a Cabinet minister attached to the Committee of Permanent Representatives, who monitored those matters regularly, and more regular meetings of the general affairs council might help to address the matter?

Peter Hain: Those are all agenda items that we want to see addressed. Because of enlargement, we want the role of the general affairs council and of the other councils, on justice and home affairs and so on; their relationship with governments; and the channels of communication to the Scottish Parliament and the Scottish Executive to be improved. The general affairs council must have a much more strategic role; perhaps a reconfiguration is required.

Were you talking about the Minister of State for Europe being a Cabinet minister, or were you referring to Scottish Executive ministers?

Irene Oldfather: I was talking about a Cabinet minister whose responsibilities related to the subject matter—the Europe minister or someone who is particularly tied to the work of the general affairs council.

Peter Hain: I attend all general affairs councils with the Secretary of State for Foreign and Commonwealth Affairs, Jack Straw. Everybody accepts that the general affairs council is not working as effectively as it needs to in modern conditions. We must consider the way that the agenda is changing. My view is that, especially in the aftermath of 11 September, Europe is assuming a much more important role on the global diplomatic stage. That is a healthy development. The European Union is being taken much more seriously by Washington and the US post-11 September. We have an opportunity to influence the agenda of the general affairs council, the direction of the European Union and its relations with the USA—and again the input of the Scottish Parliament, in partnership with the UK Government, would be valuable in this—on issues that go beyond anti-terrorism action. Those include matters such as the Kyoto protocol and the environment, ensuring that the debt that cripples poor countries is lifted, huge anti-poverty programmes and changes in trade rules. Europe's voice can become more influential, especially on Capitol Hill, where it needs to be.

Ben Wallace: I will expand on the issue that Irene Oldfather raised about reform of the Council.

The only indication of policy we seem to have from the UK Government is the Prime Minister's speech in Warsaw, when he talked about a bicameral European Parliament being an option. Is that still the position of the Prime Minister and the UK Government, or is its position moving towards reform of the Council of Ministers?

Peter Hain: It is still the position that the Prime Minister feels strongly—as we do at UK Government level—that national Parliaments of all the member states should have a much closer relationship with the institutions that govern Europe and that a second chamber is probably the best channel through which to focus that. It is not the only idea, so long as we can secure national parliamentary representation and a direct interface with the institutions of the European Union. It may be possible to allow for that expression in ways other than having a second chamber. The French have put forward other ideas. We are not hung up on the vehicle. The Prime Minister suggested a second chamber as an idea. We are committed to the principle that there should be much closer interface between national Parliaments—in our case the UK Parliament—and the institutions of Europe.

Ben Wallace: Our committee inquiry is about the future of Europe. Whatever the UK's position, whether it is in favour of a second chamber or a reformed Council of Ministers, it will have an effect on how we seek to influence Scottish policy within Europe.

I understand the aim, but does the UK Government have a clearer position? Are we simply talking in general about wanting a regional or a nation state interface? The EU's white paper on governance has fairly clear suggestions. The UK's position must have been narrowed down. I want to tease out more details.

15:30

Peter Hain: At the risk of repeating myself, we are committed to the principle of there being a closer interface—and a closer regional interface—with the European institutions. For Scotland, that means through the Scottish Parliament and the Scottish Executive—I want that.

Scotland participates: it signed the Flanders declaration and there is a conference next week, I think. We want the debate to advance, but I do not want to commit us to a rigid institutional position. Reform of the Council of Ministers will be valuable in its own right, but it will not necessarily address the representation of national Parliaments—by definition, it cannot. That must be done separately.

The Convener: I would like to pursue that. Whatever the final shape of Europe, you seem to be saying that there is a need for the Scottish

Executive and the Scottish Parliament to be more involved. Has any thought been given to how the Parliament and the Executive can play a greater role in European matters?

Peter Hain: Scotland is represented on the Committee of the Regions—that is good. We need to consider the whole regional interface. A convention is planned for next year to consider the future of Europe following the Laeken summit in mid-December under the Belgian presidency. That will be an opportunity for a much broader debate on the future of Europe, leading up to the intergovernmental conference planned for 2004.

As I said to Jack McConnell this morning, I hope that there will be a way in which the Scottish Parliament, Scotland and other regions of Europe can contribute and have a dialogue through the convention, rather than on the convention floor, as it were, which would not be practical as the convention would be massive if each country had regional representatives. There should be an opportunity for a structured dialogue in which the regional dimension, which is important, can be heard.

Mr Quinan: You referred to the Flanders declaration. You will be aware that there is an agreement in it that Scotland should participate directly in the preparatory work for the IGC in 2004. In the light of your statement about wanting to develop a vision of Europe for the future, should Scotland—or indeed any regional Parliament or autonomous region of any of the European nation states—take part fully in developing the preparatory work for the IGC in 2004, given that the IGC is likely to produce at least some form of constitution for Europe that will, in effect, bind the citizenry as well as the politicians?

Peter Hain: The principal vehicle for British and Scottish input will be the British Government, as the matter is reserved. My message is that we ought to work in partnership. The principle that should govern the political relationship between me as the UK Minister for Europe, the Scottish Parliament European Committee and the Scottish Executive is partnership. That is a more successful vehicle than direct representation of all the regions of Europe, including Scotland, which is not feasible.

Through the convention there is an opportunity for Scotland's voice to be heard directly and I welcome that. Scotland's voice can also be heard by the Parliament putting its case to me and to the UK Government as a whole.

Mr Quinan: You also said that there was a place for the Committee of the Regions. That subject fascinates me, particularly with the addition of the acceding countries. The Committee of the Regions is already so asymmetrical that it

barely works. With the addition of the incoming countries, which bring with them massive local government and regional representation, the Committee of the Regions can only become more complex. You say that it would be unworkable for each of the national legislatures to take part in the preparations for the IGC in 2004 or in the convention next year. How does that tally with the current suggestion from Her Majesty's Government that the principal arena for the Welsh Assembly, the Scottish Parliament and any sub-national grouping is the Committee of the Regions?

Peter Hain: I do not think that I used the term unworkable. I said that I thought it important to stick to the existing process for Scotland's voice being heard and that we can do that through political partnership, rather than by formalising an unwieldy structure that clogs up all things European. The composition of the Committee of the Regions has to be considered in the context of the debate on enlargement. I would like to see the Scottish Executive—and I think that this is Jack McConnell's objective—and others who were signatories to the Flanders declaration having a direct opportunity to interface with the convention, rather than being formal voting members of it. That would be a positive and practical way of handling the situation.

Mr Quinan: Are you suggesting that instead of being the Executive representative at the convention, Jack McConnell would assume the role of Scottish Parliament representative?

Peter Hain: I do not think I said that and I do not want to get in the way of your relationship with Jack McConnell. The way in which the convention undertakes its work should offer an opportunity for some kind of continuous dialogue—not daily or weekly meetings—with the regions of Europe, including Scotland. There will be an opportunity for input, perhaps through a hearing or structured dialogue at some point during the year in which the convention is at work.

Helen Eadie: Do you agree with the permanent representative's view that there are too many competing agendas in the EU, given the priorities of the EU presidency, the European Council summit's conclusions and the Commission's legislative programme?

Peter Hain: There was a danger of there being too many competing interests in the early stages of the Belgian presidency. Subsequently, a much more realistic stance has been adopted as the process of dialogue with the presidency has continued. As a result, we are likely to have a summit in December with a much more practical outcome than was anticipated.

Helen Eadie: Do you have any particular thoughts on how the situation could be improved and on whether it might be at the expense of the Commission's right of initiative were the Council of Ministers to become ever more focused on defining the detail of the directives and the annual work programmes?

Peter Hain: I do not have any firm thoughts on that at the moment. I want to engage in the discussion, but we are not entering the process with a fixed agenda. The issues are so complex and, in some cases, the necessity to build a consensus around different items so difficult, that we need to take it step by step.

Ms Margo MacDonald (Lothians) (SNP): I want to go back to the points that Lloyd Quinan raised. We were previously assured that, if it was sensible to do so, a Scottish minister could put the British case in Europe. That was the situation before devolution and I assume that a Scottish Executive minister could now put the case. Furthermore, there now exists what Mary McAleese and I call the council of the isles, which is a forum in which the small nations and regions of the British isles meet to discuss items of common interest, such as the expansion of Europe.

Would there be anything wrong with representatives of the Scottish Parliament or the Executive—I like to think that the Executive sometimes represents the Parliament—putting the case instead of the British Government? They could do the work of the British Government in that respect as they would be much better qualified to speak on behalf of the small nations and regions of Europe. They would also do so knowing that there had already been a sift process involving the Welsh, Northern Irish and Irish Administrations, all of which are interested in the regional aspects of the development of Europe.

Peter Hain: The consensus that is emerging around the convention is that ministers such as me should not, on a roving basis, be at the heart of the convention. The convention will consist not only of representatives of the 15 member states at the various levels of government in Europe, but also the applicants, which means that there will be a further 12 states. In principle, we want Turkey to be represented as well. That means that we are talking about a large body. It would be more practical for Scotland to have an input earlier, when there is an opportunity to consider direct representation of the regions.

Jack McConnell and I are working closely together on preparations for the convention, so the views of the Scottish Executive and, therefore, the Scottish Parliament are being contributed all the time. Tomorrow, Jack McConnell will represent Scotland on the ministerial committee on Europe

that I chair in London. Another meeting later in the week is designed specifically to involve the devolved nations of Britain. Scotland has many opportunities to make its voice heard directly. Within the past year, there have been three occasions on which Scottish ministers from the Scottish Executive have represented the UK in the Council of Ministers on health and education matters.

Ms MacDonald: That is my point. I have no doubt that Jack McConnell and you have a great interface, but you could sit behind him while he puts the case from the British perspective, with the additional layer of knowledge and experience that he has of working in what you call a regional Parliament but lots of other people call the Parliament of a small nation. I cannot see why you cannot allow that degree of flexibility. Why do you have to be the front man? He could be the front man and you could sit behind him, whispering in his ear.

Peter Hain: The reason is that I am not going to the convention. As I said, it is not intended that ministers from any country will go to the convention.

Ms MacDonald: Who will go?

Peter Hain: That is still to be decided.

Ms MacDonald: Well, we have put in our bid.

Peter Hain: It is important that the process of consultation and dialogue that arises from the convention is seen as parallel to but separate from the consultation that will arise from the intergovernmental process that will prepare for the intergovernmental conference. The idea is to make the process open and inclusive and to air all opinions before the convention comes up with options that will be taken into account by the Governments of the 15 member states, which will negotiate together a new political and constitutional dispensation for Europe.

Ms MacDonald: If you do not go, who will go from the UK?

Peter Hain: As I have explained, the thinking is that there will be a British Government representative, representatives from the UK Parliament and representatives from the European Parliament for each member state. The Commission, too, will be represented. It is not intended that the convention be a mini Council of Ministers. It will be an open forum for dialogue, to present to Government ministers, such as me, the options for the future of Europe.

Ms MacDonald: I think that that strengthens my case.

15:45

The Convener: Before I bring in Ben Wallace, I want to return to a comment that the minister made.

You suggested—correct me if I am wrong—that you were open to dialogue with the Scottish Parliament and to links being made between you and the Scottish Parliament on appropriate issues. Before you arrived, we considered our draft report on governance. We have big issues to consider on the future of European governance, such as how it should change and how it can be brought closer to its citizens, but we feel that there is still an issue about how we can use the mechanisms—whatever they are—to best effect.

The committee has difficulty getting into the UK Government process. At the moment, the House of Commons European Scrutiny Committee can oblige UK ministers to appear before it. We get papers from the Cabinet Office probably at the same time as the European Scrutiny Committee, which does not leave us much time to scrutinise the papers, put our mark on them and get them down to Westminster. Sometimes the European Scrutiny Committee has tight deadlines for making comments to UK ministers and cannot hold up the process.

We have discussed the possibility of getting some of that European information earlier from other sources. Do you see any way for the Scottish Parliament, through the European Committee—and without undermining the role of the House of Commons—to make more pertinent and timely comments to the UK Government on issues that affect Scotland, such as fishing, farming, or water directives?

Peter Hain: It is, as you indicated, the job of Scottish members of the UK Parliament to deal with the work of the European Scrutiny Committee in the Commons—there is also one in the Lords—because Europe is a reserved matter. However, I am all in favour of dialogue. I am in favour of any way of taking the Scottish Parliament's views into account.

Margo MacDonald's question is relevant to consultation on European matters. It is imperative that we work on the basis of a practical political partnership, otherwise we will clog up our institutions with a debilitating level of consultation. We should remember that not only the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly are concerned about consultation on European matters, but the German Länder and the different regional, small nation parliaments—or however you like to describe them—in Europe. We need to work out a practical political partnership. I think that it has been working well so far. I gave the example of

Rhona Brankin significantly influencing the UK Government's negotiating stance on fisheries policy because of a report that came from the Scottish Parliament European Committee. That is a practical win for partnership, as distinct from an obsession with direct representation.

Nora Radcliffe: I have a follow-up question to something that the minister said. Is attention paid to having a geographic balance in appointments to select committees at Westminster?

Peter Hain: That is always an objective, but it cannot be ensured. Westminster does not work by ensuring that select committees have a representative from the north of England, one from Scotland, one from Wales, and so on; members go on a committee for their expertise, but members of the Scottish Parliament and Scottish voters can lobby their members of the UK Parliament, particularly members of select committees that deal with reserved matters. That is the right channel for doing that.

My attendance here today and my close working relationship with the Minister for Education, Europe and External Affairs, Jack McConnell, signify that I am committed to making partnership work.

Ben Wallace: Scotland can be represented directly through this Parliament, Westminster and the European Parliament, where we have eight MEPs. That situation is up for reform under the EU's white paper. I would like to hear your views on the reforms of the European Parliament that are being considered and on the UK's position, if it has formed one. Three main ones are mentioned in the white paper.

You wrote about that in 1995—although you were obviously not a minister at the time. In your book, you said—

Peter Hain: I am very glad that you have read it.

Ben Wallace: I read the whole thing.

Peter Hain: You deserve a medal.

Ben Wallace: I notice that a second edition is not being printed.

The Convener: Perhaps the minister will sign your copy before he goes.

Ben Wallace: The minister discussed three main points, which are now up for discussion. One was the right of the European Parliament to initiate legislation. Another was the European Parliament's right to elect the Commission President. Thirdly, as he mentioned, the minister was in favour of a second chamber, with regional representatives elected from regional assemblies. We have discussed the bicameral arrangement, but does the minister, or the Government, have a position on the other two issues?

Peter Hain: That book, "Ayes to the Left", which was, I think, published by Lawrence and Wishart—

Ben Wallace: At £12.99. [*Laughter.*]

Peter Hain: I think it is out of print now; it has been remaindered. The book was a contribution to the debate at that stage, but time has moved on.

The Government does not have a position on any of those matters yet, but at the right time, we will take part in the negotiations on those and other issues and on the options that arise from discussion in the forthcoming convention.

You mentioned the current eight Scottish MEPs. They are in a much more powerful position than Scottish MEPs were 10 years ago, because 80 per cent of all Community legislation is now decided in co-decision with the European Parliament. As we have seen with recent directives, including the takeovers directive and the information and consultation directive, the European Parliament's influence can be pretty decisive in changing the nature of the legislation. The European Parliament had a decisive role in sinking the takeovers directive.

Ben Wallace: When do you expect the UK to have formulated a position on the main pillars of the reforms that concern the Council of Ministers, the European Parliament and the presidency?

Peter Hain: We are not going into negotiations with a blank sheet of paper. We have made it clear, for example, that there should be a more strategic role for the Council of Ministers—that is a clear policy. We have also made it clear that there should be simplification of the treaties—instead of inventing new treaties, the existing ones could be simplified. They are almost impenetrable, not just to the ordinary citizen and even, dare I say it, to members of the committee, but to the average minister with responsibility for Europe. We have also advanced the principle of having a second chamber, to get direct national representation.

We are not going in with no fixed links or on a totally pragmatic basis. On many of the issues, we want to see how the debate goes, then we will pick up the debate from the convention and take it forward through the intergovernmental process, when our position will become much firmer. I would be quite happy, in the course of the dialogue following the convention and in the run-up to the 2004 IGC, to come back and talk to the committee again, were members to invite me.

Mr Quinan: On a more practical and direct issue, do you believe that Europe sees the United Kingdom's membership as being divisive, in as much as the UK will neither commit nor uncommit—if such a word exists—to membership of the euro? Given the changes that other countries wish to take place before IGC 2004,

Britain's—and your—position is undermined by the lack of commitment to the euro zone. That makes it difficult to enter some of the debates and arguments. The absence of a clearly defined time frame must also make it difficult for you to make preparation for the UK's membership of the euro.

Peter Hain: I do not accept that we do not have a clearly defined policy—we do. In principle, we are in favour of joining the euro, but that decision must be taken when it is in the economic interests—in the interests of jobs, stability and prosperity—of Scotland and the rest of Britain. Given that there will be a referendum, voters in Scotland and elsewhere in Britain who expect to vote positively and follow our recommendation to join will expect nothing less than that we adopt a hard-headed, cautious and careful strategy of preparation. Gordon Brown is doing that.

I do not think that the absence of a time frame hampers us. Those embittered Eurosceptics who are fanatically opposed to joining the euro—I am not sure what your position is on that—

Mr Quinan: My position is opposition.

Mr Home Robertson: It is opposite, certainly.

Peter Hain: I will not enter into that debate.

What if—transparently and self-evidently—the euro is sufficiently in our interests? Those people who are embittered opponents of the euro have a responsibility to answer that question. I believe that the euro will be a successful single European currency. When the coins and notes start circulating next year, the euro will become more real. Hundreds of thousands of Scots will go to euro zone countries, feel and use the euro and see it in action—it will become much more practical. To rule it out for ever is crazy, but to rush in on a premature basis could be against our economic interests.

I add that it is not the case that we do not have any influence because we are not in the euro zone. For example, we led the debate on economic reform at the Lisbon summit and we will proceed with that at the Barcelona summit early next year under the Spanish presidency. The agenda is British—we have won the argument. To obtain a policy on European security and defence was a British and French agenda. We were able to achieve agreement on that across the European Union. Another part of the British agenda is to push enlargement and meet the time scale for that by early 2004. Again, we won majority support for that across the EU.

It is not the case that we are powerless. On the contrary, since we have had a pro-European British Government—since 1 May 1997—our voice has been influential. Before that—in the era of handbag-waving, screaming from the sidelines

and being marginalised in Europe—our voice was not listened to at all.

The Convener: If and when a decision is taken to recommend entry and a referendum is scheduled, we look forward to you or another Government minister coming back to the European Committee. When that happens, we will no doubt take a close interest.

I am conscious that time is pressing, but I return to the point that you made about simplification of the treaties. The UK Government recognises—I am not sure that other Governments do—that Europe is distant from ordinary people. Earlier this afternoon, the committee talked about a Europe of the people and bringing government closer to citizens. Is there a recognition in other member states that Europe is seen as distant from ordinary people and is there an urgent sense among our partners that that needs to change? If so, how can Europe bring itself closer to ordinary people?

16:00

Peter Hain: That is the key issue for the European Union. There has been—and still is—a tendency for a kind of permanent revolution of the institutions of Europe. There are summits and intergovernmental conferences, which make changes.

We are trying to sprint in Europe before we have learned to walk properly. The gap between the leadership of the European Union and the citizens of Europe has opened up. I believe that the leaders of other member states are seized of that problem—as we were earlier, perhaps.

The most salutary lesson, which everyone has taken to heart, was the result of the Irish referendum on the Treaty of Nice. That was a salutary experience for everyone because the turnout was low and the answer was no. The victory of the no campaign could block enlargement—that is what will happen if the Treaty of Nice is not ratified by all 15 member states—which would be catastrophic for Europe's future stability. Apart from that, the most worrying and disturbing aspect of the result was the no platform's slogan, which was "If you don't know, vote no." Far too many citizens in Europe do not know what is going on in Europe, because there is too much Eurobabble and Eurospeak. I do not know about the position in Scotland, but the people in the pubs of my Welsh constituency of Neath talk about nothing other than qualified majority voting and the relationship of the Council to the Commission and the Parliament and so on. The truth of the matter is that we have a job of work to do to explain, in plain language and using plain speaking, the practical benefits of Europe. That is an imperative for us all.

The Convener: That is an appropriate point at which to halt our discussion. I thank the minister for coming. It has been most interesting and you have opened up some lines of thought for us to pursue in the coming weeks. We will ensure that you receive a copy of our report. We look forward to welcoming you back to the committee in future.

Our next agenda item is to be held in private. I will allow a couple of minutes so that the room can be cleared.

Peter Hain: Before you do so, convener, let me thank the committee for inviting me. I found the meeting very productive and I will happily come back, if the committee will have me again.

16:01

Meeting continued in private until 16:21.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the *Official Report*, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Friday 16 November 2001

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the *Official Report*.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £500

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriol Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers